

REPUBLIC ACT NO. 7166 (S. B. No. 1861)
SYNCHRONIZED ELECTION

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RESOLUTION

The Secretary. Proposed Senate Resolution No. 1245, entitled

RESOLUTION URGING THE PRESIDENT OF THE PHILIPPINES TO DIRECT THE APPROPRIATE DEPARTMENTS OF GOVERNMENT TO STUDY AND DETERMINE THE POSSIBILITY OF USING FIFTY PERCENT (50%) OF CONSTRUCTION MATERIALS MADE FROM PINATUBO ASHES FOR CONSTRUCTION AND REHABILITATION OF SCHOOL BUILDINGS AND OTHER PUBLIC INFRASTRUCTURES IN ORDER TO CREATE INCENTIVES FOR INDUSTRIES THAT WILL MANUFACTURE MATERIALS OUT OF THE ASHES OF MT. PINATUBO.

Introduced by Senator Alvarez.

The President. Referred to the Committees on Public Works; and Science and Technology.

COMMITTEE REPORTS

The Secretary. Committee Report No. 1376, submitted by the Committee on National Defense and Security on House Bill No. 27876, introduced by Congressmen Isidro, Estrella, Perez and Zarraga, entitled

AN ACT RENAMING THE SANGLEY POINT NAVAL AND AIR TRAINING STATION TO MAJOR DANILO ATIENZA NAVAL AND AIR TRAINING STATION,

recommending its approval with amendments.

Sponsor: Senator Maceda

The President. To the Calendar for Ordinary Business.

The Secretary. Committee Report No. 1377, submitted by the Committee on National Defense and Security on Senate Bill No. 778, introduced by Senator Mercado, entitled

AN ACT TO PROHIBIT THE MANUFACTURE,

SALE OR IMPORTATION OF REPLICA OF FIREARMS AND EXPLOSIVES OF WHATEVER NATURE, KIND, CLASS OR MAKE, INCLUDING FUTURISTIC WEAPONS, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES,

recommending its approval without amendment.

Sponsor: Senator Mercado

The President. To the Calendar for Ordinary Business.

Senator Guingona. Mr. President.

The President. Senator Guingona is recognized.

SUSPENSION OF THE SESSION

Senator Guingona. I ask for a minute suspension, Mr. President.

The President. The session is suspended for a minute, if there is no objection. [There was none.]

It was 9:29 a.m.

RESUMPTION OF THE SESSION

At 9:35 p.m., the session was resumed.

The President. The session is resumed.

The Majority Floor Leader is recognized.

BILL ON SECOND READING
Senate Bill No. 1861 - Synchronized Elections
on May 11, 1992

Senator Guingona. Mr. President, I move that we consider Senate Bill No. 1861 as reported out under Committee Report No. 1373.

The President. Consideration of Senate Bill No. 1861 is now in order. With the permission of the Body, the Secretary will read only the title of the bill, without prejudice to inserting in the Record the whole text thereof.

The Secretary. Senate Bill No. 1861, entitled

AN ACT PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS ON MAY 11, 1992, AND FOR ELECTORAL REFORMS, AND AUTHORIZING APPROPRIATIONS THEREFOR.

The following is the full text of Senate Bill No. 1861:

SENATE BILL NO. 1861

Introduced by the Committee on Electoral Reforms and People's Participation and Committee on Constitutional Amendments, Revision of Codes and Laws, Senators Gonzales, Lina, Jr., Guingona, Jr., Aquino, Estrada, Saguisag, Tañada, Pimentel, Jr. and Mercado.

EXPLANATORY NOTE

This bill proposes to set the national and local elections for May 11, 1992 and provide for the necessary implementing details. It also endorses reforms and measures to ensure the conduct of free, orderly, honest, peaceful and credible elections. Specifically it seeks to:

1. Reduce the number of positions to be voted for by providing therein that the members of the *Sangguniang Panlalawigan*, *Sangguniang Panlungsod* and *Sangguniang Bayan* be elected not at large, but by district. The maximum number of positions to be written by a voter is fixed at 38. For a visual appreciation of this proposal, there is hereby appended a table showing the estimated number of elective positions by districts in the provinces, cities, municipalities and districts in Metro Manila. Also, a prototype of the ballot to be used in the elections;

2. Set the election period as provided for by the Constitution, i.e. ninety days before the day of the election and thirty days thereafter. In keeping with the decision of the Supreme Court, the campaign period is circumscribed within the election period: for President, Vice-President and Senators, ninety days before election day; for Members of the House of Representatives and local elective officials, sixty days. Nomination and selection of official

candidates, not being considered campaign activities under the Omnibus Election Code, may be conducted outside of the election period;

3. Increase the per diem of teachers on election day from P200 to P400 for the May 11, 1992 elections and provide a mechanism for hazard pay and incentive and merit awards;

4. Broaden the definition of a "candidate" as one who aspires for public office, whether or not he has filed his certificate of candidacy or has been nominated by a political party as its candidate. This is an imperative to stop the prevailing practice of early campaigning. As the law stands the Commission on Elections is helpless in enforcing the provisions of law against early campaign in view of the constricted definition of the term "candidate". Unless one has filed a certificate of candidacy he is not deemed to be a candidate and all efforts geared to enhance his aspiration to be elected to a public office are removed from the prohibition against early campaign. It is, therefore, recommended that the law expand the concept of candidacy in such a way that mere aspiration for a public elective office, publicly and openly manifested by a person or his supporters, be considered campaigning and therefore subject to certain legal constraints;

5. Remove from the law the requirement of printing the names of all the candidates (including their stage names) on the election returns. Instead, the printing of such names shall be undertaken by the Commission only when practicable. This is to be justified by the time constraints between the last day for filing certificates of candidacy and election day, as well as the withdrawal and substitution of candidates;

6. Set one registration day for new voters and qualified voters who are not registered in the voters list. When there is a significant number of inclusions, exclusions and corrections, the Commission may direct the board of election inspectors to convene for the purpose of entering such inclusions, exclusions and corrections on the list of voters. Otherwise, the board shall not meet, but inclusions, exclusions and corrections, if any, shall be entered in the list of voters before the start of voting on election day;

7. Vest the Commission with the authority to

adjust or split precincts by assigning voters therein alphabetically and equitably among the precincts within the barangay, and the flexibility to determine the design and materials of voting booth;

8. Firm up the power of the Commission to preserve the integrity of the voters registration records by giving it the authority to annul *motu proprio* any book of voters prepared under fraudulent or highly irregular circumstances;

9. Allow absentee voting for President, Vice-President and Senators as provided for under Executive Order No. 157. However, this privilege may be availed of only by the members of the military and other government personnel who on election day may be assigned in connection with election duties to places where they are not registered;

10. Bring to a more realistic and credible level the limits on election spending by increasing the ceiling from one peso and fifty centavos to three pesos per registered voter for candidates, and five pesos per registered voter for a political party;

11. Modify the penalty imposed by the Omnibus Election Code for the non-submission of statements of contributions and expenditures by candidates and treasurers of political parties. This is consistent with the bill submitted by Senator Ernesto Maceda. Instead of imprisonment and disqualification to hold public office, it is suggested that the penalty for the first offense be an administrative fine without the stigma of a criminal conviction. The present law, considering the context and the unrealistic expenditure limits, tends to fall on candidates for grassroots public offices, namely barangay and local offices, where a broadening of citizen participation is being encouraged. The potential violators number by the thousands even as candidates for national offices probably comply with the nominal requirements by way of inaccurate statements. Given the five-year prescriptive period and the fact that investigations and complaints filed have not proceeded evenly nationwide, the present system of penalty would be unfairly draconian in application. The proposed amendment would clean the slate for everybody to start anew, together with more realistic expenditure limits, without resorting to outright amnesty or pardon for those already convicted or under investigation;

12. Provide a mechanism for the summary disposition of pre-proclamation controversies. A pre-proclamation controversy is a unique extraordinary remedy in the Philippine election law. It is supposed to be summary in character by the nature of the proceedings. Yet, the Commission is continually faced with prolonged and broadened issues that are more properly pursued through an election protest. Two major reasons for delays are the requirement of "due notice and hearing" and the scope for raising objections on election returns at the Commission level, even when such were not raised with the board of canvassers. The proposed amendments would authorize the Commission to dispose of pre-proclamation controversies on the basis of the records and evidence presented to the board of canvassers and mandates short time periods for their resolution and execution;

13. Require the chairman of the board of election inspectors to authenticate a ballot given to a voter by affixing his signature at the back thereof and to consider any ballot not so authenticated as spurious. This is intended to address the election mischief of substituting official ballots with fake ones;

14. Enhance the transparency of the elections by providing the ruling and dominant opposition parties with copies of the election returns and certificates of canvass.

As an additional reform, the Commission will provide a color code to allow for easy identification of copies of the election returns to be distributed to the offices and parties entitled thereto. Likewise, the Commission will authorize the use of two tally boards, one for national offices and the other for local positions. These are measures that can be adopted by the Commission without the need for a formal authority in law. They are an exercise of its constitutional power to ensure that the electoral process is honest, orderly and credible; and

15. Identify definitively the election document which shall serve as the basis for canvass of the results of the election for President, Vice-President, Senators and Members of the House of Representatives. It is proposed that the election returns of the precincts in the legislative districts be canvassed by the Provincial Board of Canvassers, City Board of Canvassers in the case of cities

comprising one or more legislative districts, and District Board of Canvassers in the Metropolitan Manila Area.

This proposal rests on three considerations:

a) The existing provisions of the Constitution and election laws are not clear as to the election document that shall serve as basis for the national canvass. This bill settles the issue. It points definitively to the use of the certificates of canvass prepared by the Provincial, City and District boards of canvassers. As herein proposed, the Provincial, City and District boards of canvassers shall canvass the election returns of the various precincts within their respective jurisdictions. The boards will then prepare certificates of canvass for the election of President, Vice-President, Senators and Members of the House of Representatives. This will be the document that will serve as the basis for the national canvass. The process will involve certificates of canvass from 73 provinces and cities comprising at least one (1) or more legislative districts.

On the other hand if the election returns were to be the bases of canvass, between 120,000 and 165,000 of such election forms would have to be accounted for in the final report of canvass and proclamation by Congress and the Commission. Here, time is of primary consideration. The national canvass for the election of President, Vice-President and Senators needs to be completed and the proclamation done before the beginning of the terms of the candidates-elect on June 30, 1992.

We recognize the risks involved: inaccuracies and tampering. And as a safeguard we propose to transmit likewise to Congress and to the Commission their respective copies of the election returns for reference and verification purposes.

b) As the law stands (EO No. 144), initial canvass of the election returns for the election of Senators takes place before the municipal board of canvassers. Canvassing at this level is too far removed from the final canvassing to be done by the Commission. A premature exposure of this vital and basic election document does not augur well for credible results. We, therefore, opt to transfer the initial canvass of the election returns to the provincial, city and district boards of canvassers which shall prepare the certificates of canvass to

serve as bases for the national canvass.

c) At the municipal level the Commission lacks lawyers to chair canvassing boards. Add the fact that the two other members are likewise not lawyers. For sensitive offices of President and Vice-President, Senators and Congressmen, we cannot leave the canvassing process to municipal board of canvassers that is wanting of legal wherewithals.

In consideration of the foregoing, the undersigned earnestly recommends the immediate enactment of this bill into law.

(Sgd.) NEPTALI A. GONZALES

Senator

Chairman, Committee on Electoral Reforms
and People's Participation

(Sgd.) JOSE D. LINA, JR.

Senator

Chairman, Committee on Constitutional Amendments,
Revision of Codes & Laws

SENATE BILL NO. 1861

Introduced by the Committee on Electoral Reforms and People's Participation and the Committee on Constitutional Amendments, Revision of Codes and Laws, Senators Gonzales, Lina, Jr., Guingona, Jr. Aquino, Saguisag, Estrada, Tañada, Pimentel and Mercado.

AN ACT PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS ON MAY 11, 1992, AND FOR ELECTORAL REFORMS, AND AUTHORIZING APPROPRIATIONS THEREFOR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Statement of Policy.* - It is the policy of the State to synchronize elections so that there shall be simultaneous regular elections for national and local elective officials once every three (3) years.

SEC. 2. *Date of Election.* - In accordance with the policy hereinbefore declared, there shall be held

an election for President and Vice-President of the Philippines, twenty-four (24) Senators, all elective Members of the House of Representatives, and all provincial, city and municipal elective officials on May 11, 1992.

SEC. 3. *Term of Office.* - The President, the Vice-President and the Senators shall have a term of office of six (6) years beginning at noon on the thirtieth day of June next following their election: Provided, however, That, of the twenty-four (24) Senators to be elected on May 11, 1992, the first twelve (12) obtaining the highest number of votes shall serve for six (6) years and the remaining twelve (12), for three (3) years.

The Members of the House of Representatives and all elective provincial, city and municipal officials shall serve for a term of three (3) years which shall begin at noon on the thirtieth day of June next following their election.

No Vice-President shall serve for more than two (2) successive terms.

No Senator shall serve for more than two (2) consecutive terms.

No Member of the House of Representatives shall serve for more than three (3) consecutive terms.

No elective provincial, city or municipal official shall serve for more than three (3) consecutive terms.

Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected.

SEC. 4. *Election of members of the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan by district.* - The elective members of the *sangguniang panlalawigan*, *sangguniang panlungsod* and *sangguniang bayan* shall be elected by the qualified voters of their respective districts as follows:

(a) For provinces with two (2) or more representative districts, the number of elective members of the *sangguniang panlalawigan* shall be equally divided among them: *Provided*, That, if equal division is not possible, the remaining member

or members shall be elected in the district or districts with the greater number of population or, if they be the same, with the greater number of voters.

(b) For provinces and cities with only one (1) representative district, the Commission on Elections shall divide them into two (2) districts for purposes of provincial or city representation as nearly as practicable according to the number of inhabitants, each district comprising a compact, contiguous and adjacent territory, and the number of elective members of their respective *sanggunian* shall be equally divided between the districts in accordance with the standard or formula provided in the next preceding paragraph.

(c) The number and election of elective members of *sangguniang panlungsod* and *sangguniang bayan* in the Metro Manila area, the city of Cebu, city of Davao and any other city with two (2) or more representative districts shall continue to be governed by the provisions of Sections 2 and 3 of Republic Act No. 6636: *Provided*, That, the municipalities of Malabon, Navotas, San Juan, Mandaluyong, Muntinlupa, Las Piñas and Taguig shall have twelve (12) councilors, and Pateros, ten (10). *Provided, Further*, That, the Commission on Elections shall divide each of the municipalities in Metropolitan Manila into two (2) districts, by barangay, for purposes of representation in the *sangguniang bayan* as nearly as practicable according to the number of inhabitants, each district comprising a compact, contiguous and adjacent territory.

(d) The Commission on Elections shall apportion the number of elective members of the *sangguniang panlungsod* of component cities and *sangguniang bayan* among the duly constituted barangays as nearly as practicable, according to the number of their respective inhabitants, each councilor district to comprise a compact, contiguous and adjacent territory: *Provided, however*, That each councilor district shall elect at least two (2) councilors: *Provided, further*, That in case of any extra member, he shall be elected in the district with the greater number of population.

No person shall be elected member of the *sangguniang panlalawigan*, *sangguniang panlungsod* or *sangguniang bayan*, as the case may be, unless he is an actual resident of the constituency of which he is a candidate. *Provided, however*, That, for the May

11, 1992 elections, an incumbent member of the *sanggunian* who competes in the election for the same position may run in any district within the municipality, city or province where he is a registered voter.

SEC. 5. *Postponement, failure of election and special elections.* - The postponement, declaration of failure of election and the calling of special elections as provided in Sections 5, 6 and 7 of the Omnibus Election Code shall be decided by the Commission on Elections sitting *en banc* by a majority vote of its members. The causes for the declaration of a failure of election may occur before or after the casting of voters or on the day of the election.

SEC. 6. *Election and campaign periods.* - Unless otherwise fixed by the Commission on Elections, the election period for the May 11, 1992 regular elections shall commence ninety (90) days before the day of the election and shall end thirty (30) days thereafter.

The campaign periods are hereby fixed as follows:

(a) For President and Vice-President, ninety (90) days before the day of the election;

(b) For Senators, sixty (60) days before the day of the election;

(c) For Member of the House of Representatives and local elective provincial, city and municipal officials, forty-five (45) days before the day of the election.

However, the foregoing campaign periods shall not include the day before and the day of the election itself, Maundy Thursday and Good Friday during which days campaigning is absolutely prohibited.

Any provision of law to the contrary notwithstanding, any candidate for Senator, Member of the House of Representatives or any elective local office may campaign for the national candidates of his political party during their campaign periods and even before his own campaign period.

Any election campaign or partisan political activity for or against any candidate outside of the campaign period herein provided is prohibited except

as provided in the next succeeding section.

The term "candidate" when used in connection with election campaign or partisan political activity, refers to any person aspiring for or seeking an elective public office, regardless of whether or not said person has already filed his certificate of candidacy or has been nominated by any political party, organization or coalition of parties as its candidate.

SEC. 7. *Nomination and selection of official candidates.* - No political convention or meetings for the nomination or selection of the official candidates of any political party or organization or political group or coalition thereof, shall be held, nor shall any campaign or partisan political activity for the purpose of enhancing the chances of aspirants for nomination as official candidates of political party, organization or coalition be conducted, earlier than the following periods:

(a) For President, Vice-President and Senators, one hundred fifty (150) days before the day of the election; and

(b) For Members of the House of Representatives, and elective provincial, city, or municipal officials, ninety (90) days before the day of the election.

SEC. 8. *Filing of certificates of candidacy.* - The certificates of candidacy of any person running for the office of President, Vice-President, Senator, Member of the House of Representatives or any elective provincial, city or municipal official shall be filed in five (5) legible copies with the offices of the Commission on Elections specified hereunder during regular office hours not later than the day before the date legally fixed for the beginning of his campaign period.

(a) The certificate of candidacy for President, Vice-President and Senators of the Philippines shall be filed with the main office of the Commission on Elections in Manila;

(b) The certificate of candidacy for Members of the House of Representatives shall be filed with the provincial election supervisor of the province concerned. Those for legislative districts in the National Capital Region shall be filed with the

regional election director of said region and those for legislative districts in cities outside the National Capital Region which comprise one or more legislative districts shall be filed with the city election registrar concerned;

(c) The certificate of candidacy for provincial offices shall be filed with the provincial election supervisor concerned; and

(d) The certificate of candidacy for city or municipal offices shall be filed with the city or municipal election registrar concerned.

The certificate of candidacy shall be filed by the candidate or his duly authorized representative personally. No certificate of candidacy shall be filed or accepted by mail.

Whenever practicable, the names of registered candidates shall be printed in the election returns.

SEC. 9. *Precincts and their establishment.* - Any provision of law to the contrary notwithstanding, where it is not practicable to divide the precinct by territory, the Commission may adjust or split the precinct by assigning the registered voters therein alphabetically and equitably among the precincts.

SEC. 10. *Registration of voters.* - There shall be a registration of voters on the fifteenth Saturday before the day of the election for voters who will reach the age of eighteen (18) years on or before the day of the election or for those who are qualified but not registered in the list of voters: However, the Commission on Elections may designate an additional date of registration in certain areas to ensure that voters therein are not deprived of their right of suffrage.

Before adjourning on registration day, the board of election inspectors shall close the list of voters by affixing their signatures in the space immediately after the last name; number consecutively the names of the voters listed therein; and authenticate the list of voters by affixing their signatures on each and every page thereof.

The board of election inspectors shall post the list of voters in each precinct beginning on the first working day after registration day until election day. Failure to post said list shall constitute an election

offense.

When there is a significant number of inclusions, exclusions and corrections in the list of voters in a precinct, the Commission shall direct the board of election inspectors concerned to meet on the eight Saturday immediately preceding the day of the election for the purpose of making such inclusions, exclusions and corrections as may be or may have been ordered by the courts, stating opposite every name so corrected, added or cancelled, the date of the order and the court which issued the same, otherwise, the board shall not meet, but such inclusions, exclusions and corrections, if any, shall be made in the list of voters before the voting starts on election day.

SEC. 11. *Annulment of the list of voters.* - Any book of voters the preparation of which has been effected with fraud, bribery, forgery, impersonation, intimidation, force or any other similar irregularity or which is statistically improbable may, *motu proprio*, be annulled by the Commission: *Provided*, That, no order, ruling or decision annulling a book of voters shall be executed within sixty (60) days before an election.

SEC. 12. *Voting Booth.* - Any provision of law to the contrary notwithstanding, there shall be in each polling place at least ten voting booths of such size, specifications and materials as the Commission may provide to enable the voters to fill out their ballots secretly.

SEC. 13. *Absentee voting.* - Absentee voting as provided for in Executive Order No. 157 dated March 30, 1987 shall apply to the elections for President, Vice-President and Senators only and shall be limited to members of the Armed Forces of the Philippines and the Philippine National Police and other government officers and employees who are duly registered voters and who, on election day, may temporarily be assigned in connection with the performance of election duties to places where they are not registered voters.

SEC. 14. *Authorized expenses of candidates and political parties.* - The aggregate amount that a candidate or registered political party may spend for election campaign shall be as follows:

(a) For candidates. - Three pesos for every voter

currently registered in the constituency where he filed his certificate of candidacy; and

(b) For political parties. Five pesos for every voter currently registered in the constituency or constituencies where it has official candidates.

SEC. 15. *Penalties for failure to file statement of contributions and expenditures.* - Any candidate or treasurer of a political party who fails to comply with the first or second paragraph of Sec. 107 of the Omnibus Election Code shall be liable for an administrative fine corresponding to the table herein provided:

OFFICE	AMOUNT
a) President	₱30,000.00
b) Vice-President	25,000.00
c) Senator	20,000.00
d) Congressman	15,000.00
e) Governor	15,000.00
f) Vice-Governor	10,000.00
g) Members of the <i>Sangguniang Panlalawigan</i>	5,000.00
h) City Mayor	10,000.00
i) City Vice-Mayor	5,000.00
j) Members of the <i>Sangguniang Panlungsod</i>	3,000.00
k) Municipal Mayor	5,000.00
l) Municipal Vice-Mayor	3,000.00
m) Members of the <i>Sangguniang Bayan</i>	1,000.00
n) Barangay Official	500.00
o) Treasurer of the Party	100,000.00

The fine shall be paid within thirty (30) days from receipt of notice of such failure from the

Commission on Elections, to the city or municipal treasurer of the city or municipality which said candidate declared as his residence in his certificate of candidacy. If the offender is the treasurer of a political party he shall pay the fine to the city or municipal treasurer of the municipality where the political party holds its principal office. In addition, the offender shall submit the statement of contributions and expenditures which he failed to file under the first or second paragraph of Sec. 107 of the Omnibus Election Code, to the election registrar of the city or municipality herein referred to. Tender of payment by the offender shall not be given due course by the city or municipal treasurer without the certification of the election registrar concerned that such sworn statement has already been filed with his office.

Failure to pay the administrative fine within the period herein prescribed shall render the candidate or treasurer of the political party criminally liable for an election offense and upon conviction shall be imposed double the corresponding fine as hereinbefore provided. Thereafter, any subsequent offense shall render the offender guilty of an election offense and shall be punished in accordance with Sec. 264 of the Omnibus Election Code.

Candidates and treasurers of political parties who failed to file statements of contributions and expenditures in the 1986 Snap Presidential Elections, the May 11, 1987 Senatorial and Congressional Elections, the January 18, 1988 Local Elections, the March 28, 1989 Barangay Elections and the February 17, 1990 Regional Elections for the Autonomous Region in Muslim Mindanao who have been found guilty of an election offense under Sec. 107 of the Omnibus Election Code and are currently serving sentence shall be immediately released from confinement and shall not be subject to the fine herein imposed. In the case of candidates or treasurers of political parties against whom complaints have been filed before the Commission on Elections or informations have been filed before the Regional Trial Courts or whose cases are on appeal to higher courts, the investigation, the trial and appeal proceedings shall continue only for a determination by the Commission or the court of failure to properly file the statements required under Sec. 107 of the Omnibus Election Code. A finding of such failure shall be punished with an administrative fine hereinbefore imposed but without a pronouncement

of criminal conviction upon the party. Candidates or treasurers of political parties who on the basis of the records of the Commission on Elections have failed to file properly such statements of contributions and expenditures for the above mentioned elections of 1986, 1987, 1988, 1989 and 1990 and against whom no formal complaints have been filed shall submit said statement and pay the corresponding administrative fine in accordance with the first and second paragraphs hereof.

SEC. 16. *Pre-proclamation controversies: how commenced.* - Questions affecting the composition or proceedings of the board of canvassers may be initiated in the board or directly with the Commission. However, matters raised under Sections 233, 234, 235 and 236 of the Omnibus Election Code in relation to the preparation, transmission, receipt, custody and appreciation of the election returns shall be brought in the first instance before the board of canvassers only.

SEC. 17. *Summary disposition of pre-proclamation controversies.* - All pre-proclamation controversies on election returns shall, on the basis of the records and evidence elevated to it by the board of canvassers, be disposed of summarily by the Commission within five (5) days from receipt thereof. Its decisions shall be executory after the lapse of five (5) days from receipt by the losing party of the decision of the Commission.

SEC. 18. *Contested composition or proceedings of the board: period to appeal: decision by the Commission.* - Parties adversely affected by a ruling of the board of canvassers on questions affecting the composition or proceedings of the board may appeal the matter to the Commission within three (3) days from a ruling thereon. The Commission shall summarily decide the case within five (5) days from the filing thereof.

SEC. 19. *Procedure in disposition of contested election returns.* - (a) Any candidate, political party or coalition of political parties contesting the inclusion or exclusion in the canvass of any election returns on any of the grounds authorized under Article XX or Sections 234, 235 and 236 of Article XIX of the Omnibus Election Code shall submit his verbal objection to the chairman of the board of canvassers at the time the questioned return is presented for inclusion in the canvass. Such

objection shall be recorded in the minutes of the canvass.

(b) Upon receipt of any such objection, the board of canvassers shall automatically defer the canvass of the contested returns and shall proceed to canvass the returns which are not contested by any party.

(c) Simultaneous with the verbal objection, the objecting party shall also enter his objection in the form for written objections to be prescribed by the Commission. Within twenty-four (24) hours from and after the presentation of such an objection, the objecting party shall submit the evidences in support of the objection, which shall be attached to the form for written objections. Within the same period of twenty-four (24) hours after presentation of the objection, any party may file a written and verified opposition to the objection in the form also to be prescribed by the Commission, attaching thereto supporting evidences, if any. The board shall not entertain any objection or opposition unless reduced to writing in the prescribed forms.

The evidences attached to the objection or opposition, submitted by the parties, received by each candidate, and proclaim the candidate receiving the highest number of votes as elected.

The certificate of canvass shall be distributed as follows:

- 1) The first copy shall be transmitted to the Secretary of the House of Representatives;
- 2) The second copy shall be transmitted to the Commission on Elections;
- 3) The third copy shall be given to the winner;
- 4) The fourth copy shall be posted in a conspicuous place in the provincial capitol; and
- 5) The fifth copy shall be kept by the chairman of the board.

SEC. 25. *Rules and regulations.* - The Commission on Elections shall issue rules and regulations to implement this Act. Said rules shall be published in at least two (2) newspapers of general circulation.

SEC. 26. *Governing laws.* - The elections provided herein and all subsequent elections and plebiscites shall be governed by this Act, by the provisions of the Omnibus Election Code, Republic Act No. 6646 and other election laws not inconsistent herewith.

SEC. 27. *Separability clause.* - If any provision, or part thereof, of this Act is declared unconstitutional, such declaration of unconstitutionality will not affect the other provisions of this Act.

SEC. 28. *Appropriations.* - The amount of Nine hundred million pesos (₱900,000,000.00) is hereby authorized to be appropriated out of any savings or unexpended balance in the National Treasury not otherwise appropriated to cover costs of holding the May 11, 1992 elections. Hereafter, the amounts necessary to fund subsequent elections shall be included in the General Appropriations Act for the corresponding fiscal year. Any provision of law to the contrary notwithstanding, and, for purposes of the May 11, 1992 elections only, the chairmen and members of the board of election inspectors shall each be paid a per diem of four hundred (P400.00) pesos on election day. The Commission on Elections may provide hazard pay, where warranted, incentive and merit awards to members of the boards of election inspectors, boards of canvassers and personnel of the Commission and its deputized agencies.

SEC. 29. *Amending and repealing clause.* - All provisions of the Omnibus Election Code, Republic Act No. 6646, Executive Order No. 144 and other laws, executive orders, or any parts thereof, inconsistent with the provisions of this Act are hereby repealed accordingly.

SEC. 30. *Effectivity clause.* - This Act shall take effect upon its approval.

Senator Guingona. Mr. President, I move that we recognize Senator Gonzales to sponsor the measure.

The President. Senator Gonzales is recognized.

SPONSORSHIP SPEECH OF SENATOR GONZALES

Senator Gonzales. Mr. President, distinguished

Members of this august Chamber, following the decision of the Supreme Court declaring as unconstitutional, and null and void, Republic Act No. 7056, which provided for separate elections for national and local officials in 1992, Senator Lina filed Senate Bill No. 1854, entitled

AN ACT PROVIDING FOR THE HOLDING OF SYNCHRONIZED AND SIMULTANEOUS ELECTIONS FOR ALL NATIONAL AND LOCAL OFFICIALS ON THE SECOND MONDAY OF MAY 1992, PROVIDING MEASURES TO ENSURE THAT THE SAID ELECTIONS SHALL BE FREE, ORDERLY, HONEST, PEACEFUL, AND CREDIBLE, AND FOR OTHER PURPOSES.

Likewise, Senator Guingona, Jr. filed Senate Bill No. 1840, entitled

AN ACT PRESCRIBING A GRADUATED PENALTY OF FINE FOR FAILURE OF ANY CANDIDATE OR TREASURER OF A POLITICAL PARTY TO COMPLY WITH SECTION ONE HUNDRED SEVEN OF THE OMNIBUS ELECTION CODE, OTHERWISE KNOWN AS THE BATAS PAMBANSA BILANG 881.

In accordance with an agreement that has been reached in caucus, the members of the Bicameral Conference Committee, which submitted their Conference Committee Report on the bill which later was approved into law as Republic Act No. 7056, held a meeting at the Senators' Lounge at the Manila Hotel for the purpose of discussing the need for the enactment of a new election law for 1992 that will conform with the decision of the Supreme Court.

On the same occasion, Mr. President, we also invited Chairman Monsod of the Commission on Elections. During the said meeting, most of the members of the Bicameral Conference Committee, representing the Senate and the House panels were there. Not only Chairman Monsod came, but practically all the Commissioners of the Commission on Elections were present. They presented to us a draft bill prepared by the COMELEC immediately upon learning of the declaration of the unconstitutionality of Republic Act No. 7056 because of the urgency of the situation.

Several things came up during our discussion. I think we have secured an admission, again, from the COMELEC that a simultaneous election for national and local elections, where 51 to 53 names will have to be written on a long ballot, cannot just be done. It would, in the words of then Acting Commissioner Yorac, be considered as an administrative nightmare.

So, in a sense, that was one of our justifications--if we will recall, Mr. President--in holding separate elections. The COMELEC then was the advocate for separate elections, believing that a simultaneous election, where 51 to 53 names will have to be written in the ballot, just cannot be done in one single occasion.

But then, to comply with the Supreme Court decision, and even before it has become final, we have decided to act in pursuance of the same.

There are apparently two condition precedents: (1) to reduce the number of candidates to be voted for in a ballot to not more than 38; and, (2) to see to it that an election precinct will not have more than 200 registered voters.

How can we now reduce to 38 the names of candidates to be voted for in that simultaneous election? That could only be done by providing the reapportionment of the members of the *Sangguniang Panlalawigan*, *Sangguniang Panlungsod*, and *Sangguniang Bayan*, which was actually the mechanism that we have provided in Republic Act No. 7056, the only difference being, that under the law that was declared unconstitutional.

With respect to the reapportionment of the councilor districts for purposes of municipal representation, we thought then that the COMELEC, to whom we have delegated that power under certain guidelines provided by law, cannot do it before the 1992 elections. We thought that this will be a very controversial process, and that this would require time, because, understandably this would involve a very sensitive political exercise, and issues, questions and charges of gerrymandering cannot be prevented.

That is why we said we are giving the COMELEC a three-year period within which to effect this apportionment. However, since we are now confronted with a

reality of the Supreme Court decision, then the proposed draft would make the apportionment effective in the 1992 elections.

So we told the COMELEC people that, basically, we wanted this, and that is why we provided for apportionment for purposes of provincial, city and national representation in the bill that was nullified. The big question is: Can we do it before the 1992 elections? They were confident that they can do it because, according to them, No. 1, for as long as there is no requirement of notice of hearing; and No. 2, that the new election law will be enacted within the month of August. Beyond that, it may be too late already for them to effect an apportionment of the Sanggunian districts.

We, of course, warned them that this apportionment may be questioned by parties who may feel that the apportionment is not equitable, and has not followed the standards provided for by law. But the most that they would settle with is the provision of consultations with the local officials.

So, on that assurance, we find no way but to abide by their suggestion.

With respect to the approval of this law, this is something we would want to be taken up with dispatch considering its urgency. That is why both the House and the Senate members of the Conference Committee decided to make the draft bill presented by the Commission on Elections as the common election bill to be filed in the House as well as in the Senate. So, with certain minor changes and modifications, we filed the same. However, we realize that there has already been bills of the same nature that have been filed: Senate Bill No. 1854 and Senate Bill No. 1840.

What our Committee on Electoral Reforms and People's Participation, and the Committee on Constitutional Amendments, Revision of Codes and Laws did was to make this bill a substitute bill for Senate Bill No. 1861, and we made it a committee bill, with the original authors of Senate Bill No. 1861.

We consolidated in this bill, the one filed by Senator Guingona--Senate Bill No. 1840--prescribing a graduated penalty of fine for failure of any candidate or treasurer of

a political party to comply with Section 7 of the Omnibus Election Code, otherwise known as Batas Pambansa Blg. 881.

Likewise, we consolidated in this bill the Maceda bill and the calling of the 1992 elections.

Now, this bill has been certified by the President, and I will read into the *Record* the certification issued by the Office of the President. This is under date of August 6, 1991:

Honorable Jovito R. Salonga
Senate President
Senate of the Philippines
Quezon City

Sir:

I have the honor to transmit the letter of even date of Her Excellency, the President of the Philippines, certifying as to the necessity of the immediate enactment of Senate Bill No. 1861, entitled

AN ACT PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS ON MAY 11, 1991 AND FOR ELECTORAL REFORMS AND AUTHORIZING APPROPRIATIONS THEREFOR.

Very truly yours,

(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Attached thereto is the certification signed by President Corazon C. Aquino under the same date and addressed likewise to the Senate President.

The principal features of this bill are now as follows: The number of positions to be voted for had been reduced by providing for the apportionment or districting of the members of the *Sangguniang Panlalawigan*, *Sangguniang Panlungsod* and *Sangguniang Bayan*, who, instead of being elected at large will hereafter be elected by districts. How will this apportionment be done?

As far as provinces are concerned, which have two or more legislative districts, the elective members of the

Sangguniang Bayan will be divided equally between or among them. In the event that there be an excess, then the excess member will now be given to the legislative district with the greater number of population. In the event that two or more districts have the same population, then the excess member will be given to the district having the bigger number of registered voters.

An example would be this: If a *Sangguniang Panlalawigan* has ten members and it has two legislative districts, then each of this legislative district will elect five members of the *Sanggunian*. In the event, however, that it has 12, then six each for the district.

The trouble, however, is with respect to big provinces where we have five or six districts. In which case, if, let us say, there are only 12 of them, and it is a five-district province, then each district will elect one, then there will be an excess of two. The two will now be assigned to the district or districts with the greatest number of population.

With respect to provinces which constitute a lone congressional district, then the COMELEC, in accordance with the standards that this bill provides, will divide it into two districts for purposes of representation in the *Sangguniang Panlalawigan*. The elective members will be divided among these two districts and the excess member, if any, will be assigned to the district with the greater number of population.

As far as the cities of Manila, Quezon, Cebu, Davao and other cities are concerned, which have two or more representative districts, the number of their elective members and their division among the districts will continue to be governed by Republic Act No. 6636.

However, as far as the municipalities in Metro Manila are concerned--and there are 13 of them--they shall, in accordance with the standards provided for in this bill, be divided into two districts, Mr. President. The elective members are to be divided equally among these two districts, and any excess member will be assigned to the district with the greater population.

Now, as far as the municipalities are concerned, Mr. President, the elective members will be divided and will be apportioned among the so-called councilor dis-

tricts. The councilor districts will, of course, depend upon the number of elective members, with the requirement that each councilor district will elect two councilors.

We are avoiding, Mr. President, a *manu-mano* fight, because if it is a one-on-one fight for a councilor district, we know that it is too frontal and adversarial a fight that, probably, it will become too partisan, too expensive, and we will divide the municipality into so many districts.

Let us take a situation of a municipality with 10 elective members. It will be divided into five councilor districts, each councilor district to elect two members, Mr. President. In those municipalities where there are 12 members or less than that, then it will still be on the basis of two councilors per district, the excess to be assigned to the district having the biggest number of population.

Now, who will undertake the apportionment, Mr. President? We know that Congress cannot do it. We neither have the time, the manpower and the means to undertake such apportionment. That is why this bill delegates that authority to the Commission on Elections. However, in order that the delegation will not run riot, we provided for standards: that the apportionment should be done as nearly as practicable by the number of inhabitants, and each district to comprise a compact, contiguous territory. And, as far as municipalities are concerned, the apportionment shall be by barangays, Mr. President.

Now, there is a requirement that any candidate for a Sanggunian district must be an actual resident of that district. However, for purposes of the 1992 elections, incumbents can run in any district of their choice. That is how the districting is to be made which, I repeat, the COMELEC says is a condition precedent to the holding of a simultaneous election.

Now, as far as the decrease or the delimiting of the number of registered voters in a precinct is concerned, then it shall not be more than 200.

The experience of the COMELEC, Mr. President, shows that while there are 200 registered voters in a precinct, actually less than that will really vote. At least 20 percent, on the basis of their experiences, would not

vote so it will be less and it will be manageable.

Commissioner Haydee Yorac's original proposal of limiting the number of voters in a precinct to 100 just cannot be done because the precincts will be so increased to a number where we would require no less than 900,000 teachers in order to man the polling places. We only have about a total of 460,000 public and private schoolteachers.

Mr. President, we realize that the Constitution provides that the election period shall be 90 days before the election and 30 days after the election, except in such special cases as may be determined by the Commission on Elections. That is one of the reasons why the Supreme Court voided the election periods longer than 90 days that we have provided in R.A. 1056. The Supreme Court categorically stated that the campaign period and the ensuing political activities will have to be circumscribed within the election period provided for by the Constitution. Therefore, the campaign period for President and Vice-President which we earlier fixed at 150 days before the election had to be reduced to 90 days before the election.

Now, for Senators, we are suggesting that it be 60 days, although the original recommendation is 90 days. For the representatives and elective local officials, 45 days, Mr. President. This, of course, may be increased or decreased, whichever is the decision of this Body. So, this is not an open-and-shut question, Mr. President. We are leaving the duration of the campaign period to the collective wisdom of this Body.

Now, consistent with our agreement reached in caucus, we have requested the Commission on Elections to file a motion for clarification with the Supreme Court in respect of two things:

First, can we fix the date of the holding of the political convention for the nomination or selection of the official candidates of a political party or group beyond the 90-day period?

If the President will recall, under RA 1056, we fixed it at 180 days before the day of the election. Considering the very strict and, I would say, narrow interpretation made by the Supreme Court, it would seem that all politi-

political activities must be circumscribed within the election period. We have to accept the reality that nomination of official candidates, certainly, can be considered as a political activity.

Second, whether or not we can repeat the redistricting or the apportionment of the sangguniang members, because the entire law which contained all of these things had been declared null and void.

COMELEC says that, except on the four aspects, which had been ruled by the Supreme Court expressly as violating specific constitutional provisions, where it appears clear to them, they are not tainted with unconstitutionality. But that is, of course, a very debatable one, and that is why we told them that this was a request reached by the Senate in caucus, because we feel that we cannot afford another constitutional setback when we enact a new election law. However, COMELEC says that they find it not necessary to do so.

I am glad that through the representations of the Senate President, I think the COMELEC will file the appropriate motion for clarification.

Just before this bill was called, I had on the line Solicitor General Chavez, whom I tried to reach in vain before this date, but I transmitted to him the Senate's request. I am very happy to be informed that they are actually already preparing a motion for clarification on these points, and they will file it by tomorrow. He even requested me to give whatever materials we may feel must be included in the motion for clarification.

At any rate, in this bill, following the suggestion of the Supreme Court, we set the date of the nominating convention to be held not earlier than 150 days instead of the 120 days as recommended by the COMELEC. Again, Mr. President, all periods here will be subject to whatever this Body may finally decide on.

Then we realize that members of the board of election inspectors--who are teachers--on election day will probably receive more than double of what they usually do in ordinary elections. That is why there is a provision here increasing the per diems of teachers on election day from ₱200 to ₱400 for May 11, 1992 elections, and making, likewise, a provision for a mechanism of hazard pay, and

incentive and merit awards.

The Maceda bill, Mr. President, would provide for an increase in the per diems of teachers from the regular ₱200 to ₱600, but, as we have said, we have decided on the COMELEC bill. So that matter will have to be open during the period of individual amendments.

Then, Mr. President, probably many presidentiables, and many senatorial, congressional and even provincial governor aspirants may not want this, but there has been a broadening under this bill of the definition of a "candidate" as one who aspires for a public office, whether or not he has filed his Certificate of Candidacy or has been nominated by a political party as its candidate.

Now, I think this is COMELEC's reaction to the present situation where many people believe that those aspiring for elective offices are, in effect, already campaigning, although it is claimed that they are merely campaigning for the nomination of their respective political parties. Therefore, in a sense, they are not really candidates. I think that is borne out by the COMELEC's repeated ruling to the effect that, certainly, under these circumstances, there is no law violated. But they have suggested that probably if we really go into the substance and the purpose of this prohibition against too early campaigning, then the definition of candidates should be broadened.

Then, Mr. President, under the Omnibus Election Law, there is a requirement of the printing of the names of all candidates in the election returns. Now, COMELEC does not want an ironclad rule on this particular matter, and the requirement has been eliminated. However, the printing of such names can still be undertaken by the COMELEC when practicable. But I think this is a very good provision, Mr. President.

In the 1987 election, the names of one Roberto Gonzales and one Gil Sanchez had been printed in the election returns. The election returns were printed way ahead of the election, so that even if, later, I was able to obtain a disqualification of Roberto Gonzales as a nuisance candidate, and our own Colleague in our own senatorial ticket Bobit Sanchez had obtained a disqualification of Gil Sanchez, their names still appeared in the election returns.

It was already too late to notify them. I did everything to notify the Board of Election Inspectors by sending through telegram the decision of the COMELEC disqualifying Roberto Gonzales. It costs me I think almost P200,000 at the last day of the election, when practically all our resources had already dried up. Pero, hindi nakarating. O nakarating man, hindi naman inintindi sapagkat printed nga naman iyong mga pangalan nitong mga kandidatong ito sa election returns.

So, I think there is great merit here, Mr. President, because the disqualifications of certain candidates for whatever reason under the law, come very much later than the printing of the election returns.

Then we have actually provided in Republic Act No. 7056 two registration days and one revision day. The COMELEC felt that one registration day would be sufficient. Probably, there was no need in most cases to have a revision day, because large percentage of these precincts ay wala namang mga excluded or included. So, the whole day, the board of election inspectors sit in the polling place doing nothing.

So they advocate a selective process: revision day will be held only in those precincts where there are substantial names, either included or excluded. However, when there are only a few received, then before starting the vote on election day, the Board of Election Inspectors should already make the appropriate adjustments in the registry of voters.

Mr. President, we are also putting already into law what has been practiced by the COMELEC before, and that is to make the necessary adjustments and the splitting of the precincts by assigning voters therein alphabetically and equitably among the precincts within the barangay. This has been done--a big precinct is sometimes divided into two or more, and they are called daughter precincts. Normally, the division is done by alphabetical names. However, there is a requirement of notice to the voter, as well as publication in the newspaper.

If we will recall, Mr. President, in the Lina Bill, he had provided for flexible cardboard voting booths to increase the number of voting booths in a precinct at little or at no expense at all. The essence of that suggestion has been captured in the provision, giving the COMELEC

flexibility to determine the design and the materials of the voting booth.

Then the COMELEC insists that its power to preserve the integrity of the voters' registration records be firmed or strengthened by giving it the authority to annul *motu proprio* any book of voters prepared under fraudulent or highly irregular circumstances. Under the law, it could be done only through a verified petition and after due notice and hearing. I obtained an admission from them that, whenever evidence alluded to is required to constitute a ground for annulment, they cannot do away with notice and hearing. They admit that, but they want to be given a *motu proprio* power. For example, on the basis of records along, the number of registered voters would be statistically improbable.

Then, absentee voting for president, vice-president, and senators is provided for under Executive Order No. 952. However, the privilege can be availed of only by members of the military and other government personnel who, on election day, may be assigned in connection with election duties to places where they are not registered.

A teacher who lives in Pasig and a registered voter therein, but is assigned to teach in Mandaluyong, and assigned to be a chairman of a precinct in Mandaluyong, under this provision, may vote in that precinct, not for local officials but only for President, Vice-President, Senators, and Congressmen.

Then, this increase in the expenses that a candidate and a political party can make for his election campaign had always come from the COMELEC. I recall that in Republic Act No. 7056, we reduced it because of fears expressed by the Honorable Senate President that too much expenditure may lead to inflation, and we do not even want a repetition of the 1970 floating rate that was the consequence of the lavish spending in the 1969 elections.

But here, they say that in order to bring to a more realistic and credible level the limits on election spending, they increase the ceiling from P1.50 to P3.00 per registered voter for candidates, and P5.00 per registered voter for a political party.

Of course, a candidate can spend only if he has the

resources. This represents merely a ceiling, and he is not required to spend this much. Probably, for a senatorial candidate, it may really be too much because P3.00, with an estimated 30 million voters for 1992, would give a senatorial candidate a ceiling of election expenditures in the amount of P90 million. But when we look at the Congressman, the President, the Vice President, and local elective officials, these amounts may appear to be reasonable, Mr. President.

Then, the modification of the penalty captures the intent of the Guingona and the Maceda bills on this particular point. Instead of imposing imprisonment and disqualification, then a more liberal and humanitarian attitude is reflected by merely allowing the imposition of administrative fines for first offense. The fine ranges from P5.00 to P20,000 or even P100,000, depending on whether he is a candidate for a barangay office, a municipal office, a congressional office, a provincial office, or a treasurer of a political party, Mr. President.

According to the COMELEC, if they strictly enforce the law now, probably 80 percent of all these incumbent officials who failed to report their election expenses will be imprisoned and/or disqualified, Mr. President.

So, this being a law that will liberalize the penalty for the offense, it is made retroactive, in the sense, Mr. President, that if one had already been convicted and still serving term, he should be released. If the information has been filed, and the case is pending, then it should also be considered dismissed. If an appeal is pending, then the appellant can take advantage of the provisions of this law.

Probably, one of the innovations that had been introduced in our electoral system is the institution of pre-proclamation proceedings. This was a reaction to the practice of "grab the proclamation and prolong the protest" to the extent that cheating is done, then proclamation is rushed, at pagkatapos ng proclamation, sasabihin ng nanalo sa natalo, "*Maghabol ka na sa tambol mayor.*" Then they can always prolong the protest.

Pre-proclamation, as a part of the political process, is good, Mr. President. The trouble is that it can also be abused. Lawyers are very, very imaginative and they are inventive of causes.

There are so many pre-proclamation proceedings, and the result is that, sometimes, one who really was elected could not be proclaimed elected until after three or even four years. And so, this bill now provides for a mechanism for a summary disposition of pre-proclamation controversies by shortening the periods within which to appeal. Sapagkat kahit na po nakakaabot na sa COMELEC, pagkatapos, ise-*certiorari* pa sa Supreme Court. We hope that with the summary and simplified mechanism provided for herein, this evil of delaying of proclamation through pre-proclamation controversies could be minimized.

This has already been provided for in our law, and that is to require only the Chairman of the Board of Election Inspectors to authenticate a ballot given to a voter by affixing his signature at the back thereof and to consider any ballot not so authenticated as spurious. Simpleng mechanism lamang po ito kung magagawa. But this is intended to address the election mischief of substituting official ballot with fake ones.

To enhance the transparency of the elections, this bill provides the ruling and the dominant opposition parties with copies of the election returns and the certificates of canvass. Mr. President, there will be difficulty here, and we will have to put our collective minds together in order to determine the standards in the determination of the political parties which shall be entitled to receive copies of the election returns and the certificates of canvass, as well as in the authentication of the election returns themselves. Obviously, Mr. President, not all political parties could be given this privilege. Otherwise, with the number of political parties--and there are more than 100 of them--baka wala nang mapagsulatan sa election returns iyong mga inspectors. So they continued with the Omnibus Election Code providing for a ruling party or a ruling coalition, as the case may be, and a dominant opposition party.

In 1987, there was not much of a problem because the lines were drawn up between what we now call the ruling coalition--others would call it colorfully as the "rainbow coalition"--and the dominant opposition party. But in the forthcoming election, there will be a tremendous problem. Therefore, we should lay down clear, definite, fair and equitable standards. That would leave the COMELEC without discretion in the determination of

which are these parties that are entitled not only to appoint official watchers but also to authenticate the election returns, and also to receive copies of the election returns and the certificates of canvass.

This law now provides the basis of canvass of the results of the election of the President, Vice-President, Senators and Members of the House of Representatives.

It is here proposed that the election returns of the precincts in the legislative districts be canvassed by the Provincial Board of Canvassers, the City Board of Canvassers in case of cities comprising one or more legislative districts, and the District Board of Canvassers in the Metropolitan Manila area.

Actually, Mr. President, there will be two election returns: one for national officials, and one for local officials. There will also be two tally boards: one for national officials and one for local officials.

Now, who would canvass the results of the election for municipal officials? Obviously, Mr. President, it will be the Municipal Board of Canvassers. On the part of the provincial elective officials as well as the Members of the House of Representatives, it will be the Provincial Board of Canvassers. For the Senators, it is the COMELEC, which is the National Board of Canvassers. And for the election of President and Vice-President, it will be the Congress of the Philippines, pursuant to the express provisions of the Constitution.

Now, what will be the basis of canvass, Mr. President? On the four municipal offices, actually, the basis of canvass will be the election returns coming from all the precincts of the same. However, the Board of Canvassers will prepare a certificate of canvass which will now be sent to the Provincial Board of Canvassers, and this will be the basis of the canvass for the provincial officials and the members of Congress.

Ang mangyayari po rito, ang Board of Canvassers sa ibaba, gagawa po ng three certificates of canvass. Ganito po ang sabi:

For president and vice president, the Board of Canvassers shall prepare in five copies a certificate of canvass supported by a statement of votes by precinct received by

each candidate and distribute them as follows:

The first copy shall be transmitted to the President of the Senate for use in the canvass for president and vice-president.

In short, the basis of the canvass by Congress will not really be the election returns. We could imagine the number of election returns throughout the country.

The Constitution explicitly says it will be the certificate of canvass. It says: "The President shall then open the certificate of canvass and the votes shall then be counted."

Ito po iyong sinasabing "certificate of canvass". Then the second copy, to the COMELEC; the third copy, to the Chairman of the Board; the fourth copy, to the representative of the ruling party; and the fifth copy, to the representative of the dominant party.

For Senators - the Board shall prepare four copies of a certificate of canvass. Again, a certificate of canvass supported by a statement of votes by precinct received by each candidate.

Ang distribution ay ganito: The first copy shall be transmitted to the Commission on Elections for the canvass of the results of the election for Senators, because the COMELEC is the National Board of Canvassers for the senatorial election; the second copy to be retained by the Chairman; the third and fourth copies to the representatives of the ruling party and the dominant opposition party, as the case may be.

Dalawa na po itong certificates of canvass. Pangatlo po, for Members of the House of Representatives. The board shall canvass the election returns, prepare in five copies a certificate of canvass supported by a statement of votes by precinct received by each candidate.

Ang distribution ganito: The first copy shall be transmitted to the Secretary of the House of Representatives; the second copy shall be transmitted to the Commission on Elections; the third copy shall be given to the winner; the fourth copy to be posted in a conspicuous place; and, the fifth copy shall be kept by the board, sapagkat ang Provincial Board of Canvassers ang siyang

magka-canvass, and make the proclamation of the winning candidate for a congressional position.

Incidentally, as an additional safeguard in the canvass of the presidential and vice-presidential election--while the Constitution merely speaks that the returns of every election for President and Vice-President duly certified by the Provincial or City Board of Canvassers shall be transmitted to the seat of Congress, addressed to the President of the Senate, who, in the presence of the Members of the Senate and the House of Representatives shall open the certificates of canvass--in addition to the certificates of canvass, the first copy of the election returns will be sent to the Senate President which shall be used for purposes of comparison and verification during the canvass of the results of the election for President and Vice-President.

Mr. President, this may appear long. In fact, if we will recall, in the first bill, Senate Bill No. 1777 that I prepared, most of these matters were already there. But then, I was advised na ang importante lamang iyong date of election, campaign period, convention, alisin na iyong other matters to ensure a speedy passage of the law, because we were conscious that there are certain serious constitutional questions that may be raised. We anticipated--in fact, welcome--a suit in order that there will be a final judicial determination of the same, and I abided, Mr. President. Inalis kong lahat ang mga probisyong iyon, pero nakapasok ngayong lahat sa bill na ito.

Ang masasabi ko, kung mapagtitibay natin ang bagong batas na ito, kahit na hindi natin mapagtitibay itong Revised Election Code for lack of time--although we will try to do it within the remainder of our session--more or less, a great step has already been done in effecting electoral reforms which would be in place by the 1992 elections.

Thank you, Mr. President.

Senator Guingona. There is another Sponsor, Mr. President, Senator Lina, and I ask that he be recognized. After which, the interpellations can be directed to either Sponsor.

The President. Senator Lina is recognized.

SPONSORSHIP SPEECH OF SENATOR LINA

Senator Lina. Thank you, Mr. President. This will just be very brief. I have a prepared sponsorship speech; I will not present it anymore. I join the Chairman of the Committee on Electoral Reforms and People's Participation in his sponsorship speech. So, I will just summarize the things that I prepared in this sponsorship speech.

As Chairman of the Senate Committee on Constitutional Amendments, Revision of Codes and Laws, I cosponsor this measure which upholds the majesty of the law and follows the Constitutional mandate that we conduct national and local elections which are simultaneous and synchronized.

I will immediately jump to page 3 of the speech, Mr. President, on the matter of districting.

The districting should be determinable as far as possible by facts already established, namely: contiguity, compactness, and being adjacent; population based on the 1990 census; and number of voters based on the 1988 elections.

To my mind, Mr. President, the primary purpose of districting is for attaining true and participatory democracy among our people. Hahati-hatiin po natin iyong province, municipality and city to elect the provincial board members and councilors of municipality and city by district.

Under the districting proposal, voters will be able to choose their representative to the sanggunian who comes from the area where they live. In past elections, many of the sanggunian members who are elected reside in the more populous and urbanized areas. Now, the outlying barangays of a municipality have a better chance to elect a sanggunian member who resides in their part of the municipality, city or province. I feel that this is more in consonance with the constitutional mandate of representation.

The other reason, of course, is already mentioned by the earlier Speaker, and that is to lessen the number of positions that a voter needs to elect and thereby decrease the size of the ballot and number of positions that a voter needs to write on election day.

The provision in the Constitution on the election period is that it shall "commence ninety days before the day of election and end thirty days thereafter." Ang problema po rito ay ipinaliwanag na ni Senator Gonzales, na may isang bahagi sa desisyon ng Supreme Court that the campaign period shall be circumscribed within the 90-day election period.

Now, the COMELEC proposal is that the nominating convention should be held 120 days before election day. Sa Supreme Court decision, sinabi na ang 180-day campaign period ay unconstitutional. Ngayon, ang problema po natin, ano kaya ang magiging desisyon? Is the nominating convention part of the campaign period? In the bill that we have presented here this morning, under the joint sponsorship of the two committees, we propose 120 days prior to the election day will be the nominating convention.

We need to approve this bill, Mr. President, as soon as possible. Going back to the districting, mayroon po kaming proposal na gagawin, and the proposal is: No barangay, municipality or city shall be divided in the districting. Hindi ho puwedeng hatiin ang barangay in a municipality para sa pagbuo ng councilor district. Where possible and should this august Body approve the idea, the division into two districts should be either north to south or east to west, so that division based on narrow partisan or personal considerations will be eliminated.

Kinakailangan po ay may standard. Baka sa paghahati ng province, iyong isa ay north to south; iyong iba naman ay east to west. Kinakailangang may definite na standard para ang discretion ay hindi na malaki.

The more specific and spatial the criteria for the division into districts, the less likely there will be a division that will be questionable and controversial.

Mayroon lamang isang concern na dapat malaman ng ating mga Kasamahan dito. Aywan ko po kung nabanggit ito ni Senator Gonzales. Iyon pong districting based on a COMELEC proposal will no longer require notice and hearing. Iyon po ang baka ma-question. Sapagkat kung may notice ang hearing in the districting, baka hindi matapos ng COMELEC, although they assured us that they can finish the districting in two months--province, city, and municipality.

The other concern is, if there is a suit filed questioning the districting, there is a possible spectacle of 1,500 legal suits. That is really a problem that is not remote, and we have to anticipate what we should do in case that situation arises.

That will be all, Mr. President. I will just distribute a copy of my sponsorship speech to abbreviate the proceedings.

Thank you very much.

SUSPENSION OF THE SESSION

The President. Let us just suspend the session for one minute, if there is no objection. [*There was none.*]

It was 10:47 p.m.

RESUMPTION OF THE SESSION

At 10:50 p.m., the session was resumed.

The President. The session is resumed.

Senator Maceda is recognized.

Senator Guingona. Mr. President, with the permission of Senator Maceda, many Senators feel that they would like to study more closely the bill, and they are suggesting that the interpellations be made on Monday.

The President. Maikli lamang naman ang interpellation ni Senator Maceda.

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

Senator Maceda. Mr. President, maybe we can raise some points now, which I would like the other Members to study, and it might be useful. I am not going to raise definitive proposals. What I intend to do is to ask the Sponsors to consider certain points precisely for more study by all Members of the Senate.

Senator Guingona. Certainly. After that, maybe, we can suspend consideration, Mr. President.

Senator Maceda. Will the distinguished Chairman of the Committee on Electoral Reforms and People's Participation yield to a few questions?

Senator Gonzales. Paano ko po matatanghian ang Kagalangalang na Senador?

Senator Maceda. Salamat po. Sa palagay ko po, kahit na ngayon, both Chairmen have already anticipated that the more controversial portion of this bill will be the redistricting of the board members into districts, and the councilors into districts.

Puwede po bang pag-aralan o napag-aralan na ninyo ang proposal at komentaryo ng ilang mga board members at mga gobernador na nakausap natin na, especially because of the four additional appointed members, masyado nang lumaki ang numero ng provincial boards, municipal councils, and city councils?

Senator Gonzales. Totoo po iyon. Kaya lamang, sa pakiramdam namin ay hindi dito sa bill na ito. The bill works on the existing membership. Sapagkat sa amin pong paniwala, kung kailangang baguhin ang bilang nito, hindi sa bill na ito kundi, marahil, sa Local Government Code. That would appropriately belong to the jurisdiction of the Committee on Local Governments, Mr. President.

Senator Maceda. Be that as it may, Mr. President, just to go direct to the point, would the Committee study or consider two alternative proposals? That is, one, to reduce the number of board members and councilors across the board and, two, in the context of the COMELEC recommendations which the Gentleman in his bill and we, also in our bill, in principle, accept.

I am thinking of this alternative para wala nang hati-hatian, and that is to follow existing districts. Ngayon po, sampu ang malalaking probinsiya. Sa maliliit na probinsiya, walo ang elected members.

To begin with, there are three provinces with six districts: Pangasinan, Cebu, and Negros Occidental. If we bring that up to 12, it will be two each. Wala nang problema. Ang five-district provinces which are existing with ten, maski sabihin nating nandoon na iyon, walang

problema, tigilima. If we bring the four-district provinces to eight, accepting probably this reduction, it will be two each. If we bring the three-district provinces to six, two each, wala nang kailangang hati-hatian pa. Then the two-district provinces could either be four for the whole province or two each. And definitely, the one-district province will go down to four. The four, plus the four appointive members, plus the vice-governor and the governor would still have a ten-member provincial board.

So, ito po ang gusto ko lamang pag-usapan, in consultation with the Chairman of the Local Governments' Committee: one-district province, four; two-district province, four province-wide, kung gusto ninyo, or two each; and then, three-district, two each equals six; four-district, two each equals eight; five-district that is existing now, and they usually have ten, two each; and, itataas lamang iyong three provinces. These are provinces with one million voters each--Pangasinan, Negros Occidental and Cebu. I can live with increasing them by two members each.

If that proposal would be acceptable to the three Committee Chairmen, mai-eliminate iyong controversy--iyong tagal, iyong question whether there should be hearings; because, in short, we will be following already existing districts and boundaries.

Senator Gonzales. Pag-aaralan po namin iyon. Ang totoo po niyan itong Quezon City at saka Manila ay nag-complain nang gawin nating anim ang bawat distrito, sapagkat may anim na distrito yata dito sa Maynila. Kaya ang kanilang municipal board ay may 36 na konsehal--mas malaki pa kaysa sa Senado. Sa palagay nila ay sobra iyon. That would really require a more thorough and serious study. We cannot do it on our own. We have really to give also these local officials a chance to be heard on this particular matter.

Napakahirap po iyong ibinigay na natin at pagkatapos ay babawasan natin. Ordinarily, there is a resistance. They may actually stymie or delay the enactment of this bill, admittedly, of such an urgency, sapagkat kailangan naman ng COMELEC na magkaroon ng sapat na panahon para makapaghanda.

Senator Maceda. Then the next point, Mr. President, and I shall be very brief: In the bill that we presented, we did not agree with this requirement for the chairman of the board to authenticate the ballot. Somehow, this looks a little problematical because, first of all, we are penalizing them for not authenticating. Remember, it is not mandatory for teachers to accept, I think, appointments to serve as poll clerks. Baka maraming hindi tumanggap.

Secondly, in the nature of things, lalo na kung magulo sa closing, baka may kaligtaang hindi pirmahan.

Pangatlo, ang problema nga natin ay iyong time. Iyong pagdadagdag ng pagpirma ng Chairman will somewhat add about half a minute or so. Kaya, kung puwede lamang, pag-aralan nating mabuti ang particular na puntong ito.

I have very strong reservations about this need for the chairman of the board to authenticate a ballot.

Senator Gonzales. Ang masasabi ko lamang sa mahal na Senador, ito naman ay hindi bagong batas. Noong 1987 ay nagpasa tayo ng isang batas for local elections para sa 1988 elections. Naroroon na po ito. Inulit po lamang dito sa panukalang batas na ito in order to promote some sort of cohesion and continuity. Ito po, sa kanilang karanasan at sa aming karanasan din naman, ay isang napakasimpleng paraan to prevent substitution of ballots. Pero totoo po na iyon din naman ang mga concerns. Maaaring hindi mapirmahan ng chairman iyong likod ng balota dahil sa kaniyang kapaguran o pagkakaligta, o maaaring intentional. Napakabigat po ng consequence niyon. The ballot will be considered as spurious and will not be counted.

Kaya kailangan sigurong balansihin natin iyong objective nito, kung anong buti ang magagawa doon naman sa pinsalang maaaring idulot nito.

The President. I recall that in the 1969 elections, there were fake election returns, and I think this is an evil we should guard against.

Senator Maceda. Sa election returns po.

The President. Maraming fake election returns. In

fact, I appeared before the COMELEC and denounced them.

Senator Maceda. Totoo po iyon. Iyan nga ang pinakamalaking problema. Sapagkat sa akin pong karanasan, ang dayaan ay wala talaga sa actual voting sa presinto. Iyong substitution of ballots, iyong mga chain o iyong rota ng mga balota, that is tolerable. Doon sa substitution of election returns nagkakaroon ng malaking problema.

Senator Gonzales. Sa aming naging karanasan, lalo na ni Senador Maceda, noong kumandidato kami bilang mga Don Quixote sa ilalim ng bandila ng LABAN noong 1978, ang talagang pinakamabigat naming kalaban ay hindi iyong balota kundi iyong substitution of election returns. Hindi pa nabibilang iyong mga balota ay yari na iyong election returns. Iyon po ang nangyari noong 1978, sa Metro Manila.

Ito po naman ay covered ng international press, kung kaya masasabi natin na, for purposes of record, this is not sour graping. Sinabi po ni Marcos na iyong pinakamalakas na kandidato ng LABAN--at ang lahat ay nani-niwala na ito ay si Senador Ninoy Aquino--will lose by 350,000 votes to their tail ender. At iyon po ang talagang nangyari dahil sa nakaprograma na iyon. Si Camara na siyang panghuling kandidato ng KBL ay lumamang ng 350,000 boto kay Ninoy Aquino, na noon ay siyang nangunguna at pinakamalakas na kandidato sa tiket ng LABAN. Totoo po iyong sinabi ni Senador Maceda.

Senator Maceda. Ang problema po rian, sang-ayon sa ating naging karanasan, lalung-lalo na ng COMELEC noon, ay iyong security paper on which election returns are printed, where we are supposed to have our individual secret marks. Nadu-duplicate po.

Marahil, doon sa sinasabing pagpirma sa likod ng balota nagagawa kung masisiguro talaga na iyong election returns that are being printed, to begin with, ay iilan lamang ang pasobra, at kung sa actual number o doon sa pasobrang numero ay papayagang pumirma sa likod ng election returns ang lahat ng kandidato sa pagka-Pangulo, ang lahat ng kandidato sa pagka-deputado, at ang lahat ng kandidato sa pagka-gobernador before it is distributed.

Meaning to say, if there are six presidential candidates, six congressmen and six governors, then 18 of them should sign or have a mark on the back of the election returns printed several months before distribution. If we split the precincts, we are talking of something like 250,000 election returns on a national basis.

So, that is really the problem. And the other problem, Mr. President, is when it comes to the signatures of the provincial, city, district, or municipal board of canvassers. When we say "fake", it means to say the signatures are fake. So, how do we assure the authenticity and genuineness of the signatures of the provincial treasurer, provincial election registrar, city treasurer, city election registrar, et cetera?

In addition, there must be a strict numbering again and a color coding process for election returns. Meaning to say, there should be a minimum of one color per region. We should have about 13 colors, and the numbering machine in the printing press should also be so ordered.

To begin with, all the political parties should know what is the corresponding number of the election returns for every region and, if possible, for every province.

Senator Gonzales. Mahahalaga po iyon sapagkat ang talagang mga sensitive portion dito ay iyong printing of ballots at saka custody and distribution. Tama po ang inyong sinasabi. Dito po ay may color coding, but only for purposes of determining which copy should be sent to the COMELEC and to other officials entitled to the same.

Ngayon, ang sinasabi ni Senador Maceda, for a region, give them a particular color so that the returns ay hindi mapupunta sa ibang region, I think we have been insisting to the COMELEC--sapagkat ito po naman ay administrative lamang at hindi na kailangan pa ang isang batas--na bagamat marami ngang kopya iyong returns, ang nangyayari ay iba-iba ang serial numbers ng election returns coming from a municipality or coming from a precinct.

Ang nangyayari po ay isa ang serial number ng original copy; another serial number on the second and subsequent copies, and so on. Kinakailangan po na iisa lamang ang serial number ng isang set of election returns. Pero

talagang huli po pala tayo sa technology kung printing din lamang ang pag-uusapan. Kung minsan ay marami silang pinagbibigyan upang mag-imprensa nitong mga election returns na walang numbering machines. Kaya ang gagawin ay ipadadala pa roon sa iba for purposes of numbering. That is the sad state of the printing industry in our country, Mr. President.

Senator Maceda. Huling bagay na lamang po, sapagkat may hiling ang ating mga Kasama na pag-aralan muna ang ibang parte ng bagong panukalang-batas na ito.

Noong 1987, kung natatandaan ninyo, tatlumpu't-lima ang ibinotong mga kandidato. It really took the balloting a minimum of two days, and the counting was the one that took up to the next morning in almost all the precincts in Metro Manila.

So, on that basis, probably the proposal was made by the COMELEC to increase the per diems from ₱200 to ₱400. Now, even with the minimum of 38, more or less, that they were projecting, palagay ko ay aabutin iyon ng three or more days. Kayo po ba ay sang-ayon na malaki ang posibilidad na abutin ito ng three or more days?

Senator Gonzales. Palagay ko po, in spite of all the optimism shown by the COMELEC, we who are exposed to these realities recognize that this will be really a very long and arduous process. Most likely, it might be from two to three days.

Senator Maceda. Lalo na po ngayong may proposal to deputize private school teachers and other nonteachers. During the period of amendments, mayroon po kaming mungkahing ipapasok na gawing ₱600 iyong ₱400, kung maaari.

Senator Gonzales. Humihingi po ang COMELEC ng ₱100 milyong gugulin dito sa ₱900 thousand--

Senator Maceda. Nine hundred million.

Senator Gonzales. --₱900 million. Ilan po ang madaragdag?

Senator Maceda. Palagay ko po ay bata P100 milyon.

Senator Gonzales. Isang daang milyon po lamang naman pala. Pag-uusapan po natin ito.

Senator Maceda. Opo, salamat po.

Senator Gonzales. Salamat po.

Senator Rasul. Mr. President.

The President. Senator Rasul is recognized.

Senator Rasul. Thank you, Mr. President. I realize na talagang kailangang pag-aralan ang bagong panukalang batas na ito. But I would just ask the distinguished Sponsor to clarify just one point.

If we will recall, Mr. President, when we were discussing the Local Government Code, I introduced an amendment to provide a sectoral seat for women in all the sanggunian in the country, and the seat will be contested by women candidates only. In fact, ito po ay pinagtibay na in the Conference Committee of both Houses. Now, if this bill provides for redistricting of the province for all the sanggunian, the municipal council, and the provincial board, I wonder how we will tackle the issue of women representation.

Sapagkat kung ang isang probinsiya ay ire-redistrict into four, imposible na mabigyan ng isang sectoral seat ang mga babae in all the four districts. But if we will give only one seat, saan ninyo ilalagay iyon? That is the point that I would like to be enlightened, Mr. President.

Senator Gonzales. I know that this is a continuing concern of the gentle Lady from Sulu. I wish she could furnish us with the pertinent provision in the proposed Local Government Code, and we will find the way so that we can incorporate it in the bill. Hopefully, we can also convince our counterparts in the House to accept the same.

Senator Rasul. Actually, Mr. President, I am not a member of the Conference Committee; I do not know the details of the final provision that would allow women representation. Perhaps the Conference Committee secretariat can provide this Body with copies of that particular provision. All over the country, Mr. President, the women are already girding themselves for participation in

the 1992 elections. Kung mabibigo iyan, I think the proposal that we are presenting will even create more problems than solutions.

Senator Gonzales. Halimbawa po, kung magkakaroon tayo ng process of accommodation, at sasabihin natin iyong woman representative is to be elected in the councilor district located in the poblacion--sapagkat karaniwan na ang mga lider ng mga kababaihan ay nanggagaling doon--acceptable ba sa inyo iyan? Kung halimbawa na dalawa lamang ang pipiliin, samakatwid, iyong isa ay nakareserba na kaagad sa babae, ganoon po ba? Pagbobotohan naman silang lahat--maging lalake o babae.

Senator Rasul. Yes, Mr. President.

Senator Gonzales. Kung ang lumabas po ay lima ang kandidato at panlima ang babae?

Senator Rasul. Mr. President, I would like to clarify that point.

The amendment which was approved by the Conference Committee was to allow one seat for women to be contested by women candidates only. Kung halimbawang maghahalal ng ten councilors, nine will be open to men and women, pero iyong isa will be reserved solely for women candidates. So, the candidates will be voted upon by the entire district, ngunit sa seat na iyon, kung sino ang nakakuha ng pinakamataas na boto sa mga women candidates for that particular seat ay siyang mahahalal.

Senator Gonzales. Bukas po ang aming isipan para pag-aralan ito.

We will recall that in the caucus, I warned that whatever redistricting is proposed here should more or less conform with the redistricting provisions of the proposed Local Government Code. Sapagkat iniwasan natin iyong sitwasyon na magpapasa tayo ng batas--kung sabagay ay applicable lamang ito sa 1992 elections, at maaring ito ay maging permanent na--and then, after a month, we are going to approve the Bicameral Conference Committee on the Local Government Code which provides for a different manner of apportionment or redistricting.

That was my warning in that caucus, na, more or less, kailangang magkapareho na in order to preclude that very embarrassing situation. That we will pass one law now and then the following week, or the following month, we will pass a law that provides differently from a law that we have passed only a month earlier. Ang totoo po, iyon ang aking concern.

Senator Rasul. Yes, Mr. President. That is precisely the reason--although we will have the interpellation on Monday--I brought out this point now para mapag-isipan natin during the weekend. Sapagkat mahirap po iyong napagtibay na sa Local Government Code and then the effect of this redistricting might again change the decision of the Conference Committee and the two Houses.

Senator Gonzales. Ang mahirap nga po, katulad noong sinabi ninyo, wala pa iyong Bicameral Conference Committee. Hindi po natin alam kung ano ang magiging final say ng local government structure. Kaya naman nahihirapan kami. Siguro hihingan natin ng tulong si Senador Pimentel tungkol sa bagay na ito.

Senator Rasul. Thank you, Mr. President.

Senator Gonzales. Salamat din po.

The President. The Majority Floor Leader.

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1861

Senator Guingona. Mr. President, I move that we suspend consideration of this measure.

The President. Is there any objection? [*Silence*] Hearing none, the motion is approved.

BILL ON SECOND READING
House Bill No. 31915--Granting Franchise to
Gateway U.H.F. Broadcasting, Inc.
(Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of House Bill No. 31915 as reported out under Committee Report No. 1318.

The President. Resumption of consideration of House Bill No. 31915 is now in order.

Senator Guingona. We are in the period of interpellations, I ask that we recognize Senator Osmeña.

The President. Senator Osmeña is recognized.

Senator Osmeña. This bill has been before the Chamber two times already. It has gone through substantial interpellations. The Sponsor is ready to answer any questions. However, if there are none, perhaps, the Majority Floor Leader could close the period of interpellations.

Senator Guingona. Yes, Mr. President. I move that we close the period of interpellations.

The President. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Guingona. We may now go into the period of Committee amendments, Mr. President.

The President. Senator Osmeña.

COMMITTEE AMENDMENTS

Senator Osmeña. Mr. President, on page 2, line 2, after the word "stations", delete the phrase "and to install radio communication facilities for the grantee's use in its broadcast services."

The President. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Osmeña. On page 4, line 6, replace the word "approval" with the word EFFECTIVITY.

The President. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Osmeña. On the same page, line 8, after the word "years", insert the phrase FROM THE EFFECTIVITY OF THIS FRANCHISE OR ANYTIME THEREAFTER.

The President. Is there any objection? [*Silence*]

Senator Tañada. From the documents that have gotten into my possession, it appears that what the commercial banks are really interested in including into the securitization plan is the Bataan Nuclear Power Plant Debt Papers.

Senator Romulo. But, as I recall, the Bataan Nuclear Power Plant is only one, so that in actuality it is really the entire debt. If they can get the Bataan Nuclear Power Plant, that is a bonus.

In other words, correct me if I am wrong--and I am posing this in a question--to get this loan, they require the securitization of all the debts, except the Bataan Nuclear Power Plant. But they are now trying to put the Bataan Nuclear Power Plant. Nagbabakasakali. Did I get that correctly?

Senator Tañada. No, not all the debts. Strictly speaking, if what would be borrowed would be \$250 million, then under the securitization plan, we would multiply that by four, and then part of the rescheduled debts would be covered by that amount. That is \$250 million times four to include the Bataan Nuclear Power Plant Debt Papers.

Senator Romulo. So, the securitization of the P4.35 billion, representing the principal and interest due from 1994 to 1996, is apart from the proposed \$250 million loan.

Senator Tañada. That would be my understanding, Mr. President.

Senator Romulo. Lastly, in the distinguished Gentleman's privilege speech, he only suggested that we look into the Bataan Nuclear Power Plant. How about the securitization of the P4.35 billion? How about the \$250 million loan that would be securitized one to four or one to five? Is the distinguished Gentleman leaving that out from his prayer to the Chamber?

Senator Tañada. No, Mr. President. I would hope that that would be included. I would propose that this matter be looked into. While I have already mentioned the Committee on Finance, I believe the Committee on Banks could be the lead Committee, together with the Committee on Finance and the Committee on Economic

Affairs.

Senator Romulo. Depending on the Chamber, we would, of course, welcome any confidence that will be reposed on us.

As I have promised the Majority Floor Leader, my 15 minutes is up, so I would like to thank the distinguished Senator from Quezon for a very brilliant and erudite presentation of the problems and the issues.

Thank you, Mr. President.

The President Pro Tempore. The Majority Floor Leader.

MOTION OF SENATOR GUINGONA
(Referral of Senator Tañada's Speech to the
Banks Committee)

Senator Guingona. Mr. President, I move to refer the speech of the distinguished Gentleman to the Committee on Banks.

The President Pro Tempore. Is there any objection? [*Silence*] Hearing none, the motion is approved.

BILL ON SECOND READING
Senate Bill No. 1861--Synchronized Elections
(Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 1861 as reported out under Committee Report No. 1373.

We are in the period of interpellations. I ask that we recognize Senator Gonzales.

The President Pro Tempore. Senator Gonzales and Senator Guingona are recognized.

Senator Gonzales. Thank you, Mr. President. I am now ready for interpellation.

The President Pro Tempore. Are we still in the period of interpellations?

Senator Gonzales. That is correct, Mr. President.

The President Pro Tempore. The Majority Floor Leader is recognized for interpellation purposes.

Senator Guingona. Mr. President, will the distinguished Sponsor yield?

Senator Gonzales. Gladly, Mr. President, to the Majority Floor Leader.

Senator Guingona. Mr. President, under the proposed bill, the expenditures have been increased from ₱1.50 to ₱3.00 per voter for the candidate, and from ₱3.00 to ₱5.00 for political parties.

Senator Gonzales. That is correct, Mr. President.

Senator Guingona. Does this mean that the political party can spend ₱5.00 per voter for each candidate?

Senator Gonzales. No, Mr. President. It is ₱5.00 per registered voter in the constituency.

Senator Guingona. Yes, for all candidates.

Senator Gonzales. For the party expense, Mr. President, and that would include expenses of the party for all the candidates of the same.

Senator Guingona. So, the expenditure for the President, the Vice-President, the Senators, the Congressmen, up to the Councilors will be ₱5.00 per voter for all.

Senator Gonzales. Yes, for all the candidates of the party. That is exclusive of the allowable amounts to be spent by the candidates themselves for their campaign.

Senator Guingona. Yes. There are registered voters today of 33 million, is that correct?

Senator Gonzales. The estimate, Mr. President, is that we shall have about 30 million registered voters in 1992.

Senator Guingona. Times ₱5.00, that would be about ₱150 million.

Senator Gonzales. Yes.

Senator Guingona. That is for the political party.

Senator Gonzales. That is correct, Mr. President.

Senator Guingona. And there are more than 100 registered parties in the COMELEC, is that correct?

Senator Gonzales. That is correct, Mr. President. But it does not mean that all parties would have the wherewithal in order to finance a political campaign to this extent, Mr. President.

Senator Guingona. So that if we limit the same to four political parties, we could have an estimated expenditure of more than ₱600 million.

Senator Gonzales. The Gentleman would be probably correct, Mr. President. Right in this Chamber, I have heard estimates by certain Senators who are very wise on this matter that the expenses of a presidential candidate might even run into billions.

Senator Guingona. All right. For the political parties, therefore, over ₱600 million. Considering that there are more than 30 million voters, times three, each Senator would spend, at least, a maximum allowed expenditure of ₱90 million. Is that correct?

Senator Gonzales. That is correct, Mr. President. But it would have to depend upon the candidate himself and his capacity to generate funds. I do not think that any candidate would be able to personally bear his campaign expenses. So, he has to depend upon contributions. And whether or not he could raise that amount is, of course, a very great problem for every candidate.

Senator Guingona. Considering that each senatorial slate has 24, that would mean more than ₱2 billion per slate.

Senator Gonzales. If we will put it arithmetically, that would be correct, Mr. President. But in 1987, we know as a fact that--I think except for one or two--no candidate of the ruling coalition spent an amount that even reached ₱20 million. Most of them spent from ₱2 to ₱4 million, at most ₱6 million. There were some exceptional ones who spent as much as ₱19 million, but that is the exception rather than the rule.

Senator Guingona. And considering that there would be at least four complete slates--I am only figuring on the maximum; let us not go into how much each would spend, but I am basing it on the maximum--there would be more than ₱9 billion.

Senator Gonzales. As I have said, arithmetically, this is merely a question of multiplication. I am not very good at figures, but if the Gentleman's multiplication is better than mine, probably, he is correct, Mr. President.

Senator Guingona. I am only basing it on the expenditures that the Gentleman has increased.

Senator Gonzales. I am picking no argument with the Gentleman. I am saying that these are matters of arithmetical computation. And if this be the Gentleman's computation, then it is so, Mr. President.

Senator Guingona. Yes. But I am not trying to question the mathematical competence of the distinguished Sponsor. I am only basing it on--

Senator Gonzales. He does not have to question it. It is already open to question.

Senator Guingona. And each presidential candidate would spend ₱3.00 per voter, at the maximum, and there would be an additional ₱792 million, more or less.

Senator Gonzales. Yes, Mr. President. In fact, I admitted in my speech that there seems to be a distortion as far as Senators are concerned because the Senators are elected countrywide. But as far as local officials and congressmen are concerned, COMELEC stated that the amount previously fixed by law at ₱1.50 per registered voter is no longer realistic.

Senator Guingona. And for the total expenditures, therefore, for the national officials, from President down to Senators, would be more or less ₱10 billion.

Senator Gonzales. Yes, Mr. President.

Senator Guingona. And for the municipal officials, in the same computation, would be about ₱1 billion.

Senator Gonzales. Elections, indeed, seems to be a

very expensive business.

Senator Guingona. And for the cities--there are, I think, 16 cities--₱792 million; for the provincial, ₱2.4 million. So that just basing it on the maximum, on the national scale, the municipal, the city, the provincial, our figure adds up to more than ₱15 billion.

Senator Gonzales. Fifteen billion, Mr. President?

Senator Guingona. Yes.

Senator Gonzales. If the Gentleman says so, then that must be correct.

Senator Guingona. This represents about 20 percent of our money supply and--

Senator Gonzales. Mr. President, there are two ways of looking at it. I think we do not print new money. These are already money in circulation, that will go into circulation, and probably, spread out. Ang masama po yata ay dadagdagan natin iyong money supply by printing new money.

Senator Guingona. It is good that the distinguished Sponsor has assured us that there will be no printing of additional new money, but we can never tell.

Senator Gonzales. That was done, Mr. President, in 1969. That was the reason why we had a tremendous inflation that followed, and the result was the floating rate, if we will recall. But I do not think that that could happen in this Administration. After all, the President is not running for re-election, and there will be no reason, no motive on the part of those in Government to print new money just to fund the campaign of certain candidates.

Senator Guingona. Yes, but this kind of money representing a substantial portion of the money supply is not directed to production or viable investments for the manufacture of goods.

Senator Gonzales. No, Mr. President. I mean, to the printing establishment, then to the paper manufacturers, to the woodmakers, to the painters for these banners and posters, all of these are business and, therefore,

money will flow into them.

Senator Guingona. Is it the submission of the distinguished Sponsor that this kind of expenditure will not be inflationary?

Senator Gonzales. As I have said, unless we really print new money and add it to the money stream, then that is the real danger, Mr. President. But in this particular case, these are all the money in the money stream. We caused its circulation and also distribution. Probably, there will be some sort of inflation brought about by too much money being put out at the same time or within a short period, but that will not have a long lasting effect.

Senator Guingona. I beg to differ, but since that is the opinion of the distinguished Sponsor, we will let it go at that.

Senator Gonzales. I recognize the Gentleman's concern, Mr. President, but then the alternative to that is no election at all.

Senator Guingona. No. Are there other ways of avoiding a wasteful expenditure of this magnitude?

Senator Gonzales. I am not ready to provide an alternative. We can reduce, as we, in fact, in the consideration of Senate Bill No. 1777 that eventually became Republic Act No. 7056, reduced the recommended amount from ₱3 per registered voter to only ₱2 per registered voter, and the ₱5 was, I think, eventually lowered. So it will have to depend upon the action of this Body, Mr. President.

Senator Guingona. Now, the intent of this bill is to allow the COMELEC to reduce the number of persons to be voted for by redistricting?

Senator Gonzales. That is correct, Mr. President, and I agree with COMELEC that it seems the only way by which the number of candidates to be voted for in the 1992 election will not exceed 38, which is the maximum number.

Senator Guingona. Yes. Is it the intent of this measure to do the same on a delegated basis to the COMELEC, without giving due notice and hearing be-

cause of time constraints to the inhabitants?

Senator Gonzales. Yes, Mr. President. As I have said, probably during the period of amendments, we will propose an amendment that it shall be done with prior consultation with the local officials.

But regarding notice and hearing, we have known so many apportionments. Apportionments can legislatively be done. Through the exercise of delegated power, they do not really require notice and hearing. It is not part of due process.

So we feel, Mr. President, that the next best thing is to provide for consultations with the local officials.

Senator Guingona. Yes. Consultation seems to be a more viable alternative. The only problem that we have there is in the manner of consultation. For example, in the matter of tuition fees, there is now a dispute as to what constitutes consultation.

Senator Gonzales. That is correct, Mr. President, because there is as yet no accepted definition of what constitutes consultation.

Senator Guingona. Yes.

Senator Gonzales. To people being consulted, if their views are not accepted or adopted, there is no consultation.

Senator Guingona. And is not the right of the voter a political right to expect universal election for a province where he lives in? Does he not have that political right at the moment?

Senator Gonzales. Mr. President, while it is a political right, however, the exercise of the same is subject also to the police power of the State. I do not think that there is a vested right on the part of the voter to elect members of the *Sangguniang Panlalawigan* at large, or members of the City Council at large, or of the *Sangguniang Bayan* at large. I think it is within the police power of the State, especially in circumstances like this where we have no choice, because the Supreme Court decision says that there can only be one simultaneous election.

We have no choice, Mr. President. Even if we would want to call two elections before June 30, 1992, in the light of the Supreme Court's decision and adding Republic Act No. 1756, we cannot even do it. So, in the exercise of police power, then we can really provide for this apportionment.

Senator Guingona. Yes, but the inherent right of a citizen to vote is at stake here. While it is true that how he votes may be regulated, the fundamental due process, I think, should also be accorded.

Senator Gonzales. The right to vote, Mr. President, is not taken from him.

Senator Guingona. The right to vote is inherent in a citizen.

Senator Gonzales. Yes, Mr. President, there is no quarrel about that, and it is not being taken away.

Senator Guingona. It is not, it is being regulated.

Senator Gonzales. Right, Mr. President, in the interest of making possible an election that is now apparently required by the Constitution, in the light of the Supreme Court decision.

Senator Guingona. Yes. That is why it is pertinent that there be, at least, consultations.

Senator Gonzales. That is correct, Mr. President. That is why I said that in due time we will propose that amendment.

Senator Guingona. The intent of the bill through the COMELEC, seems to limit to 38, as much as possible, the names of the persons to be voted for.

Senator Gonzales. That is correct, Mr. President.

Senator Guingona. Would this not be, therefore, logical in the case of the fact that the Gentleman is proposing a redistricting of municipalities, the reapportionment of provinces? Should that not, therefore, go all the way up to Senators who should be elected by region, rather than by at large?

Senator Gonzales. I am quite glad to observe that the Gentleman has already opened up from his stout refusal to consider even the calling of a Constitutional Convention to effect certain changes in the Constitution. Why not, Mr. President?

Senator Guingona. Because if the Senators wanted to be voted by region, instead of at large, then there would be a reduction of at least 22 names, and the number of persons to vote for would be 12-14 names, well within the capacity of the voter to cogently select and also minimize the massive expenditures already cited.

Senator Gonzales. The Gentleman made a good case for electing Senators by means of senatorial districts, and not electing Senators at large as it is presently provided for by the Constitution. We, of course, do not know what would be the ultimate: Whether the parliament to be provided for would be unicameral or whether it would be bicameral, and if bicameral, they are by region; whether we shall continue with the Jones Law division of the country into 12 senatorial districts, each district electing two senators.

Remember that the Jones Law was passed in 1916, and at that time, we have only nine million voters. Now we have already 62 million voters. Whether or not the 24-Member Senate is already adequate for the Philippines, in the light of the increase in population is, of course, open to question.

Senator Guingona. Would not two Senators per region, amongst the 14 regions, make a better equitable representation?

Senator Gonzales. As I have said, that will depend on the Constituent Assembly. It might be two; it might be four. We really do not know what will be the makeup of that. But, understandably, until the Constitution is amended that way, we have to devise a very practical and workable way by which we could hold the 1992 simultaneous election.

Senator Guingona. Mr. President, may I know from the distinguished Sponsor how many election returns are provided for under this bill?

Senator Gonzales. This bill provides that the elec-

tion returns should be accomplished in six copies. Mas madaling sabihin iyong six copies. But I understand that there will be two sets of election returns with six copies each. One for the local officials and another for the national officials.

Senator Guingona. Instead of canvassing by province, would the distinguished Sponsor agree to an amendment, at the proper time, to make it municipal returns as the principal basis in case of dispute by and between or amongst the six election returns?

Senator Gonzales. That would require a remaking of the system of canvass herein provided, Mr. President. What would be the basis of the canvass?

Senator Guingona. Because we have observed, Mr. President, that it takes, sometimes, days before the tally is completed and the returns are made and sent to the provincial capital.

Senator Gonzales. Totoo po iyon, especially in the 1992 elections. Because of this, there will be two sets of election returns to be prepared. Pagkatapos, iyong municipal canvassers ay magpe-prepare ng four certificates of canvass. Kaya, talagang matagal ngayon ang paperwork. But then, the time is sought to be avoided by making smaller precincts, Mr. President. Before, the 300 is a normal composition of one election precinct. But now, as we have pointed out, no precinct will have more than 200 registered voters.

Senator Guingona. But of the six election returns, which one will be the basis for proclamation?

Senator Gonzales. I think the bill specifically provides for the same. In Section 23 of the bill, it states here:

The copies of the election returns shall be distributed as follows:

(A) In the election of President, Vice-President, Senators and Members of the House of Representatives:

- (1) The first copy shall be delivered to the President of the Senate;

- (2) The second copy, to the Commission on Elections;

- (3) The third copy, to the provincial, city, district board of canvassers for use in the canvass of returns for the Members of the House of Representatives.

- (4) The fourth copy, to be known as the advance election returns, to the city/municipal treasurer.

Ito po ang bubuksan at pagkatapos ay ipo-post in a bulletin board for public display.

- (5) The fifth copy shall be deposited inside the compartment of the ballot box for valid votes.

Ang tawag po dito ay ballot box copy.

- (6) The sixth copy shall be delivered to the representatives of the ruling party. Seven copies po ito.

- (7) The seventh copy, to the representatives of the dominant opposition party.

Dito po ay makikita natin na ang first copy in the election of President and Vice-President will be delivered to the President of the Senate. Hindi po ito ang pagbabasehan ng canvass, because the canvass will be based upon the certificate of canvass duly signed by the provincial and city board of canvassers. That is provided for in the Constitution. But we are requiring that the first copy of the election returns be forwarded to the President of the Senate for purposes of comparison and verification, Mr. President.

Senator Guingona. So, in case of dispute or variance between the sixth and the seventh copies, it is the certificate of the provincial board of canvassers that will rule.

Senator Gonzales. The Constitution expressly provides that the canvass by Congress is to be based not on the election returns, but on the certificate of canvass, duly prepared and signed or authenticated by the provincial or

city board of canvassers.

But, as an additional safeguard, under this bill, we are requiring that the first copy of the election returns be sent or forwarded to the President of the Senate for purposes of comparison or verification.

Senator Guingona. That is why, my question is: If there is variance among the seven copies, which one will dominate?

Senator Gonzales. Ang nangyayari po rian, kung may proof that the face has been tampered, or there has been some interpolations, then we try to get an extra copy--the COMELEC copy, for example.

But, for purposes of comparison, we also get all the other copies para malaman po natin kung pare-pareho ang apat o lima. Pagkatapos, ang kopyang ito, which bears certain tamperings or interpellations, ang nababago. The COMELEC ordinarily directs a clean copy. Whether it is the COMELEC copy or the ballot box copy, it is made the basis of the canvass, Mr. President.

Senator Guingona. Reality tells us that there are about four or five political parties.

Senator Gonzales. That is right, Mr. President.

Senator Guingona. Will the distinguished Sponsor agree to giving each political party--four or five--the election returns?

Senator Gonzales. If that can be done or if that is feasible, Mr. President. Mangyari po, ang diperensiya, pagka mahigit na seven copies...

Senator Guingona. Very blurred.

Senator Gonzales. --o ipagpalagay nating sampu o labindalawa ang kopyang inyong gusto, ay wala pa yang naiimbento na chemically-treated paper na sa inyong pagsulat ay tatagos ang sulat hanggang doon sa ikalabindalawang kopya. Ang mangyayari po rian ay hahatiin and will be accomplished separately.

Diyan po nangyayari ang pagkakaiba. The fatigue factor by that time has already seeped into the members

of the board. Kaya, sa pagsasalin po, bagaman wala naman talagang intensiyong mandaya, o maaaring dahil na rin sa pagod, nababago ang mga entry. That is why we have cases of a genuine return that bears a discrepancy with another genuine return. That is the product of experience, Mr. President.

Senator Guingona. Yes, but the fact is, there seems to be undue discrimination here. Only the dominant and the opposition parties are to be given copies of the election returns.

Senator Gonzales. At kapag limang kopya lamang ang ginawa, the other parties will also be complaining. Bakit wala silang kopya. I mean, we have to make a policy.

Senator Guingona. The COMELEC, I understand, has the power to promulgate rules and regulations that are fair after due hearing. This matter can be brought out.

But to place in the law expressly that it is only the dominant and the opposition parties, this may, in effect, revert to the inspector system of old which the Constitution has...

Senator Gonzales. Ang totoo po, kung iyon ang pag-uusapan ninyo, there is a very strong feeling na hindi yata mabuti ang ginawa nating pagbabawal na magkaroon ng representatives ang political parties in the Board of Election Inspectors and the Board of Canvassers. It is true that in the past there had been cases of anomalies, pero napakagaling po ang partidong kasali sa proseso ng pagbilang ng mga boto.

Tungkol po sa unang puntong ini-raise ng Kgg. na Senator, there is also an alternative under the law. Kahit wala kayong kopya ng election returns, every candidate or every political party is entitled to obtain from the Board of Election Inspectors iyong tinatawag na "certificate of votes" na kung saan ang lahat ng boto sa presintong iyon ay nasa certificate of votes, and this will have to be signed by the chairman, as well as all the members of the Board of Election Inspectors.

Senator Guingona. That is correct, Mr. President. But, as we all know, between the certificates and the election returns, the certificate of election returns is based

on the return itself.

At any rate, we will propose that at the proper time.

Senator Gonzales. Yes, Mr. President. When the period of amendments comes, we will be happy to discuss this matter.

Senator Guingona. The final point is on the ballot. Will it violate the secrecy provision if the number of the voter who receives the ballot will be affixed to the record, and the time also? Because we are trying to avoid the stuffing of election ballots.

Senator Gonzales. That is correct. That is why we have adopted a very simple process, and this is contained in one of the electoral reforms in which the Gentleman had authored and which was used in the 1988 elections. *Iyong pagpirma nga lamang ng chairman sa likod is a very simple way.*

What the Gentleman is proposing is that, the number of the ballot given to the voter will also be written. In the first place, *napakatagal na proseso iyon.*

Ikalawa, doon sa tanong ng Kgg. na Senador kung ang voter can be identified, my answer is, yes, sapagkat ang balotang ibinibigay sa isang kandidato ay isinusulat kaagad sa registry list of voters. The moment that a ballot is issued to a voter, the number of the ballot is written there. When the voter returns the ballot, under the law, kinakailangang i-compare ang serial number ng balotang isinasauli niya sa serial number that was recorded in the registry list of voters para walang substitusyon ng ballots at nang hindi ito makaligtaang gawin.

Ngayon, ang punto ko po lamang bilang sagot sa katanungan ng Kgg. na Senador, by simply determining at the back of the ballot the number and cross-referencing it to the number appearing in the proper column of the registry list of voters, *makikilala na kung sino ang bontante.*

Senator Guingona. Mr. President, I have more questions, but to give due time to others, I would like to thank the Sponsor.

Senator Rasul. Mr. President.

The President Pro Tempore. The Chair will recognize Senator Rasul, after which, if there is no objection, we will have our mid-session break.

Senator Rasul. Thank you, Mr. President.

I wonder if the distinguished Senator would care to answer a few questions.

Senator Gonzales. I will be very happy to oblige.

Senator Rasul. Mr. President, I wonder what is the reason for specifying that the municipalities of Malabon, Navotas, San Juan, Mandaluyong, Muntinlupa, Las Piñas, and Taguig, shall have 12 councilors, but it does not specify the other cities or towns that should have 12 councilors. What could be the reason, Mr. President?

Senator Gonzales. It has been lifted from the law that we passed in 1988 providing for the 1988 local elections, *sapagkat iba po ang sitwasyon sa Metro Manila where we have 12 cities and 14 municipalities. Originally, we provided that the regular municipalities, with the exception of Pateros, will have 12 councilors each. But the Municipality of Pateros shall have only 10 councilors, sapagkat ito po ang siyang pinakamaliit na bayan. It is the smallest town among the 14, and we felt at that time that it ought not to be given 12 councilors like the other bigger municipalities. Doon po sa probinsya, sampu ang pinakamarami. Sapagkat sa Metro Manila, ang isang munisipyo is equivalent to one province already.*

Sa Mandaluyong, ang aming registered voters are more than 200,000. Isang bayan po lamang iyan. Pasig is a one-district municipality and so with Marikina. Ang dahilan kung bakit 12 ang mga konsehal sa mga munisipyong ito ay dahil talagang saksakan ng laki ang bilang ng mga mamamayan at ng mga rehistradong bontante ng mga ito.

Senator Rasul. Mr. President, I have no objection to giving these towns 12 councilors. But I was just wondering, Mr. President: Are there no other towns with the same number of population outside of Metro Manila?

Senator Gonzales. I dare say there is none.

Senator Rasul. Mr. President, would it not be more in keeping with impartiality if we just go by a series of criteria or some kind of a list of qualifications for a city or a town to have so many councilors based on population? Total, magku-qualify naman kung saksakan ng dami ang population sa mga munisipyong ito. Kung, halimbawa, 250,000, dapat ay 12 ang councilors.

So anywhere in the country, kung may ganoong karaming voters o kaya population ang isang munisipyo, ay ganoon din ang number of councilors.

So that way, Mr. President, siguro ay wala nang magki-criticize o kaya ay sasabihin na: "Kung iyong ibang mga munisipyong hindi parte ng Metro Manila ay may ganoon ding karaming population, bakit hindi i-specify na bibigyan din kami ng 12 councilors?"

Iyan po ang punto ko, G. Pangulo.

Senator Gonzales. I think the number of councilors outside of Metro Manila is determined by the Local Government Code. It depends upon the class of municipality. Kaya hindi po pare-pareho. Ang first-class, second-class, third-class municipalities ay mas malalaki ang number of their councilors. At iyong pinakamaliliit naman, they have less number of councilors.

So the basis of the classification is different, but the classification is there.

Senator Rasul. Ginoong Pangulo, kung, halimbawa, ang classification is according to first, second and third class, hindi ba puwede itong mag-fall under that kind of classification?

Senator Gonzales. Then we shall have to reword the Local Government Code, Mr. President.

Senator Rasul. Anyway, what we are doing now, Mr. President, I think, is that in the process, we will be repealing some existing laws, I suppose. As a matter of fact, right now, the Bicameral Conference Committee is ready to report out the Local Government Code. Pero dahil sa batas na ito, we are now holding in abeyance approval of that Code upang hindi magkaroon ng conflict ang mga probisyon.

Senator Gonzales. Hindi po naman siguro masasabing we are holding it in abeyance. Wala po naman kaming kapangyarihang pakialaman ang Bicameral Conference Committee. Nagkataon po lamang na we must recognize the urgency of this bill. Sapagkat ang pinagti-bay po nating bill ay idineklarang unconstitutional ng Korte Suprema kung kaya kinakailangang kumilos tayo agad para matuloy ang eleksiyon sa 1992.

Pero kung sasabihin pong inuuna natin ito at dini-delay naman natin iyong submission ng Local Government Code, malayo sa katotohanan.

Senator Rasul. Siguro po ay hindi ako naintindihan. Ang sinasabi ko ay hindi naman sinasadyang i-delay iyon. Kaya lamang daw, if we will come up with this law, baka itong mga probisyon dito ay hindi na sumang-ayon doon sa mga probisyon ng Local Government Code. Iyon ang ibig kong sabihin.

I would like to raise another point, Mr. President. When we were discussing the Local Government Code, I proposed an amendment providing for a sectoral representation for women in all *sanggunian*, sa municipal, provincial and city councils.

Now, this amendment was already approved by both Houses. It was approved by the Bicameral Conference Committee. It was already approved, I think, before we adjourned last time.

The problem that cropped up was how to elect the woman representative in the province, dahil sa mga probinsiya ay may mga districts. But as far as the municipality's *sanggunian* is concerned, wala ng problema roon sapagkat all the councilors will be elected at large.

Halimbawa, sa Mandaluyong o sa Muntinlupa, there are 12 councilors, at isa sa 12 na iyan ay ire-reserve for the women sectoral representative--the seat to be contested by women candidates only. The idea here, Mr. President, as I explained when I introduced the amendment, was to provide opportunity for women, sapagkat walang babaing kagawad ng sanggunian sa ilang mga local government units.

Now, with the redistricting of municipalities and changing the structure in order to shorten the ballot or to

reduce the number of names to be elected in the local government election, paano na ho iyong sectoral seat for women? How will we determine now which district will have a woman sectoral representative? Sapagkat kung idi-divide natin, halimbawa, ang lone district into two, each district will elect half of the sanggunian. Saan natin ilalagay ang woman representative? That is the question I would like to ask, Mr. President.

Senator Gonzales. I consulted with Senator Pimentel on this particular matter and, apparently, wala namang conflict ang probisyon ng bill na ito with the proposed Local Government Code.

Ngayon, kung gusto ninyong ipasok ang susog na iyon bilang bunga ng inyong isip at diwa, marahil sa panahon ng pagsususog ay maaari nating mapag-usapan to determine it once and for all.

Senator Pimentel. Mr. President.

The President Pro Tempore. Senator Pimentel is recognized.

Senator Pimentel. Mr. President, with the permission of the Gentleman and the Lady on the Floor, may I just share this information that this morning, our Bicameral Conference Committee on the Local Government Code agreed that a provision on the election of local government officials, particularly councilors and members of the provincial board, will be worded in this wise: The Members of the *Sangguniang Panlalawigan, Sangguniang Panlungsod at Sangguniang Bayan* will be elected by district as provided by law.

So, this has to be the law, Mr. President, that will thresh out the number of councilors and board members to be apportioned in a particular municipality and province, and how they will be elected will be matters for treatment by this law that we are now considering.

Senator Gonzales. Thank you for the information, Mr. President.

Senator Rasul. Mr. President, if I may, puwede bang magtanong kay Senator Pimentel, sapagkat siya ang Author ng Local Government Code.

This bill will provide for the procedure of electing the members of the *sanggunian*. But the Local Government Code provides that certain sectors should be represented in the *sanggunian*.

Gusto ko lamang ma-clarify, Mr. President, na kung ilalagay rito ang procedure, ang ibig bang sabihin ay tatanggalin na iyan sa Local Government Code? The Code will no longer say that there will be a seat reserved for women representatives in the *sanggunian* separate from the others that will be elected regardless of whether they are male or female?

Senator Pimentel. That was the thrust of this morning's conference, unfortunately, Mr. President, with the understanding that the provision on women representation will have to be provided in this legislation.

Senator Rasul. G. Pangulo, iyon nga po ang kinatatakutan ko. Alam ninyo, sapagkat silent ang Local Government Code tungkol sa nasabing probisyon, baka mawala na iyan dahil procedure lamang ang pag-uusapan natin sa panukalang-batas na ito. There is nothing here na nagsasabi na may woman sectoral representative.

At gusto ko ring ibalita sa aking mga distinguished Colleagues na noong aprubahan natin ang amendment to the Local Government Code providing for the sectoral seat for women, nalaman agad ng mga kababaihan sa buong Pilipinas ang bagay na ito. At ngayon nga ay mayroon na silang mga organisasyon. They have been going around the country teaching women how to participate in local elections. Kung malaman nilang tinanggal na iyon, talagang mabibigo sila. Aywan ko kung ano ang gagawin nila.

Senator Pimentel. Ililipat naman iyon dito. Anyway, that was before Pinatubo, kaya mayroon tayong dahilan. [Laughter]

Seriously speaking, the only reason I agreed to the proposal to transfer that provision here was on the assurance that it will be so incorporated in this bill. Otherwise, we will have to reinstate that provision in the Local Government Code.

Senator Rasul. Puwede po bang banggitin, G. Pangulo--I do not know if it is unparliamentary--kay Sen-

ator Pimentel na huwag tanggalin iyon sa nasabing probisyon, and let this bill provide for the procedure? I wonder if the distinguished Sponsor will care to give a comment on that.

Senator Gonzales. The Gentle Lady knows more or less the provisions of this bill. Kung talagang very insistent siya sa bagay na iyan, why does she not prepare an amendment and submit it during the period of amendments?

Senator Rasul. Isang bagay pa po. Is there anything unparliamentary, or violative or that would offend the proceedings of the Senate, kung halimbawang iyon ay nandito at nandoon pa rin sa Local Government Code? Gusto ko lamang patibayin ang probisyong iyon para naman hindi mawala.

In our Senate, we are supportive of women representation. Hindi natin alam kung nandito pa tayo sa Kongreso pagkatapos ng 1992. Baka mawala na iyan. Gusto ko lamang masiguro, G. Pangulo, na ang probisyong iyan remains in the Local Government Code, and further strengthened by this bill that we are discussing.

Senator Pimentel. Mr. President, there was no problem about woman representation in the various *sanggunians* prior to the decision to elect them by districts. There was no problem whatsoever, because we had previously agreed in the Conference Committee to include a woman representative among the regular members of the *sanggunian* who will be elected at large by the people in a given constituency. But with the decision to go by district, to elect them by district, a problem has arisen. But this problem is surmountable, Mr. President, because the way it looks, there will hardly be any councilor district which will elect only one councilor. I think, very likely, the councilors per district will be more than one. We can provide that, for example, in the poblacion district, one of the two, or one of the three councilors should be a woman. So, in that manner we will protect the amendment that was introduced by Senator Rasul in the Local Government Code.

Senator Rasul. Iyon po lamang ang gusto kong liwanagin, G. Pangulo, para naman malagay ito sa rekord: Na kahit wala na tayo rito sa susunod na taon, at least nasa rekord ang mga diskusyong pinagtibay natin--

ang partisipasyon ng mga kababaihan sa mga *sanggunian*--not only in the procedure but as an integral part of that Local Government Code which has already passed both Houses.

Senator Pimentel. At the proper time, we will support a move to amend the proposed bill so that the woman representation will be institutionalized in this law, Mr. President.

Senator Rasul. Maraming salamat po.

SUSPENSION OF THE SESSION

The President Pro Tempore. So, understood.

The session is suspended, if there is no objection.
[*There was none.*]

It was 6:06 p.m.

RESUMPTION OF THE SESSION

At 6:44 p.m., the session was resumed, with the Senate President, presiding.

The President. The session is resumed.

The Majority Floor Leader is recognized.

Senator Guingona. Mr. President, we are still in the period of interpellations.

Senator Pimentel. Mr. President.

The President. Senator Pimentel is recognized.

Senator Pimentel. Will His Honor please accommodate a few questions?

Senator Gonzales. Gladly, Mr. President.

Senator Pimentel. Mr. President, during the interpellation that was done by Senator Guingona, he brought out the issue of the distribution, I think, of election returns to be supplied only to the dominant political party and the opposition.

Senator Gonzales. Under this bill, that is correct, Mr. President. Both appointment of official watchers to authenticate the returns, as well as the receipt of copies of the election returns, are limited to the ruling coalition or the ruling party, as the case maybe, and the dominant opposition. He has a proposal that the election returns be prepared in 12 copies, so that, at least, five political parties will be furnished copies of the electoral returns.

In principle, I have really no objection to that, except that it has been pointed to us by the COMELEC that there has been no developed technology here that would provide for something more than seven. Iyon lamang, magkaroon ng pitong halos hindi na mabasa iyong pampitong kopya. If we can overcome it--well, personally, I have no objection to it, Mr. President.

Senator Pimentel. Thank you for that observation, Mr. President. I think we can provide some definitive criteria so that the distribution of these election returns and even the right to authenticate will not just be done on an arbitrary basis. I was thinking, for example, of making it a requisite for a political party or a political ag-groupment to receive copies of the election returns or to have the right to authenticate the ballots.

Are we talking of the authentication of the ballot boxes, Mr. President, or the ballots?

Senator Gonzales. There are two things here, where there will be party participation. Of course, as a party, it is already entitled to a watcher. What is important is the so-called official watcher who would authenticate with their signature and thumb mark, the election returns. Another is, receiving copies of the election returns themselves; and, another is, receiving copies of the certificates of canvass. Those are the three major steps in the electoral process which should ought to concern the political parties, Mr. President.

Senator Pimentel. The criteria that I was referring to, I would suggest, should be the fact that a political party or a political group received not less than 5 percent of the vote at the last elections. In other words, there should be a qualifying percentage of votes received by that political party in order to be entitled to these rights.

Senator Gonzales. In short, the Gentleman is telling

us that any political party which obtained at least 5 percent of the total number of votes cast in the last election shall be entitled to the appointment of official watchers and to receive copies of the election returns.

Ang sabi ko nga, ang difficulty ay na sa atin po, because we did not present candidates as such. We were part of a coalition. Then GAD, KBL fielded a separate ticket. I do not know whether the Nacionalista Party fielded also a separate ticket. But, at any rate, ang magiging problema po ay iyong ruling coalition.

Senator Pimentel. Even in the ruling coalition, Mr. President, I think several of us ran with a definite political party. It is easy enough to check that on the basis of the records of the Commission on Elections. In that way, I do not foresee more than four political groups being entitled to these documents that the Gentleman is speaking of, Mr. President.

Senator Gonzales. That is worth exploring. We have got to consult COMELEC kung ano talaga ang tamang percentage of the votes cast, because we can also determine it through the number of the elected officers.

Senator Pimentel. That is correct, Mr. President.

Senator Gonzales. This is as good a time as any because right now, I am crafting an amendment in the determination of these political parties. So, these suggestions are indeed timely, Mr. President, because the bill itself does not provide for the criteria in determining which is the ruling coalition or party, as well as the dominant opposition party.

Senator Pimentel. Yes, Mr. President. The reason we are pushing for this proposed amendment is the fact that the Constitution itself recognizes and even urges, I think, a multi-party setup in this country. So, if a law of the kind that the Gentleman is sponsoring would tend to restrict the implementation of that constitutional provision, we are afraid that we are, probably, straitjacketing that provision so that only two groups can come out as viable political parties in this exercise.

Senator Gonzales. Actually, Mr. President, this provision regarding the ruling party and dominant opposition party is merely a carryover--

Senator Pimentel. That is true, Mr. President.

Senator Gonzales. --of the 1984, which worked in 1987 but probably may no longer be relevant as far as the 1992 election is concerned. The coalition had already broken up, and component political parties, in all likelihood, will field separate tickets. So, we have to provide for an equitable way.

The President. We used the term "ruling coalition" for the 1988 elections.

Senator Gonzales. That is right, Mr. President.

The President. We did not reproduce that same term in this bill. What will be the ruling party in light of the admitted fact that the President does not belong to any party?

Senator Gonzales. Mr. President, in fact, until this matter has been raised by Senator Pimentel, I was thinking of adopting the guidelines which I have proposed in crafting the bill, Senate Bill No. 1777. Senator Pimentel is suggesting some other criteria and, probably, we might be able to integrate them and arrive at a solution that will be acceptable, because, to him, it will be the number of votes received by a political party nationwide in the preceding election. I do not know what preceding election. Would it be 1988 or 1987?

Senator Pimentel. I suppose that the best criteria would be the 1987 for purposes of the nationally elected officials, and 1988 for purposes of the locally elected ones.

Senator Gonzales. There will be two sets, Mr. President.

Senator Pimentel. We can refine the concept, Mr. President. We may have only one, but the idea is to have a--

Senator Gonzales. As I have said, Mr. President, probably, we will have to seek the help of the COMELEC to put this concept into concrete form and proceed on that basis. Five percent might be 10 percent, if there are too many of them.

Ang importante ay: Ano po ba ang tinatarget nating number of these parties, because we are limited by the practical realities? Are there sufficient spaces para mapirmahan ng official watchers ang returns? Do we have the chemically treated papers which are available locally, so that there will be more than the seven copies of election returns required to be prepared?

We want to strike a figure that will be, more or less, reasonable, Mr. President.

Senator Pimentel. Mr. President, I was listening to the Gentleman's comments during the break about the number of councilors and the number of board members who will now be distributed among the various districts of a given constituency.

I would like to point out, Mr. President, that I agree with the Gentleman's observation that it would be very difficult, to say the least, to reduce the number of councilors, let us say, of one municipality and also the number of board members of a given province.

As of now, Mr. President, the elective members of a municipality with the lowest classification and a province of the lowest classification also, is eight councilors and eight board members. The higher classification would go up to ten. There are special provinces or cities which have more than that number.

Senator Gonzales. Yes, Mr. President.

Senator Pimentel. In the Local Government Code, Mr. President, we have tried to--well, for lack of a better term--"rationalize" the number of the elective local government councilors and board members by requiring that the sectoral representatives--whom we have identified, by the way, as the women sectoral representative, the labor sectoral representative who can either be industrial or agricultural in appropriate situations, and one other sector which can be the fishermen's sector, the urban poor, et cetera--would now be included as part of the regularly elected members of the sanggunian.

So, every political party--this was under the proposed Code that I am talking about, Mr. President--would be compelled to field a slate of, let us say, ten councilors. But three of the ten will be sectoral representatives.

Under our present predicament, Mr. President, I really find it quite difficult how to proceed along that line. But, I suppose, we will have to strike a compromise here somehow, so that the provisions of the Local Government Code will not necessarily contradict the provisions of this bill under consideration.

Senator Gonzales. In fact, I have always believed in that, Mr. President, in order to obviate the possibility that we are now passing this law, and then the following month, we are passing a law which provides differently.

Not only that, Mr. President. I can also see the Gentleman's problem when it comes to sectoral representatives who are to be voted for. Sino po ba ang boboto sa kanila, ang kanilang sektor lamang?

I think if they are truly representative of the sector, then it is only right that only those who belong to that sector should be allowed to vote. Kung hindi, wala po silang pagkakaiba roon sa regularly elected by the general electorate. Mahirap po talaga iyon. Iniisip po natin kung paano magagawa iyon.

In the Constitution, they found it necessary only to have them appointed.

Senator Pimentel. Yes.

Senator Gonzales. But, basically, I am against the appointment of any member of a representative body because, to me, the moment we do it, we dilute already the representative character of a legislative body by making appointments thereto.

Senator Pimentel. Not only that, Mr. President. The appointment of sectoral representatives can destroy the political balance or equilibrium in a given legislative body.

Senator Gonzales. Yes, as decided by the people in the election. That is correct, Mr. President.

Senator Pimentel. We can have an even number of councilors coming from the opposition and the dominant parties, for example, and the appointment of additional members can tilt the balance in favor or against either of the two.

Senator Gonzales. That is correct, Mr. President.

Senator Pimentel. Then, Mr. President, the sad fact also is that, the appointive representatives of the sectors are really considered second-class members of that deliberative body.

This is not a secret, by the way. This is common knowledge, Mr. President. This is true, not only in the Congress of the Philippines, but in other sanggunians throughout the Nation.

So, we were really confronted with this problem; yet, we cannot do without the sectoral representation because that is provided for by the Constitution.

Senator Gonzales. That is correct, Mr. President.

Senator Pimentel. Mr. President, perhaps, at the proper time--it is already seven o'clock--we will probably come up with some formula which can, somehow, accommodate all our concerns on this issue.

Senator Pimentel. Thank you, Mr. President.

Senator Gonzales. Thank you.

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

Senator Maceda. Just one point, Mr. President.

I realize the fact that it would be difficult to give a copy of the election returns to all candidates. I was wondering whether we can devise a form where a presidential or a vice-presidential candidate, upon request of his duly authorized watcher, would be entitled to receive, and the COMELEC can prepare the form. Maybe, it will just be half of a coupon bond sheet, printed.

A presidential or a vice-presidential candidate, upon request of his watcher, will get a statement of the number of votes that he got in that precinct. So, all that the Chairman has to fill up is: "Jovito Salonga, precinct no. -- 1,100 votes."

That will give an additional protection, at least, be-

cause we know the number of votes obtained, kung kaya hindi mababawasan iyong boto.

Senator Gonzales. Yes.

Senator Maceda. The seriousness of a presidential candidate will be circumscribed or assured by the fact that if one is a serious presidential candidate, he has a watcher in that precinct. The nuisance presidential candidates will not really be able to appoint a watcher in every precinct.

Senator Gonzales. In my answer to Senator Guingona, this is already provided for in the Omnibus Election Code. They call it the "Certificate of Votes." It is issued upon request of the representative of the political party or each watcher after the preparation of the returns. The votes of the candidates in that precinct are stated in figures, as well as in words, opposite their names, and to be signed by the chairman and all the members of the Board of Election Inspectors.

Senator Maceda. That will be the complete form?

Senator Gonzales. Hindi po. Kung tawagin po lamang ay certificate of votes. It is actually in a separate form that has already been prepared by the COMELEC.

Senator Maceda. Opo, pero isusulat ninyo doon ang statement of votes of all the candidates.

Senator Gonzales. Yes, ilalagay doon.

Senator Maceda. I am even simplifying it. To begin with, if I were a presidential or a vice-presidential candidate--para itong quick count--mayroon kaagad a statement of the number of votes that I got in that precinct.

Senator Gonzales. Yes.

Mr. President, simplified po ang Certificate of Votes. Ganiyan po iyong concept na sinasabi ninyo.

Senator Maceda. Pero lahat po ng kandidatong Presidente, Bise-Presidente, Senador, Kongresista...

Senator Gonzales. No. Kung interesado lamang

kayo sa mayor, iyong dalawang kandidato lamang para sa mayor.

Gusto nga po ng Board of Inspectors iyon, dahil magiging simple ang kanilang trabaho.

Senator Maceda. Opo.

Senator Gonzales. Tama po iyon, because it serves a very practical purpose. First, it gives us already, kung makukuha ninyong lahat, a state of the polls. Pagkatakapos, dala po ito ng inyong watcher during the canvass. At kapag binago iyong binasang figure in the returns kaysa roon sa Certificate of Votes, then we are already placed at notice, that something has been tampered. We can now start from there, and we can already take whatever legal recourse as provided for in the law.

Senator Maceda. So what the Gentleman is saying is, even without putting it in this law, this is already available?

Senator Gonzales. Opo, mayroon na po.

Senator Maceda. We will take a look at the existing provision and see how it could be adopted or improved.

Thank you.

Senator Gonzales. Thank you.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1861

Senator Guingona. Mr. President, I move that we suspend consideration of Senate Bill No. 1861.

The President. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Gonzales. Mr. President.

The President. Senator Gonzales is recognized.

Senator Gonzales. May I make a request or a plea to my Colleagues in this Body, not only because of the urgency of this matter, but also because many of the interpellations can be taken up during the period of

way. I would assume that the relationship continued, and Thailand is contented with what has happened after the American withdrawal.

The President. In fact, an American security assistance to Thailand continued.

In the case of other countries in our region, let us say, Thailand, Malaysia, and Indonesia, does the Gentleman know whether the foreign investors have stopped going there simply because there are no bases?

Senator Aquino. Definitely not, Mr. President. As a matter of fact, they are precisely flocking to these countries, especially Thailand today, Indonesia, and Malaysia.

The President. Ano po ang ibig sabihin ni Mr. Schrager noong sabihin niya na kung hindi natin aaprobahan ang Treaty ay mawawala ang status natin, ang mga privilege natin.

Senator Aquino. Iyon po ang mga kasama, sa tingin ko, sa pananakot. Iyan ang mga pananakot. At marami sa ating mga kababayan ay natatakot nga. Kaya ang gusto kong sabihin sa ating mga kababayan, asahan ninyong tatakutin tayo. Asahan ninyong gagamitin pa ang ibang sektor par takutin tayo. Kung hindi business, baka military, baka kung anu-ano pang gagamitin para takutin tayo.

The President. Pero iba naman iyong sinasabi ni Mr. Armitage hindi raw nangangahulugan iyon na kung hindi natin pagtitibayin ang kasunduan ay wala na tayong maaasahan sa Amerika. Hindi raw totoo iyon. Sino ang ating paniniwalaan?

Senator Aquino. Diyan na nga po ako, kung minsan, may duda kung sino ang paniniwalaan. At kung minsan, depende iyan sa sinasabi. Ipagpalagay natin na itong disarmament, strategic arms limitation, strategic arms reduction, at kung anu-ano pang mga reduction--iyon pong mga base ay hindi yata kasama sa reduction. Pero alam naman natin, ang mga base ay kasangkapan sa giyera. Mukhang hindi iyon nakakasama sa reduction of military forces.

Kung nais natin ng kapayapaan, sana ay ipagtulakan

natin, ipagdiinan natin ang kapayapaan ng buong mundo at ng ating rehiyon.

The President. All right. Are there any other questions? [*Silence*]

Senator Aquino. Thank you, Mr. President.

SUSPENSION OF THE SESSION

The President. Shall we have our usual break, if there is no objection? [*There was none.*]

It was 5:30 p.m.

RESUMPTION OF THE SESSION

At 6:14 p.m., the session was resumed.

The President. The session is resumed.

BILL ON SECOND READING Senate Bill No. 1861--Synchronized Elections on May 11, 1992 (Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 1861 as reported out under Committee Report No. 1373.

The President. Resumption of consideration of Senate Bill No. 1861 is now in order.

Senator Guingona. Mr. President, we are still in the period of interpellations. I ask that we recognize Senator Gonzales.

The President. Senator Gonzales is recognized.

Senator Gonzales. Mr. President, the parliamentary situation is that we are still in the period of interpellations. If there are no other interpellations--I think Senator Laurel would want to interpellate.

The President. Senator Laurel is recognized.

SUSPENSION OF THE SESSION

Senator Laurel. Mr. President, may I just ask for a

few minutes suspension of the session to be able to look into my papers.

The President. Is there any objection? [*Silence*] Hearing none, the session is suspended for a few minutes.

It was 6:16 p.m.

RESUMPTION OF THE SESSION

At 6:22 p.m., the session was resumed.

The President. The session is resumed.

Before the questions of Senator Laurel, the Chair would like to know the procedure of the canvass of the election returns according to this bill.

Senator Gonzales. Mr. President, under Section 23, the boards of election inspectors are required to prepare in handwriting and sign the election returns in their respective polling places in septuplicate and in the form to be prescribed and provided by the Commission on Elections.

The copies of the election returns are to be distributed as follows:

(A) In the election of President, Vice-President, Senators and Members of the House of Representatives:

(1) The first copy shall be delivered to the President of the Senate;

(2) The second copy, to the Commission on Elections;

(3) The third copy, to the provincial/city/district board of canvassers for use in the canvass of returns for Members of the House of Representatives;

(4) The fourth copy, to be known as advance election returns, to the city/municipal treasurer who, in the presence of the election registrar or his authorized representative, shall immediately and publicly open the same and post the votes received by each candidate in an election tally board, sufficiently large to enable the public to read them, installed in a public place, preferably within the immediate

vicinity of the city hall or municipal building;

(5) The fifth copy shall be deposited inside the compartment of the ballot box for valid ballots;

(6) The sixth copy shall be delivered to the representative of the ruling party; and

(7) The seventh copy, to the representative of the dominant opposition party.

Mr. President, the first copy, which is to be delivered to the President of the Senate, will not be canvassed because they are merely sent to the Senate for purposes of verification or comparison during the canvass, which shall be undertaken by the Congress when it convenes as a National Board of Canvassers.

It is the third copy which is to be sent to the provincial/city or board of canvassers which shall be used in the canvass of the returns for Members of the House of Representatives.

As far as the election of local officials is concerned, Mr. President:

1. The first copy shall be delivered to the City/Municipal Board of Canvassers for use in the city/municipal canvass.

2. The second copy to the Commission on Elections.

3. The third copy to the Provincial Board of Canvassers for use in the provincial canvass, except in cities/municipalities that do not participate in the election of provincial officials, in which case, the copies of the election returns shall be kept by the election registrars concerned.

4. The fourth copy, to be known as the advance election returns, to the city/municipal treasurer, to be used in posting the results of the local elections in the same manner as provided in paragraph (a), subparagraph 4 hereof.

5. The fifth copy shall be deposited inside the compartment of the ballot box for valid ballots.

6. The sixth copy shall be delivered to the represen-

tative of the ruling party.

7. The seventh copy to the representative of the dominant opposition party.

We will observe, Mr. President, that there are two sets of election returns to be prepared by the Board of Election Inspectors.

The first set of election returns is for national officials.

The second set is for the local elective officials.

So, here, Mr. President, the first copy of the second set of the election returns for the election of local officials will be the ones delivered to the city or municipal board of canvassers for use in the city and municipal canvass.

Then, the third copy to the provincial board of canvassers for use in the provincial canvass. That is in the canvass of the election for the provincial elective officers, Mr. President.

Then, under Section 24, the provincial, city and district board of canvassers, to canvass the election returns for President, Vice-President, Senators and Members of the House of Representatives.

Here, it is said that the election returns of the precincts for the position of President, Vice-President, Senators and Members of the House of Representatives shall be canvassed by the provincial board of canvassers, city board of canvassers, in the case of cities, comprising one or more legislative districts, and the district board of canvassers in Metropolitan Manila area.

For President and Vice-President, the Board shall prepare in five copies a certificate of canvass supported by a statement of votes by precinct, received by each candidate, and distributed as follows:

1. The first copy to be transmitted to the President of the Senate. That will be the one used in the canvass of the election for President and Vice-President. This is the so-called certificate of canvass referred to in the Constitution and in all electoral laws, including the Omnibus Election Code.

2. The second copy to the Commission on Elections, the third copy shall be kept by the Chairman of the Board; the fourth copy shall be given to the representative of the ruling party; the fifth copy to the representative of the dominant opposition party.

For the Senators, the Board shall prepare four copies of certificates of canvass likewise supported by statement of votes by precincts received by each candidate and distribute them as follows: The first copy shall be transmitted to the Commission on Elections for canvass of the results of the election for Senators; the second copy to be retained by the Chairman of the Board; the third and the fourth copies are the party copies.

So we will note, Mr. President, that for the election of Senators, it is the Commission on Elections which will be the board of canvassers. But the Board of Canvassers will not use the returns but rather, it will use the certificate of canvass, supported by a statement of votes by precinct which had been prepared by the Board of Canvassers. In short, pagdating po sa COMELEC, hindi po iyong election returns ang gagamitin nila kundi iyong Certificate of Canvass prepared by the provincial/city Board of Canvassers.

For Members of the House of Representatives, the Board shall canvass the election returns of the district and prepare five copies to be distributed as follows: The first copy to the Secretary of the House of Representatives; the second copy shall be transmitted to the Commission on Elections; the third copy shall be given to the winner; the fourth copy shall be posted in a conspicuous place in the provincial capitol; and the fifth copy shall be kept by the Chairman.

Here, there has already been a canvass undertaken by the Provincial Board of Canvassers or by the District Board of Canvassers for every legislative district. They act as the board of canvassers for the election of the Members of the House of Representatives. That is why, magpe-prepare ng tatlong uri ng certificate of canvass. One, certificate of canvass for the election of President and Vice-President; two, certificate of canvass for the election of Senators; and finally, a certificate of canvass for the election of the Members of the House of Representatives. Ganoon po ang canvass under the provisions of this bill.

The President. At the lowest level, the canvassing of elections returns, I assume, will start with the municipal board of canvassers in every municipality.

Senator Gonzales. Yes, Mr. President, that is correct. And in this case, actually, ang returns ang magiging batayan ng canvass by the Municipal Board of Canvassers, and this relates to the canvass of votes in the election of municipal elective officers.

The President. All right. But the canvass will cover all positions. The canvass of the election returns which, I said, will start with the municipal board of canvassers will cover all positions, whether national or local.

Senator Gonzales. Yes, Mr. President, but there will be a canvass on the municipal level, because the COMELEC conducted a hearing on this wherein all the representatives of the major political parties were invited. The unanimous agreement there was that there ought to be a canvass also of national officers at the municipal level para malaman naman ng mga mamamayan sa bayang iyon kung ano ang naging resulta ng eleksiyon, bagama't iyong base ng canvass na talaga for those corresponding positions are otherwise provided for here. Para malaman po ng mga mamamayan sa isang bayan kung sino ang nanalo sa pagka-presidente, sino ba ang nanalo sa pagka-bise presidente, sino ang mga nahalal na mga Senador at mga Congressman?

The President. Then the municipal certificates will go up to the provincial board of canvassers?

Senator Gonzales. It says here that as far as the election of local officials is concerned, the first copy shall be delivered to the city/municipal board of canvassers for use in the city or municipal canvass.

The President. Yes.

Senator Gonzales. Samakatwid, iyon pong mismong returns sa probinsiya ang siyang ipadadala roon at iyong Board of Canvassers in the province will now canvass the results of the provincial elections.

Sa municipality po naman, the Municipal Board of Canvassers.

The President. Yes. But the canvass at the provin-

cial level will be based on the municipal certificates?

Senator Gonzales. Hindi po. It says here that in the election of local officials, the first copy--we are now talking of the returns--shall be delivered to the city/municipal board of canvassers for use in the city or municipal canvass. But note: The third copy to the provincial board of canvassers for use in the provincial canvass.

Kaya, maliwanag po na ang magiging batayan ng canvass by the provincial board of canvassers are the election returns themselves. They are not certificates of canvass.

The President. Dito sa tinanggap kong sulat mula sa Commission on Elections, the one who signed this is Commissioner Regalado Maambong. Ito ang kaniyang sinasabi:

In the bill formulated by the COMELEC, the canvassing of election returns starts with the Municipal Board of Canvassers in every municipality. This covers all the votes of national as well as local candidates.

The municipal certificates will then go up to the provincial board of canvassers which will also prepare their own certificates containing the totality of the votes of each candidate taken from the municipal certificates.

This procedure reached by consensus of the major political parties gives an added assurance that the canvassing in the higher levels for provincial candidates: Senators, Vice-President, and President, will be faster because the Provincial Board of Canvassers will not be canvassing thousands of election returns in a particular province but, instead, only the certificates of canvass, the number of which corresponds to the number of municipalities.

Senator Gonzales. I do not know how Commissioner Regalado reached that conclusion, but it is very plain, Mr. President, in the provision of the bill that the basis of the canvass by the provincial board of canvassers in the election of provincial officials would be the election returns themselves. But I agree that there was a unanimous agreement reached among the leaders of the political parties that there should also be a canvass at the municipal level.

Properly speaking, canvass for the provincial and municipal is to inform only the people of the results of the election in that particular province or municipality. But the official basis of the canvass and the proclamation will be as provided for in this bill, Mr. President.

The President. Maaari po bang ang kopya ng sulat na ito ay ibigay ko sa inyo para pareho ang pagkakaintindihan natin ng COMELEC?

Senator Gonzales. Yes, Mr. President.

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

Senator Maceda. I have been following the debate, and the Maambong formula is definitely different from the present bill.

Senator Gonzales. Right, Mr. President.

Senator Maceda. I would just like to state that I would be in favor, although it would take longer on the provincial level, that the municipal canvass be done for all the election returns, and again, the provincial canvass be done again for all the election returns of the province.

Precisely, in the last 1987 elections, I think that the fraud or the tampering of certain election returns was done very easily by the Provincial Election Registrars, because there was no municipal canvass done for Senators in the last 1987 elections.

The President. Pero dito po, may canvass at the municipal level.

Senator Gonzales. Yes, may canvass.

The President. Right. Kaya, nagkakapareho sila.

Senator Maceda. Hindi po.

The President. Ang pagkakaiba lamang, pagdating doon sa provincial board of canvassers.

Senator Maceda. Canvass the returns again, not only the certificates per municipality.

The President. Doon sila nagkakaiba.

Senator Maceda. Kaya nga po. Ang sinasabi ko, kumporme ako rito sa more detailed procedure of a double canvass of returns. Canvass of return on the municipal level and canvass of the returns on the provincial level.

Senator Gonzales. There is really a canvass at the municipal level, and there is a canvass at the provincial board of canvassers level, but the purposes are different.

Iyong purpose ng municipal canvass ay para malaman ng mga mamamayan kung ano ang resulta ng eleksiyon doon sa bayang iyon. But in the canvass by the provincial board of canvassers, it is for purposes of proclamation. Ipo-proclaim kung sino ang nanalo doon sa mga provincial offices after a canvass of the returns.

Senator Maceda. Opo. But, for purposes of a double insurance against fraud, hindi po puwedeng magkaiba iyong election return na binilang ng municipal board of canvassers at iyong election returns na binilang ng provincial board of canvassers.

Senator Gonzales. Tama po si Senator Maceda. In that respect that will already be a double check. Pagka nagkaiba iyong canvass, then they put up notice na may nagkalukuhan dito or there have been mistakes or machinations that have been made, and that the parties now will be put on alert and will take whatever remedial measures are provided for by law.

Senator Guingona. Mr. President.

The President. Senator Guingona is recognized.

Senator Guingona. Yes, Mr. President. From the answers of the distinguished Sponsor yesterday, mukhang ang batayan ay iyong provincial returns and not the municipal.

Senator Gonzales. Batayan ng alin po?

Senator Guingona. Sa canvassing for the national.

Senator Gonzales. The canvass for the election of Senators can be done by the COMELEC, hindi na po ng

election returns but on the basis of certificates of canvass prepared by the board of canvassers. Iyon ding canvassing President and Vice-President by Congress will not be on the basis of the returns, but on the certificate of canvass prepared and authenticated by the provincial or city board of canvassers. Kaya lamang, it should be supported by a statement of the count of votes.

Second, added guarantee. Lahat ng first copy of the election return for the election of President and Vice-President shall be transmitted to the President of the Senate and shall remain in his custody to be used for purposes of verification and comparison in the event that during the canvass by Congress, may mga pagkakaiba o apparent falsification.

Senator Guingona. I would just like to get the enlightenment kung bakit walang pagkakataong magkaroon ng discrepancy iyong municipal at iyong provincial canvass.

Senator Gonzales. If we really follow the law, theoretically, there ought not be any difference between the two, because they are supposed to be copies of the same set of election returns.

Senator Guingona. But if there is a discrepancy, which one will prevail?

Senator Gonzales. Kaya mayroon tayong provision of the law about that. If they are both authentic copies of the same election return, judicial proceeding iyan. Pero kung, halimbawa, ito ay result of apparent tamperings, which are apparent on the face, then ordinarily what the board of canvassers will do is to get all available copies of the election returns for that particular precinct. Then, through process of comparison, malalaman nila kung itong lima o anim na kopya ay pare-pareho, at ito lamang may tampering ang naiiba.

The COMELEC now will authorize the board of canvassers to use a clean copy, maaaring COMELEC copy. There are even cases wherein the COMELEC had authorized the opening of ballot boxes for the specific and limited purpose of retrieving the election returns for comparison purposes, when the occasion arises, Mr. President.

Senator Guingona. Before proclamation.

Senator Gonzales. Before proclamation.

Senator Guingona. As we asked yesterday, of the seven copies, duplicate originals, the provincial copy will be the basis in case of discrepancy, in the election of President.

Senator Gonzales. I was trying to explain that under this law, there are two sets of election returns to be prepared by the board of election inspectors: one for the election of national officials and one for the election of the local officials. As far as the election for President and Vice-President is concerned, the first copy will be transmitted to the President of the Senate for the purpose I have already explained. But for local officials, iba po ang distribution. Ang distribution nga po ay katulad ng sinasabi rito:

The first copy shall be delivered to the city/ municipal board of canvassers for use in the city/ municipal canvass.

Dalawa po ang returns. Ito po ang second set. That is the set of election returns for local officials.

Senator Guingona. Is that from the province?

Senator Gonzales. For the province, the third copy, to the provincial board of canvassers for use in the provincial canvass. Kaya, iyong canvass ng provincial board of canvassers will be based on the returns, not merely on a certificate of canvass prepared at the municipal level.

Senator Guingona. May I just be enlightened. Ito pong returns will come from each precinct.

Senator Gonzales. That is right. It is the one that is prepared by the board of election inspectors.

Senator Guingona. They all come from municipalities, originally.

Senator Gonzales. Yes, Mr. President.

Senator Guingona. And the municipalities, they

send to the province.

Senator Gonzales. Hindi po. May mga kopya po. Ang unang kopya ay ipaadala sa municipal board of canvassers. Iyon po ang gagamitin sa canvass of the municipal officials. Iyong third copy, to be sent to the provincial board of canvassers for use in the provincial canvass, meaning, in the canvass of the results of the election for provincial elective officials.

Senator Guingona. I see. So that there is very little likelihood that there will be discrepancy.

Senator Gonzales. Kung masipag lamang kayong mag-check at mag-countercheck, madi-discover ninyo agad kung kayo ay dinadaya. Alam ninyo agad kung saan kayo dinadaya. Ang hirap nito, pag natalo na, wala na, give up na agad. Bihirang-bihira iyong "tumututok" dito sa mga proceedings.

Senator Guingona. Since the returns start from the municipal level, can we not use the municipal returns as the basis for the canvass?

Senator Gonzales. Ang mabigat po roon, tatapusin muna ninyo ang municipal canvass at saka pa ninyo ipaadala ito sa provincial board of canvassers. Sometimes, when there are challenges on the genuineness and authenticity of an election return, it will take a long time. At saka pa lamang ninyo ipaadala roon sa provincial board of canvassers. That will cause a delay. Kaya mas magaling na nga iyong magkaroon ng separate copy of the returns na ipaadala sa provincial board of canvassers so that immediately, there will be a canvass of the results of the election for provincial officials.

Senator Guingona. My only worry is, in case of discrepancy, which one will be made the basis?

Senator Gonzales. The Omnibus Election Code provides specific rules with respect thereto.

Senator Guingona. Thank you, Mr. President.

The President. All right. Let us ask Senator Laurel. He wanted to ask questions. Ang hangad ko lamang ay huwag magkaroon ng hidwaan sa pagitan ng interpretasyon ng COMELEC at ng ating interpretasyon.

Senator Gonzales. Opo. Ang pinagbasehan ko po lamang noon ay iyon ngang pinag-usapan ng mga heads of the parties, sapagkat hindi ako nagpunta roon. But I gave the stand of the LDP, that there should also be a canvass on the municipal level. Lahat po naman ng partido. Of course, we owe it to our people in the towns na malaman din nila kung ano ang resulta ng national elections.

The President. All right. Senator Laurel.

Senator Laurel. Mr. President, in view of the lateness of the hour, I shall confine myself to a few questions, reserving my right to pursue further the other questions that I would like to ask at a later date.

Mr. President, I am just curious about Section 3, "Term of Office." It is very minor, but, perhaps, there is something omitted here, whether by accident or oversight.

We have on page 2, line 9, a provision to the effect that "no Vice-President shall serve for more than two successive terms," followed by "no Senator...not more than two consecutive terms," et cetera, and then "the Members of the House to serve for not more than three consecutive terms." The President is not mentioned.

Can the Gentleman kindly tell us why, Mr. President?

Senator Gonzales. Mr. President, the term was bodily lifted from Republic Act No. 7056 which, in turn, we found it necessary to incorporate in that bill, because we defined synchronization as a process. Magsisimula sa 1992 at pagkatapos ay magiging complete by 1995.

So, it was important to determine the terms of office to see how the synchronization will operate. Ito po ay kinopya rin nila dito sa bill, but we intentionally omitted the term of the President because that is already provided for by the Constitution. It is debatable. Hahaba po ang debate kung ilalagay natin ang "whether or not the President elected under this Constitution can run for reelection or no reelection." So, we leave it to the provisions of the Constitution, Mr. President, as it ought to be. We bodily lifted the other terms from the Constitution.

Senator Laurel. So, does this bill adhere to the proposition that the President may run for reelection under the present Constitution?

Senator Gonzales. Ayaw ko pong makipag-debate sa puntong iyon. Makakahaba po lamang ito dahil hindi naman kailangan dito sa bill. But the Gentleman recognizes the fact that there are some who think that--in fact, the Gentleman talked to some Constitutional Commissioners. Ang sabi po ng Author ng provision na ito, iyon daw ang purpose nila, why they say the "President elected under this Constitution." Kaya raw nila inilagay iyong "elected under this Constitution" is to allow the incumbent President now to be eligible for election.

Pero ayaw na naming pagdebatihan iyon sapagkat baka makapagtagal lamang sa bill na ito. So, we left it to the Constitution, and let any party question it when there is a proper case, Mr. President.

But, apparently, it is moot and academic because the President has already publicly said her farewell as an indication that she will not stand for another term.

Senator Laurel. But that is not at all certain. We cannot say that that decision of the incumbent President is fixed or not subject to change. In other words, this was intentional.

Senator Gonzales. This was to preclude involving ourselves in a debate of constitutional dimensions, Mr. President.

Senator Laurel. Going now to page 5, starting from line 3 to line 6. It says, and I read:

However, the foregoing campaign period shall not include the day before and the day of the election itself, Maundy Thursday and Good Friday, during which days campaigning is absolutely prohibited.

Senator Gonzales. That is correct, Mr. President.

Senator Laurel. I can understand the reason for that since those days, particularly Maundy Thursday and Good Friday, are sacred days for us Christians. But here, this law applies also to the Muslims, does it not? I do not know that we can prohibit the Muslims who do not be-

lieve in these days of observance to require them not to campaign.

Senator Gonzales. Mr. President, we just enact a law that has a valid reason, and it, somehow, may apply unequally in specific cases, because sometimes that cannot be avoided. In this particular case, that situation apparently has come up.

May I say, Mr. President, na ang probisyong ito ay reiteration lamang. Re-enactment lamang ito ng old Election Codes.

Senator Laurel. I understand that, Mr. President. But what I thought is, perhaps, it is time for us to correct the provision here.

Senator Gonzales. Baka naman pag ginawa natin iyon ay umiksi ang campaign period for the Muslims at humaba para sa mga Kristiyano.

Senator Laurel. Ganoon po ba?

Senator Gonzales. Opo.

Senator Laurel. Maybe, this is something that our Senators from Mindanao would be in a better position to consider and comment on.

Senator Gonzales. Siguro, puwede pong gawin na "Except with respect to Muslim candidates." Pero, iyon nga ang sinasabi ko, na iiksi ang kanilang campaign period because Maundy Thursday and Good Friday will be included in the computation of the campaign period. The idea is to exclude them, sapagkat hindi kayo makakampanya during those days.

Senator Laurel. My point is, I do not know that we should make a statement here applicable to non-Christians which they certainly do not feel obliged to observe. That is out of respect for their respective independent and separate religion.

Senator Gonzales. Unless there is really an expression of desire on their part, Mr. President, I think it is better that we adopt a uniform law, although they are not obliged. Hindi naman sinasabi na they must celebrate or they must revere, or they must respect or worship during

Maundy Thursday and Good Friday. Ang sinasabi lamang, for reasons of the fact that most Filipinos consider these days holy, whether Christian or Non-Christian, then there ought not to be any campaigning. Iyon po lamang ang sinasabi rito. But we are not required to do any religious act.

Senator Laurel. Mr. President, I will defer that for the proper time, when the time for amendments comes up.

I yield, Mr. President, to the Senator from Sulu.

Senator Rasul. Mr. President, the point raised by the distinguished Senator from Batangas is well-taken. If Maundy Thursday and Good Friday are holidays for Christians, I see no reason why the Muslims should be bound by these holidays, since these are not holidays for the Muslims.

So if they so decide not to campaign on that day, why should they prohibit the Muslims from campaigning on Maundy Thursday and Good Friday?

Senator Gonzales. Mr. President, that actually subtracts nothing from them because they are prohibited but they are not included in reckoning or counting of the campaign period. So, nothing is lost.

Senator Laurel. So, why do we place it here when it does not apply anyhow or should not be made to apply to non-Christians?

Senator Gonzales. Because, as the Gentleman knows, our role in the Legislature is to enact a law that seems to be universal. It might happen that in some particular cases, it may not apply equally or in full force, but we cannot cover any possible contingency.

Senator Laurel. Then, Mr. President, I will just leave the matter at that, and leave it also to our Senators from Mindanao.

Senator Rasul. Mr. President, will the distinguished Senator clarify this point: Suppose the Muslim candidate will campaign among his Muslim brethren, will he be prohibited from doing so? He will not be campaigning in a Christian community.

Senator Gonzales. In short, we are merely defining the campaign period. Sinasabi lamang natin na in two days, we are prohibited from campaigning, but our campaign period remains.

Senator Laurel. Pero nakalagay po rito: "which days, campaigning is absolutely prohibited." Then there is a provision here on penalties.

Senator Gonzales. Yes, that is right, Mr. President. Sinabi natin na 60 days ang campaign period. Pero sa pagbilang ng 60, hindi natin isasama iyong dalawang araw na iyon na ipinagbabawal ang pagkampanya. Can we not do that, Mr. President?

Senator Laurel. Ipinagbabawal nga po. The campaigning is absolutely prohibited.

Senator Gonzales. Yes, that is right. Pero iyong campaign period ay nananatili.

Senator Rasul. Mr. President, during the period of amendments, puwede bang i-amend iyon, instead of 60 days, sabihin na lamang natin 62 days. Those who do not want to campaign on Thursday and Friday, okay sa kanila. Pero iyong mga Muslims, puwede na silang mag-campaign.

The idea there is to include the two days to make it 62 days.

Senator Gonzales. Mahirap po naman iyang mga split-level treatment of the law. At any rate, hindi pa naman po ito ang panahon. We will have time and opportunity to amply discuss it when the period of amendments comes.

Senator Rasul. Mr. President, during the period of amendments, maybe I will introduce an amendment that will exempt Muslims or non-Christians from this prohibition.

Senator Gonzales. Let us hear that amendment later on. I trust that the collective judgment of this Body will make a ruling on it, Mr. President.

The President. The Majority Floor Leader.

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1861

Senator Guingona. Mr. President, I move that we suspend consideration of this measure.

The President. Is there any objection? [*Silence*] Hearing none, the motion is approved.

MOTION OF SENATOR GUINGONA
(Ratification of Approval of House Bill No. 27877)

Senator Guingona. Mr. President, due to a slight oversight, I move that we ratify the earlier approval of the Conference Committee Report on the disagreeing provisions of House Bill No. 27877, granting franchise to Progressive Broadcasting Corporation.

The Report was approved with oversight that we have not formally named the panel representing the Senate, Mr. President. So, I move that we correct that by

ratifying the approval previously given.

The President. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Guingona. Mr. President, tomorrow, we will take up the Postal Delivery Corporation; the Fisheries Code; Protection Against Child Abuse; Incentive to Contractors; People's Television Network and the Satellite Paging System.

SUSPENSION OF THE SESSION

I move that we suspend the session until nine o'clock tomorrow morning.

The President. The session is suspended until nine o'clock tomorrow morning, if there is no objection. [*There was none.*]

It was 7:05 p.m.

umalis. Walang nagawa si Castro. Ganiyan din ang mangyayari sa atin.

Senator Estrada. Kaya, kung magkakaroon ng constitutional crisis, ito po ay kagagawan ng Amerikano?

Senator Tamano. Kagaggawan din po natin dahil lumagda ang Presidente natin sa Treaty at iyong mga Senador ay hindi sumangayon.

Senator Estrada. Karapatan lamang po ng mga Senador iyon dahil sa ilalim ng Saligang Batas, kailangang ratipikahan ng Senado ang Treaty sa pamamagitan ng two-thirds vote. Nasa batas po natin iyan. Kung hindi igagalang ng mga Senador ang Saligang-Batas natin, sino pa ang gagalang dito?

Senator Tamano. Iyan po ang problema. Sapagkat noong tayo ay mag-renegotiate ng Treaty, ang inaasahan ng mga negotiators, ang inaasahan ng Gobyerno ng Amerikano, ang inaasahan ni Presidente Cory Aquino, iyong mga kaibigan niya dito sa Senado, gaya ni Senator Romulo, ni Senator Saguisag, at ng kaniyang bayaw na si Senator Aquino, ay kasama rin ang mga ito sa pagsang-ayon sa Treaty. Hindi nila inaasahan na mare-reject ito sa Senado.

Senator Estrada. Kahanga-hanga po iyong ginawa ng ating kasamang Senador Aquino nang magbigay siya ng statement na bagaman mahal niya ang kaniyang sister-in-law, mas mahal niya ang kaniyang Inang Bayan, kaya po siya ay tumututol dito sa Tratado.

Senator Tamano. Huwag po naman nating sabihin na kaming mga pro-Bases ay hindi nagmamahal sa ating bansa, sapagkat sa aking sarili, sa gulang na 14 lamang, ako ay nag-volunteer sa resistance movement, at saka nasubukan ko rin ang pag-aalalay ng aking buhay para sa bayan.

Kaya iyon pong sinasabi na para sa Inang Bayan ang ating ginagawa, pareho rin iyan. Iyong pro-Bases at saka anti-Bases, ang kanilang inisip ay ang Inang Bayan.

Senator Estrada. Salamat po, Ginoong Pangulo.

The President Pro Tempore. The Majority Floor Leader is recognized.

**MOTION OF SENATOR GUINGONA
(Referral of Senator Tamano's Speech to the
Foreign Relations Committee)**

Senator Guingona. Mr. President, I move that we refer the speech of the Distinguished Gentleman to the Committee on Foreign Relations.

The President Pro Tempore. Is there any objection? [*Silence*] Hearing none, the motion is approved.

**BILL ON SECOND READING
Senate Bill No. 1861-Synchronized Elections
(Continuation)**

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 1861, as reported out under Committee Report No. 1373.

The President Pro Tempore. Resumption of the consideration of the bill is now in order.

Senator Guingona. Mr. President, I ask that we recognize Senator Gonzales.

The President Pro Tempore. Senator Gonzales is recognized.

Senator Gonzales. Mr. President, yesterday, we have received several proposed amendments from the Commission on Elections to the original bill, which they had submitted to the Members of the Bicameral Conference Committee and became the basis of the bills which had been filed both in the Senate and the House of Representatives.

There have been some basic changes therein, Mr. President, especially insofar as the canvass of the returns of the election and the proclamation of each result.

Now, we feel that it would be better if we prepare already an amended or a modified bill that would incorporate all of these new or different provisions so that, in the course of our interpellations, we will be answering the questions arising from the bill in accordance with the new provisions, and not in accordance with the bill as originally filed. We will need some time to do that. I think, by tomorrow, we will be prepared with this new or modified bill.

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1861

Therefore, with the consent of the Majority Floor Leader, may I request that the consideration of Senate Bill No. 1861 be deferred for tomorrow, Mr. President.

Senator Pimentel. Mr. President.

The President Pro Tempore. Senator Pimentel is recognized.

Senator Pimentel. Mr. President, we have no objection to the proposal. However, we would like to request the Gentleman to consider amending also that provision, which would limit the distribution of returns only to the dominant opposition and to the so-called ruling coalition in the light of the realities of our political setup today, where very likely there will be more than one, or, shall we say, the so-called Ruling Coalition might split into several ways, and in order to flesh out the constitutional intent whereby the emergence of more than one dominant party could be justified. We hope that the Gentleman would take that into account.

Senator Gonzales. I have expressed myself as very receptive to the proposal made by Senator Pimentel, in the sense that a political party that had obtained an "X" percent of the total number of votes cast in the 1987 election should be entitled to the appointment of a watcher.

In accordance with my promise to Senator Pimentel, I actually brought up this matter to Chairman Monsod of the Commission on Elections. However, Chairman Monsod said that they are actually limited by technology, in the sense that the most number of copies of the election returns that they can now provide would be seven. And even at that, the sixth and the seventh copies are hardly legible.

We had reiterated this. We asked the same question to Commissioner Yorac, just a few minutes ago before this bill was called. Again, the answer of Commissioner Yorac is that the most number of election returns that they can provide would also be seven. That limits now the number of the political parties or coalition which would be entitled to the appointment of the principal

watchers, two copies of the election returns, and the certificates of canvass.

We have tried to work out a system. However, as we have said, we are limited by technology.

The President Pro Tempore. In other words, is it the position of the Sponsor of the bill that this has to be resolved more minutely, considering the technical problems?

Senator Gonzales. Yes, I think, there might be some remedy now that Commissioner Yorac is here. The number of certificates of canvass are less than seven. Probably, we can bring it up to seven, therefore, increase the number of political parties whose representatives would be entitled to receive a copy of the certificates of canvass.

After all, under this new system that the COMELEC is requesting Congress to adopt, the canvass on the provincial and the city board of canvassers' level will be done not on the basis of the election returns but will be on the basis of the certificates of canvass which will be prepared by the municipal board of canvassers.

The President Pro Tempore. In other words, this suggestion of Senator Pimentel is addressed to the Sponsor.

Senator Gonzales. Yes, Mr. President.

The President Pro Tempore. And this is separate from the request of the Sponsor that the consideration of this bill be deferred.

Senator Gonzales. That is correct; but then, I think, Senator Pimentel has every right to suggest that in the preparation of this modified bill, this concept, which he had introduced in the course of his interpellation, could be included.

The President Pro Tempore. In other words, this is without prejudice to the request of Senator Pimentel.

Senator Gonzales. Yes, Mr. President.

The President Pro Tempore. So, without prejudice

to the request and resolution by the Sponsor, the motion or suggestion of the Sponsor of the bill, if there is no objection, is approved.

The Majority Floor Leader.

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1861

Senator Guingona. I move that we suspend consideration of this measure.

The President Pro Tempore. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Guingona. I move that we consider Committee Report No. 918, the logging ban bill.

We have a distinguished group of visitors from the People's Republic of China. I ask that the Senate recognize the distinguished visitors.

SUSPENSION OF THE SESSION

I move for a suspension of the session.

The President Pro Tempore. In view of the visit with us of the representatives from the National People's Congress of the People's Republic of China, the session is suspended. [*Applause*]

It was 5:5 p.m.

RESUMPTION OF THE SESSION

At 5:59 p.m., the session was resumed, with the Honorable Ernesto M. Maceda, presiding.

The Presiding Officer [Senator Maceda]. The session is resumed.

The Majority Floor Leader is recognized.

Senator Guingona. Mr. President, Senator Alvarez is not here.

BILL ON SECOND READING
Senate Bill No. 76--Organ Donation
(Continuation)

Mr. President, I move that we resume consideration of Senate Bill No. 76 as reported out under Committee Report No. 69.

The Presiding Officer [Senator Maceda]. Resumption of consideration of Senate Bill No. 76 is now in order.

Senator Guingona. Mr. President, we are still in the period of interpellations.

I ask that we recognize Senator Romulo.

May I ask for a minute suspension, Mr. President.

The Presiding Officer [Senator Maceda]. The session is suspended if there is no objection. [*There was none.*]

SUSPENSION OF THE SESSION

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

The Presiding Officer [Senator Maceda]. The session is resumed.

Senator Romulo is recognized.

Senator Romulo. Thank you, Mr. President.

Senator Guingona. We are still in the period of interpellations.

The Presiding Officer [Senator Maceda]. Are there any interpellations? [*Silence*] There being none, we are now in the period of Committee amendments.

Senator Guingona. I ask, Mr. President, that...

Senator Romulo. Yes, Mr. President. I wonder if the bill with the Committee Report has been distributed.

Senator Guingona. In that case, we will cause the distribution of the copies of the bill, hopefully, together

good name of any nation signatory thereto is pledged to what is written in a treaty. I am only trying to say that, sometimes, things that are not written down will also be undertaken provided that a bridge of goodwill is existing between two countries.

Thank you, Mr. President.

Senator Laurel. Thank you also, Mr. President.

The President. Are there any more questions?

The Majority Floor Leader.

MOTION OF SENATOR GUINGONA
(Referral of Laurel's Privilege Speech to the Foreign Affairs Committee)

Senator Guingona. Mr. President, I move that the speech of the distinguished Gentleman from Batangas be referred to the Committee on Foreign Relations.

The President. Is there any objection? [Silence] Hearing none, the motion is approved.

BILL ON SECOND READING
Senate Bill No. 1861 - Synchronized Elections
(Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 1861 on Synchronized Elections.

The President. Resumption of consideration of Senate Bill No. 1861 is now in order.

Senator Guingona. We are in the period of interpellations. I ask that we recognize Senator Gonzales.

The President. Senator Gonzales is recognized.

Senator Gonzales. Mr. President, as the Majority Floor Leader stated, we are now in the period of interpellations. However, last time, we begged permission to suspend consideration of Senate Bill No. 1861 in order to afford us an opportunity to integrate certain amendments and changes, as a result of new formulations, which had been received by our Committee from the Commission

on Elections after the original bill was filed, as well as the suggested amendments of the Senate President, himself, on the basis of studies and recommendations made by former COMELEC Chairman Ramon Felipe, and also of the Committee on Amendments.

We have, accordingly, prepared this modified or new version of Senate Bill No. 1861, and we have furnished copies of this version, marked, revised, as of August 26, 1991, to all the Members of the Committee yesterday and today.

Mr. President, before we proceed to the process of interpellations, may I be permitted to explain the amendments or changes that are now contained and integrated in this modified bill?

May I have the permission of this Body, Mr. President?

The President. Please proceed.

Senator Gonzales. The first amendment that we have introduced is on Section 2 which states:

In accordance with the policy hereinbefore declared, there shall be held an election for President and Vice-President, twenty-four (24) Senators, all elective Members of the House of Representatives, and all provincial, city and municipal elective officials.

The suggestion of the Senate President is that, since we talk of synchronized elections, we must not only provide for the election on May 11, 1992 but also thereafter in order to conform it with the policy statement, which states:

It is the policy of the State to synchronize elections so that there shall be simultaneous regular elections for national and local elective officials once every three (3) years.

That is why the amendment to Section 2 now is the inclusion of "ON THE SECOND MONDAY OF MAY, 1992, AND ON THE SAME DAY EVERY THREE YEARS THEREAFTER EXCEPT THAT WITH RESPECT TO SENATORS ONLY TWELVE (12) SHALL BE ELECTED IN SUBSEQUENT ELECTIONS IN

ACCORDANCE WITH THE NEXT FOLLOWING SECTION.''

Mr. President, the effect of this is that we do not have to pass a new election law every three years. Because this is already provided for in this particular provision. So, in its totality, we will be able to see that it is truly a bill that provides for synchronized elections once every three years.

Now, with respect to Section 4, the election of Members of the *sangguniang panlalawigan*, *sangguniang panlungsod* and *sangguniang bayan* by district, the mechanism for the apportionment remains. But we have a particularly difficult problem which we would want to point out to the Members of this Body.

If we will recall, no less than the Senate President himself had said that this provision should, as much as possible, conform with the pertinent provisions of the Local Government Code. We hate the idea of passing one law that is contrary to or inconsistent with the Local Government Code, in the Bicameral Conference Committee Report which we are supposed to approve in any of the following days.

So, we did really make the necessary studies and consultations. We found that under the Local Government Code, in addition to the elective members, there are three sectoral representatives, who, instead of being appointed, are now to be elected simultaneously with the regular *sangguniang* members by district.

Our difficulty is, these three sectoral representatives are as follows: 1) one for women; 2) one for agricultural or industrial labor; and 3) other sectors including those of the cultural communities.

Now, how are we going to integrate that in the election of the *Sangguniang Bayan* members in 1992? We can consider one thing. We have to elect the three of them at large throughout the municipality. That is very logical. Certainly, a sectoral representative for women is supposed to represent not only the women in a particular council or district but throughout the whole municipality; and so with the sectoral representatives for industrial or agricultural labor or other cultural communities. The difficulties, however, that we encounter herein are:

One, that we will have to add three more names on the ballots because they are now to be added to the elective members of the *Sanggunian* who are to be elected by district.

Two, it would appear that the sectoral representatives would have a far more difficult way of getting elected than the elective members who would be elected only by the registered voters of a district; while, on their part, they are going to be elected at large.

I have consulted Senator Pimentel who is the head of the Senate panel to the Bicameral Conference Committee, and I have permission to put across his suggestion to the effect that, probably, the sectoral representative for women should be elected in addition to the elective councilors in the district where the poblacion is located, considering that most of the women leaders are residing in the poblacion.

The sectoral representative of the agricultural sector will be represented in that district which includes parts of the town or municipality which are predominantly farming or agricultural, probably, the third sectoral representative in the district which deserves greater representation.

My only problem with that, Mr. President, is, first, it will be extremely difficult on the part of the Commission on Elections to designate the districts wherein the sectoral representatives are to be appointed.

Second, it is inconsistent with the idea that as sectoral representatives, they are supposed to represent, not only the members of their sectors in a particular councilor district, but the whole locality.

Apparently, the champion of women in this Chamber, Senator Rasul, had furnished us the solution when she said that she would propose an amendment that all the sectoral representatives will have to be elected at large or throughout the municipality. I think that is very logical, especially if it comes to the very proponent of a sectoral representative for women.

Mr. President, I have here prototypes of the ballots which will be used in the 1992 elections. As we have said, limiting it to not more than 38 would actually pro-

duce a ballot only as long as this. This is definitely not really long. Probably, if there are no insufferable objections on the part of the COMELEC, then, beneath the spaces for councilors here--six spaces, Mr. President--we have to add three additional spaces for sectoral representatives to be denominated for women, for labor, and for other sectors. I think that is the best that we can do under the formulation.

In fact, the proposal of Senator Pimentel is that this requires further studies. Therefore, whatever method we are going to adopt should be for purposes of the 1992 elections in order to afford Congress the opportunity to study in-depth, how this matter of electing the sectoral representatives in the *Sangguniang Bayan* should be elected.

That is the vacuum that is now left in Section 4 of this bill. We hope to fill that during the period of amendments.

An amendment was likewise integrated upon the suggestion of the Senate President, on the matter of the certificate of candidacy appearing on page 7, line 10, that no certificate of candidacy shall be filed or accepted by mail, as originally provided, and as added by this amendment, telegram or fax.

Another amendment may be found in Section 9, lines 19 and 20.

The Felipe Report on Recommendation would want to delete completely Section 9. This was opposed by the COMELEC because COMELEC wants the needed flexibility.

As we have said, one of the conditions *sine qua non* for the holding of a simultaneous election in 1992, is that no precinct should have more than 200 voters. Therefore, it is necessary to give them this power to adjust and split or divide the precincts by territory.

On the other hand, we cannot also ignore the concern expressed by former Chairman Felipe that this might revive a system that was done during the Martial Law regime when the voters were actually transferred from one precinct to another, some of them quite far from each other, thus creating a lot of confusion especially on elec-

tion day and, therefore, resulting in the disenfranchisement of voters.

We consider that a legitimate concern. While we recognize the need for flexibility for the Commission on Elections, then we, however, thought of a safeguard against the anxieties and apprehensions stated by former Chairman Felipe. This may be found now on lines 19 or 20, page 7: "Provided, That the resulting polling places must be in the same building."

Therefore, exile to faraway precincts is thus prevented by this requirement--that if we split an election precinct, the polling places for the precinct which had been split or adjusted should be housed in the same building.

Then, another amendment that has been integrated here upon the proposal of the Senate President may be found on lines 25 and 26 of page 7, to the effect that in the registration day for 18-year-olds and above, the age should be shown by certified copies of their birth certificates or secondary evidence of the same. COMELEC accepts this amendment, and so does your Committee, Mr. President.

Then on page 9, we incorporated this, notwithstanding, because we received the comments of the COMELEC quite late. We thought that this is a very good provision. That is now Section 14, page 9, regarding the National Central File of Voters. This is done through computerization.

The COMELEC admits that this is a good step, and I think the COMELEC is working towards this direction. But what COMELEC is merely saying is that, probably, this should not be included in this law because it is not in a position to put it in place for the 1992 elections; while it says that in the long view, it will actually go to the system of a national central file of voters.

As I have said, the Committee feels that it is a good provision. That is why we integrated it here, but with the comment, that there is an objection on the part of the COMELEC, not because it does not believe in the merit of the provision, but because it feels that it is not in a position to put it in place for the 1992 elections.

Then, Mr. President, with respect to the allowable expenses, we are proposing certain changes. Even while we were sponsoring the original provision of this bill which increased the amount to ₱3.00 that a candidate for President, Vice-President, Senator, and any other office will spend for every voter registered in their national constituencies, we see, however, a distortion.

Probably, the ₱3.00 per voter in a constituency may be good for a candidate for congressman or for provincial, city and municipal offices. But, for those holding national constituencies like the President, the Vice-President and Senators, it might be unduly large. When we go into the arithmetics of this issue, then we will be indeed alarmed by the huge amount that will have to be spent not only by the candidates but also by the political parties.

We recognize that, Mr. President. That is why we propose the following changes: That for candidates for President, Vice-President and Senators, there is no increase. It remains as what is now provided by law--₱1.50 for every voter currently registered in their national constituencies; For candidates for members of the House of Representatives and elective local officials--₱3.00 for every voter currently registered in the constituency where they filed their certificates of candidacy; for political parties, instead of ₱5.00, we have reduced it to ₱3.00 for every voter currently registered in the constituencies where they have official candidates.

We have indicated on the record our sad experience, meaning Senator Saguisag and I, in our attempt to comply with the requirement of the law on submitting a statement of expenditures including the names and addresses of our contributors, we were awakened one morning by frantic calls from our contributors listed in our filed statement to the effect that they had been slapped with the so-called gift tax by the BIR, something which had never been done before, and which every candidate and every contributor was not aware of at the time when the contributions were made. That is why, we thought that certainly a political contribution should not be relegated to the category of an ordinary gift which is really for personal use, but we consider it more as an investment in a representative democracy.

We added now this particular provision, lines 27-32: "THAT ANY PROVISION OF LAW TO THE CON-

TRARY NOTWITHSTANDING ANY CONTRIBUTION IN CASH OR IN KIND TO ANY CANDIDATE OR POLITICAL PARTY OR COALITION OF PARTIES FOR CAMPAIGN PURPOSES SHALL NOT BE SUBJECT TO THE PAYMENT OF ANY GIFT, MEANING DONOR'S OR DONEE'S TAX."

Then, Mr. President, another amendment may be found as far as the official ballots are concerned. This is borne out of the Salonga Amendment on the basis of the recommendations of Mr. Felipe, former Chairman of the COMELEC.

In this particular case, there are objections of the COMELEC, and these are:

1. They are not recommending watermarks which is the main amendment in paragraph 1;

2. That paragraph (B) which says: Any official ballot and election returns without the required watermark shall be wholly null and void *ipso facto* notwithstanding the signature or initial of the chairman, or poll clerk or watcher at the back thereof."

Mr. President, COMELEC has put its official position in a letter addressed to the Senate President through me, which I had delivered to the Senate President. So, the COMELEC's opposition to this provision is stated therein. They feel that if this were to go through, even at the mere counting of the ballot, a watcher of a political party or of a candidate may immediately, at that time, object to the counting of a particular ballot on the ground that it does not bear watermark. That is the whole context of the objection of the COMELEC.

Now, Mr. President, I think COMELEC would want to be given some flexibility in determining the form of the ballot and the contents of the same.

There is also an amendment inserted in Section 24, because Chairman Felipe pointed out in his report to the Senate President that, apparently, three laws are conflicting with each other. He suggested that we indicate what is really the preference of Congress. There is a law that requires that the Chairman and a Poll Clerk must affix their signatures at the back of the ballot. There is another law which says that in addition to that signature, there

must also be a thumbmark.

On the other hand, Section 24 requires merely the Chairman of the board of election inspectors, in the presence of the voter, to affix his signature at the back thereof. Any ballot which is not so authenticated shall be deemed spurious.

Now, in order to clarify this law in the light of the apparent contradictions in the three statutes, then we said: "Section 15 of Republic Act No. 6646 and Section 210 of the Omnibus Election Code are hereby modified or repealed."

The COMELEC says that it is no longer necessary to do so because there is already a general repealing provision, but probably in order to see also the reason for the recommendation of the Senate President, that this be expressly provided in this section.

Now, Section 25, Mr. President, "Manner of Counting of Votes", it says:

In addition to the requirement in the 4th par. of Sec. 12, R.A. 6646 and Sec. 210, Omnibus Election Code, in reading the individual official ballots during the counting, the Chairman shall face the public with his back to the tally board, but the table on which the ballots are laid should be pushed as far forward as possible to provide sufficient space at his back to enable all the watchers to stand close behind him to enable them to read the ballot being read without touching it.

Mr. President, the COMELEC says that this can be done through a matter of administrative rules and regulations. In fact, it is embodied in the COMELEC instructions to the Board of Inspectors. But we would prefer, as suggested by the Senate President, that it be expressly stipulated in the law. Because we cannot close our eyes to experiences in the past wherein the teacher, for one reason or another, would really position herself during the reading of the ballot with her back practically against the tally board and not giving enough or sufficient space for the watchers to read the ballots as they are being read without touching it. Ano pa ang gamit nitong mga watchers if we will not give them the opportunity to observe the reading of the ballots.

So, we had incorporated it, Mr. President, notwithstanding the objections of COMELEC.

As far as the official watchers are concerned, we have taken note of the proposals or suggestions of Senator Pimentel and have taken it up with the Chairman of the Commission on Elections. But, he practically repeated what I have pointed out earlier before this Body. Actually, much as we wish to appoint more official watchers for the party, who will in turn receive copies of the election returns, we are limited by technology in the sense that the chemically treated paper could not exceed seven. There is no way. In fact, Commissioner Yorac came here sometime ago to give her assistance thinking that the bill will be called at that time.

Senator Saguisag and I tried to plead with her. She repeated that more than seven is no longer possible. In fact, they admit that even the sixth and seventh copies of the election returns are hardly legible. Hence, the need now for reiterating the provision of existing laws to the effect that the COMELEC will designate representatives of the official watchers to two political parties, which we denominate as the majority party or coalition and the second, the dominant opposition party or coalition.

Now, who shall determine them? Then, it will be the COMELEC. But then we provide certain standards which we feel leaves the COMELEC not much of a discretion. I think we should frame the standards or criteria in such a manner as to leave the COMELEC practically without discretion on this matter.

And so, what are the criteria?

Number one, the track record of the said parties, coalition or groups that now compose them on the basis of merger, union or consolidated in the 1987 elections.

This 1987 election, Mr. President, came from the COMELEC. We would have both '87 and '88 elections. We do not consider the 1990 barangay elections to be partisan. But, according to them, this would involve hundreds of thousands of track records which they will examine and, probably, millions of votes as a result of the election. That is why they would limit it to the '87 election which is a national one.

Number two, the number of Senators, Members of the House of Representatives, provincial governors and vice-governors, city and municipal mayors and vice-mayors belonging to them.

Again, this is a COMELEC formulation, Mr. President. They do not include the *sangguniang bayan* members as well as the *sangguniang panlungsod* because they feel that this would involve so many candidates and the determination of the political parties to which they belong.

Number three, their verifiable political organization and strength as evidenced by their organized chapter.

Number four, they or their components must have polled at least 10 percent of the votes cast in the 1987 election. These are the old criteria under the law.

Number five, other analogous circumstances that may determine their relative organizations and strengths.

We would welcome further suggestions as to other criteria which may help the COMELEC in making a fair and equitable determination of which political parties are indeed entitled, as a matter of fact and law, to official party watchers. However, we know, and we will explain it later, that probably, one of the most important political documents now are the so-called certificates of canvass. These are very very sensitive because only the board of canvassers at the municipal and city level will base the canvass of the results of the election on the returns.

With respect to the city board of canvassers, the provincial board of canvassers, the COMELEC as well as the Congress, they will base their canvass on the certificates of canvass and not on the election returns.

Now, we notice that there are only five copies. We said that if we can do it with seven, then more political parties will be entitled to receive copies of the certificates of canvass. That is why we included this. The third and the fourth-ranking political parties or coalitions as determined by the Commission in accordance with the above criteria shall be entitled to receive the sixth and seventh copies of the certificates of canvass which shall be in addition to the five copies provided in the next succeeding section.

So, four parties now will receive copies of the certificates of canvass. One, the majority party or coalition; two, the dominant opposition party or coalition; three, the third-ranking; and, four, the fourth-ranking political party in accordance with this established criteria as determined by the COMELEC.

Now, Mr. President, we have Section 27, regarding the number of copies of the election returns and their distribution. I would want to take it together with the canvass.

If we will recall, the Chair actually posed several questions to me in the light of a letter that was sent to him and received by him from Commissioner Maambong wherein he pointed out that the canvass by the city and the provincial board of canvassers shall not be based on the returns, but merely on the certificates of canvass.

For example, in a province with 27 municipalities, the provincial board of canvassers will not canvass the thousands of election returns coming from all the 27 municipalities but instead, will canvass only the 27 certificates of canvass prepared by the municipal board of canvassers of each and every municipality.

I think I answered the Senate President that that is not justified by the language of the bill. I even read the pertinent provision to the effect that the third copy of the election returns shall be forwarded to the provincial board of canvassers for use in the canvass.

So, it was very plain there that the basis of the canvass by the provincial board of canvassers is the election returns, not the certificates of canvass.

Because of that, or probably because COMELEC itself recognized the incongruity of the original bill that they have recommended to Congress, then new formulations were passed on to our Committee. And on the basis now of these new formulations which we integrate in this revised version of Senate Bill No. 1861, we have adopted the concept.

So, the board of election inspectors will prepare the election returns of the election for President, Vice-President, Senators, Members of the House of Representatives, the provincial governor, vice-governor, members of

the *sangguniang panlalawigan*, the mayor, the vice-mayor, the members of the *sangguniang bayan*.

The next step in the election process will be the canvass of the results of the election.

We have several boards of canvasser, Mr. President. In order to proclaim the results of the municipal election, we have the municipal board of canvassers. For the results of the election in a city, we have the city board of canvassers. For the results of the election in legislative districts composed of two or more component cities or municipalities, we have the city board of canvassers. For the canvass and proclamation of the results of the election for the provincial officers and the Members of the House of Representatives, we have the provincial board of canvassers.

The Commission on Elections is the National Board of Canvassers in the election for Senators, while the Congress of the Philippines is the National Canvassing Body for the results of the election for President and Vice-President.

May I reiterate that under the new formulation, the counting of the votes per return, the canvass on the basis of the election returns, is done at the lowest level which is the municipal or the city level. Iyon talagang election returns ang magiging basehan. After the canvass of the results of all of these elections, the municipal board of canvassers shall proclaim the winning candidates for municipal offices and, thereafter, prepare the Certificates of Canvass.

Ganoon din po sa city board of canvassers. After the canvass, the city board of canvassers will proclaim the elected city officials. Kung may Congressman po roon, because there are cities which are constituted as such, it will proclaim also the winning Member of the House of Representatives and, accordingly, prepare the certificates of canvass. Iyon ngayong mga certificates of canvass ang ipadadala.

The provincial board of canvassers, I repeat, will no longer canvass the election returns. Ang kakanbasin po lamang ay iyong certificates of canvass and, thereafter, proclaim who have been elected Member of the House of Representatives or provincial officials. In turn, they will

also prepare their certificates of canvass to be sent to the COMELEC and also to be sent to the Congress, addressed to the President of the Senate in the latter instance.

The COMELEC will now canvass the results of the senatorial elections based on the certificates of canvass that it received from the provincial and city board of canvassers and, thereafter, make the proclamation. The Congress, in turn, will meet as a National Board of Canvassers in a joint session presided over by the President of the Senate to whom the certificates of canvass is addressed. The said certificates of canvass shall be opened in the presence of the Senators and the Members of the House of Representatives and the votes shall then be counted and, thereafter, proclamation is to be made.

Under the Constitution, Congress is required to adopt rules and regulations governing the canvass. That is not provided for in this Election Bill, but I am looking forward to a bill that would define the rules of the game, so to speak. Sapagkat base sa naging eksperyensiya natin noong nakaraang panahon, katulad noong snap elections, kapag may objection, hindi malaman kung ano ang gagawing proceedings. Pinamarkahan na lamang ni Speaker Yñiguez ng asterisk at pagkatapos ay biglang ipinoklama ang resulta on the basis of the totals of these returns.

So, we have to define, in accordance with the mandate of the Constitution, the rules and regulations governing the canvass. As I have said, it is not provided in this bill.

Mr. President, the per diems, this has been inspired by the bill that had been filed by Senator Maceda considering the extraordinary work, the tensions and anxieties, even exposure of life and limb, and also the long hours--probably days and hours--that the members of the board of election inspectors will be called upon to give in the 1992 elections, we are proposing an increase of their per diems--P250 for each day of registration and revision, and P500 on election day.

Can we have money for this purpose? I think we can, because our original proposal calls for two registration days. Now, there is only one registration day, and that is not even mandatory, only where it appears that in

an election precinct, there needs to be held another registration day, as determined by the COMELEC, to enable the voters, who were unable to register, to register.

Then, there is no longer any definite revision day. It is done on a selective basis.

So, whatever savings that we can derive from this could go into increasing the per diems of the members of the board of election inspectors. Not only the members of the board of election inspectors, because there are other officials performing election duties, like supervisors, principals, administrators, and other support personnel of the Department of Education, Culture and Sports.

Now, there is a proposal from the Senate President, based on the Felipe studies, requiring that said per diems shall be paid by the cashier and/or other financial officer of the said Department in the main or the field offices within 72 hours after registration, revision and election days respectively.

Then, there is also a proposal that any delay in the said payment shall constitute an election offense.

The objection of the COMELEC is that this is too draconian, and it might be a discouragement to government officials called upon to exercise a duty from accepting these responsibilities. That is why they are for the deletion.

On the other hand, we have proposed that in order that it may be, more or less, flexible, then we say: "There being funds actually available, any delay in the said payments to any of the abovementioned personnel, without justifiable reason shall constitute an election offense."

In short, there are two requirements: First, funds must actually be available; and second, that the delay is without justifiable reason. Then and only then will the penal sanction of the law be applicable.

I am submitting this matter to this Body for whatever consideration it may so please.

We also note that the Department of Education, Culture and Sports, and the Commission on Elections shall

provide a reasonable and equitable mechanism for hazard pay, and incentive and merit awards for all schoolteachers who perform election duties.

Then, on page 13, Mr. President--I think I missed this--there is another amendment. Before, the procedure for correction, whether judicial or administrative, of returns because of apparent falsifications, intercalations, and others, the remedies were only provided by law for the correction or amendment of the election returns. But since certificate of canvass is a new thing created under this bill, then it is not covered by those provisions. That is why, together with election returns, we said in this respect: "as well as the certificates of canvass."

In short, the procedures provided for by law and the correction, alteration, or amendment, whether judicial or administrative, of election returns apply equally to this certificate of canvass.

Then we note that Section 31 is the rule concerning public bidding: "That the Commission shall procure all forms, supplies, equipment, materials and services for the holding of an election or other electoral exercises strictly by public bidding,"... et cetera.

The Senate President knows the position of the COMELEC on this matter: they are objecting to the inclusion of this particular provision because, according to them, there are already sufficient auditing laws and auditing rules and regulations governing the procurement of forms, supplies, equipment, materials and services.

Mr. President, this is the revised version of Senate Bill No. 1861, and we are willing now to yield to any interpellations on this matter.

The President. All right.

Senator Gonzales. There is one point, Mr. President, and I realize that this is a special concern of Senator Guingona. This is as far as the prohibition against media political advertisements is concerned and this is embodied in Section 11 of Republic Act No. 6646.

This prohibition has been attacked on constitutional grounds by no less than 200 publishers and electronic and broadcast media, on the ground that it violates the free-

dom of expression provision of the Constitution, and claiming that candidates should not be denied the right to explain their views through the widest possible means; that the people, in turn, have the right to know what candidates stand for, what are their platforms, and policies.

On the other hand, we are also confronted with the realization that the costs of political advertisement by means of radio, newspapers and television is almost prohibitive; that only rich and highly favored candidates could avail themselves of the same.

In order not to degrade the political process, as well as to equalize opportunities for all candidates, rich and poor alike, that was the main reason behind the Guingona formulation, which is now Section 11 of Republic Act No. 6646.

However, we have stated here, that for purposes of the 1992 elections, Section 11 of Republic Act No. 6646 on prohibited forms of election propaganda is hereby suspended with respect to the presidential, vice-presidential and senatorial elections. Instead, Section 85, Prohibited Forms of Election Propaganda, and Section 86, Regulation of Election Propaganda Through Mass Media of the Omnibus Election Code, shall apply in full force and effect.

There have been some Colleagues who suggested that probably the suspension should apply only for the President and Vice-President, because they are to be elected on individual basis. As far as the Senators are concerned, where 24 of them will have to be elected in one election, probably, the suspension should not apply with respect to them.

We are giving all the sides on this particular matter, Mr. President. We are willing to yield to reasonable amendments to this particular provision.

This is the revised version of Senate Bill No. 1861, and I am now ready to yield to interpellations.

The President. The Majority Floor Leader, and then Senator Pimentel.

Senator Guingona. Mr. President, will the distin-

guished Senator yield to some questions?

Senator Gonzales. Gladly to the distinguished Majority Floor Leader.

Senator Guingona. We have noted that the campaign period for Senators has been reduced to 60 days.

Senator Gonzales. Yes, Mr. President. The new campaign period is 90 days for President and Vice-President; 60 days for Senators; and 45 days for the provincial, city, and municipal elective officials.

Senator Guingona. Considering that the Senators would ordinarily campaign for the presidency, would this not be impractical in the sense that the Gentleman had already provided for an escape clause that they would be exempted if they campaign with the President?

Senator Gonzales. The theory is that we are just merely being realistic, that when a presidential candidate of a political party campaigns in a province or city or even a municipality, then even the Congressman and local officials belonging to his party are called upon to campaign for him. However, although they might likewise be campaigning for themselves, the essence here is that they are allowed to campaign for their national candidates and not for themselves, even outside of their respective campaign periods.

As I have said, this is merely a reflection of the realities in the Philippine political scene.

Senator Guingona. May I go now to Section 14 on page 9, and ask the distinguished Sponsor: When will this computerized National Central File of Voters be accomplished?

Senator Gonzales. Mr. President, that is precisely the reason for the objection of the COMELEC for the inclusion of this particular provision. They are honest enough to admit that given the limited time, resources, and manpower, they are not in a position to put in place this National Central File of Voters by May 11, 1992.

However, we had prepared this bill before we received the comments of the COMELEC. We thought that this is a good provision, which the COMELEC itself

accepts, and says that it is working towards this direction. Probably, if we do not want this deleted, and we are agreed on the merit of this particular provision, we can insert here by way of amendment, a qualifying clause, so that it would not be mandatory for the COMELEC to put it in place by the 1992 elections. After all, we can require that which cannot possibly be done.

Senator Guingona. On the contrary, I believe that with the computerization system, if the COMELEC had the will, it can easily do so and computerize a list of voters to be compiled and made available to interested parties on a due date, maybe after registration.

Senator Gonzales. We have no argument with the Gentleman on that point. We consider this provision meritorious. In fact, the proof is that we have already integrated it in the revised version. But I am merely putting out a caveat that while the provision is there, the COMELEC, by its own admission, may not be able to put it in place. So, if we want this as a long-term measure, as a goal to be attained, then probably that can be realized through qualifying words in the form of an amendment.

Senator Guingona. My amendment would be a little more mandatory on the part of...

Senator Gonzales. The Gentleman will make it mandatory?

Senator Guingona. Yes.

Senator Gonzales. Mr. President, we have merely given the Gentleman what the COMELEC says. The Gentleman and I agree on the merits of this particular provision.

Senator Guingona. Yes. Now, may we go to the election expenses. I note that the new bill has now reduced the amount to ₱1.50 per voter for President and Vice-President. How about the political parties expenses?

Senator Gonzales. The political parties, Mr. President, remains at ₱3.00 for every voter. In the original version, it was ₱5.00 per voter.

Senator Guingona. Is that meant to be on a national scale, or for every province...

Senator Gonzales. No, Mr. President, this is supposed to be the totality of the expenses of a political party. If it is a national political party, then it will be the totality of its expenses. It may happen, however, that it may only be a regional or a local political party, in which case, it shall be computed on the basis of the registered voters in their respective constituencies.

Senator Guingona. So that it shall be computed for the entire slate--

Senator Gonzales. Yes, Mr. President.

Senator Guingona. --not for one Senator allowed to spend ₱1.50, and then the political party will put another ₱3.00 for him.

Senator Gonzales. No, Mr. President. It is the totality of the party expense.

Senator Guingona. I heard that the election returns shall no longer be the basis of canvassing but that it will be based on the certificate of canvass. Did I hear the Gentleman right?

Senator Gonzales. There will still be canvass on the basis of the election returns but at the lower level.

Senator Guingona. Which level?

Senator Gonzales. Which shall be the municipal and the city board of canvassers, Mr. President.

Senator Guingona. The municipal and city board of canvassers.

Senator Gonzales. Yes, Mr. President, because the city board of canvassers will have to canvass the results of the election for all offices and thereafter proclaim the results of the city election. Meaning, the winning city candidates. If there is a Congressman, then also the Member of the House of Representatives for that city.

Senator Guingona. Now, for any dispute arising out of the election returns, the protestant has, according

to this proposal, three days within which to elevate the same to the Board of Canvassers. Is that correct?

Senator Gonzales. Mr. President, I think what the COMELEC contemplates are shorter periods to file challenges and shorter periods to decide the same, also making it a requisite that before a challenge can actually be entertained, it must be put in writing in a form that will be furnished by the COMELEC.

At this juncture, the President relinquished the Chair to the President Pro Tempore.

Senator Guingona. Yes, but is this procedure, especially when it goes to the dispute as to the pre-proclamation, not a little too hasty in the sense that a protestant will have only three days, and after the resolution of the Board of Canvassers, he will have only five days within which to lodge his protest to the COMELEC proper? I understand from the bill that the COMELEC must summarily dispose of the protest.

Senator Gonzales. Mr. President, as far as the summary in nature of pre proclamation proceedings is concerned, there has been no change.

Under existing laws, procedures in pre proclamation controversies are indeed summary in nature. But this is actually a reaction to the delays in pre proclamation proceedings, so much so that in two or three years after the election, the winning candidate has not yet been proclaimed because delays have been manufactured.

We will notice, Mr. President, that in election contests or election controversies, the periods are short. The idea is really to make it as the determination of the real will of the voters as soon as possible. That is the underlying feature.

I think when the COMELEC proposed the shorter period, it has the benefit of experience in handling thousands of pre proclamation proceedings.

Therefore, I would defer to its judgment, to a contention that this might be unreasonably short.

Senator Guingona. Would this have to be decided *en banc* by the COMELEC, Mr. President?

Senator Gonzales. Mr. President, I think most of these pre proclamation controversies are *en banc*.

Senator Guingona. By division?

Senator Gonzales. By division, Mr. President, but there is always a motion for reconsideration or appeal to the COMELEC *en banc*. If one files a motion for reconsideration of an order of a division of the COMELEC, it will be treated as an appeal to the Commission *en banc*. So the final order will really be the order of the COMELEC *en banc*.

Senator Guingona. During the elections, it is noted that most Commissioners are out in the field, and it would be hard to get a proper quorum within the stipulated period. Has this been foreseen by the COMELEC to consider?

Senator Gonzales. Mr. President, in fact, Chairman Felipe had proposed to Senator Salonga that there should be a provision there prohibiting any member of the COMELEC from being absent from the principal office during the two weeks immediately preceding the election. The COMELEC interposed an objection.

We agree with that objection, Mr. President. I think this is an internal matter for the Commission on Elections to determine. It is so inflexible. Situations may require that a member of the COMELEC be immediately dispatched or sent to the provinces in the light of a very serious election trouble that may be brewing out or may actually be happening. If we say that they are prohibited from leaving their principal station within two weeks before the elections, we may be unnecessarily tying their hands.

Senator Guingona. May I know what is the main objection to a watermark on the ballot?

Senator Gonzales. Mr. President, I will just read, without any comment, Section 23 regarding official ballots:

We cannot accept the proposal for the same reasons that we are not recommending watermarking of election returns.

They have objection to the provision sought to be

amended by the rest of the proposals.

It says here: For as long as the basic specifications are outlined in the law, adoption of security measures and safeguards, including the use of color codes, should be left to the discretion of the Commission. It is our view that the proposals will hamper implementation of such measures and safeguards.

To consider the ballots without the required watermark as wholly null and void *ipso facto*, will create situations in the precincts where the watchers can demand the instant nullification of a ballot. This issue is better left to the judgment of the proper forum in a protest proceedings.

Senator Guingona. Yes, Mr. President, but the watermark is, precisely, designed to offset the possibility of illegal duplications of fake ballots. We have had experience of the COMELEC purchasing ballots from abroad; using paper that is purchased from abroad and not locally. And there is no means for the watcher to determine whether the ballot is really the same ballot that was authorized to be printed officially.

Senator Gonzales. Mr. President, I have read to the Gentleman the objections of the COMELEC. Personally, I would prefer a watermark paper to be used in the printing of, not only the officials ballots, but the election returns, and if possible, the certificates of canvass themselves to avoid substitution.

SUSPENSION OF THE SESSION

May I request a one-minute suspension to confer with the COMELEC representative.

The President Pro Tempore. Very well. The attention of the Chair has been called to the presence of some members of the Zambales Municipal Mayors League. We will suspend the session also, for that reason, in order to enable Members of this Chamber to greet them.

Senator Guingona. Mr. President, some Governors are also here.

The President Pro Tempore. And some Governors.

Without objection, the session is recessed for a few minutes.

It was 5:23 p.m.

RESUMPTION OF THE SESSION

At 6:38 p.m., the session is resumed.

The President. The session was resumed.

Senator Guingona. Mr. President, we have a question concerning the watercolor. I think the distinguished Sponsor has a suggestion.

Senator Gonzales. Yes, Mr. President. I think that we can continue with paragraph a) of Section 23, with the exception that we will have to delete the words "and" after the word "Ballots", and on line 9, the word "election returns", because this is actually a paragraph for official ballots.

Then we continue with the watermarks, but we are willing to delete paragraph b) from lines 30 to 33 on page 17 to lines 1 and 2 on page 18. We find the second requirement very, very stringent and it will lead to consequences at the counting level. Then, any inspector or even any watcher can immediately ask for the exclusion of a particular ballot on the ground that it is null and void in accordance with this particular provision.

So the determination of whether or not the ballot is null and void should be left to the proper forum in a proper proceedings, Mr. President, together with whatever additional evidence that may be introduced to prove that the ballot is indeed spurious.

Senator Guingona. Yes, Mr. President, at the proper time.

May I also refer to page 19, where there are watchers for individual candidates and parties, but the two principal watchers are limited to the majority party and the dominant opposition party.

Would this not first violate the constitutional mandate encouraging multiparty system, and precisely delet-

ing the inspector system, which now we are putting back?

Senator Gonzales. Mr. President, I beg to submit that the two principal watchers, the concept of which is merely a continuation of existing laws, are required for purposes of authenticating the official returns by their signatures and thumbmarks. So it is nothing but an added guarantee in order to ensure the authenticity of the official returns, and not to discharge the duties of the board of election inspectors, as in fact, there are members of the Board of Election Inspectors.

Every registered political party, as well as every candidate, since time immemorial, has been entitled to watchers. So I do not think that there could be objections thereto.

I note that the Gentleman's objection is merely limited to the two principal watchers.

Senator Guingona. Two principal watchers.

Senator Gonzales. As I have said, Mr. President, this is merely a continuation of the provisions of the Omnibus Election Code. It did not create any problem in 1987 for the simple reason that the ruling coalition and the dominant opposition Party were identifiable immediately.

But the problem today is when the coalition *de facto* has already broken up, because each of the component units has opted to maintain its respective identity as a political party, and probably, will field its own separate candidates.

If we allow all of the watchers to authenticate the official returns with their signatures and their thumbmarks, considering the number of such watchers--instead of authenticating, they might actually destroy the official returns--one could imagine the amount of space that would be consumed for the signatures and the thumbmarks of all the watchers.

Senator Guingona. We recognize that, Mr. President. But under the mandate that registered political parties shall have equal status before the law, and the encouragement under the constitutional mandate for a

multiparty system, this is actually an unequal treatment of parties and may give due advantage to the dominant parties of both the Administration and the Opposition, which, I think, would present an unfair and an unequal status.

Senator Gonzales. Mr. President, the Gentleman has invoked equality, which means equal protection of the laws. But the equal protection of the laws' guarantee is not violated when there is a proper classification. The classification is proper, first, when it is based upon substantial distinctions which make real differences; and, second, that the law applies to all parties equally and similarly situated.

Now, we can see the purpose of this law. This is not an invention of this bill. It is merely a continuation of what already has been provided for by law and practiced in this jurisdiction. The only addition that this particular provision has made is to set the criteria or guideline for the COMELEC in determining these two parties which are entitled to appoint or designate the so-called principal watchers.

That is all the addition, Mr. President. That is why we are saying that we try to make the criteria in such a way that they are definite and concrete. We still welcome additional criteria so that the discretion of the COMELEC will be limited, so that it will be practically a ministerial duty on its part.

Senator Guingona. Yes, we will go to the criteria soon. But what would be the disadvantage if we remove this right from any political party? In other words, place all parties in the same level. No one sits in the board of inspectors. They all watch.

Senator Gonzales. Mr. President, I do not think that the principal watchers sit with the board of election inspectors. In fact, whether we like it or not, under existing laws, they all sit as observers and they cannot perform the duties of the board of election inspectors other than the limited function of authenticating the returns. So, let us not weed the board of election inspectors.

Senator Guingona. So, if that be the case, then we can give them the same right to sit as observers in the board of election inspectors.

Senator Gonzales. When we speak of the function of the board of election inspectors, it starts from the preparation of the registered list of voters. The principal watchers do not participate. In the distribution of the ballots, in entering the serial number of the ballots in the proper column in the registry list of voters, in delivering the ballots, then, in receiving them thereafter, putting the thumbmark in the proper identification--these are some of the functions of the board of election inspectors. But, certainly, the principal watchers there do not participate in any one of them.

As I have said, the two principal watchers' function is limited to that of authenticating the returns.

Senator Guingona. Can we not extend that same privilege to other watchers?

Senator Gonzales. Yes, Mr. President, we can do that. The trouble is...karkulahin po natin. We will go down. We cannot satisfy. We cannot allow all. We will again make the selection. Whether it will be two or three or five or ten, we certainly will have to lay down certain criteria for the purpose of identifying the political parties which are authorized to appoint the principal watchers. So, we are in the same rut; we are in the same problem.

On the other hand, if in order to attain equality, we remove this guaranty, then it is a choice between these two things.

I mean, ito bang additional guaranty na ito in order to guarantee the genuineness and authenticity of the election returns, a proper price to pay in the name of equality, which, after all, cannot be attained?

Senator Guingona. Let us go to the criteria, Mr. President.

Criteria No. 1. It says: The track record of the said parties or coalition or groups that now compose them on the basis of merger, union, or consolidation, in the 1987 election.

That would mean that the Partido ng Masang Pilipino of Senator Estrada would not fall within this criteria.

Senator Gonzales. Necessarily, if one is a new-

comer in politics, he accepts the reality. On the other hand, there are political parties which are existing and organized after the 1987 election but composed of mergers or consolidations of different political parties.

Now, if a political party, although newly organized, can prove that it actually fall within this criteria, then there is no question why it will not be applicable to them.

Senator Guingona. There are, I understand, more than 100 political parties--

Senator Gonzales. So, we are told, Mr. President.

Senator Guingona. --duly registered, and many of them are not the result of unions or mergers or coalition but an individual product of..

Senator Gonzales. Yes, Mr. President.

Senator Guingona. So, under that criteria, if they have not participated in the 1987 election, they would be excluded under this criteria?

Senator Gonzales. No way, Mr. President.

Senator Guingona. They would not be?

Senator Gonzales. No.

Senator Guingona. Would PDP Laban be qualified under this criteria?

Senator Gonzales. Yes, because PDP Laban as a component of the ruling coalition, participated in the 1987 election. It fielded candidates in 1987, and won a number of seats in the Senate. And under the second criteria, there are also governors, vice-governors, mayors and vice-mayors who belong to the PDP Laban. I think that any political party complying with this criteria would be eligible for purposes of election. Ang kuwestiyon lamang, who has a better record?

Senator Guingona. The LDP came into being only in 1988, I understand.

Senator Gonzales. That is correct. It was born out of merger between the Lakas Ng Bansa, which is the

political party that, on the basis of certificates of candidacy had fielded the most number of officials. But it merged with the, what I would call the Cojuangco Wing of the PDP Laban, if that term is acceptable. So, it has been born out of merger.

Senator Guingona. The other Cojuangco organized his own party. That party would not qualify under this first criteria.

Senator Gonzales. How is that, Mr. President?

Senator Guingona. The other Cojuangco organized another political party.

Senator Gonzales. As I have said, Mr. President, itatanong lamang natin: First, did they fall under this criteria? And second, assuming that they do fall-- because it may happen that five political parties or coalition of parties have this criteria, but who has the best and the second best record of them for purposes of determining what political parties should be entitled to appointment of party watchers.

Senator Guingona. I understand, Mr. President. The only thing is that there seems to be a basic difference between treating all parties equally and the proposal to treat them differently because under this system, we would be actually promoting and reverting to the two-party system.

Senator Gonzales. In fact, probably, it is a matter of choice. I think, some parties, with good reason, have advocated a return to the two-party system. There is nothing really wrong in that. But then this is far because until we restore the party inspectors, then certainly it cannot be truly said that there is indeed a definite direction to return to two-party system. We must also change other compositions. For example, the composition of the Electoral Tribunal of the Senate, or of the House of Representatives, or of the Commission on Appointments.

In short, not a single thing would actually restore the two-party system. There must really be a conscious, deliberate, effort to restore it by actually making them part and parcel of the very structure of our Government.

Senator Guingona. We were under the impression

that the 1987 Constitution, Mr. President, precisely, did away with the two-party system to promote a multiparty system.

Senator Gonzales. It does not mean that all political parties--and the Gentleman said that there are 100 of them--would all be entitled to have a watcher who will authenticate the official returns.

Senator Guingona. We have our reservations there.

Senator Gonzales. Yes, Mr. President. In fact, we are inviting additional criteria. Or, if the Gentleman has a better suggestion, we are willing to listen.

Senator Guingona. The political parties are entitled to receive copies of the certificates of canvass, in addition to the five copies provided in the next succeeding section, which are distributed accordingly. Therefore, these are limited to dominant administration party and the dominant opposition parties.

Senator Gonzales. No, Mr. President, because among the five, the fourth and the fifth copies are all party copies. They are deemed to be delivered to a representative of the majority party and the dominant opposition party or coalition, as the case may be. Actually, the sixth and the seventh copies are additional copies and this is what I see would be a solution to the problem posed by some members of this Body, na mientras mas maraming political parties ang nakakatanggap ng copies of the returns, the better.

Yes, I subscribe to that, except that, again, we are limited by technology to only seven legible copies of the certificate of canvass as well as the election returns.

Senator Guingona. Is it possible to have two sets so that in the realities of things there are six or seven major parties who vie for office?

Senator Gonzales. Mr. President, I am just afraid the evil that will result therefrom will be greater than the objectives sought to be realized, because I have quite an experience over election matters.

Even while I was working in the law office of the Senate President, I had been handling for the office many

election protests. Ang ginagawa po nila, sapagkat hindi madidiing sumulat ang mga maestra, they prepare it in two copies. So, they prepare the first, pagkatapos ay ililipat, kokopyahin doon sa second copies, sa second set. Doon na nagkakaroon ng diperensiya. Wittingly and unwittingly, dahil marahil sa kapaguran nila, ang nangyayari ay kinokopya na lamang natin, nagkakamali pa tayo roon sa ating kinokopya.

That is why, I am saying that probably, the evils that would result would be greater than the objectives sought to be realized.

Senator Guingona. The seven copies, technologically speaking, are the only copies that can be produced.

Senator Gonzales. According to the COMELEC, under the present state of technology as available now, Mr. President.

Senator Guingona. We will try to come up with the technological aspect.

Senator Gonzales. Yes. I hope the Gentleman can, Mr. President.

Senator Guingona. Mr. President, it is already seven o'clock. I have more questions to ask, but I would just like to reserve...

The President Pro Tempore. I just would like to ask one question with respect to the two principal watchers, one representing the majority party.

Senator Gonzales. Yes, Mr. President.

The President Pro Tempore. Is that concept of majority party a constant concept? Is it possible that a majority party may split up during the campaign?

Senator Gonzales. I think it will have to be determined at the time the COMELEC decides on this particular issue.

The President Pro Tempore. Supposing that after the decision of the COMELEC, something happens to that so-called majority party?

Senator Gonzales. Mr. President, I think when a proper petition is filed before the COMELEC, they will have to reapply.

The President Pro Tempore. In other words, it is not meant to be a constant concept?

Senator Gonzales. We have to review it and determine whether or not the resorting parts of the same still comply with the criteria set forth under this bill.

The President Pro Tempore. The Majority Floor Leader.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1861

Senator Guingona. Mr. President, I move that we suspend consideration of this measure.

The President Pro Tempore. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Guingona. Mr. President, there is an Additional Reference of Business.

The President Pro Tempore. The Secretary will please read the additional Reference of Business.

ADDITIONAL REFERENCE OF BUSINESS

MESSAGE FROM THE PRESIDENT OF THE PHILIPPINES

The Secretary.

27 August 1991

Dear Senate President Salonga,

I have the honor to forward herewith one (1) certified true copy and twenty-two (22) additional copies of the Treaty of Friendship, Cooperation and Security Between the Government of the Philippines and the Government of the United States signed in Manila on 27 August 1991 by the Secretary of Foreign Affairs Raul S. Manglapus and United States Ambassador Frank Wisner. Also enclosed is a letter dated 23 August 1991 of President George Bush listing the undertakings of the United States Government pursuant to the Treaty.

The Treaty, together with its three

tained in the report.

Abstaining: Senator Mercado - I abstain in view of the fact that I made the exposé. This, however, does not mean that I do not support the findings of the Committee.

Sponsors: Senators Tañada and Mercado

The President. To the Calendar for Ordinary Business.

Senator Guingona. Mr. President, to avail himself of the Personal Privilege Hour, I ask that we recognize Senator Mercado.

The President. Senator Mercado is recognized.

**QUESTION OF PRIVILEGE OF
SENATOR MERCADO
(On the Issue of Double Titling at DAR)**

Senator Mercado. Mr. President, I will not take very long. I rise on a question of Personal Privilege.

In several newspapers, namely, *The Manila Times* and *The Globe*, I believe, there are some letters to the Editor claiming that this Representation has gone cold on the issue of "Double Titling" at the DAR which I have exposed on the Floor through a privilege speech.

I would like to go on record that I am still pursuing the case, although the matter has yet to be scheduled by the Blue Ribbon Committee. I have not in any way indicated that I am not going to have the case investigated, and I would like to inquire from the Chairman of the Blue Ribbon Committee when the same shall be scheduled.

I do understand that the Blue Ribbon Committee has just finished a Committee Report on one of the cases that I brought to its attention--the matter of Press Secretary Buddy Gomez. I would like to inquire when the DAR case can be scheduled.

Senator Tañada. Mr. President.

The President. Senator Tañada is recognized.

Senator Tañada. Mr. President, I would like to confirm for the record that Senator Mercado has been following up with this Representation as to when the Blue Ribbon Committee could schedule its investigation on the matter which he spoke about. We have already conducted an initial inquiry. We have already secured some of the documents that we need to start our formal inquiry into the matter. It just so happened that the Committee has been besieged with so many complaints that it has not been able to put this in its Calendar. But I would like to assure the distinguished Senator that, perhaps, after September 16, 1991, we will be able to start our formal inquiry on the matter.

The President. Why September 16 yet?

Senator Tañada. That is the fateful date, Mr. President, when our country will finally know what the decision will be of this Body on the signed Base Treaty that was sent to us by the President last night.

The President. Is that the magnificent obsession of the Committee?

The Majority Floor Leader.

**BILL ON SECOND READING
Senate Bill No. 1861 - Synchronized Elections
(Continuation)**

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 1861 as reported out under Committee Report No. 1373.

The President. Resumption of the consideration of Senate Bill No. 1861 is now in order.

Senator Guingona. We are in the period of interpellations. I ask that we recognize Senator Gonzales.

The President. Senator Gonzales is recognized.

Senator Guingona. Mr. President, I was the one interpellating Senator Gonzales last night, but to give the others a chance to interpellate, may I just make my reservation to continue the same later on.

The President. The Chair recalls that it asked a

certain question on the term "the ruling majority." If I recall last night, I think, the Chair posed a question on the concept of ruling majority.

Now, when is the COMELEC scheduled to make that determination as to which is the ruling majority?

Senator Gonzales. Mr. President, there is no definite period provided for in this bill, but then, the duty of determining the majority party or coalition or dominant opposition party or coalition is lodged upon the COMELEC.

Therefore, I believe that the said period, as well as the implementing details concerning the same, can be provided through the grant of rule-making power to the COMELEC under this bill.

The President. In the distinguished Sponsor's view, should that determination be made before the start of the election period?

Senator Gonzales. It would be better, Mr. President, if the COMELEC make such a determination before the election period because, understandably, during the election period, there will be many other problems which the COMELEC will have to be confronted with.

Furthermore, it is also to the interest of the political parties to know in advance the determination of these parties which shall be entitled to the appointment of watchers and their substitutes, because it also requires some time to select and, thereafter, make the nomination of the official watchers to be proposed by the political party, as well as their substitutes.

Senator Enrile. Mr. President.

The President. Senator Enrile is recognized.

Senator Enrile. If the Chair is finished, I would like to ask some questions.

Mr. President, I would like to be enlightened on certain matters, if I would be favored with answers to a few questions?

Senator Gonzales. Gladly, to the Minority Floor

Leader, Mr. President.

Senator Enrile. I would like to pursue the thrust of the questions of the Chair.

Now, does the distinguished Sponsor agree that in a democratic system such as we have, there is always a ruling majority and minority operating especially within the Government of the Republic?

Senator Gonzales. I believe that that is one of the principal features of a representative Government.

Senator Enrile. And that we are actually a representative Government?

Senator Gonzales. I would like to believe that ours is a representative democracy.

Senator Enrile. Yes, and that we are bound by this norm of at least a dichotomy between a ruling majority and opposition minority.

Senator Gonzales. I think so. In fact, the language of the bill so explicitly provides it and, historically, that was the intendment of the original provision of the Omnibus Election Code from which this provision of the bill has been lifted.

Senator Enrile. Actually, this matter was easily identifiable under the 1935 Constitution, which operated in our country for a long, long time, because at that time, there were two major political parties in the country, and these two major political parties were identified as the LP and the NP, or the NP and the LP.

Senator Gonzales. That is correct, especially under the 1935 Constitution, which actually recognized and strengthened the two-party system.

Senator Enrile. And that in spite of the presence of these two major parties then, there were also smaller parties operating within our democratic polity.

If I remember correctly, there was the Citizens Party of the distinguished father of a distinguished Member of our Senate, and I think there were other smaller parties, like the Frente Popular. Before that time, there was the

Democratic Alliance; then there was the PPP of Manuel Manahan and company.

What was it, Mr. President?

Senator Gonzales. It is called the PPP, Mr. President.

Senator Enrile. Yes, Mr. President.

Senator Gonzales. There was also the Grand Alliance, for a time, with the then Foreign Secretary Romulo as the head of the ticket. We also had a Democratic Party. Aside from them, there were smaller political parties.

Senator Enrile. But, nevertheless, it has always been an unwritten law in our republican representative system of government that there was a majority party and a minority party.

Senator Gonzales. As I have said, this is an essential feature of a representative democracy.

Senator Enrile. And that, actually, the majority party is represented not only in the Executive Department of government, but also in the Congress of the Philippines.

Senator Gonzales. Depending upon the results of the election, but I do know that however weakened or depleted the opposition party may be, I cannot recall of a Congress where there were no minority members.

Senator Enrile. Yes, and that normally-- at least from the viewpoint of the history of our Republic--so unlike in other lands, the identification of the so-called "Administration" starts from Malacañang, with the President sitting there, and with these political supporters in the Congress. Does the Gentleman agree with it?

Senator Gonzales. That is the usual norm, Mr. President, because historically, the President belongs to a political party, and that he or she is considered to be the titular head of that party.

Senator Enrile. And the exemplification of that ruling of a majority party and opposition party, at least in

our deliberative assemblies, is the fact that the ruling majority holds all the key positions in the various committees, and those who are not are actually representing the minority voice. Is this correct?

Senator Gonzales. The practice is that in committee assignments, the Committee Chairmen are always nominated by the party having the largest number of votes in that Chamber.

Senator Enrile. Now, under the present Administration that we have, was it not a fact of our political life that the present Members of Congress, outside of those who are identified with the opposition parties, were actually the candidates of the incumbent President for the positions they now hold?

Senator Gonzales. Yes. At least, as far as the House of Representatives is concerned, the political divisions are quite clear, because we have there already a determination of which is the majority party and the ruling party, that is why we have the Majority Floor Leader and the Minority Floor Leader.

However, in the Senate, we still maintain the concept of a ruling coalition. That does not, however, prevent this Chamber from recognizing a minority therein. Although, in most instances, many of our Members in the ruling coalition behave as if we belong to the opposition, nonetheless, the Chamber has recognized that there is an opposition, that is why we have the distinguished Gentleman as the elected Minority Floor Leader.

Senator Enrile. That is what I was coming to. So that, in effect, even here in our Chamber--and this is not meant to cast any offensive idea or thought on anyone, I am simply defining our political roles--except for two memberships of this Chamber, all Members of the Chamber were actually candidates of the Administration in the election of 1987 for the Senate.

Senator Gonzales. I think that is a matter of historical record--that the ruling coalition fielded a complete slate for 24 Senators. Of the 24 Senators, 23 were elected, and two other elected Senators actually do not belong to that slate.

Senator Enrile. Twenty-two out of 24 were elected

as belonging to the coalition or Administration's slate in 1987.

Senator Gonzales. That is correct.

Senator Enrile. It was because of that that these 22, in the beginning of our term in the Senate, in effect, constituted the ruling majority, although the other Senator who was not elected as a candidate of the Administration opted to join the ruling majority.

Senator Gonzales. That is correct. I think, as a matter of record, that is the reason the committee chairmanships are headed by Senators who belong to the ruling coalition, and it continues notwithstanding the fact that some of the Senators have resigned from their respective political parties to join other political parties or groups.

Senator Enrile. So that, as of this moment, it could be said that, as far as the political alignments in the country are concerned, there are actually only two political groupings in the country. We have the dominant ruling coalition and the dominant opposition political party.

Senator Gonzales. If the distinguished Gentleman will ask me as of now, then the answer must be in the affirmative.

Senator Enrile. Would the distinguished Gentleman's answer be changed if there should be a disagreement and a breakup of the ruling coalition, so much so that some of the Members of the coalition will now say that we are an opposition? Would that declaration determine the character of a party as an opposition for purposes of the Election Laws of this country? Or would that not simply mean a factionalization of the ruling coalition that came into power, by virtue of a mandate of the Filipino people to act as the ruling majority?

Senator Gonzales. The trouble in answering the Gentleman's question--and I think I would beg his understanding and indulgence on this particular matter--is that, a coalition is composed of political parties or groups. And the political groups or political parties, which are components of the coalition, still retain their respective identities. If there is a breakup of that coalition, then we

note that there is a continuity in their respective political identities. And a political party hitherto belonging to a political coalition may decide to assume a different role--the role of an opposition party. I think that is possible.

In fact, I know what the Gentleman is leading to. But the trouble is that, I think, our task here is to lay down the criteria, and then leave the determination of which of these political parties comply with the criteria to the Commission on Elections.

Senator Enrile. I would like to stop my interpellation on this point and I would like to reserve the right to continue at some later date to give others a chance.

Thank you, Mr. President.

Senator Gonzales. Thank you, Mr. President.

The President. Are there any further interpellations? Senator Pimentel is recognized.

Senator Pimentel. Mr. President, will the Gentleman yield to a few questions?

Senator Gonzales. Gladly, and I am honored to be interpellated by the distinguished leader from Mindanao.

Senator Pimentel. May we kindly just discuss the matter of the distribution of certificates, election returns, voters election certificates, et cetera.

Senator Gonzales. Yes, Mr. President.

Senator Pimentel. This has been touched upon by the Majority Floor Leader, Senator Guingona. I can understand why it was difficult for the Committee, headed by the Gentleman, to accept the idea that, perhaps, other parties which may not qualify as the dominant opposition or the ruling party should likewise be entitled to these election documents. The reason is that, technologically, we do not have the capacity to do it in one setting, in the sense that the eighth copy and copies after the seventh copy, for example, would hardly be legible as to be of no use actually to the groups to which these copies will be furnished.

Senator Gonzales. That is a very fair statement of

the position we have taken.

Senator Pimentel. But would it not be possible to provide for two sets, for example, to compel the Commission on Elections and the board of election inspectors to provide more than, let us say, two sets of copies with seven pages each?

Senator Gonzales. The same proposition was made by the Majority Floor Leader yesterday. This, in fact, has been done by some boards of election inspectors in the preparation of returns, considering that some of them cannot make impressions up to the sixth or even seventh page. So, what they they tried to do is to divide the set into two and prepare the first set and thereafter copy it for the second set. If that can be done to seven, certainly, that can be done with respect to ten. That is really logical.

But I pointed out the danger when I said that has been productive of many errors and mistakes in the copying. I mean, not through malice but because of so many factors like fatigue, then oversight or a simple negligence, so much so that we find there are not a few cases where there are differences between two or more authentic copies of the same election returns. That is the only point that we have pointed out in connection with that proposal.

Senator Pimentel. What about the possibility of limiting the distribution of these election returns, et cetera to the Commission on Elections? In other words, instead of giving election returns to the ruling party or the dominant opposition party only, would it not be possible to say "the copies shall be limited only to the Commission on Elections, and any party desiring to have a copy should apply to the Commission on Elections to get copies thereof."

Senator Gonzales. Our answer to that is that the authentication here by the two principal watchers has been adopted as an added measure to secure the genuineness and authenticity of the election returns. In this particular case, to do away with it just because we cannot furnish all major political parties with copies of the election returns might mean a terrible price to be paid as far as the genuineness and authenticity of election returns in the event that there be attempts to make substitutions or intercalations or alterations thereon.

Senator Pimentel. We understand why there should be some signatures of the political parties involved in the election returns. But the net effect of allowing only the dominant opposition party and the ruling party to have this right to authenticate the election returns, for example, is to actually straightjacket the constitutional provision. So that instead of allowing the emergence of a multiparty system, we are actually forcing two parties to be the dominant parties involved in the electoral process to, shall we say, dominate the entire election process, thereby negating what, probably, is the constitutional intent when it speaks of the emergence of as many parties as possible.

Senator Gonzales. In fairness to the Commission on Elections and the Gentleman's Committee, there has been no such intention or motive; but, as we have said, as far as the returns are concerned, we are just limited by the technological fact that under the present state of technology in our country, increasing the number of returns to more than seven might already be no longer practical, because the eight and subsequent copies would no longer be readable.

I brought up this matter to the Chairman of the COMELEC personally, that if we can provide at least the first four political parties copies of the return, I would have preferred it. But the alternative that they pointed out to me is that they will increase the number of the so-called certificates of votes that the Commission will distribute to the board of election inspectors, because the certificate of votes will be a certificate of the votes received by candidates in that particular precinct, signed by the Chairman and the members of the board of election inspectors. In fact, we said that certificates of canvass are very important political documents now.

Addressing the Gentleman's concern, on our part, we initiated this particular provision that instead of only five copies of the certificate of canvass, seven copies be prepared, and that the sixth and the seventh copies be furnished the third and fourth ranking political parties.

At least, this is a demonstration that we are merely limited by technology, but it is not really to achieve any specific purpose of reviving the two-party system.

Senator Pimentel. Now, what is the distribution

system as far as certificates of votes are concerned?

Senator Gonzales. Any, Mr. President. Meaning, the board of election inspectors is required by law to issue certificates of votes, after the counting and the preparation of the returns, to the representatives or to the watchers of the candidates or to the political parties who may request for the same.

Senator Pimentel. In terms of probative value, what is the difference between a certificate of canvass and a certificate of votes?

Senator Gonzales. There is indeed a difference in the sense that the certificate of canvass cannot be used in the same manner as the election returns, but it will actually give a candidate a means to determine later if there had been changes or alterations in the election returns during the canvass, because the certificate of canvass will show that a candidate receives so much votes. However, if during the canvass it would appear that the same candidate received a different number of votes, then he is already put on notice that something had gone wrong and, therefore, the candidate can now pursue the same in matters of correction or alteration or amendment of returns in accordance with this procedure provided by law.

Senator Pimentel. Now, if the board of election inspectors can provide certificates of canvass to just about any political party that requests it, why is it that the same principle cannot apply to election returns?

Senator Gonzales. Yes, because the certificate of canvass need not be prepared in so many copies. In fact, what will be issued to the representative or watcher of a candidate or a political party is already the original of the certificate of votes so requested.

Now, probably, what can be done is that, we can tighten the safeguards and guarantees as far as the preparation of the certificates of votes is concerned and give them a probative value which might be the same as that of an election return.

Senator Pimentel. Yes. If we can find a formula there, then, maybe, we can do away with the requirement that the dominant opposition party, the ruling party only, will be entitled to election returns, and allow them the

same privilege as far as the certificates of canvass and the certificates of votes are concerned. Meaning to say, *parepareho silang lahat na* entitled sa certificates of canvass. We can use these to question the results of the election in our precinct or wherever they are really relevant.

The only reason we are trying to raise this issue is that, we feel that it is unfair for parties, particularly those who worked so hard to bring about this Government that we are now trying to preserve. And yet in the apportionment of the rights of the people participating, precisely, in the process to continue upholding that Government, a particular group may be deprived of the rights being enjoyed by others. That is the main concern that we have.

Senator Gonzales. We are aware of that and we actually feel with the Gentleman, on that particular matter, having been together in our struggle during the long, dark night. But we thought that party copies have a history; that it was a long fight before the political parties were given party copies of the election returns. And that was considered as a step forward towards a clean, honest, and orderly election.

I do not know whether we are already prepared to do away with it just because it is just impossible to treat equally all political parties.

Senator Pimentel. If we can devise a formula whereby certificates of canvass, certificates of votes, would have practically equal probative value in contesting election returns, then, obviously we can have a procedure where the COMELEC may furnish everybody a copy of the certificates of canvass which is...

Senator Gonzales. As I have said, in fact, if the Gentleman will recall, immediately it came to my mind when he explains his opposition thereto that probably this may be the solution. In which case, we have to add more safeguards and more guarantees in the preparation of the certificates of votes, and give them, if not an equal, a presumptive probative value like election returns, like, for example, *prima facie*. Because the fact that it is not given the same probative value, is merely a matter of law.

Senator Pimentel. Yes, that is why if we can change it.

Senator Gonzales. And therefore, that can be changed through this legislation.

Senator Pimentel. Yes, thank you very much for that opinion.

On the matter of the election period, I am of the understanding that the President and the Vice-President are given 90 days?

Senator Gonzales. The campaign period before the day of the election.

Senator Pimentel. Yes, exclusive of the...

Senator Gonzales. Three days, a day before, as well as Maundy Thursday and Good Friday.

Senator Pimentel. Yes, but exclusive of the nomination i yong convention.

So, probably, this is one area where we can also arrive at a compromise. Maybe we can say that the 90-day period shall already include the nomination process because, normally, I would think that after nomination, the nominees will already start to campaign. If we provide for a 30-day nomination process, in addition to the 90 days campaign period, it will certainly be awkward that a pair of presidential and vice-presidential candidates already nominated by the party will have to wait for the 90-day period before they can start campaigning.

Senator Gonzales. We are faced now with the Supreme Court decision to the effect that the campaign period, together with all the political activities ensuing therefrom, should be circumscribed within the election period as provided for in the Constitution, which means 90 days before the election, at most and except in special cases, as may be determined by the COMELEC.

If the Gentleman says that immediately after the nomination the campaign period should already begin, to comply with this decision, we will make the holding of the political convention also the beginning of the campaign period.

Senator Pimentel. Of the 90-day period.

Senator Gonzales. In short, we are limited to 90 days. We have been quite long in the practices of political parties, but we know that after nomination, a candidate who wins the nomination as the official standard bearer of his party makes so many preparations in order to be able to get his campaign off the ground. He would need some time before he can actively engage in the political campaign. That is why, the political conventions for the nomination or selection of its official candidate usually precedes by an appreciable period of time, the campaign period. Especially for the candidates for President and Vice-President, I do not know how they will really act. We shall provide that the campaign period should be, at least, 90 days or should be held not earlier than 90 days before the day of the election.

I think we would have the benefit of the Gentleman's views on this matter, since it is a known fact that the Gentleman, I would say "amen", has been considered as one of the presidentiables. I think he will make a worthy President of our Republic.

Senator Pimentel. Thank you. But the thing that I would like to emphasize is that, on the assumption that in the month preceding the 90-day period a nominee is already nominated by his party for, let us say, the presidency or the vice presidency, the tendency, of course, is that from that very day, the campaign starts for the candidate. Whether he likes it or not, people will be going to his place; he will be going out on speaking engagements talking about his candidacy, so that, in effect, these extra 30 days are actually an additional campaign period. That is not really too bad for the candidates. But, I was just thinking that, perhaps, to make the fact coincide with the intention, the campaign period should already cover the period during which nominations are made. That is the thrust of my observation.

Senator Gonzales. The Gentleman will recall that under Republic Act No. 7056 which we have approved, the period for the holding of political conventions shall not be earlier than 180 days before the day of the election. In the COMELEC submission, it is 120 days before the election.

Now, trying to find out a compromise, in this bill, we have reduced it to 150 days before the day of the election. But, as long as the presidentiables can agree on this

matter, we really will not have very strong objections thereto.

Kayo rin ang aming iniisip. Baka kayo masyadong mahirapan. Sa amin ay walang problema because the campaign period for Senators--at iyon po lamang naman ang kaya naming takbuhan--is 60 days. The holding of the convention is 90 days. Tamang-tama po iyon sa inyong iniisip.

Pero, para sa inyong naghahangad ng pinakamataas na katungkulan sa pamahalaan na karangalan at karapatan ng sambayanang Pilipinong ipagkaloob, kayo ang aming iniisip.

The President. Palagay ko po ay karapat-dapat kayo sa pinakamataas na katungkulan sa ilalim ng ating Pamahalaan.

Senator Gonzales. Huwag po naman ninyong patabain ang aking puso.

The President. But in any event, the Chair would like to ask the question: Is this not subject to the result of the Motion for Clarification of the Decision that is now pending in the Supreme Court?

Senator Gonzales. That is correct, and we hope that before the Conference Committee finally submits its report on this bill, that Motion for Clarification shall have already been resolved by the Supreme Court so that we can comply with its provisions.

The President. If the Supreme Court says that the time for holding the convention should be embraced within that 90-day period, there is no latitude for us.

Senator Gonzales. Yes, there is no choice.

The President. But if the Supreme Court says that this may be held outside and ahead of the election or campaign period, then there is a latitude for us.

Senator Gonzales. The Senate President cannot be more right.

Senator Pimentel. Shall we then go to the matter of...

I yield to the Majority Floor Leader.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1861

Senator Guingona. Mr. President, today we agreed to have a caucus at four o'clock.

So, with the permission of the two Gentlemen, with reservation on the part of Senator Pimentel to continue his interpellation, I move that we suspend consideration of this measure.

The President. Is there any objection? [*Silence*] There being none, the motion is approved.

SUSPENSION OF THE SESSION

Let us have our caucus now on the procedural aspects of the bases' treaty. The session is suspended, if there is no objection. [*There was none.*]

It was 4:22 p.m.

RESUMPTION OF THE SESSION

At 6:30 p.m., the session was resumed.

The President. The session is resumed.

Senator Guingona. Mr. President, I move that all the Members of the Senate be members of the Committee on Foreign Relations. In accordance with that, we ask that the Rules be suspended for the hearings on the issue of the proposed Treaty.

The President. Shall we restate that motion because it will have the effect of amending the Rules of the Senate?

SUSPENSION OF THE RULES

Senator Guingona. I move that we suspend the Rules, Mr. President.

The President. Is there any objection? [*Silence*] Hearing none, the motion is approved.

hanapbuhay. Ang panukalang-batas pong ito ang magagamit na susi upang mabuksan ang nakapinid na pinto at maiwaksi ang balakid na matagal na nilang inaasam-asam na mawala.

Sinasaklaw po nito ang mga lugar na urbanisado at magiging urbanisado na angkop para sa pabahay pampamayanan, kabilang na ang mga tinukoy na areas for priority development, zonal development sites, slum improvement and rehabilitation sites at iba pang kauring lugar na maaaring ideklara ng Pangulo ng Pilipinas na saklaw ng programa.

Hindi ko na po ilalahad ang mga bahagi o components ng programa. Ito po ay nakasaad sa ating panukalang batas.

Habang idinudulog ang pagtangkilik sa panukalang-batas na ito, dumadagsa naman ang mga mungkahi mula sa iba't ibang sektor, kabilang na ang Task Force ng mga maralitang taga-lungsod at ng mga taong nakaunawa sa mga usapin hinggil sa real estate at pagmamay-ari ng lupa upang lubusan nating maisaalang-alang at mapahusay pa ang panukalang batas na ito.

Atin po ring inilagay sa panukalang-batas kung saan tayo hahanap ng pondo upang matustusan ang isang malawak na programang pambahay para sa ating mga kababayan. Naniniwala tayo na sa pamamagitan ng pabahay pampamayanan at pagpapaunlad ng lupa ay lubos nating mapapasigla ang pagsasalin ng higit pang poder sa mga local government units na siyang itinatadhana ng mapagtitibay na Local Government Code.

G. Pangulo at mga minamahal kong Kasamahan, patungo na tayo sa ika-21 siglo at naniniwala tayo na matututuhan din natin ang angkop at makatwirang pag-aari at paglalaan sa ating mga lupain. Ang panukalang-batas na ito, Senate Bill No. 234, ang sagot ng ating Senado sa malawak na problema sa pabahay sa ating bansa na ngayon ay dinaranas ng milyun-milyong maralitang taga-lungsod.

Inihahain ko po ito sa ating Senado at nawa, sa tulong ng Poong Maykapal, ay mapagtibay natin ang Senate Bill No. 234, ang unang hakbang upang mapalaya natin ang maralitang tagalungsod sa balon ng kahirapan, lalunglalo na iyong mga walang lupa at bahay.

Maraming salamat po, at nagpapasalamat ang maralitang taga-lungsod. [*Applause*]

The Presiding Officer [Senator Mercado]. The Majority Floor Leader is recognized.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 234

Senator Guingona. Mr. President, I move that we suspend consideration of this measure.

The Presiding Officer [Senator Mercado]. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Guingona. We were supposed to call for the Dangerous Drugs Act but in view of the fact that both Proponents are tired, we are moving it for tomorrow instead.

BILL ON SECOND READING Senate Bill No. 1861--Synchronized Elections (Continuation)

So, I move that we resume consideration of Senate Bill No. 1861, as reported out under Committee Report No. 1373.

The Presiding Officer [Senator Mercado]. Resumption of the consideration of the measure is now in order.

Senator Guingona. We are still in the period of interpellations. I ask that we recognize Senator Gonzales.

The Presiding Officer [Senator Mercado]. Senator Gonzales is recognized.

Are there any other questions or interpellations on this measure? [*Silence*]

Senator Guingona. I was just wondering, if the Sponsor will agree that we terminate the interpellations with the understanding that interpellations will be allowed during the period of amendments. Anyway, we are consolidating all the amendments we talked about in the caucus.

Senator Gonzales. That has been my plea ever since and we would appreciate it if we terminate the period of interpellations, and go into the period of amendments, without prejudice, of course, to ask questions on the proposed amendments.

The Presiding Officer [Senator Mercado]. There is a motion to terminate the period of interpellations on this measure, Senate Bill No. 1861.

Is there any objection to the motion? [*Silence*] There being none, the period of interpellations is terminated.

We are now in the period of Committee Amendments.

Senator Guingona. Yes, Mr. President. I think the distinguished Author will distribute copies.

The Presiding Officer [Senator Mercado]. Do we have any Committee amendments to be read into the *Record*?

COMMITTEE AMENDMENTS

Senator Gonzales. We have the following Committee Amendments, Mr. President, and I could read them into the record.

The Presiding Officer [Senator Mercado]. Please proceed.

Senator Gonzales. On page 4, Section 4, line 10, change the last word "an" to A.

The Presiding Officer [Senator Mercado]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Gonzales. On line 11, delete the words "actual bonafide". The rationale for that, is that these terms would impose requirements more stringent than existing jurisprudence, and in the case of *Fai Pon vs. Quirino, Lim vs. Pelaez*, and other cases, "residence" for purposes of suffrage have been interpreted to mean a legal or constructive residence. That is the place where a person has his established home, and when he departs he intends to return.

It is always better that we shall have consistency in our statutes regarding residence and registered voter so that there will also be consistency in legislative meaning, Mr. President.

The Presiding Officer [Senator Mercado]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Gonzales. On page 4, between lines 18 and 19, insert a new paragraph to read as follows:

THE ABOVE APPORTIONMENT OR DISTRICTING NOTWITHSTANDING THE SECTORAL REPRESENTATIVES FOR WOMEN, WORKERS AND OTHER SEGMENTS IN THE *SANGGUNIANG BAYAN* AS PROVIDED BY LAW SHALL BE ELECTED AT LARGE BY THE QUALIFIED VOTERS OF THE MUNICIPALITY CONCERNED. ACCORDINGLY, THREE ADDITIONAL SPACES SHALL BE PROVIDED FOR THEM IN THE OFFICIAL BALLOTS.

We have to insert this provision because, as we had pointed out last time, under the proposed Local Government Code--and this is already almost through and nearing the signing stage--there are three sectoral representatives in the *Sangguniang Bayan*. They are the Sectoral Representative for Women, the Sectoral Representative for Workers--meaning agricultural or industrial workers--and another Sectoral Representative for the other sectors like the Cultural Communities.

We have really tried very hard to fit their election in the system of apportionment that we have previously adopted; however, we cannot do so. The only remedy left to us is to propose that they be elected at large by the qualified electors of the municipality.

In this connection, this proposal even has been initiated by Senator Rasul, who is most concerned about the women representative in the *Sangguniang Bayan*.

Senator Osmeña. Mr. President.

The Presiding Officer [Senator Mercado]. Senator Osmeña is recognized.

Senator Osmeña. Mr. President, will the Sponsor

just yield to a few questions on this matter?

Senator Gonzales. Yes, Mr. President.

Senator Osmeña. Who will determine whether a sectoral representative representing the workers is an industrial or an agricultural worker?

Senator Gonzales. I have read the pertinent provisions of the Local Government Code. The same has not been provided.

Senator Osmeña. It has not been provided.

Senator Gonzales. Yes. In fact, I would think that this is merely a temporary measure awaiting for a definition of law as to how they are to be determined, whether or not it is right that those who are not members of their respective sectors should be allowed to vote for them; but until such time, we have to provide for the election of sectoral representatives.

Senator Osmeña. How about the third sectoral representative? Who is going to identify the sector?

Senator Gonzales. In the pertinent provision of the proposed Local Government Code, it merely says "and/or other sectors like cultural communities," et cetera.

So, I think, we have to fill in these matters of details and I do not think that we should wait for the same, but instead put them in place before we enact this synchronization law, because that would incur much delay.

I expect that there will be enacted a detailed legislation concerning these sectoral representatives, as provided for in the Local Government Code.

Senator Osmeña. Thank you, Mr. President.

The Presiding Officer [Senator Mercado]. Is there any objection to this Committee amendment? [*Silence*] Hearing none, the amendment is approved.

Senator Guingona. With the permission of the distinguished Sponsor.

Senator Gonzales. Yes, Mr. President.

Senator Guingona. May I suggest that all the proposed amendments be embodied already in the new bill.

Senator Gonzales. Yes, we are going to do that, but I thought that we should first approve it one by one; but if not, then that would make the work of the Committee easier. We can incorporate all of these amendments and prepare a version that would already incorporate the same. We will probably be ready by tomorrow.

The Presiding Officer [Senator Mercado]. If there are no objections, then we can approach this particular procedure in that manner. We will have a new draft, incorporating the Committee amendments, and approve the same before tackling the individual amendments.

Senator Guingona. In view of that, I move that we suspend consideration of this measure.

The Presiding Officer [Senator Mercado]. Senator Romulo.

Senator Romulo. Mr. President, I had raised my hand to interpellate, because I was on the phone and the Committee amendments were proposed, without prejudice to the interpellation continuing. May we know if we can interpellate now or it would be tomorrow?

Senator Gonzales. We are willing to subject ourselves to the pleasure of our esteemed Colleague.

Senator Romulo. I am given the signal that *mabuti raw siguro bukas na. So, bukas na po.*

Senator Gonzales. Medyo pagod na nga tayo dahil buong maghapon tayo naririto. Pinakamahirap po sa lahat iyong nakaupo at nakikinig.

The Presiding Officer [Senator Mercado]. At any rate, we will have also the Committee amendments incorporated in the new draft, and it will be submitted to the Body.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1861

Senator Guingona. With that, Mr. President, I move that we suspend consideration of this measure.

The Majority Floor Leader.

CONFERENCE COMMITTEE ON SENATE BILL NO. 76/HOUSE BILL NO. 11281 (Organ Donation)

Senator Guingona. Mr. President, I move that the following Members of the Senate constitute a panel for the Conference Committee on the disagreeing provisions of Senate Bill No. 76 and House Bill No. 11281, the Organ Donation bills: Senators Angara, Romulo, Mercado, Lina and Enrile.

The President. Is there any objection? [Silence] Hearing none, the motion is approved.

BILL ON SECOND READING Senate Bill No. 1861-Synchronized Elections on May 11, 1992 (Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 1861 as reported out under Committee Report No. 1373.

The President. Resumption of consideration of Senate Bill No. 1861 is now in order.

Senator Guingona. We are still in the period of amendments, Mr. President. I ask that we recognize Senator Saguisag, who has been requested, in the absence of Senator Gonzales, to continue sponsoring the same.

The President. Senator Saguisag is recognized.

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

MANIFESTATION OF SENATOR MACEDA (Status of Senator Gonzales' trip)

Senator Maceda. Mr. President, just for the record, may I know the official status of Senator Gonzales? Is he on mission and to where?

The President. He was supposed to go to the conference in Strasbourg, France, and then to the IPU Confer-

ence in Chile.

Senator Maceda. But the newspapers in Malacañang claims that he was sent by Malacañang to Washington.

The President. I have not received any official notice yet to that effect.

Senator Maceda. Was his trip, Mr. President, funded by the Senate?

The President. As far as I know, that Washington trip is not funded by the Senate.

Senator Maceda. Well, in which case, Mr. President, may we request that the Senate President clarify the actual status of the trip, and the expenses of Senator Gonzales?

The President. All right. Senator Saguisag is recognized.

Senator Saguisag. Maraming salamat po.

Noon pong huling araw na nagtagpo tayo at nagpu-long dito, September 16, 1991, nakiusap si Senador Gonzales na kung hindi pa siya makabalik sa araw na ito, para hindi naman mabimbin ang napakahalagang panukalang-batas na ito, ay ako na ang mag-isponsor nito. He has this note, saying, "Hopefully this will be the final version." Mayroon pa pong underscoring iyong "final."

I think everybody is aware that we have very little time left. So, he was hoping that very quickly, or very expeditiously, we could approve this, and that those of us who may have very strong feelings about certain provisions it contains may be named to the Conference Committee without prejudice to questions that may still be asked this week, Mr. President.

I understand, for instance, that Senator Maceda has some...

The President. Senator Maceda is recognized.

Senator Maceda. Will the Acting Chairman of the Committee on Electoral Reforms and People's Participa-

tion answer a few questions?

Senator Saguisag. Titingnan ko po kung makakaya ko. Pero hindi po ako in acting capacity. Ako po ay napag-utusan lamang.

Senator Maceda. I will withdraw the description and, therefore, say *de facto* Chairman.

Mr. President, may we know whether the proposed bill, as revised, as of September 2, 1991, contains any provisions which, in effect, might run contrary to the Supreme Court decision which invalidated our previous bill?

Senator Saguisag. One that may conceivably come to mind is whether it is the business of the Legislature to be setting the election period. There is the view that, maybe, under the Constitution, that is the task of the Commission on Elections, Mr. President. Other than that, I cannot, at the moment, recall any that might have been designed to thwart the intent of the ruling.

Ang punto lamang naman po roon ay hindi maaaring magkaroon ng halalan na lalagpas sa ika-30 ng Hunyo ng darating na taon. To me, nagkaroon po siguro ng *obiter dictum* na it should be held in one day.

I would really have personally preferred that the Supreme Court had stopped at saying that no election should be held beyond June 30, 1992. I bring this out because I am really very concerned by the testimony of our friends in the Commission on Elections that it will be a nightmare to go through a single day election.

That is why the approach taken here by Senator Gonzales and our Colleagues is to have some kind of redistricting that will bring down the number of candidates to no more than 40. I understand from the Commission on Elections that we are really talking of candidates ranging from a low of 34 to a high of 38.

So, unless my attention is called by the distinguished Gentleman to another point that I may have overlooked, wala po akong nakikita rito maliban doon sa tayo ang nag-aayos ng election period dahil, ayon sa Saligang-Batas, iyon ay trabaho ng Commission on Elections.

Senator Maceda. Well, I was precisely concerned about that and wanted some clarification. A strict reading of the Supreme Court decision would seem to imply, if it is construed strictly, that even the nomination and selection process would be encompassed within the 90-day election period, and the bill that the distinguished Senator is sponsoring, under Section 7, now speaks of a nomination and selection period 150 days before the election.

Senator Saguisag. That is correct and I think the House version even speaks of 180 days. Maybe, we can pass this, and the Commission on Elections can just adopt it or set its own period. Personally, I am hoping that the Supreme Court will not knock out, so to speak, as unconstitutional some electoral activity beyond the 90-day period, because, under the Constitution, the COMELEC can fix the election period. Pero, tama po sila; mukha hong hindi pinuna iyong bahagi ng kapasyahan ng Korte Suprema dahil the Supreme Court nullified, as I understand it, the entire Republic Act that was passed upon and reviewed by the Supreme Court.

The President. On that point, may the Chair intervene.

Is it not true that the COMELEC already filed a Motion for Clarification of that particular paragraph in the Decision of the Supreme Court?

Senator Saguisag. We have no information as to any action that has been taken on it. Atty. De Lima here says that for his part he was not aware either that there has been any resolution. I would have thought that any action on it would have gotten wide publicity.

The President. But there was a Motion for Clarification of the Decision.

Senator Saguisag. Opo. Maybe, our friends in the COMELEC can file a motion for early resolution so that everybody concerned can be guided accordingly.

The President. And if the Resolution of the Supreme Court should say that the national convention can be held outside the 90-day period, then, what is stated in this bill may therefore be valid?

Senator Saguisag. That is what will be the law on

the point, Mr. President; so that, personally, I feel there is no harm in....

At this juncture, Senator Osmeña approached the distinguished Sponsor.

SUSPENSION OF THE SESSION

May we have a short recess, Mr. President?

The President. The session is suspended, if there is no objection. [*There was none.*]

It was 4:12 p.m.

RESUMPTION OF THE SESSION

At 4:22 p.m., the session was resumed.

The President. The session is resumed.

Senator Saguisag. Mr. President, information was given to us that, for all we know, maybe, there is even now a Supreme Court resolution of the subject motion for clarification that is being verified. In the meantime, in our huddle, what emerged was a widespread or variance of opinion as to whether it should be 90 days as the low period and 180 days as the high period. It seems to me that the consensus reached is that, perhaps, pending clarification or crystalization of the various views on this, we may want to move on to another point.

Senator Maceda. Yes, Mr. President. Referring to Section 4 on the matter of districting, in the beginning, all of us were approaching this matter on the basis of either 49 or 51 total number of posts to be contested. Now, it would seem, that with the three additional sectoral representatives and, I think, two additional provincial, there could be as much as 56. Certainly, it will now be, at least, 52 or 54, depending on whether we have a city or municipal council of ten or eight.

Senator Saguisag. Fifty-one was nightmarish enough, and the information just mentioned is, I think, true. So, the practical problems will be compounded, if we are now dealing not only with 51 names but with a higher figure. That is why I believe Senator Gonzales had wanted this redistricting done for purposes of the

elections next year.

Senator Maceda. Referring to page 4 in a proposed amendment, lines 23 to 29, the last two lines: "Accordingly, three additional spaces shall be provided for them in the official ballots"--that is 51 plus three--at least, that is up to 54 already.

I understand from the Majority Floor Leader that that is really 56. Maybe, there are two more in the provincial board area.

Even if we follow the redistricting principle proposed by the COMELEC where it sought to bring it down to 38, with these additional sectorals of five, the minimum will still be 43.

Senator Saguisag. If that is correct, then there is really very little that will have been solved--from 51 to 43 will present its own set of very difficult practical problems.

Senator Maceda. May I know how this proposed law envisions an election, let us say, the maximum of 56 posts, all on the same date? How are we going to be able to effect a proper election under this proposed bill?

Senator Saguisag. Well, Commissioner Yorac informally told me, some weeks ago, that even with 51 names, in some places, the election may stretch it to the third day. And we are talking of three people who, even under normal conditions, if working from 6:00 a.m. to 6:00 p.m., would not be functioning optimally towards midnight. That is why, I suppose, there was this desire on the part of our Colleagues to advance this idea of redistricting.

If the Gentleman asks me, my own proposed amendment, which I would like for all concerned to consider is, perhaps, not to accept the decision of the Supreme Court that the election can really be held only on May 11, 1992. I was thinking of making the proposal that the COMELEC, in the discharge of its constitutional mandate to hold a clean, honest and credible election, should, perhaps, be given the authority to hold the local election, maybe, on May 11 itself or two weeks thereafter, or, maybe, a month thereafter. Otherwise, I am really very concerned that the exercise may explode in our faces.

Fifty-six, 57 names, I just cannot see how it can be done.

So, if an amendment of that type is accepted, and it is immediately challenged, maybe, the Supreme Court, given the very powerful and persuasive practical arguments against holding the election in one day, may be persuaded to consider its pronouncement as just an *obiter dictum*, and that, indeed, the COMELEC should be given a little leeway to save the exercise and thereby save democracy in this country which is, really, what is at stake.

Senator Maceda. Considering that reports are to the effect that the House of Representatives is not going to adopt the districting principle, what will be the position of the Senate on this particular matter?

Senator Saguisag. My personal insight is, really, there is no time to do it. I am sure that there will be an avalanche of injunctions and challenges that will prevent the implementation of that idea, given the very limited time we have. There will be the usual charges of gerrymandering, and there is always some court that will allow an injunction to issue so that we will have to insist--I mean, speaking only for myself--that the election be either held in one day on the basis of no redistricting. Or, that I would hope that our Colleagues here and in the other Chamber may want to consider my formula of nominally separate elections, *dalawang linggo lamang po o isang buwan*.

Siguro, pag nakita ng Kataas-taasang Hukuman na hindi natin malulutas ngayon ang problemang ito, baka payagan at bigyan ang COMELEC ng discretion to hold the elections either on May 11 for all, or only the national elections on May 11, and the local elections either two weeks later or a month later.

One Commissioner was telling me that any sort of breathing spell would be appreciated as, perhaps, the only way out.

Senator Maceda. Is the Committee going to propose that formally?

Senator Saguisag. Iyon po ang nais ko sanang gawing individual amendment. Alam na po natin iyong premises. Ito po ang gusto kong imungkahi, for the record:

“HOWEVER, IN THE SOLE JUDGMENT OF THE COMMISSION ON ELECTIONS ON THE BASIS OF WHAT IT BELIEVES AND DETERMINES MAY BEST ENSURE THE DISCHARGE OF ITS CONSTITUTIONAL MANDATE TO HOLD FREE, ORDERLY, HONEST, PEACEFUL AND CREDIBLE ELECTIONS, THE COMMISSION MAY CHOOSE TO HOLD AND CONDUCT THE NEXT LOCAL ELECTION ON ANY OTHER DATE BEFORE JUNE 30, 1992, BUT PREFERABLY ON ANY OF THE FOLLOWING ALTERNATIVE DATES: (1) ON MAY 25, 1992 OR ON JUNE 11, 1992.”

It is the individual opinion of this Senator that at least one Commissioner of the COMELEC supports it. I am not sure whether this new idea may be received with favor by enough Members of this Chamber and enough Members of the other Chamber, if only because the alternatives are really frightening and impractical in the Senator's view

Senator Maceda. Be that as it may, going back to the redistricting principle, it looks like there is more complaint on the level of the municipalities, and there is comparatively more acceptance on the level of the provincial boards. Meaning to say, that the opinion there is really divided between those who feel that they have a better chance of winning province-wide, and those who feel that it is okay with them, or they have a better chance of winning in a district.

Now, the thing that bothers a lot of people is the fact that not all the provinces are divisible by two districts-wise. That is why, in the version I presented, I was proposing that the simplest way to handle the redistricting of provinces is to have a provincial board of two board members per congressional district with a minimum of four. Meaning to say, if it is two districts or one district, then they will have four, which actually will be at least seven, when we consider that we will have the representative of the Provincial Federation of Barangays, the Provincial Federation of *Kabataang Barangays*. And then, if I am not mistaken, the President of the Mayors League is also suggested to be *ex officio*. So, we will already have seven, minimum. But then, it will simplify--if there are three congressional districts, they get six. The maximum number, of course, of congressional district is six in only three provinces--Cebu, Negros and Pangasinan--which

can really afford the addition of two additional members from the present 10 to 12.

Now, that might be acceptable even to the Congressmen if there will no longer be any discretion on the part of the COMELEC or anybody on how to divide. There are quite a few provinces with ten and with four districts, so that there is going to be attached or annexed to the COMELEC proposal some sort of a 3-3-2-2 formula which becomes objectionable to those two districts which will only get two each.

But my feeling is, if we have a uniform two each per district with a minimum four for the one-district provinces, when we say the small provinces, that might be-- finally, of course, there will always be those who will object, but that might get the majority acceptance.

Senator Saguisag. If only because it will minimize or remove the element of discussion because that is really where the quarrel will start. There will be the suspicion that any use of discretion will reflect the local power situation. In other words, puwedeng i-gerrymandering. Pipiliin kung saan ang malakas, kung saan ang mahina. Pero kung mawawala iyong discretion, that may be one creative way of reducing the practical problems that we confront now, kung napahaba po ang iboboto ng mamamayan sa isang taon. So, certainly, I suppose our Colleagues will support any idea along that line.

Senator Maceda. Now, let us go to page 4.

On the addition of the words "AND A REGISTERED VOTER" on line 15, somehow I do not feel comfortable with this new variation because there are people who are, considering limited employment possibilities, principally being limited to the urban areas or the populous and progressive towns. For convenience, let us say, a lawyer who is practicing in Lucena rather than in Alabat, Quezon, but he is really by family, in intention and everything, a resident of Alabat. We might be reducing the number of qualified people who can run.

Normally, those who are in Metro Manila should really be encouraged if they are willing to go back to Alabat or if they are willing to go back to Babatngon, Leyte, and run for office where their family and personal ties have been there for years, except that they have found employ-

ment here. Let us say, even if they are only appointed as a government clerk or lawyer in one of the government departments, again, relating it also to the related question of difficulty of transportation and expense of transportation, and there is no law now, even at the moment, which excuses a government employee or a private employee to go home to his own town for two or three days to register.

I just do not feel comfortable that the requirement of a registered voter would improve the quality of our leadership in the sangguniang panlalawigan, sangguniang panlungsod or sangguniang bayan to which this particular paragraph refers to.

Senator Saguisag. I am really in an awkward position where this is the handiwork of an esteemed Colleague. I cannot help but share the concern of the Gentleman from Manila and Ilocos Sur. I am not sure that this is a constitutional requirement, and every time we add a requirement, I am not confident that it can survive a constitutional challenge.

In other words, it is entirely possible for a citizen not even to be interested in public life for sixty years. He may not vote, he may not be registering, and then when he gets to be 60, he suddenly developed some interest in public life. Even if he is not a registered voter, he may want to join the exercise for the first time.

Maybe, we want to review this, both on the policy grounds raised by the Gentleman and, maybe, on the additional constitutional ground that I am raising. Hindi ko po alam kung sino ang nagmungkahi nito, at ano ang paliwanag, but this really may rate a second look, whether we should delete the requirement of being a registered voter. Siguro po in fairness to Senator Gonzales, he should be heard on this.

Senator Maceda. I am just moving along quickly and intend to ask a few more questions and then reserve my right. Page 9, Section 13 - Absentee Voting.

I am not sure, that is why I am asking whether absentee voting was first allowed under Executive Order No. 157, dated March 30, 1987 or was there absentee voting even before 1987?

Senator Saguisag. I am informed, that in the past,

only the members of the Board of Election Inspectors assigned to a place other than their residence were allowed to vote. So, this innovation apparently took effect only beginning 1987.

Senator Maceda. Actually, 1988, because when this Executive Order was signed, the presidential elections were finished, so this was really more in terms of the next elections.

For the record may we know whether the Committee has studied the question of whether this should only be limited to President, Vice-President, and Senators?

Senator Saguisag. I think this was taken up in one of the caucuses. That is the limit of my personal recollection on it, that the decision reached was to limit it to these public officials. Incidentally, EO No. 157 was dated March 30, 1987.

Senator Maceda. That is right.

Senator Saguisag. And I am informed this was not enforced or applied in 1988 since there was no election for national officials then.

Senator Maceda. Again, this is one of those things I am just raising where I am not sure about the pros and cons. Of course, the pro is possible not to disenfranchise people. The only problem is, one should start using that as the principal argument. Remember that there is a very strong lobby for the enfranchisement of people who are still Filipino citizens paying taxes and using Filipino passports who are abroad, whether it be in the United States, in the Middle East or in Japan.

I guess the principle of absentee voting must have to be adopted, either all the way or not at all. But any halfway measure is going to raise even a question of discrimination.

Senator Saguisag. I think in one of our meetings, Senator Pimentel also raised, if my memory is true, the phenomenon that sometimes the number of soldiers assigned, let us say, in Cagayan de Oro, can be decisive of the result of the elections.

I am not sure, however, if the analogy is correct in

regard to oversea absentee voting which presents its own set of difficult problems.

For myself, I do not think we are ready for that, especially since Filipinos are scattered all over the globe. Can we imagine the effect if the election, for instance, in Pasig will be decided only by ten votes and then we would await the result of the votes from Abu Dhabi, or from Antarctica or from Alaska? So, maybe, that will have to be decided on the basis of committee hearings on the measures pending on that idea for a later time.

My point is that, perhaps, there is really a substantial and valid distinction between absentee voters in other countries and absentee voters within the Philippines, because public servants, by force of circumstances, are assigned to some other place.

Ang natatandaan ko pong nangyari roon, kung boboto sa national officials, it does not really matter where one is in the Philippines during election day. But, it can be so manipulated or it can even be by accident that in view of the temporary presence of some voters, they may affect the voting locally where they may not really be interested at all. So, maybe, we need more time to refine this, whether we will go back to the old practice of limiting it to the electoral officials. Because I agree, once we broaden it, then there we draw the line.

Senator Maceda. I can think of one possible misuse of this. Presumably, the Administration, if we go by the past, controls the bigger portion of the soldiers and policemen, especially since they usually follow superiors. So, we can imagine a situation where the incumbent President, knowing that he is, probably, going to lose in a certain province where he is weak or which is the bailiwick of the Opposition, will assign a certain number of soldiers and police personnel to that province to make a fraudulent return from that province believable on the premise that all the soldiers or policemen who were assigned there voted for the Administration.

I am just thinking out aloud, relating it to a master plan of cheating on a province-by-province or municipality-by-municipality basis, because it is clear that if it is just the traditional voters there, we will know, more or less, that in this municipality or in this province, that candidate should win by a certain percentage overwhelm-

ingly, probably. But then, one will say: "Well, he lost after the results were tampered, because the soldiers and the policemen we assigned there all voted for the Administration candidate."

Senator Saguisag. So long as there was no additional vote and it involves only national officials, at the end of the count, the results should be the same. But I can see that happening if they are sent to another place, especially elements of the police and the military who may so believe in the fundamental right to vote that they exercise it more than once in a certain election. But otherwise, we have to balance it against the claim of disenfranchisement, a very valuable right on the part of hundreds of thousands of our brothers and sisters in uniform. Kaya, iyon ho ay mabigat din naman ang kaparusahan na dahil nagsisilbi ay hindi makaboto.

So, to me, that in itself may not be enough of an objection as long as the right to vote is limited to national officials. Wala po sigurong distortion iyon dahil sa huli susumahin iyong national results. But if the idea is to allow or employ those elements to intimidate some voters or fabricate results, then I can see how this can be used for mischievous ends.

Senator Maceda. Just for the record, may we know the rationale why candidates for President, Vice-President, and Senators are limited to ₱ 1.50 per voter, while candidates for the Members of the House of Representatives and local officials may spend ₱3.00 per voter?

Senator Saguisag. The original idea, I believe, was in the Batasan days when it was unicameral. Then the idea was to make it uniform. In fact, there was no other choice but to make it uniform. But when the system reverted to the bicameral one, the distortion became very clear.

In other words, in 1987--let us assume that there were 25 million voters--each of us was entitled to spend, if my recollection was right, ₱1.00 or ₱1.50 at that time. Napag-iwanan po nang todo ang congressional candidates. In other words, if there would be only 50,000 voters in a district, the congressional candidate could spend only an unrealistically modest sum.

I assume that the figures that have just been identified

represent an attempt to be realistic. Pero napakalayo pa rin po dahil ang laki rin ng magagastos natin sa congressional candidates. I am not sure whether it is still on the low side, given the very low purchasing power of the peso today.

So, I do not know if the intent of the Gentleman is to modify the figures. I am not very satisfied with these figures that may have been very arbitrarily chosen.

Senator Maceda. I certainly agree with the Gentleman, Mr. President, if he is saying that these amounts are unrealistically low. What I was just trying to bring out was the other point.

I would assume that candidates for President and Vice President should really be expected to spend more per voter than candidates for the House or for elective local officials. In any event, I think the minimum formulation should be that they should be allowed to spend the same amount, because the control is not in the amount to be spent but in the number of voters per constituency. So, a candidate for mayor, we will only be talking about 5,000 to 10,000 votes for the municipality. Candidates for President, we are talking about 30 million votes.

So, unless the rationale is, the smaller the constituency the more expensive the election is--which is the public perception of how elections are in the Province of Batanes which is supposed to be on a per capita basis--the most expensive place in the country to run for an elective seat....

Senator Saguisag. I guess we are dealing here, with one of the permanent problems of elections in this country. For whatever it may be worth, in the United States where we borrowed some of our electoral concepts, in case it is the personal money of the candidate, there is, in fact, no limitation. If he is a billionaire, he can spend his entire holdings, and that has been ruled constitutional. In the U S, the limitation is on campaign contributions from other people.

So, here, I suppose we will have to push pencils and review the figures we have given as to whether they correctly respond to the widely felt need of checking what is believed to be overspending by the richer candidates.

But, frankly, I am personally at a loss on what is the criterion to be used--why not ₱4.50?, why not ₱3.75? So, it is bound to be arbitrary anyway. Will making it uniform be the answer? Perhaps, we can leave it to the Body.

Senator Maceda. I have no problem with whatever amount is agreed upon. I was just trying to suggest that, probably, whether it is President, Vice-President, Senator, or local, the amounts should be the same, because, really, on an across-the-board basis, the expenditure is the same, except that, as I said, it is limited by the number of voters. Let us say, for propaganda, for 30 million voters, we have to print 300 million pieces of propaganda; for 10,000 local voters, we have to print 100,000 pieces of propaganda. So, the limiting factor is not the amount, but the number of voters, unless the representation is that there will be economies of scale on the bigger amount of propaganda that we are printing, which I do not think was really the consideration involved here.

Would the Gentleman--I know that he is just the Acting Chairman--be inclined to the proposition that besides raising these to realistic levels, the amounts should be uniform for both national and local candidates?

Senator Saguisag. My problem really is, I have never been comfortable with the huge amount that is allowed a Senator because of the huge national base on which we compute the total. Even if it is made uniform, the differential criterion really is the number of voters in the area concerned where it involves nonnational candidates. I am talking really of the wide disparity between what is allowed a senatorial candidate and a candidate for the House of Representatives.

But I have really no strong feelings, speaking for myself. Maybe, we will just have to take a consensus on the part of our Colleagues as to whether it is better made uniform, as suggested by the Gentleman, on the basis of the persuasive logic that has been spread on the *Record*.

Senator Maceda. I will leave to the other Members of the Chamber, particularly Senator Pimentel, the question of official watchers.

My last point for today is, considering that we seem to be reversing gears now in the direction of a truly

synchronized elections involving at least 51, maybe 54, or 56 positions and the corresponding implications of that, would the distinguished Gentleman agree that the proposed increase of ₱200 per day to ₱400 is inadequate, considering that now we are talking not two days but probably at least three days. And so my proposal has always been on this case, that they should be paid P200 a day or a total of ₱600.

Senator Saguisag. Number one, I am not sure whether we have the resources; number two, if they will be paid on a daily basis, maybe if they can do it in one day, they will stretch it to three days. So I may have problems with that. There will be a built-in temptation to stretch the exercise, and in the wee hours of the morning, that is when all sorts of mysteries can happen.

Kaya siguro kung ipa-flat natin ng ₱500, kung kaya, which is collectible after they shall have served, baka ho lalong bumilis ang proseso.

So I have no problem giving an affordable amount, but not on a daily basis.

Senator Maceda. Of course, it is to be expected that I have tested this matter in some of the local dialogs I have conducted, but even the ₱600, they do not seem to be happy with it.

By the way, I was wondering whether the Gentleman's consultant can inform us whether it is correct, based on the answers I have been getting from teachers in the field, that they have the right to refuse to serve as poll clerks, or are they mandated to serve as poll clerks.

Senator Saguisag. The information given here by Atty. De Lima is that, it is really a duty that cannot be shirked. I tend to share that. I mean, that is what being a public servant is all about. Among the powers of the Commission on Election under Section 2, subsection 8, of Article IX, is to recommend to the President the removal of any officer or employee it has deputized, or the imposition of any other disciplinary action for violation or disregard of or disobedience to its directive, order or decision. I think this is a very good policy unless there is really...

Senator Maceda. But I really doubt whether the

Gentleman can, as a rule, compel people to serve. That is against his human rights orientation. How can we compel teachers to serve if they do not want to serve? Precisely I am raising that point because some of them in the field have already told me that if it is only ₱500, with all the problems that will be attendant to this election, they would rather not serve.

So, we really have to look for an amount that will at least be acceptable as a minimum for these people to serve. Not only that. As a result of certain bad practices adopted during the Martial Law years, teachers have been known, especially in Metro Manila, to receive per diems or money from political parties or candidates. So theoretically speaking, one way of assuring that there will be less temptation to receive money from political parties and political candidates is to make their election day pay realistic.

Senator Saguisag. In 1978, that was the Laban campaign where the distinguished Gentleman was among the candidates--to me, it was a very proud moment when the teachers of Marikina and Pasig laid down--

Senator Maceda. And Parañaque.

Senator Saguisag. --maybe all over, were ready to give up even their own lives to insure the integrity of the process. And if after the lapse of 13 years, we are now told by public schoolteachers that they would not serve unless they are properly paid, then this country is really going down the tubes. This is democracy. I would have thought that the last consideration would be money, and it is very depressing to be told that there are public schoolteachers, whom everybody used to look up to in very high regard, now look at this as something na napaka-materialistic na po. I do not know what has gone with the wind in the last 13 years. But as I said, that was, to me, one of our proudest moments, as a people, when teachers stood up against threats and blandishments to see to it that the electoral process was insured.

So, maybe, we need to talk with them again and try to reorient them; that it is not a question of stinginess on the part of the National Government, but there are just too many valid competing claims and very scarce resources. If we had the money, we might give them even ₱2,000. Pero kung wala na po naman sa ibang basic social serv-

ices, and then we are told that, "Unless you give us the money or the amount we like, we are not going to serve," then, we might as well fire all of them. I do not think that they deserve to be teaching our students na everything boils down to pesos and centavos.

I do not know what has happened to the old values that we used to admire in the system. Baka po hindi naman representative iyon nakausap natin, baka po mangilan-ngilan na nabigla lamang dahil napakataas po ng paggalang natin sa tinatawag na mga maestro at maestra noong araw.

Senator Maceda. I hope the Gentleman is correct and expresses the same hope as he does. The only thing I would like to add is, I have talked to some teachers down the field, and they have impressed me that they are now organized especially in the light of the provision to organize which the Constitution afforded public sector employees. In effect, even their tone of voice and their statements were more of a demand than a request. Usually the president of the teachers association in this municipality is the one who comes up.

In fact, over the last week, in at least two municipalities, they were angrily demanding, if not suggesting or asking, when they would get their ₱5,000 a month. As a matter of fact, it was only watered down by the fact that in, at least, one municipality the president of the teachers' group who was demanding ₱5,000 a month was saying "Why are you concerned only with the employees in Olongapo when, we, the teachers are not being properly given the attention that we deserve?"

Senator Saguisag. They may lose the ₱1,000 or ₱2,000 they may want, but the entire country may lose democracy in the process. So, dapat po siguro ay kausapin natin uli, dahil I still like to think that by and large, our public servants, teachers or whoever have the country's welfare at heart and if properly talked to, maybe, they will realize that we have a common stake because so much depends on the success of the next elections. Baka po maghangad ng kagitna ay isang salop po ang mawala.

Senator Maceda. I have been ordered by Vice-President Guingona and President Pimentel to terminate my interpellations for today. So, I will just reserve my other questions to another less tight day.

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1861

Senator Guingona. Mr. President, without prejudice to the distinguished Senator's continuance of the interpellation, I move that we suspend consideration of this measure for the purpose of going into caucus.

The President. Is there any objection? [*Silence*]
Hearing none, the motion is approved.

SUSPENSION OF THE SESSION

The session is suspended for our break. We shall have a caucus, if there is no objection. [*There was none.*]

It was 5:10 p.m.

RESUMPTION OF THE SESSION

At 7:31 p.m., the session was resumed.

The President. The session is resumed.

Senator Guingona. Mr. President, tomorrow, we will take up the Synchronization measure and the Base Conversion Authority.

ADJOURNMENT OF THE SESSION

I move that we adjourn the session until three o'clock tomorrow afternoon.

The President. The session is adjourned until three o'clock tomorrow afternoon, if there is no objection. [*There was none.*]

It was 7:31 p.m.

Oct. 1, 1991

SPECIAL ORDERS

Senator Guingona. Mr. President, I move that Committee Report No. 1407 on House Bill No. 34160, entitled

AN ACT TO REHABILITATE THE PHILIPPINE VETERANS BANK CREATED UNDER REPUBLIC ACT 3518 PROVIDING THE MECHANISMS THEREFOR AND FOR OTHER PURPOSES,

be transferred to the Calendar for Special Orders.

The President. Is there any objection? [*Silence*] Hearing none, the motion is approved.

BILL ON SECOND READING
Senate Bill No. 1861 - Synchronized
Elections on May 11, 1992
[Continuation]

Senator Guingona. Mr. President. I move that we resume consideration of Senate Bill No. 1861 as reported out under Committee Report No. 1373.

The President. Resumption of consideration of Senate Bill No. 1861 is now in order.

Senator Guingona. Mr. President, we are still in the period of amendments. I ask that we recognize Senator Saguisag.

The President. Senator Saguisag is recognized.

Senator Saguisag. Mr. President, is the parliamentary situation the continuation of interpellations?

The President. Senator Guingona.

Senator Guingona. Mr. President, we are actually in the period of amendments. This revised copy embodies already all the Committee amendments proposed as of September 2. We just want to clarify certain matters before introducing our own personal amendments.

Senator Saguisag. That was my understanding, that we close the period of interpellations proper, but when

proposing amendments, we were made to understand that questions would be entertained like the way they were yesterday.

Senator Guingona. Mr. President, under the proposed revised amendment, there will now be five copies of the certificates of canvass instead of seven. Would that be correct?

Senator Saguisag. May we have time to look at the page?

Senator Guingona. I am looking for it.

Senator Saguisag. So that everybody here can follow the discussion. I think it is on page 21.

At this juncture, the Senate President relinquished the Chair to the President Pro Tempore.

Are we referring to the election returns?

Senator Guingona. Yes, to the election returns.

Senator Saguisag. Section 26.

My recollection, which seems to be confirmed by the draft before us, is, we are talking of seven copies for the national officials, and in the election of local officials, six copies. We are not aware that there has been a reduction as to election returns to five copies only. Maybe, we are referring to the certificate of canvass, page 23, where, as I understand it, we are talking of five copies. Pages 23 and 24, Section 28, under the "Resectioning".

Senator Guingona. Yes. Has the distinguished Sponsor any objection to making these seven copies? I understand that there were objections from the smaller parties, that they would be at a disadvantage because this is actually a return to the inspectorial system of favoring the dominant party and the opposition party, thereby encouraging or giving more rights to two political parties.

Senator Saguisag. For some reason, the technical advice that has been given me here is, there seems to be a difficulty, according to the COMELEC representative who is present here, in making clear copies exceeding five. I just wonder why it is possible to have seven

legible copies of the returns and not as to the certificates of canvass.

May we have a brief recess, Mr. President?

SUSPENSION OF THE SESSION

The President Pro Tempore. The session is suspended for one minute, if there is no objection. [*There was none.*]

It was 4:20 p.m.

RESUMPTION OF THE SESSION

At 4:25 p.m., the session was resumed.

The President Pro Tempore. The session is resumed.

Senator Guingona. Mr. President, during the break, the consultant from COMELEC informed us that the House of Representatives has provided for eight copies instead of five for the certificates...

Senator Saguisag. For the election returns, and seven for the certificates of canvass.

Senator Guingona. Yes. And I have my reservations concerning the distribution, because it says a number of congressmen, I think, belonging to political parties in the House of Representatives. So, perhaps, that should be amended.

I will make a reservation to present the proper amendment either here on the Floor or, because of exigencies of time, in the Conference Committee.

Senator Saguisag. We are open to it, except that we want to be convinced that as a practical matter it can be done. The concern of our consultant here is that on the basis of the COMELEC experience, beyond a certain number of pages the extra copies may no longer be legible. But, otherwise, the intent is laudable, and we would be very glad to hear an appropriate proposed amendment which may be more equitable than the one that was presented to us during the break.

Senator Guingona. Yes. I think seven copies would be legible enough using thin paper, Mr. President.

The President Pro Tempore. May the Chair ask if these are carbon or carbonized copies?

Senator Saguisag. They call it as chemically treated or sensitized paper which, I believe, is superior than carbon copies, Mr. President.

The President Pro Tempore. Please proceed.

Senator Guingona. Mr. President, may I go now to the issue of redistricting.

I understand from the House of Representatives that they have deleted the redistricting concept for both the municipal as well as the provincial board nominees.

My question is: Is this not found in the Local Government Code?

Senator Saguisag. That really seems to be the case. In fact, I would want to have a second look at the new Local Government Code. If all goes well, that should enter into force after the year turns. I do not recall that there is any excepting proviso, although the spirit of the Conference Committee deliberations was that 1992 would be premature.

However, just this afternoon, I was on the telephone talking with Chairman Christian Monsod, and he was really pleading with us to give it a chance. He says it can be done within 90 days; I am not so sure, but he is of the view that may be the only way of saving the exercise. He really feels that if we do not bring down the number of those to be voted on below 40, anything beyond that may just be unmanageable.

So personally, I am beginning to get, sort of, convinced that, for lack of any viable alternative, we might have to do that either here or by virtue of the Local Government Code, Mr. President.

Senator Guingona. So we retain the provision on redistricting, although we have reservations really--I, myself, Mr. President, have reservations--on how this will be implemented in due time without much confusion

and legal petition that may tie up the process.

Senator Saguisag. The Chairman of the COMELEC really sounded like Pollyanna when I was discussing this with him earlier today. I was raising the spectre of injunctions, of gerrymandering, but his formula is to allow this to come up from the grassroots level, in consultation with the local COMELEC officials. And if all goes well, he believes that it can, in fact, be done within three months.

However, we are also aware that, with so many lawyers with very few cases or no cases, there will be a spate of lawsuits challenging this redistricting.

Pero ang sabi po niya, "Sige, kung hindi ninyo matalangap iyan, ano ang alternative natin?"

So for now, personally, I am, perhaps with a great deal of reluctance, in favor of giving the COMELEC a chance to work it out *dahil iyon din po yata ang epekto nitong Local Government Code.*

Senator Guingona. With the understanding that we will propose our amendments as far as the distribution is concerned. I think the distinguished Sponsor can accept the proposal of seven copies, instead of five.

Senator Saguisag. In principle. Personally, I would really want to see an actual physical demonstration. *Sapagkat kung gagawa man tayo ng pang-anim at pampito under the best condition, using the optimum sensitized paper that the COMELEC has, baka ho hindi na talagang mabasa iyan.*

Iyan ho ang sinasabi nila, and they are the experts in this. But, to me, the more copies the better, as long as the extra copies are going to serve the purpose by being legible. Otherwise, I really have an open mind on the proposed amendment.

Senator Guingona. When can we expect the physical scrutiny and response of the distinguished Sponsor?

Senator Saguisag. As soon as possible and convenient. We would like to request our friends from the COMELEC to show us, by actual demonstration, that it is not feasible, as a practical matter, to have more than "X"

number of copies.

Senator Guingona. Yes, but I understand that if we use a thin paper, we can have legible copies. So, I hope that the samples that will be brought to us will be both the ordinary and the thinner kind of paper.

Senator Saguisag. May we just make of record, in the presence of the COMELEC representative here, that the next time he is able to come--and he says, "As early as tomorrow,"--we can have that demonstration.

Senator Guingona. Thank you, Mr. President.

The President Pro Tempore. The Chair would like to know, to be told: Why in some cases, five copies; in others, six; and, still others, seven?

Senator Saguisag. Doon po sa *certificate of canvass*, ang karanasan nila, hanggang lima lamang. Tila mas makapal iyong papel. Pero iyong sa *election returns* ay mas manipis po, kaya kahit iyong ikapitong sipi ay nababasa pa. At iyon daw pong ikapitong kopya, medyo may kahirapan na ring basahin ng interesadong partido. Nangako sila na magpapadala rito ng mga *samples*, *so we can satisfy ourselves.*

The President Pro Tempore. Very well, thank you.

Senator Pimentel. Mr. President.

The President Pro Tempore. Senator Pimentel is recognized.

Senator Pimentel. Mr. President. Just a few questions, if the Gentleman will allow.

Senator Saguisag. With pleasure, Mr. President.

Senator Pimentel. In that seventh copy, Mr. President, which according to the Gentleman will no longer be legible--

Senator Saguisag. Hardly.

Senator Pimentel. --hardly legible, why do we not require the Board of Inspectors to authenticate it?

I mean, if it is a question of legibility, that is not a reason why the copies should be limited to only those that are legible. I do not find that logical at all, Mr. President.

Senator Saguisag. Ang karanasan daw po ng COMELEC, sapagkat karamihan ng mga titser ay mga babae, ang *pressure* ng mga maestra ay hindi kasinlakas ng *pressure* ng mga maestro.

So it is very hard to have anybody, I guess, change her sex for the purpose. But without meaning to be light about it, that is the experience.

Is there a possible way of addressing the very valid concern of our good Friend from Cagayan de Oro?

Over the years, they find that the forms that are filled up by the women teachers do not register well on the seventh copy, and then they also tell us that this is done towards the end of the exercise when the teachers are tired. *Iyon ang ibinigay nilang dahilan kung bakit daw hardly legible iyong ikapitong sipi.*

Senator Pimentel. Yes, we can understand the physical constraints really, Mr. President, and the only other alternative probably is not to give any copies to any of the parties. Just leave the copies with the COMELEC, and subsequent copies can be given upon request.

In other words, maybe a time, let us say, within one week after the counting is over, that is when the tolling of the period for filing of electoral protests shall also begin. Meaning to say, within those five days after the elections, after the counting, requests can be addressed to the COMELEC to furnish the parties concerned with copies of these electoral documents, which cannot be done legibly on the election day itself.

Senator Saguisag. I think this issue, which remains unresolved, has been discussed thoroughly. I do not believe that a consensus has been reached. Maybe, at the proper time, when the appropriate amendment is proposed, we have to have an up or down vote on this.

Senator Pimentel. Yes.

Senator Saguisag. The choice is--leave it as is. Try to give more, if it is practically feasible, or the suggestion

of the Gentleman is, *wala na lamang pong bibigyan para wala nang problema*, but it may also present another set of problems. *Iyon na lamang po siguro. Baka magbotohan na lamang tayo pagdating doon.*

Senator Pimentel. Yes.

Senator Saguisag. Personally, I can accept the proposed amendment, but my guess is that it will be objected to by certain of our Colleagues, so let us have a show of hands at the proper time.

Senator Pimentel. Yes. Unless we are clear about this, Mr. President, then we will be forced to oppose this bill to death; because this means also the demise of the smaller parties, and it is not fair that the smaller parties who fought hard to bring about the democratic space we are now enjoying will now be deprived precisely of the fruits of democracy itself, under this kind of proposal, which actually reduces the viability of the smaller parties.

Senator Saguisag. I am not supposed to be interpellating really, but I wonder what the Gentleman might say as to a proposal I heard earlier: Might it be done on a localized basis? Meaning, perhaps, on a provincial level or a regional level, a party that may not satisfy the criteria or criterion nationally may be the emergent or the qualified party on a local basis. Is that the kind of compromise that we might settle on?

Senator Pimentel. Mr. President, there is no question that can be a compromise, but since we are talking of national elections, I was thinking really of a national formula also or national compromise. Meaning to say, that parties which have garnered, let us say, 10 percent of the votes of the last national elections could be considered or entitled to these electoral documents that we are speaking of.

Regarding the other problem, which the distinguished Gentleman adverted to it, the limiting of the numbers, let us say, only to the Commission on Elections, subject to the furnishing of these documents upon demand, subsequent to the termination of the electoral proceedings in the precinct concerned--meaning to say, if we give the parties five days within which to get these documents for substantiating electoral protest, that should be embodied also in the law. By doing so, the

pressing requirement of furnishing the parties immediately upon the termination of the counting in the precinct is obviated; and yet, the right of the parties to question the results is not precluded, because they have five days--this is just an offhand observation--after the counting shall have been made within which to request or demand for the copies of these documents from the Commission on Elections.

Senator Saguisag. Speaking only for myself, I have had a lifelong bias for the deserving underdog, but, as I said, maybe we will find out when we vote whether the overdogs will prevail. The concerns raised are very valid. I think the Chamber is really divided on this. *Kung ako lamang po*, I can personally commit my vote. I can accept it, and then let us go through the process of having an institutional position.

Senator Pimentel. Thank you, Mr. President.

Just one more point. I heard the Minority Floor Leader discuss the redistricting proposal. I am sorry that I did not get the Gentleman's reply.

This is what I gathered from my conversations with local government officials around the country. I have been to about six or seven provinces in the last two weeks and the local government officials concerned are practically unanimous in objecting to the redistricting, let us say, of a municipality or a city that has only one congressional district, obviously, because of the perception that there will be no adequate consultation with them. And that, very likely, therefore, the Commission on Elections will be compelled to execute a table map division. Meaning to say, they will get a piece of map of a municipality and decide arbitrarily--we will cut this map into four parts or into two parts--and that will be the basis of the redistricting, which the local officials I have talked with would find very inadequate.

Senator Saguisag. Since the Gentleman is the Author of the Local Government Code, *ano po ba ang sabi nila? Iyan ay napag-usapan din namin ni Senator Guingona kanina. Iyon po bang provisions in the New Local Government Code, as to the redistricting, ay for 1995? Or did we put in a provision that will make it not applicable to 1992?*

Senator Pimentel. Mr. President, for the sake of accuracy, we will have to recheck. But my impression is--that was a broad grant of power to the Commission on Elections para ma-redistrict nga nila, but not necessarily in connection with the 1992 elections. Anyway, we will have to recheck the exact wording, Mr. President. I do not really quite recall it now.

Senator Saguisag. Yes. Because that is precisely what the COMELEC is now invoking. And unless that is suspended in this bill or in some other bill, they can proceed. *Kasi po, ang dating naman ng information kay Chairman Monsod ay receptive daw po iyong mga nakausap niya.* But our good friend here has also been going around, and again raises the spectre of all those possible complications that many of us are very leery of.

So I do not know. *Dahil ako man po ay kinakabahan*, but here is Chairman Monsod assuring me that many local government officials have assured him of cooperation and support, especially if the initiative would come from the grassroots.

So again, we have some kind of collision of opinions here.

Senator Pimentel. Yes. For the *Record*, Mr. President, I can mention particular governors: Governor Barbo of Eastern Samar, Governor Oscar Tan of Leyte, whom I have met personally within the last few days; Governor Melvin Vargas of Cagayan, Governor Deloso of Zambales, Congressman Tuzon of Cagayan, Governor Emano of Misamis Oriental, Mayor Magtahas, Mayor Lita Nunez of General Santos; and in Cebu, they are also objecting to the redistricting act, not because they do not want the redistricting but *iyong posibilidad po na walang adequate consultation with them, because of time constraints. Iyon talaga ang main objection doon.*

Senator Saguisag. *Kasi*, the moment that is identified as a problem, as I have said, *mahuhulaan na natin diyay na may mga abogado at partido na magdedemanda, mga injunction. Kaya*, I do not know whether we really have the time.

So we have to make a choice. *Nakikiusap po si Chairman Monsod*, that unless we approve a redistricting

formula here, he is very concerned about the credibility and success of the 1992 electoral exercise.

Senator Pimentel. Yes. And I can see the validity of that point. That was precisely why we attempted to separate the national elections from local elections.

Thank you, Mr. President.

Senator Saguisag. *Wala pong anuman.*

The President Pro Tempore. The Chair will recognize Senator Romulo, and then Senator Lina.

Senator Romulo. Mr. President, will the distinguished Acting Chairman answer a few questions, long delayed?

Senator Saguisag. Very willingly, *pero hindi po ako* Acting Chairman.

Senator Romulo. Vice-Chairman.

Gusto ko lamang po sanang talakaying muli itong nabanggit na redistricting. Tama ba iyong narinig kong binigkas ninyo na very much concerned ang COMELEC, particularly Chairman Monsod, na kung hindi natin mailalagay itong formula for redistricting, that he fears or he is apprehensive about the credibility of the coming 1992 election?

Senator Saguisag. That was what he told me earlier this afternoon. They will do whatever we tell them to do. *Pero naninikluhod po, dahil ang lenguwaha kasi nitong Resolution, noong motion for reconsideration--the Resolution was dated September 5, 1991--ay talaga pong wala raw silang choice kundi simultaneous, May 11. And they are really afraid that if we are talking of 51 to 57 candidates, they may not be capable of handling the exercise in a credible way.*

So they are pleading with us to give this formula. Well, the reception that they feel it deserves so that they can discharge their constitutional mandate.

Senator Romulo. And the Gentleman has just stated, Mr. President, that it seems the resolution passed by the Supreme Court, dated September 5, is quite clear

that there is no other formula that could be resorted to, constitutionally, other than a constitutional amendment to change the simultaneous, on the same day, holding of both the national and the local elections. Is that correct?

Senator Saguisag. *Iyan po ay paulit-ulit na binigyang-diin dito sa mga companion cases of Lopez vs. Comelec, G.R. No. 100420, at iba pang mga asunto. I was really personally hoping that some leeway could be given to the COMELEC so that the local elections can be held, say, a week or two or three, later.*

But when I took this up with Chairman Monsod also early this afternoon, the problem he raised was, again, on the management or administrative side, meaning, a new set of ballot boxes. And, maybe, two or three or four weeks after May 11, he fears that many of his people will still be engaged in many post-electoral duties in connection with the May 11, 1991 exercise.

So I think they are resigned that, as of today, nothing more can be done to change the intent of the decision and resolution of the Supreme Court, mandating that the COMELEC hold a single, simultaneous, and synchronized election, all on May 11, 1992, Mr. President.

Senator Romulo. *Ang pagkapaliwanag po ninyo, hindi lamang iyong constitutional issue kundi maging iyong administrative problems would be involved doon sa nabanggit ninyo kahapon. Na maski na in a space of one month, assuming that this was constitutional, sang-ayon sa paliwanag sa inyo ni Chairman Monsod, we would encounter many administrative problems and difficulties?*

Senator Saguisag. *Iyon po ang binigyang-diin niya dahil I was discussing with him: What about another effort to separate the elections? My conviction from the very beginning was, definitely it would be difficult to support a proposition separating the elections if the local elections would be held beyond June 30, 1992. But I had hoped that the Supreme Court would not have been so strict as to the simultaneous holding of the elections, given the predictable problems of having the exercise held in one day, if we will be dealing with the 51 to 57 names to be listed on the ballot.*

On top of the constitutional concerns, the Chairman

impressed on me the managerial and administrative nightmares that may accompany an election space so close to each other.

Senator Romulo. Because of the difficulty that would be met, if we do not change through the electoral reform law, this law, the number of positions to be voted upon, which is anywhere from 51 to, possibly, even 56, our COMELEC Chairman is very apprehensive about the credibility of the election.

That is why the message, I think, that we are getting from him based on the Gentleman's statement is that since there is no other means by which we can separate the two before June 30, 1992, in order to make this a more manageable election process, the only recourse, other than a constitutional amendment, is to see how, through the redistricting process, we can reduce that 56 or 51 to a lesser number, a more manageable number. Is that the message that I get, Mr. President?

Senator Saguisag. *Ganoon na nga po iyon.* If we cannot have what we like, we have to like what we have. *Wala pong* choice. Because, earlier, I was so impressed by what Chairman Monsod was telling me, and then when I heard Senator Pimentel, *na-impressed din po ako. Ngayon, noong nakikinig ako sa inyo--*

Senator Romulo. *Mas lalo.*

Senator Saguisag. *--nai-impress na naman po ako.* I am so impressionable, Mr. President.

Senator Romulo. *Ngayon, wala na po tayong magagawa, ang sabi nga natin,* other than a constitutional amendment--which I do not know if that is one the Gentleman is proposing. I do not know that--apart from that, the only way is to reduce the number of positions. *Ilan pong* number of positions *ang maaari nating i-reduce* to make it manageable?

Ang akin pong bilang, before we went into this exercise, I have 51 positions. Obviously, I was not accurate there because I understand that there are more than that, probably, 56. By how much can we reduce the number? The COMELEC gives us a formula: first of all, a manageable number and secondly, a formula that would enable us to attain this number. Let us say, *ano ba ang*

target natin out of 51 or 56, 35? And if it is 35, I mean, I am just getting figures from the air because, *ang sabi ko, kung 51 or 56,* obviously, *kung 45 lamang, siguro halos ganoon din.* So, I am trying to hit a moderate figure, 35 or 37, therefore, that would reduce it from 56 to 37 by 20. *Siguro po,* this is a reasonable deduction to meet the requirements to make it a credible election.

Now, if it is 36 or 37, what is the formula in order to attain this number? *Mayroon po ba kayong napag-usapan?*

Senator Saguisag. *Ang figure pong ibinigay sa atin ng COMELEC kahapon* which is I reiterated now, is, it will be somewhere in between 34 to 38.

Senator Romulo. I see.

Senator Saguisag. And the formulation is found on page 2, Section 4, Election of Members of the *Sangguniang Panlalawigan, Sangguniang Panlungsod* and *Sangguniang Bayan* by district.

In other words, the way to visualize it is to remind ourselves of how they do it in Manila, for instance, where it is not voting at large in relation to the councilors. So roughly, *iyon ang approach na gagamitin sa panukalang batas na ito.* It follows that if we are not going to vote at large, then the number will be reduced. So, the maximum that I hear is that, no more than 38, which in the belief and the opinion of the COMELEC is something that it should be able to deal with.

Senator Romulo. *Maganda po iyan, sapagkat kung 56 or 57,* we would be able to reduce it by 20 and that certainly, I think, would work towards our goal of having a credible and doable election.

Ngayon, ito bang 38--siguro ay hindi tama iyang question ninyo--na-test na ba ng COMELEC iyang 38 na maximum number with the present provision, Section 4, as written here? Makikita natin talaga iyang 38, based on those in the municipality who are voting; those who are in urbanized cities who are voting; and those who are in other cities who are voting. *Iyan lamang naman po--municipalities, urban centers and urbanized cities.*

Iyan po ba ay na-test na ng COMELEC na under all

those circumstances, *ang pinakamataas*, under Section 4, as written and as drafted, would not exceed a maximum number of 38 positions?

Senator Saguisag. My understanding is that the bill before us was drafted in very close consultation with the COMELEC.

I have been handed here now a detailed summation of how the profile will be throughout the country. It begins with the City of Manila where we have 27 national positions--one mayor, one vice mayor, and six councilors, or a total of 35 positions. This identifies the situation for every city and municipality, Quezon City, Kalookan City, Cebu, Davao, Pateros. So it is very detailed. Apparently, the proper homework was done by our friends in the COMELEC, in consultation with Chairman Neptali Gonzales.

Senator Romulo. If the Vice-Chairman is satisfied that under all circumstances, *hindi sosobra sa 38 ang* number of positions, then I am also satisfied, and of course, I want to have a copy because I want to assure myself also that this is really a doable and credible election.

I share that apprehension that if we load the ballot with too many positions and we have to contend not only with the position but with the proliferation of parties and candidates, then truly, it may be an election that is almost a farce. Therefore, why hold an election at all?

What I am saying is that since we are holding an election, we must ensure and assure that it is a doable and credible honest election. Therefore, *kung iyon po ang* not over 38, *siguro po okay iyan*.

Senator Saguisag. In fact, I have also been shown the prototype ballots here. So this Senator is not really hard to please, but this study has also satisfied the more fastidious standards of the Chairman. *Kaya po siguro*, this must be workable; this must be practical.

I give due deference to the experts in the field. And as I said, *ito po ay natanggap ni* Chairman Neptali Gonzales, so that if we are committed to redistricting, maybe, it can be done, subject to the reservations raised by Senator Pimentel who says that he has also gone

around, and there had been objections. So we just have to concentrate on satisfying those objections about possible discrimination and gerrymandering.

But as I have said, and the Gentleman, as I understand it, agrees with me, it may not be the best or ideal arrangement, but there is nothing better, it seems, if we are to have that very vital exercise carried out in 1992.

Senator Romulo. They are hard choices, Mr. President, and I, myself have gone around. They have really posed strong objections to this redistricting, because they said that if we redistrict, we are reducing the councilors to glorify barangay captains. There is a prestige thing there.

So I think in the case, for instance, of the councilors, they are almost unanimously against redistricting for that reason. But they also pose the other reason, and I am just mentioning this for the record. They said, "Well, you are going to balkanize the municipalities.

So instead of all the councilors working together to have projects in places where they ought to be, the councilors in the balkanized areas will then want those projects--particularly since they have the resources now--placed in their respective districts, regardless of whether a certain district deserves it or not.

I am just enumerating some of the reasons why these councilors, it seems to me, supported by the other local officials, are against redistricting. As the Gentleman said, these are hard choices. Between those objections posed and the fact that we really want an election that is credible, a true election that will reflect the will of the people, is there any choice, Mr. President?

Senator Saguisag. That is really the problem. The choice is between being balkanized, which is bad enough, and being fractionalized and atomized, which is going to be worse if we do not have a credible election next year.

Senator Romulo. One other point of clarification. In the case of Manila, the number of 35 positions was mentioned. I understand there are sectoral representatives to be elected. Have we included there the sectoral representatives?

Senator Saguisag. What we have before us now is

35. If there will be sectoral representation, there will be an additional three.

Senator Romulo. So, 38.

Senator Saguisag. Yes, Mr. President, which should still be manageable. Anyway, for all we know, maybe, in the election in Manila, only Mr. Romulo may be chosen for the Senate. So, that should bring it down.

Senator Romulo. If Senator Saguisag will run, he will be number one in the City of Manila.

How about the others where the maximum of 38 is reached, does that include also the sectoral representatives to be elected? Just for the record.

Senator Saguisag. I understand that there are really very few with 38. So, it will be a maximum of 41. There could really be a problem.

Senator Romulo. With a few, at most. So, by and large, the 38 maximum, which includes sectoral representatives, would be in most polling booths.

Senator Saguisag. That probably will be the norm which can be handled adequately by the COMELEC.

Senator Romulo. I would like to move on to the other topic which I mentioned to the distinguished Senator yesterday. We are seatmates, and we have been talking. This refers to the campaign and election period.

I think it is very clear, both in the constitutional provision and the Supreme Court decision, that the campaign period--which includes the election period, or the election period which includes the campaign period--shall not exceed 90 days before the day of the election. Is that correct, Mr. President?

Senator Saguisag. Maybe, for the guidance of everybody, we can read into the *Record* the pronouncement of the Supreme Court last September 5.

Senator Romulo. Yes, Mr. President.

Senator Saguisag. It reads:

On the motion for the issuance of clarifying resolution filed by the Office of the Solicitor General whereby respondent Commission on Elections seeks a clarification of the issue on whether or not in the exercise of its authority under Section 9, Article IX of the Constitution it can set the nomination and election of candidates by political parties on a date earlier than the start of the election period, suffice it to state that this issue was not raised by the parties and, therefore, could not be a proper subject of a motion for clarification.

However, the Supreme Court went on to say:

At any rate, Section 9, Article IX of the Constitution provides:

Sec. 9. Unless otherwise fixed by the Commission in special cases, the election period shall commence ninety days before the day of election and shall end thirty days thereafter.

It is clear, therefore, from the foregoing section that the election period is what is stated in said provision.

Likewise, nomination is not necessarily the start of the election period. This seems to be open to the reading that if a political party nominates its candidates in November, December, or January, that may be acceptable, especially if the Commission on Elections will set it as a proper time to do it. *Sapagkat ang sabi po dito ay hindi raw kasama iyon sa election period.*

That is why it is probably constitutionally permissible--and this is the more likely interpretation--to hold conventions as early as 180 days, 150 days, 135 days, 120 days, if the Commission on Elections, in the exercise of its duty under the Constitution, so fixes.

At lalo na po kung pagkakahati-hati ng kuru-kuro rian, may nagsasabi na "it is not in our province for us to set this election period." Pero kung iyon pong period na ilalagay natin dito ay iyon din ang tatanggapin ng Commission on Elections, then I will be very comfortable in saying that that will survive any constitutional challenge.

Senator Romulo. The Gentleman is correct, Mr. President. But there are two significant points there that I

gathered from his answer. The first is in the reading of the Supreme Court Resolution, which says that, "likewise, nomination is not necessarily the start of the election period," which means that the Constitution has not categorically made a statement that it is not part of the election period.

The other significant point that the Gentleman has mentioned is, if the COMELEC so provides, or so agrees, or so concurs. I think those are significant, because it may be constitutional to hold the nomination or convention ahead of the election or campaign period, but do we want to hold the nomination or convention ahead, especially way ahead of the campaign or election period? If we do that in effect, means--and I think the Gentleman in the past had objected to this. For instance, we set it at 180 days, probably by October or November, when we have this convention, although the Supreme Court says "not necessarily the start of the election period", that, in fact, is the kickoff and the start.

Practically speaking, for one to go back here while he has been chosen and selected, I think his attention would be divided and certainly his output would suffer. That is the reason, why it is my own humble opinion that the shorter this period is provided, the better.

Anyway, the Constitution states: "unless otherwise fixed by the Commission in special cases." Therefore, if I have my druthers--precisely because there are a lot of work needed to be done in the Executive and in Congress, particularly with the problems of Mt. Pinatubo--that we should include the nomination and convention on that 90 days. Anyway, the COMELEC can so fix a different date in special cases. So, I think we owe it to our people that we stay in our jobs. As the Gentleman himself stated, we were elected to do our work. Therefore, if we are going to kick off and go to the hustings, then, we are, in effect, reneging on our pledge to our people.

That is just my humble submission. Just to repeat, anyway, if it is valid and meritorious, the COMELEC can so provide 90 days, *siguro* 15 days, or 30 days *puwede iyan*.

Perhaps, if this is already the period of amendments, and I have the support of the Gentleman, I would like to propose that even the nomination and convention be

within those 90 days. Anyway, the Constitution takes care of exceptions. Do I have the support of the Gentleman?

Senator Saguisag. *May mga problema po dito sa pananaw ko, kung bakit nagkakaroon, ng obiter dictum.* Likewise, nomination is not necessarily the start of the election period. *Malinaw po itong* Section 9, "the election period shall commence ninety days before the day of election".

It can only be changed by the COMELEC in special cases. Now, I do not really know what a special case could be. But as a practical matter, *ang kursunada po yata ng COMELEC* ay 135 days, which will mean early January--January 2.

Ang totoo po, in a certain sense, we are dealing with a phantom concern because the election period started, for a number of us, yesterday, so to speak. But still, I am very concerned, for instance, as to what will happen in regard to the next Members of the House of Representatives. They will have only three years. And if we set this dangerous and mischievous precedent of not working for six months, a neophyte congressman may take one year before he locates the comfort room. And then the last six months, he will not be doing anything either.

I think that is really unfair to the electorate if we approve, in this particular case, the proposed calendar that beginning December, we will be taking off and we will not be seeing one another again here until May 25 when we will, by then, know who is the next President and the next set of Senators.

In fairness to the Chamber, last September 16, action on that calendar was deferred. To me, I am in accord with anything that will cut short that period. It also magnifies in an artificial sense, the importance of politics in this country.

There may be some facets of American life that we may not like. And yet, I am impressed favorably by the fact that in the U.S., not even election day itself is a holiday. If one is a candidate for public office, and he is a schoolteacher, he votes at seven o'clock because he is expected to be at his post at eight o'clock.

So, it is very important to impress on the youth that we should not have an overheated political culture here. *Ito po ay anim na buwan. Ang akala tuloy ng ating mga kabataan*, everything should revolve around politics. That is what we are going to do with what we have done in regard to that calendar. *Na hindi importante ang magtrabaho, hindi importante ang work ethic, kundi ang importante ay politika.* And, we, in this Congress, will be blamed. We promised in 1987 that we will have an ethical and a moral high-minded Congress. That is what we are saying. But what are we doing?

So to me, *talagang masyado ang hilig ng Pilipino sa politika. Iyan nga po ang biro ko dito sa mga Kasama natin na kapag tinawag ninyong "Mr. President," naluluha na gayong kay layo pa ng May 11, 1992.*

To me, 180 is out; even 150, I find unacceptable. Maybe at least, the year should turn and, maybe occasionally we should even be meeting in February or March, *kung iyon po ang magiging kapasyahan ng nakararami sa atin.* That may be too hopeful and optimistic on my part. But, as I have said, the Senate will partly be judged by the way we handle that Calendar.

Tayo ang nangako na iba ang ating political values. That we will set a new ethical and moral infrastructure. And then, what are we doing? Six months *na bakasyong grande.* We will continue to get paid not doing our job. I do not know of any parliament in the world that takes off for six months to campaign. *Sa palagay ko po, mahihirapan tayong i-justify sa kasaysayan kung sakaling itong Senado ay papayag doon sa panukala ng mga Kasama natin sa higit na Malaktng Kapulungan.*

So in the period of amendments, personally, I will be sympathetic to any proposal to shorten the period within reason. I do not know if 90 days is really enough. I do not think it will receive enough votes. But definitely, I hope that the period will not start within the year.

Ngayon, kung iyon po ang ise-set nila sa COMELEC, sa palagay ko, if there is a conflict between what the Congress will set and what the COMELEC will set, I think the COMELEC will prevail, anyway. Their thinking as of the moment is 135 days to commence on January 2. If we cannot shorten it to 90 days, *baka po iyong 135,* especially if it is set by some other body.

Senator Romulo. Yes.

Senator Saguisag. But for the *Record*, I do not think that this Congress should go on record na 180 days or some such days.

In other words, *kung ang magse-set ng 180 days ay ang COMELEC, hindi po tayo masisisi.* But it seems so self-serving if we are going to do it. Anyway, there is really great doubt as to the constitutionality of the Congress doing it. So, why risk being criticized by the public and by history when, probably, the proper instrumentality to do it is the Commission on Elections anyway?

Senator Romulo. I agree with the distinguished Gentleman. We should set the example and we should set the model. That is why in my view, Mr. President, that model should be including the nomination and convention, 90 days.

Now, it is up to the COMELEC, and the people repose that in the COMELEC, precisely. The people repose that in the COMELEC to extend it and expand it, if in the view of the COMELEC, in special cases, there is need otherwise for another period.

That is why, for the reasons that the distinguished Gentleman has stated, the provision here should be, for our purposes, not exceeding 90 days. Let the COMELEC rule on what is meritorious, whether to extend it or not, provided that there is a petition.

Also, we have not yet finished the budget. I recall that in 1991, it took us up to June to finish the 1991 Budget. Now, we should, at least, clear the year, up to the end of the year, to have that budget finished before we engage in any electoral campaign or nomination activities. So that at the very least, 1991 should be completely clear without conventions and all of these sort of things. And hopefully, depending on the COMELEC action, if there is a petition, that all of these will start only on the second Monday of February 1992 to complete that three-month process up to the second Monday of May, 1992.

Senator Saguisag. My belief is that, that will be appreciated by the public. That this is a very responsible Congress--up to its duties. Whereas to the budget, as long as the P6.5 billion for the Bataan Nuclear Power

Plant is deleted, maybe, I can close my eyes to the other items. But I think we should really give a fight or, maybe, even meet to try to override a predictable veto. I do not know. This can be done only in January or early February.

Senator Romulo. That is the whole point. I think the distinguished Gentleman has given another reason why we should not be engaged in this electoral campaign or convention hullabaloo until we give ourselves that opportunity beyond December 31, because I would go not only for a deletion of the Bataan Nuclear Power Plant, but the entire debt structure, Mr. President, if we want to be able to provide more for the social sector, social services of our people.

Therefore, that is another reason, why not only for the entire 1991 should we clear the deck for our legislative agenda, but even for the first two months of 1992, so that we can truly tell the people that we have done our job, and we did not "play hooky" for our own personal, presidential, senatorial, or whatever, ambitions.

Senator Saguisag. In fact, I would like to think that is the smartest way of campaigning, by being seen here working very hard. So instead of engaging in certain practices, I think the best recommendation that one should be returned here is that one is really working very hard for the welfare of the people. According to an unsolicited advice here, it is even less expensive. I am beginning to imagine the genius behind the recommendation, Mr. President.

Senator Romulo. Since the Gentleman mentioned those who are running--naturally they want to win, and this, as he said, is the most winning formula--I hope that his pleas and aspirations have touched the right chord and, therefore, give the necessary majority to so provide when we discuss that particular provision and when we propose that amendment.

Senator Saguisag. I have no doubt that such a posture will heighten the risk of winning, Mr. President.

Senator Romulo. Moving to another topic and this was the other topic that I mentioned to the Gentleman--the potential employment of guns and goons during the electoral process. I do not know if any of us here are

concerned about this, about having an arsenal, or whether we do not want to have an arsenal, or whatever. Since we are talking here of electoral reforms, does the Gentleman think that there is need to touch on that matter here in the supposedly electoral reform bill? Or, is that already provided elsewhere?

Senator Saguisag. For instance, in Section 261 of the Omnibus Election Code, subsection "p" and "q", they deal with deadly weapons and carrying firearms outside one's residence or place of business. But I guess, our experience here does not match the intent of the law.

This Representation is open to concrete suggestions in this respect. As of now, I am really at a loss as to how we can further refine what is in the statute books. It remains one of the serious problems in the way of having a peaceful and credible exercise.

At this juncture, the President Pro Tempore relinquished the Chair to Senator Mercado.

Kaya kung mag-iisip tayo ng maaari pang maisama sa mga panukala dito, dahil sa posibilidad na magkakaroon na naman ng dahas, nandiyang po iyan.

Senator Romulo. In fact, I mentioned that because one, two or three weeks ago, *may nagpatayan na sa Makati gayong hindi pa man* election. Of course, I do not know if that is related to any election contest. But the fact that the bodyguards of certain politicians were involved, I think is already some telltale sign to us that if we do not do something about the so-called "bodyguards"--I am not even saying "goons", just "bodyguards"--with deadly weapons, perhaps, in the heat of the campaign, *yamang mayroon pang iba na gustong gawing 180 days or 210 days ang nomination process, kahimanawari ay hindi mangyari iyon.* This could be a very--whatever we may call it--deadliest or bloodiest campaign.

Let us remember *na pagsasamahin natin ngayon ang local passions with regional and national passions. Kaya, iyan ang isang punto kung bakit dapat nating paikliin ang election period. Siguro, kung shorter ang total election, bago uminit ang ulo o mag-build up ang init ay tapos na ang eleksiyon.* But, also, during that process *ay kailangan po nating pag-isipan iyan. Kung hindi, baka*

maraming madamay.

Siguro po ay dapat din nating hingin iyan sa COMELEC, sapagkat nag-volunteer sila na they are not using firearms. I read that in the papers, even COMELEC personnel voluntarily decided not to wear or use firearms but, instead, surrender them to the COMELEC storeroom.

Kaya, ito po siguro ay kailangang pag-isipan sapagkat naniniwala ako na kung hindi natin ilalagay iyan dito, or in the other laws that are pertinent to this, we would be recreant or remiss in our duties. But, of course, kailangan din po ang enforcement, that is why COMELEC is there.

Wala po akong katanungan except that I am expressing my deep concern about the situation.

Hindi ko po alam kung may bodyguard kayo at may mga UZIs ang bodyguard ninyo. Hindi ko po alam. Hindi ko naman sasabihin kung sino ang may mga bodyguard at may mga UZIs dito. Siguro iyan ay judicial notice na. I hesitate to make a statement because I do not want to be accusing anybody.

Kayo po ba ay may bodyguard na may UZI at kung anu-ano pa?

Senator Saguisag. Alam ninyo, iyong nangyaring putukan sa Makati kamakailan ay sa barangay namin iyon.

Senator Romulo. Ganoon pala.

Senator Saguisag. Tungkol po sa bodyguard, magastos po iyan. Kaya nga pinag-aaralan namin iyan. Kung hindi man kami mamatay sa bala ay baka naman mamatay kami sa gutom.

It is very difficult maintaining security personnel. Iyong panganay ko na 18 taong gulang at iyong anak kong babae na 17 taong gulang--sa Palanan po kami nakatira--ay nagbu-bus lamang araw-araw. Kaya hindi ko po kaya ang mag-bodyguard.

Anyway, ang paniniwala ko naman diyan ay, when the good Lord calls, we report. Even if we are not the

worse lawyer in town, it is very seldom that we succeed with the motion for reconsideration.

Iyon po ay ipinasasa-Diyos ko na. Wala naman akong inaagrabiyo sa buhay. Kaya, bahala na po ang Diyos.

On principle, I do not believe in having bodyguards. I know I am not the only one here. But those who feel that they need them, I also recognize that, maybe, given the unique circumstances they are in ay kailangan iyan.

Mayroon nga lamang obserbasyon dito na kapag may baril ang isang Pilipino ay tumatapang ito. So, if they are not properly tested, maybe, by a psychiatrist, et cetera, we know how dangerous an instrumentality a weapon could be.

So for those of us in public life, or even in private life, who may feel the need, because of unusual circumstances, we can only hope that they will be very circumspect in selecting those who will protect them.

Some of the sad stories we hear and read is, probably, traceable to the fact that some of those given guns have a very low threshold for tolerance. So, it is a problem.

The only thing I see in the law now regarding firearms during elections ay ito pong Section 261, subsection (q): Carrying Firearms Outside The Residence Or Place Of Business.

And I quote:

Any person who, although possessing a permit to carry firearms, carries any firearm outside his residence or place of business during the election period, unless authorized in writing by the Commission, is an election offense.

Iyan lamang ang masasabi ko rian. Alam ko pong sila ay hindi rin naniniwala sa bodyguards, and we know how unfair some reportage were, when two soldiers, who are supposed to have been assigned to the Gentleman, never reported even for a single day and yet the military records would show that they were supposedly detailed to him. We hope that that has since been corrected.

Iyon na nga. Different folks have different strokes, wika nga.

Maybe there is a reason for each one of us in public life to behave the way we do but, as I said, we cannot be too careful in arming anybody, especially given the sorry record of some of those concerned, *na dahil lamang sa walang kakuwenta-kuwentang bagay* and at the slightest provocation, they end up with a bloody mess.

I hope that in the period of interpellations, we will be able to add some more teeth into the present state of the law, but the distinguished Gentleman is the first to say that he does not have really concrete suggestion at this point. *Sana po ay makaisip tayo ng paraan kung paano lalong mahihigpitan at sana ay gumanda ang implementasyon nito.*

Senator Romulo. *Totoo po iyan at sa gayon ay mare-restrict natin ito. Naniniwala po ako* that the system of regulation and licensing of firearms is still too loose. *Kagaya po ng sinabi ninyo,* at the slightest provocation, *kapag may baril ang isang tao ay nagiging lalong matapang. Sa eleksiyon po, hindi iyan slightest provocation.* That, to many, is life and death. *Kaya kailangan talagang magbuklud-buklod tayo at pag-isip: kung paano mare-regulate at mare-restrict ito.*

Siguro ay hindi lamang kailangang ma-restrict kundi mulis din iyan with the proper penalties *at nang sa ganon,* we can ensure not only a peaceful but a credible election. *Ngunit kung pababayaang natin iyang local, regional, national candidates with armies bristling with the latest weaponry and technology, sa palagay ko po, kagaya ng sinabi ko,* we would be missing the boat in this electoral reform no matter how beautiful it is crafted.

Maski na po i-reduce pa natin iyong number of candidates, kung mayroon pa ring threat of violence--our past experience would probably be our good guide. Kaya kailangang pag-isipan nating mabuti ito with the COMELEC *upang mailagay natin dito* or in other laws more restrictions and limitations and elimination, if possible, of deadly weapons and guns.

Senator Saguisag. Mr. President, I am informed by our companero here that, in fact, later this week, the Commission will be sitting down with General Abadia, General Nazareno and General Lim in an effort to address a very valid concern that has been raised by the Gentleman.

Senator Romulo. Finally, *siguro kung walang mga armas,* the most is *suntukan, maski na batuhan lamang, ngunit* that is not final. *Ngunit kapag may arsenal,* that is an action with finality. *Kaya po siguro ay dapat nating pag-isipan itong mabuti.*

Marami pong salamat sa pagkakataong ibinigay ninyo sa akin, lalong-lalo na sa napakagandang mga sagot at ideya ninyo.

Salamat po.

Senator Saguisag. *Maraming salamat din po.*

SUSPENSION OF THE SESSION

The Presiding Officer [Senator Mercado]. The Chair will declare a suspension of the session for our usual break, if there is no objection. [*There was none.*]

It was 5:40 p.m.

RESUMPTION OF THE SESSION

At 6:11 p.m., the session was resumed.

The Presiding Officer [Senator Mercado]. The session is resumed.

The Chair recognizes Senator Lina, who wishes to interpellate the Sponsor of the measure, Senator Saguisag.

Senator Lina. Ako po ay pinakiusapan na bukas na lamang daw magtanong. Kaya, bagama't *enthusiastic* akong magtanong, ipagpapabukas ko na rin. O kaya, kakausapin ko na lamang po kayo--hindi ko na ilalagay sa *Record*--para marinig ko na lamang sa aking kaibigan iyong aking katanungan.

The Presiding Officer [Senator Mercado]. The Chair appreciates all efforts to speed up deliberations on this measure.

Are there any other interpellations of the Sponsor?

SUSPENSION OF THE SESSION

The Presiding Officer [Senator Mercado]. The ses-

sion is suspended, if there is no objection. [There was none.]

It was 6:12 p.m.

RESUMPTION OF THE SESSION

At 6:19 p.m., the session was resumed with the Honorable Jovito R. Salonga, President of the Senate, presiding.

The President. The session is resumed.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1861

Senator Guingona. Mr. President, Senator Laurel has manifested his desire to continue the interpellation on the Synchronization of Elections Bill. I, therefore, move that we suspend consideration of this measure.

The President. Is there any objection? [Silence] Hearing none, the motion is approved.

BILL ON SECOND READING Senate Bill No. 1648 - Creating Baselands Development Authority (Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 1648, the Baselands Development Authority measure, as reported out under Committee Report No. 1329. I ask that we recognize Senator Shahani.

The President. Senator Shahani is recognized.

Senator Shahani. Thank you, Mr. President. I just would like to remind this Chamber that I gave the Sponsorship Speech on the Baselands Authority on June 5, 1991. This was before we adjourned our Fourth Regular Session, and this was also before Mt. Pinatubo erupted. Of course, since then, Mr. President, so much has taken place.

Your Chairman of the Foreign Relations has made it a point to be in touch with the Special Operations Team, which made a preliminary study on the viability of the

Legislative-Executive Bases Conversion Plan. On consultation with them, they are of the view that the conversion plan still is valid especially for Subic, but the plan for Clark has to be revised, although proposals, like the setting up of an industrial estate in Clark, would still be viable.

This evening, I should like to inform this Chamber of the following: Committee Report No. 1329, which embodies the amendments to the piece of legislation before us, was jointly submitted by the Committees on Foreign Relations; Government Corporations and Public Enterprises; National Defense and Security; Economic Affairs; and Finance.

This aggrupation of Committees was made just because there were so many items which needed the decisions and the attention of these Committees concerned.

The Committee amendments are numerous and they appear in the Committee Report. We also have included, as part of the Committee amendments, those portions which figured in the House Resolution, concerning the conversion of the Baselands Authority. The version of the House was in the form of a Joint Resolution. But we decided that it would be better if the Senate came up with a proper bill, because there are appropriations required in this bill, and we felt that a bill would be the proper vehicle.

MANIFESTATION OF SENATOR SHAHANI (Bill Version to Include All Amendments)

In view of the many Committee amendments, I should like to make the manifestation that a version be prepared by the Bills and Index Division which would include all of the Committee amendments. This will really make the discussion on this important piece of legislation easier to follow by all concerned.

The President. And that will be our working basis for discussion.

Senator Shahani. This should serve as our working document.

The President. Is there any objection to that suggestion?

School in Bangued; Benguet School in Bokod; Pangasinan School in Lingayen; Bicol College in Naga City; Camarines Norte School in Jose Pangasinan; Zamboanga del Norte School in Dipolog City; Zamboanga School in Zamboanga City; Pandan School in Catanduanes; Hadji Butu in Sulu; Sorsogon College in Sorsogon; Camiguin School in Mambajao; Agusan del Sur School in Patin-ay Prosperidad; Ozamis City School in Ozamis City; and Northern Mindanao School in Agusan Del Norte.

The President Pro Tempore. Referred to the Committee on Finance.

The Majority Floor Leader is recognized.

BILL ON SECOND READING
Senate Bill No. 1861 - Synchronized Elections
(Continuation)

Senator Guingona. I move that we resume consideration of Senate Bill No. 1861 as reported out under Committee Report No. 1373.

I ask the we recognize Senator Saguisag.

The President Pro Tempore. Senator Saguisag is recognized.

Is there any member who wishes to submit amendments?

Senator Guingona. Mr. President.

The President pro Tempore. The Majority Floor Leader is recognized.

Senator Guingona. Mr. President, the Consultant of the COMELEC showed us a copy of the election returns, and he says that the use of a thinner paper and some chemicals, the seventh copy can be legible. Therefore, I am proposing that election returns and certificate of canvass be in seven copies.

The President Pro Tempore. What does the sponsor say?

Senator Saguisag. I have before me a sample set of election returns. A number of Senators have tried by my

way of an experiment, using our normal writing norms. Except in the case of one of us who deliberately used added or extra force, the signature either were not legible as to sixth and seventh copies or were hardly legible. Kaya, kung ang pagbabasihan po ay iyong ginagamit na papel ngayon, kapag nagdagdag pa ng ika-walo ay tala-gang lalong hindi na mababasa.

Now, I am not sure whether the COMELEC has had the time to experiment with thinner material. Maybe, they need time to do that.

Senator Guingona. That is what the consultant, Atty. de Lima, and Chairman Monsod himself told me.

Senator Saguisag. The representation being made to me now is, if thinner paper is used, thinner than the one that I am holding now, the maximum, according to Atty. de Lima, is still seven?

Senator Guingona. That is right, seven. Because in the present bill, which is five for the certificate of canvass, I want to make it uniform--seven--for all.

Senator Saguisag. In other words, kung ang gagamitin pong papel sa certificate of canvass ay kamukha nito, puwedeng pito. So, for both documents, the same materials will be used so that the amendment proposed will apply to the certificates of canvass para po maging pito rin. Well, we can accept it.

Puwede po ba iyon? We are consulting now with Atty. de Lima. [Atty. de Lima nods his head.] The representation made to me is not as a technical matter. The problem may be soluble.

Kaya, ang gagawin po natin, when the formal proposal is made for seven, maybe, I can accept it now. We will change the figure from five to seven in the appropriate parts of the bill before us.

The President Pro Tempore. Is that satisfactory to the Majority Floor Leader?

Senator Guingona. Yes, Mr. President.

The President Pro Tempore. So, it is being accepted by the Sponsor.

Senator Rasul. Mr. President.

The President Pro Tempore. Senator Rasul is recognized.

Senator Rasul. Before I introduce my amendments, Mr. President, I would like to ask some clarificatory questions. This has to do Section 25 on page 18.

Section 25 mentions the provisions of watchers for every registered political party, coalition or political parties, and every candidate shall each be entitled to one watcher in every polling place. However, in the subsequent provisions, only two parties are provided with watchers--the ruling party and the dominant opposition.

I would like to ask a clarification as to which one should prevail. Is it all political parties or is it just the two political parties that will be provided with watchers?

The President Pro Tempore. The Sponsor.

Senator Saguisag. It is really a policy choice. The Chamber is really divided on it.

I can accept an amendment, as suggested, that we eliminate-- dahil ang alternative po ay technically insurmountable. Not enough copies can be produced in one act or writing to enable each party to obtain one. That was also raised earlier by some colleagues of ours and as I said, just to resolve the issue, I will be open to accepting proposal to do away with the preferred positions enjoyed by the majority party and the dominant opposition party to put everybody on the level of playing field, so to speak. Pare-pareho na lamang ho. Tatal, lahat naman ay mabibigyan ng certificate of votes.

Senator Rasul. Since that has been clarified, I would like now to introduce an amendment that all parties which garnered at least 10 percent of the votes in the last national elections should be entitled to watchers, to election returns, and to certificate of canvass.

Senator Saguisag. The problem is, if the members of the qualified parties will exceed seven, then unless there is a separate set of documents, which will mean more expense, more time, it is not physically feasible.

Senator Rasul. Perhaps, the COMELEC should look for measures to make it feasible inasmuch as the Constitution, no less, provides for a multiparty system.

The President Pro Tempore. With the permission of the Senators on the Floor, the Chair will recognize the Minority Leader.

Senator Enrile. May I ask some questions of the Lady Senator, Mr. President, in relation to her proposed amendment.

What political parties does the Senator have in mind to be able to determine whether they got 10 percent of the votes during the last national elections? If I remember correctly, there were only two or three contending forces during that election. We have the coalition headed by President Aquino, of which the Senator is one of the candidates; the there was the Grand Alliance for Democracy, of which this humble Representation was one of the candidates; and there was the Kilusang Bagong Lipunan. So that, if we now talk of 10 percent of the votes during the last national election, I think that is going to be difficult to determine.

Actually, we were the dominant political opposition in the election of 1987, and also in the election of 1988. I think that the role has still remained with us up to the moment. We have had no other election. To deprive the Opposition, at this late hour, of that role is not only a total departure from the facts of the last two elections, but, I think, it is an arbitrary effort to deprive the Opposition the privileges that it deserves.

Senator Rasul. There is no intention to deprive the Opposition. What I am saying, is that in addition to the ruling party and the dominant opposition party, and other political parties should also be provided with watchers, canvassers, as well as election returns. This can easily be determined by the COMELEC because when the candidates file their certificates of candidacy, they indicate therein to which political party they belong, even if they belong to one grand coalition.

Senator Enrile. My reading of the bill is that the candidates are given watchers. The political parties are given watcher. But there are two principal watchers-- one for the ruling majority and one for the dominant opposi-

tion or coalition. These are the principal watchers who must get a copy because, evidently, the assumption of the law is that these are the political parties that contended with one another in the previous elections. Therefore, they must be provided with these privileges, in recognition of their performance in the last elections. To deprive them of that now, I think, is not correct.

Senator Rasul. I am afraid I did not make myself clear. There is no intention her to disenfranchise the opposition. What I am saying is, in addition to the dominant opposition and the ruling parties, the other smaller parties which garnered at least 10 percent of they total votes based on the last national elections should also be provided with the same privileges.

Senator Enrile. In the last national elections, there was a coalition of forces.

Senator Rasul. Yes, actually, there were four or five coalitions, but these were composed of deferent political parties which were not merged. THE candidates files their certificates of candidacy based on their political affiliation; that is why they were Liberal Party, they were PDP-Laban, they were Lakas ng Bansa. I think there were other parties that fall under the grand coalition. Unless there will be a move to coalesce as in 1987, the political parties which formed the Laban Coalition, there will be no difficulty. But as it is, we do not know because it seems the Liberal Party now is no longer coalesced with the ruling political party.

Senator Enrile. Is it the position now of the proponent that the Liberal Party now is an opposition party?

Senator Rasul. No, I am saying that the Liberal Party is not in coalition with the ruling party. I did not say that it is an opposition, in the same manner that the PDP-Laban is not an opposition party.

Senator Enrile. What is the ruling party now? If I may ask the opinion of the distinguished Lady Senator.

Senator Rasul. If it is based on the number of elected officials, it is the LDP.

Senator Enrile. And what is the party of the admini-

stration?

Senator Rasul. The LDP, The Liberal Party, and the PDP-Laban.

Senator Enrile. That is the party of the administration?

Senator Rasul. They are not in opposition.

Senator Enrile. No, so that we can settle this, I would like to know, what is the party of the administration of President Aquino.

Senator Rasul. The President does not belong to any political party. If she were to say that she was one with one political party, then we will know that, that is the ruling party or the majority party. But the President has not say to which party she belongs.

Senator Enrile. Am I to understand that the PDP-Laban is supporting the policies of the administration?

Senator Rasul. The PDP-Laban has always been supportive of the administration of President Aquino.

Senator Enrile. Therefor, it is not in opposition. It is not articulating an opposition position to the position of the administration as a general rule?

Senator Rasul. Yes.

Senator Enrile. How about the Liberal Party?

Senator Rasul. It is also supporting the administration of President Aquino.

Senator Enrile. And that is also true with respect to the LDP?

Senator Rasul. As a matter of fact, even the Nacionalista Party also supports President Aquino, although it is the dominant opposition now.

Senator Enrile. The Nacionalista Party to which I belong is an opposition party. With due respect with my colleagues here in the Senate, they are Nacionalistas, but

so far as I know, our roster has not yet registered them as such, as officially with us in the party.

Senator Rasul. Well, I would not know that, since I am not a member.

~~Senator Enrile.~~ Anyway, I would like to know, whether the distinguished Lady Senator agrees that it is essential to our democratic evolution that we have to have a dominant opposition party?

Senator Rasul. Originally, we only had two political parties, but the Constitution has made possible by enunciating a policy of multi-party system. Since we have vowed to uphold the Constitution, I think we have to implement what is in the Constitution. And since the political parties are to be given watchers, precisely I am introducing an amendment to also afford the other political parties that are either dominant opposition or a ruling party, provided they have garnered the 10 percent votes in the last election.

Senator Enrile. Historically, I would like to find out if the distinguished Lady Senator is aware that in the election of 1987, we ran the election on the basis of the present Constitution. Does the Lady Senator agree with this?

Senator Rasul. In the 1987 election, there were several political parties, but they just came into an alliance or coalition.

Senator Enrile. Precisely, while the Constitution recognized multi-party system, yet, it also recognized, as a matter of historical fact, the presence of a dominant political opposition party.

Senator Rasul. Yes, I think as far as the opposition is concerned, there is no problem there, because there is only one dominant opposition party. The problem is with the ruling coalition, because there are so many other political parties. If they were to coalesce, there would be no problem. But the reality of the situation is, we may have several political parties all presenting their own line-up.

Senator Enrile. I am trying to find out the provision which authorizes the presence of watchers.

Senator Rasul. Actually, it is on Section 25, page 18.

Senator Enrile. It says here:

EVERY REGISTERED POLITICAL PARTY, COALITION OF POLITICAL PARTIES, AND EVERY CANDIDATE SHALL EACH BE ENTITLED TO ONE WATCHER IN EVERY POLLING PLACE AND CANVASSING CENTER: PROVIDED, THAT CANDIDATES FOR MEMBERS OF THE SENATE OR HOUSE OF REPRESENTATIVES OF THE SANGGUNIANG PANLALAWIGAN, SANGGUNIANG PANLUNGSOD, OR SANGGUNIANG BAYAN, AND FOR CITY OR MUNICIPAL COUNCILORS BELONGING TO THE SAME SLATE OR TICKET SHALL COLLECTIVELY BE ENTITLED ONLY TO ONE WATCHER.

THERE SHALL ALSO BE RECOGNIZED TWO PRINCIPAL WATCHERS, ONE REPRESENTING THE MAJORITY PARTY OR COALITION AND THE OTHER DOMINANT OPPOSITION PARTY OR COALITION.

Would that not be enough to satisfy the distinguished Lady Senator?

Senator Rasul. I am talking of providing also election returns and certificate of canvass to the political parties that I mentioned earlier, which has garnered at least 10 percent of the votes in the last national elections.

When we actually read on, effectively it is only the two political parties that will be provided watchers.

That is why I thought there was some kind of inconsistency, because later in this provision, the enumeration is seven watchers, but there is no mention of providing other political parties with election returns or certificates of canvass. So, if the political parties will be given the same privileges or rights as the two principal parties, there should be a provision here which says that the parties that so qualify should also be provided with election returns, as well as the certificates of canvass.

Senator Enrile. I have no special objection to that, as long as the opposition of the dominant opposition would not be affected.

Senator Rasul. As a matter of fact, in a democracy, it is important that we have a vibrant and effective opposition, and there is no disagreement there.

The President Pro Tempore. Senator Tamano is recognized.

Senator Enrile. Mr. President.

The President Pro Tempore. With the permission of the Senators from the floor. Senator Tamano had raised his hand early enough, so we will recognize him.

Senator Rasul. The distinguished Sponsor has not given his reaction to the amendment that I proposed. Does he agree or...?

Senator Saguisag. I keep consulting the representative of the COMELEC here, and he validates the observation that it is physically impossible. There are enough problems even getting the eight copy, because ideally every interested party should be given a copy, but with the new Local Government Code, there will be 57 candidates now.

The worse scenario of Commissioner Haydee Yorac is that the election may take three days, and with the additional new set to provide every party, my own preference is the formulation of Senator Pimentel that we might as well do away with giving the majority party and the dominant opposition party, since everyone concerned will have a copy of certificates of votes anyway.

Incidentally, there is no problem as to the watchers themselves, because as long as they can be accommodated, even the members of the public can take part.

It is an insurmountable physical aspect of having more than seven copies is what I am afraid the COMELEC is not ready to deal with. The reason I prefer na wala na po ay dahil mismo sa dominant opposition party, even on the basis of these criteria, there will be challenges. Maybe the Liberal Party and the PDP-Laban will say that: "What did it take to shoot down the Military Bases treaty?" It was the Liberal Party and the PDP-Laban who formed a majority against it.

Kaya baka mas madali pong sabihin na wala na la-

mang at bigyan na lamang ang lahat ng certificate of votes.

Senator Rasul. I would like to ask the distinguished Sponsor. Under the present setup, which is now the ruling party? I will repeat the question of Senator Enrile.

The ruling party is LDP. The Liberal Party will not be afforded all these election returns and the certificates of canvass.

Senator Saguisag. That is why there is the possible challenge that the Liberal Party will claim na mas marami silang Senador. Sapagkat ang nakalagay dito ay: "the number of Senators, Members of the House of Representatives, Provincial Governors..." So there will be the argument that even within the coalition, on the basis of the established record, they have, in fact, been performing the role of the dominant opposition party.

That is why to avoid into the political morass, I am receptive to the idea of Senator Pimentel-- why not just eliminate the need to provide copies to the two parties sidestep all those arguments. If it were only physically convenient and feasible to give everybody a copy, wala na po tayong pag-uusapan. Pero ang sabi ko sa kaibigan natin sa COMELEC, there is just no way it can physically be done except to have another set prepared, and there are enough problems as it is in dealing with 57 names.

Kung mayroon lamang magsasabi sa atin na kayang gawin iyon maski hanggang sampung kopya o labing apat na kopya o dalawampung kopya, why not?

Senator Rasul. But, in this computer age, I suppose the COMELEC should be able to deal with the problem. We can have original duplicates.

Senator Saguisag. Iyon pong pagpirma ang problema. There limits as to what machines can do, and there is a phobia in the use of the computers. In fact, ang bintang po sa atin ng iba diyang, tayo raw ay mga computer Senators.

So, if we can find a physical or a technical solution, this Senator would be very willing to accept the amendment. But, on top of the problems of determining as to who will qualify, I am personally inclined to accept the

proposed amendment of Senator Pimentel--na wala na lamang pong bigyan.

Senator Rasul. I think, the only parties that will be affected by this provision are the Liberal Party and the PDP-Laban. Because in the Nacionalista Party, there is no problem about this. It is the only dominant opposition. But is it the Liberal Party, of which the Gentleman is a member, and the PDP-Laban?

The Gentleman is saying that these parties will not be provided with these documents.

Senator Saguisag. In terms of parity, why not give the PNP also a copy?

Senator Rasul. Wala silang ten percent (10%) of the votes cast in the last election.

Senator Saguisag. Well, I do not know. In terms of fairness, the more the merrier, so to speak.

Pinurbahan namin physically itong pitong kopya. Pagka normal po ang pagsulat, hindi na mabasa ang ika-pitong kopya. Iyon pong ika-anim na kopya ay malabo na rin. Kaya po kung dadagdagan po ng dalawa o tatlo, or whatever, the eighth or ninth copy, using the same stroke, will not serve the purpose that it is intended to serve.

So, it is really a technical problem. It is not a policy problem. It is not a philosophical problem, but there are limits. Even in this technological age, raw po talagang maaring lumampas sa pito.

Senator Rasul. In fact, these amendments were proposed by Senator Pimentel.

Senator Saguisag. Siguro po ang solusyon na lamang diyan, I think, is to submit it to an up or down vote once I accept it. I mean, I can accept the elimination of the need or the duty to give the two parties a copy. And then, the Chamber may decide whether to overrule me or to accept my acceptance.

Senator Rasul. In that case we will have to submit the amendment in writing.

Senator Saguisag. Siguro po, pag nandito na si Senator Pimentel, who makes a powerful representation on behalf of the historical record of the PDP-Laban and the Liberal parties.

The President Pro Tempore. The Chair has previously recognized Senator Tamano, and then we will go again to Senator Enrile.

Senator Enrile. Mr. President, this is a matter of personal privilege. I am leaving now because I have to go to the MOPC. I would like to reserve my right to ask some more questions tomorrow or next Monday.

The President Pro Tempore. Reservation is duly made.

Senator Enrile. Thank you.

The President Pro Tempore. After Senator Tamano, Senator Maceda. Please proceed.

Senator Tamano. Will the distinguished Sponsor yield to a few questions?

Senator Saguisag. Willingly.

Senator Tamano. In the province of Lanao del Sur, where I come from, a very important factor in the elections is the teachers and the manner in which they are appointed and selected. Will the distinguished colleague tell me what are the rules concerning the designation of teachers as members of the board of election inspectors under the present law?

Senator Saguisag. I am informed that the practice in this respect is for the local COMELEC representatives to coordinate with the education officials, the supervisors in the place or the pertinent area concerned, and they select those who will be members of the board.

Senator Tamano. Now, the teachers, as I said, play a very important, if not dominant, role in the conduct of elections in every election precinct. Is it possible or would the distinguished Sponsor accept some amendments that would make it more difficult for the teachers to be partisans or to rig the election in favor of certain

candidate that will be embodied in this proposed law?

Senator Saguisag. I think that will really promote the common objective of the Chamber. WE would be very glad to listen to specific suggestions along that line.

Senator Tamano. For example, I am thinking of the candidates having some sort of participation in the designation of certain teachers as members of the Board of Election Inspectors. Take for example, a candidate or a political party would object to the designation of the teacher in that particular precinct for being obviously partisan or against a certain candidates, what procedure can be done to have this teacher transferred elsewhere for the purpose of the election or disqualified from being a member of the board of election inspectors for that particular precinct?

Senator Saguisag. I will have no problem with any proposed selection challenge, but if there will be an *a priori* role in the selection of the teachers, that may politicize the teaching service, because in the future appointments teachers will be approaching politicians who will then be indebted to those who have something to do with their appointments. So I would rather indulge in the presumption that our public teachers are patriotic enough to be relied upon, and the burden of proof is on the interested party in a specific case to make a case for showing that in this particular case, he or she must be transferred elsewhere.

We are not unsympathetic to the particularly unique problems that may be obtaining in Lanao Sur, but to have a general rule for the entire country where it may not even be a problem today-- because I would like to think that, by and large, the selection process works. Ang problema ko lamang po ay kung magkakaroon ng *a priori*, say that may create more problems and it may solve them in the long run.

Senator Tamano. I think it has to be *a priori*. Perhaps, it would be in the interest of fairness to all the political parties and the candidates if they were furnished, say, some two weeks in advance a list of the teachers proposed for a electoral precinct so that they make the necessary objection, if the teacher has a record of partisanship, of being easily influenced by certain candidates because of relationship of kinship. So, I think this has to

be *a priori* determination.

But it also involves an element of time, because things are moving so fast during this selection period that a particular candidate or political party may not have a chance to express an objection against a particular teacher. So, these are points that we would like to submit for some amendments.

The other amendment that I would like to propose is on the matter of... This is also practiced in Lanao where, immediately after the voting, all the ballot boxes are brought to the provincial capital to canvass the votes there. We can imagine the confusion when these ballot boxes are coming from municipalities as distant as, say, forty miles away from the provincial capital, and there is no chance for watchers to really watch the process of counting votes, because the people in that distant municipality are not able to come.

Also, when the counting of votes is centralized, the military, acting as guards surrounding the place where the canvassing is held, keep away the general population or watchers of the different candidates. So many things happen that are against the interest of certain candidates or even the opposition.

Perhaps, the rules could be clarified in this respect to have some requirements whereby the counting of the votes should be done in the municipality, at least where the election has taken place, and not to the provincial capital, which is prejudicial to the interest of the opposition or even candidates coming from the distant municipality.

Senator Saguisag. On the first point, there are rules really against appointing relatives. That is why, since there are so many positions at stake in 1992, many teachers may, in fact, not be qualified.

So, it is entirely possible that maybe all qualified teachers are going to be appointed anyway, and even today, maybe the list of their names could be made available.

On the second point. Personally, I have no strong feelings either way, whether it would be done at the municipal level or at the provincial level. The only

observation I would like to make is that, maybe, there is a feeling of greater security in the provincial centers that may not be obtaining in the remote towns where a lot of things can happen. I mean, it is up to the Chamber.

As I have said, I can accept it, and then let the Body decide, whether a departure, suppose that is departure from a long established practice, is going to be an improvement over the current state of the law.

Senator Guingona. Mr. President.

The President Pro Tempore. The Majority Floor Leader is recognized.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1861

Senator Guingona. Mr. President, with the permission of the two gentlemen since it is already seven o'clock, I move that we suspend consideration of this measure without prejudice to Senator Tamano's interpellation, if he so desires to continue the same tomorrow.

The President Pro Tempore. Is there any objection? [Silence] Hearing none, the motion is approved.

THE JOURNAL

~~Senator Guingona. I move that we dispense with the reading of the journal of the previous session and consider the same as approved.~~

The President Pro Tempore. Is there any objection? [Silence] Hearing none, the motion is approved.

SUSPENSION OF THE SESSION

Senator Guingona. I move that we suspend the session until ten o'clock tomorrow morning.

The President Pro Tempore. The session is suspended until ten o'clock tomorrow morning, if there is no objection. [There was none.]

It was 7:00 p.m.

Oct. 7, 1991

Senator Guingona. Thank you, Mr. President. The Presiding Officer [Senator Tañada]. Is there any other interpellation? [Silence]

SUSPENSION OF THE SESSION

Senator Guingona. Mr. President, may I move for a minute suspension.

The Presiding Officer [Senator Tañada]. The session is suspended, if there is no objection. [There was none.]

It was 4:45 p.m.

RESUMPTION OF THE SESSION

At 4:46 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

MOTION OF SENATOR GUINGONA
(Referral of His Privilege Speech to the
Blue Ribbon and Banks Committees)

Senator Guingona. Mr. President, I reiterate my motion to refer this to the Blue Ribbon Committee and the Committee on Banks so that joint investigation can be held concerning this issue.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the motion is approved.

BILL ON SECOND READING

Senate Bill No. 1861--Synchronized Elections
(Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 1861 as reported out under Committee Report No. 1373.

The Presiding Officer [Senator Tañada]. Resumption of consideration of Senate Bill No. 1861 is now in order.

Senator Guingona. Mr. President, we are in the

period of Committee amendments. I ask that we recognize Senator Saguisag.

The Presiding Officer [Senator Tañada]. Senator Saguisag is recognized.

Senator Saguisag. *Marami pong salamat.*

The Presiding Officer [Senator Tañada]. Are we still in the period of interpellations?

Senator Saguisag. *Ang impormal understanding po natin, kahit tayo ay nasa panahon na ng pagsususog, any Member of the Chamber is free to interpellate preparatory to proposing amendments.*

I understand that Senator Laurel made a reservation, and we will honor that, Mr. President.

Senator Maceda. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Maceda is recognized.

Senator Maceda. Mr. President, last time, I was following the distinguished Sponsor's interpellation with the distinguished Lady from Sulu and Tawi-Tawi on Section 25, Official Watchers.

I looked at the Constitution again. There does not seem to be any provision in the Constitution which directly authorizes the resumption of what is a *de facto*, a two-party system of government when we designate two principal watchers: one representing a so-called "majority or coalition" and the other, a so-called "opposition dominant party."

Now, is this not subject to constitutional question in view of the clear adoption of a multiparty system by the new Constitution?

Senator Saguisag. It can really be so argued if we are agreed that there is in the spirit of the new Constitution the desire to promote a multiparty system. To discriminate in favor of only a couple of parties may be incompatible with such a concept.

Kaya ang sabi ko nga po, kung praktikal lamang na

mabibigyan ang lahat, siguro iyan ang sagot. Pero ang sabi po sa atin ay baka hindi po makayang gawin iyon. So, for myself, I am open to an amendment that may do away with this preferred position enjoyed by only two parties, Mr. President.

It is not a constitutional question; it is a policy one that we may have to resolve here by an up or down vote.

Senator Maceda. So, at the proper time, Mr. President, maybe Senator Pimentel, Senator Rasul, two others and myself may present an amendment to delete this whole concept of two principal watchers.

Senator Saguisag. We will just have to be careful. If that is the intent, maybe some research should be done whether that is provided for in some other laws as well.

We may need to look at Republic Act No. 6646, if that is there. *Sapagkat maski nga po tanggalin natin dito, baka mayroon itong ibang basihan.* So, it may require a negative statement here, eliminating watchers. *Kailangang pag-aralan po natin iyon para pagdating ng panahon ng pagsususog ay iyong gusto natin ang matupad.*

Senator Maceda. Mr. President, just to go direct to the point, would the Gentleman, at the proper time, accept an amendment limiting the convention period to 120 days?

Senator Saguisag. My own preference is, perhaps, to have the COMELEC do it, but we may state any period here that should provide guidance, especially if it is going to be adopted.

So, I am open, whether it is 90, 120 or 135 days; but maybe that is my upper limit--135 days, Mr. President.

Senator Maceda. One hundred thirty-five days, Mr. President.

Senator Saguisag. It is in the old law; 135 days is in the Omnibus Election Code. So, unless we pick another period, in our informal conversations with the Chairman of the COMELEC, the sentiment I got is that that body is leaning towards adopting the 135-period, which will mean early January, Mr. President, as a practical matter.

Senator Maceda. That seems to be fair enough, because if we really accept the proposal of 150 days, that will put the convention some time in December, and I doubt if any political parties will really call a convention during the Christmas season, unless they are really that moneyed and would like to give extra Christmas gifts.

So if the Gentleman will go down to less than 150 days, meaning to say, if the campaign period starts February 11, I would be asked--having been in so many political conventions--and I would be reasonable enough to say that a convention any time in January would be acceptable, whatever the period is. Meaning to say, in principle, I do not mind having the convention outside of the 90-day campaign period, but as much as possible really as near to the 90-day period.

Senator Saguisag. I am reassured here that the prevailing sentiment in the COMELEC is not to authorize anything partisan or political in this context within the year; so that the convention, as far as I can tell, would not be held under the rules and regulations to be promulgated by the COMELEC earlier than the turn of the year. So we are looking, perhaps, at the first or second week of January, 1912. *Kasi po, kung gagawin din nating mas mahaba iyan,* I cannot imagine, as the Gentleman has said, any party staging it in the last two weeks of December.

To begin with, it really complicates the traditions that we like to observe during Christmas time when everybody would like to be with his family at that time.

That is what I can tell the Body. *Hindi po siguro gagawin naman ng COMELEC na itong taong ito.* The 135-day period may be a good figure, Mr. President.

Senator Maceda. That is correct, Mr. President. The other reason is that there are five or six presidentiables and vice presidentiables in the Senate. There is probably one presidentiable and several vice presidentiables from the House. There is, of course, talk about the Chief Justice. Meaning to say, in the context of the Congress, by moving it to January, there is a better chance that we could get to act on important legislation, at least, up to the end of the year. But we can imagine, if we have our conventions in November or December, either we throw out any chance of real legislative work for the rest

of the year or the legislative work will be so tainted already with politics. That is the other reason.

If we, at least, move it to around the second half of January, and giving these people, between our recess on December 16 up to January 15, to make the final phase of the campaign for the convention, there is hope that we can still do real work here, especially in the light of the fact that we are going to go up against this question of: Do we pass the budget before the year is over or not?

I would just like to add that practical consideration as to why my inclination is not to allow any conventions before the end of the year.

Senator Saguisag. My own concern as well, which is not incompatible with the position taken by the Gentleman and why I, in fact, might want to prefer that we have a few session days in 1992, could be:

1. If some kind of an executive agreement is submitted to us on the bases by December, it can no longer be passed upon, except by the next Senate.

2. As has been stated this afternoon by the distinguished Majority Floor Leader, which reflects what I understand to be the position of the House, in the House, they are for scrapping the item for the Bataan Nuclear Power Plant. If we have the same position here and it is vetoed by the President, there is no longer any opportunity to override it next year.

So, *mas maiksi nga po, mas maganda*. I would like to appeal to both Houses of Congress that, maybe, there are good reasons why we should meet even if ever so briefly next year. As I have said, that may be the best way of campaigning anyway. I know that, at least, six of us, we are told, want to be President or Vice President. In the House, maybe, the same number.

So the shorter the period is, the better. Anyway, *kung wala pong ibang figure*, 135 may be a good golden mean, Mr. President.

Senator Maceda. Last point, Mr. President. We already stated previously that the House version did not follow the COMELEC recommendation of holding provincial board and municipal council elections by districts.

Shortly after that became known, the COMELEC has again issued an appeal to consider the same seriously. Does not the Gentleman think that it might be better so as to keep it alive, at least, and debate on it in the Conference Committee, that we should approve some form of districting in our own version? Because if we also knock out the districting in the Senate version, then certainly, automatically, it becomes a dead issue that cannot be even resuscitated in conference.

Senator Saguisag. That is a very good practical insight. I hope that our Colleagues will support that, just to keep the issue alive without it being questioned. Although, I can tell the Body that our friends in the House tell me that, for the first time, the Conference Committee of the House will be given really a limited mandate, that they cannot negotiate. That point is not negotiable. They will never agree to any districting in 1992, and they are very candid with us because it is, they say, a reflection of the local power situation. It is not to their interest, so they will not support it.

Senator Maceda. With that insight, Mr. President, again, going back to the previous question, that is why it is really useless to talk in terms of 180 or 150 days convention period, because it looks like we are not going to have a simple Conference Committee. So, if this is passed before the end of this session--which is barely two weeks from now--and there will be a recess of two weeks, I personally do not think that we can resolve these issues of difference with the House during the month of October or November. So, almost automatically, the 180-and 150-day periods are knocked off by reality.

Senator Saguisag. That is correct, Mr. President. Although, as difficult as the Conference Committee process will be, the alternative is that there will be no election unless we pass some law. And, I guess, a good number of us are really eager to keep their appointments with destiny. They do not want a stand-up on what probably they believe is written in the stars. So, one way or the other, some agreement may survive. But the Gentleman is correct, by the calendar, talking of 180 days is really moot and academic at this point.

Senator Maceda. Mr. President, the Gentleman is correct that a good number of us, will like to have their appointments with destiny. But, I guess, the great major-

ity will have their disappointments with destiny.

Senator Saguisag. We will see about that.

The Presiding Officer [Senator Tañada]. Is there any other interpellation? Senator Romulo.

Senator Romulo. Mr. President, I have already been through with my interpellation. I just want to remind the distinguished Sponsor that when the real period for amendment comes, that I am not forgotten by him. Thank you, Mr. President.

Senator Saguisag. How could we? Anyway, I suggest that the Committee will now be allowed to introduce certain amendments, by way of Committee amendments, without prejudice to anybody standing up on any matter.

Senator Guingona. Yes. Specifically, Senator Laurel, Mr. President, made a reservation to interpellate. He is indisposed today. So, without prejudice to that reservation, I suggest that the distinguished Sponsor introduce his Committee amendments.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the motion is approved.

COMMITTEE AMENDMENTS

Senator Saguisag. The first one is on page 1. This is something that I thought I should propose, in light of the representation made to us by the House, that under no circumstances will they agree to districting. So, the formula that I thought of is that, given the fact that there may be 57 candidates next year, in view of the additional six sectoral candidates, that really compounds the problem we have identified. That is why, I am going to revive, Mr. President, the idea of allowing the COMELEC to separate the local elections. And this is the way I formulated it. It will not be the Congress doing it, but it will be the Commission on Elections.

Kaya, dito po sa page 1, line 11, for the record, it now reads:

“SEC. 2. Date of Election. - In accordance with the

policy hereinbefore declared, there shall be held an election for President and Vice-President, twenty-four (24) Senators, all elective Members of the House of Representatives, and all provincial, city and municipal elective officials on THE SECOND MONDAY OF MAY, 1992, AND ON THE SAME DAY EVERY THREE YEARS THEREAFTER EXCEPT THAT WITH RESPECT TO SENATORS ONLY TWELVE (12) SHALL BE ELECTED IN SUBSEQUENT ELECTIONS IN ACCORDANCE WITH THE NEXT FOLLOWING SECTION.”

Another defect that I would want to remedy here is that we should not fix the next set of Senators at twelve. It may be that there could be vacancies. *Kaya, maaaring pong trese, maaaring katorse.*

So Section 2, the way I reformulate it will read as follows:

“Date of Election. - In accordance with the policy hereinbefore declared, there shall be held an election for President and Vice-President, twenty-four (24) Senators, all elective Members of the House of Representatives, and all provincial, city and municipal officials on THE SECOND MONDAY OF MAY, 1992, AND ON THE SAME DAY EVERY THREE YEARS THEREAFTER EXCEPT THAT WITH RESPECT TO SENATORS ONLY TWELVE, OR SUCH NUMBER AS WILL COMPLETE A SENATE OF FULL MEMBERSHIP OF TWENTY-FOUR SENATORS, SHALL BE ELECTED IN SUBSEQUENT ELECTIONS IN ACCORDANCE WITH THE NEXT FOLLOWING SECTION. HOWEVER, IN THE SOLE JUDGMENT OF THE COMMISSION ON ELECTIONS ON THE BASIS OF WHAT IT BELIEVES AND DETERMINES MAY BEST ENSURE THE DISCHARGE OF ITS CONSTITUTIONAL MANDATE TO HOLD FREE, ORDERLY, HONEST, PEACEFUL, AND CREDIBLE ELECTIONS OR TO PREVENT A POSSIBLE OR LIKELY FAILURE OF ELECTION THE COMMISSION MAY CHOOSE TO HOLD AND CONDUCT THE NEXT LOCAL ELECTION ON ANY OTHER DATE BEFORE JUNE 30, 1992, BUT PREFERABLY, ON ANY OF THE FOLLOWING ALTERNATIVE DATES: (1) ON MAY 25, 1992; OR (2) ON JUNE 11, 1992.”

Bahala na po ang COMELEC dito. The hope is that

the COMELEC may want to avail itself of this provision, and somebody can immediately go to the Supreme Court to test it. I am hopeful that the Supreme Court, when they are told that districting is out of the question and that there will now be 57 names, under the new Local Government Code, may this time allow the COMELEC to exercise some discretion, at least, as to the local elections.

Ang mahirap po kasi doon sa naging kapasiyahan o main decision ng Korte Suprema, talagang ipinako lamang sa May 11 ang eleksiyon. But with 57 names, we have to suggest something like this. If we are able to impress on the Supreme Court that the elections may likely fail, baka po naman pagbigyan sila. Tutal, sino po ba ang mas eksperto dito kundi ang COMELEC mismo.

So I hope that this will be approved by the Body. My contacts in the House tell me that this is something that they will look at with favor, considering their inability to give in in regard to districting.

The Presiding Officer [Senator Tañada]. Is there any objection?

Senator Guingona. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Guingona is recognized.

Senator Guingona. Not really an objection, Mr. President, just reservations, because I understand that the real reason for the suit--and the legal objections--stems from the local government officials who are running in 1992, they really wanted not only the legalistic approach but also the practical one of having joint elections with the national officials. By this reformulation, we may be opening ourselves again to another suit, and I do not know whether we can stand another judicial, although, impractical rebuff based on the rulings that they already made that it must be on the same date.

If we legislate again, and we get a second suit or a second rebuff, does the Gentleman not think that we may not be able to afford the time nor the loss of face being rebuffed twice possibly in a matter of months? We have to be very sure that this is constitutional, legal, and that will not meet the same objections and possibly the same result, because we cannot afford time anymore.

Senator Saguisag. The local officials objected to the first one on the clear constitutional ground that no elections could be held beyond June 30, 1992 because of the holdover problem; the second one, the practical aspect, if I can define the Gentleman's thoughts on the point, is that they thought that they would be holding the shorter end of the stick as it were. But a difference of a few weeks will not result in the same consequence. In other words, their hope is that by running with the national officials, there could be some kind of expense sharing; they could even piggyback on the national candidates.

Kaya kung gagawin pong June 25 o June 11, siguro ay hindi na sila magdedemanda. Of course, there is always the possibility of a suit, but in this particular case, it will not be a decision to be made by this Congress. It will only be stating what is already in the Constitution that the COMELEC has a special mandate to do certain things; it could take steps so as not to prevent the failure of election.

And also I am hoping that the Supreme Court, upon being told: "*Kgg. na mga Mahistrado, 57 pangalan na po ito, baka naman po kung puwede nang pagbigyan ang Senado at ang Kamara de Representantes,*" they may say: "*Kayo ang COMELEC, kayo naman talaga ang mga eksperto dito, we will give you benefit of the doubt this time.*" But the thing is, I am just afraid that if Commissioner Yorac is correct, even with 51 names, there will be places that even on the third day, *magbibilang pa po.*

So the Supreme Court, I hope, this time, may be more realistic and be impressed by the forceful presentation of our experts on elections in the COMELEC that "*Kung hindi po ninyo kami pagbibigyan dito, the entire exercise may just explode in our faces.*"

Senator Guingona. I suppose that the distinguished Sponsor has conferred with the COMELEC on this, and that there will be no practical difficulties because they will be attending to the canvassing and the tabulation of the national officials. With the short space of few weeks, I doubt very much whether the COMELEC can judiciously, diligently and correctly handle that gigantic task, because we have experienced that in the past, election controversies take time. If they are doing something, and at the same time attending to the coming election of the

locals, I doubt very much whether they can do justice to both tasks.

So I was wondering whether the distinguished Sponsor will consider two ballots, one for the national and one for the local. Maybe he fills up one-half of one ballot and one-third of the other, but that is up to him because we are faced in a situation like this.

Senator Saguisag. In fact, I would rather put it in one ballot, because the elector may just really select a few senatorial bets anyway. I have taken this up with Chairman Monsod. He is not really very keen on the idea either, because he is hopeful that the districting formula will be accepted. But, I think, on the basis of my conversation with our House contacts, that is just not going to happen. So that, in here, despite the obvious deficiencies of my proposal, I am trying to look for something that is better.

Senator Guingona. Yes, I understand that.

Senator Saguisag. This one, I know, *mas magastos po iyan*, dahil more ballot boxes. *Pero kung iyong 51 names aabutin ng May 13*, can we imagine three public officials starting to work at six o'clock on May 11, working for 48 hours, *sunod-sunod* two days *lamang iyon*. *Kung lumagpas pa po, tayo po, kamukha nila machong-macho, pero pag nagtrabaho siguro ng six to six, pagdating siguro ng hatinggabi medyo wala na ring gaanong ibubuga.*

This is a very difficult decision to make. I am just throwing this in as part of the menu of options. I think it is just a little better than gambling with having a two or three-day election.

I hope that subject to further refinement here or in the Committee, this can be approved tentatively, then maybe we can go back to this before we finally act on the entirety of the law. *Pero iyan po nagtatapat ako sa inyo, asang-asa ang COMELEC na lulusot ang districting. Pero kung hindi siguro lulusot iyon*, they may want to look at this, it is not really a new idea, this was really the proposal of Senator Neptali Gonzales from the beginning. He wanted the local elections to be held on June 11, 1992, *dahil ang attitude ni Senator Gonzales diyan, e, maski pa mag-atubili ang COMELEC pagka inutosan na*

natin iyan, kailangang gampanan nila.

Senator Guingona. Okay, but it might be physically, if not impossible, very, extremely difficult for COMELEC to handle. That is my reservation.

Senator Saguisag. *Pero ang tingin po natin diyan*, let us say, if it is held three weeks later or four weeks later, I imagine that in a great part of the country, the exercise will be completely finished. *Hindi po naman siguro* hundred percent *iyon may mga protesta*. The hope is that in most places, it will be over in two to three days. So that three or four weeks later, enough resources and personnel of the COMELEC will have been liberated to focus on another exercise. I do not know, *baka ang gawin dito ng COMELEC ay geographical. Baka puwedeng* one week later, *sa Luzon*; one week later *sa Kabisayaan*, et cetera. It may be a rolling election. I do not know if it is constitutional, but we really need to be creative to avoid the spectre of having a three-day election, Mr. President.

Senator Guingona. Has the distinguished Sponsor considered the alternative checkings?

Senator Saguisag. I guess anything that conduces to easier cheating is very hard to sell. Bloc-voting is controversial enough, *pero alam ninyo po pagsulat ng Tito Guingona mas mahirap palsipikahin iyon, e. Pero iyong checking po, iyon nga po*, a few golden arms may decide for the entire country. So that may be false economy. We may lose our democracy if we take such a shortcut, given the empirical evidence in some places in the country.

I am open to it if a proposal is made, but that may generate a new fire storm of controversy, Mr. President.

Senator Guingona. I have my reservations. For the record, Mr. President, let us continue to look for alternatives.

Thank you.

The Presiding Officer [Senator Tañada]. All right. Is there any objection to the proposed amendment of Senator Saguisag? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. Page 2, wala po. Page 3, wala po.

Sa Page 4, I wonder what the consensus of the Body is in regard to the--I hate to have to do this. This may have been the idea of Senator Gonzales, but I am very uncomfortable with the proposal that the candidate be a registered voter as pointed out by a Colleague. I do not know whether I should be the one to propose it. This may be the pet idea of someone who just asked...

On page 4, line 15, I think any time we add to the qualifications of a candidate, we run into policy and constitutional problems. I may be indifferent to public life for a long time. I may not be registered. But if I, otherwise, qualify, I do not think I should be disenfranchised.

So the preference of this Senator, Mr. President, is to move for the deletion of the qualification "AND A REGISTERED VOTER" on policy and constitutional grounds.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. *Ito po ang masarap nang nag-iisponsor.*

On page 5, wala po. On page 6, wala rin po. May we just move back to page 3, line 4. I agree with the proposal of the distinguished Gentleman from Manila and Ilocos Sur. Let us not touch the districting aspect.

But, there is a good suggestion here from the COMELEC which I would like to introduce after line 4 of page 3, between lines 4 and 5. This takes into account the situation wherein some cities are not allowed to vote for the provincial officials. Kaya po, pagka nag-compute sa mga bilang ng botante, mayroon pang distortion. An example given here is that of Butuan City. So, to me, this is well-taken, Mr. President.

May we propose, between lines 4 and 5, the insertion of the following:

"IF A LEGISLATIVE DISTRICT COMPRISES A

CITY THAT DOES NOT VOTE IN THE ELECTION OF PROVINCIAL OFFICIALS SUCH THAT AN EQUAL DISTRIBUTION OF THE SANGGUNIAN MEMBERS DOES NOT RESULT IN EQUITABLE APPORTIONMENT ON THE BASE OF POPULATION IN THE PROVINCE, THE COMMISSION SHALL ALLOCATE THE NUMBER OF SANGGUNIAN MEMBERS AMONG THE DISTRICTS IN PROPORTION TO THE POPULATION OF THE CONSTITUENCIES VOTING FOR PROVINCIAL OFFICIALS."

Mukha pong generally self-explanatory ito, dahil talaga namang masyadong magiging disproportionate. Dahil hindi po sila maghahalal, madi-dilute iyon. We try to approximate the idea of one man, one vote. So, that is the proposal of the COMELEC which I adopt, Mr. President.

Senator Maceda. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Maceda.

Senator Maceda. There was a representation by the City of General Santos, Mr. President, which I would like to place for the record, that precisely, because they are also not allowed to vote for the provinces, and for provincial officials, maybe, there is no need to redistrict the cities because there would be ten less. Or as a compromise, why do we not adopt the usual concept of dividing the city into two like municipalities instead of, in effect, saying that there could be more than two districts?

SUSPENSION OF THE SESSION

Senator Saguisag. May we have a short recess, Mr. President?

The Presiding Officer [Senator Tañada]. The session is suspended, if there is no objection. [There was none.]

It was 5:24 p.m.

RESUMPTION OF THE SESSION

At 5:44 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

Senator Saguisag. Mr. President, I think the concern raised in regard to the new proposal has been sufficiently addressed. *Gayun pa man, ito po ay dadaan sa Conference Committee.* So, I believe no one is objecting to the very sound proposal of the COMELEC which I am adopting, Mr. President, to take care of the situation, such as that in Butuan and Las Nieves.

The Presiding Officer [Senator Tañada]. Senator Romulo is recognized.

Senator Romulo. Mr. President, just to restate and clarify that under the COMELEC proposal which is being proposed and adopted here, the number of candidates in totality would not exceed 35, and I think 38, at most.

Senator Saguisag. It is again confirmed we are dealing with 35 and 38, depending on the ...

Senator Romulo. Thank you, Mr. President. **The Presiding Officer** [Senator Tañada]. Is there any objection? [*Silence*] There being none, the motion is approved.

Senator Saguisag. I would like to spread upon the *Record* the background given here. *Doon po sa Butuan, dahil hindi mahibilang ang boto sa Butuan, ang matitira sa Las Nieves na mayroon lamang anim na libong bontante, magkakaroon ng tatlong provincial board members as against the other districts where there will be 10 towns with about 112,000 voters. The disparity is so glaring. Six thousand voters will have three representatives in the Board, while 110,000 or so will have the same number. So, this is what this amendment is proposed to address.*

May I move on to page 6. Wala po ritong Committee amendment. *Sa pahina 7 ay wala rin pong amiyenda.* On page 8, line 29, there is a very minor stylistic error. The word "eight" should end with an "H".

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Romulo. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Romulo.

Senator Romulo. Mr. President, just to clarify that this is still the period of Committee amendments, and that individual amendments may be accepted after the round of Committee amendments have been concluded.

The Presiding Officer [Senator Tañada]. That is correct.

Senator Romulo. Thank you.

Senator Saguisag. Section 11, page 9, *Annulment of the List of Voters*, it now reads:

Any book of voters the preparation of which has been effected with fraud, bribery, forgery, impersonation, intimidation, force or any other similar irregularity or which is statistically improbable may, motu proprio, be annulled by the Commission.

This, I understand, is taken from the old law. But, I am very uncomfortable with its phraseology and I would like to recast it without affecting the meaning to read as follows: THE COMMISSION MAY, MOTU PROPRIO, AMEND ANY BOOK OF VOTERS THE PREPARATION OF WHICH HAS BEEN PERFORMED WITH FRAUD, BRIBERY, FORGERY, IMPERSONATION, INTIMIDATION, FORCE OR ANY OTHER SIMILAR IRREGULARITY OR WHICH IS STATISTICALLY IMPROBABLE.

Iyon pong unang formulation is so awkward, Mr. President.

~~**The Presiding Officer** [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.~~

Senator Saguisag. On page 10, line 19, I am given to understand--and this is subject to verification--that there is no longer any distinction between donor's or donee's taxes today. *Iisa na lamang po yata at tila iyon ay donor's tax.* I think it is superfluous. May I move for the deletion of (DONOR'S OR DONEE'S).

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. On page 11, lines 13 to 18 shall now read:

“The fine shall be paid within thirty (30) days from receipt of notice of such failure from the Commission on Elections to the city or municipal treasurer of the city or municipality which said candidate declared as his residence in his certificate of candidacy.”

Mr. President, may I just propose that on line 18, after the words “of candidacy”, we change the period to a comma to be followed by the words, WITHOUT PREJUDICE TO ANY VALID DEFENSE OR EXPLANATION. The way it is worded now, *para bang kapag tinanggap ang notice, kailangang magbayad.* I know that this is implied but, out of abundant caution, may we add this insurance of due process?

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. On line 12, no proposed Committee amendment.

On page 13, none either.

On page 14, line 11, the word “his”, I think, refers to a plural set of antecedents so it should be THEIR.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. Mr. President, the following word is “verbal”. I think, what we mean here is “ORAL”, because “verbal” really means “ORAL” or “WRITTEN” from the Latin verbum or word. This is a common error. Some people believe that if one is making a verbal objection, he is making an oral objection. Even a “written” objection is, in fact, “verbal” because we use words.

So can we just replace the word “verbal” to

“ORAL”, Mr. President?

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. On line 20, simultaneous with “verbal”, may we have again the same change from “verbal” to “ORAL, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. On page 15, line 11, just a matter of style, Mr. President. Since we are saying “summarily”, may we replace “without delay” with IMMEDIATELY for parallel construction so that it would read “summarily and IMMEDIATELY.” It is just a matter of style, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. On line 15, the term “manifest” seems too high-flown. Can we just replace it with INFORM? “Manifest” should be replaced by INFORM.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. On page 16, line 13, “brought to it on appeal by the losing party”, place a period after the word “party” and delete the word “and”. Then, in the word “any”, capitalize the first letter “a” just to break up a very long sentence. It is just a matter of style, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. On page 17, no proposed Committee amendment.

On page 18, line 20, just a matter of style. The

“4th” should be spelled out, “PAR.” should be spelled out, “SEC.” should be spelled out, “R.A.” should also be spelled out as “Republic Act No.” On line 21, “SEC.” should also be spelled out for consistency with the way these phrases are used in the other parts of the bill.

In fact, may I propose in an omnibus manner, Mr. President, that this be made consistent. *Hindi iyong iba-iba dahil nandoon din po sa* line 17. So, can we make these uniform? “Paragraphs”, “Sections”, and “Republic Act” should all be spelled out in full, Mr. President?

The Presiding Officer [Senator Tañada]. All right. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. Line 25, “VIEW TO THE BOARD”. It seems to me that the better preposition to replace “TO” is OF, VIEW OF THE BOARD.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. Page 19, line 21, I have always been uncomfortable with the use of the words “TRACK RECORD” in legislation, maybe, we just say the ESTABLISHED RECORD.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. Page 20, no proposed amendment by the Committee. Page 21, none either. Page 22, *wala din po*. Page 23, *wala din po*. Page 24, *wala din po*. Page 25, *wala din po*. Page 26, line 5, *nandiyan po iyong* “SEC.” May I just make of record that that should be covered by the omnibus correction. Line 10, I have always maintained that we should specify “NATIONAL newspapers” because a local paper can also be of general circulation.

So may we insert between the word and figure “two (2)” and “newspapers” the word NATIONAL.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. Page 27 which is the last page, can we use for the effectivity clause our “de cajon” formulation that “This Act shall take effect upon FIFTEEN DAYS AFTER” or maybe it should be shorter, UPON ITS PUBLICATION IN FULL IN AT LEAST TWO NATIONAL NEWSPAPERS OF GENERAL CIRCULATION.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. Mr. President, I just hope that this amendment proposed by Senator Guingona earlier as to the number of copies from five to seven will be accommodated in the clean copy that perhaps we ought to have before I start entertaining individual amendments.

The Presiding Officer [Senator Tañada]. All right, Senator Maceda is recognized.

Senator Maceda. Without having to go through this page by page, why do we not attempt to have a few major individual amendments for whoever is interested right now and see what the reaction will be, Mr. President?

The Presiding Officer [Senator Tañada]. What does the Sponsor say?

Senator Saguisag. I would be delighted to go as far as we could. Everybody is under the gun as it were from the time-frame aspect.

The Presiding Officer [Senator Tañada]. So, let us move on to the individual amendments.

Senator Saguisag. Incidentally, if I may still be allowed, if I may just step back, and I will just reserve this that I will amend the title at the end, Mr. President.

The Presiding Officer [Senator Tañada]. All right.

Senator Maceda. On page 6, line 18, may I move

that the figure "one hundred fifty (150) days" be reduced to ONE HUNDRED TWENTY (120) days?

The Presiding Officer [Senator Tañada]. Is there any objection?

Senator Saguisag. Mr. President, I would just want to make of record that Senator Osmeña was telling me earlier that he personally would be for deleting mention of these figures in light of the constitutional provision, as sustained by the Supreme Court, that the Congress, apparently, is not the proper Body to fix these dates, anyway.

So I do not know whether it is fair to Senator Osmeña, who made that particular reservation. He wanted to be heard on this. That is why, I am reluctant to accept it or not to accept it in view of the personal representation made to me by the Gentleman from Cebu earlier.

Senator Enrile. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Enrile is recognized.

Senator Enrile. Maybe, Mr. President, we should leave the matter--I agree with the Sponsor, that we should leave this--with the COMELEC. After all, the decision of the Supreme Court has indicated this; but that we should, at least, suggest in some form of language that the COMELEC should consider the period that would enable the political parties to prepare themselves for the political contest, and by giving them enough time to select their official candidates so that they could prepare the necessary materials in order to run a meaningful political campaign that would enable the public to fully understand the issues and the personalities of the candidates, and give them a chance to develop a firm understanding of the character, the issues involved, and to form an intelligent opinion about the candidate they are going to vote for.

I would suggest that, perhaps, a period of 180 days--as this Representation suggested in the past--would be enough time, but if a shorter period is needed, maybe 150 days would be sufficient; because what is an added 30 days. Therefore, I think that would be a reasonable time within which the parties could now elect their official candidates.

Senator Saguisag. For the record, Mr. President, according to Atty. de Lima here, the COMELEC will choose from 120 days to 150 days.

Personally, my own preference is, I hope they will settle for 135 days. My own preference is to have it start in the coming year, but maybe the political parties and other interested parties can make representations with the COMELEC, if the institutional decision here is to delete, in recognition of the Supreme Court pronouncement on the point. So, *maglalaro po sa* 120 days to 150 days.

Senator Enrile. So as long as we are authorized to file petitions before the Commission on Elections within a period, and let the Commission decide when the actual convention of a given party be held, within a time frame of 150 days before election day.

Senator Maceda. Mr. President, I shall not disagree with the distinguished presidentiable of the Nacionalista Party on this matter. I just want to say that the farther we get away from 90 days, the more what the Gentleman is seeking to accomplish might be negated by a possible constitutional challenge again. I think if the Gentleman would, let us say, put here a 180-day period, then maybe this Representation will file a challenge in the Supreme Court.

Senator Saguisag. *Mahirap po.*

Senator Maceda. So the idea really is, if we can agree on something which would be generally acceptable so as to prevent any possible constitutional challenge, in view of the established orientation already of the Supreme Court on the matter.

Senator Enrile. Mr. President, I am not really suggesting here that we should provide a provision authorizing political parties to hold their convention within a period of 180 days from election day, but that the political parties may petition the Commission on Elections at any time at the beginning of the period of 180 days from election day to conduct their political convention in line with the Constitutional mandate that it is the Commission that would authorize the period of political convention, including the campaign period.

Senator Maceda. There is a slight change there. I

think the Sponsor caught the nuance of it. What the distinguished Gentleman from Cagayan is now proposing is that, within the period which would be agreed upon, the political parties shall be allowed to file a petition to set a convention.

Senator Enrile. Yes.

Senator Maceda. So the necessity for a petition must now be placed in this law. If that will be the formulation, then we might agree to a 150-day period, because then we would have time to oppose their petition, anyway, in the COMELEC and delay it.

Senator Saguisag. What might be the phraseology?

Senator Enrile. Anyway, Mr. President, I think it stands to reason that any political party that wants to hold a convention prior to the 90-day officially declared campaign, or before the election period contemplated in the Constitution, since the matter is authorized by the Constitution to be within the discretion of the Commission, there must be some form of a petition. We are willing to consider the issue of challenge by anybody. I think, we are all lawyers, we can consider the reasonableness of the petition and the challenge. Let the Commission decide. I am sure the Commission, in this particular case, has the final say on the matter.

Senator Maceda. I am just even retreating in a sense that I said I would be willing, let us say, to consider a 150-day or 135-day period, not as the date within which a convention will be set. But as stated by the Gentleman, the period now, which by this law will be by petition to hold a national convention, may be filed with the COMELEC.

Senator Enrile. But when the distinguished Gentleman talks of a petition to be filed with the COMELEC, that means a petition could be filed, let us say, during the 180th day to hold the convention 15 days later, and the COMELEC be asked to set the matter for a hearing. I am sure that the COMELEC, considering its desire to set the stage for political contest, may authorize that convention. After all, it is just to allow the political parties to perform their internal act of selecting their own candidates. I think we are all interested in fairness in a political contest here, not to take advantage one over the

other.

Senator Saguisag. I suppose that what will happen here is, after we pass the law, the COMELEC will issue the pertinent rules and regulations. Let us assume that it is fixed at 135 days, it seems to me that what will happen is that all the parties will just comply. But, if an interested party might want to lengthen it to 150 days, then it may be up to that particular party to file the necessary petition, if there are special reasons under the Constitution to justify another period. *Pero iyong pong 135 o 120 to 150 probably will meet with general approval.*

Senator Enrile. *Kung pabayaang na lamang natin kaya iyan sa 150. Mahirap naman iyong nagmamadali ang mga tao sa kanilang preparasyon. Ang pinag-uusapan natin dito ay halalan ng isa sa national, sa pagkapresidente. Alam po ninyo, kaming nasa opposition ay karaka-rakang bumuo ng aming samahan noong 1987. Wala kaming preparasyon noon sapagkat madalian. Kaya dahil sa eksperensiya po naming iyan, iniisip ko na reasonable na sigurong pagbigyan iyong mga nagpaplanong kumandidato na bagamat mahina raw sa survey ay magkaroon naman ng pagkakataong lumahok sa eleksiyon. Iyong malalakas sa survey, pabayaang na natin kung gusto nila ng mas maikling panahon.*

Senator Maceda. In any event, Mr. President, the parliamentary situation is: I presented an amendment for 120 days. In effect, the Gentleman from Cagayan is trying to present an amendment to the amendment or an alternative of 150 days, and the Sponsor has said that there are reservations by other Senators. Then, I would be willing to defer the consideration of this matter until we have a fuller Senate in attendance on the Floor.

Senator Saguisag. *Kung bukas po wala pa si Senator Osmeña, then we can vote on it.*

The Presiding Officer. [Senator Tañada]. So we will defer consideration of the amendment of this Section.

Senator Maceda. Page 8, line 6, this registration of voters on the 15th Saturday before the day of the election. That means to say within the fourth month before. May I just know from the Gentleman or from his consultants what is the rationale for choosing the 15th of Saturday before?

Senator Saguisag. I thought that this came up during the caucus, that is, if my memory serves, and that was proposed, again, if my recollection is not inaccurate, by, perhaps, Senator Lina. I do not note the presence here of Senator Lina, but this was I think reached in caucus.

Senator Maceda. Now, is the act of registration of voters considered part of the election period or is it a separate matter altogether?

Senator Saguisag. I am not really sure whether it should be included in either concept. It is so fundamental. I think it is just a matter of convenience that that is done. In fact, we will recall that there used to be a time when it was done on a continuing basis, without any reference to any period. But, to me, the shorter it is, I do not know. Is the COMELEC comfortable with this formulation? This was just pulled out by Senator Lina, and the caucus approved it.

Senator Maceda. I am just assuming that, even granting that we have four Saturdays in a month, it would have been more logical to say the 16th Saturday, which is four months, precisely, before. But I am just wondering what the 15th Saturday was based on.

Senator Saguisag. Accepted, if the 16th is being proposed.

Senator Maceda. That makes it, at least, four full months before the second week of January.

The Presiding Officer [Senator Tañada]. Is that being proposed as...

Senator Saguisag. The COMELEC representative says...

Senator Maceda. I am consulting the presidentiable of the Nacionalista Party. It does not really matter, one way or the other. I am just trying to put some rationale into this.

Senator Saguisag. The feeling here of the COMELEC representative is that, maybe, it is better to retain it. *Baka raw ho masyadong lumayo.* Anyway, there is a discretion for the Commission to designate an additional date of registration, appearing on line 10, as the circum-

stances may warrant.

Senator Maceda. Part of the problem of elections in this country in the past is that, the COMELEC has had too much discretion in a lot of things. My feeling is to try to limit the discretion of the COMELEC as much as possible.

~~Anyway, just for the heck of it, so to speak, it looks~~ or sounds more rational if we make it the 16th because that means to say one month before the election period.

Senator Saguisag. Can we just defer action on it until I am able to take it up with Senator Lina who was the proponent of it? *Kung wala pa po bukas*, then the Body may act, if the Gentleman would not mind.

The Presiding Officer [Senator Tañada]. All right. We will defer action on this proposed amendment of Senator Maceda until tomorrow.

Senator Maceda. Page 9, Section 13. May I suggest that this be limited to President and Vice-President, or if it will include Senators or Members of Congress, then it should also include Congressmen, either or. There seems to be a discrimination as to allowing absentee voting for the Members of the Upper Chamber and not allowing absentee voting for the Members of the Lower Chamber.

Senator Saguisag. It seems to me that a case can be made for the differential treatment. No matter where someone is, in the end, the national total will prevail. However, for district elections, it may be possible for a powerful Congressman to have many transient voters vote in his place at a given election and may distort the results. So, that is why I...

Senator Maceda. That is exactly the same problem we were discussing here, Mr. President. The voter might vote in Pasig before he goes to his place of assignment in Malolos. And then, since he is assigned there as a policeman, as an armed forces government employee, he will vote in the place where he is assigned, and the members of the board of election inspectors have really no way of determining whether he has voted already in his place of residence.

The situation is very clear if he is a voter of Metro

Manila and he is assigned in Mindanao. But how about in those situations where he is assigned within traveling distance from his fixed voting residence?

Senator Saguisag. No. 1, I am informed that in 1987, under Executive Order No. 157, such absentee voting was conducted one week ahead.

Senator Maceda. Many of us believe, including the Gentleman from Cagayan and this Representation, that we were cheated in 1987 and some COMELEC registrars cooperated with the cheating. So, do not use the 1987 experience as a pattern to follow. I would rather like to forget the 1987 experience.

Senator Saguisag. In fact, I am not even endorsing it. I am just spreading it upon the *Record*. Indeed, that does not really help the case at all, since if one is minded to cheat in the same day, it is, in fact, easier to cheat if one is given a one week interval. But the policy choice here really is, in case of doubt, does the Gentleman resolve it in favor of enfranchisement or disenfranchisement? This is the possibility of fraud.

Senator Enrile. Mr. President, with the permission of the Chair, and the distinguished Members on the Floor.

The Presiding Officer [Senator Tañada]. Senator Enrile is recognized.

Senator Enrile. Suppose the voter soldier or policeman was out of his station on a furlough, where would he vote, in his own district, in his home precinct? And if it happens that it was the day which would be the end of his furlough, using the same example as the distinguished Gentleman from Manila and Ilocos Sur says, he would vote in the morning and goes back to his station in the afternoon, he could vote again in his station.

Senator Saguisag. I assume that the premise of this is, if someone by force of circumstances cannot vote in his own district or his hometown, then he can vote elsewhere. So, in the case of someone who is on furlough, I would assume that the only place he can validly vote in is in his hometown. Because if he were to vote in his place of assignment... To begin with, he is not supposed to be there at that time.

Senator Enrile. Let us suppose, Mr. President, that a policeman who is a registered voter in Pateros is assigned in Taguig or vice-versa. Now, the same voter can vote in his place of assignment in Taguig and he can go back to Pateros and vote again. It is within concrete possibility. How would the Sponsor prevent the situation to happen?

Senator Saguisag. The flying voter problem has really nothing to do per se with being a policeman or a soldier. In other words, if one is minded to cheat, well, unfortunately, there are ways of doing it. But the policy choice is: Do we then prevent the policemen and the soldiers from voting who, in fact, gave the Gentleman from Cagayan... He was a topnotcher in the absentee voting in the 1987. They should not be denied the same pleasure in 1992, Mr. President.

Senator Enrile. I am just raising this, Mr. President. For instance, we have some military people who are assigned overseas, like those people who are now assigned to the Peacekeeping Force in Iraq. Are these people going to be entitled also to absentee voting?

Senator Saguisag. They have to make a choice. I think we are not ready for overseas absentee voting. The various measures are still in the committee. So that seems to be a problem distinguishable from those who are in the country on election day, Mr. President.

Senator Enrile. Anyway, I am just raising this issue so that we can really decide on this point, Mr. President.

Senator Saguisag. May we also defer this? I think the interested party here is Senator Pimentel on the basis of his experience in Cagayan de Oro. So, can we decide this tomorrow, Mr. President?

The Presiding Officer [Senator Tañada]. Yes. Senator Guingona is recognized.

Senator Guingona. May I ask, Mr. President, whether the intended provision would cover CAFGUs?

Senator Saguisag. I think the idea is not to disenfranchise anybody. The spirit of this innovation should cover paramilitary units which may be assigned in some other town and, in obedience to a lawful command,

should be allowed to serve the people, but, at the same time, should not be unnecessarily deprived of a very important right of suffrage.

Senator Guingona. That is a very good principle, Mr. President, but we have also civilian employees who are, unfortunately, absent in their residences during election day and they are disenfranchised by circumstance, not by intent.

Here, we are making a special provision for Army personnel, including CAFGUs, and the experience, unfortunately, is that this is open to abuse.

I remember that there were truckloads of military personnel who rode from one area to another, and if by the nature of the CAFGUs they are assignable anywhere, Mr. President, this opens up the door to a lot of abuse.

So if the distinguished Sponsor is willing, why not delete this entire portion?

Senator Saguisag. No, I am not inclined to join the general bias against our brothers and sisters in uniform. I am not convinced that they are less patriotic than the rest of us. If there are provisions to cover the other situations, I would be more open to that. But the deletion of this is a blanket condemnation that these are very bad people who cannot be trusted to perform their jobs properly, and this is part of the reason why we are never able to achieve national reconciliation.

We have this. It is in the law books, and then we will step backward. I am willing to submit it to a vote. But, I am just not convinced that all of them are bad. I mean, these are the people who are dying for us even as we speak. Some of them are rotten eggs, in the same manner that a number of us in the civilian bureaucracy have a lot to account for themselves, but once a right has been enjoyed, it is very hard to withdraw. We can expand the enjoyment of it, but do we have any evidence that this right was irresponsibly exercised by hundreds of thousands of them? In the absence of empirical evidence, I think the presumption of good faith should prevail; that the right was properly exercised. These are the signals that caused some restlessness unnecessarily in some sectors of the public service.

Personally, Mr. President, I am not convinced that there is evidence to support the premise of the proposal.

Senator Guingona. Mr. President, I do not think this provision was in the original election measure. This is an exception that was introduced, if I am not mistaken, during martial rule.

Senator Saguisag. This is one of the innovations of this Government, because this is under Executive Order No. 157, dated March 30, 1987, when Secretary Joker P. Arroyo was Executive Secretary. He is someone who may be considered by some as harboring certain antimilitary sentiments, and yet the egalitarian sentiments in his heart apparently prevailed. So, it is a new idea. Let us try to expand it to cover other absentee situations, but let us not delete it. If we want to include even those residing overseas, we should look forward, not backward.

Kaya ito po ay ideya ng Administrasyong ito, and I want to be shown evidence that this was irresponsibly exercised by many power brokers in the military service who are partly responsible for our ability to continue deliberating today.

Senator Guingona. I may be mistaken, Mr. President. I think this was an adaptation of a measure that was adopted in 1978, and in the 1984 elections. However, if that is the submission of the distinguished Sponsor, then we should allow for those civilian personnel in the Government who are likewise assigned such as, for example, auditors who are assigned to different fields during the day of election.

Senator Saguisag. But, that is a holiday. In fact, we have a very long holiday during elections to enable everyone to go home. But these are people who are away from their homes, because they are assigned in such faraway places for the performance of election duties, to enable the rest of the country to vote.

But the Gentleman and I know that the practice in this country is like here: It will be a Monday. So they can go home, Friday, Saturday, Sunday, and even the following day, Tuesday, is normally declared a holiday. They have no reason to claim and tell their wives that they are performing auditing duties some place else.

Maybe, it is some kind of duty not compatible with auditing. *Hindi nila gustong umalis, pero tungkulin nila iyon para matuloy ang halalan. Kaya hindi po sila dapat parusahan.*

Senator Guingona. May we know the meaning of "temporarily"?

Senator Saguisag. *Sa sundalo po, halimbawa, kung sabihing may trouble spot sa Lanao, doon muna siya.*

Senator Guingona. So it can be the day before that they are temporarily assigned?

Senator Saguisag. It is subject to a rule of reason, *dahil baka po may masaker doon the day before.* So, the soldier residing in Pateros may be flown that day.

Senator Guingona. That is no longer in his performance of election duties? That is peace-keeping which has nothing to do with elections.

Senator Saguisag. I think there is some relation between having a peaceful...

Senator Guingona. The question of massacre?

Senator Saguisag. I think if some bullets are ringing or zinging our ears, it tends to affect our equanimity. We may change our minds about voting at all or who to vote for.

Kaya iyong nakikita ninyong mga law enforcement authorities ay nakakatulong. But I guess the experience here was that the election was done a week before.

Senator Guingona. Is this going to be a week before?

Senator Saguisag. Under EO No. 3187, because it is impossible to hold it on the same day since they will be busy attending to this. *Pero ang bilangan po ay hindi agad ginagawa. Dito ginagawa sa central office.*

Senator Guingona. May we know from the COMELEC officials, how many absentee voters were there in the 1987 elections?

Senator Saguisag. It was close to 200,000 voters.

Senator Guingona. *Malaki.*

Senator Saguisag. There were 191,000 votes for Senators *daw po.* So, there may be more. But I knew that most of us did very badly, because Senator Enrile was far and away No. 1.

Senator Guingona. Yes.

Senator Saguisag. *Tayo po ay pinulot sa kangkungan.* But, to me, that is no excuse. We have to elevate and expand the concept of enfranchisement.

So, 191,000 for senatorial bets, nationwide raw po. **Senator Guingona.** And this applies only to national in 1988.

Senator Saguisag. The President, Vice President, and Senators, because precisely, wherever they may vote is neither here nor there. They cannot affect the local power situation in terms of election *dahil po puro Presidente, Bise Presidente at Senador lamang ito. Iyon din po ang intensiyon natin, kung makakalusot ito.*

Senator Guingona. We will hear out Senator Pimentel since the distinguished Sponsor has suggested that we defer. But I have those reservations, and I may move for an extension.

Senator Saguisag. We appreciate them, Mr. President.

The Presiding Officer [Senator Tañada]. Senator Maceda is recognized.

Senator Maceda. I will not press it, but my proposed amendment is in the *Record*, and that is to delete the position of Senators. Or, if the Senators are going to be included, then I think the COMELEC can make arrangements that Congressmen should also be included.

The Presiding Officer [Senator Tañada]. So, we will vote on this proposed amendment tomorrow.

Senator Saguisag. *Kung puwede po. Natatandaan*

kong may mga komentaryo dito si Senator Pimentel on the basis of his experience in Cagayan de Oro. Ngayon po, ang mga naka-assign, tila ilang libo doon, would always defeat the votes cast by the "locals", so to speak.

The Presiding Officer [Senator Tañada]. All right.

MACEDA AMENDMENTS

Senator Maceda. On page 10, line 4, TEN PESOS.

Senator Saguisag. *Mabuti po at nakakapit ako rito, dahil kamuntik na akong mabuwal. Medyo po yata may kataasan iyon.* How many voters do we expect to have in 1992?

Senator Maceda. Maybe, we can divide this: Ten pesos for candidates for President and Vice President.

Senator Saguisag. Yes. Maybe, for the President and Vice President...

Senator Maceda. TEN PESOS, and then under "(b)" for candidates for Senators, Members of the House of Representatives, and elective local officials, THREE PESOS.

Senator Saguisag. I can accept those, Mr. President.

Senator Maceda. All right.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda. On page 11, lines 10 and 11, Members of the Sangguniang Bayan and Barangay Officials, ONE HUNDRED PESOS EACH. These are really simple people. The idea is really just to put a penalty.

Senator Saguisag. TWO HUNDRED PESOS *po*.

Senator Maceda. All right.

The Presiding Officer [Senator Tañada]. Is there any objection to the TWO HUNDRED PESOS? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda. Page 14, lines 23 and 28. I really

wonder whether all of these things, especially in municipalities and provinces, could really be done within 24 hours.

Senator Saguisag. I assume that the sooner it is required to be done, the better. It can be directory, subject to circumstances obtaining.

Sapagkat ang pagbibilangan dito ay talagang tutukan po. So, in our own experience, despite the constraints, this can be done because this is very informal, *na kahit anong papel pa, et cetera.* But if we lengthen it, *baka po lalong magkaroon ng mga irregularities.* But like the law saying we have to decide in six months, always in its implementation, it is subjected to a rule of reason.

Kaya, hindi po talagang masasabing impraktikal ito. But there will be flexibility on that basis. Let us put on the *Record* that it is merely directory, depending on circumstances.

Senator Maceda. I will not press that point with that explanation. But on page 15, lines 21 and 22, considering that it is "written and verified notice of appeal", we cannot even find somebody to verify it immediately, I propose that this be changed to FORTY-EIGHT (48) hours.

Senator Saguisag. Accepted, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda. The last point, Section 25, page 19 up to page 20, from line 9, the deletion of the concept of two principal watchers, which I suppose we cannot decide today.

Senator Saguisag. I am inclined to accept, but maybe, we will just have a short break, Mr. President.

SUSPENSION OF THE SESSION

The Presiding Officer [Senator Tañada]. The session is suspended, if there is no objection. [*There was none.*]

It was 6:36 p.m.

RESUMPTION OF THE SESSION

At 6:38 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

We will defer action on this particular amendment.

Senator Saguisag. May we just state that there are really varied views strongly expressed here. In fairness to them who may not be around this evening, may we also have this decided tomorrow, Mr. President?

The Presiding Officer [Senator Tañada]. All right.

Senator Maceda. May I just place my comment on the *Record*, Mr. President, that strictly speaking, this may create a lot of problems because, as far as I know, the dominant party in the last elections is the Lakas ng Bansa. So I am not about to concede that the LDP is the same as the Lakas ng Bansa.

The dominant opposition party in the last elections was the Grand Alliance for Democracy, and certainly, the Nacionalista Party now is different. Just today, I read Mr. Francisco Tatad saying that they are activating the Grand Alliance for Democracy.

So we are going to have a lot of unnecessary quibbling about this if we insist on this particular provision, not to mention the constitutional question that we have already raised.

Senator Saguisag. Indeed, even in determining the dominant opposition party, someone may claim that the Liberal Party which has just been reinforced, which led the defeat of the Treaty, may, in fact, be the opposition party. So, I am inclined to accept, to eliminate this very difficult problem of determining who are the two favored ones. I just do not want to do it in the absence of some of the others. But I am on record that I am sympathetic to the proposal, and if it is repeated tomorrow, I will accept it, Mr. President.

The Presiding Officer [Senator Tañada]. In any

event, we will defer approval of this proposed amendment until tomorrow.

Senator Maceda. Last point which is not controversial, Mr. President: Page 25, line 26; the same with page 27, line 3, increase the amount "P400" to "P600", with the expectation that the voting and counting will really reach three or more days.

Senator Saguisag. Does the Gentleman know how much that will add to the appropriation aspect?

Senator Maceda. I guess the Gentleman is talking about the 165,000 times three. It would be about 500,000 teachers times 200--another hundred million.

Senator Saguisag. I also have this proposal about a possible separate local election, but what do we use for money? I mean, do we have the resources? I know that the standard reply is that we have to produce same.

Senator Maceda. For the small province of Camiguin with 30,000 voters, the President was able to release P143 million plus P10 million. That does not seem to be any shortage of money these days. When the President goes around, although there is a shortage of money when we asked for our P5 million countryside development fund, and for one school in Camiguin, she can release P10 million just like that. So, it really is relative depending as to whether the President agrees with the availability of money or not.

Senator Saguisag. Since I am not running, can I ask that it be reduced to P500?

Senator Maceda. I guess we can discuss that in the Conference Committee with the House, which has its views also on money... But really, when we come to think of it, it is going to be at least a three or four-day election process. If it was P200 in 1987, five years ago, extrapolate the inflation factor on what was P200 in 1987, then there we are. How can we pay even P400 right now in 1987 prices? There is no argument.

SUSPENSION OF THE SESSION

Senator Saguisag. May we have a very brief recess, Mr. President?

The Presiding Officer [Senator Tañada]. The session is suspended, if there is no objection. [There was none.]

It was 6:42 p.m.

RESUMPTION OF THE SESSION

At 6:43 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

Senator Saguisag. After conferring with the proponent...

Senator Maceda. This is in line with the Gentleman's announced concern for 35,000 workers in Olongapo. Here we are only suggesting another P200 for 500,000 poor struggling teachers. I do not see how he can refuse to accept.

Senator Saguisag. My concern for Mt. Pinatubo victims, I think, covers 5.3 million voters. Anyway, after discussing it with the proponent and the representative of the COMELEC during the break, we are accepting it, Mr. President.

Senator Maceda. Thank you, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Guingona. Mr. President, in view of the reservations of some to interpellate, may we just request that a clean copy be made for tomorrow including all the amendments as thus approved.

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1861

Pursuant to that, I move that we suspend consideration of this measure.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the motion is approved.

SPECIAL ORDERS

Senator Guingona. I move that Committee Report No. 1339 on Senate Bill No. 807, entitled

AN ACT GRANTING TAX EXEMPTIONS TO WHOEVER SHALL GIVE REWARDS TO ANY FILIPINO ATHLETE WINNING A MEDAL IN THE OLYMPIC GAMES,

be transferred to the Calendar for Special Orders.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the motion is approved.

Senator Guingona. Likewise, Senate Bill No. 561, Mr. President, entitled

AN ACT REDUCING THE COMPULSORY AND OPTIONAL RETIREMENT AGE OF GOVERNMENT EMPLOYEES AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NUMBER ELEVEN HUNDRED AND FORTY SIX (1146), OTHERWISE KNOWN AS THE REVISED GOVERNMENT SERVICE INSURANCE ACT OF 1977,

be transferred to the Calendar for Special Orders.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

SUSPENSION OF THE SESSION

Senator Guingona. May I ask for a minute suspension, Mr. President?

The Presiding Officer [Senator Tañada]. The session is suspended for one minute, if there is no objection. [There was none.]

It was 6:45 p.m.

RESUMPTION OF THE SESSION

At 6:46 p.m., the session was resumed.

APPROVAL OF HOUSE BILL NO. 32761

Senator Guingona. Mr. President, I move that we vote on House Bill No. 32761 on Second Reading.

The Presiding Officer [Senator Tañada]. We shall now vote on the bill on Second Reading. As many as are in favor of the bill will please say *Aye*. [*Several Senators: Aye.*] As many as are against will please say *Nay*. [*Silence*] House Bill No. 32761 is approved on Second Reading.

Senator Guingona. I so move, Mr. President, for the approval of this measure.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, House Bill No. 32761 is approved on Second Reading.

BILL ON SECOND READING

Senate Bill No. 1861 - Synchronized Elections
(Continuation)

Senator Guingona. Mr. President, I move that we consider Senate Bill No. 1861, Synchronized Elections. I ask that we recognize Senator Saguisag.

The President Officer [Senator Tañada]. Senator Saguisag is recognized.

Senator Saguisag. Marami pong salamat, G. Pangulo.

Mayroon na po yatang naikalat na mga sipi nitong amendments or the state of the measure containing amendments as of yesterday. For the *Record*, may we just introduce certain clerical or stylistic amendment?

Sa page 1 po, line 15, before "Senators" and "elected", na-omit iyong "shall be". It should read: "TWENTY-FOUR (24) SENATORS SHALL BE ELECTED." Na-overlooked po yata kahapon.

The Presiding Officer [Senator Tañada]. So the words "SHALL BE" should be inserted between the words "Senators" and "elected" on line 15.

Senator Saguisag. That is correct, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. Page 3 po, line 13 and line 20, iyon hong open quotation mark (") and close quotation mark (") should go out.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. Doon ho sa line 4, I moved yesterday for the deletion of "and a registered voter". But my Staff has called my attention to the fact that that is a requirement under the Local Government Code which will take effect soon. So I suppose, for purposes of consistency, we should bring back what we deleted yesterday, dahil iyon ho ang naging kapasyahan ng Kongreso dito po sa Local Government Code, and I have really no strong feeling either way.

So, may I formally move that on line 27, page 4, we remove the open and close brackets, and reinstate the requirement of "AND A REGISTERED VOTER".

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. Sa page 6, nandito na po si Senator Osmeña, and we have also checked with some of our Colleagues, and I think the consensus really is to obey the observation of the Supreme Court that the matter of nomination and selection of official candidates as to the period is really better left to the discretion of the Commission on Elections.

The Presiding Officer [Senator Tañada]. Senator Osmeña is recognized.

Senator Osmeña. Mr. President, Section 7 on page 6, in view of the Supreme Court decision, should be worded: "THE POLITICAL CONVENTION OR MEETINGS FOR THE NOMINATION OR ELECTION OF THE OFFICIAL CANDIDATES OF ANY POLITICAL PARTY OR ORGANIZATION OR POLITICAL GROUP OR COALITION THEREOF SHALL BE

HELD WITHIN THE PERIODS PRESCRIBED BY THE COMMISSION ON ELECTIONS'', and lines 24 to 31 should be deleted.

The Presiding Officer [Senator Tañada]. What does the Sponsor say?

Senator Saguisag. Subject to possible stylistic refinements, we accept the same, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Osmeña. Thank you, Mr. President.

The Presiding Officer [Senator Tañada]. Senator Laurel is recognized.

Senator Saguisag. Puwede po bang matapos muna iyong Committee amendments? Doon po ba iyon? Kasi we are just looking at the clean copy and there are just some minor errors.

Senator Laurel. Afterwards.

Senator Saguisag. Salamat po.

Iyon hong sa page 8, nandito na po si Senator Lina, and I think he is standing by his preference that the registration of voters will be conducted on the 15th, Saturday. Page 8 po iyan, line 10. Hindi po natin pinasyahan ito kahapon.

Like in the case of Senator Osmeña, he made the reservation that it is better to check with the proponent. There was a suggestion yesterday on the 16th, but I was taking this up with Senator Lina and he felt, if I understood him correctly, na medyo po yata may kalayuan iyon. So, personally I am for maintaining the present phraseology.

So, may we move on to page 9.

The Presiding Officer [Senator Tañada]. So, we retain...

Senator Saguisag. Oho, there is no motion to delete

or to modify that I will make.

Another point, now that we notice the presence here of Senator Pimentel, dito naman sa "Absentee Voting", page 9, there was the thought floated by Senator Maceda, why not include in the absentee voting, the election of representatives? If my recollection is correct, Senator Pimentel made the observation that that can distort the result in certain places, like in Cagayan de Oro.

It seems to me that really, there is a reason to separate the President, Vice President, and Senators, since no matter where the voters are, at the end of the day, so to speak, iyon pong national total ang importante.

So, I also believe that we should just maintain the present phraseology.

The Presiding Officer [Senator Tañada]. All right. Senator Guingona on this point?

Senator Guingona. Mr. President, I will not pose the issue raised last night, if the distinguished Sponsor will object to an amendment to delete. But I would just like to point out that the original election bill did not have a provision allowing absentee voting for military and public officials temporarily assigned in places other than their own places of residence where they are registered.

Since this applies also to public officials or government officials assigned elsewhere on a temporary basis, this number could really swell to more than 200,000. I do not know if that is the intent, because there are also students who may not have the means to go back to their respective places where they are registered.

So, if the principal is sick, we are going to extend it to some absentees temporarily, because of the performance of their duties, that is extended to as many as possible, otherwise, we might as well delete the whole thing.

Senator Saguisag. Even if we delete this, I think, they can still vote, unless we are going to repeal Executive Order No. 157.

What I am saying is that, in addressing the problem of absentee voting whether here or abroad, it is good enough that we are able to solve some problems at a

certain point. But, as I have said, if we allow the military or any other sector to enjoy a certain right, and then we withdraw it, we have problems with that. I have no problems with trying to expand if that can be done as a practical matter.

Pero ito wala namang tayong naging masamang eksperyensiya noong 1987, and then we will now tell the military what we allowed them to do before, we will withdraw. I am not sure that in case of doubt, we resolve it in favor of disenfranchisement.

Senator Guingona. May we have the definition of "temporarily" thirty days before?

In other words, if it is an spontaneous assignment to a nearby province, that is an occasion for possible misuse or abuse. But if they are temporarily assigned, then let it be really temporary on a showing of substantial temporary illness, and not two days before the elections. The CAFGU especially are roving military personnel, Mr. President.

The CAFGUs are not necessarily assigned to a permanent place, and they can be shifted from one area to another.

That is my only concern, that 200,000 military personnel can make a difference where there are many candidates. We certainly would not like to disenfranchise them; but, at the same time, I think it is our duty to minimize the possible sources of misuse and abuse.

So, there it is, Mr. President. The nature of the CAFGUs is that they can be assigned anywhere and everywhere.

Senator Saguisag. Yes, but they will vote only one time a week before. That was what was done. How far can we really assign?

Senator Guingona. As far as the civilian component is concerned, I do not think they--the public officials, the personnel--availed themselves of this. This was limited to the military.

Senator Saguisag. I am informed here, that this is exactly how it was done in 1987. So, there is no expan-

sionary feature in the way it is worded now. Kaya, iyon po ang concern ko, na kung pinayagan na noon ay mahirap nang tanggalin.

Senator Guingona. May we know how many civilian public officials and government personnel availed themselves of this in 1987?

Senator Saguisag. The figure given me here--I did not get it very clearly last night. I thought 191,000 was for the military alone. Iyon po palang 191,000 in 1987 covered also the civilian component.

Senator Guingona. Is there a breakdown, Mr. President?

Senator Saguisag. We do not have a breakdown. But out of 200,000, it is very hard to assume that all of them are people with evil designs. Really, the 191,000 voters, substantially, maybe--I like to think--all that decisive in electing a President, Vice President, or Senators. I know that in a close election, it could make a difference. But we have to make a very big assumption that the 191,000 votes were all cast under dubious circumstances; and, I guess, without any empirical evidence, it is a very uncharitable assumption that we should not indulge in.

So, in case of doubt, I am pleading that it be resolved in favor of maintaining a privilege or a right that was enjoyed in 1987.

Senator Guingona. If given time, Mr. President, I can get the empirical data on issues of abuse. But, because of lack of time, and to give the distinguished Sponsor the benefit of the doubt, I certainly will not press for it. I just would like to register those observations and reservations.

Senator Saguisag. At saka hanggang Conference Committee po, it is just really that we are all under the gun, so to speak, from the standpoint of a time frame. But we realize the validity of the concerns raised by the distinguished Majority Floor Leader.

So, may we move on to page 15, line 13, after the word "[manifest]" in brackets that has been deleted, the word "to" that follows it should likewise go out.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. Hanggang nandito pa iyong interesadong mga partido, this is now the crucial policy decision as to whom we give copies of these electoral documents. The choice is between maintaining the present practical arrangement of only going up to the seventh copy or not giving any party these copies of the electoral documents.

I think the Body is ready to vote on this. If a proper motion to delete is offered, I am... There is someone who has raised his hand, the distinguished Colleague of ours from Cagayan de Oro.

The Presiding Officer [Senator Tañada]. Senator Pimentel is recognized.

Senator Saguisag. So this will be, I guess, in the form of an omnibus motion if one is forthcoming.

Senator Pimentel. Yes, Mr. President. I would like to make that motion as indicated by Senator Saguisag; but before I do that, I would like to point out that even as we are saying that all the copies of these electoral documents should be retained by the COMELEC, there should be a period after the counting is over within which the parties who might wish to get copies of these documents should be allowed to do so in connection with the electoral contest, electoral protest, et cetera.

Senator Saguisag. They are scattered. Like on page 20, lines 25 to 30: "The sixth copy shall be delivered to the representative of the majority party or coalition; and the seventh copy, to the representative of the dominant opposition party or coalition."

Nandoon din po ito sa page 21, lines 8 to 12. Nandoon din po sa page 23, lines 30 to 34. Nandoon din po sa page 24, lines 17 to 22.

Just in case I have overlooked any other part, the intent of the motion is omnibus in nature to cover similar situations na kung may ibibigay na kopya ay hindi na po makakalamang ang majority party or dominant opposition party dahil tila pinapaboran ng ating kaibigang taga-

Cagayan de Oro.

Mayroon na pong mungkahi na in such a case, the COMELEC as duty bound, will have to furnish copies of those documents upon request within 24 hours from the time that the request is filed.

May we have a brief suspension of the session, Mr. President?

SUSPENSION OF THE SESSION

The Presiding Officer [Senator Tañada]. The session is suspended, if there is no objection. [*There was none.*]

It was 6:43 p.m.

RESUMPTION OF THE SESSION

At 6:51 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

Senator Saguisag. G. Pangulo, mayroon na po yata kaming napagkasunduan. On page 18, lines 17 and 18, the phrase: "The Chairman shall face the public" will be recast to read as follows: "THE CHAIRMAN SHALL ASSUME SUCH A POSITION AS TO ENABLE ALL OF THE WATCHERS AND SUCH MEMBERS OF THE PUBLIC AS MAY BE CONVENIENTLY ACCOMMODATED TO READ SUCH NAMES."

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. May we move to the previous item in regard to who will be entitled to copies of the electoral documents?

Senator Pimentel. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Pimentel is recognized.

Senator Pimentel. Mr. President, this is an anterior

amendment to the proposed amendment that will be presented by Senator Maceda in behalf of all of us.

Mr. President, on page 19, are we ready to tackle page 19?

Senator Saguisag. Maski saang pahina po, pupunta tayo sa kursunada ninyo.

Senator Pimentel. Okay, iyon ang gusto ko sa inyo.

On page 19, Mr. President, may I propose this amendment. Let me explain that the intention is to do away with the so-called "principal watchers". Therefore, on line 2, I move to delete the period, after line 2, so that the sentence will continue to line 6 starting from the pronoun "Who", thereby eliminating or deleting lines 3, 4, 5 and 6 up to the word "Coalition".

Just for clarity, may I read, Mr. President, from line 1: "THE SAME SLATE OR TICKET SHALL COLLECTIVELY BE ENTITLED TO ONE WATCHER WHO SHALL SIT AS OBSERVER IN THE PROCEEDINGS OF THE BOARD OF ELECTION INSPECTORS, THE MUNICIPAL BOARD OF CANVASSERS AND THE CITY, DISTRICT OR PROVINCIAL BOARD OF CANVASSERS."

Thereafter, the rest of the provisions from line 9 after the period immediately following the word "Canvassers" will be deleted up to page 20, line 2.

The whole idea really, Mr. President, is to do away with the so-called principal or dominant opposition watchers, because that will be inconsistent with the proposed amendments later to be presented by Senator Maceda.

Senator Saguisag. Accepted, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection?

Senator Laurel. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Laurel, then Senator Osmeña.

Senator Laurel. Ano ho ba ang ibig sabihin nito? Wala na ho bang dominant minority party? Kung wala nang dominant minority party, wala na ring majority party?

Senator Saguisag. Well, for purposes of ...

Senator Laurel. Because we must understand the setup as established and practiced before this bill was presented with these suggestions or amendments now. The whole system was based on this majority party and the dominant minority or opposition party. Are we really disregarding already that concept of the dominant and the minority party or parties?

Ibig ho naming malaman iyan sapagkat kami nina Senador Tamano at Senador Enrile belong to a party that might be considered on the basis of still existing criteria, as the dominant minority party.

Senator Saguisag. The ideal is, sana ay mabigyan ang lahat. Unfortunately, because of technical limitations, we tried it. It is not possible for copies beyond a certain number to remain legible, especially considering that the new Constitution encourages political pluralism, a multiparty system. The Sponsor is really inclined to accept the amendment on those two reasons, subject to possible additional policy consideration that the Movant may have in mind, Mr. President.

Senator Laurel. Pero kung susundin natin ang logic na binanggit ninyo, ang ibig sabihin noon, dapat ang majority party ay wala na rin.

Senator Pimentel. Wala nga.

Senator Saguisag. Wala na.

Senator Laurel. Nobody will have any watcher.

Senator Pimentel. No.

Senator Saguisag. Hindi ho. Lahat ho ay may mga watchers.

Senator Laurel. I mean inspector, halimbawa.

Senator Saguisag. Mayroon po silang lahat. Kung

anuman ho iyon, it is really the distribution of a limited set of documents. So, everybody will be entitled to have watchers, pero mawawala na iyong karapatang tumanggap ng mga sipi ng ilang electoral documents, dahil ang sabi nga ho ay bakit hindi bigyan ng kopya ang lahat. And that was the problem we were grappling with and could not resolve because of practical and technical difficulties.

Senator Laurel. Can we ask for a few minutes suspension?

Senator Pimentel. Yes.

SUSPENSION OF THE SESSION

The Presiding Officer [Senator Tañada]. The session is suspended, if there is no objection. [*There was none.*]

It was 7:00 p.m.

RESUMPTION OF THE SESSION

At 7:04 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

Senator Saguisag. Mr. President, on the typically persuasive and compelling request of our distinguished Colleague from Batangas, maybe, we can slip over that controversial provision.

May I just take the liberty, for the purpose of expediency, of reading the proposed amendments of Senator Romulo. This will be Sections 30 and 31 on Firearms.

Ito pong Section 30 will read as follows, to be inserted at the appropriate space:

“WHO MAY BEAR FIREARMS. - DURING THE ELECTION PERIOD, NO PERSON SHALL BEAR, CARRY OR TRANSPORT FIREARMS OR OTHER DEADLY WEAPONS IN PUBLIC PLACES INCLUDING ANY BUILDING, STREET, PARK, PRIVATE VEHICLE OR PUBLIC CONVEYANCE EVEN IF LICENSED TO POSSESS OR CARRY THE SAME.

ONLY REGULAR MEMBERS OR OFFICERS OF THE PHILIPPINE NATIONAL POLICE, THE ARMED FORCES OF THE PHILIPPINES AND OTHER LAW ENFORCEMENT AGENCIES OF THE GOVERNMENT WHO ARE DULY DEPUTIZED IN WRITING BY THE COMMISSION FOR ELECTION DUTY MAY BE AUTHORIZED TO CARRY AND POSSESS FIREARMS DURING THE ELECTION PERIOD: PROVIDED THAT, WHEN IN THE POSSESSION OF FIREARMS, THE DEPUTIZED LAW ENFORCEMENT OFFICER MUST BE (a) IN FULL UNIFORM SHOWING CLEARLY AND LEGIBLY HIS OR HER NAME, RANK AND SERIAL NUMBER WHICH SHALL REMAIN VISIBLE AT ALL TIMES; AND, (b) IN THE ACTUAL PERFORMANCE OF HIS OR HER ELECTION DUTY IN THE SPECIFIC AREA DESIGNATED BY THE COMMISSION.”

Section 31 is a companion provision. So, I would want to read the same together with the first for consideration. The caption is “SECURITY PERSONNEL AND BODYGUARDS.”

“DURING THE ELECTION PERIOD, NO CANDIDATE FOR PUBLIC OFFICE, INCLUDING INCUMBENT PUBLIC OFFICERS SEEKING ELECTION TO ANY PUBLIC OFFICE, SHALL EMPLOY, AVAIL HIMSELF OF, OR ENGAGE THE SERVICES OF SECURITY PERSONNEL, BODYGUARDS, WHETHER OR NOT SUCH BODYGUARDS ARE REGULAR MEMBERS OR OFFICERS OF THE PHILIPPINE NATIONAL POLICE, THE ARMED FORCES OF THE PHILIPPINES, OR OTHER LAW ENFORCEMENT AGENCY OF THE GOVERNMENT; PROVIDED THAT, WHEN THE LIFE AND SECURITY OF THE CANDIDATE IS IN JEOPARDY, HE MAY BE ASSIGNED BY THE COMMISSION, UPON DUE APPLICATION AND AFTER NOTICE AND HEARING, NOT MORE THAN TWO (2) REGULAR MEMBERS OF THE PHILIPPINE NATIONAL POLICE WHO SHALL PROVIDE HIM SECURITY FOR THE DURATION OF THE ELECTION PERIOD.

THE POLICE OFFICERS ASSIGNED FOR SECURITY DUTY TO A CANDIDATE SHALL BE SUBJECT TO THE SAME REQUIREMENT AS TO WEARING OF UNIFORMS PRESCRIBED IN THE

IMMEDIATELY PRECEDING SECTION. IF AT ANY TIME DURING THE ELECTION PERIOD, THE GROUND FOR WHICH THE AUTHORITY TO ENGAGE THE SERVICES OF SECURITY PERSONNEL HAS BEEN GRANTED SHALL CEASE TO EXIST OR FOR ANY OTHER VALID CAUSE, THE COMMISSION SHALL REVOKE THE SAID AUTHORITY.”

Section 32...

Senator Guingona. Mr. President, some Senators are requesting that they be allowed time to study because the amendment is really long.

Senator Saguisag. Tatapusin ko na lamang po itong huli. It is one sentence na lamang po.

“SECTION 32.- THE FIREARM OR OTHER DEADLY WEAPON FOUND IN THE POSSESSION OF THE PERSON PROSECUTED FOR THE ELECTION OFFENSE SHALL BE CONFISCATED IN FAVOR OF THE STATE TO BE DISPOSED BY IT ACCORDING TO EXISTING LAWS, WHETHER OR NOT THE ACCUSED HAS BEEN CONVICTED.”

So, may we ask the Secretariat, Mr. President, to furnish us first hour tomorrow morning a copy of what I have just read.

Senator Guingona. We so request that the Secretariat do the same, Mr. President.

The Presiding Officer [Senator Tañada.] The Secretariat is so instructed.

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1861

Senator Guingona. Mr. President, in view of the lateness of the hour, I move that we suspend consideration of this measure.

The Presiding Officer [Senator Tañada.] Is there any objection? [*Silence*] Hearing none, the motion is approved.

ADJOURNMENT OF THE SESSION

Senator Guingona. Mr. President, I move that we adjourn the session until three o'clock tomorrow afternoon.

The Presiding Officer [Senator Tañada.] The session is adjourned until three o'clock tomorrow afternoon.

It was 7:09 p.m.

Oct. 9, 1991

lieve in a rule of law.

He is a good friend of ours. We went through a lot with him. But I do not hesitate to criticize him now. I do not believe that that is the way a public servant should behave if we are to progress and if we want to recover all those ill-gotten gains.

A Filipino affiant gave me a reason to be nervous for a while. We thought that the ruling would come out very quickly. But when there was a delay, that really was bothering me.

Baka po ang sabi ng huwes, kamukha ng naging komentaryo sa New York, ano ba ang pakialam nila. Baka sasabihin ni Judge Debevoise, ultimo iyong Filipino ay tumetestigo against his motherland, bakit akong Amerikano ang tutulong sa inyo?

We are just glad that the position of Ambassador Pelaez and company ang na sustain, at na-reject po iyong paninindigan o kuru-kuro ng ating kaibigang si Prof. Perfecto V. Fernandez, none other.

The President. The distinguished Gentleman was expressing surprise why suits here in the Philippines are moving very slowly, whereas suits in the United States or in other jurisdiction have already been finished or are proceeding very fast. Is it not true, of all suits that were initiated after February 1986, we were able to win in New Jersey right away against the Marcoses, but there is no suit we won here at home?

We were able to win in New York, I remember, on the injunction suits. We have never won here at home. We were able to win in Switzerland. We have not yet won here at all. What does that suggest to us?

Senator Saguisag. It is really something to be sad about. In the case of Judge Debevoise, he had set the hearing for February 6, 1992, and it is nontransferrable. It may take six to eight weeks. They are very efficient and systematic as to this. Pero dito po sa atin, ni hindi tayo maka-first base doon sa Sandiganbayan, ika nga. Ni hindi pa nase-serve ang summons, our term is winding down.

Without holding any brief for anybody, just to name

one example, how come na mas mabilis po yata ang arraignment of someone like Secretary Popoy Juico na nag-umpisa lamang ang kaso very recently, samantalang iyong karumaldumal na nangyaring katiwalian noong panahon nila ay tila nabibimbin?

I have difficulty understanding this. I am not out to protect anybody, but fair is fair. Meaning, kung na-arraign na iyong isang kasama natin in the struggle, what about those whom we struggled against. Many people will have to explain why this is happening, not only to our people now but to posterity.

The President. Marami pong salamat.

Senator Saguisag. Wala pong anuman.

The President. The Majority Floor Leader.

BILL ON SECOND READING
Senate Bill No. 1861 - Synchronized
Elections on May 11, 1992
(Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 1861 as reported out under Committee Report No. 1373.

The President. Resumption of consideration of Senate Bill No. 1861 is now in order.

Senator Guingona. We are now in the period of amendments.

I move that we recognize Senator Saguisag.

The President. Senator Saguisag is recognized.

Senator Saguisag. May I ask for a brief suspension.

Senator Guingona. May we have a suspension of the session, Mr. President.

SUSPENSION OF THE SESSION

The President. The session is suspended, if there is no objection. [There was none.]

It was 4:45 p.m.

RESUMPTION OF THE SESSION

At 4:56 p.m., the session was resumed.

The President. The session is resumed.

CONFERENCE COMMITTEE ON SENATE BILL NO. 1404/HOUSE BILL NO. 21223 (Logging Ban)

Senator Guingona. Mr. President, before we proceed with the Synchronized Election Bill, may I move that the following Senators be named conferees on Senate Bill No. 1404 on the Logging Ban, and in consideration with House Bill No. 21223 on the similar measure: Senators Alvarez, Mercado, Pimentel, Angara, Romulo, Guingona, and Enrile.

The President. Is there any objection? [Silence] Hearing none, the motion is approved.

CONFERENCE COMMITTEE ON SENATE BILL NO. 686/HOUSE BILL NO. 32276 (Literacy)

Senator Guingona. And on Senate Bill No. 686 and House Bill No. 32276 on literacy, Mr. President, the following: Senators Rasul, Laurel, Angara, and Enrile.

The President. Is there any objection? [Silence] Hearing none, the motion is approved.

Back to Senator Saguisag on the Synchronized Election Bill.

Senator Saguisag. Yes, Mr. President. The parliamentary situation was that, last night, on the request of our Colleagues, they asked for a clean copy of the lengthy amendment proposed by our distinguished Friend from Tarlac. May we request him to read into the Record the amendment he proposed in the way it appears now?

Senator Romulo. Yes, Mr. President. This would appear on page 27.

Senator Saguisag. Excuse me, Mr. President. We

are using for the Record, this version containing amendments on page 26 as of 8 October 1991.

Senator Romulo. That is correct. So it would start appearing on page 27, line 3.

And the proposed amendment would be: SEC. 30. WHO MAY BEAR ARMS. - DURING THE ELECTION PERIOD, NO PERSON SHALL BEAR, CARRY OR...

SUSPENSION OF THE SESSION

Senator Saguisag. Excuse me, Mr. President. May we have a short recess?

The President. The session is suspended for one minute, if there is no objection. [There was none.]

It was 4:59 p.m.

RESUMPTION OF THE SESSION

At 5:01 p.m., the session was resumed.

The President. The session is resumed.

Senator Romulo. With the permission of the Sponsor, on page 26 of Senate Bill No. 1861, amendments as of October 8, 1991.

Last night, we proposed these amendments and we would like to read them again for the Record. On page 26, after line 18, we proposed the following section:

SEC. 30. WHO MAY BEAR FIREARMS. - DURING THE ELECTION PERIOD, NO PERSON SHALL BEAR, CARRY OR TRANSPORT FIREARMS OR OTHER DEADLY WEAPONS IN PUBLIC PLACES, INCLUDING ANY BUILDING, STREET, PARK, PRIVATE VEHICLE OR PUBLIC CONVEYANCE, EVEN IF LICENSED TO POSSESS OR CARRY THE SAME.

ONLY REGULAR MEMBERS OR OFFICERS OF THE PHILIPPINE NATIONAL POLICE, THE ARMED FORCES OF THE PHILIPPINES AND OTHER LAW ENFORCEMENT AGENCY OF THE GOVERNMENT WHO ARE DULY DEPUTIZED IN WRITING BY THE

COMELEC FOR ELECTION DUTY MAY BE AUTHORIZED TO CARRY AND POSSESS FIREARMS DURING THE ELECTION PERIOD: PROVIDED, THAT WHEN IN THE POSSESSION OF FIREARMS, THE DEPUTIZED LAW ENFORCEMENT OFFICER MUST BE (A) IN FULL UNIFORM SHOWING CLEARLY AND LEGIBLY HIS OR HER NAME, RANK AND SERIAL NUMBER WHICH SHALL REMAIN VISIBLE AT ALL TIMES; AND (B) IN THE ACTUAL PERFORMANCE OF HIS OR HER ELECTION DUTY IN THE SPECIFIC AREA DESIGNATED BY THE COMMISSION ON ELECTIONS (COMELEC).

The next will be Section 31.

Senator Saguisag. Mr. President, maybe it is better to act on each section separately.

The President. Why do we not deal with it, paragraph by paragraph?

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

Senator Maceda. Mr. President, I do recognize and laud the good intentions of the Proponent, but may I just point out certain things.

First, it is with respect to the election period. I assume that is at least 90 days, Mr. President. There is an assumption here that in this whole 90-day period, people would just be concerned with elections. But the peace and order situation is such that this may unnecessarily expose people who have, after all, been licensed to carry firearms. Meaning to say, in the light of such places like Marag Valley, Kalinga-Apayao, or Bondoc Peninsula, on the other extreme, I can understand the rationale if it is, let us say, only for election day or election week.

But once we cover the entire 90-day period, we are really making a judgment here that it would be safe to dispossess or disauthorize people who are licensed to carry firearms all over the country, even in areas where there are real peace-and-order problems. During the 90-day period, bank managers, municipal treasurers, city treasurers and the like, who have legitimate reason for

carrying firearms, would also then be covered.

I just want to point out that based on the phraseology, as it is phrased, to disauthorize anybody to carry firearms even if licensed to possess or carry the same during the 90-day period, we may be prejudicing certain legitimate needs for some people to carry firearms.

Senator Romulo. Mr. President, as the Gentleman stated, this refers to all, including those who are licensed to possess or carry firearms. So, the phrase and the paragraph really speak clearly on that point.

Senator Maceda. Exactly, Mr. President. What happens, for example, to bank managers or bank employees in Cagayan de Oro when they transport money from place to place? Under the Section, as phrased, they are covered. As the Gentleman said, they are covered.

I am wondering whether it should really be as absolute as it is meant to be.

Senator Romulo. Mr. President, we also feel that the law enforcement agencies, the Philippine National Police and the Armed Forces, should be able to take care of the situation. Our problem is that, once we start making exceptions, then where do such exceptions end?

The only exception, which is not really an exception, is that those who should really bear arms like the Armed Forces and the Philippine National Police, would, of course, continue to bear arms, subject again to the supervision and control of the COMELEC.

Senator Maceda. We have seen that a certain number of public officials have been killed this year, which included policemen or Armed Forces officers, two or three Congressmen and the like, a lot of barangay chairmen, municipal officials, and provincial officials. There will be a real problem here.

I see the point. Once we start making exceptions, there will be certain grey areas. I suppose there is no big debate in making an exception for people who carry large amounts of money like the municipal treasurers, bank managers, big supermarket managers, who have to deposit money in the bank.

The other point is, I do not even know whether even restricting this to a shorter period before election day proper may achieve the purposes for which I am trying to find out whether there could be some middle ground. But my gut-feel is that, if we make this as absolute for 90 days, we will paralyze a certain number of activities which involve either carrying huge sums of money or public officials or persons travelling to dangerous areas. People would hesitate then to go to certain areas, unless they feel safe that they, at least, have a licensed firearm to protect themselves.

Senator Romulo. Mr. President, my own feeling is that this is really a very important feature of this reform election law, because any other way by which we allow guns, I think that is about the way we can best frustrate the electoral process. Even now, we know that many politicians have bodyguards and carry guns. I think this will only add to more killings, not to speak of terrorizing the electorate and the voters. We know from experience that this has been the practice, especially so now that the elections are held on simultaneous days when the passion from the local level up would be tremendous.

Therefore, we felt, in consultation with certain law enforcement agencies--the Armed Forces and the Philippine National Police--that this may not be a perfect proposal, but taken all in all, we would come out a lot better in the ledger, in the final day or in each, than if we do not prohibit the carrying of firearms.

Senator Maceda. Mr. President, as I said, I am not about to dispute everything that the Gentleman says. I am just putting everything on the *Record*, and may I add another point.

Whether it is Section 30 or Section 31, to begin with, this must only refer to licensed firearms because unlicensed firearms are already covered by criminal law. Illegal possession of firearms is highly penalized under our jurisdiction.

Now, in a manner of speaking--and probably, the distinguished presidentiables here should take note--these two sections, led to the usual conclusions based on previous practice, would, in effect, totally disarm the opposition. The normal way things go, it is the Administration candidates that have access to assistance and protection

by the PC or police agencies.

The fact remains that in many cases in the past, including Pangasinan and, of course, even Malabon is always a hot spot, or Las Piñas and Muntinlupa, the people who are in the Administration have a tremendous advantage in the use of firearms. When we were in the opposition, there were several times our people had said: "We are helpless to protect ourselves or protect the ballot because it is the Administration candidates whom the policemen are helping."

This happened also in Makati, perpetrating whatever is perpetrated, accompanied by the use of firearms.

My gut-feel also tells me that one bad result of this, is that we are, in effect, totally disarming the opposition while in reality, the Administration will never be disarmed.

Senator Romulo. Mr. President, my only response to that is, we believe that the Armed Forces, the Philippine National Police, and the other law enforcement agencies are not really for the Administration but for the people and for the enforcement of a free, peaceful, orderly elections. But let us not forget that there is also the COMELEC, and that the COMELEC is mandated and they have pledged themselves to really stay in this electoral process to lend protection to all, so that we are not prepared to concede the premises that the distinguished Senator has stated.

Senator Maceda. I cannot, of course, dispute what is a textbook answer of my distinguished Colleague from Tarlac. But I think many of us here, who have been in politics for a long time and on both sides of the fence--whether Administration or Opposition--know that if ever certain election offenses or abuses are committed with the use of firearms, I will not say absolutely 100 percent, but I would say, in at least nine out of ten, if not eight out of ten cases, it would probably be on the Administration side.

As I said, in the case and at the times when we had been in the Opposition, whether it was in the LABAN campaign of '78, or in the Marcos campaign of '65 when we were still in the Opposition, and of course, in the last few elections when we were in the Opposition to Mr.

Marcos, our people always came to us and said: "We are helpless to prevent these abuses. We cannot even hold meetings. We cannot even enter that place because we are met with firearms from the other side," and these people using these firearms are even usually police agencies.

Could we have a one-minute recess on this matter? I do not know what could possibly be worked out.

The President. The Chair would like to ask Senator Romulo a question or two.

Senator Romulo. Yes, Mr. President.

The President. Would the distinguished Gentleman consider the Department of Interior and Local Government a law-enforcement agency?

Senator Romulo. Mr. President, we can put limitations that...I do not know if they are really considered as such. I do not think so. But in the event that they are so considered, I think, perhaps, that we should put that restriction. I merely referred here to Armed Forces of the Philippines, Philippine National Police.

The President. But the Philippine National Police is under the Department of Interior and Local Government.

Senator Romulo. But, Mr. President, during the election period, the Philippine National Police, as well as the Armed Forces of the Philippines, would be under the supervision, monitoring, and control of the Commission on Elections.

The President. But they do not cease to be connected with the Secretary of Interior and Local Government.

Senator Romulo. But for the purpose of the performance of their duties, Mr. President, I believe that they are answerable only to the Commission on Elections during that period.

The President. What I am really hitting at is that, under the Code of Conduct and Ethical Standards, all government agencies must be nonpartisan. But we have a partisan Secretary of Interior and Local Government, how

can that be? We have the Code of Conduct and Ethical Standards. And now, we have this Election Law.

Senator Romulo. Mr. President, I believe, precisely, that the Commission on Elections would have control and supervision. Therefore, I believe that the National Police Force would be completely under their control, and not under the direction of the Secretary of the Department of Interior and Local Government.

The President. Can the Commission on Elections remove the Secretary during the election period?

Senator Romulo. No, Mr. President. But these police would be answerable directly and solely to the Commission on Elections during this period.

The President. But we know the harsh realities of political life in the Philippines. I am just suggesting that thought for the sake of all the people and all the political parties. Actually, that has been the objection of Senator Pimentel since more than a year ago.

SUSPENSION OF THE SESSION

Senator Romulo. Mr. President, I understand there is a request for a one-minute suspension.

The President. All right.

The session is suspended for one minute, if there is no objection. [*There was none.*]

It was 5:20 p.m.

RESUMPTION OF THE SESSION

At 5:28 p.m., the session was resumed.

The President. The session is resumed.

Senator Saguisag. Mr. President, I think in the conference, we have reached an agreement as to how to address the valid concerns of the two Gentlemen. If I may take the liberty of reading into the *Record* what we have agreed on--doon po sa Section 30, at the end of the paragraph iyong "CARRY THE SAME", change the period to a comma and then we add "UNLESS AU-

THORIZED IN WRITING BY THE COMMISSION'' or the COMELEC.

May we just make an omnibus amendment that it be made uniform, if it is ''COMMISSION'' or ''COMELEC''. That was the formula that the three of us agreed on.

The President. I just want to pose the question: Does the COMELEC have the necessary organization or machinery to do that?

Senator Saguisag. They have a presence all over the land.

The President. Are they knowledgeable about firearms?

Senator Saguisag. They are knowledgeable about danger to life and limb, because I think that is really all they need to do and then they can deputize anybody who is competent, the PNP or the CAFGU. So, I think that is manageable. The problem is that we cannot think of a better body.

The President. How about a special authority issued by the PC and countersigned by the COMELEC?

Senator Saguisag. Our history is that, the COMELEC has proven to be less partisan.

The President. That is why it must be countersigned.

Senator Saguisag. I would have thought that, maybe, the main authority is the COMELEC countersigned by...

The President. But they do not have the organizational machinery.

Senator Saguisag. I am saying that during the elections, the entire bureaucracy can be deputized by the COMELEC.

The President. But that is really more fiction than fact during the elections.

Senator Saguisag. I just have more faith in the Commission on Elections.

The President. Anyway...

Senator Guingona. Mr. President.

The President. Senator Guingona is recognized.

Senator Guingona. Just a few clarificatory questions to Senator Romulo, Mr. President.

Does the COMELEC deputize selectively or totally? When it deputizes the Armed Forces, for example, is it total armed forces or is it selectively battalion per unit, et cetera?

Senator Romulo. I believe, Mr. President, it is total deputizing.

Senator Guingona. Is it total?

Senator Romulo. Yes, Mr. President.

Senator Saguisag. May I volunteer that our resource person from the COMELEC tells us that the practice is to deputize a Firearms Committee in every province all over the land.

Senator Guingona. A Firearms Committee? I do not know where...

Senator Saguisag. In practice, the Chairman is the provincial election supervisor, and the members are the Provincial Commander or the now PNP Provincial Director and the National Bureau of Investigation.

That has been the practice, Mr. President. The provincial level is headed by the provincial elections supervisor and assisted by the PNP Director, who used to be the Provincial Commander, and the National Bureau of Investigation.

Senator Guingona. And this committee would selectively recommend the deputization of certain units of the Armed Forces?

Senator Saguisag. I think what they do is to process

applications to carry firearms. They do it themselves without deputizing anybody, Mr. President, on the basis of COMELEC experience.

Senator Guingona. I see. What I am concerned with here is, the amendment seeks to impose a ban on all, except those who are deputized.

My specific question, as a consequence, would be: Would this include the CAFGUs?

Senator Saguisag. It is not a question of deputization. It is a question of authorizing.

Senator Guingona. No, the exception is the deputization. If they are deputized to do electoral duties, then they can carry firearms on such and such a date and within such and such a place. Am I wrong? Is that not the intent of the amendment? May I ask Senator Romulo?

Senator Romulo. We are talking about the CAFGUs. I am talking about the Armed Forces and the Philippine National Police. I would like to...

Senator Saguisag. In the meeting last Friday of those concerned headed by Chairman Monsod and General Abadia, along with General Nazareno and General Lim of the NBI, one observation made is that the CAFGU is considered now as an integral part of the military organization. So, they are subject to military discipline.

Senator Guingona. All right. But the thing is, are the CAFGUs going to be deputized? In other words, this is related to my question previously. Is the deputization for all or for some selectively?

Senator Saguisag. No, it is not necessary, perhaps, in Palanan, Makati. But, maybe, in Lawan, Eastern Samar, where they have just killed the Mayor--

Senator Guingona. Precisely.

Senator Saguisag. --some use has to be done or it has to be made of people we pay to protect the citizenry.

So, it is on a case-to-case basis. Sa iba pong lugar ay

hindi naman kailangan. Maaaring hindi kailangan sa Forbes Park.

So, it is not going to be done in a blanket manner, but as the need may arise, Mr. President.

Senator Guingona. So, the deputization is on a case-to-case basis and is not total. The previous answer seems to be total.

Senator Romulo. I think that was answered in the Firearms Committee that the Gentleman stated.

Senator Saguisag. In other words, it is really a nationwide organization. But some places are hotter, so to speak, than others, and it may be in a place like Lanao or some other places where there may be a bigger concentration of law enforcers.

In theory, the deputization of a national organization is, of course, on a national basis. But on the crucial days themselves, nothing may happen in many places. So, case to case po.

Senator Guingona. So that CAFGUs who are not deputized cannot carry firearms on that day?

Senator Saguisag. I do not really know because if they are in the camp, anyway, where nothing is happening, I am not aware that there is need to disarm even a soldier during election period, especially if he is staying in the camp defending the same.

Senator Maceda. With the permission of the Gentlemen, may I just put this into the record?

I am, of course, gratified that the COMELEC people seem to be very confident about enforcing these rules. Since time immemorial and into the future, for example, in the Muslim areas, nobody has been able to implement any ban against the carrying of firearms at any time.

And with regard to the CAFGUs, in many areas, whatever we say here today, no COMELEC can enforce this ban.

Senator Guingona. So, with that dictum, what is

the use for this amendment? May we know the existing law?

Senator Saguisag. It is Section 261 (q) of the Omnibus Election Code where it says: "Carrying firearms outside residence or place of business. - Any person who, although possessing a permit to carry firearms, carries any firearms outside his residence or place of business during the election period unless authorized in writing by the Commission..."

Ito po ang enumeration ng election offenses.

So, that is the present state of the law, Mr. President.

Senator Guingona. Yes. And the amendment seeks to impose a ban except for those who are duly deputized. Is that correct?

Senator Romulo. I think we have said that the purpose of this amendment is to avoid too many guns unless they are authorized and deputized by the COMELEC, because the COMELEC is the constitutional body charged with the enforcement of election laws during election. So, what we want to do, if not eliminate which, probably, we cannot do that, is to minimize.

Senator Guingona. I have no quarrel with the laudable objective. I am just posing the question because, realistically, in Mindanao, for example, there are a number of CAFGUs who carry firearms. I would like to know, assuming that they are not deputized, would they be banned under this amendment from carrying firearms?

Senator Saguisag. But they are in the military organization and military people are supposed to carry firearms if they are told by the Commander in Chief. Otherwise, only those outside the law will be carrying firearms.

In other words, this is supposed to cover the concern of Senator Maceda. Paano nga naman iyong mga kahero, iyong kailangan sa negosyo. So, mayroon pong basehan.

Senator Guingona. May I have the amendment read again, please?

Senator Romulo. The amendment reads: *WHO MAY BEAR FIREARMS.* - DURING THE ELECTION

PERIOD, NO PERSON SHALL BEAR, CARRY OR TRANSPORT FIREARMS OR OTHER DEADLY WEAPONS IN PUBLIC PLACES, INCLUDING ANY BUILDING, STREET, PARK, PRIVATE VEHICLE OR PUBLIC CONVEYANCE, EVEN IF LICENSED TO POSSESS OR CARRY THE SAME UNLESS AUTHORIZED IN WRITING BY THE COMMISSION ON ELECTIONS.

Senator Enrile. Mr. President.

The President. Senator Enrile is recognized.

Senator Enrile. With the permission of the distinguished Gentleman.

Will this amendment cover the security guards of business establishments even if they are closed on that day? Let us say, some buildings or some private houses are secured by security guards. Are we going to disarm these security guards on election day? Who will answer for any injuries to these public places? Would the Proponent of the amendment answer for the injuries? Would Congress, the COMELEC, the Republic of the Philippines answer for the injuries?

Senator Saguisag. No, Mr. President. Certainly, the COMELEC will authorize such because it is in the nature of business. Para pong kahero iyan, eh.

Senator Enrile. Mr. President, we are dealing here with a nationwide situation, and this will require a burden on the citizens that we could otherwise obviate in this Chamber.

Senator Saguisag. Mr. President, this is really nothing more than implementing what has always been done. I do not suppose there were really insurmountable problems in the past.

Senator Enrile. Was there any rule like this in the past that security guards must be disarmed on election day?

Senator Saguisag. They are not really being disarmed, Mr. President. They will be authorized. The representation here is that it is like a cashier, and they are normally, as a matter of course, allowed because they

really have a good reason to be allowed. Wala pong assumption na sila ay idi-disarm. In fact, they have a very good case to be allowed.

Senator Enrile. And how would the authorization be done? By blanket authorization or individual authorization? Will it be authorization by unit? Will the COMELEC simply issue an announcement that security guards will be allowed to carry their firearms on election day? Will "Tal Pulano" or "Sal Mulano" go to the COMELEC office and get an exemption?

Senator Saguisag. I suppose, in the same manner that it was done before. I am not sure whether there were too many complaints in the past but, apparently, the Firearms Committee System has, by and large, worked very well in the absence of complaints of which I know. This is not really a new problem or situation on the basis of COMELEC experience, Mr. President.

Senator Enrile. How did we handle this problem in 1987, Mr. President? Was there a ban already in 1987? How was the manner of handling guns handled by the COMELEC then?

Senator Saguisag. A Firearms Committee is created in every city and province, and the provincial or city election supervisor is the Chairman. He is assisted by the provincial or city commander or director and the NBI.

This is really an old law. This even antedated EDSA. By and large, it seems to be functioning fairly well, Mr. President.

The President. The Chair visited Jolo very recently and was informed that during election time there, that kind of a ban never worked.

Senator Saguisag. We will have to legislate for the general...

The President. I just wanted to comment on the statement that this has worked well in the past.

Senator Saguisag. Mr. President, murders will continue to be committed, but we will not repeal the law on murder. No law is ever legislated on the basis that it will work perfectly. We are trying to legislate for the general

kind of situation, but if we want a law to be perfect before establishing it, we will have to repeal all these laws against robberies, against rape, against everything, because violations continue to occur.

The President. Ang itinatanong ko lamang ay kung ang COMELEC ay mayroong makinarya for that purpose.

Senator Saguisag. There are limits, Mr. President. I think it will take several generations before cultural values or patterns are changed in certain places. Will we wait for that day before we legislate for 90 percent of the population, especially if it is an old provision?

Senator Enrile. Mr. President, how about the bodyguards of politicians who would be running for reelection? Would we deprive them of their right to carry their firearms?

Senator Saguisag. Hindi po.

Senator Enrile. How about the members of the New Peoples Army? How about the members of the secessionist movement? How about the members of the crime syndicates? How about the members of the private armies of other people, especially those who are very close to the Administration? How are we going to equalize the political interests of all the political actors in the country, if this is going to be?

Senator Saguisag. The law today is for a soldier to go after the NPA and kill him, not disarm him. It is now being done. I mean...

Senator Enrile. But, Mr. President, the problem is that sometimes--

Senator Saguisag. It is a little inconvenient.

Senator Enrile. --the ones who are the law enforcers are the ones who are actually being used by the Administration to run after the opposition.

Senator Saguisag. Which Administration?

Senator Enrile. This present Administration.

Senator Saguisag. Ah, this present Administration.

Senator Enrile. They killed them inside vans.

Senator Saguisag. Really, as if it happened only today.

Senator Enrile. I do not think in my 17 years, Mr. President, as Secretary of National Defense, I doubt whether anybody was ever killed inside a van. I could challenge anybody here to tell me that somebody was killed inside the van.

Senator Saguisag. Someone stepping off an airplane, and was shot on August 21, 1983, or Guillermo de Vega was shot in Malacañang. I mean, we can start comparing notes on this. But we have this proposal of Senator Romulo to cover certain situations.

But, as I said, if we are going to pass a law to make this a paradise, a millennium, it could be rather difficult for us to do.

Senator Enrile. But I am just raising this question and clarifying it. I would posit the same question: What is the utility of this amendment? It cannot be enforced anyway.

Senator Saguisag. It is going to deter a good number of our citizens, because all the laws that we have passed here have not been implemented 100 percent; but, by and large, the Filipino is a law-abiding one. So, we will have them behave accordingly, with the proper allowances for the in the situation of most everyone. It just so happens that nuances the constitutional body, which is supposed to be the expert in this, is the COMELEC.

So iyon pong sa mga bodyguard ng mga kandidato, nagkaroon na rin po ng kasunduan, aalisin na rin po iyong limitasyon para Komisyon na po ang magpapasiya kung isa, kung sampu, kung dalawampu, as the situation may warrant.

SUSPENSION OF THE SESSION

The President. Why do we not declare a break in the meantime, so we can exchange views? Is there any

objection? [*Silence*] Hearing none, the session is suspended.

It was 5:48 p.m.

RESUMPTION OF THE SESSION

At 6:18 p.m., the session was resumed with the Honorable Wigberto E. Tañada, presiding.

The Presiding Officer [Senator Tañada]. The session is resumed.

Senator Saguisag. Mr. President, the parliamentary situation is, we are supposed to vote on Section 30, as refined and amended. The formula agreed on by the Gentleman from Ilocos Sur and the Gentleman from Tarlac and Quezon City, as a Section 30, is to add after line 5, "UNLESS AUTHORIZED IN WRITING BY THE COMMISSION."

Senator Pimentel. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Pimentel is recognized.

Senator Pimentel. If the Gentleman will kindly yield to a clarificatory question, we would like to find out whether the COMELEC, under this Section, is being authorized to issue licenses. Or, are we talking here of firearms which are already licensed, but the intention is to allow the carrying of the same? Is that the situation here?

Senator Saguisag. It seems from the wording on the fifth line that since we mentioned "EVEN IF LICENSED TO POSSESS OR CARRY THE SAME," it is really the authority to carry a licensed firearm. It is an ad hoc arrangement.

Senator Pimentel. Therefore, for the duration of the election period, the COMELEC can issue an authority to carry the firearm, but there is no intention to invest the COMELEC with the power to issue licenses.

Senator Saguisag. That is correct on the basis of present practice.

Senator Pimentel. Can we say that during the elec-

tion period, licenses may still be issued by, I suppose now, the Philippine National Police?

Senator Saguisag. I believe that that is an entirely different process, but the ability to carry it under the circumstances will be subject to the temporary authorization from the COMELEC. But they are two distinct processes, Mr. President.

Senator Pimentel. Yes, that seems clear enough to me. Therefore, if the intention is to help prevent the proliferation of firearms, why do we not suspend the power to issue licenses for the duration of the election period?

Senator Saguisag. I suppose the main Proponent is open to it, as the Sponsor is.

Senator Pimentel. During the interpellation of the Gentleman by the Majority Floor Leader, I do not know if he mentioned CAFGU, in jest, as a group that is authorized to coordinate with the COMELEC for the issuance of firearms. I merely want to clarify that because that is a very dangerous jest, I think, if the Gentleman meant it as a jest.

Senator Saguisag. The representation made to me here is that, as of today, the CAFGU is considered, according to General Abadia, as an integral component of the military organization. That was what I had wanted to convey. They are military units, subject to the supervision of the regular military officers. Iyon po ang ibig naming sabihin kanina.

Senator Pimentel. At any rate, maybe we should clarify, because the second paragraph of Section 30 actually speaks of "REGULAR MEMBERS OR OFFICERS OF THE PHILIPPINE NATIONAL POLICE."

I suppose the words "REGULAR MEMBERS OR OFFICERS" would also be connected with the Armed Forces. If that is so, then CAFGUs are not really regular members.

Senator Saguisag. I will have to ask the main Proponent as to the scope he would like this Section to have.

Senator Romulo. Mr. President, I do not know

much about the integration of the CAFGU, that whether or not we specify "REGULAR" Armed Forces of the Philippines, it would, in fact, exclude the CAFGU. I would not have any objection to putting also the "REGULAR" to modify or describe the Armed Forces of the Philippines.

Senator Saguisag. Meaning, it is a decision we can make if by "REGULAR" we mean to exclude paramilitary units like the CAFGU, then we should spread upon the record that that is our intent.

I am assured here that there seems to be enough members of the regular Armed Forces to take care of the situation. So I do not know whether we should still state it in the bill, or whether we just state for the record that "regular" means precisely that. It does not cover the CAFGU or similar paramilitary units.

Senator Pimentel. Yes. Essentially, I would be in agreement with that interpretation. My only, shall we say, reservation, Mr. President, is that even during the election period, we cannot assume that there will also be a cessation of insurgent activities in the remote places of the country. So, we probably will run into some real, concrete problems if we limit the authorization only to the regular officers and members of the Armed Forces who carry firearms. Although I am inclined to agree with that.

That has always been our stand even during the past regime, that paramilitary units should not be allowed to indiscriminately carry firearms not only during election time but even outside of the election period.

Senator Romulo. I think Senator Pimentel is saying, if I got it right, that because of the problems that may arise, he is not going to insist that we put the word "regular" before the Armed Forces of the Philippines.

Senator Saguisag. Mr. President, we have just read into the *Record* that as suggested by Senator Maceda, we will add to line 5, change the period to comma, and then add "UNLESS AUTHORIZED BY THE COMELEC OR THE COMMISSION IN WRITING," depending on whatever we have been using. A matter of style po kung "COMELEC" or "COMMISSION".

Then we add a sentence: "THE ISSUANCE OF LICENSES SHALL BE SUSPENDED DURING THE ELECTION PERIOD."

If it is acceptable to the main Proponent, maybe the Body is ready to act on it.

Senator Romulo. Accepted, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. Nais ko lamang linawin na wherever "COMELEC" appears, to make it consistent with the other use of it in other parts of the law.

So, may we move on to Section 31. May we request the Proponent to read it for the record.

Senator Romulo. SECTION 31. SECURITY PERSONNEL AND BODYGUARD. DURING THE ELECTION PERIOD, NO CANDIDATE FOR PUBLIC OFFICE, INCLUDING INCUMBENT PUBLIC OFFICERS SEEKING ELECTION TO ANY PUBLIC OFFICE, SHALL EMPLOY, AVAIL HIMSELF OF OR ENGAGE THE SERVICES OF SECURITY PERSONNEL OR BODYGUARDS, WHETHER OR NOT SUCH BODYGUARDS ARE REGULAR MEMBERS OR OFFICERS OF THE PHILIPPINE NATIONAL POLICE, THE ARMED FORCES OF THE PHILIPPINES OR OTHER LAW ENFORCEMENT AGENCY OF THE GOVERNMENT: PROVIDED, THAT, WHEN THE LIFE AND SECURITY OF A CANDIDATE IS IN JEOPARDY HE MAY BE ASSIGNED BY THE COMELEC, UPON DUE APPLICATION AND AFTER NOTICE AND HEARING, NOT MORE THAN TWO (2) REGULAR MEMBERS OF THE PHILIPPINE NATIONAL POLICE WHO SHALL PROVIDE HIM SECURITY FOR THE DURATION OF THE ELECTION PERIOD. THE POLICE OFFICERS ASSIGNED FOR SECURITY DUTY TO A CANDIDATE SHALL BE SUBJECT TO THE SAME REQUIREMENT AS TO WEARING OF UNIFORMS PRESCRIBED IN THE IMMEDIATELY PRECEDING SECTION.

IF AT ANY TIME DURING THE ELECTION PERIOD, THE GROUND FOR WHICH THE AUTHOR-

ITY TO ENGAGE THE SERVICES OF SECURITY PERSONNEL HAS BEEN GRANTED SHALL CEASE TO EXIST OR FOR ANY VALID CAUSE, THE COMELEC SHALL REVOKE THE SAID AUTHORITY.

Subject to the amendment proposed by Senator Maceda.

Senator Saguisag. The suggestion of Senator Maceda is to delete page 2, line 3, the fragment "NOT MORE-THAN-TWO (2)."

Senator Maceda. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Maceda is recognized.

Senator Maceda. Just for the record, Mr. President.

Among other things, the proposed amendment did not distinguish between candidates for President and candidates for councilor. In my experience even when we were in the Opposition, whenever the presidential candidate travels, we have a team of 12 that goes out ahead, and then, about 12 to 24 accompany the presidential candidate.

For that matter, even in the United States, even the Secret Service is provided as many as are necessary to all presidential candidates of all major parties.

So, whether it is 12, or 6, or 2, I guess the needs of even mayors, governors, congressmen, or for senators for that matter, depends on each and individual case.

For example, if one belongs to the Espinosa faction in Masbate, or he belongs to the Lim faction in Masbate, certainly if he has only two security people, the chances are that they will knock off each other.

So in that context, a certain number of security people, while on the one hand it may be abused, on the other hand, the other useful function of having several obvious security people is the deterrent factor.

In my five years in the Senate where, because of certain exposes, I have been under threat in one form or

another including the President, the usual recommendation of security consultants is to show some force or show several backups, show several long firearms, more for the deterrent factor than for using it actively.

Meaning to say, that in view of the fact that all of these factors come into a determination of whether it is needed, whether two are needed or not, whether six or twelve or twenty four, I guess there would be no hard-and-fast rule. In which case, by agreeing to the amendment of deleting the not more than two regular members or security personnel, then the COMELEC really would be in a proper position to decide. After all, it says here: "AFTER DUE NOTICE AND HEARING", whether one really need any and how many does he really need depending on special circumstances, and especially, as I said, one will have to have really a much bigger number allowed for presidential candidates.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Romulo. The next section, Section 32: THE FIREARM OR OTHER DEADLY WEAPON FOUND IN THE POSSESSION OF THE PERSON PROSECUTED FOR THE ELECTION OFFENSE SHALL BE CONFISCATED IN FAVOR OF THE STATE, TO BE DISPOSED BY IT ACCORDING TO EXISTING LAWS.

Senator Saguisag. Should there be the preposition "OF" after "DISPOSED"?

Senator Romulo. Yes, Mr. President, and if there is an amendment to add--

Senator Saguisag. I so have.

Senator Romulo. --we accept.

The President. Is there any objection?

Senator Guingona. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Guingona is recognized.

Senator Guingona. May we have the amendment read again, please?

Senator Romulo. The amendment would read:

SEC. 32. THE FIREARM OR OTHER DEADLY WEAPON FOUND IN THE POSSESSION OF THE PERSON PROSECUTED FOR THE ELECTION OFFENSE SHALL BE CONFISCATED IN FAVOR OF THE STATE, TO BE DISPOSED OF BY IT ACCORDING TO EXISTING LAWS.

Senator Guingona. Prosecuted for what, illegal possession?

Senator Romulo. Prosecuted for the election offense.

Senator Guingona. So, even if the person concerned has a mission order and has the authority to carry firearms, if the authority does not come from COMELEC, he will be liable to this offense.

Senator Romulo. I believe so, Mr. President.

Senator Guingona. And it is an election offense, not an illegal possession.

Senator Romulo. It is an election offense, Mr. President.

Senator Guingona. So, if it is an election offense, why should it be confiscated after the election period? That is his. It might be undue deprivation of property without really due process. We are prosecuting him for an election offense, but why confiscate the firearms?

Senator Saguisag. I wonder whether it is acceptable to the main proponent, if we are to recast it to read this way. ~~THE FIREARM OR OTHER DEADLY WEAPON FOUND IN THE POSSESSION OF THE PERSON PROSECUTED FOR THE ELECTION OFFENSE SHALL BE DISPOSED OF ACCORDING TO EXISTING LAWS;~~ just in case there is a valid offense. Wala pong automatic confiscation, baka nga may due process concerns. Meaning, bahala kung maganda ang depensa... So, it will read: THE FIREARM OR OTHER DEADLY WEAPON FOUND IN THE POSSESSION

OF THE PERSON PROSECUTED FOR THE ELECTION OFFENSE SHALL BE DISPOSED OF ACCORDING TO EXISTING LAWS.

Senator Romulo. Accepted, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Romulo. The final Section 33, Mr. President, reads:

SECTION 33. Penalties. ANY VIOLATION OF THE PROVISIONS OF THIS ACT SHALL BE EQUIVALENT TO AN ELECTION OFFENSE AND SHALL CARRY WITH IT ALL THE PENALTIES THEREOF AS PROVIDED FOR IN SECTIONS 261, 262 AND 264 OF BATAS PAMBANSA BLG. 881, INCLUDING THE PENALTIES OF DISQUALIFICATION TO HOLD PUBLIC AND DEPRIVATION OF THE RIGHT TO SUFFRAGE.

SUSPENSION OF THE SESSION

Senator Saguisag. May we have a short recess?

The Presiding Officer [Senator Tañada]. The session is suspended, if there is no objection. [There was none.]

It was 6:37 p.m.

RESUMPTION OF THE SESSION

At 6:38 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

Senator Romulo. Mr. President, let me read again that last section.

SECTION 33. Penalties. ANY VIOLATION OF THE PROVISIONS OF SECTION 30, SECTION 31, AND SECTION 32 SHALL BE EQUIVALENT TO AN ELECTION OFFENSE AND SHALL CARRY WITH IT ALL THE PENALTIES THEREOF AS PROVIDED

FOR IN SECTIONS 261, 262 AND 264 OF BATAS PAMBANSA BLG. 881, INCLUDING THE PENALTIES OF DISQUALIFICATION TO HOLD PUBLIC OFFICE AND DEPRIVATION OF THE RIGHT TO SUFFRAGE.

Senator Saguisag. May we just insert after Section 32 the words OF THIS ACT.

Senator Romulo. Accepted, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Romulo. Thank you, Mr. President.

Senator Saguisag. Correspondingly, may we ask for the renumbering of what used to be Section 30, et cetera to reflect this insertion. So, Section 30 should now be Section 34, and so on correspondingly.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the motion is approved.

Senator Pimentel. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Pimentel is recognized.

Senator Pimentel. Mr. President, just a matter of style in Section 30, paragraph 2. Second line of paragraph 2, "Armed Forces", just strike off "OF THE PHILIPPINES", the usual thing we are doing.

Senator Saguisag. Maybe we can make that omnibus.

Senator Pimentel. Yes, it should be an omnibus amendment.

Senator Saguisag. We accept, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Saguisag. Also for clarity, I was advised here that, maybe, in regard to the sentence, same section, "The issuance of licenses", we insert "FIREARM" before "LICENSES", to read "THE ISSUANCE OF FIREARMLICENSES".

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

~~Senator Saguisag. A few other matters of style, on page 3, line 17, "THE BASE" should be "THE BASIS".~~

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Saguisag. Page 6, line 20, "Nomination and of Selection" should be "NOMINATION OR SELECTION".

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Saguisag. Page 9, line 17, "Amend" should be changed to "ANNUL".

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Saguisag. Page 10, Mr. President, line 18, remove the bracket before the words "And Senators," and then instead of "One peso and fifty centavos (P1.50)", it should be "THREE PESOS".

So that lines 18 and 19 will read: "PRESIDENT, TEN PESOS (P10.00) AND SENATORS, THREE PESOS (P3.00)."

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Saguisag. On line 19, may we just make an additional minor correction. After "Three pesos

(P3.00)," to be followed by "FOR EVERY VOTER".

The Presiding Officer [Senator Tañada]. Is there any objection? There being none, the amendment is approved.

Senator Saguisag. Line 21, Mr. President, same page, delete "FOR SENATORS".

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Saguisag. Page 19, Mr. President, line 6, the word "ACCOMODATED" should have another "M".

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Saguisag. There was the intention or consensus last night that wherever there may be a requirement to give copies of electoral documents to the two parties, majority and dominant opposition, they be replaced.

I am sorry to note that Senator Maceda is not here at the moment, but the consensus forged was to give the first copy meant now for the majority party to the Executive Judge in the place concerned, and the other copy for the dominant opposition party is to be given to the credited Citizens Arm, if any, in the place concerned, subject to stylistic refinement.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the motion is approved.

~~Senator Saguisag. Finally, kung wala na pong amendment, may I move to the title to accommodate an amendment I propose, which is being received with a great deal of reluctance, if at all, by the COMELEC Chairman. I was confronted with the situation of what to do if there would be 57 names, and the House does not agree to districting.~~

Dito po sa titulo, line 3, after "MAY 11, 1992,"

insert "OR ON SUCH OTHER DATES BEFORE JUNE 30, 1992 AS THE COMMISSION ON ELECTIONS MAY DEEM FIT FOR LOCAL ELECTIONS,".

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. May we just make of record that it is not received really with unanimity here.

May I also make of record that in regard to the increase from P400 to P600, I would be very much guided in conference by our distinguished Chairman of the Committee on Finance, Senator Gonzales. But we have accepted it for now.

Wala na po yatang...

Senator Pimentel. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Pimentel is recognized.

Senator Guingona. Mr. President, before Senator Pimentel...

The Presiding Officer [Senator Tañada]. With the permission of the two Gentlemen, yes, Senator Guingona.

Senator Saguisag. May I just clarify, Mr. President, that in regard to the Executive Judge, it will be the Regional Trial Court Executive Judge.

The Presiding Officer [Senator Tañada]. Of the Regional Trial Court?

Senator Saguisag. Right.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Romulo. Mr. President.

The Presiding Officer [Senator Tañada]. Yes, Senator Romulo.

Senator Romulo. Mr. President, with regard to the honorarium and per diem ...

The Presiding Officer [Senator Tañada]. Before we go to that point, ...

Senator Saguisag. Mr. President, maybe, we might just leave it at that. So that if it is more convenient to go to the municipal level, then let it be so. Maybe, the COMELEC can, in the issuance of the rules and regulations, handle the matter.

Kaya, hindi na po namin ipagagalaw iyon. Salamat po.

The Presiding Officer [Senator Tañada]. All right. Senator Romulo.

Senator Romulo. Mr. President, we are not objecting to any of those that have been previously cited. We just want to put it on the record that Senator Herrera and this Representation had proposed, because of the serious responsibility and magnitude of the work of the teachers, principals and supervisors, that the per diem or honorarium should be P1000 per day, and P1200 for principals, supervisors and other administrators.

We just want to put it on the record that Senator Herrera and myself had filed a bill to this effect. That is all, Mr. President, and we leave it to the good graces of the Chamber to consider this proposal.

The Presiding Officer [Senator Tañada]. All right. Senator Pimentel. Senator Herrera.

Senator Herrera. On page 5, Mr. President, the campaign period of 90 days is too long. I think we have to reduce this. We know very well that during elections, the expenditure is tremendous and has inflationary effects; so that the shorter the period, the better for the country.

After all, all these presidential and vice presidential candidates have been campaigning for the past two or three years. We have surveys every month going around the country. We know who these candidates are. The people, I think, know already who are these candidates. Some of them might withdraw or may not pursue their

presidential or vice presidential candidacies. But those who will pursue them are already known by the people.

So, I would suggest, Mr. President, that the campaign for President and Vice President will be only for 60 days.

Senator Saguisag. The vice presidential candidate of the Liberal Party is shaking his head.

Senator Herrera. Senator Guingona has made known his intention to run as early as 1987. [*Laughter*]

Senator Saguisag. But may we hear from the other body, meaning, for those...

Senator Herrera. And I have been campaigning for him since 1987 also.

Senator Saguisag. It is very hard for someone like me, who is returning to private life to comment on this. Maybe the interested parties should be the ones to, let us say, comment on this. We can begin with the Presiding Officer. He is grinning from ear to ear.

Senator Herrera. My point here is that, I think, everybody will agree that the election expenses will be highly inflationary. This is nonproductive expenditure, and I feel that the shorter the period for campaigning, the better for the country. I do not think that the country can afford to go beyond the 19.7 inflation rate which we have now.

So, I would like to propose that we reduce the campaign period from 90 days to 60 days. Then, for Senators together with the Congressmen we can go down to 30 days.

Senator Saguisag. May we have a short recess, Mr. President?

SUSPENSION OF THE SESSION

The Presiding Officer [Senator Tañada]. The session is suspended, if there is no objection. [*There was none.*]

It was 6:51 p.m.

RESUMPTION OF THE SESSION

At 6:52 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

What is the pleasure of the Sponsor to the proposed amendment?

Senator Saguisag. I accept, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection?

Senator Guingona. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Guingona is recognized.

Senator Guingona. Mr. President, I think we should decide on this when there are more presidential candidates present.

Senator Herrera. I would just like to put on record that my favorite candidate for the presidency, Senator Pimentel, agreed to this proposal.

The Presiding Officer [Senator Tañada]. All right. So, we will withhold consideration of this proposed amendment until tomorrow when the other presidential candidates are around.

Senator Guingona. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Guingona is recognized.

Senator Guingona. Mr. President, I have a copy of a letter...By the way, Mr. President, Senator Laurel has requested deferment and reservation for his time to interpellate. He wanted to do so earlier but he had to leave.

Senator Saguisag. I just hope that we can prevail on him to complete the process tomorrow since we are so much behind in regard to this very important electoral exercise.

Thank you.

Senator Guingona. Mr. President, I have here a copy of a letter from the Chairman of the COMELEC. It contains proposals to include redistricting and reservations concerning the double elections, two elections.

I will just hand this over to the Sponsor. I initially wanted to have a motion to delete that portion on two elections, but I will defer to the wishes of the Sponsor that it be brought to the Conference Committee although I, certainly, share the reservations of the Chairman of the COMELEC here.

Senator Saguisag. For the record, the idea of holding a separate election on June 11, 1992 was something I borrowed from the Chairman of the Committee, Senator Gonzales. I, myself, am not very keen on it. I just thought of it because after talking with our contacts in the House, they told me that, definitely, there is no way they could agree to redistricting.

I do not know why the COMELEC should feel upset about this. It is just an option. They are not obligated to do it. They can just ignore it as something that they do not believe is workable.

But what is the harm in giving that option. It is entirely up to them on how to regard it. If they choose to ignore it, there is no problem as far as we are concerned.

Senator Guingona. Yes, but I think the public, the candidates, and the ones involved should definitely know what the mandate of the law is. If there are options given to another Body, the determination of which has great reservations, I do not think it is fair or wise to pursue the matter.

~~Senator Saguisag.~~ No. Once this becomes a law, the COMELEC can immediately set those dates and say that all 57 candidates will be voted for on May 11, 1992. That will be done in a very quick order, even within the month.

Senator Guingona. Why do we not say so now why we deleted? I also consulted with the counsel, and he himself has reservations.

Senator Saguisag. Anything that comes from Senator Gonzales on election matters, I really must give important consideration to. The situation has changed. The 51 names was bad enough but if there is a challenge in the Supreme Court, assuming this will be given any importance at all, if Chairman Monsod has no consideration at all for the experience of Chairman Gonzales, then it is up to him.

This is something that I would like to preserve, and then I will abide by whatever may be the decision of Chairman Neptali Gonzales. When we test the paternity of this amendment, it is mostly his. There is a question of another week.

Kung talagang makukumbinsi natin si Senator Neptali Gonzales sa walang kuwenta, kung gayon ay burahin natin ito sa Conference Committee. But I am just preserving his idea, which our contacts in the House encouraged me also, to put in here because they said there is no way they will ever agree to redistricting. So, let us see what will scare Chairman Monsod more, 57 names or two elections.

Senator Guingona. I would just read the paragraph for the record.

The alternative proposal from some quarters for two separate elections before June 30, 1992 would be a logistical nightmare, would cause an additional P350 million, and might be contrary to the Supreme Court decision on R.A. 7056.

I will not press the matter, Mr. President.

Senator Saguisag. We are all aware of that, Mr. President, but having elections for three days as raised by Commissioner Yorac is equally scary. Anyway, I am just pleading that we await the pleasure of the Chairman, and I will abide by whatever Senator Gonzales will go for. I think he is coming back the middle of next week.

So, personally, hindi ko po ito ipinagigiitan. Gusto ko po lamang makausap ang kasama nating si Senator Gonzales.

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1861

Senator Guingona. Mr. President, since Senator

Laurel has requested for time, I ask that we defer consideration of this measure.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Guingona. Mr. President, tomorrow we will take up again the Synchronized Election Bill and the measure Creating the Baselands Conversion Authority, plus a number of other bills because, as I understand it, there are some who will go to Malacanang to attend the signing of the Local Autonomy measure.

The bills that we will consider tomorrow will be on the Veterans Bank, Strategic Environmental Plan for Palawan, Countryside Industrialization, Magna Carta for

Disabled Veterans, Operations of Rural Banks, Allocation of Certain Percentage of Loanable Banks to Small Enterprises, Restitution of Losses of Sugar Prices, Peoples Television Network, the Use of Firecrackers and Pyrotechnic Devices, the Bill Allowing Qualified Voters of Ormoc City to vote in the Province of Leyte, Creating the Iligan State University, and Benefits to the Elderly.

SUSPENSION OF THE SESSION

Mr. President, I move that we suspend the session until 10:00 o'clock tomorrow morning.

The Presiding Officer [Senator Tañada]. The session is suspended until 10:00 o'clock tomorrow morning, if there is no objection. [*There was none.*]

It was 7:01 p.m.

Oct - 14, 1991

of that individual in the Philippines?

Senator Laurel
Senator Lina
Senator Maceda
Senator Mercado

Senator Salonga
Senator Shahani
Senator Tañada
Senator Ziga

Thank you, Mr. President.

The President. Are there any questions?

NO - 0

Senator Maceda. Mr. President.

ABSTENTION - 0

The President. Senator Maceda is recognized.

RESULT OF VOTING

Senator Maceda. I have no question, Mr. President, except to put on record that on the day I took my oath as Minister of Natural Resources, I formally wrote the U.S. Embassy and returned my green card which was issued because of political asylum and was of a different category, so to speak. But, as far as I am concerned, on or about February 27, 1986--I have the receipt by the U.S. Embassy of my letter--I formally surrendered my green card and stated that I was a resident of the Philippines.

The President. With 20 affirmative votes, no negative vote, no abstention, House Bill No. 32761 is approved on Third Reading.

The President. The Majority Floor Leader.

BILL ON SECOND READING
Senate Bill No. 1861 - Synchronized Elections

Senator Guingona. Mr. President, I move that we consider Committee Report No. 1373 on Synchronized Elections. I ask that we recognize Senator Saguisag.

BILL ON THIRD READING

House Bill No. 32761 - Special Nonworking Holiday in Zamboanga City

The President. Senator Saguisag is recognized. May the Chair know the parliamentary status of this bill?

Senator Guingona. Mr. President, I move that we vote on Third Reading on House Bill No. 32761, entitled

Senator Saguisag. Mr. President, on the basis of the reservation made by our distinguished friend from Batangas, he is supposed to interpellate this Senator this afternoon.

AN ACT DECLARING OCTOBER 12 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE CITY OF ZAMBOANGA.

Copies of the bill were distributed to all the Members on October 9, 1992.

The President. Senator Laurel is recognized.

The President. The Senate will now proceed to vote on the bill. The Secretary will please call the roll.

Senator Guingona. Mr. President, we are in the period of individual amendments, but because of the reservation of Senator Laurel, he is scheduled to do the interpellation now.

The Acting Secretary called the roll and the result of the voting was as follows:

Senator Laurel. Thank you, Mr. President.

YES - 20

I would just like to propound certain questions, if I may, preparatory to introducing or proposing my amendments.

Senator Alvarez
Senator Angara
Senator Enrile
Senator Estrada
Senator Guingona
Senator Herrera

Senator Osmeña
Senator Paterno
Senator Pimentel
Senator Rasul
Senator Romulo
Senator Saguisag

Senator Saguisag. Willingly, Mr. President.

Senator Laurel. Now, Mr. President, there is a provision here in this bill under consideration, more particularly Section 3 of page 2 of the amended version dated October 9, 1991, to the effect that the various

elective officials of the Government shall have a definite term, with provision also on limitation of number of times that they may be reelected.

I have been curious to observe and to ask, therefore, a question. All these elective officials here start with the Vice President down to the level of the provincial, city, municipal elective officials. The term of the President--the President herself, and I suppose that should apply to all incoming Presidents--is not included in this bill. I would like to know why, Mr. President.

Senator Saguisag. Mr. President, the main Author of this bill is Senator Gonzales, whom we cannot ask now why there was such an omission. If the intent is to include a statement as to the limitation on the President, certainly, we would be very willing to accommodate such an amendment. I do not know if it is an oversight, I believe it must have been.

Senator Laurel. In other words, there would appear to be good ground to introduce an amendment for the purpose of including a provision on the term of office of the President and the number of times or the fact that the President may not be reelected at any time subsequent to her serving her term of Office. Is that correct?

Senator Saguisag. At the appropriate time, certainly, we would be delighted to entertain such proposed amendment.

Senator Laurel. I would like to advert to a fundamental reason why the term of office, a provision relative to the reelection or nonreelection of the President, should be included. If I may, since the Sponsor says that at the appropriate time, my amendment will be considered.

I would like to state a reason or two why that amendment, which I would like to propose, should be considered favorably by this Body; if I might be allowed to state right now, since this is the period of amendments already.

The first reason is the fact that here in the second sentence of Section 4, Article VII, of the Constitution, we have specifically the following, and I quote:

The President shall not be eligible for any reelection.

And this is followed by another sentence in the same section, which provides:

No person who have succeeded as President and has served as such for more than four years, shall be qualified for reelection to the same office at any time.

That second sentence is very important. Why? Because it says that any person who succeeds the incumbent President for more than four years and serves as such, shall not be eligible for reelection at any time. Meaning, Mr. President, if the incumbent Vice President--who happens to be my brother--had succeeded to the Office of President for one reason or another, and had served for more than four years, he would be covered by the prohibition. He may not run for reelection as President, although he merely succeeded.

In other words, Mr. President, the ban against reelection in this bill covers the person succeeding, although he was elected as Vice President, even before the new Constitution was adopted and approved.

So, if it applies to the Vice President, there is absolutely every reason, logically, to suppose that the President herself would be covered by the present prohibition in the Constitution.

Senator Saguisag. Personally, Mr. President, I am really already converted, so when the proposed amendment is made, I certainly would accept it.

Senator Laurel. Thank you very much, Mr. President. Now, may I go to another point. Here in Section 8--I think it is still Section 8--relative to the filing of certificate of candidacy, it says here that the filing of a certificate of candidacy should be made or done not later than the day before the date legally fixed for the beginning of the campaign period. I am asking this because there might have been an amendment already introduced.

If that provision is there, or is still there, then I ask the question: Why should a certificate of candidacy be filed during office hours, when during the period of the filing of candidacy, when certificates of candidacies may be filed, the Office of the COMELEC is supposed to be open?

Senator Saguisag. May we know the intent of the

question, Mr. President. Is it to allow the filing of the certificates even beyond...?

Senator Laurel. It says, "even after office hours."

Senator Saguisag. Well, if there will be an amendment to that effect, I would accept it. I remember that on December 11, 1985, after Mrs. Aquino and Mr. Laurel filed their certificates of candidacies earlier in the day, they returned after office hours, and such were accepted. So, maybe, we should really liberalize it.

Senator Laurel. Yes, I think so, Mr. President. I wish to thank the Sponsor of the bill for his position.

In other words, our thinking is that every opportunity should be given to any person to be able to file his certificate of candidacy even outside of office hours when the receiving office is supposed to be open anyhow for 24 hours a day.

Senator Saguisag. It seems to be well-taken, and we are disposed to accept it at the proper time, Mr. President.

Senator Laurel. Thank you very much.

With respect to the registration of voters, is that covered by Section 10?

Senator Saguisag. Section 10, page 8 po.

Senator Laurel. It says that inclusions, exclusions, and corrections, if any, shall be made in the list of voters before voting starts on election day. I think that is a very dangerous provision and very susceptible to abuse.

In other words, a voter may be excluded from the list of voters on the very day that he appears to vote. Therefore, he will have no time to protest or to appeal. That is a very dangerous provision.

My proposal, is that the deadline for inclusion, exclusion, and correction of the list of voters should be done several days before voting time; perhaps, five days before actual voting time.

Senator Saguisag. I have no strong feelings one way or the other. Anyway, even on the date of the

election, the capacity of a voter to vote may be challenged. But we agree with the Gentleman that, maybe, there should be some cutoff dates, because there may be all sorts of unfair surprises, if we are to allow it on the election day itself.

So, we are comfortable with the five-day period, Mr. President.

Senator Laurel. At saka ang nakalagay dito ay "shall." Exclusion shall be done on the day of the election.

Thank you very much, Mr. President.

Section 17, relative to Summary Disposition of Pre-proclamation Controversies. I do not know if that is the correct number at the moment, because we have a number of versions.

Senator Saguisag. Mr. President, are we referring to Section 17, on top of page 14?

Senator Laurel. Yes, Summary Disposition of Pre-proclamation Controversies.

Nakalagay dito na "The COMELEC decision shall be executory after five days from receipt of decision."

In other words, the COMELEC may decide to throw out a case or it may render a decision, and the decision becomes executory after five days from the date of receipt of the decision. Kawawa naman iyong talo, hindi makaka-appeal.

Senator Saguisag. To me, it is compatible with the view that it gives the party five days to take some action. If he does nothing, then it becomes final.

I mean, it is like saying that in the ordinary case, it becomes final within 15 days. But during that span of time I do not see here any preclusive language that will bar the affected party from going up to some authority to modify or reverse the questioned ruling.

Senator Laurel. Ang ibig pong sabihin, Mr. President, is that I do not know that five days are reasonable enough particularly where the bases of a petition will be

for certiorari and for abuse of discretion. And, I do not know that limiting it to five days would be constitutional. Baka unreasonable, Mr. President.

I mean, limang araw na lamang, kung hindi ay executory na; hindi na kaya makaka-apela sa Supreme Court.

Senator Saguisag. But, usually, Mr. President, in the context of election controversies, normally the litigants really move very fast. Also, there is nothing to prevent the losing party from filing with the Supreme Court a petition for extension. Because the period is normally extended not by the lower court but by the Supreme Court.

In other words, kung kailangan po 15 days--ang karanasan po natin dito, normally it is allowed as a matter of course by the Supreme Court which already has jurisdiction over the case.

Senator Laurel. Pero ang ibig sabihin ay--if the Gentleman will permit, Mr. President--if there is no appeal by certiorari within five days, immediately executory ang desisyon ng COMELEC?

Senator Saguisag. But in five days almost any lawyer can file the appropriate petition for extension of time in the Supreme Court.

Senator Laurel. But what I am saying is: then, there is no reason for this time limitation.

Senator Saguisag. Well, the normal rationale is that election cases have been resolved very quickly. If we give 30 days, then the situation remains in suspense. While it requires only a one-page petition to be filed in the Supreme Court to get 15 days, 30 days...

Senator Laurel. I beg the Gentleman's pardon, Mr. President. It will not be in suspense because hindi siya nag file, within five days. He files it after ten days, at iyan ay lampas na sa taning which is five days.

Senator Saguisag. If we make it 30 days, then within that span of time the public does not know what is going to happen. Why not just say five days, it may be construed by the public--well, the losing party has accepted the result graciously.

Senator Laurel. Why not say, without prejudice to the right of the losing party to file the corresponding special proceeding or appeal to the Supreme Court for certiorari?

Senator Saguisag. I have no problem with that. I am just saying that, normally, what is done here is that the lawyer seeks in the Supreme Court the period that he needs to frame the appropriate petition. So, we will be open to any amendment at the proper time to preserve that concern, Mr. President.

Senator Laurel. Thank you very much, Mr. President.

Then Section 23: This is relative to the signature of the Chairman of the Board of Inspectors at the back of every ballot in order for the ballot to be validated. Failure to so authenticate shall constitute an election offense. But that is not what is grave and dangerous about that. Any ballot which is not so authenticated shall be deemed spurious. It can lead to disenfranchisement of the voter.

Kung medyo antipatiko tayo o kung antipatiko sa atin ang chairman ng board of canvassers at hindi pirmahan agad iyon o hindi pirmahan, hindi tayo makakaboto. Baka ay kailangang dagdagan natin ang pipirma. Hindi lamang iyong chairman, baka kailangan din iyong two other members of the board. He will be a one-man despot.

Senator Saguisag. Well, I agree with the concern raised. I am not so sure about the remedy proposed because it can happen, really, that someone displeased with the result of the count, may not sign and may result in disenfranchisement. But I agree that it would be so easy to defeat the will of the people if all that is necessary is for the signature not to appear and without more--ito po ang nasa batas.

So, again, at the appropriate time, Mr. President, we will be glad to listen to how best we can resolve that concern.

Senator Laurel. Thank you.

Then Section 26, relative to election inspectors. The three election inspectors shall sign and affix a thumbmark

on the election returns. What does this Section 26 mean?

Senator Saguisag. Anong pahina po iyan? Mahaba po itong...

Senator Laurel. Mahaba nga yata. Nadagdagan nga ho.

Senator Saguisag. Oho. Ito po ang nasa page 22, lines 12 to 15:

The board of election inspectors, together with the two (2) principal watchers, if available, shall sign and affix their right thumbmark on the election returns.

To begin with, we have now problems with the watchers.

Senator Laurel. Well, maybe we should put this last. We will put this at the latter part.

May I go, if I may be permitted, Mr. Chairman, to Section 27. We shall leave aside Section 26 first.

Section 27, "Canvassing by Provincial, City, District and Municipal Boards of Canvassers."

This section mandates the city, municipal board of canvassers to also canvass election returns for President and Vice President, and prepares certificate of canvass for said officials to be submitted to the provincial board of canvassers who will canvass this certificate of canvass. Is that correct, or that has been amended?

Senator Saguisag. Anong pahina po iyan?

Senator Laurel. Section 27.

Senator Saguisag. Nasa page 22 po, but what portion, Mr. President?

Senator Laurel. Page 22?

Senator Saguisag. Kung Section 27 po, it begins on line 19, "Canvassing by Provincial, City, District and Municipal Board of Canvassers." Which portion are we calling the attention of the Body, Mr. President?

Senator Laurel. Maybe I should preface this point first with a question. Is the Provincial Board of Canvassers supposed to receive the election returns from the municipal, city board of canvassers? Or, is it the certificate of canvass at the same time, and the basis for the canvass by the provincial board is going to be the canvass of the municipal and city board of canvassers, or the election returns themselves?

Senator Saguisag. I am informed here that the practice really is, it is the certificates of canvass coming from the municipal board of canvassers.

Senator Laurel. Well, then, the provincial board of canvassers makes its own canvass on the basis of the certificate of canvass of the municipal and city board of canvassers, to be forwarded to the Senate President, is that correct?

Senator Saguisag. That has been the consistent practice, and that is the intent of this measure, Mr. President.

Senator Laurel. If that is true, then there is need for an amendment, unless I am wrong in making this statement that the wonderful or, shall we say, the open opportunity for some sort of cheating is in the municipal or city level.

The election return in every precinct is canvassed by the municipal or city board of canvassers, and here is where the possible cheating can take place. If cheating has been done there, then that is the one contained in the certificate of canvass to be forwarded to the provincial board of canvassers.

The provincial board of canvassers will no longer conduct a canvass of the election returns, but will merely depend on the certificate of canvass that has been somehow "nagamot-na" by the municipal or city board of canvassers. Is that correct?

Senator Saguisag. Well, it is really a policy choice. I am informed here by our resource person that in the appropriate consultations on the point, all the political parties wanted this arrangement, that it should be based on the canvass at the provincial level. Pinag-usapan daw po iyan and, for some reason, the political parties unani-

mously preferred this arrangement.

Specifically, I am informed now that the one who vigorously pushed for this was the representative of the Nacionalista Party, according to Atty. De Lima. I guess that should be backed up by records; I mean, I am relying on the representation made to me here.

Anyway, at the appropriate time, if an amendment would be introduced, then the Body could resolve it. Whether it is one or the other, if some people are minded to cheat, it can be done at any level.

Senator Laurel. I would like to take an exception to that last statement about the proposal being pressed in particular by the representative of the Nacionalista Party. As a matter of fact, one representative of the party was the one who presented to me this point to be raised here on the Floor--that the opportunity for cheating is usually at the municipal or city level, and that cheating is carried on unnoticed from the municipal or city level to the provincial, and then to the President of the Senate.

Wala nang nagtse-check because the canvassing by the provincial board of inspectors is made on the basis already of what has been canvassed in the municipal or city level.

Senator Saguisag. That can be the subject matter of an appropriate amendment, but I am informed that it was Mr. Adaza who, in representation of the Nacionalista Party, wanted this arrangement.

Senator Laurel. Ito pong si Adaza ay hindi yata miyembro ng COMELEC.

Senator Saguisag. Hindi ho, ng Nacionalista Party daw po.

~~Senator Laurel.~~ But the one who presented to me this point--I will not mention his name--was a former member of the COMELEC.

Senator Saguisag. Panay ho ang punta dito ng taong iyon, kaya kilala natin kung sino iyon. But he need not be named. Anyway, as I said, it is a policy choice. Wala hong guarantee, either way, which is superior. I do not know. I mean, I have to defer to the judgment of our

Colleagues. Kaya, sinasabi ko lamang po iyon by way of background kung bakit ho nagkaganito ito. Iyon daw ho ang lumabas sa consultation process.

Senator Laurel. Our suggestion is that, the provincial board of canvassers should conduct its own canvass of election returns or results on the basis of the election returns in the municipality and/or city and not depend on the canvass already conducted and, perhaps, doctored in that level. Mag-conduct precinct by precinct, not depend on the canvass by the municipality or city board of canvassers.

That is all.

Senator Saguisag. So, it will be a second count really, Mr. President?

Senator Laurel. That is correct. In other words, nagsisiguro tayo sapagkat para bang nangyayari ang dayaang iyan sa ating bayan, lalung-lalo if it is a very close fight. Siyempre, bawat panig ay ibig manalo, kaya maaaring magpatuloy iyan. So, we should not be hesitant to introduce safeguards to ensure the purity and credibility of our elections.

Senator Saguisag. Well, we just want to be sure that this would not create an uproar because, according to COMELEC representative, virtually the ninth part which is represented during the hearing insisted on the canvass of the returns. And then if this will represent only the will of a particular party, we may have some problems.

Iyon lamang ho ang gusto kong paratingin. If the representation is correct, then it could present its own set of problems if we will modify this. But, anyway, time is really late, so the agreement we reached is that, anytime there is a controverted proposal, we just have to vote up or down.

Senator Laurel. If I may be permitted to just read the representation forwarded to this Representation by the former member of the COMELEC:

Page 22, Section 27, Canvassing by Provincial, City, District and Municipal Boards of Canvassers states that the city or municipal board of canvassers shall also canvass the election returns for President

and Vice President, and shall prepare the certificate of canvass for the said officials. This certificate of canvass will then be submitted to the provincial board of canvassers who will canvass the certificate of canvass submitted to it and prepare its own certificate of canvass for President and Vice President. The certificate of canvass from the provincial board of canvassers will then be submitted to the Congress through the Senate President who will canvass votes for President and Vice President.

Cheating could be done in the municipal level in the preparation of the certificate of canvass for President and Vice President, for submission to the provincial board of canvassers.

The provincial board of canvassers can again cheat since their basis for the preparation of their certificates of canvass is the certificate of canvass of the municipal board of canvassers and not the election returns.

Recommendation: Adopt the procedure in the August 26th version of the bill, Section 24, which mandates the provincial board of canvassers to canvass the election returns for the precincts for President and Vice President positions.

Iyon ho ang payo nila.

Senator Saguisag. When we assume really as to the nature and extent of cheating in this country, wala pong katapusan iyon. We all know that, for instance, in some places, there will be accusations that even if one votes at eight o'clock, ayaw na raw pong pumasok ang balota dahil puno na. Mayroon diyang ang magpapalit ng kahon. Mayroong magki-kidnap.

So, to me, it is up to the Body. As someone who is not really involved in the 1992 exercise, I leave it to my betters in this Chamber to decide what can better ensure a cleaner election. So, at the appropriate time, the Body can select between that proposition and the way it is worded now.

Senator Laurel. Thank you.

Senator Saguisag. Wala pong anuman.

Senator Laurel. Page 7, Section 8: *Filing of Cer-*

tificates of Candidacy. I do not know that this section covers a case that happened sometime before; and that is the Antonino case. The candidate died sometime before the election day. The wife, Mrs. Magnolia Antonino, was able to file her certificate of candidacy. Pinayagan. Ngayon, damdam ko, Mr. President, hindi na covered ang case na iyon.

Why not allow the filing of such candidacy by somebody to take the place of the candidate who died, otherwise, wala nang representation iyong partidong walang kandidato. There should be a way of allowing somebody representing the person who died or his party to file the certificate of candidacy.

Senator Saguisag. This measure is really of a limited scope to cover only the elections of 1992--

Senator Laurel. Baka mangyari po naman.

Senator Saguisag.--but, meaning the entire purpose of the other laws: Republic Act No. 6646, the Omnibus Election Code, all survived and should be read together with this. It is allowed under the Omnibus Election Code. That was why, in the case of Governor Padilla, he was able to win in substitution for his father.

So, that portion of the law is not incompatible with this. It is, therefore, not repealed. I am just assured that it is extant in the Omnibus Election Code, which is a thick one covering so many situations not mentioned here. But since repeals by implication are not favored, and the provision is very good in itself, it is part of the governing regime as to the totality of the laws that will apply to the 1992 exercise.

Senator Laurel. Perhaps, we should check that, if that provision in the Omnibus Election Code is really preserved here in this particular case.

I was about to suggest this addition or insertion of this sentence: IF THE CANDIDATE DIES BEFORE NOON OF ELECTION DAY, ANY QUALIFIED PERSON CAN FILE A CERTIFICATE OF CANDIDACY IN HIS PLACE.

That is all.

At this juncture, the Chair relinquished the Chair to Senator Wigberto E. Tañada.

Senator Saguisag. It is being checked, Mr. President. I have really no problem with it, but it really, may be superfluous. So, it is being checked.

Mr. President, here is, in fact, a broader statement of the same. It is in Section 77, and it covers not only death but disqualification or withdrawal of another. It says here:

If after the last day for the filing of certificates of candidacy, an official candidate of a registered or accredited political party dies, withdraws or is disqualified for any cause, only a person belonging to, and certified by, the same political party may file a certificate of candidacy to replace the candidate who died, withdrew or was disqualified.

Senator Laurel. May I know when he dies or is disqualified? Does it say when?

Senator Saguisag. Sandali lamang po.

The substitute candidate nominated by the political party concerned may file his certificate of candidacy for the office affected in accordance with the preceding sections not later than mid-day of the day of the election....

So, he should choose not to die after noon of the day before. May problema po siguro.

Senator Laurel. Thank you very much. It says here "after the last day for the filing of certificates of candidacy."

Senator Saguisag. Yes, Section 77 of the Omnibus Election Code.

Senator Laurel. Salamat po. Dito naman sa Section 15, I do not know if this question has been raised, that for violations of election laws in the past, shall we say, 1987 or the subsequent ones that were held, there is this provision, Section 15, to the effect that even the *condenado* or the convicted will not serve sentence anymore, or he will be released from prison, if he is imprisoned, and if the case is just pending, itutuloy lamang ang asunto para

malaman kung susceptible to administrative fines only. That is only the purpose. I am wondering whether that is constitutional.

Also, there is this provision in Section 15 to the effect that there is grant of amnesty pa yata.

Senator Saguisag. If the two Houses and the President agree, then that may be the statement of the national policy on the matter. Kasi po, marami ang nabibigatan doon sa parusa.

Senator Laurel. Ito po ay parang labag doon sa not only the Constitution but also the declared policy of the State to eradicate or minimize misfeasance, nonfeasance, violations of the law, et cetera, para pakakawalan na natin ang mga nagkakasala. That seems to be reflected in many moves now of our Government.

With respect to amnesty, I think there is a provision in our Constitution. Nawala lamang po ang aking mga papeles kaya medyo magulo.

Senator Saguisag. Nandito po sa Section 19, second paragraph of Article VII. It says that the President shall also have the power to grant amnesty with the concurrence of a majority of all the Members of the Congress.

So, the theory is that, if the two Houses will pass this and the President signs this into law, it seems to be a substantial compliance. But this is really nothing more than the repeal of a penal law. If it can retroact favorably, then so be it. Maybe, a compromise here is that he can only be absolved upon payment of the appropriate fine. Dahil ang nabibigatan po kasi niyan ay nakukulong.

Senator Laurel. There is another provision: Section 5 of Article IX (C).

Senator Saguisag. Sa Commission on Elections po.

Senator Laurel. Opo. It says here, and I quote...

Senator Saguisag. Kailangan mayroong recommendation po yata.

Senator Laurel. Sa COMELEC. It says:

No pardon, amnesty, parole, or suspension of sentence for violation of election laws, rules, and regulations shall be granted by the President without the favorable recommendation of the Commission.

Kailangan ho iyon. So that even if the Senate and the House were to pass a bill to that effect, still governed by the particular section of the Constitution, kailangan ay more than just that bill or that authorization; kailangan ay favorable recommendation by the COMELEC before granting pardon, amnesty, parole, or suspension of sentence.

So, itong ating probisyon might be constitutionally subject to attack.

Senator Saguisag. I am looking for the appropriate documentation, because really, this bill was prepared by the COMELEC essentially, along with Senator Gonzales. But we may need something more formal.

That is why, maybe, a compromise could be--Para hindi naman total obliteration, maybe the party concerned should be willing to pay the appropriate fine. But for the *Record*, I have here--There is no covering letter I can present now, but I do know that in a meeting we had with the COMELEC some weeks ago, they prepared this bill, and one of the recommendations is No. 11.

Ito po ang nakalagay. Galing po ito sa COMELEC. We may need some more appropriate formalization later on. But it says here: Modify the penalty imposed by the Omnibus Election Code for the nonsubmission of statements of contributions and expenditures by candidates and treasurers of political parties.

Siguro, para malinis ang rekord, we may ask our friends in the COMELEC to send a formal affirmation that they are supporting this particular proposal, which, in fact, came from the COMELEC upon the representation. I guess, of some Members of the House who were publicized as not having complied with the requirement. Kaya mabuti sigurong magkaroon ng formal endorsement; otherwise, we could be charged with passing a law that is self-serving, dahil tila may mga nasabit tayong mga Kasama sa Higit na Malaking Kapulungan. But it did come from the COMELEC; there should not be any problem getting substantial compliance with the requirement that we are grateful to our Colleague for calling our

attention to it.

Senator Laurel. I am not sure but I have my reservations on that proposal that we shall get in advance a supporting statement or recommendation from the COMELEC, and then pass this kind of bill or law.

Senator Saguisag. I am hesitant really to give up our prerogative to criminalize or decriminalize any act here. That is why I, myself, am reluctant. I do not want to see Congresswoman Baby Puyat-Reyes in handcuffs and putting up bail. [Laughter] But, definitely, whether it comes before or after, since this is really COMELEC-supported and sponsored, I think that the spirit of the Constitution is met.

Senator Laurel. With some reservations.

Senator Saguisag. Siguro po ay maganda ngang pagbayarin din natin sila ng multa kaysa naman altogether ay wala nang kaparusahan. The reason they are complaining about this is that the penalty of imprisonment seems too stiff. But if it is a question of fine, maybe that satisfies the principle concerned.

Senator Laurel. Mr. President, if I may bring up something that has been the proposition of the distinguished Sponsor himself that any penalty in the form of a fine is pro-rich and anti-poor. We might be penalizing people, the poor practically, who violate the election laws and send them to jail if there is subsidiary imprisonment penalty, and therefore, might go against the very grain of his position in the death penalty debate.

Senator Saguisag. Gayunman, kailangan pag-aralan natin dahil baka naman may substantial compliance diyan. But the Gentleman is right, na pag dating na sa mga piyansa, sa mga fines ay medyo nakakalamang iyong nakakaangat sa buhay. So, maybe, we try to remedy that by really bringing down to a very low level the fine for barangay officials to P200.

So, that was our effort. Pag Presidente po, P30,000. Iyon po ay barya lamang. Pero tingnan po natin ito at the appropriate time. Really, that concern should be looked at more deeply.

Senator Laurel. May I go to another point?

How about absentee voting? This applies to our members of the Armed Forces and the PNP who are assigned and, probably, other officials. Mayroon yatang nadagdag?

Senator Saguisag. Those who are compelled to be away on official business, that is election-related.

Senator Laurel. Ang aking pangamba lamang dito ay, baka naman kung pababayaan natin silang lahat na ma-assign sa iba't ibang lalawigan o bayan ay hindi na sila makaboto doon sa kanilang pinanggalingan. Because on the day of the election ay ipadadala sila sa iba't ibang lugar. Baka ho mangyari ito. How do we avoid that? Sapagkat ang nakalagay dito, for security purposes, ipadadala natin iyong mga commandant, mga dalawang sundalo sa isang bayan. May halalan na doon sa araw na iyon, pero nakaboto na rin sila on the same day early in the morning doon sa kabila. Baka naman ho madagdagan at magkadoble-doble ang boto. How do we avoid that?

Senator Saguisag. That is possible with or without that context, but here we have people who, during election day--if we are to recall our history--in fact, even really laid down their lives. Hindi na ho natin dapat ulit-ulit isipin kung ano ang mga nangyayari sa Cavite, na dahil sa pagtupad ng kanilang mga tungkulin ay nagbubuwis sila ng buhay.

To me, I would rather resolve the doubt in favor of our brothers and sisters in uniform who, even now, are complaining that they are at the receiving end of so many discriminatory policies and objectives.

So, to me, although there is that possibility, we also know that because of certain hot spots, members of the police and the military are really moved around all over the country. And since they will be voting, anyway, only for national officials without any impact on the local elections—as a policy choice, my preference is to give them the benefit of the doubt, Mr. President.

Senator Laurel. I was just worried about some abuses, intentional or otherwise. That is one of my concerns with respect to having no principal watchers because neither the majority party nor the dominant opposition party will have any principal watchers. Lahat ay may watchers.

I am mentioning this only as incidental, just to emphasize this point, and that is, where nobody is entitled to any principal watcher and to copies of the election returns except, probably, a few. I do not know if we shall supply all of them.

Senator Saguisag. The certificate of votes is given to everyone.

Senator Laurel. To everyone. Pero iyong election return ang importante. And in such a case where there is nobody entitled to it or everybody is just entitled to the certificates of votes, ang tunay na nakakalamang ay iyong Pamahalaan. Just like this, it can assign PNPs and soldiers to every part of the country.

Mayroon pa ho sana akong ibang ibig itanong, but because of constraints of time, I can understand. I can set my few questions another hour later on or even tomorrow. Dadating pa naman ang panahon na tayo ay magpasok ng susog at the proper time alinsunod sa distinguished na Senador ng Mauban, Manila and Pasig.

Senator Guingona. Mr. President.

The Presiding Officer [Senator Tañada]. The Majority Floor Leader is recognized.

Senator Guingona. Mr. President, at the last session, Senator Herrera introduced a proposal for an amendment. We suspended the same because many of the presidentiables and those affected and who are all concerned with said amendment should be present. So, I ask now that Senator Herrera be recognized to continue with his proposal.

The Presiding Officer [Senator Tañada]. Senator Herrera is recognized.

HERRERA-AMENDMENTS

Senator Herrera. Thank you, Mr. President.

Let me just reiterate my proposed amendment on page 5, starting from line 24, paragraph "a": "For President, Vice President and Senators, SIXTY (60) days before the day of the election." Then, eliminate paragraph "b".

On paragraph "c" which is now paragraph "b": "All Members of the House of Representatives and local elective provincial, city and municipal officials, THIRTY (30) days before the day of the election", instead of "forty-five (45) days".

These are the two major amendments, Mr. President.

My justification on this is the present inflation rate which is something like 19.7 percent. We know very well that election expenses are nonproductive, and this will push up the inflation rate.

My sentiment is that, the shorter the campaign period, the better for the economy. That means that we will be able to control to a certain extent the increase of inflation rate. Therefore, it will be beneficial not only for the candidates because they will be spending less, but also for the economy and for the entire country.

Of course, there is this issue of whether this will be fair to the candidates. My answer to that question is that all the presidential and vice-presidential candidates are already well-known. In fact, they have been campaigning already, if we have to be very frank about it. They have been going around the country. They have been organizing. All of them are well-known as they are prominent personalities.

So, whether it is 90 days or 60 days, that would not make a difference. The only advantage there is that, as I said, the shorter the campaign period, the better for the economy and these candidates.

For senatorial candidates, it is possible that this will be a disadvantage to those who are new faces who would like to throw their hats in the senatorial election, because that will give an advantage to the incumbent. But we ~~cannot do anything about it, since the incumbents are there.~~ They have been elected in 1987. However, our experience is that a 60-day campaign is sufficient space even for senatorial candidates.

These are my proposed amendments, Mr. President. I hope these will be accepted by the Sponsor of the bill and I am hoping these will get the support of my Colleagues in the Senate.

Thank you, Mr. President.

The Presiding Officer [Senator Tañada]. What does the Sponsor say?

Senator Saguisag. Well, I really would prefer to hear from our Colleagues. I am personally disposed to consider it favorably, but we have to take into account the sentiments of the other Members of the Chamber. I have an open mind, Mr. President.

Senator Enrile. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Enrile is recognized.

Senator Enrile. Mr. President, for my part, I will object to this amendment, because I think our people are entitled to be exposed personally to the candidates who will rule over their lives for the next six years. I think 90 days is even short for them to make an assessment of the character, the qualities, and the intellectual acumen of the people that are pretending to become President.

Here is a man or a woman who is going to rule them, to whom they will entrust their fate for six years, and we are going to do it in 90 days. I think we are joking. I do not think this is a proper time to joke, especially in the selection of a leader.

On the issue of economics, I do not think it will affect the inflation rate if we will make it 90 days or 120 days. What affects the inflation rate is the mismanagement of the economy more than the election of 1992. The economy is already heated up and hard up anyway, as it is.

Now, as far as knowledge of the people is concerned, the electorate may have heard of people but I think it will be dishonest to pretend that a candidate can cover 75 provinces in this country in 60 days. I think it is too much to expect for one to be able to travel around the country and just speak in the provincial capitals of the 75 provinces to be able to be known by the people in the rural areas. I think we would be doing a disservice to our voting population if this is the way we are going to deal with them.

We might just as well scrap the election if this is the

way we want it. That would be better, I think, unarguable as a means of staving off the inflationary pressure if that is indeed the purpose of this amendment. That is why I object, Mr. President.

Senator Herrera. Mr. President, if I may just react.

The Presiding Officer [Senator Tañada]. Senator Herrera is recognized.

Senator Herrera. I respect the opinion of the Minority Floor Leader. But may I just state, that I think it is not fair to inject malice in the intention of the proponent of this proposal. I was not joking. I am serious.

Now, we can disagree on the matter whether this is inflationary or not. I think that is a very good point to argue. But to say that I am not serious in proposing that amendment, is another thing. I think we should respect each other's opinion. We can disagree; we can debate, but let us respect each other's opinion.

My position is that, I feel that this is inflationary because election expenses are not productive. When expenditure is so high and there is no contribution to the increase of our gross national product, that will be inflationary. Of course, both of us are not economists, but this is a point that I am stressing.

Now, if such is the majority decision, and the Sponsor will not accept my proposal, so be it. But I would just like to appeal that let us not inject malice in any of our proposals here, otherwise, we will end up insulting each other.

Thank you, Mr. President.

Senator Enrile. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Enrile.

Senator Enrile. Mr. President, I am not saying that the proposal is a joke. I said we would be joking if we would say that we could cover the entire country in 60 days. If we do not understand the semantics of our statements, I am sorry but that is not what I meant.

Anyway, Mr. President, I would object to this amendment on the ground that I think, precisely, the Constitution spoke of an election period of 90 days before and 30 days after. In fact, under existing law, the election period is a total of 135 days, I think, before, precisely, because of the realization that presidential and vice-presidential candidates cover the entire Nation from Batanes to Tawi-Tawi. For us to expect that they could cover 75 provinces in 60 days, I think is just too much.

By the way, let us say, that there are nine presidential candidates, that is only P2.7 billion. I do not think that it will mean too much in the inflationary condition of the country, on the assumption that we are spending P10 per voter, as I understand, now being proposed assuming that that is so.

Senator Saguisag. The reason I have an open mind on this is, in 1986, it was in fact shorter than 60 days. It started on December 11, and the election was held on February 7. Originally, it was January 17. Because the assumption is, by then, everybody is already known.

I have an open mind, but I am just saying that this is not unprecedented in our country's history.

Kung hindi nga ho naipagpaliban iyon, Janaury 17 pa lamang, a little over a month, ay mayroon nang halalan.

So, I will leave it to the Body. What I am trying to say here is that the proposition is a very serious one and really merits some debate in the Chamber.

Senator Enrile. If I may just add to that, I believe that the 1986 election was a freak election. It was a snap election. We are not talking of a snap election now. We are talking of a regular election.

Besides, the protagonists in that election were already known. One was the incumbent President, and the other one was the widow of a man who was supposed to have been assassinated and martyred. So, their names were actually spoken of inside every household in the country.

But this Representation, assuming that he is favored by events to become the standard bearer of my party, I do not think that I am well-known throughout the country,

unlike the others who are well-known.

So, I would like an equal chance to reach as many people as I could.

Senator Herrera. Mr. President, may I say something?

The Presiding Officer [Senator Tañada]. Senator Herrera is recognized.

Senator Herrera. I think we are less than candid if we will not admit, Mr. President, that all the prospective candidates for president and vice president are not well-known because they are all well-known and have been going all over the country since, well, some of them started campaigning since 1987.

So, I do not believe that they are not well-known. Especially in the case of the Minority Floor Leader, I think he is just too modest. But, the point is, he is well-known. For many years, during the past regime and the present regime, his participation in EDSA made him a very well-known personality.

So, the point of reaching the people in order that he will be known by the people, I think, will not hold water because all these presidential candidates are well-known.

Except, perhaps, in the case of Chief Justice Fernan, if he will eventually decide, I think he will be disadvantaged. But all these presidential candidates are well-known. They have been going all over the country.

Now, Mr. President, as I said, I clearly understand the semantics. Let us just argue this objectively. I feel that the 60-day period is more than enough, in fact.

Senator Enrile. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Enrile is recognized.

Senator Enrile. True, I think, I am well-known as a Juan Ponce Enrile. But there is a difference between being well-known as Juan Ponce Enrile, and being known as Juan Ponce Enrile as the candidate for President. Because we must present our platform of govern-

ment, if we have any. We must allow the people to search our soul and our hearts, our minds if, indeed, we have the capability and the vision to become a President. We cannot do that in 60 days unless we are just articulating some innocuous, parochial issue in front of a camera or a television.

But to run for the Presidency, we should take it a little bit more serious in the sense that we should allow as wide an area of our Nation and our people to know the program of each and everyone of us who are pretending to become the leaders of this country. And I would challenge anybody here if they know the programs of government of the other candidates, whether they have really seen what these programs are. If they do not know that, how can a person in Tawi-Tawi, for instance, or Itbayat, in Batanes, know it unless we give the presidential candidate a chance to discuss it even before a miniscule of people belonging to that population?

Senator Herrera. The modern and advanced technology in communication will make it very convenient for candidates now to reach the people. One can have his television show in Manila, and it will be shown all over the country through satellite. Broadcasting now is also very effective. DZRH or DZNN is hooked up to all stations all over the country. Many of the candidates now have airplanes, they have choppers. I do not think there is a problem in meeting with the people.

Senator Enrile. I think the distinguished Gentleman has just contradicted himself. He is talking about economizing on the budget of the candidate. I would like to tell him that a 30-second spot on television will cost at least P30,000 now. Who among the candidates can afford a P30,000 per 30 second television spot?

Senator Herrera. One does not even have to pay for television time.

Senator Enrile. I do not think that we should run our campaign just before a television. Our people demand a flesh-and-blood appearance before them. That is the tradition of our politics in this country. We are not in America, or in France, or in England, in Germany, or in Japan. We are in the Republic of Juan dela Cruz. Our people have not yet reached that degree of modernity where they would want to just view their candidates

before a television camera. They would want their candidates to appear before them, talk to them, and know their body language.

Senator Herrera. Mr. President, as I said, with the exception of Justice Fernan, all the candidates have been traveling all over the country. In the case of the Minority Floor Leader, maybe twice, thrice, or four times a week, he is always in the media and has been going all over the country. He is well-known.

~~Senator Enrile. And so is Dolphy, but he is not running for President.~~

The point that I am saying is, when one is already a candidate, the perception of the people would become different. They would now assess him not as just Juan Ponce Enrile, the actor Juan Ponce Enrile, the Secretary of National Defense Juan Ponce Enrile, the Senator Juan Ponce Enrile, but Juan Ponce Enrile, the candidate for the presidency. They have lots of questions to ask from him, sometimes personal, or they would want to see him as a person and, if possible, in their localities. We cannot do that in 60 days, Mr. President.

Senator Herrera. As I have said, I have made a proposal. If the Proponent is not in a position to accept it and throw it to the Body, we can always vote on it. I think the point that is worth stressing here is whether the 60-day period is enough to give sufficient exposure to the presidential, vice-presidential, and senatorial candidates. Of course, the other factor that we have to consider is the cost of the election.

Thank you, Mr. President.

Senator Guingona. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Guingona is recognized.

Senator Guingona. Mr. President, certainly, I respect the views of the distinguished Proponent of the amendment. I also understand that the motives are very lofty, especially as far as the expenditures are concerned.

We are here faced with an election that is synchronized. Campaigning does not involve merely the act of

making known the issues to the people. It also involves tremendous organization, especially because this will involve the President down to the last councilor.

While it is true that there is a theoretical separation between the President and the Vice President and the other candidates--the Senators and Congressmen--and because of the demands of a synchronized election, necessarily, the organization will have to involve all and this will entail a little more time.

~~The Constitution speaks of 90 days. The House of Representatives bill is, I think....~~

Senator Saguisag. It is 190; 180 is for the convention, but it is also 90 days, Mr. President. We have a copy of the bill.

Senator Guingona. In that case, I hope that the Proponent can reconsider so that the reasonable period can be 90 days, especially because of this synchronized organization, transport. And as far as communication is concerned, it is not as sophisticated because there are many towns in Mindanao where telephones do not work.

Senator Herrera. Mr. President, political parties have started organizing since Day One. I am referring to the senatorial election of 1987. Once upon a time, I was also a member of a political party. And we had been conducting seminars and grassroots organizational campaigns.

So, to say that we will start the organizational campaign on the first day of the 60-day period, I think, is not accurate. The truth of the matter is that we have been campaigning since, as I said, after our election to the Senate. And those probable presidential and vice presidential candidates have made known already their desire to participate in the presidential and vice presidential election a long time ago. They have been campaigning also.

The truth of the matter is that the presidential ambition of one or two of these candidates, I think, has been known even before the 1987 election.

So, the point of being known as presidential candidates, scrutinizing their background, their platform of

government, I think, are known by the people. On the matter of organizing, we have been organizing since, as I said, after the election of 1987, because we already anticipated that the 1992 election will be a very exciting election, since many will be participating, thinking that the present Government is just merely transitory.

So, these are the arguments that I think would support the proposal that the 60-day campaign period is more than sufficient to conduct a presidential and vice presidential election, together with the senatorial election.

Senator Estrada. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Estrada is recognized.

Senator Estrada. G. Pangulo, ako po ay tumututol doon sa sinabi ng Kgg. na Senador mula sa Cebu, sapagkat ang aking partido ay na-accredit lamang ng COMELEC noong nakaraang Agosto, kung kaya hindi pa ito organized, di-tulad ng mga dominant majority party. Paano naman ang magiging kalagayan ng aming partido?

Kaya ako po ay tumututol doon sa sinasabi niyang 60 na araw, sapagkat mayroon tayong 73 provinces, 61 cities, and 1,500 municipalities. At may mga pag-ulan at bagyo pa kung minsan. Ano na ang mangyayari if within 60 days ay inabot kayo ng tatlong linggo na bagyo? Mababawasan iyon ng mga 20 o 21 araw, kaya 39 na araw na lamang ang matitira sa pagkakampanya. Sa nakikita ko ay masyadong maliit o kulang na kulang ang panahong iyan para sa isang presidential election.

Senator Pimentel. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Pimentel is recognized.

Senator Pimentel. If we limit the election period to only 60 days, that means that, theoretically, the candidate can cover only the 60 cities in the entire country. And even if one takes the possibility that one can cover one city and one province in one day, that means there will be 15 provinces that one cannot cover during that period, because there are actually 75 provinces in the entire country to date, including the two subprovinces

which will now become full-fledged provinces, as a result of the Local Government Code and the subsequent referendum provided in the Code.

Therefore, the 60-day period proposed by Senator Herrera might not really suffice for purposes of disseminating the information required by our people relative to presidential and vice presidential candidates.

So, I hope that he will consider amending the proposal, increasing it maybe to 90 days, so that it will enable the presidential candidates to cover the 75 provinces, some of the major cities, and some of the urban centers as well. But short of that, to say that we limit it to 60 days, that will really prevent a thorough dissemination of the qualifications, the programs, and the platforms of the presidential candidates, and will, in all likelihood, limit them only to 60 cities in the entire country.

Senator Saguisag. I wonder whether, after listening to all who have spoken, 75 days may be sufficient. I mean, let us face it. We will have another three-week break. What will all these candidates do? They will all go around the country. What will they do beginning December, when we will continue to get paid but without reporting here anymore? They will be campaigning.

So, I am not convinced about how short 60 is. But just so we can resolve this, listening to Senator Pimentel, maybe 75 days will give the additional 15 days in addition to the many years and the coming weeks that will be devoted for the same purpose. But I think the public will appreciate it if we shave up a little of the 90 days. Iyon po ang nakikita ko. Baka po magkasundo kung magkasalubong sa gitna.

The Presiding Officer [Senator Tañada]. Senator Maceda is recognized, and after Senator Maceda, Senator Herrera.

Senator Maceda. I have no objection, to the proposal of Senator Herrera, dahil wala po namang masyadong pinag-uusapan diyan. Ngayon, iyong 12 Kandidato, with the exception of, maybe, o isama na natin si Chief Justice Fernan, iyong mga ikut-ikot niyang mga speaking engagements sa mga Bar Councils, lahat naman po ay nagkakampanya na.

Aywan ko kung ano itong pinag-uusapan natin--

whether it is 60 days, 90 days or 120 days. This is not really going to make too much of a difference. The only difference that the 60-day or 90-day period will allow is that one can start posting propaganda with "Johnny Ponce Enrile for President" or "Nene" and "Oca" for President and Vice President. One can already formally say, "I ask you for your vote." Hindi iyong paikut-ikot pa ngayon na, "Kung ako po ay kakandidato, puwede ba ninyo akong tulungan?" Iyon lamang ang magiging dipensiya niyan.

So, I think we are debating much ado over nothing really. Senator Enrile, with his helicopter, is going from town to town. He is already campaigning even now. [Laughter]

Senator Enrile. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Enrile is recognized.

Senator Enrile. Ako po ay namamasyal sa mga bayan-bayan para alamin kung ano ang mga problema ng mga naninirahan sa mga bayang iyon. Ngunit, ito po ang sinasabi ng Saligang-Batas: The election period shall commence 90 days before the day of election and shall end 30 days after.

Ngayon, kung gagawin po nating 60 days iyong campaign period, ano ang gagawin natin doon sa election period na iyon na "90 days before election day?" Ano ang election activity na gagawin natin? Ang ibig sabihin po ba noon ay umuga-uga na lamang tayo diyan? Ang sabi ng Saligang-Batas ay "90 days before," na ang ibig sabihin noon, that is, in effect, the start of the campaign period.

Now, I still have my doubt whether we can really limit it by statute, because the Constitution says: "The election period shall commence 90 days before the day of the election." That is a mandate, and the only one that can change it is the Commission on Elections, not this Congress, according to the Supreme Court.

So, I still insist on my objection even if, according to some, I can go town by town through a helicopter, which is not quite correct. I go by land.

Senator Herrera. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Herrera.

Senator Herrera. After listening to the wise man from Pasig, I am agreeable to his suggestion of 75 days for presidential and vice-presidential candidates, but for the Senators, it should only be 60 days.

Senator Enrile. Mr. President, I would insist my respect for the Constitution, which is 90 days. I think this is a prerogative of the Commission on Elections. I do not think that we should go below the 90-day period that was defined in the Constitution. The only one that can change that 90 days, if at all, and based on special circumstances, would be the Commission on Elections. That campaign period is a part of the election period.

Senator Saguisag. There is some debate really whether election and campaign periods refer to the same thing. In fact, Mr. President, Section 6, on page 5, line 17, apparently makes a distinction. We are not persuaded that, to shorten it to a figure below 90, is in contravention of the Constitution.

Senator Enrile. Anyway, so that we will not prolong this matter, I register my objection, and let it be voted upon.

The Presiding Officer [Senator Tañada]. Senator Guingona.

Senator Guingona. I think we also have to consider the Supreme Court decision, when it nullified a previous law. It said 90 days circumscribing everything. If it circumscribes the convention, the COMELEC can fix another date for the convention.

Senator Saguisag. I am not aware that the decision settled...

Senator Guingona. That was 90 days, they said.

The Presiding Officer [Senator Tañada]. Senator Enrile.

Senator Enrile. In that case, Mr. President, I move to defer action on this matter until we have checked the Supreme Court decision.

The Presiding Officer [Senator Tañada]. There is a motion to defer action on this proposed amendment.

Senator Saguisag. Well, all it states here really in the very brief Resolution of September 5, 1991, page 4, and I quote:

On the motion for the issuance of clarifying resolution, filed by the Office of the Solicitor General, whereby respondent Commission on Elections seeks a clarification of the issue on whether or not, in the exercise of its authority, under Section 9, Article IX of the Constitution, it can set the nomination and election of candidates by political parties on a date earlier than the start of the election period, suffice it to state that this issue was not raised by the parties and, therefore, could not be a proper subject of a motion for clarification.

Then this *obiter*, at any rate, Section 9 Article IX, Section 9 of the Constitution provides:

Unless otherwise fixed by the Commission in special cases, the election period shall commence ninety days before the day of election and shall end thirty days thereafter.

It is clear, therefore, from the foregoing Section that the election period is what is stated in said provision. Likewise, nomination is not necessarily the start of the election period.

So, I take this to mean that the nomination can be done even way before the 90-day period commences. But as to the campaign period, I have checked with our resource person, the Constitution and the interpretations of it are silent. It seems to me that that may be a policy determination that this Congress can make, Mr. President.

Senator Enrile. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Enrile.

Senator Enrile. I understand that the Supreme Court decision, the main decision, was the one--in effect said that the campaign period circumscribes everything.

Senator Saguisag. That is in connection with the

nomination. But in the clarification, there is now this *obiter*, likewise nomination is not necessarily the start of the election period. That is why we can play around with November, December, January, February or whatever.

Senator Enrile. What are the activities that are embraced within the election period?

Is not campaigning a major part of the election period?

Senator Saguisag. I suppose that that is really the one essential part of it, but at the same time, I would have thought that since we are all elected to serve for a fixed term, that to the extent possible, we should continue serving the public.

That is why, to me the shorter the campaign period is, the more the public may appreciate it. I want us to meet so that we can override a possible veto of the Bataan Nuclear Power Plant appropriation. And, as I have said, working here is the best form of campaigning.

Senator Enrile. I think the people are more interested to find out who their next legislators, who their next president, who their next vice president will be than for us to be staying here during an additional 30 days.

I am not trying to denigrate our efforts, but realistically speaking, I do not think, we can do much in 30 days during this period because the attention of our people is focused already on the political contest that would affect their lives rather than what would be produced as a piece of legislation or wise decision in this Chamber.

Senator Saguisag. But it is possible that a new agreement on the military bases may be submitted by December or January. I think the people would want to know how the Senate will act on it.

Senator Enrile. That goes without saying, if that should be the case, we as Senators of the Republic who are running around the country campaigning could easily come back to this Floor and spend maybe a few hours to participate in the deliberation. But our people should be allowed to continue to campaign already for their candidates.

Senator Saguisag. I am not sure. As we have said most of our supporters for those of us who are running have really been campaigning. So, I wonder whether the figure of 75 may be acceptable to the Gentleman.

Senator Enrile. Mr. President, I can truthfully say that I am not campaigning when I go to the provinces. Maybe that is the impression of others. What I do when I go to the provinces was simply organize or participate in the organization of the Nacionalista Party.

Now, it would be different when one goes to a town and then say, "I am a candidate for President. I would like your support. Please judge me."

On that point one is, in effect, asking the people to make their choice in one's favor. But campaigning in the sense of just showing one's face there, I do not think that is the campaigning that is contemplated by the Election Code.

Senator Saguisag. I suppose there is really a difference of opinion in that respect. I would have thought that if someone offers himself as a candidate and then announces that, "I am for honoring all our debts, I am against the military bases," to me that is a form of campaigning. The people gets to know the principles and the platforms of a certain declared candidate. It may be a question of semantics, but the people really will use that as a part of the criteria to be used in selecting as to who will be the next leadership of the country.

That is why, I was hoping baka naman po iyong 75 days ay puwede na ho siguro.

Senator Enrile. Ako po ay tutol doon sapagkat ang Saligang-Batas natin ay sinasabing 90 days ang election period.

~~Senator Saguisag.~~ Ang election period, pero ang campaign period ay silent.

Senator Enrile. Sa aking palagay ang talagang intensiyon diyan ay 90 days ang election and campaign period. Kaya lamang dinagdagan ng 30 days doon sa panghuli ay sapagkat, realistically speaking, may election activities, post voting, and that is the proclamation, protests, counterprotests. But the start of the electoral con-

test, the period where we really launch the competition for power before the people is actually 90 days, according to the Constitution.

We should not limit the right of the candidates by legislation because they have a vested right on this particular provision of the Constitution, if they are running for a public office. That is just like a law which derogates or limits the right of a candidate to go to the people to have access before the people.

Suppose somebody wants to run for President. He has all the qualifications to run for President, but he has not been known. He wants to have that 90-day period given to him by the Constitution to expose himself before the people. Are we going to deny him that privilege by restricting it to 50 days, 75 days or 80 days when the Constitution itself gives him that maximum limit to expose himself?

Senator Saguisag. I will not deny him what everybody else is doing now without waiting for the 90 days.

Senator Enrile. But there may be some other people who are not doing that right now, Mr. President, and yet they want to run for President. I am not just talking of the people who have presented themselves as possible candidates.

Suppose a Tal Pulano who feels that none of the presidentiables matches his qualification, and he wants to present himself as an alternative. He has the age qualification. He has the psychological qualification. He has the residence qualification, the citizenship qualification. He has the intellectual qualification, but he has not exposed himself to the people.

Are we going to deny these people the right to be exposed for 90 days before election day before the people simply because of our desire to cut inflation, and because of our perception that, anyway, all the people have already exposed themselves before the public?

Senator Saguisag. Well, I am not sure whether he will meet the age qualification. Probably, he was born yesterday.

Senator Enrile. Mr. President, there are many old-

timers in this country, maybe older than the distinguished Gentleman from Pasig and Mauban, who may want to run for President now that they see that all the presidential candidates are quarrelling among each other, and especially if the President is not going to run.

Senator Saguisag. May we have a short recess, Mr. President.

Senator Herrera. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Herrera is recognized.

Senator Herrera. I just would like to know, Mr. President, what is now the parliamentary situation because I accepted the proposal of the Sponsor, and my presumption is that that is accepted. So, as it is now, it is 75 days for presidential and vice presidential candidates, and 60 days for Senators.

SUSPENSION OF THE SESSION

The Presiding Officer [Senator Tañada]. Well, the Sponsor was asking for a suspension at this point. Is there any objection? [Silence] The session is suspended.

It was 5:33 p.m.

RESUMPTION OF THE SESSION

At 5:55 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

Senator Enrile is recognized.

Senator Enrile. Mr. President, I understand the position of my Colleagues on this. Rather than impede the workings of the Senate, I will withdraw my objection, but I will take the proper remedies when I participate in some further proceedings of this bill.

Thank you.

Senator Saguisag. The parliamentary situation, Mr. President, is that the Proponent has accepted the modifi-

cation of the Senator that we meet halfway between 90 and 60 days. So that the figure now is 75 days.

The Presiding Officer [Senator Tañada]. So the proposed amendment is 75 days.

Senator Saguisag. It is 75 days for the President and Vice President; 60 days for Senators.

The Presiding Officer [Senator Tañada]. Is there any objection?

Senator Maceda. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Maceda is recognized.

Senator Maceda. Let us finish with the President and Vice President first.

The Presiding Officer [Senator Tañada]. All right. The proposed amendment is to reduce ...

SAGUISAG AMENDMENT

Senator Saguisag. For the *Record*, Mr. President, page 5; line 24, the word "ninety" and the figure "(90)" will be replaced by the word "SEVENTY-FIVE" and the figure "(75)".

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Maceda is recognized.

MACEDA AMENDMENT

Senator Maceda. Mr. President, I would like to make a proposal. The locals are 30 days and the presidency is now down to 75 days. Before, it was 90 days for the President and Vice President, and 60 days for the Senators. I think by the same argumentation, the campaign period for Senators should be reduced.

So, I am suggesting that the "sixty (60) days" be reduced to "FORTY-FIVE (45) DAYS."

The Presiding Officer [Senator Tañada]. Senator Romulo is recognized.

Senator Romulo. I would like to second ...

Senator Herrera. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Herrera is recognized.

~~Senator Herrera. Okay, Mr. President.~~

The Presiding Officer [Senator Tañada]. What does the Sponsor say?

Senator Saguisag. Accepted, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the motion is approved.

Senator Aquino is recognized.

Senator Aquino. I am not objecting, Mr. President, but I am just wondering: Will this not give due advantage to the incumbents, because we have access to media every day? Kawawa naman iyong mga bago. I am only wondering.

The Presiding Officer [Senator Tañada]. Senator Maceda is recognized.

Senator Maceda. Not necessarily, because if the Gentleman's performance in the Senate is not good and it is projected by media every day, he is at a disadvantage.

Senator Aquino. I am satisfied with the explanation. I accept the 45 days for the Senators.

The Presiding Officer [Senator Tañada]. All right. Is there any other individual amendment?

Senator Laurel. G. Pangulo, nabanggit ko na ho iyong aking mga susog. Tinanggap na yatang lahat, ayon kay Senator Saguisag.

Senator Saguisag. Well, in principle, but for the guidance of the personnel concerned ...

Senator Laurel. Ibig ba ninyong ulitin ko?

Senator Saguisag. Hindi naman po. Gusto lamang po nating malinaw dahil kanina ay medyo may kalawigan iyong ating talakayan. I am not sure whether the Secretariat was properly guided.

Mayroon pong mga susog na tinanggap ko agad at mayroon namang subject to the formulation. Also, in fairness to the Members of the Chamber, who may still be able to improve on those scintillating suggestions of our Friend from Batangas ...

Senator Laurel. Pero mayroon pa hong iba, siguro ay mga sampu pa. Halimbawa, ang gawin ho natin ay ganito. I will just prepare a list and put the amendments and give it to the Chair.

Senator Saguisag. I just hope that this will be first in the...

Senator Laurel. Tomorrow afternoon.

Senator Saguisag. We still have to submit that to the Body.

Senator Laurel. Certainly, Mr. President, without prejudice to...

Senator Saguisag. When may we expect to have...

Senator Laurel. By three o'clock?

Senator Saguisag. Puwede ho, siguro, mga alas dos para mapag-aralan namin. O alas dos medya?

Senator Laurel. Puwede bang alas dos?

Senator Saguisag. Oho.

Senator Enrile. Mr. President.

The President Officer [Senator Tañada]. Senator Enrile is recognized.

Senator Enrile. Personal inquiry, Mr. President.

May I know from the distinguished Sponsor if the

election of councilors by district was already incorporated?

Senator Saguisag. It is intact here, Mr. President.

Senator Enrile. I just want to read into the *Record*, the position, the letter of the Philippine Councilors League to this humble Representation.

They said:

October 9, 1991

Hon. Juan Ponce Enrile
Senator, Republic of the Philippines
P. Burgos Street, City of Manila

Sir:

Last September 6 & 7, 1991, we held the First Island Congress of the City and Municipal Councilors in the Island of Mindanao, in Davao City.

Among the several resolutions passed and approved unanimously by the delegates in plenary session, was "to oppose the proposed election of councilors by district come 1992".

The said opposition is shared by the councilors in Luzon and Visayas, including the National Capital Region. In brief, the councilors are for the status quo in the manner of electing the councilors, that is election at large.

Among the reasons given for the aforesaid stand are:

1. It will constrict the choice of qualified candidates.
2. It will institute/perpetuate feudalism and political dynasties, most specially in the districts where the big landlords are.
3. It will provide undue advantage for those who are in "poblacion" where the "Life" of the municipality is. Hence, those outside of the "poblacion" will be relegated to the sides.
4. There'll be perpetuation in power particularly in areas/districts largely populated by "relatives"

of those in power.

5. It is expected that there'll be an increase in the number of candidates for councilors if elected by district, hence it can result to the disqualification of many public school teachers to serve as board members as many of them are related to the candidates.
6. It drastically reduces the political clout and/or influence of the councilors in the City/Municipality as a whole.
7. There are Municipalities/cities where the distribution of population is uneven. Some Barangays are densely populated while the others are thinly populated. Said imbalance cannot be cured by the districting, on the contrary, it contributes to the imbalance of growth and development.
8. It virtually places the councilors to the level of Barangay Chairman.
9. It gives built-in advantage to those in the "richer" and/or center of "life" in the municipality to be elected to higher position in the Municipality, to the great prejudice of those in the outskirts.
10. It develops "division" instead of "oneness" in the municipality, especially among the smaller ones.
11. The reduction of names to be written in the ballot, which is the basic objective of the election by district proposal, is most unfair to the Councilors, as they are made as guinea pigs.
12. To maintain the present system of the election at large, will not unduly bring about disenfranchisement. Whether the names in the ballot should be reduced or not, there is no assurance that, if reduced, the voter will write all the names.
13. The argument that the names to be written in the ballot are too many, hence, the voters may not be able to write all, or will take long period of time to do so, is untenable, because there is sufficient time to finish the writing of names, and secondly, voters must sacrifice a little if they are interested

in preserving our democratic electoral system.

The League respectfully recommends the following:

- A - there should be reduction of number of voters in each precinct;
- B - there should be more precincts;
- C - Deputize members of Civic Organizations, the Integrated Bar of the Philippines, Private School Teachers, and/or College Students, to do poll duties;
- D - Start the election at the earliest possible time, taking into account local conditions.
- E - COMELEC should be given more and bigger budget.
- F - All private communications and transportation systems should be tapped by the COMELEC for transmission and/or transportation of the election reports/returns.

Attached hereto are some of the official Council resolutions opposing the proposed election by districts.

It is respectfully requested of His Honor that the current election of Councilors at Large be maintained in the Election Law for the forthcoming 1992 elections.

Thank you. We wish His Honor's continued health and bountiful blessings.

Respectfully yours,

PONCIANO SUBIDO

National President

Philippine Councilors League

Thank you, Mr. President.

Senator Saguisag. The at-large arrangement will be followed for purposes of the next elections.

The Presiding Officer [Senator Tañada]. All right. The Majority Floor Leader.

Senator Guingona. Mr. President, I just wanted to include in the *Record* the Resolution of a similar nature by the City of Bacolod.

The Presiding Officer [Senator Tañada]. All right.

SUSPENSION OF THE SESSION

Senator Guingona. Mr. President, can we have a ten-minute break?

The Presiding Officer [Senator Tañada]. The session is suspended, if there is no objection. [*There was none.*]

It was 6:06 p.m.

RESUMPTION OF THE SESSION

At 6:20 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

The Majority Floor Leader.

Senator Guingona. Mr. President, may I just ask the distinguished Sponsor concerning the pre-proclamation summary disposition of controversy. This is page 14, I understand.

This summary disposition in Section 17 is without prejudice, of course, to the provisions of Republic Act No. 6646, the measure on electoral reforms that we passed in 1987, concerning, for example, the establishment of disputable presumption contained in Section 28 of the said law.

Senator Saguisag. I do not believe that the intent is to modify the existing state of the law regarding those procedural devices, so to speak.

Senator Guingona. Thank you, Mr. President, I just wanted to put that into the *Record*.

The Presiding Officer [Senator Tañada]. The Majority Floor Leader.

Senator Guingona. I understand Senator Estrada would like to introduce some amendments, and Senator Shahani also has some amendments.

SUSPENSION OF THE SESSION

May I ask for a one-minute suspension, Mr. President.

The Presiding Officer [Senator Tañada]. The session is suspended, if there is no objection. [*There was none.*]

It was 6:22 p.m.

RESUMPTION OF THE SESSION

At 6:29 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

Senator Estrada. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Estrada is recognized.

ESTRADA AMENDMENT

Senator Estrada. Mr. President, on page 19 of Section 25, delete lines 26 to 33 and lines 1 and 2 of page 20, up to the word "Coalition" and in lieu thereof, insert the following: "THERE SHALL ALSO BE RECOGNIZED FOUR (4) PRINCIPAL WATCHERS REPRESENTING THE ACCREDITED POLITICAL PARTIES WHO CAN FILL THE COMPLETE SLATE OF CANDIDATES FROM MUNICIPAL LEVEL UP TO THE POSITION OF THE PRESIDENT OF THE PHILIPPINES. IN CASE THERE ARE MORE THAN FOUR (4) POLITICAL PARTIES WHO ARE ABLE TO FILL THE COMPLETE LIST OF CANDIDATES, THE FOUR (4) PRINCIPAL WATCHERS SHALL BE CHOSEN BY DRAWING OF LOTS FROM AMONG THE SAID POLITICAL PARTIES. THE AFORESAID PRINCIPAL WATCHERS HAVE BEEN DESIGNATED BY THE COMMISSION ON ELECTIONS UPON THE NOMINATION OF THE PARTIES THAT CAN FILL THE COMPLETE LIST OF CANDIDATES

TO BE DETERMINED BY THE COMMISSION AFTER NOTICE AND HEARING."

My explanation to this, Mr. President, is that the constitutional mandate is to promote multiparty system and not a two-party system. The provision allowing only the majority and the dominant opposition party will favor existing parties and will be unfair and discriminatory to newly organized parties.

The Presiding Officer [Senator Tañada]. What does the Sponsor say?

Senator Saguisag. Sino ho ang pipirma sa mga dokumento? Wala na hong kinatawan ang mga partido? There are some passages here making mention of the two watchers signing certain documents.

So, we understand then that the task will be solely left to the board of election inspectors. Are we clear on that.

Senator Estrada. But then this is against the constitutional mandate because the constitutional mandate is to promote multiparty system.

Senator Saguisag. Well, I can accept the amendment, Mr. President.

The Presiding Officer [Senator Tañada]. All right. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Is there any other amendment, Senator Estrada?

Senator Estrada. I have no more amendment. Thank you, Mr. President.

Senator Shahani. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Shahani is recognized.

SHAHANI AMENDMENTS

Senator Shahani. Mr. President, I would like to propose two amendments. The first one is on page 17, Section 22, line 30. After the word "English", insert the

words "AND FILIPINO". I think it is important, Mr. President.

Senator Saguisag. Accepted, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Shahani. The second one is on page 19, Section 24, line 11. The amendment is, after the word "Be" add the following words "CLEARED OF ALL WRITING PARAPHERNALIA AND". I think this would serve as a good security measure to avoid the tampering of ballots.

Senator Saguisag. "CLEARED OF ALL WRITING PARAPHERNALIA"?

Senator Shahani. "CLEARED OF ALL WRITING PARAPHERNALIA AND".

Senator Saguisag. Accepted, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Shahani. Thank you, Mr. President.

Senator Estrada. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Estrada.

ESTRADA AMENDMENT

Senator Estrada. Just one more amendment. On page 17, line 13 of Section 21, after the word "decision", insert the words "~~BUT NOT LATER THAN SIX MONTHS AFTER THE FILING OF THE APPEAL.~~"

My explanation to this, is that the adjudication process of the appeal should be limited to six months in order to expedite or hasten the disposition of cases.

Senator Saguisag. "BUT NOT LATER THAN SIX MONTHS..."

Senator Estrada. "BUT NOT LATER THAN SIX MONTHS AFTER THE FILING OF THE APPEAL."

Senator Saguisag. We can accept, Mr. President. I am just concerned as to the meaning of the filing, whether it means perfection or not. But just so, it drives home the message about how important it is to be expeditious, We accept, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Maceda. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Maceda is recognized.

Senator Saguisag. As long as we are here, before the Gentleman from Manila speaks, I was really waiting for Senator Laurel to introduce an amendment here. But, for the *Record*, may I just express this: On line 14...

The Presiding Officer [Senator Tañada]. On what page?

Senator Saguisag. On the same page, same subject matter.

It says here that the decision shall be final, executory, and unappealable. I just would want to spread upon the *Record* that under settled jurisprudence, it may not necessarily cover a question of law because, under the Constitution, the Supreme Court cannot be deprived of its right and duty to review matters of law.

Salamat po.

The Presiding Officer [Senator Tañada]. All right. Senator Maceda is recognized.

MACEDA AMENDMENTS

Senator Maceda. On page 6, line 22. Insert between the words "coalition" and "thereof" the following words: "WHETHER ON A NATIONAL, REGIONAL OR PROVINCIAL BASIS".

Senator Saguisag. It is accepted, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Maceda. On page 28, line 7, after the words "NATIONAL POLICE", insert, as in the previous lines, "THE ARMED FORCES OR OTHER LAW ENFORCEMENT AGENCY".

~~Senator Saguisag. It is accepted, Mr. President.~~

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Maceda. On line 8, same page, delete the word "POLICE".

Senator Saguisag. It is accepted, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Maceda. On the same page, line 12, "unless exempted in writing by the COMELEC".

Senator Saguisag. It is accepted, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the same is approved.

Senator Maceda. Now, just for the *Record*, may we again clarify on page 5, line 3...

Senator Saguisag. Mr. President, if we may just step back. May we just request that everytime "COMELEC" is mentioned for it to be replaced by "COMMISSION", for the sake of consistency. This is an omnibus motion, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. What page, Mr. President?

Senator Maceda. On page 5, line 3, for clarification. "OTHER SEGMENTS" seems to be a vague if not a broad term. What does this really mean?

Senator Saguisag. We have since traced this during the break. We discussed this with the Gentleman during the break. I was given to understand that this was proposed last September 2 by Senator Rasul. I was wondering whether we could check with her.

It seems to me that, really, "Segments" should be "SECTORS" *in pari materia*, "WOMEN, WORKERS AND OTHER SECTORS".

So, conditionally, if the intent is to change this to "sectors", I am disposed to accept, but I will verify with Senator Rasul.

The Presiding Officer [Senator Tañada]. So, subject to that...

Senator Saguisag. Conditionally accepted, Mr. President, if we may.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Maceda. On line 6, same page, between the words "ACCORDINGLY" and "THREE", insert the words "NOT MORE THAN".

Senator Saguisag. It is accepted, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Maceda. Thank you.

The Presiding Officer [Senator Tañada]. Mr. Majority Leader.

Senator Guingona. Mr. President, I understand that Senator Laurel will...

Senator Saguisag. He will submit at 2:00 p.m. tomorrow his written amendments.

any objection? [*Silence*] Hearing none, the motion is approved.

Senator Guingona. And subject to that, Mr. President, because we are running out of time, I move that we close the period of amendments. Subject only to Senator Laurel's presentation.

Senator Guingona. Mr. President, tomorrow, we will continue with the Synchronized Elections to accommodate Senator Laurel's proposal, the Baseland Conversion, Countryside Industrialization, Strengthening Urban Development, and Restitution of Loses to Sugar Planters.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the motion is approved.

ADJOURNMENT OF THE SESSION

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1861

I move that we adjourn the session until three o'clock tomorrow afternoon.

Senator Guingona. Mr. President, I move that we suspend consideration of this measure.

The Presiding Officer [Senator Tañada]. The session is adjourned until three o'clock tomorrow afternoon.

The Presiding Officer [Senator Tañada]. Is there

It was 6:42 p.m.

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Women as the lead Committee.

The President. The Majority Floor Leader.

Senator Guingona. We have no objection, Mr. President.

Senator Herrera. Mr. President.

The President. Senator Herrera is recognized.

Senator Herrera. My sentiment on the matter, Mr. President, is that the lead Committee should be the Committee on Labor. However, may I just suggest that these two Committees conduct joint hearings. I already scheduled it on Friday so that we can have a joint hearing.

The President. Is there any objection? [*Silence*] Hearing none, the same is approved.

**MOTION OF SENATOR GUINGONA
(Referral of Senator Lina's Speech to the
Proper Committees)**

Senator Guingona. Mr. President, I move to refer the speech of Senator Lina to the Committee on Justice and Human Rights.

The President. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Shahani. Mr. President.

The President. Senator Shahani is recognized.

Senator Shahani. Mr. President, may I also suggest that the Committee on Foreign Relations be considered a secondary Committee for the situation of overseas workers.

Senator Guingona. Yes, Mr. President, and the Committee on Labor.

The President. Is there any objection? [*Silence*] Hearing none, the motion is approved.

**BILL ON SECOND READING
Senate Bill No. 1861 - Synchronized Elections
(Continuation)**

Senator Guingona. Mr. President, I move that we

resume consideration of Senate Bill No. 1861 as reported out under Committee Report No. 1373.

We are in the period of individual amendments. As a matter of fact, we closed it yesterday with the reservation that Senator Laurel's amendments be taken into account.

The President. Resumption of consideration of Senate Bill No. 1861 is now in order.

Senator Guingona. I ask that we recognize Senator Saguisag and Senator Laurel.

The President. Senator Saguisag and Senator Laurel have the Floor.

Senator Saguisag. Maraming salamat po. Madali lamang po ito, lalabimpito. Wala pa pong dalawampu. With varying degrees of acceptability, ang iba rito ay walang problema.

May we have a few minutes recess, Mr. President?

SUSPENSION OF THE SESSION

The President. The session is suspended for a few minutes, if there is no objection. [*There was none.*]

It was 4:01 p.m.

RESUMPTION OF THE SESSION

At 4:04 p.m., the session was resumed.

The President. The session is resumed.

Senator Saguisag. G. Pangulo, si Senador Laurel po ang may mga amendments. Naturally, we will start on page 1, line 16.

LAUREL AMENDMENTS

Senator Laurel. Yes, Mr. President. The first amendment is on page 1, line 16. A very minor amendment, Mr. President. After the word "IN", insert the word "EVERY".

Senator Saguisag. It is accepted, Mr. President.

The President. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Laurel. Then, Mr. President, on page 2, line 20, insert this sentence "NO PRESIDENT SHALL BE ELIGIBLE FOR ANY REELECTION."

Senator Saguisag. It is accepted, Mr. President.

The President. The Chair would like to ask: Will that apply to the incumbent President?

Senator Laurel. We are just quoting here, Mr. President, the specific constitutional provision.

The President. I know, but I would like to find out what is our legislative intent.

Senator Laurel. In the opinion of this Representation, Mr. President, the incumbent President is ineligible for reelection.

The President. What does the Sponsor say?

Senator Saguisag. I agree, Mr. President, because if it is sound, it should apply to everybody.

The President. Is there any objection?

Senator Lina. Mr. President.

The President. Senator Lina is recognized.

Senator Lina. Mr. President, does this amendment mean that even the incumbent President is also ineligible for reelection?

Senator Saguisag. That was the question posed by the Chair, and number one, all that we are doing here is to restate the constitutional language. In the end, in an appropriate challenge, the Supreme Court will have to decide it. But in my view, if that is a good principle, as I believe it is, no one in this country should be exempted from it.

So, my answer is yes; it applies to someone to whom the question is academic anyway, because I am sure she is not running.

Senator Lina. That is not the point, Mr. President. The person of the incumbent President is incidental. It is the principle involved that is material in this line of questioning, because I hold the view that the present Constitution, as far as the ban on reelection is concerned, does not apply to the incumbent President, for the President was elected not under the 1987 Constitution but under a different set of circumstances. Again, we can debate this question, and it will eat up so much of our time. There is need to pass this election bill.

I just want to put into the *Record* that, as far as the question is concerned on whether the prohibition applies to the incumbent President, I hold the contrary view, and let it be a subject matter of an appropriate case before the Supreme Court.

Senator Laurel. Mr. President, being the Proponent of this amendment, may I be permitted to just say a few words in reply to the inquiry and to the comment of the Senator from Manila. I based my opinion and my answer to the question posed by the Senate President not only on the constitutional provision that is Article VII, Section 4, but also on the proceedings of the Constitutional Commission with respect to this particular provision.

Now, the constitutional provision relative to the reelection of elective public officials, particularly the President and Vice President, is covered by Section 4. The specific provision is contained in this section, particularly the last two sentences thereof. I shall read them, as I read them yesterday or last night, Mr. President, and I quote:

... The President shall not be eligible for any reelection.

Then follows, what to me is a very significant statement in that same section:

No person who has succeeded as President and has served as such for more than four years shall be qualified for election to the same office at any time.

In other words, if there should be a Vice President who succeeds the incumbent President, for one reason or another the incumbent President is unable to discharge her duties as President, if there is a successor, that succes-

sor is disqualified from running for reelection if he is able to assume the presidency for more than four years, and the reason is, this present Constitution applies to him. If it applies to him, it should also apply to the incumbent President. That is a matter of simple logic, Mr. President.

And then second, referring now to the *Journal* of the Constitutional Commission. So many schemes have been presented in the Commission, and ultimately the scheme chosen was Scheme No. 2, which provided that the President shall not be eligible for any reelection, and that was decided upon. There is nothing which says there that the President is entitled or is qualified for reelection.

Senator Enrile. Mr. President.

The President. Senator Enrile is recognized.

Senator Enrile. In view of the comments of the distinguished Sponsor or Proponent of the amendment, may I propose an amendment to his amendment, if he will accept or consider my proposal.

His proposed amendment says: "NO PRESIDENT SHALL BE ELIGIBLE FOR REELECTION." I would like to change the period (.) to semicolon (;), and add the following:

NO PERSON WHO HAS SUCCEEDED AS PRESIDENT AND HAS SERVED AS SUCH FOR MORE THAN FOUR YEARS SHALL BE QUALIFIED FOR ELECTION TO THE SAME OFFICE AT ANY TIME.

Senator Laurel. No objection, Mr. President.

The President. All right. How about Senator Saguisag?

~~Senator Saguisag. Will that apply to President Macapagal?~~

I mean, do we really have to go beyond the constitutional language?

The President. Why do we not call a recess, if there is no objection? [*There was none.*]

It was 4:13 p.m.

RESUMPTION OF THE SESSION

At 4:16 p.m., the session was resumed.

The President. The session is resumed.

Senator Enrile. Mr. President, I have a pending proposed amendment to the amendment.

The President. Will the Gentleman restate it, please?

Senator Enrile. The amendment proposed by the distinguished Gentleman from Batangas is worded as follows: "NO PRESIDENT SHALL BE ELIGIBLE FOR ANY REELECTION period.

I would like to amend this by changing the period to comma, and add the following: AND NO PERSON WHO HAS SUCCEEDED AS PRESIDENT AND HAS SERVED AS SUCH FOR MORE THAN FOUR YEARS SHALL BE QUALIFIED FOR ELECTION TO THE SAME OFFICE AT ANY TIME.

May I restate, Mr. President, so that the entire sentence would read as follows: NO PRESIDENT SHALL BE ELIGIBLE FOR ANY REELECTION comma (,) AND NO PERSON WHO HAS SUCCEEDED AS PRESIDENT AND HAS SERVED AS SUCH FOR MORE THAN FOUR YEARS SHALL BE QUALIFIED FOR ELECTION TO THE SAME OFFICE AT ANY TIME period (,).

Senator Laurel. Mr. President, I said I had no objection to the amendment to my amendment.

The President. Senator Saguisag.

~~Senator Saguisag. We defer to the pleasure of the main Proponent, but I can see Senator Maceda raising his hand, Mr. President.~~

The President. Senator Maceda is recognized.

Senator Maceda. Mr. President, I guess it is a matter of public notice that I am not a supporter of President Aquino. I just do not feel comfortable with the fact that we are starting to discuss a constitutional issue which

the mother committee that reported out this measure never really considered in-depth. I was wondering whether we can just act on this today without a full-blown debate on it. There have been many debates in so many forums on the subject matter under consideration.

One question I would like to ask the main Sponsor is: Assuming that the Constitution is not clear, would the proposed amendment of Senator Laurel, as amended, in effect, plug or clarify an unclear provision, which would then be binding on the Supreme Court, if the matter is brought to the Supreme Court for decision?

Senator Saguisag. Mr. President, the reason I agreed is that, in effect, what we have done here is merely restate two separate provisions in the Constitution. But nothing we do here can really amend the constitutional intent. At best it just may have some persuasive value, but it certainly cannot bind the Supreme Court.

Senator Maceda. I just want to put that into the record, Mr. President, that the present discussions indicate a clear legislative intent on the part of the whole Senate. Senator Lina has already said that he is not about to agree. My lack of objection to the issue at this time is not because I agree. I am just raising the point that the matter has not been fully debated upon for us to really come to a definitive decision on the matter. I wonder whether it is an issue that should really be brought into this election.

As a matter of fact, with all of these so many sections and provisions on restatement of the Constitution into this law, I really wonder from the very beginning whether it was necessary at all to start restating the Constitution all along the way.

Let me just say in closing that while I do not disagree, my lack of disagreement does not mean to say that I am making a definitive statement that President Cory Aquino is not qualified to run irrespective of whether it is academic before us that she is running or not. I agree with the statements previously made by the Sponsor that ultimately it is the Supreme Court and not the legislative intent in this bill that will decide the question.

Senator Enrile. Mr. President, may I just state for the record that my proposal to amend the proposed

amendment of the distinguished Gentleman from Batangas was not directed against anybody. I am just simply restating in this law the provisions which go into the qualification or entitlement of Presidents to run for this office.

Since we already adopted the principle that no Presidents shall be entitled to a reelection, then it stands to reason that we should continue by saying that no person who has succeeded to the Office of the Presidency and has served for more than four years shall be eligible for election to the same office at any time, because these are companion provisions.

Senator Laurel. Mr. President, may I just add something to what the Minority Floor Leader and the other two Colleagues of ours on the Floor stated.

What we are doing here is only to bring in the pertinent constitutional provisions affecting the elective public official here mentioned. It seems strange, Mr. President, that we have cited the constitutional provisions relative to the Vice President, the Senators, the Congressmen and down the line, but the President is not being included. For what reason, I simply cannot understand. I feel that this provision affecting the President in this case should also be cited, because no public official, however high, is above the law.

The second reason is, assuming that the President may run again for reelection, then, that would mean that the provision relative to the Vice President is not correct; that the Vice President is entitled to run only for two elections.

The President. In any event we are just reproducing here what is already provided in the Constitution.

Senator Herrera. Mr. President.

The President. Senator Herrera is recognized.

Senator Herrera. I would just like to put into the record, Mr. President, that I associate myself with the position expressed by Senator Maceda.

Senator Enrile. May I know the pleasure of the Chair, Mr. President?

The President. I am going to submit it to a vote now. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Laurel. The next amendment that we are proposing is on page 2.

Senator Saguisag. Yes, still on the same page, Mr. President.

Senator Laurel. On line 28, after the word "renunciation", insert the words "OR ABANDONMENT".

Senator Saguisag. Accepted, Mr. President.

The President. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Laurel. The fourth amendment is on page 4.

Senator Saguisag. Are we not going to include the additional amendment? Are we still on page 2?

Senator Laurel. Line 29.

Senator Saguisag. Opo, line 29.

Senator Laurel. Yes, I think we should, Mr. President. I beg your pardon.

On the same page 2, line 29, after the word "time", insert the following: "OR ACCEPTANCE OF ANOTHER OFFICE IN THE GOVERNMENT".

Senator Saguisag. Accepted, Mr. President.

The President. Is there any objection? [*Silence*] Hearing none, the same is approved.

Senator Laurel. Then on page 4, line 6, insert the word "COUNCILORS" after the number "(10)". That is somehow an oversight really.

Senator Saguisag. Accepted, Mr. President.

The President. All right. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Laurel. Then on the same page, line 26, after the word "bayan", delete the words "as the case may be". It seems there is no reason, Mr. President.

Senator Saguisag. Accepted, Mr. President.

The President. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Laurel. Then on page 5, line 34, after the word "itself", delete the words "Maundy Thursday and Good Friday during which"... But to complete the sentence so that it will be more understandable, I will continue reading the words to be deleted up to page 6, line 1: "...days campaigning is absolutely prohibited." So that that paragraph on page 5, line 32 will read as follows: However, the foregoing campaign periods shall not include the day before and the day of the election itself.

Senator Saguisag. Mr. President, we have abbreviated the periods as they are. We have traditionally abstained from secular activities pagka Huwebes Santo at Biyernes Santo. Really, in the culture, we recognize certain events like All Saints Day; in fact, they are holidays.

So, to me, nasa inyo na po iyon. Nasa mga kakandidato na iyon kung gusto nilang mabawasan pa iyong maigsing campaign periods. In 1987 this was the formulation. I have no strong feelings either way, but I wanted every Member here, who is running for election or reelection, to maximize their risk of winning, Mr. President.

Senator Laurel. What we seek to accomplish here, Mr. President, by eliminating the clause "Maundy Thursday and Good Friday, during which days campaigning is absolutely prohibited", is not to impose observance of these religious holidays on non-Christians. It is better, in our opinion, to leave this matter to the Christians who, without this provision, will most likely, out of duty to their religion, not campaign on said days.

The President. Tama naman yata iyon.

Senator Saguisag. No, but we have been ...

The President. Bakit natin pipilitin ang mga Muslims na kumomporme sa atin. Kung ayaw ng mga Kris-

tiyanong magkampanya, that is their own lookout. Pero bakit natin pipilitin iyong mga hindi Kristiyano?

Senator Saguisag. But in the culture, these are already holidays, just like Christmas Day.

The President. But not in the Muslim culture, I suppose.

Senator Saguisag. I am leaving it to the Body, but I am just not persuaded that that is a fair basis since all these Christian holidays are celebrated nationwide like during Christmas Day.

Most of our holidays even in the Senate revolve around Christian holidays. Nandiyan na naman ang All Saints Day. Nandiyan na naman ang Pasko. But, as I said, I am indifferent to it. I am just pointing out that all over the world, there are these things.

Kaya, bahala po sila, I mean, I have my reservations. But if the Body wishes really to include the two days in the campaign period, I have no strong feelings about it, Mr. President.

The President. Senator Aquino is recognized.

Senator Aquino. I just wanted to be enlightened, Mr. President. With the Laurel amendment, we can now campaign on Maundy Thursday and Good Friday, is that correct?

The President. If we wish.

Senator Aquino. Thank you.

Senator Laurel. Besides, Mr. President, may I add this reservation, that this provision which we are eliminating says: "campaigning on said days is absolutely prohibited", which means subject to penalties and sanctions provided for in this proposed bill and in the other Election Code provisions.

The President. Is there any objection?

Senator Guingona is recognized.

Senator Guingona. If the purpose, is to exempt

Muslims, I think we can frame out an amendment to that amendment. There is a good reason for this. This is not only a tradition, but a respect to those days. And it gives meaning to delete the same just for the purpose of exempting a minority. I think we can frame a postulation that would exempt the minority, if that is the purpose of the Gentleman's amendment.

Senator Laurel. May I ask, Mr. President, if the Majority Floor Leader has a suggestion?

The President. Probably he will need a little time. Why do we not skip that and go to the next?

Senator Laurel. This Representation abides by the suggestion of the Chair--we will skip this at the moment.

Next amendment, Mr. President, is on page 6, Section 6, starting from line 2 up to line 7, and I quote: "Any provision of law to the contrary notwithstanding, any candidate for Senator, Member of the House of Representatives or any elective local office may campaign for the national candidates of his political party during their campaign periods and even before his own campaign period."

I move that we delete this paragraph.

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

Senator Maceda. Mr. President, I just want to clarify one question from the Proponent of the amendment. May we know if during the campaign period of the President, the deadline for the filing of the certificate of candidacy for Senators, Congressmen, and Mayors have already expired? Meaning to say, according to the COMELEC, nobody is technically a candidate until he has filed a certificate of candidacy. So that somebody like Senator Saguisag or Senator Paterno, clearly, even if they appeared with a presidential candidate, unless they file a certificate of candidacy, would not be considered a candidate.

So, would the proposed amendment preclude any elected Senator, Congressman, Governor or Mayor from campaigning for the President even if he has not filed a

certificate of candidacy?

Senator Laurel. Even without this provision, which we are suggesting be deleted, that particular individual may do so, may campaign. So, what is the use of this one under that interpretation of the COMELEC, Mr. President?

Senator Maceda. I have no objection to the amendment with the understanding that it means to apply only to those who are candidates. Meaning to say, they have filed a certificate of candidacy.

The President. What is the pleasure of Senator Saguisag?

Senator Saguisag. Well, it seems to me it is just a matter really of a month. Seventy-five days, 45 days-- will this not be an invitation to all sorts of hypocritical exercises to go around the prohibition?

Senator Laurel. Pero lalung-lalo na hong hypocritical ito. It is more hypocritical to provide here that our campaign period starts on a certain date much later than the start of the campaign period of the President and the Vice President, but we can campaign already for those two candidates.

The President. Ang katotohanan niyan ay, pagka sila ay kasama noong kandidato sa pagka-Pangulo, talaga namang nangangampanya na sila para sa kanilang mga sarili.

Senator Laurel. Oho, iyon nga ho. Bakit kailangan pa ito?

Senator Saguisag. In the absence of any objection from anybody here, I am not objecting either.

The President. All right. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Laurel. Mr. President, this one that I have the honor to propose is not among those contained in the list that has been distributed. If I might, however, be allowed to raise the same, I shall do so.

Also on page 6, starting from lines 10 to 17, I suggest

that the same be deleted, specifically, starting from the word "except" on line 10 and ending on line 17 with the word "candidate".

So that the sentence on line 8 will read only as follows:

"Any election campaign or partisan political activity for or against any candidate outside of the campaign period herein provided is prohibited."

Then cross out "except as provided in the next preceding section."

The President. Nawala na iyon.

Senator Laurel. Wala na nga ho iyon.

The President. Is there any objection as far as we have gone? [Silence] Then we will go to the next paragraph.

Senator Laurel. Mr. President, that also...

The President. Let us dispose of that paragraph first. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Laurel. Then the next paragraph, starting from lines 12 up to line 17, I propose that the same be also deleted.

The President. Why?

Senator Laurel. "The term 'candidate' when used in connection with election campaign or partisan political activity, refers to any person aspiring for or seeking an elective public office who has already filed his certificate of candidacy or has been nominated by any political party, organization or coalition of parties as its candidate."

There is no more reason since the provision is that campaigning before the start of the campaign period is prohibited. Wala na.

The President. What is the pleasure of the Sponsor?

Senator Saguisag. Mr. President, what this will mean then is, if only those lines 8, 9, 10 will survive, everything that is going on today in the way of promoting any candidate will be a violation of the law.

Senator Laurel. Yes. Mr. President, I am referring in particular to signs coming out now.

Senator Saguisag. Yes, we see all of that.

Senator Laurel. Hindi pa man ho nag-uumpisa ang election period, not even to speak of campaign period, mayroon nang mga signs, may mga placards na agad. Puwede niyang sabihin na "Hindi ako ang naglagay niyan. Ako ang kandidato. Aywan ko kung sino ang naglagay niyan."

Senator Saguisag. Yes, but suppose I put up a sign: "Lina for 1998," will I be in violation of the law?

Senator Laurel. Yes. That is what we seek to prohibit.

Senator Saguisag. In a democracy, can we really do that? I mean, some people are thinking of the next election.

Senator Laurel. But when the law speaks of "no politicking," "no campaigning" before a certain period, that prohibition applies not only to the candidate but also to his supporters.

Senator Saguisag. Mr. President, if we will make it "is prohibited," maybe it will even be punishable. As lawmakers, we ought to define what a "candidate" is, otherwise, no successful prosecution will ensue.

Is it really so wrong for me in 1993 to say that "in 1998, why not Mercado?" "Why not Butz Aquino?" Should I go to jail for doing that when I may be doing the country a great service?

The President. The Chair would like to intervene. What lines 12 to 17 merely wish to achieve is to define the term "candidate" because the preceding paragraph talks about for or against any candidate. Therefore, we must define the term. What is so wrong about defining the term?

Senator Saguisag. It is not a very good definition but it is a place to begin.

The President. Actually, this is the COMELEC definition.

Senator Saguisag. The COMELEC proposal is even tighter. It does not even refer to filing a certificate of candidacy.

The definition of the COMELEC, Mr. President, is as follows:

"The term 'candidate' when used in connection with election campaign or partisan political activity, refers to any person aspiring for or seeking an elective office regardless of whether or not said person has already filed his certificate of candidacy or has been nominated by any political party, organization or coalition of parties as its candidate."

The President. That seems to be better.

Senator Saguisag. But suppose one starts dreaming of being a president 12 years from now, and will plan on that basis?

The President. I think the definition has to rest on a factual support.

Senator Saguisag. In other words, there has to be some definition.

The President. Yes.

Senator Saguisag. Otherwise, it will be very hard to enforce what survives.

Senator Laurel. Mr. President, we will skip this one, too, until we could arrive at a satisfactory definition so we can move on.

The President. All right.

Senator Laurel. On page 7, lines 10 and 11, after the word "hereunder", delete the following: "during regular office hours". So, this Section will read:

"The certificates of candidacy of any person

running for the office of President, Vice-President, Senator, Member of the House of Representatives or any elective provincial, city or municipal official shall be filed in five (5) legible copies with the offices of the Commission on Elections specified hereunder not later than the day before the date legally fixed for the beginning of his campaign period."

Senator Saguisag. Accepted, Mr. President.

The President. Is there any objection? [*Silence*]
Hearing none, the amendment is approved.

Senator Saguisag. On page 8, Mr. President, line 5, delete the words "Whenever practicable".

The President. Is there any objection?

Senator Saguisag. Mr. President, we are informed here that in the experience of the COMELEC, sometimes, some names get to them just a few days before the elections--given our transportation and communication problems--so that it will pose insuperable practical difficulties. Doon daw po sa Tawi-Tawi, bago raw makarating sa kanila ang mga pangalan ay malapit na ang halalan. Kaya kung hihintayin iyon para maimprenta, hindi po lahat, kamukha ng Maynila, ay nandoon na ang mga pangalan the following day.

That is why, they are not really disposed to accept this. It may create insuperable practical difficulties. It is not feasible, according to them.

Senator Laurel. Sa palagay ko po, G. Pangulo, agrabyado namian ang isang kandidato na ang pangalan ay lalabas na lamang in handwriting. Baka hindi pa po mabasa iyon. Kailangang printed pong lahat.

Senator Saguisag. If all of them are coming from Tawi-Tawi, no name will appear. Ganoon din sa Bata-nes. Kaya, wala pong makakalamang. Pero baka po naman in our effort to give everybody the fair chance, the entire process may be held up, there may be no elections. Iyon lamang po ang concern nila base sa kanilang karanasan.

Senator Laurel. Paano pong mangyayari iyon? Kahit na ito ay manggagaling sa Batanes o Sibutu, hindi ba maaaring maimprentang lahat iyon?

Senator Saguisag. Kung dumating daw po ang ibang pangalan, mga isa o dalawang linggo na lamang ang nalalabi, kaya wala nang panahon. Ito po ang sinasabi ng ating mga kaibigang may karanasan diyan.

Senator Laurel. Because this could be an excuse, Mr. President, "Whenever practicable". Sasabihin nila kaagad, "Hindi naisali ang pangalan ninyo dahil hindi ho practicable," not only because it is late, kundi nag-absent ang isang katulong. Baka iyon po ang gagawing dahilan. It can lead to abuses.

Senator Saguisag. We want this to be a perfect bill. But there is empirical evidence that the entire exercise may be frustrated if this is mandated strictly. Maybe, we can remove it on the understanding that the legislative intent is that this is merely directory.

Paano po kung, halimbawa, for some reason or another, hindi talaga dumating, nawala sa biyahe, o lumubog ang barko. Huwag po sanang mangyari, but it can happen. We know that there are really some places where transportation and communication leave very much to be desired, Mr. President.

Senator Laurel. There can be really some sound reasons for not printing the name of a particular candidate.

SALONGA AMENDMENT

The President. Would it help if we say: "THE NAMES OF REGISTERED CANDIDATES SHALL BE PRINTED IN THE ELECTION RETURNS UNLESS ON THE BASIS OF THE FACTS, IT WOULD NOT BE PRACTICABLE"?

Senator Laurel. It will not be what, Mr. President?

~~**The President.** "UNLESS ON THE BASIS OF THE SURROUNDING FACTS, THE SAME WILL NOT BE PRACTICABLE."~~

In other words, we have to have the evidence.

Senator Laurel. The basis?

The President. Yes, subject to style.

Senator Laurel. This Representation, Mr. President, will adopt the suggestion of the Senate President.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Laurel. Before I present my next amendment, I would like to know from the distinguished Sponsor whether in printing the names of the candidates, the alphabetical order should be followed. What is the practice, please?

Senator Saguisag. I am informed that the consistent practice is to do it alphabetically.

Senator Laurel. And that is a mandate that has to be obeyed by the COMELEC--it has to be in alphabetical order? Or, is that merely directory?

Let us suppose somebody's name is Abaca or Alejo, pero sa dulo ho napalagay. That can happen if it is not mandatory, but merely directory. I do not think it should be allowed.

Senator Saguisag. Is there a proposed amendment, Mr. President? Because, personally, unless there are again unusual reasons, it would be a batch of fraud or suspicion if the normal practice is not followed. That is what we do here. For instance, Senator Ziga is always the last to vote--the best or last.

LAUREL AMENDMENT

Senator Laurel. My amendment, Mr. President, which I would like to propose is: On line 6, after the word "printed", insert the words "IN ALPHABETICAL ORDER."

Senator Saguisag. That is accepted, Mr. President.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Laurel. Thank you.

On page 8, line 31, after the word "post", insert the following: "ADJACENT TO THE DOOR ON THE WALL OF THE BUILDING WHERE REGISTRATION

WAS CONDUCTED."

So, this paragraph will read as follows: "The board of election inspectors shall post ADJACENT TO THE DOOR ON THE WALL OF THE BUILDING WHERE REGISTRATION WAS CONDUCTED the list of voters in each precinct..."

Senator Saguisag. That is accepted, Mr. President.

The President. Subject to style. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Laurel. Then, on page 9, Mr. President, line 14, after the word "voters", insert the words "NOT LATER THAN FIVE DAYS BEFORE VOTING STARTS ON ELECTION DAY".

The President. Is that realistic?

Senator Laurel. We are trying to avoid... Maybe we can make it shorter.

The President. I have been handling election cases as far back as I can remember. Even at the very last minute, I do not think that amendment is realistic.

Senator Saguisag. Especially, Mr. President, because this will be in compliance with a Commission on Elections' order. Suppose the order comes two days before, saying that Pedro is not a resident. So, it may be that the formulation as is is more consistent with the public interest.

The President. In many cases, in election cases, the list of inclusion and exclusion is given the day before election.

Senator Laurel. Ang ikinatatakot ko lamang ho ay iyong abuse.

The President. Yes. But that is by virtue of an order from a superior authority. There can be no abuse.

Senator Saguisag. We are not inclined to accept it because from the beginning, we always resolve doubts in favor of enfranchisement.

Senator Laurel. If there is no remedy to that possible abuse, I will withdraw that amendment, Mr. President, in the light of the explanation of the Senate President and the Sponsor.

The President. All right, the amendment is withdrawn.

Senator Laurel. On the next page, page 10, line 12, after the word "voters", insert the following: "BUT NOT LATER THAN THE DAY BEFORE ELECTION DATE".

So that the provision here on absentee voting will provide that these people who will be assigned in places where they are not registered voters "may temporarily be assigned in connection with the performance of election duties to places where they are not registered voters BUT NOT LATER THAN THE DAY BEFORE ELECTION DATE."

For the same reason, again, that after voting in the place where they are registered, then they are assigned to another place where they might vote, Mr. President.

Senator Saguisag. Mr. President, they are not allowed to vote in that place of assignment. This absentee voting is conducted a week before, in Manila.

Senator Laurel. Is there a provision to that effect, or merely a practice?

Senator Saguisag. Mr. President, under Executive Order No. 157; in anticipation that they will be elsewhere on election day, they are asked to vote a week ahead as was done in 1987. So, they cannot be allowed to vote elsewhere; they cannot show that they are qualified; they are not registered voters there. The fear that they will vote in some other place on election day is not going to materialize.

Senator Laurel. If what the Sponsor is saying is that, that is a matter of law already covered by a specific law, then I will withdraw my amendment. But I would like to know whether that is a matter of law already.

Senator Saguisag. It is in E.O. No. 157; I have a copy here.

SUSPENSION OF THE SESSION

The President. Why do we not suspend the session for a while, if there is no objection. [*There was none.*]

It was 4:58 p.m.

RESUMPTION OF THE SESSION

At 5:38 p.m., the session was resumed.

The President. The session is resumed.

Senator Saguisag and Senator Laurel have the Floor.

Where are we now?

Senator Laurel. Mr. President, I think we are on page...

Senator Saguisag. Page 10, Mr. President. We had a break to verify what Executive Order No. 157 states. It says in Section 8: "The voters who cast absentee vote shall vote one week before election day."

So, the proposed amendment may no longer be necessary. It speaks of assignment a day before.

Senator Laurel. Yes, Mr. President. Is that an executive order?

Senator Saguisag. Yes, Mr. President. Executive Order No. 157, providing for absentee voting by officers and employees of government who are away from the places of the registration by reason of official functions on election day, dated March 30, 1987.

Senator Laurel. I was informed that this Executive Order is still in force. So, with that information, I will withdraw my amendment.

The President. The amendment is withdrawn.

Senator Laurel. This is not an amendment, Mr. President, on page 11--"Penalties for Failure to File Statement of Contributions and Expenditures."

Ang mga penalties na nakalagay ho rito sa Section 15

are largely nominal. This is for failure to comply with the first or second paragraph of Section 107 of the Omnibus Election Code, that is, failure to state contributions received, expenditures or expenses. The penalty for one who is a candidate is P30,000. Baka hindi ito current, Mr. President, because the penalty is so nominal. I would like to ask the Sponsor if this is a realistic figure.

The President. Will this not promote a disrespect for the law with this kind of very, very meager penalties, meager fines? The presidential candidate will probably spend P30,000 in less than an hour during the campaign.

Senator Laurel. Mr. President, that is the point I would like to raise.

The President. Kung ganito rin lamang, why are we providing for it?

Senator Laurel. At saka mas malaki pa kaysa sa multang babayaran ng treasurer of the party. Usually the treasurer of the party is a treasurer in name only, and he pays P100,000.

Senator Saguisag. Ano po ang amendment natin?

Senator Laurel. Iniiisip ko ho ang amendment natin. We ought to divulge the truth for such a failure. Siguro, dapat ay double the amount of the penalty to be imposed on the treasurer, at least.

The President. Why do we not give such an individual a chance to file? If within a reasonable period he does not, then make it really punitive.

Senator Laurel. I agree, Mr. President.

The President. This fine is ridiculous. Why do we not make him comply, and if after a certain period he does not, make it punitive? Anyway, why do we not skip that in the meanwhile.

Senator Laurel. Yes, Mr. President.

The President. All right.

Senator Laurel. Now, may I go to page 12, from line 23 to line 23 again, on page 13. My suggestion, Mr.

President, is that all that be deleted, starting from line 23 "Candidates and treasurers of political parties who failed to file statements of contributions and expenditures", et cetera.

In other words, this is actually relieving those who have been found guilty of violation of our election laws, and those who might have been found guilty and still on appeal have appealed, and those who are still under investigation, if the investigation or the hearing will continue, but only for the purpose of imposing administrative penalties. I think all of this is quite irregular, Mr. President, for the following reasons:

First, we are delivering the wrong message; second, this will make a mockery of the administrative and criminal systems. What is the use of providing penalties and then afterwards imposing penalties that are not in accordance with the laws; and third, this is also in violation, in my opinion, of the Constitution.

So, I propose the deletion of all these provisions starting from line 23 on page 12 down to line 23 on page 13.

The President. Does the Gentleman mean the whole Section?

Senator Laurel. Yes, Mr. President.

The President. What is the pleasure of Senator Saguisag?

Senator Saguisag. Mr. President, if someone has been convicted, it seems to me that what should be done is just to impose on him the lighter penalty of fine.

So that, on page 13, line 1, if we are agreed on the policy that no one should be sent to jail anymore, I think we should just recast the first two lines to read as follows: ~~"released from confinement, BUT SHALL BE SUBJECT TO THE FINE HEREIN IMPOSABLE."~~

Senator Laurel. Pero iyon nga ho ang ibig kong sabihin. What is all this about when we have a law that imposes the fines and these penalties? Not only fines, but penalties can involve disqualification, *et cetera*. In this bill we are now saying: "We will release you. We

will absolve you from the penalties provided here.”

The President. Okay, let us get to the facts. How many are these people--candidates and treasurers--who have been found guilty of an election offense?

Senator Saguisag. No one by final judgment.

The President. And how many are currently serving sentence?

Senator Saguisag. No one, Mr. President.

The President. According to this Section, there are already people currently serving sentence. How many are these people?

Senator Saguisag. No one.

The President. Kung wala, bakit natin nilalagay dito?

Senator Saguisag. In fact, kung ako po ang tata-nungin, I am for the entire deletion of Section 15.

The President. All right. Is there any objection?

Senator Saguisag. Kung babaguin natin ang penalty, and it is favorable to the accused, I cannot see any reason why the principle should not be observed here.

The President. But if there are no persons in such a situation, why are we providing for this? I was asking for the facts. Kung wala naman talagang mga taong currently serving sentence, bakit natin ilalagay dito? That is the point.

Senator Saguisag. But just in case there is someone. Iyan po ang latest information namin. But if we are to ~~assume that, as of today, there is one single person who~~ has been sentenced to six years, why should he not benefit from the benevolent intent of the amendment?

The President. Then, if there is one such person, there are many possible remedies. But why put it in a general law like this just to fit that one isolated case?

Senator Saguisag. He may be forgotten

in the bureaucracy.

The President. Well, let us be sure he will not be forgotten. But this law is giving the impression that there are many such people.

Senator Laurel. Besides, Mr. President, there is a provision here in the Constitution, Section 5 of Article IX-C, which states:

No pardon, amnesty, parole, or suspension of sentence for violation of election laws, rules, and regulations shall be granted by the President without the favorable recommendation of the Commission.

Here, it is Congress that is granting or saying that there will be amnesty or suspension of sentence.

The President. Maybe we can have this deleted.

Senator Saguisag. If this is really in the nature of an amnesty, the proposal came from the Commission on Election.

Senator Laurel. Yes, but that is irregular, Mr. President.

The President. Why do we not get the facts first? Maybe, the COMELEC can tell us whether there is any such individual.

Senator Laurel. Yes, Mr. President. I would like to propound this additional question to the Sponsor. Suppose they are, shall we say, absolved, they are released, are they qualified to assume their previous offices if they were, for instance, poll clerks who violated the law? Can they then assume the position again of poll clerks?

Senator Saguisag. Ang pinag-uusapan po rito ay any candidate or treasurer.

Senator Laurel. Hindi ho, anybody who has...

Senator Saguisag. He has a duty to file financial statements. I cannot see how a poll clerk could get involved. Ito po ang umpisa: "Any candidate or treasurer". Ang mangyayari po doon, assuming may na-convict, nandoon iyon sa penalty, kung disqualified per-

manently or temporarily.

The President. It should be easy enough for political parties to let us know whether there are persons that fit this description. Also the candidates. Kung wala naman ay bakit natin ginagawa ito? We are sending the wrong message.

Senator Saguisag. Iyon nga ho. I mean...

The President. Why do we not skip this for a while and let us get the facts.

Senator Laurel. Mr. President, on page 14, line 8, after the words "after the lapse of", delete the word "five" and the figure "(5)", and in lieu thereof, insert the word "FIFTEEN" and the figure "(15)".

The President. Why?

Senator Laurel. In other words, Mr. President, we are saying here that this limitation of "after the lapse of five (5) days from receipt by the losing party of the decision", the decision shall be executory.

The President. Yes.

Senator Laurel. But that is without prejudice to the right of the losing party to raise the issue before the Supreme Court on certiorari for abuse of discretion.

The President. We are talking here about summary disposition of preproclamation controversies.

Senator Laurel. Yes.

The President. These have to be disposed of right away, otherwise, it will hinder many other proceedings.

Senator Laurel. How about the appellate jurisdiction of the Supreme Court?

The President. Then the appellate Court can issue a restraining order, no problem.

Senator Laurel. In other words, what happens if there is no appeal within the first five days, Mr. President? The appeal by the losing party is after ten days.

Magiging executory na ba agad iyon, Mr. President?

The President. No. The five-day period is counted from receipt. So we have five days to go to the Supreme Court after the decision is received, not after the decision is promulgated.

Senator Laurel. It says "from receipt".

The President. Yes, that is a lot of time to go to the Supreme Court.

Senator Laurel. Pero, halimbawa, Mr. President, the losing party takes his case to the Supreme Court after 12 days.

The President. Remember, we are talking here about election returns. These have to be disposed of right away, otherwise, even the proclamation of the President will be hindered.

Senator Laurel. Well, I just would like to make it, somehow, be in accord with the Constitution which provides that the Supreme Court shall have that jurisdiction over petitions filed with it on *certiorari* for abuse of discretion; meaning, lack or excess of jurisdiction.

The President. Would the Gentleman prefer, let us say, seven days as a compromise?

Senator Laurel. Ang sabi ko po ay diyes.

The President. Baka pati ang proclamation ng mga Senador. The Gentleman is talking about election returns from many, many places, and these have to be done expeditiously.

Senator Laurel. May I know the Sponsor's position on the matter, Mr. President

Senator Saguisag. As I have been trying to say, in the practice of law, even if a litigant or an interested party gets to me with only two days left, what the practitioner does is to get an extension from the Supreme Court to be given an additional period.

So, seven days may be a good compromise. It satisfies the need for an expeditious proclamation without

giving the interested party too tight a period. I hope the Proponent will accept the suggestion from the Chair.

Senator Laurel. In that case, I will accept the suggestion of the Chair to seven days and without prejudice also to asking for an extension.

Senator Saguisag. That is normally given by the Supreme Court, Mr. President.

Senator Laurel. Thank you.

So, I accept the suggestion of the Chair--seven days instead of five.

The President. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Laurel. On page 16, line 24, after the words "the losing party" the following words will follow: "INSOFAR AS ELECTION CONTESTS INVOLVING MUNICIPAL OFFICES ARE CONCERNED."

In other words, that paragraph, starting from line 22 will read as follows:

"The decision of the Commission shall be executory after the lapse of five (5) days from receipt thereof by the losing party..."

Maybe we should change the "five" into "SEVEN" also, Mr. President, "SEVEN" days.

..."INSOFAR AS ELECTION CONTESTS INVOLVING ELECTIVE MUNICIPAL OFFICES ARE CONCERNED."

Why? Because the Constitution, Article IX-C, Section 2, Paragraph (2) provides that:

Sec. 2. The Commission on Elections shall exercise the following powers and functions:

- (2) Exercise exclusive jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial, and city officials, and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general

jurisdiction, or involving elective barangay officials decided by trial courts of limited jurisdiction.

Then follows this paragraph:

Decisions, final orders, or rulings of the Commission on election contests involving elective municipal and barangay offices shall be final, executory, and not appealable.

In other words, they are final, executory and not appealable only as far as elective municipal and barangay offices are concerned, not any other office.

The President. But is that applicable?

Senator Laurel. Yes, Mr. President. I should say so.

The President. My question is: Are these election contests? The Constitution speaks of election contests, not of proceedings regarding election returns.

Senator Laurel. Pero, Mr. President, ang nakalagay rito ay decisions, final orders, and rulings involving elective municipal offices shall be final.

The President. Iba naman yata iyon, Mr. Senator. Election contest iyon. Ito ay contested election returns. Those are two different things.

Senator Laurel. I was thinking, Mr. President, that contest of election returns would involve the election contest.

We should verify further. I am willing to skip it until such time that we can verify.

The President. All right.

Senator Laurel. Then on page 18, Mr. President, line 24, this is with respect to Section 23, "*Signature of Chairman at the Back of Every Ballot.*" This Section provides that In every case before delivering an official ballot to the voter, the chairman of the board of election inspectors shall, in the presence of the voter, affix his signature at the back thereof. Any ballot which is not so authenticated shall be deemed spurious.

This is quite a power we are vesting in the Chairman who will then be able to disenfranchise a voter by simply refusing or failing to authenticate.

My suggestion, Mr. President, is, on line 24, after the word "chairman", insert "AND MEMBERS OF THE BOARD OF ELECTION INSPECTORS". Lahat po sila ay kailangang pumirma.

Now, the Chair might say it is quite tedious. But, nowadays, I think there are only about 150 voters in one precinct.

Senator Saguisag. If the intent is to prevent disenfranchisement, then the more people will be required to sign, the easier it is to disenfranchise. Because, even if the other two will sign but the chairman will not sign, hindi rin po kumpleto ang proseso. So, what do we gain to offset the delay that this will entail?

Senator Laurel. To somehow serve as a counter to the chairman.

Senator Saguisag. Hindi rin po pipirma. Sa halip nga hong isa lamang ang puwedeng mag-disenfranchise, three people will now be empowered to disenfranchise.

The President. Ang ibig sabihin siguro ni Senador Laurel ay baka naman maabuso ng chairman. Ang ibig niyang sabihin siguro, kahit na isang countersignature man lamang.

Senator Saguisag. But is there any empirical data that this was abused by the teachers in the past? Wala po yata tayong naririnig. Because the moment he or she stops signing, gulo na po sa presinto iyan. If I go and she would not sign, hindi po puwede iyan. That is why, all these fears are entertainable.

But what is our basis for changing hallowed practices? Sinasabi po na aabot daw ng two to three days ang halalan, at daragdagan pa ng--Wala naman po yatang batayan iyon, because, to me, anytime a teacher arbitrarily refuses to authenticate, right then and there, there will be trouble, because there are enough civic-spirited members of the community who will not stand up.

Ang problema po, the more people are asked to sign,

someone, by simply refusing to cooperate, can defeat the entire exercise.

Senator Laurel. By the way, Mr. President, this was a suggestion of a former COMELEC member. Iyon lamang ang ibig kong ipaabot sa inyo.

Senator Saguisag. Kaya, ano pong gagawin natin kung ayaw pumirma ng isa? Dahil, iyon lamang isa...

Senator Laurel. Siguro, "ANY TWO".

The President. Bakit po naman dala-dalawa pa? Siguro, countersignature na lamang.

Senator Laurel. Countersignature.

The President. "COUNTERSIGNED BY ANY OTHER MEMBER".

Senator Laurel. I would accept that suggestion, Mr. President, "COUNTERSIGNED BY ANY OTHER MEMBER".

The President. All right.

Senator Laurel. Right now, we do not know yet who will be the members of the board of inspectors.

The President. Huwag naman iyong lahat ng members of the board. Baka sa loob ng limang araw ay hindi pa rin matapos ang eleksiyon.

Is there any objection? Senator Saguisag.

Senator Saguisag. Wala na ho. Subject to style ho.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Laurel. On the same page, line 29, after the word "offense", delete what follows, up to line 31: "Section 15 of Republic Act numbered 6646, and Section 210 of the Omnibus Election Code are hereby modified or repealed."

Reason: Because Section 38, page 29 of this bill now so provides that All provisions of the Omnibus Election

Code, Republic Act No. 6646, Executive Order No. 144 and other laws, executive orders, or any parts thereof, inconsistent with the provisions of this Act are hereby repealed accordingly.

So, I think, there is redundancy. We are repeating.

Senator Saguisag. That is accepted, Mr. President.

The President. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Kinakailangan nating matapos ito bago...

Senator Laurel. This is merely a question for purposes of clarification. Page 19, Section 25. I would like to be enlightened, Mr. President, as to the meaning of this provision. This is about official watchers. It says here, starting from line 16: "Every registered political party, coalition or political parties, and every candidate shall each be entitled to one watcher in every polling place..."

Senator Enrile. Mr. President, with the permission of the distinguished Gentleman from Batangas, since he is already on page 19, and he is dealing with Section 25, I have an anterior amendment.

The President. All right. Please state the amendment.

Senator Enrile. Mr. President, I propose an anterior amendment.

The President. What page?

Senator Enrile. On page 19, between lines 15 and 16, insert this paragraph: "THE SIZE OF THE TALLY BOARD OR SHEETS MUST BE AT LEAST ONE AND A HALF METERS BY THREE METERS, AND EACH TALLY BOARD OR SHEETS SHALL LIST DOWN THE NAMES OF NOT MORE THAN TWENTY CANDIDATES."

The President. Will the distinguished Gentleman kindly give us the rationale?

Senator Enrile. The purpose of this, Mr. President, is in order to achieve an honest and clean election. The

people, especially the principal watchers, should be able to read the names of the candidates written on the tally board. The tally board should be of such a size to enable the writing of the names in such a way that they are really legible to the vision of people at a distance.

SUSPENSION OF THE SESSION

The President. Shall we suspend the session for a minute, if there is no objection? [*There was none.*]

It was 6:08 p.m.

RESUMPTION OF THE SESSION

At 6:13 p.m., the session was resumed.

The President. The session is resumed.

Shall we defer consideration of this proposed amendment?

Senator Enrile. Yes, Mr. President, because I realize the position of the Commission on Election, and I would like to recheck these measurements.

The President. All right.

Senator Laurel, what page are we now on?

Senator Laurel. Page 19, Section 25, line 16. This section provides that "Every registered political party, coalition of political parties, and every candidate shall each be entitled to one watcher in every polling place and canvassing center." Then, "provided, that candidates for members of the Senate or House of Representatives, of the Sangguniang Panlalawigan, Sangguniang Panlungsod, or Sangguniang Bayan, and for city or municipal councilors belonging to the same slate or ticket shall collectively be entitled only to one watcher."

May I ask the Sponsor to please tell us: If there are 24 candidates for the Senate fielded by a particular party, that means all the 24 will have only one watcher?

Senator Saguisag. Hindi lamang ho iyon. Kasama pa rin ho iyong ibang mga kandidato.

Senator Laurel. All the way down the line starting from the top, even the President, the Vice President, the Senators, the Representatives, and down to the governor, the vice governor, the municipal mayor, they will have only one watcher?

Senator Saguisag. Line 21, beginning with the word "Candidates", reads: "Candidates for the Members of the Senate or House of Representatives, of the Sangguniang Panlalawigan, Sangguniang Panlungsod, or Sangguniang Bayan, and for city or municipal councilors belonging to the same slate or ticket shall collectively be entitled only to one watcher."

Senator Laurel. Lahat sila--

Senator Saguisag. Opo.

Senator Laurel. --ay magkakaroon lamang ng isang tagatanod?

Senator Saguisag. Dahil magkakasama po sa isang team.

The President. Okay. I have a question there. Supposing we have 12 independent candidates belonging to no party, samakatwid ay tig-iisa sila?

Senator Saguisag. Oho.

The President. Would that not be unfair? And we have 12 candidates for Congressmen who are independent; 12 candidates for councilors who are independent.

Senator Saguisag. In the normal case, the independent candidate for the Senate, probably, would not have a realistic chance anyway. But if there will be 200 candidates for Senators alone, in theory, we have difficulty imagining how 200 watchers can be accommodated. So, this is an attempt to compromise so that there will be a limitation. Dahil kapag nag-insist iyong 24 na magkakampi na maglagay ng tig-iisang tanod, there will be administrative difficulties.

The President. But there will also be terrible administrative difficulties if every independent candidate were entitled to a watcher.

Senator Saguisag. I wonder how many of them can really afford to have that number if one were an independent. It can happen, but we have to make a policy choice. Are we going to open and allow every candidate to have his own?

The President. Okay. How about independent candidates for Congressmen? How about independent candidates for mayors and councilors? Darami rin ang mga watchers.

Senator Saguisag. Well, we have to make a choice. Are we going to limit it to a manageable number, or do we allow the independent candidates as well as those with the ticket to field a watcher each? Maybe, the veteran politicians can tell us what the experience was in the past. Noon ho bang nakaraan ay...

The President. Ano po ba ang proposed solution ng COMELEC?

SUSPENSION OF THE SESSION

Why do we not suspend the session for one minute, if there is no objection. [*There was none.*]

It was 6:17 p.m.

RESUMPTION OF THE SESSION

At 6:21 p.m., the session was resumed.

The President. The session is resumed.

Senator Laurel. Mr. President.

The President. Senator Laurel is recognized.

Senator Laurel. Mr. President, I would suggest that we defer consideration of this until we could...

The President. Why do we not withdraw temporarily that amendment?

Senator Laurel. I withdraw the amendment, Mr. President.

The President. All right, the amendment is tenta-

tively withdrawn.

Senator Laurel. I would like to know, Mr. President, if these standards on page 20 are being maintained, are still in the bill, and if they are, then I would like to direct some questions. In other words, on page 19, line 32, "The aforesaid principal watchers shall be designated..." Mayroon pa bang principal watchers o wala na?

Senator Saguisag. There is no formal motion, Mr. President.

Senator Laurel. There is none yet. Then we take it that this provision here...

Senator Saguisag. They are still here, although the drift of the discussion was really for the removal of the designation of the principal watchers, but no one has yet moved formally.

Senator Laurel. Wala pa.

Senator Saguisag. Opo.

Senator Laurel. So, it is still here. I would like to ask this question. The principal watchers shall be determined by the Commission after notice and hearing, on the basis of the following standards:

"(1) THE ESTABLISHED (TRACK) RECORD OF THE SAID PARTIES OR COALITION OR GROUPS THAT NOW COMPOSE THEM ON THE BASIS OF MERGER, UNION, OR CONSOLIDATION, IN THE 1987 ELECTION.

(2) THE NUMBER OF SENATORS, MEMBERS OF THE HOUSE OF REPRESENTATIVES, PROVINCIAL GOVERNORS AND VICE GOVERNORS...

(3) THEIR VERIFIABLE POLITICAL ORGANIZATIONS AND STRENGTHS AS EVIDENCED BY THEIR ORGANIZED CHAPTERS.

(4) THEY OR THEIR COMPONENTS BEFORE MUST HAVE POLLED AT LEAST TEN PERCENT (10%) OF THE VOTES CAST IN THE 1987 ELECTIONS; AND

(5) OTHER ANALOGOUS CIRCUMSTANCES THAT MAY DETERMINE THEIR RELATIVE ORGANIZATIONS AND STRENGTHS."

My question, Mr. President, is this: Are all of these criteria or standards to be taken into consideration, or is it enough that some of them are complied with? Must there be a track record and the number of elective officials belonging to the same party, then political organization's strength and, then, 10 percent at least of the votes cast must have been garnered by the party or its components and other analogous circumstances?

Senator Saguisag. Ang para pong dating sa amin nito ay depende sa paghahambing-hambing kung sino ang nakatutupad sa lahat ng ito, ang pinakamarami sa ganito. But what really confuses me now is that a lot of things have been said before that would be consistent with the deletion of this entire provision, because this has to do with the six and seven copies.

There were statements aired by some Colleagues of ours, whom I do not see at the moment, who were saying na kailangang patas-patas dahil multiparty na tayo. So, it may be unbecoming of me to make the proposal. I was hoping one of those who have aired those sentiments before would so move. But since it is technically still here, my own view, Mr. President, is that this may not all be required, but the cumulation of all these will be taken in favor of determining who will be the favored ones.

Dahil paghahambing-hambingin nga po ito. There will be a comparison as to who of the contending forces meet most, if not all, of these criteria.

Senator Laurel. Because, Mr. President, in the last national elections of 1987, perhaps, it is difficult to determine whether a particular party or its components garnered at least 10 percent of the votes cast because we had a coalition.

Senator Saguisag. That is why that is an additional argument--if it is possible to scrap this provision. We may be falling into a morass as to how we will now quantify all these, dahil sumabog na po ang coalition.

Senator Enrile. Mr. President.

The President. Senator Enrile is recognized.

It was the NP-GAD.

Senator Enrile. With the permission of the distinguished Gentlemen on the Floor.

Senator Saguisag. That can really happen dahil ganoon po iyan. May pakpak si ganito, may balahibo si ganoon. There would really be a problem.

In 1987, Mr. President, I think the records of the Commission on Election will show that the Opposition garnered more than 10 percent of the votes cast, much much more than 10 percent.

Senator Enrile. No. I am not saying that I am going through GAD, but it is the NP-GAD.

GAD was essentially the Nacionalista Party as it stood then.

Senator Laurel. Mr. President, all these are ancillary to my question.

The President. Now, I would like to ask a question. I would like to take advantage of this opportunity.

Are all of these criteria or standards going to be considered? May a party be considered as the dominant minority party even if it has not gained at least 10 percent of the votes cast in 1987, because it has more Senators, because it has an established record and a verifiable political organization?

In the remote possibility, and I hope it does not happen, that the Nacionalista Party should be so factionalized because of rivalries within, how can we apply this?

It can also happen to the LDP.

Senator Enrile. Mr. President, may I point out that in 1987, with the permission of the distinguished Members on the Floor, if we look at the political groupings that arrayed against each other, we had only three sets of candidates, actually. These were the Administration candidates--I do not remember the name of the alliance under which the Administration candidates ran--the KBL and the Grand Alliance.

Senator Enrile. Mr. President, the presently registered dominant political opposition in the COMELEC, and since the COMELEC representative is here, is none other than the Grand Alliance for Democracy. In fact, the records of the Commission on Elections will show that it was the Grand Alliance for Democracy that was given the prerogative or the right to issue authorization for watchers in 1987 for the Opposition as well as in 1988. That is a matter of record. No other political party was authorized.

The main element of the Grand Alliance was the Nacionalista Party, because the Grand Alliance represented some members from the Liberal Party, some members from the Federalist Party of the Mindanao Alliance, some members of the Muslim Federal Party, and some members of the Socialist Party. But the main bulk of the candidates of the Grand Alliance were members of the Nacionalista Party.

In fact, in 1988, if I remember correctly, it was the Grand Alliance for Democracy that issued the appointment of watchers for the Nacionalista Party and its coalesced members. At least, as of today, the dominant political opposition in the country is composed of the NP-GAD.

In that election, two members of the Grand Alliance won. They made it to the Senate with several other Nacionalista Party members.

The President. Let us say it is the Nacionalista Party. My question is: Suppose the Nacionalista Party, because of intra-party rivalry, be so hopelessly factionalized before the date of the election, what will happen? How do we apply this? I hope it does not happen.

Senator Enrile. Mr. President, as I said, we will go back to the record of the COMELEC.

In the election of 1988, the Nacionalista Party fielded candidates in the local level for governors and mayors in every province and municipality throughout the country. I think the records would show that some of our governors and many of our mayors won but, afterwards, they transferred to the LDP.

Senator Guingona. Mr. President.

The President. Senator Guingona is recognized.

Senator Guingona. Mr. President, this is really a policy question which is difficult. Since there have been some amendments already concerning the rights of parties and there is a question about track records, et cetera, why do we not use as a yardstick whether the existing parties have complete slates from the President down to the councilor? In that way, we avoid track records of past performance and, at the same time, ensure the rights of parties.

Senator Enrile. Mr. President.

The President. Senator Enrile.

Senator Enrile. Mr. President, there is a constitutional issue here. A political party earned certain rights and privileges under the laws of the land. Can we just deprive these rights and privileges by amendment, without considering the rights already obtained? We have had two elections already.

The President. What the Minority Floor Leader is saying is that they acquired vested rights already.

Senator Enrile. Yes, Mr. President.

Senator Guingona. Mr. President, the Constitution only encourages political parties, multiparty system mistakenly, I think, under a presidential form, because under a presidential form, the natural course of events will set that down to two or three or, at the most, four political parties. But be that as it may, since it is already there, we do not wish to deprive the other political parties of rights already vested.

The trouble is that we want to give them seven, we want to give them each a copy of the election returns. We are back to the same technical problem that the seventh copy is very dim and cannot be read, illegible, and therefore, we are faced with practical difficulties.

Then, the problem of track record, the problem of whether GAD was really the dominant opposition who constitutes this after so many have left it, et cetera. I

think, even the COMELEC will have a hard time in determining even under that standard.

Senator Enrile. Actually, the organization of the Grand Alliance is still intact in the field, Mr. President. And apart from that, how would we define the term "complete slate"? Would that mean the President, Vice President, 24 Senators, Congressman in every district, plus governor, vice governor, board members in every province, mayor, vice mayor, and councilors in every city and municipality? Suppose there are certain areas where coalitions are made? Would that be a complete slate or not?

Senator Guingona. Yes, I would think so, Mr. President. It need not be 100 percent, as long as there is substantial measure by which we can gauge.

Senator Enrile. What would be substantial, Mr. President? Would 50 percent fielding of candidates be substantial?

Senator Guingona. I think, 80.

Senator Enrile. Eighteen percent?

Senator Guingona. Eighty percent.

Senator Enrile. Eighty percent. I think very few of these small parties can field 80 percent.

The President. Anyway, why do we not pause for a while and probably think about it, and when we get back here tomorrow, we shall have the benefit of some reflections?

Senator Guingona. Mr. President, I wish we had the luxury of time, but let us try to compromise all and submit all amendments. In order to expedite, I hope the Proponents will understand if we just submit them to a minimum debate and then vote, because tomorrow is already Wednesday. This will still go to the Conference Committee, and we have to approve this Conference Committee Report before adjournment on the 25th.

The President. Well, let us dispose of these remaining amendments tomorrow as fast as we can.

Senator Laurel. Kaunti na lamang po ang aking mga susog, but we are trying to really help get rid of the kinks that will certainly arise.

The President. In any case, this dominant opposition party concept is so important that we better reflect on it.

Senator Laurel. Yes, Mr. President. I have not received any answer yet to my question whether all these standards are going to be considered.

Senator Saguisag. I am just saying that the sentiment of the Body is really for the elimination, precisely because of those very difficult questions.

The President. The suggestion of the Chair is, why do we not give this the benefit of some more reflection, and come back tomorrow with our proposed amendments.

Senator Saguisag. May I just alert the Body that I am in receipt of a 14-page set of amendments of the distinguished Minority Floor Leader. I do not believe that everybody has received a copy of it.

It is not that we are foreclosing the right of any Member, but I do share the concern of Senator Guingona that we may fail to come up with this law because there are many problem points which cannot be resolved easily in the Conference Committee, and we keep getting blamed in the media that the Senate is holding this up. Pag hindi po natuloy iyan, through no fault of any one, November may really be too late.

But Senator Gonzales, before he left, really left me this note--that he gave all of us a time to submit our amendments. Of course, new things come up as we go along, but I hope that we are able to come up with a law ~~before we adjourn after five or six more session days.~~

Senator Enrile. Mr. President, with the permission of the distinguished Gentleman, I would like to manifest into the record that we are now distributing copies of our proposed amendments.

The President. All right, the distinguished Majority Floor Leader. Let us go over these amendments tonight in

our respective homes.

Senator Guingona. Mr. President, according to Senator Laurel, he has a few more amendments.

The President. Doon nga sa "few" na iyon ay baka magtagal pa tayo. Let him ponder on the most important amendments. Iyong hindi masyadong importante, iyong question of style lamang, maybe we can just leave those to the Style Committee. Iyon lamang talagang substantive amendments ang pag-isipan natin.

Senator Guingona. Are the remaining amendments, Mr. President, of Senator Laurel still...?

The President. Why do we not submit the remaining amendments to Senator Saguisag, and let him look at these?

Senator Laurel. I did, Mr. President. I have a list.

The President. I saw that list.

Senator Saguisag. We have disposed of everything in the list. These are the additional.

Senator Laurel. Mine are just inquiries that might lead to amendments, Mr. President.

The President. Wala nang katapusan iyan.

Senator Laurel. Para naman maliwanag, to avoid any conflict and disagreements later on.

The President. All right, why do we not come back here tomorrow with only the most substantive amendments?

Senator Laurel. With pleasure, Mr. President.

The President. Never mind the questions of style.

Senator Laurel. I submit, Mr. President.

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1861

Senator Guingona. Mr. President, I move for the

suspension of the consideration of this measure.

Hearing none, the motion is approved.

The President. Is there any objection? [*Silence*]
Hearing none, the amendment is approved.

ADJOURNMENT OF THE SESSION

SPECIAL ORDERS

Senator Guingona. Tomorrow, Mr. President, we will continue with the Synchronized Elections Bill, the Baselands Conversion Authority, and two other bills.

Senator Guingona. Mr. President, I move that Committee Report No. 1430 on Senate Bill No. 963, entitled

I move that we adjourn the session until three o'clock tomorrow afternoon.

AN ACT TO PROMOTE THE DEVELOPMENT OF
PHILIPPINE OVERSEAS SHIPPING

The President. The session is adjourned until three o'clock tomorrow afternoon, if there is no objection. [*There was none.*]

be transferred to the Calendar for Special Orders.

The President. Is there any objection? [*Silence*]

It was 6:43 p.m.

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supporter of women's rights--I think the thrust of this Resolution, is more on the overall employment policy of exporting our countrymen abroad. I just would like to make that clarification.

The President Pro Tempore. Clarification is made.

The Majority Floor Leader.

BILL ON SECOND READING
Senate Bill No. 1861--Synchronized Elections
(continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 1861 as reported out under Committee Report No. 1373.

The President Pro Tempore. Resumption of the consideration of Senate Bill No. 1861 is now in order.

Senator Saguisag is recognized.

Senator Saguisag. Marami pong salamat, G. Pangulo.

SUSPENSION OF THE SESSION

The President Pro Tempore. We will suspend the session for a few minutes, if there is no objection. [*There was none.*]

It was 4:39 p.m.

RESUMPTION OF THE SESSION

At 4:44 p.m., the session was resumed, with Senator Maceda, presiding.

The Presiding Officer [Senator Maceda]. The session is resumed.

The distinguished Gentleman from Batangas is recognized.

Senator Saguisag. Well, for the *Record*, Mr. President, the parliamentary situation is, we are technically in the period of amendments, but we have allowed free interpellations in accordance with practice. I also note

that we have with us this afternoon the distinguished Gentleman from Mandaluyong. It is my sad duty to report to him that while he was away upholding the national honor, this Senator was not able to conclude the deliberations on this measure, precisely because of our tradition of full and free debate.

So, we will begin where we left off last night. There were some proposals made by the distinguished Colleague of ours from Batangas which we were not able to resolve.

Senator Laurel. Thank you, Mr. President.

Last night, we deferred a number of proposals made by this Representation. We deferred consideration of certain amendments proposed by this Representation in order to afford the Body a little time to consider what would be an appropriate statement to make.

I refer specifically to page 5, Section 6, line 34. It says here:

“However, the foregoing campaign period shall not include the day before and the day of the election itself, Maundy Thursday and Good Friday during which days campaigning is absolutely prohibited.”

The proposal of this Representation is to delete the words starting from “Maundy Thursday and Good Friday during which days campaigning is absolutely prohibited,” so that that paragraph, starting with the word “However” would read as follows:

However, the foregoing campaign periods shall not include the day before and the day of the election itself.

In other words, there is no reason in the mind of this Representation, Mr. President, to impose that requirement, that there shall be no campaigning during Holy Thursday and Good Friday, if the voter or voters concerned are non-Christians.

Senator Guingona. Mr. President.

The Presiding Officer [Senator Maceda]. Senator Guingona is recognized.

Senator Guingona. As stated yesterday, we indicated the desire to propose an amendment to the amendment. The proposed amendment to the same would include the prohibition, but with the added phrase "THAT THIS PROHIBITION SHALL NOT APPLY TO NON-CHRISTIANS."

Senator Laurel. No objection, Mr. President.

Senator Osmeña. Mr. President.

The Presiding Officer [Senator Maceda]. The Gentleman from Cebu.

Senator Osmeña. Just to inquire about the amendment to the amendment which was accepted by the Proponent of the amendment.

Not to apply to non-Christian voters or non-Christian candidates? Or, Christian candidates campaigning in non-Christian areas, or non-Christian candidates campaigning in Christian areas which, really, Mr. President, leads us to some form of absurdity.

Besides, there are some people who are being baptized but who do not practice anymore.

Senator Guingona. We were originally thinking of limiting the same to the special autonomous regions, Mr. President. But, since there are also non-Christians in other areas, and since this refers to campaigning, so it will refer to candidates.

Senator Osmeña. Senator Aquino has brought out a point that this will, in effect, give non-Christian candidates two extra campaign days. So, we may be denied equality under the law if non-Christians are given two extra days.

Senator Laurel. That is correct, Mr. President.

Actually, the non-Christians would have two extra days within which to campaign. But, I think, that is a lesser evil; lesser of an evil than to impose a religious doctrine upon people who do not subscribe to a particular religion, in view of the provision of the Constitution on separation of Church and State, and the liberty of every individual to profess that religion which is his own.

Senator Herrera. Mr. President.

The Presiding Officer [Senator Maceda]. The distinguished Gentleman from Cebu and Bohol is recognized.

Senator Herrera. Mr. President, is it my understanding that only the Christians are prohibited to campaign during these holidays? I really doubt whether this is...

Senator Laurel. I understand the point of the good Senator from Cebu and Bohol, Mr. President.

My point in deleting that provision is to actually vest the decision of campaigning or not campaigning on the individual himself, he being a Christian or not.

Senator Herrera. I support the proposal of Senator Laurel, but I cannot agree with the amendments to the proposal of Senator Laurel, Mr. President. Why should one be prohibited from campaigning on the basis of his religion? I think that is very questionable.

Senator Laurel. May I then leave that question to be answered by the Majority Floor Leader who proposed the amendment to my amendment.

Senator Guingona. Mr. President, my proposed amendment was premised on the reason given for the amendment that, whereas, if the Gentleman does not want to have this prohibition apply to non-Christians, I would like it continued as far as Christians are concerned. That was the reason for my amendment to the amendment. However, if the proposed amendment is already accepted, and if the distinguished Sponsor will not accept or reconsider, then I will withdraw my amendment.

Senator Herrera. Mr. President, my understanding is that the original proposed amendment is to delete the prohibition to campaign during these days. That I can support. But by prohibiting only the Christians to campaign during these days is something that cannot stand scrutiny. Why should one be prohibited to campaign on the basis of his religion?

Senator Laurel. I think that provision was inserted here in the original bill for one simple reason, Mr. Presi-

dent, and that is out of recognition of the fact that more than 80 percent of our people are Christians.

The Proponents of this provision are of the thinking that this should be honored, precisely, in order to safeguard and preserve the separation of Church and State. The State cannot impose on the Christians' right and obligation to campaign.

The Presiding Officer [Senator Maceda]. The distinguished Majority Floor Leader has, in effect, offered to withdraw the amendment to the amendment if the Senator from Batangas will allow him to withdraw.

Senator Guingona. But before that, Mr. President, I would just like to state that the reasons advanced do not take cognizance of the fact that this is an old law. Precisely, the reason for this is to give due respect to the two sacred days, in the same manner that we declare holy days as well as holidays for due recognition.

Senator Laurel. Yes, Mr. President. I agree with the point raised by the distinguished Majority Leader. However, this is a provision where a violation carries a penalty. It is very clear here. It says here that campaigning on Maundy Thursday and Good Friday is absolutely prohibited, meaning, and I take this to be true, subject to the sanctions in the same bill. It is an offense.

Senator Guingona. Mr. President, we have decriminalized or depenalized the penal provisions. Violation of electoral offenses of this nature would not involve penal sanctions.

The Presiding Officer [Senator Maceda]. The Gentleman from Tarlac has been raising his hand.

Senator Aquino. Mr. President, I support the original amendment of deleting Maundy Thursday and Good Friday. While it is true for many Christians that these days are held sacred, let it be applicable to the Christian candidates not to campaign during these times even if in reality they are not following this to the letter. If one is in Baguio during this time, everybody shakes his hand, and he cannot very well refuse to shake hands. But if one shakes hands, it will appear that he is campaigning. All over the country, these days, while they are solemn, are actually days of gathering also.

Therefore, in reality, while one greets people and shakes hands and they know that he is a candidate, he will not be accused of campaigning.

So, let us leave it to the Christian candidate to conduct himself based on his own belief. If one does not like to campaign during this time, that is up to him. If one wants to, that is also up to him, to the detriment of his candidacy because he might incur the ire of Christians who would like to have these days sacred.

Senator Gonzales. Mr. President.

Senator Paterno. Mr. President.

The Presiding Officer [Senator Maceda]. The Gentleman from Mandaluyong, then after that, the Gentleman from Cavite.

Senator Gonzales. Mr. President, when we considered this particular provision which was actually lifted only from several provisions of previous election laws, the purpose is not really religious. There is absolutely nothing religious about this, but the law merely takes into consideration the fact that people in our country, regardless of their religious belief, as a matter of tradition, observe this as a day wherein certain acts which are, in effect, disruptive of the religious expressions by other people ought not to be done.

But, actually, there is really nothing wrong here, in the sense that a candidate can campaign only during the campaign period. And this provision merely says that in computing the campaign period, these two days should not be included.

In short, it is even surplusage to say that a candidate should not campaign during these two days--Maundy Thursday and Good Friday. If these days are not included in the campaign period, then a candidate cannot really campaign. That is the only effect of this particular provision.

That provision is not because of any religious meaning or significance, but it is merely a recognition of the culture and tradition observed by most Filipinos, regardless of their religion, Mr. President.

As far as decriminalization is concerned, I beg to correct, that it is not true that election offenses now are decriminalized. What has been decriminalized, Mr. President, for first offenses, is the failure to file the necessary reports after the election by candidates. That has been the one which has been decriminalized, at least, during the first commission of the offense; otherwise, the criminal sanctions provided for the violation of election offenses still remain, Mr. President.

The Presiding Officer [Senator Maceda]. The Gentleman from Cavite.

Senator Paterno. Mr. President, the premise of the Gentleman from Batangas is that the inhibition on "profane" activities on Maundy Thursday and Good Friday are impositions of religion. I would like to make a correction, Mr. President.

In other Christian countries, in Europe, the United States, Canada, *et cetera*, Maundy Thursday and Good Friday are ordinary days. They are not declared national holidays. The peculiar status which we accord to Maundy Thursday and Good Friday is a cultural practice in the Philippines, possibly derived from our tradition with Spain. But even in Spain, Mr. President, Maundy Thursday and Good Friday are no longer observed in the same way that we observe them here.

I would like to put forward my belief that this is not a religious practice. It is a cultural practice, which is peculiarly Filipino.

Therefore, the question of mixing religion and the State does not enter into the picture. We are merely respecting a cultural tradition of the Filipinos.

The Presiding Officer [Senator Maceda]. I guess there has been enough debate on the matter.

If the Majority Floor Leader will withdraw his amendment to the amendment, then we can just vote on the original amendment to delete.

SUSPENSION OF THE SESSION

Senator Laurel. Mr. President, may I ask for a half-minute suspension of the session.

The Presiding Officer [Senator Maceda]. The session is suspended, if there is no objection? [*There was none.*]

It was 5:01 p.m.

RESUMPTION OF THE SESSION

At 5:03 p.m., the session was resumed.

The Presiding Officer [Senator Maceda]. The session is resumed.

Senator Laurel. Mr. President, I think the Majority Floor Leader has a motion to make.

Senator Guingona. Yes, Mr. President. After holding a consultation with my Colleague during the recess, I am withdrawing the proposed amendment to the amendment.

Senator Laurel. Thank you very much, Mr. President.

The Presiding Officer [Senator Maceda]. Does the Gentleman from Batangas accept the withdrawal because he already accepted the amendment?

Senator Laurel. Absolutely, Mr. President, I accept.

The Presiding Officer [Senator Maceda]. All right, amendment to the amendment is withdrawn.

Senator Laurel. May I be permitted now to make an amendment to my amendment?

The Presiding Officer [Senator Maceda]. Rather, the Gentleman is withdrawing his original amendment.

Senator Laurel. To amend my amendment, Mr. President.

The Presiding Officer [Senator Maceda]. The Gentleman's original amendment was to delete the words "Maundy Thursday and Good Friday."

Senator Laurel. That is correct, Mr. President, and the rest of the sentence.

The Presiding Officer [Senator Maceda]. The Gentleman will still be deleting "Maundy Thursday and Good Friday"?

Senator Laurel. No, Mr. President.

The Presiding Officer [Senator Maceda]. In which case, I am suggesting that the Gentleman withdraw his original amendment.

Senator Laurel. All right, it is with the same effect, Mr. President. I withdraw my original amendment.

The Presiding Officer [Senator Maceda]. And in lieu thereof.

Senator Laurel. I move that this paragraph read as follows:

HOWEVER, THE FOREGOING CAMPAIGN PERIOD SHALL NOT INCLUDE THE DAY BEFORE AND THE DAY OF THE ELECTION ITSELF, MAUNDY THURSDAY AND GOOD FRIDAY.

Delete the rest of the sentence.

The Presiding Officer [Senator Maceda]. What does the Sponsor say?

Senator Saguisag. It now reads, Mr. President:

HOWEVER, THE FOREGOING CAMPAIGN PERIOD SHALL NOT INCLUDE THE DAY BEFORE AND THE DAY OF THE ELECTION PERIOD ITSELF." AND THEN, WE INCLUDE "MAUNDY THURSDAY AND GOOD FRIDAY PERIOD. " ?

The Presiding Officer [Senator Maceda]. That is right.

Senator Laurel. That is correct.

The Presiding Officer [Senator Maceda]. Is there any objection?

The Gentleman from Cagayan de Oro is recognized.

Senator Pimentel. This is just actually a parliamen-

tary inquiry. What is the meaning of that amendment? Does that mean that campaigning will now be allowed on Maundy Thursday and Good Friday?

The Presiding Officer [Senator Maceda]. The Gentleman from Mandaluyong will please explain.

Senator Gonzales. Mr. President, we will just follow the general rule that, if it is not included in the campaign period, a candidate cannot legally campaign. That is the effect. We merely say that, in computing the campaign period, this day should not be included.

I am not saying on the record that it depends on the candidate, because we will run contrary to the grain of the provision that we are fixing a campaign period saying that this is the period during which a candidate should legally campaign. That is the effect of the same.

Senator Pimentel. Mr. President, does that mean, therefore, that public rallies can be held on Good Friday?

Senator Gonzales. No, Mr. President, because that is already a form of campaigning; not only during that day but any day outside of the campaign period, all of these partisan political activities cannot be done.

Senator Laurel. With some qualifications, Mr. President, that this strict requirement will not apply to non-Christians.

Senator Gonzales. That is completely a different matter now. Many people say that some of the provisions of the Election Laws are more honored in the breach than in the observance.

I think the Majority Floor Leader had already withdrawn his particular amendment thereto. To inject, therefore, that thought at this point of the discussion probably might be irrelevant.

Senator Pimentel. Mr. President, the way I look at it, the reason why the campaign activities were not allowed on Maundy Thursday and Good Friday was a concession to the religious sensitivities of Christian Filipinos.

In other words, since these days are considered sacred

and holy days, partisan political activity was prescribed under the old electoral Code and which was sought to be reincorporated in this Code.

To say, therefore, that non-Christians could engage in political activity, meaning, theoretically, on Good Friday, when Catholics are celebrating that day in a very religious atmosphere, could give rise to conflicts. That is the reason I wanted to clarify whether this kind of an activity would be allowed on that day or not.

Senator Saguisag. That is why, Mr. President, all these concerns have arisen.

To begin with, we do not really have much experience with this. Before, elections were held in November. There was no problem with Holy Week. In the case of the 1986 snap elections, we excluded Christmas Day and New Years Day. The only experience we have had with May elections was in 1987.

But I also really realize that concern. How can we prosecute a group of Muslims who are holding a political caucus on Good Friday, or among the Jews?

To me, the better formulation really was to put the period (.) after "itself" so that we will not enter into that religious ticket. Bakit naman natin ipipilit ang values natin sa mga hindi naman Kristiyano?

To them, baka wala pong significance if they do not believe in what we believe in. I was really more comfortable with the first formulation.

Senator Pimentel. It is not so much a question of forcing our own views on other religions, but actually asking them not to offend our sensibilities. That is the point. Because, theoretically, it is possible.

Take the case of a small town. The public plaza is right there in the heart of the town; the church is probably a few meters away. So, theoretically we can allow a public rally to be held on Good Fridays at the height of a religious observance of the day in Christian churches. So, theoretically also, a situation can arise where there will be clash of rights.

I have no problem with the holding of caucuses. If a

Muslim or non-Christian candidate wants a caucus in the confines of a private home, fine. But once we allow a public manifestation or public exercise of that right to hold a political activity even on that day, then I think they begin to intrude upon religious sensibilities.

Senator Saguisag. Only someone who hates a candidate would advise somebody to campaign and offend the sensibilities of the voters. As a practical matter, I do not see it happening. Precisely, we will try not to displease the voters.

So, if one is not a believer and then he campaigns on Good Friday by holding a rally in the public plaza, I think that is political suicide. But, to me, what do we do with localities that are predominantly, if not totally non-Christian? Should we really prohibit them totally?

Senator Pimentel. No, I would not. I am for allowing the majority will to prevail in that particular locality. But to say that that should be a nationwide practice, I have some problems really.

Senator Saguisag. So, how do we formulate?

The Presiding Officer [Senator Maceda]. At any rate, the explanation by the distinguished Gentleman from Mandaluyong already confirms that as suggested or desired by the Gentleman from Cagayan de Oro, campaigning on these two days is still prohibited.

Senator Saguisag. Then, why do we remove that phrase? I mean, it can result in difficulties later on. If that is the intent we might as well say it.

Napakahirap naman iyan na tinanggal natin iyong phrase, "during which days campaigning is absolutely prohibited," if that is exactly what the legislative intent is. We might as well maintain the...

The Presiding Officer [Senator Maceda]. So, the Gentleman is not accepting the proposed amendment?

Senator Saguisag. Not really, but I am not happy the way we are handling this. We are saying that this is what we mean, but we will remove the phrase which will precisely articulate that intent. So, I am leaving that to the Body.

The Presiding Officer [Senator Maceda]. Is there any objection to the amendment of the Gentleman from Batangas?

Senator Pimentel. May we have a restatement of that proposal, Mr. President?

The Presiding Officer [Senator Maceda]. A deletion on the last line of page 5 of the words after "Good Friday" "during which days campaigning is absolutely prohibited." After "Good Friday" therefore, put a period (.).

Senator Saguisag. So it will read: "However the foregoing campaign periods shall not include the day before and the day of the election itself, Maundy Thursday and Good Friday." The rest will be deleted.

Senator Pimentel. That means that Maundy Thursday and Good Friday are not included in the campaign period.

The Presiding Officer [Senator Maceda]. That is correct. So the 75 days or 45 days or 30 days will not include these four days.

Is there any objection? [*Silence*] Hearing none, the amendment is approved.

The Gentleman from Batangas.

Senator Laurel. Section 15, on page 12, Mr. President. Last night I proposed an amendment on pages 12 to 13, starting from line 23 on page 12 down to line 23 on page 13. These lines which this Representation seeks to delete provides for the pardon and actually amnesty for people who have been found guilty of violation of our election laws in previous elections, more particularly, May 11, 1987, January 18, 1988, March 28, 1989, and then that one on February 17, 1990. Some of them are already serving sentence, are now being released from confinement, and shall not be subject to the fine imposed, if this provision which this Representation seeks to delete is not deleted.

The Presiding Officer [Senator Maceda]. So, the amendment is to delete?

Senator Laurel. Yes, Mr. President.

The Presiding Officer [Senator Maceda]. What does the Sponsor say?

Senator Saguisag. My own preference, really, is to allow those who may have been convicted just to pay a fine, but on the basis of the information relayed to us that no one is really involved here in the sense that no one has been convicted, we can accept, because it is purely academic, Mr. President.

The Presiding Officer [Senator Maceda]. Is there any objection to the motion to delete? [*Silence*] There being none, the amendment is approved.

Next amendment.

Senator Laurel. Mr. President, may I go back to page 6, Section 6, lines 12 to 17. Last night I proposed that these lines 12 to 17 be deleted. These lines 12 to 17 provides:

The term 'candidate' when used in connection with election campaign or partisan political activity, refers to any person aspiring for or seeking an elective public office who has already filed his certificate of candidacy or has been nominated by any political party, organization or coalition of parties as its candidate.

I am seeking for the deletion of that paragraph.

The Presiding Officer [Senator Maceda]. So we go back to the present situation where there is no definition of who is a candidate.

Senator Laurel. But last night, Mr. President, there was, I think, an agreement that a new definition be framed, that there must be actually a definition of the word "candidate."

The Presiding Officer [Senator Maceda]. Exactly.

Senator Laurel. We have not arrived at a definition yet. Perhaps, the Sponsor who objected to this amendment of this Representation might have himself a substitute definition.

Senator Osmeña. Mr. President.

The Presiding Officer [Senator Maceda]. The Gentleman from Cebu is recognized.

Senator Osmeña. Mr. President, precisely, in the absence of another proposal or an alternative definition, I think the prudent thing to do is to leave this alone first. Now, if there is an alternative proposal, then we can address the issue. But to delete this now and leave this thing hanging again, with all due respect to Senator Laurel, may not be timely.

I would just like to object, on the basis that when there is another definition, then we can address that problem.

The Presiding Officer [Senator Maceda]. May the Chair suggest that this paragraph be left, without prejudice to the Gentleman from Batangas submitting a definition, when he is ready, to the Conference Committee?

Senator Laurel. Yes, Mr. President, not only this Representation, but the Sponsor himself.

The Presiding Officer [Senator Maceda]. With the cooperation and guidance of the Sponsor, as suggested.

Senator Laurel. Thank you very much.

The Presiding Officer [Senator Maceda]. Next amendment.

SUSPENSION OF THE SESSION

Senator Laurel. Can I ask for one-minute suspension, Mr. President?

The Presiding Officer [Senator Maceda]. The session is suspended, if there is no objection. [There was none.]

It was 5:21 p.m.

RESUMPTION OF THE SESSION

At 5:22 p.m., the session was resumed.

The Presiding Officer [Senator Maceda]. The session is resumed.

Senator Laurel. Mr. President, I will go now to my last proposal on page 28, line 23.

Before I make my proposal, Mr. President, I just would like to ask first this question to the Sponsor of the bill: This Section 23 covers penalties. It says: "Any violation of the provisions of Sections 30, 31, and 32 of this Act shall be equivalent to an election offense and shall carry with it all the penalties thereof, as provided..." *et cetera*.

How about the other offenses, like violations of the other provisions in this bill, will they also carry sanctions? Will they also be penalized?

Senator Saguisag. There are two ways of addressing that, Mr. President. In the suggestion of the distinguished Minority Floor Leader, there is a catchall omnibus amendment that says: "all violations of this Act."

I am not so sure whether the Gentleman will agree to that, but my other formulation is that after the Gentleman is through, I hope to identify all those other provisions and have the same wording so as to leave no doubt as to what our intent is.

Senator Laurel. Yes, I think so, Mr. President, because it is rather confusing when we read this bill and find that there are other election offenses not covered by this Section on penalties. This Section confines itself to violation of the provisions of definite sections--Sections 30, 31 and 32.

So, my question is: How about the others? Paano naman iyong ibang violations of other Sections?

Senator Saguisag. Ganito po ang nangyari doon. Iyon pong magkakamag-anak na provisions mula sa Sections 30, 31, 32, and 33, were all introduced by the distinguished Gentleman from Tarlac. That is why, ganoon po ang interrelation. But we will precisely clarify that after the Gentleman is done.

The Presiding Officer [Senator Maceda]. So the appropriate amendments to accommodate the suggestions

of the Gentleman from Batangas will be presented by the Sponsor at the appropriate time.

Senator Laurel. With that assurance, Mr. President, I retire.

The Presiding Officer [Senator Maceda]. Before we recognize the Minority Floor Leader, the Gentleman from San Juan has one amendment to present, I understand.

Senator Estrada. Mr. President, on page 20, Section 25, delete paragraph (1) which is lines 5 to 8. It reads, Mr. President:

“(1) The established (track) record of the said parties or coalition or groups that now compose them on the basis of merger, union, or consolidation, in the 1987 election.”

And lines 15 to 17, Mr. President: “(4) They or their components before must have polled at least ten percent (10%) of the votes cast in the 1987 elections;”

I want these deleted, Mr. President. My explanation to this is, the requirement of established records and 10 percent votes in the 1987 election is discriminatory to newly organized parties because all the parties that participated in the previous election will be able to comply with the said requirements.

I suggest that the said requirements be deleted to promote fairness in the election law.

Senator Saguisag. Mr. President, may I just state that now is as good a time as any to make a final policy-decision here, whether there will be favored watchers.

It has been a common thread running through the debates in the last three weeks that there are a good number of our Colleagues here who are really for doing away with this, dahil patas-patas na lamang daw po. If that is resolved, that will affect the entire section, indeed, even the proposals of Senator Enrile later.

Siguro po, iyan ang dapat nating talakayin. Magkakaroon pa ba ng mga principal watchers parepareho na lamang po at ibibigay na lamang iyong panganim o pampitong kopya sa Huwes.

That we have not really decided. But once that is decided, that will really determine the fate of the amendment being proposed now.

That is why I was saying last night, I would hope that one of us would now make the appropriate motion as borne out by the interpellations I have had to field in the last three weeks.

The Presiding Officer [Senator Maceda]. All right. Let the Chair clarify the situation. There is a bigger amendment to delete from line 26 of page 19 to the end of that Section.

Senator Saguisag. That is correct, Mr. President.

The Presiding Officer [Senator Maceda]. So, if the amendment seeking to delete wins, the amendments being proposed by the Gentleman from San Juan are also automatically included in the deletion. However, if the amendment to delete is not carried or is defeated, then the Gentleman from San Juan can still present the amendments which cover only subparagraphs 1 and 4.

Senator Estrada. All right, I withdraw my amendment.

Senator Enrile. Mr. President.

The Presiding Officer [Senator Maceda]. The Minority Floor Leader.

Senator Enrile. Point of inquiry. If we delete this provision, what would happen to the copies of the certificate of canvass, election returns that would be given to the dominant ruling majority and the dominant political opposition party?

The Presiding Officer [Senator Maceda]. The discussions on the matter have centered on giving the sixth copy to the RTC Presiding Judge for national and provincial elections, and to the Municipal Judge or Presiding Municipal Judge or City Judge for city and municipal elections. The seventh copy will be given to the appropriate Citizens Watchdog Committee that is authorized by the Commission on Elections, or any other suggestions which the Minority Floor Leader might suggest.

SUSPENSION OF THE SESSION

Senator Enrile. Can we have a one-minute recess, Mr. President?

The Presiding Officer [Senator Maceda]. The session is suspended, if there is no objection. [There was none.]

It was 5:30 p.m.

RESUMPTION OF THE SESSION

At 5:47 p.m., the session was resumed, with the Honorable Wigberto E. Tañada, presiding.

The Presiding Officer [Senator Tañada]. The session is resumed.

Senator Saguisag is recognized.

Senator Saguisag. Mr. President, we agreed that we will leave for a later hour today the crucial issue that is pending. Senator Enrile has also graciously informed us that the matter he is interested in may be taken care of in conference.

So, may I just go page by page in regard to relatively insignificant or clerical matters while we reserve for later those that have to do with substance.

The Presiding Officer [Senator Tañada]. Please proceed.

Senator Saguisag. On page 5, line 3, Mr. President, I have checked with Senator Rasul as to the word "Segments." An issue was raised here by Senator Maceda, and he said that that was not really his formulation. So, may we now amend it to read as "SECTORS."

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. Now, in view of my representation to Senator Laurel as to the need to clarify clauses with penal content, at the bottom of the same page, page 5, may we add the following--subject to style--after the

words "Good Friday": "A VIOLATION HEREOF SHALL BE CONSIDERED AS AN ELECTION OFFENSE PUNISHABLE UNDER SECTIONS 263 AND 264 OF THE OMNIBUS ELECTION CODE."

It will spill over to the top page of page 6.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Saguisag. On page 9, Mr. President, line 2, again the same phrase, after the word "offense": "A VIOLATION HEREOF SHALL BE CONSIDERED AN ELECTION OFFENSE PUNISHABLE UNDER SECTIONS 263 AND 264 OF THE OMNIBUS ELECTION CODE."

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the same is approved.

Senator Saguisag. On the same page, Mr. President, line 20, between the words "WHICH IS", may we insert the word "BOTH". So for clarity, it should now read: "WHICH BOTH IS".

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Saguisag. On page 15, Mr. President, line 22, we have the word, "evidence". I have also preferred to treat this as a collective or mass noun. I say this because on lines 7, 13 and 17, the word "evidence" has the letter "s" added to it.

So, may we just make this consistent by just using the mass noun "EVIDENCE". Line 7, line 13, and line 17, "evidences" should read as "EVIDENCE" as in line

22.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Saguisag. On page 18, Mr. President, line 9, "SECTION 24 INFRA", unless my attention is called

to something else, it seems to me it should really read as "SECTION 23 OF THIS ACT." Section 24 has to do with the manner of counting of votes.

So, page 18, line 9, "Section 24 Infra" should read as "SECTION 23 OF THIS ACT". That has to do precisely with the signature of the Chairman at the back of every ballot.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] There being none, the amendment is approved.

Senator Saguisag. On page 21, Mr. President, I regret that, maybe the Secretariat may not have been able to comprehend the intent of the Body when we made some amendments, subject to style. So, I refer first to line 16.

The opening bracket before "Shall" should be put before "For". The closing bracket should not be on line 17, but on line 18 after the word "Coalition". It should now read as follows: "THE SIXTH COPY (FOR SHALL BE DELIVERED TO THE REPRESENTATIVE OF THE MAJORITY PARTY OR COALITION) SHALL BE GIVEN TO THE REGIONAL TRIAL COURT EXECUTIVE JUDGE IN THE PLACE CONCERNED;"

Samakat'wid po, ang basa natin diyan, as amended, will be: "THE SIXTH COPY SHALL BE GIVEN TO THE REGIONAL TRIAL COURT..." *et cetera*.

The Presiding Officer [Senator Tañada]. Is there any objection?

Senator Osmeña. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Osmeña is recognized.

Senator Osmeña. Mr. President, simply to inquire from the Sponsor: What is the purpose in delivering the sixth copy to the Executive Judge? For safekeeping? When can this be opened, when there is a protest? Or, is this to be held in the possession of the judge for everybody to use, to check the returns in the process of canvassing?

Senator Saguisag. Well, let me state that we are just trying to clarify the record. Actually, it is tied up with the major policy question to be decided later on tonight.

In other words, in the previous sessions, the amendment was proposed by the distinguished Gentleman from Manila and Ilocos Sur, that instead of giving copies of electoral documents to the two parties, the majority and the dominant opposition party, that copy should be given to someone neutral, as a judge, which may be useful later on for evidentiary or authentication purposes.

Certainly, I see no reason why that could not be a source of a certified true copy made upon proper request.

I will just appeal to the Gentleman that we will just correct what happened at an earlier date--it was not understood by the Secretariat--and then that will be decided when we decide later on whether there will be preferred parties.

Senator Osmeña. With that understanding, because the copy is normally given, with the Gentleman's indulgence, the copy is normally given so that an interested party, in this case the political party, can use it in the process of canvassing to check whether or not there are discrepancies.

So, if we are giving it to the judge, is the judge going to store it and, therefore, a political party has no way of verifying, in the process of canvassing, whether the returns being canvassed are accurate? And if the judge is just going to have custodial possession of it so that anyone can go and look at it, are we, therefore, going to provide that he can open that copy the moment he receives it so that he can show it to anybody interested?

I think those are the issues, the questions, that have to be addressed.

Senator Saguisag. Yes. The representation made here was that everybody is going to get a copy of the certificate of votes. That was also reached in view of the interminable debates as to who should be getting such, and a lot of things were said very persuasively on both sides of the question.

We are not yet deciding the merits of it. It is just for

purposes of clearing the record. As it is, it does not make sense.

So, subject to that understanding, may I proceed to the next correction of the record.

Sa line 23, iyon pong "Credited" should be "ACCREDITED".

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. Again, it is only for purposes of record.

Page 22, for the same purpose, line 3, "THE FIFTH COPY [FOR...]" and then remove the open bracket () before the word "SHALL".

Line 5, the closed bracket () should be placed after the word "COALITION" and the closing bracket on line 4, after "OF" should be deleted.

So, for clarity, ganito po ang pagbasa:

"THE FIFTH COPY [FOR SHALL BE DELIVERED TO THE REPRESENTATIVE OF THE MAJORITY PARTY OR COALITION]..."

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. Line 10, a closing bracket () should appear after the word "coalition". Iyon pong closing bracket () sa line 9 will go out so that it will read as follows:

~~"THE SIXTH COPY [TO THE REPRESENTATIVE OF FOR THE DOMINANT OPPOSITION PARTY OR COALITION], ..."~~

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. On the same line 10, "credited"

should be changed to "ACCREDITED", Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. On page 25, line 1, the opening bracket () should precede "FOR" and not "Shall" and the closing bracket () should appear after the word "Coalition" so that lines 1 to 3 should read, as corrected, as follows:

"THE FOURTH COPY [FOR SHALL BE DELIVERED TO THE REPRESENTATIVE OF THE MAJORITY PARTY OR COALITION]."

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. Line 8, Mr. President, should read as follows:

"PARTY OR COALITION]" delete the comma (,) to be followed by "TO THE ACCREDITED CITIZENS." So that, as corrected, it should read as follows:

"PARTY OR COALITION] TO THE ACCREDITED CITIZENS."

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. On line 12, Mr. President, between the words "by" and "city", may we insert the word "THE".

The Presiding Officer [Senator Tañada]. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. Line 26, Mr. President, "The fourth copy opening bracket () "FOR" and delete the closed bracket ()

On line 28, after the word "coalition" the closing bracket () is inserted so that lines 26 to 28, as corrected,

will read as follows:

“THE FOURTH COPY [FOR SHALL BE DELIVERED TO THE REPRESENTATIVE OF THE MAJORITY PARTY OR COALITION].”

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. On page 26, line 1, it should read as follows:

“COALITION” closed bracket (]) delete the comma (,) “TO THE ACCREDITED CITIZENS ARM, IF”.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. On page 27, line 12, which now reads: “BY THE COMMISSION ON ELECTIONS (COMELEC)”, may we just have this rephrased as “BY THE COMMISSION” period (.) and the rest will go out.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. On line 17, “agency” should be plural. It should be “AGENCIES”.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. On line 26, Mr. President, after the words “by the Commission” period (.) and the rest will go out.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. On page 28, line 26, “SECTIONS 261, 262 and 264” should read as “263” and “264”.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. If we may step back, Mr. President, to page 17 at the bottom line, after the word “ballot”, delete the period (.), and after the quotation mark (“), may we add “AND ITS EQUIVALENT IN FILIPINO.”

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. That is all for now, Mr. President. Later, we will, I believe, have only that remaining difficult policy question and, maybe, it will enable us to have this voted on on Second and even Third Reading tonight, if possible.

Senator Herrera. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Herrera is recognized.

HERRERA AMENDMENT

Senator Herrera. I am just wondering, Mr. President, whether on page 29, Section 37, under the title *Appropriations*, instead of appropriating only “Nine hundred EIGHTY million”, why not make it “ONE BILLION”, considering the inflation rate? It is a matter of P20 million.

Senator Saguisag. Maybe, that is a good way of rounding it off. So, we accept, Mr. President.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

The Majority Floor Leader.

SUSPENSION OF THE SESSION

Senator Guingona. Mr. President, I move for a brief recess.

The Presiding Officer [Senator Tañada]. The session is suspended, if there is no objection. [There was none.]

It was 6:06 p.m.

RESUMPTION OF THE SESSION

At 6:14 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

Senator Saguisag is recognized.

Senator Saguisag. Thank you, Mr. President. Per our understanding, we have left for last this very difficult policy choice, as to whether certain parties--to use the expression-- majority party, dominant opposition party, will have principal watchers for certain aspects of the exercise, for being entitled to certain copies of some electoral documents. The Senator does not really have any strong feelings on this. I would like to hear from our Colleagues as to what direction the Senate will take in this respect.

One of the main proponents of one side is Senator Pimentel. Maybe, he can favor us with a restatement on how he stands on this difficult policy question.

The Presiding Officer. [Senator Tañada]. Senator Pimentel is recognized.

Senator Pimentel. Mr. President, we are now in Section...

Senator Saguisag. Section 25. Ang background po nito, sa page 20, ipinatatangal ni Senator Estrada itong may kinalaman sa established or track records and the 10 percent requirement. I reminded the Chamber that it is really interwoven with the fundamental question as to whether we are maintaining the concepts of majority or coalition party, on the one hand, and a dominant opposition party, on the other, for purposes of getting some copies, enjoying certain rights, et cetera.

Senator Pimentel. Mr. President, it looks like there are actually two principal thoughts or concepts that are

involved here.

One, is allowing the majority party and the dominant opposition party to have two principal watchers for the purpose of representing them in the proceedings of the Board of Election Inspectors.

The other is to allow the representatives of the majority party and the dominant opposition party to receive certain election documents, like canvass reports or other election documents that are supposed to be furnished to these two parties, to the exclusion of the other parties.

That is exactly what we are objecting to. The exclusion of the other parties, which may not be considered the majority party and the dominant opposition party, would run counter to the precepts of the Constitution, which sanctions or encourages the formation of a multiparty system in our country.

Therefore, our objection would center on the following:

1. We disagree with the proposition that there should be recognized principal watchers. The adjective "principal" is not acceptable to us. All parties must be given watchers, with equal rights and equal duties. All parties, with a certain standard to be applicable to them, like garnering 10 percent of the votes in the last senatorial election, should be entitled to the election paraphernalia or election documents that are mentioned in this Code, which, otherwise, would be given only to the dominant opposition party and the majority party.

That is the thrust of our objection to singling out the dominant opposition party and the majority party as sort of special parties entitled to special privileges which are denied to the other parties.

~~The Presiding Officer [Senator Tañada]. Are there any other comments on this point?~~

Senator Saguisag. If the Gentleman is really inclined to accept the proposition advanced by our friend from Cagayan de Oro, but I do know that the Chamber seems to be divided on it. So, I do not know if we are ready to vote, or whether we should be hearing from the others concerned.

As far as this Senator is concerned, I can accept the concept of eliminating the preferred position enjoyed by the so-called majority party and the dominant opposition party.

Senator Pimentel. By the way, just to serve a warning to all concerned, this is only a preliminary statement. If I have to deliver a three-day speech here attacking this proposal, I will do so. Because I think it is unfair to exclude the smaller parties from enjoying the same right and the same obligation as other parties.

Senator Laurel. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Laurel is recognized.

Senator Laurel. Puwede ho bang magtanong sa aking magiting na kaibigang Senator Pimentel?

Senator Pimentel. Opo. Alam ko naman na pareho ang ating paninindigan dito kaya okay lang.

Senator Laurel. Kung bawat partido ay may watcher, ibig kong malaman, unang-una, kung ilan ba ang ating political party sa kasalukuyan?

Senator Pimentel. Tama po. Marami po ang registered political parties, but we can put some rational guidelines like insisting on the percentage of votes which the parties received, just as an example, 10 percent of the votes in the last senatorial elections. That should be an objective guideline that will not result in an absurd situation. We will notice even in Germany, German political parties that receive 5 percent or more votes in a given election are given due recognition. So, we can even raise the number of votes received or percentage of votes received to 10 percent if that should be preferable.

Senator Laurel. What are the duties or prerogatives of a watcher. Hindi ho ba ang watcher ay nagbabantay?

Senator Pimentel. Opo, pero hindi lamang nagbabantay kundi tumatanggap din ng mga dokumento tulad ng election returns, or canvass returns.

Senator Laurel. Can all of these watchers be allowed to get inside the polling place and stand behind the

chairman, who will read out the results?

I would like to know how many watchers will there be, considering--correct me if I am mistaken--that the Omnibus Election Code, I think, is still enforced and other election laws provide that every candidate is entitled to a watcher. Is that not correct?

Senator Pimentel. That is correct. But we will notice that if we put some guidelines for the accreditation of political parties we will reduce the number of watchers considerably. For example, parties that have, shall we say, received 10 percent of the votes in the last senatorial election are the only ones entitled to receive copies of the electoral returns, then we reduce considerably the number of parties that will be entitled thereto.

Senator Laurel. What will be the basis of the COMELEC to determine whether a particular party has received 10 percent of the votes if that party was a part only of the coalition in the 1987 election, if the 1987 election is going to be the measure or the point of reference?

Senator Pimentel. Marami po sa atin even if we ran under the coalition in 1987, have specified the party which we were running under; we may be adjudged a Nacionalista or PDP-Laban, Mr. President. Like in the Gentleman's case, for example, he has always been a Nacionalista. Senator Tamano has always been a Nacionalista. He can be considered as having ran under the Nacionalista Party.

Senator Laurel. Even as they were part of the Grand Coalition?

Senator Pimentel. Yes. Even in my case, for example, we ran together, but I have always identified myself as a candidate of the PDP-Laban under the Coalition ticket.

Senator Laurel. So, the Gentleman's suggestion then is, we will amend the existing laws in order to limit the number of watchers so that they can be accommodated in that small usual polling place.

Senator Pimentel. Mr. President, first, let me clarify that there are two things involved in my stand: One,

relative to the watchers; and second, relative to the election returns and other election documents that are supposed to be given to the majority party and the dominant opposition party only. As regards watchers, we can adopt a more liberal rule which will allow as many watchers as possible.

Senator Laurel. And not all of them need receive a copy of the election returns.

Senator Pimentel. Yes, because many of them will still have to prove their own track record in the electoral arena which will entitle them to these documents as they prove themselves capable of waging an honest-to-goodness electoral campaign.

Senator Laurel. May we find out from the Sponsor of the measure under consideration whether the COMELEC can determine really if a particular party was able to gain 10 percent at least of the votes in the last 1987 election, even as this party was a part of Grand Coalition?

Malalaman kaya sa COMELEC? Mayroon bang tabulation doon?

Senator Saguisag. I am informed, Mr. President, that it can be done.

Senator Laurel. But it has not been done.

Senator Saguisag. It seems that it has not been done. But I am assured that there ought not to be any problem.

Senator Laurel. How does the Gentleman determine that? Because in the last 1987 senatorial elections, for instance, we were all part of the coalition. Is that not correct? And then all the votes were listed under the coalition, not according to the individual component parties of that coalition.

Senator Saguisag. But it is possible, Mr. President, that in the certificates of candidacy the political affiliation was identified.

Senator Laurel. Are we, therefore, going to determine the 10 percent on the basis of the performance of the

individual candidates, or of the party to which he belongs?

Senator Saguisag. To give a theoretical example, it would be known in the certificates of candidacy how many were Liberal Party members, how many were PDP-Laban members down the line. So, I believe it can be done. That is what they told me.

Senator Laurel. Halimbawa, katulad namin sa Nacionalista Party--aywan ko kung ilan kaming tumakbo sa ilalim ng Nacionalista noong 1987--tatlo kaming lumabas sa halalan, did our party gain 10 percent, at least, of the entire votes cast in favor of the Coalition under whose banner we ran?

Senator Saguisag. It is a question of computation. I really cannot see why it cannot be done. There must be some way of comparing how every candidate and group performed as against the total number of voters or votes cast. Puwede po sigurong magawa iyon.

Senator Laurel. But according to the Gentleman, the COMELEC does not have the figures on this.

Senator Saguisag. It may be because the need never arose before. They have enough to do without engaging in academic exercises. But there are many things we can request of government officials, and they tell us, because they are very confident in assuring the Senator that certainly it can be done.

Senator Laurel. Anong formula ang gagamitin nila? If three Senators belonging to the Nacionalista Party came out victorious among the 24 Senators elected, how many percent of the votes did the Nacionalista Party, not the individual candidate but the Nacionalista Party, get or was able to garner?

Senator Saguisag. As long as the data are available, as I believe they are, I do not think one has to be a rocket scientist to be able to compute. There may be some questions when there are border line cases: Nuwebe porsiyento po ba o onse porsiyento? But I think some of the parties can easily make a case that they garnered 10 percent or 15 percent or 25 percent. If we give them that assignment, they would be only too glad to comply. So I am assured, Mr. President.

Senator Guingona. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Guingona is recognized.

Senator Guingona. With due respect to the Gentleman on the Floor, may I ask for a suspension of the session, Mr. President.

Senator Saguisag. May I just add this for the record, that all the things that we are now discussing are really new ideas. We are not depriving any political party any right that it used to enjoy.

I am told that this was really a proposal that came up in a recent meeting between the COMELEC and representatives of the political parties. So, it is not as if some vested right is suddenly being removed. Wala po naman palang mga konsepto noong araw tulad ganito. Ito raw po ay lumabas lamang in a recent meeting.

Senator Laurel. Yes, I understand that, Mr. President, but here is a novel idea or proposal where every party will have a watcher, provided it has gained in the last '87 elections at least so many percent of the votes cast. I am interested in the formula how it will be applied.

The Presiding Officer [Senator Tañada]. With the permission of the two Gentlemen, Senator Gonzales is recognized.

Senator Gonzales. With the kind permission of the distinguished Sponsor as well as of Senator Laurel. I just want to correct on the *Record* what has been said here that this provision or the formula or concept of the same is something new that has been the result only of some recent talks between the COMELEC and representatives of the political parties. That is not correct, Mr. President.

In fact, if we delete this and we do no more, it does not mean that there will be no principal watchers because that is already provided for in the Omnibus Election Code.

The purpose of this particular provision is merely to update it in the light of the relevant circumstances existing at the present, because the Omnibus Election Code was so framed at the time when one could easily distinguish between the ruling coalition and the dominant

opposition. So, they were so specifically mentioned in the law itself.

But then, under the present political conditions obtaining in our country, that is no longer possible because we know that there is already a *de facto*, if not a *de jure*, dissolution of the coalition, with the component parties composing the coalition, maintaining their respective political identities, and now the possibility being that each one of them will fill completely a new ticket. That is why the purpose of this particular provision in Senate Bill No. 1861 is to merely clarify it, to make it attune with the existing political circumstances, and we are part of this.

As a part of the Batasan Opposition, this has been the work of the Batasan Opposition at that time, and it was a significant victory at that time in spite of the fact that we referred to the Batasang Pambansa as a Body that is controlled by the Martial Law Government then existing. In spite of that, the Opposition in an uphill was able to obtain it, because we did recognize that there ought to be people who ought to authenticate the election returns. That is the very concept.

That is what I am trying to say: that we ought to sacrifice some of the little political considerations being invoked now by political parties to the greater need of having somebody from the main political parties to authenticate. That is far more important for purposes of the cleanliness of the election.

Mr. President, as I have said, there is a long history behind this particular provision. May I repeat. The danger that if we just delete this provision and do no more, then we are back to the old provisions of the Omnibus Election Code, which is no longer relevant to the political conditions obtaining in our country.

~~So, probably, what we ought to do if we want to~~ change this particular provision and shift to a different policy is, whoever is the proponent of the same should prepare the substitute provision and furnish Members of this Body in order that we can discuss it.

But what I am trying to say is, this is not a new concept. There is a long history of struggle on the part of the then Opposition before we were able to gain what we consider a significant electoral reform.

Senator Saguisag. But all we need to do is to identify the provision which says that copies should be given. I am told by the experts here that there is none. We should not confuse it with the rights of watchers to authenticate. That is a different matter. That is in Section 179 of the Omnibus Election Code and Section 12 of Republic Act No. 6646.

But what they are telling me--there are Commissioners here of the Commission on Elections--is that there is no provision in existing law that says that the majority party and the dominant opposition parties are entitled to copies of certain documents. Ngayon, kung maituturo po iyon, then all of us will just have to be persuaded.

So, there are two aspects. Iyon pong may watchers na pipirma, we concede that. That was not my intent. But always, the problem has been who should get copies of certain documents.

We have not pointed to any specific enactment identifying the Batas Pambansa enactment as well as the pertinent section so we can conclude the controversy. But I would be very surprised if such can be done since even the Members of the COMELEC, the highest body on the matter, as of now seem to be in the dark as to what is this beginning of the long struggle in regard to those extra copies.

Senator Gonzales. Mr. President.

The Presiding Officer [Senator Tañada]. Senator Gonzales is recognized.

Senator Gonzales. Senator Laurel was interjecting the question of how we compute whether a political party has obtained at least 10 percent of the votes cast in the 1987 elections. That could refer only to the provision of Senate Bill No. 1861 which provides for principal watchers. ~~The issue of principal watchers is completely different~~ from the political parties who are entitled to receive copies of the election documents, for example, the election returns.

If it is true that the COMELEC is going on record in saying that there is no law before that authorized political parties to obtain copies of the election returns, they have certainly a very short and poor memory. Even under the

Election Code of 1971, it is specifically provided that two copies are to be considered party copies: one to be given or furnished the majority party and the other the minority party. For the COMELEC to say now that this is completely new, that there is nothing in our Election Law before, it merely proves that the COMELEC has a very short, if not a very fragile, memory.

Senator Saguisag. No, but the context is that there was supposed to be a struggle in the Batasan. If that is pointed to us, then we can conclude the debate because we know the expertise of the Gentleman here. But that was a beginning.

We were not thinking of 1971. May kopya po rito ang maraming Kagawad. Si Senator Pimentel Kagawad din po. I do not know. He would have recalled if there is such a provision, but he is the one who seems to be taking the contrary view.

So, maybe, we ought to be reviewing well the state of the law. Maybe, we need time to do that because I have the highest regard for the Gentleman from Mandaluyong when it comes to matters like these, among other areas.

SUSPENSION OF THE SESSION

May we have a short recess, Mr. President?

The Presiding Officer [Senator Tañada]. The session is suspended, if there is no objection. [*There was none.*]

It was 6:40 p.m.

RESUMPTION OF THE SESSION

At 7:11 p.m., the session was resumed.

The Presiding Officer [Senator Tañada]. The session is resumed.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1861

Senator Guingona. Mr. President, I move for the suspension of consideration of this measure.

OCT. 17, 1991

any objection? [Silence] The Chair hears none, the motion is carried.

BILL ON SECOND READING
Senate Bill No. 1861--Synchronized Elections
(Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 1861 as reported out under Committee Report No. 1373.

The Presiding Officer [Senator Gonzales]. Resumption of consideration of Senate Bill No. 1861 is now in order.

Senator Guingona. Mr. President, I ask that we recognize Senator Saguisag.

The Presiding Officer [Senator Gonzales]. Senator Saguisag is recognized.

Senator Saguisag. Maraming salamat po.

Kagaya po ng napagkasunduan natin kagabi, mayroon na pong bagong sipi nitong Senate Bill No. 1861, carrying all the amendments as of 16 October 1991.

May I just make a few stylistic corrections, Mr. President.

Last night, I proposed an amendment on page 6 that is now reflected in lines 15 to 17. On reviewing the new version, I believe the amendment is better located elsewhere; so that, may I propose the following amendment as to style:

At 11:29 a.m., the Honorable Neptali A. Gonzales relinquished the Chair to Senate President Jovito R. Salonga.

Line 14, after "Good Friday", put a period (.), and delete all the words in capitals.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. The phrase I have just canceled is better transferred, Mr. President, to line 27 of the same

page, after the word "prohibited", so that lines 25 to 27, as amended, should read:

"Any election campaign or partisan political activity for or against any candidate outside of the campaign period herein provided is prohibited"--and this is the amendment--"AND SHALL BE CONSIDERED AS AN ELECTION OFFENSE PUNISHABLE UNDER SECTIONS 263 AND 264 OF THE OMNIBUS ELECTION CODE."

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. Mr. President may we move on to page 10, line 6. I proposed last night that after "WHICH" the word "BOOK", B-O-O-K, should be inserted; it was misspelled as "BOTH". May we just have that clerical lapse corrected;"WHICH BOOK" is line 6, Mr. President.

The President. Is there any objection? [Silence] The Chair hears none; the motion is approved.

Senator Saguisag. Mr. President, on page 22--this is in the nature of an omnibus amendment regarding copies of certain electoral documents to be distributed--if I understood correctly, the substance of the consensus last night, line 19 should read as follows: "THE REGIONAL TRIAL COURT EXECUTIVE JUDGE". As amended, it should read: "THE", then delete "REGIONAL TRIAL COURT EXECUTIVE JUDGE." "THE JUDGE WHO SHALL DISCLOSE ITS CONTENTS TO ANY INTERESTED PARTY comma (,)." That is omnibus, Mr. President.

The President. The Regional Trial Court Executive Judge...?

Senator Saguisag. Will go out, as there are not too many regional trial court executive judges.

The President. This will be available to representatives of all political parties?

Senator Saguisag. The problem that was shown to us yesterday, Mr. President, is that the document is huge. It cannot even be xeroxed conveniently. That is why, if I

were the poor judge in some town, I may not even have the means to copy. There may not even be any xerox facilities, *mas malaki ho. Talagang hong maski may xerox, hindi basta mare-reproduce.* That was the practical problem we were confronted with last night. *Hindi po iyong kamukha nito na regular coupon bond size.* I thought that was the understanding.

The President. Senator Guingona is recognized.

Senator Guingona. Just to clarify, Mr. President. If this proposed amendment were adopted, this would be premised upon equal rights for political parties.

Senator Saguisag. Even a citizen; meaning, if there is an individual who would like to look at the copy, the judge is duty bound to disclose its contents. The most interested parties normally are those who represent political groups.

Senator Guingona. Yes, but the majority and the dominant opposition would no longer have preferential rights.

Senator Saguisag. I think that is the subject of something else. What we are just saying is, if we are agreed on the judge, we wanted to do that. In the past, what would happen, we were told, was the judge would not even open the document and would not disclose it unless there is a proper proceeding.

So, the innovation agreed on was that he would be obligated to disclose this. But the matter about the other parties can be taken up in a separate part of the bill.

Senator Guingona. And to subject the same to photographing or reproduction in a manner that is feasible.

Senator Saguisag. I suppose that is really our intent here. There is just a technical problem of how to reproduce a huge document.

Senator Guingona. It can be photographed.

Senator Saguisag. Surely. He, who shall disclose its contents to any interested party, if the latter so wishes, may reproduce or copy it. Subject to style.

The President. If we say, "to any interested party," the judge may be inconvenienced by the number of people who may swamp him with requests. Why not to the representatives of political parties?

Senator Saguisag. This happens only once every three or six years. Let him earn his pay for a while.

The President. I suppose the judge will be under obligation to give a certified true copy at least.

Senator Saguisag. That is the problem, Mr. President. Because how is the copy to be made in the first place if it is a huge document? It cannot be copied conveniently except in places where there are sophisticated devices of copying. *Iyon po ang hindi namin malutas kagabi. Sapagkat kung ito ay kasinlaki nito (showing a legal size paper) ay napakadaling kopyahin at sertipikahan. Pero kung ganito po kalapad, (showing a tally sheet which is much bigger than an ordinary coupon bond) how is the copy to be made in the first place, especially in far-flung areas where there are no sophisticated devices for reproduction? Ideally, dapat nga na ipa-certify, pero may technical problem po.*

Senator Pimentel. Mr. President.

The President. Senator Pimentel is recognized.

Senator Pimentel. Mr. President, there is a need to have that certified because that document without a certification will be a valueless piece of paper. Probably, we can suggest to the Sponsor that the judges so-designated or to whom this election returns copy will be given should be furnished blank copies of election returns to fill manually, if necessary.

The President. Or even by typewriter.

~~Senator Pimentel: Yes, Mr. President.~~

I think that compelling the judge to furnish copies to representatives of political parties concerned should suffice to deter anomalies in the electoral process.

Senator Saguisag. This is what we are talking about. My experience, Mr. President, especially in a small town, is, we could not even get some investigations

started in the past because the judge would have to go to the sari-sari store to buy some coupon bond; *ni wala pong makinilya*. This is not easy to type, Mr. President.

Ang liliit po ng imprenta. That is why, they were pleading for understanding.

SUSPENSION OF THE SESSION

The President. Let us suspend the session for a minute, if there is no objection. [*There was none.*]

It was 11:37 a. m.

RESUMPTION OF THE SESSION

At 11:45 a.m., the session was resumed.

The President. The session is resumed.

Senator Saguisag is recognized.

Senator Saguisag. Mr. President, may we hear from Senator Pimentel on the formulation of the subject amendment. I was suggesting on line 19 after the word "judge": "WHO SHALL DISCLOSE ITS CONTENTS TO ANY INTERESTED PARTY," but there is an amendment to that amendment which I would like the Body to ...

Senator Pimentel. Yes. Mr. President, I was thinking that, perhaps in addition to just disclosing their contents to so-called interested parties, the judge concerned should be compelled by law to issue certified copies of the document--the election returns--upon request of representatives of the accredited political parties involved in the electoral exercises.

And this we can do, Mr. President, by manually reproducing the contents of the electoral election returns on printed copies of the election returns coming from the Commission on Elections to be furnished to the judges concerned.

Senator Saguisag. The problem last night was the confidentiality that marked the custody of the judge. If that would be a requirement, why should that not be assigned to somebody else, like the Commission on Elec-

tions, but not the judge who will have to copy it?

I have no problem if it is assigned to the Commission on Elections, as on line 9: "the third copy to the Commission on Elections." It has a registrar in every town and, therefore, we can just require the judge to disclose the contents. *Pero pagdating po sa pagbibigay ng kopya, baka mas mabuti na iatas natin ito sa COMELEC.*

Senator Pimentel. The reason why the sixth copy was supposed to be given to the judge was precisely an accommodation to allay the fears that were expressed that, because of past experience, some members of the Commission on Elections and their personnel cannot be relied upon to be impartial. That is why, precisely, a judge of the court was suggested. That was the reason why this particular personality was recommended for inclusion here, Mr. President.

Senator Saguisag. Well, I think it is really an unfair imposition on the judge. I do not want really to delay the passage of this bill. I will not interpose any objection, subject to style, but I am alerting the Body to practical difficulties to which our attention has been called by the representatives of the COMELEC.

The President. Will this kind of formulation be acceptable, after the word "judge": "WHO SHALL ISSUE CERTIFIED COPIES, UPON REQUEST OF THE DULY AUTHORIZED REPRESENTATIVE OF THE ACCREDITED PARTIES."

Senator Saguisag. That is in refinement of what I have not objected to, Mr. President.

The President. I was asking Senator Pimentel whether this will be agreeable to him, after the word "judge": "WHO SHALL ISSUE CERTIFIED TRUE COPIES THEREOF, UPON REQUEST OF THE DULY AUTHORIZED REPRESENTATIVE OF THE ACCREDITED POLITICAL PARTIES."

Senator Pimentel. Yes, it is acceptable, Mr. President, but perhaps, we can clarify that the forms to be used should be forms furnished by the Commission on Elections, in order to lessen the time that needs to be consumed in writing all those data since there are already

available in the forms of the COMELEC.

The President. In other words, the judge shall be furnished in advance blank forms?

Senator Pimentel. That is correct, Mr. President.

The President. I think that will be subject to style.

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

Senator Maceda. I am just worried that if there are too many blank forms lying around with every judge, those could be used as fake election returns. So, I am just going to suggest, for the *Record*, for the COMELEC that those forms for certification should be of a different color and of a different size.

The President. Is there any objection to the formulation?

Senator Pimentel. Not only that, Mr. President. Perhaps, we can make these forms that are furnished the judge accountable over. Meaning to say, the judge has to render a report on just exactly where the copies went, and any unused copies should be duly accounted for in order to preclude the possibility that Senator Maceda has spoken of.

The President. In other words, the judge shall account for the disposition of every blank form. How does that...

Senator Saguisag. Mr. President, I am not objecting. I am just saying that this is not even a proper judicial task, and there is so much negative assumption, so much paranoia, as if there were no longer any honest judge in the country today.

But I am not objecting.

The President. All right. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Saguisag. That is omnibus, Mr. President. Wherever the same situation is mentioned it should be

covered by the amendment.

The President. All right.

Senator Saguisag. Mr. President, a very minor correction. On page 29, line 33, for consistency, the word "numbered" should be abbreviated to read as "No." capital N-o period (.).

The President. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. It seems to me, Mr. President, that it only remains for us to resolve the last pending issue on watchers.

The President. What page will that be?

Senator Pimentel. Mr. President, can we kindly go back to page 22. Can we not also mandate or direct the Commission on Elections, the municipal board of canvassers, and the provincial board of canvassers, to accord the same right to parties, which may demand copies of the certificates of election returns?

In other words, what I am trying to say, Mr. President, is, why limit only the right of the political parties to get copies of the election returns from the judge? Can we not make that a mandatory duty also of the city or municipal board of canvassers, then the provincial board of canvassers, and the Commission on Elections upon demand? Because it would look as if it is only the judge who is compelled to furnish copies of these election returns. The more government agencies are mandated to accord the same right to representatives of political parties, I think, the better we will be able to keep the electoral process clean and honest.

Senator Saguisag. It seems to me that there should not have been any problem in the past as to the duty of the COMELEC to give copies.

Senator Pimentel. Yes.

Senator Saguisag. But I am not so sure, given the concern about security if there are too many documents floating around. If I look at this apparently high quality and, therefore, presumably expensive paper, if we con-

sider the production cost, the shipping cost, the safekeeping cost, I am just a little bit concerned as to the practical aspect of it. *Baka hindi po husto na roon sa bina-budget nating isang bilyong piso.* The principle, otherwise, is unassailable. I have reservations about the practical aspect.

Senator Pimentel. Yes. Because, Mr. President, unless we include that proviso as far as the CITY OR MUNICIPAL BOARD OF CANVASSERS are concerned, also the "COMMISSION ON ELECTIONS" on line 10, and "THE PROVINCIAL BOARD OF CANVASSERS" on lines 11 and 12.

The President. What page is that?

Senator Pimentel. Page 22, Mr. President.

The President. All right.

Senator Pimentel. ...it would look as if it is only the judge to whom the political parties can have recourse on the matter of getting copies of the election returns. But if we include the same proviso as far as the "MUNICIPAL BOARD OF CANVASSERS" on line 6, and then the third copy to the "COMMISSION ON ELECTIONS" on line 10, and then on lines 11 and 12 "THE PROVINCIAL BOARD OF CANVASSERS" are concerned, then we are, in effect, broadening the recourse of persons or the political parties concerned to get copies of the election returns and thereby also, in all likelihood, facilitate the maintenance or the holding of clean and honest elections. *Kasi, marami na silang mapupuntahan ngayon* to secure copies of these election returns.

Senator Saguisag. Mr. President, may I just make of record that there are more than 100 accredited parties. If we will make for provisions for possible requests, I am really concerned about the practical aspect. Could we just arbitrarily say that only five will be entitled, or is every accredited political party, theoretically, accorded the right to make such a request? Therefore, to guard against the possibility na wala pong made-deney, *dapat magkaroon ng provisions* within reason for each of these public officials.

As I said, I am not objecting. I am just calling attention to certain practical concerns, because the idea,

as I said, in itself, better guarantees a clean process.

The President. Of the more than 100 accredited local parties, how many are local, not national?

Senator Saguisag. *Baka po mag-put up din ng mga presidential candidates iyan kahit nuisance sa pananaw natin.* I do not really know. But our friends in the COMELEC, while they will abide by whatever we ask them to do, have manifested some concern as to the affordability of what we are trying to put here. *Dahil marami po iyan.*

Imagine, the Senate President may be doing nothing but certifying copies, let alone the COMELEC, the board of canvassers. *Baka ang tendency po ay dito magpuntahan sa Maynila.* So, both the COMELEC and the Senate President may be asked to certify these documents.

To me, if the COMELEC is doing it anyway, *baka puwede na pong doon na lamang sa judge talaga sila pumunta.*

Senator Pimentel. Mr. President, one of the reasons why election results are often manipulated is the difficulty on the part of political parties and their adherents to get copies of the documents that will prove that anomalies have been committed in the electoral process itself.

Therefore, in essence, if we were to spread the availability of these documents among responsible government agencies, like the ones that are mentioned here on page 22, I think it stands to reason that we are helping maintain, keep and hold clean and honest elections, Mr. President. Therefore, we should not be stingy on the matter of safeguarding the electoral process even if it will mean additional expense.

Senator Saguisag. Also, as was pointed out by Senator Maceda, the possibility of seven lawyers, all filing some petitions claiming that they are the winners, on the basis of seven different copies, is also there. *Pag napakarami pong kopya niyan, baka lalong dumami ang falsifications.* One may claim: "I have seven votes here." *Ang sabi naman noong isa: "Labimpito."*

Iyon ho ang isang peligro kung maraming kumakalat

na mga sipi ng election returns.

As I said, I am not objecting just so we can have this passed today. Upon its proper formulation, I will accept.

If it is left with the COMELEC, then I think it is more manageable.

Senator Pimentel. Maybe the COMELEC can be the judge, Mr. President.

Senator Saguisag. So we will use the same formulation of the Senate President to add to line 10, and that will also be in the nature of an omnibus amendment, Mr. President.

The President. So we will limit it to the COMELEC and to the judge.

Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. My attention was called, Mr. President, to page 9. May we have a short recess?

SUSPENSION OF THE SESSION

The President. Let us suspend the session for a minute, if there is no objection. [*There was none.*]

It was 12:01 p.m.

RESUMPTION OF THE SESSION

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

The President. The session is resumed.

Senator Pimentel. Mr. President, on page 22 and other relevant pages where the word "JUDGE" is mentioned as the person to whom another copy of election returns and certificates of canvass will be given, he in turn is mandated to furnish certified copies to the representatives of political parties. The judge in question, Mr. President, need not necessarily be the Executive Judge of the Regional Trial Court or even a Regional Trial Court Judge. In effect, he can be a Municipal Court Judge; he can be a City Court Judge, for as long as he or she is

designated by the Judges themselves in that locality.

That is my understanding, Mr. President, of this particular provision.

The President. Just a moment.

If it is the Municipal Judge, there may be a question of partisanship. I think the reason we are putting it in a Regional Trial Court Judge is, we feel that, probably, he is less partisan than municipal judges.

Senator Pimentel. So, probably, let us restore the words then, "REGIONAL TRIAL COURT JUDGE" without identifying him as the Executive Judge, Mr. President.

The President. On the understanding that he may be the Judge designated by all the judges in that particular place.

Senator Pimentel. All the Regional Trial Court Judges.

The President. Yes.

Senator Saguisag. Because the experience anyway, is that the system seems to be working well. So, how do we phrase it now? Will the Gentleman from Cagayan de Oro be ready with any formulation?

Senator Pimentel. Yes. To be more specific, on line 16, page 22, Mr. President, the new wording of the provision will be as follows: "THE SIXTH COPY SHALL BE GIVEN TO THE REGIONAL TRIAL COURT JUDGE DULY DESIGNATED BY THE REGIONAL TRIAL COURT JUDGES IN THE PLACE CONCERNED WHO SHALL BE MANDATED OR WHO SHALL FURNISH CERTIFIED COPIES" followed by the provision as worded by the Chair, earlier.

The President. "SAID JUDGE SHALL ISSUE CERTIFIED TRUE COPIES UPON REQUEST OF DULY AUTHORIZED REPRESENTATIVES OF THE ACCREDITED POLITICAL PARTIES."

Senator Pimentel. Yes, Mr. President.

The President. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Pimentel. Can we make that an omnibus amendment, Mr. President, where applicable?

The President. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Saguisag. Mr. President, the Chair, we understood, has certain suggestions to make?

The President. Yes, the Amending and Repealing Clause.

Senator Saguisag. Page 30, line 25.

The President. I am quoting the version of the House of Representatives:

Sections 107, 108, 233, 234, 235, 236, 237, 238, 241, 243, and 254 of the Omnibus Election Code are hereby repealed.

Likewise, the inclusion in Section 262 of the Omnibus Election Code of violations of Sections 105, 106, 107, 108, 109, 110, 111, and 112 as among election offenses is also hereby repealed. This repeal shall have retroactive effects.

Senator Guingona. Mr. President, may we know in gist what the...

The President. It is about the filing of statements on election expenses. If the Gentleman will remember, we were discussing that one evening, and my attention was called to that by the House of Representatives.

Senator Saguisag. We accept, subject to verification for conference purposes, in consultation with our Colleagues, Mr. President.

The President. Yes. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Are there any further amendments?

Senator Laurel. Mr. President.

The President. Senator Laurel is recognized.

Senator Laurel. Mr. President, just a minor correction on page 9, for clarity purposes.

LAUREL AMENDMENT

On page 9, line 16, delete the words "ADJACENT TO THE DOOR" and after the word "WALL", delete the words "OF THE BUILDING" and in lieu thereof, insert the words "OUTSIDE THE ROOM."

So the said sentence will read as follows: "The board of election inspectors shall post ON THE WALL OUTSIDE THE ROOM WHERE REGISTRATION WAS CONDUCTED, the list of voters."

It is clearer, Mr. President.

Senator Saguisag. It is accepted, Mr. President.

The President. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Gonzales. Mr. President.

The President. Senator Gonzales is recognized.

GONZALES AMENDMENT

Senator Gonzales. May I propose the following amendments on page 20, starting from line 26 up to line 33 and on page 21, from line 1 to line 6: "THERE SHALL ALSO BE RECOGNIZED FOUR (4) PRINCIPAL WATCHERS REPRESENTING THE FOUR (4) RANKING ACCREDITED POLITICAL PARTIES WHO SHALL BE DESIGNATED BY THE COMMISSION ON ELECTIONS UPON THE NOMINATION OF THE SAID PARTIES. THE RANKS OF THE POLITICAL PARTIES SHALL BE DETERMINED BY THE COMMISSION ON ELECTION UPON NOTICE AND HEARING ON THE BASIS OF THE FOLLOWING CIRCUMSTANCES."

Then on page 21, we will insert between lines 19 and 20, another criterion which will be the fifth, and it is: "(5) THE ABILITY TO FILL A COMPLETE SLATE

OF CANDIDATES FROM THE MUNICIPAL LEVEL TO THE POSITION OF PRESIDENT OF THE PHILIPPINES." With the corresponding effect that on line 20, the number (5) will now be number (6).

On the same page, line 22, instead of the words "THE THIRD AND FOURTH RANKING POLITICAL PARTIES" and preliminary to subsequent amendments that I am going to propose, then we say: "THE FOUR RANKING POLITICAL PARTIES OR COALITIONS, AS DETERMINED BY THE COMMISSION IN ACCORDANCE WITH THE ABOVE CRITERIA SHALL BE ENTITLED TO RECEIVE THE SIXTH AND SEVENTH COPIES OF THE CERTIFICATES OF CANVASS WHICH SHALL BE IN ADDITION TO THE FIVE (5) COPIES PROVIDED IN SECTION 28 HEREOF."

Senator Pimentel. Mr. President.

The President. Senator Pimentel is recognized.

Senator Pimentel. May I be allowed to make certain observations, Mr. President, on the proposed amendment?

Basically, the amendment is acceptable to us, but instead of using the word "PRINCIPAL," may I request that the word "ADDITIONAL" be used in lieu of the word "PRINCIPAL" because the word "PRINCIPAL" here presupposes that there were two principal watchers previously allowed.

Senator Gonzales. Yes. Mr. President, if the Gentleman will notice, this is merely the third paragraph; and in the earlier paragraph, it says: "Every registered political party, coalition of political parties and every candidate, et cetera, shall be entitled to the appointment of watchers."

Senator Pimentel. Yes.

Senator Gonzales. The use of the word "principal" is to distinguish them from the regular watchers which every political party or candidate can, as a matter of pride, appoint. Also, because of the difference in the nature of their duties, insofar as the principal watchers herein are provided, in addition to their work as a regular

watcher, they shall be allowed to authenticate by their thumbmarks and their signatures the election returns.

That is the justification for the use of the word "principal", Mr. President, to make them different from the regular watchers.

Senator Maceda. Mr. President, first of all, I agree with his having scaled down this original proposal of the ability to fill a complete list of candidates, because that will get into all kinds of permutations. There will be some parties that might have a common senatorial slate of 12 each. Or, there will be provinces where one party may not have a complete slate of provincial board members, or cities or municipalities where some party will not have a complete slate of councilors. So, I am glad that that has been just put as one of the standards.

My question is: The original was two. Why four? Why not six? Why not eight? What practical difference does it make if it is four or more than four, since they are not in any way going to be members of the board of election inspector?

Senator Gonzales. Yes, Mr. President. In fact, there has been the suggestion to increase this number from the original two, which is the provision of the existing laws. But COMELEC says: "Baka wala na kaming mapirmahan doon sa election returns."

In fact, conceivably *kapag apat na ang* principal watchers, siguro some of them will already sign at the back of the election returns themselves, Mr. President. Understandably, *punong-puno na po iyon ng mga* signatures and thumbmarks, because the Chairman and members of the board of election inspectors shall also authenticate this by their own signatures and thumbmarks. Additional safeguard *lamang po ito*.

Senator Maceda. That is correct.

Let us look at the practical realities, Mr. President. I think the Gentleman will not disagree with me that any serious presidential candidate should be given as much a chance to have his party entitled to a principal watcher. We are agreed that there are nuisance candidates. There is no problem about that. But, in the context of the present situation, the four really is a minimum, because

realistically, we will have a minimum of four presidential candidates, presumably, one LDP, one LP, one Nacionalista, and one small party, meaning to say, whether it is Miriam, or Joseph, or Nene Pimentel, or Orbos, whoever it is.

All of these people, let us say that Miriam, or Erap or Nene run, we have to concede that they are not nuisance candidates. They are serious presidential candidates who are going to be spending so much time and resources and involving a lot of people.

I do not see the rationale as long as these are serious presidential candidates vis-a-vis or as against nuisance candidates of the Lapiang Malaya type, with due respect to them.

In brief, my own prediction, Mr. President, is that there will be at least six candidates. So, I do not see the disadvantage of accommodating all serious presidential candidates to have a principal watcher. This is in line with the constitutional change to a multiparty system.

What I am suggesting is, would the Gentleman consider a number more than four?

Senator Gonzales. Principally, Mr. President, we have agreed to four to accommodate also other political parties which, in our mind, may be considered as ranking or principal political parties outside of the two already entitled by law. We have limited also to four because it has already been established here that the most number of certificates of election returns or of the certificates of canvass that could be made would only be seven copies.

To me, we have already taken out the party copies of the election returns which, to my mind, is a retrogressive step. Giving it to an executive judge or to the citizens arm of the COMELEC are actually retrogressive steps. ~~Anything that would take away from the political parties something to which they have been entitled before, in my view, is retrogressive.~~

We can increase the number of political parties entitled thereto, but certainly, never take away a right that has already been exercised, given to, and enjoyed by political parties because they have reasons. *May mga kadahilanan iyan, born out of experience.*

The election law is a dynamic legislation, Mr. President. We always enact legislation in the light of experiences of the past. *Mahaba po ang kasaysayan nitong party copies na ito.* That is why I am not willing to give up easily the right of political parties to have copies. But we are still limited by technology.

Ang sabi ng COMELEC ay pitong kopya lamang ang maaaring i-manufacture. Para po sa akin, doon sa returns, ang susunod na pinakamahalagang dokumento for a political party would be the certificate of canvass sapagkat ang canvass ngayon ay iba na kaysa roon sa canvass ng dating law, especially on the provincial level. In the canvass of the results of the election for provincial officers, for Members of Congress, for Senators, and even for President and Vice President, hindi na po returns ang pagbabasehan. Ang pagbabasehan po ngayon ay ang certificates of canvass.

Kaya, sa akin, importante ang certificate of canvass. Kaya iyong certificate dito, under this bill, and as prepared by the COMELEC, lima po lamang ang kopya. And that would already include party copies for the first two ranking political parties.

We are increasing it to seven to accommodate the four. Beyond four, hindi na po maaari, not because we do not want, Mr. President, but because we are limited by technology. That is the main reason behind this. It is not for the purpose of excluding other candidates or other political parties, but which we merely accept certain limitations to what, probably, would have been desirable.

Senator Maceda. Mr. President, still there is a basic question of equality of protection of the laws, especially when we are talking of serious presidential candidates. Whatever the technical problems involved, I think the more ideal situation is to treat them equally in one form or another. Now, if we have a technical problem, maybe a situation can be worked out where, let us say, six presidential candidates can come to an agreement, or the COMELEC can come to an agreement that in certain regions, Region I, they will share a copy; in Region IV where a candidate, for example, feels that he is not as concerned with the possibility of his being cheated, he may agree to share a copy.

The point is, I would rather have a situation and, I

think, the Gentleman from Cagayan de Oro will agree with me that if we cannot give all serious presidential candidates a copy of whatever documents the COMELEC is giving out, then let us treat everybody equally. Either everybody gets a copy or nobody gets a copy. Let us just leave it to the official organs of Government, and they be the official recipients of these copies.

Mr. President, I have always maintained that I, for one, support a return to the two-party system, but as long as we have the present constitutional provision and system that this is a multi-party system, then everybody has got to be treated equally.

Senator Gonzales. Mr. President, the principle of equality presupposes that everything is equal, but let us admit the fact that not all political parties are equal. If no political parties are equal, therefore, the claim of equality in the granting by law of certain rights or certain privileges would have no basis. In the first place, we have to accept *na talagang hindi* equal.

I see the point of Senator Maceda, Mr. President, but the trouble is, *sinu-sino po naman iyong mga* serious candidates? How do we determine *kung sinu-sino ang serious at ilan po sila? Halimbawang magawa natin iyan, papayag po ba kayo na may provision dito na maski na iyong lagda lamang nila ay nasa likod ng* election returns? *Pangalawa, hanggang doon na po lamang. Hindi natin maaaring i-extend iyan sa* copies of the election returns because of technical reasons as to the number of copies that could be made. *Puwede po ba iyon?*

Senator Maceda. May we have a one-minute recess, Mr. President?

SUSPENSION OF THE SESSION

The President. Let us suspend the session for one minute, if there is no objection. [~~*There was none.*~~]

It was 12:27 p.m.

RESUMPTION OF THE SESSION

At 12:37 p.m., the session was resumed.

The President. The session is resumed.

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

GONZALES-MACEDA AMENDMENT

Senator Maceda. Mr. President, may I present an amendment to the amendment being proposed by the distinguished Senator from Mandaluyong.

In the first part of his amendment, may I increase the number "FOUR" to "SIX PRINCIPAL WATCHERS".

Senator Gonzales. It is accepted, Mr. President.

The President. Is there any objection? [*Silence*]
The amendment is approved.

Senator Gonzales. Then, probably, to accommodate that also; with respect to line 27, after the word "HEREOF", insert the following: "WHENEVER APPROPRIATE TECHNOLOGY IS AVAILABLE ADDITIONAL COPIES MAY BE FURNISHED THE FIFTH AND THE SIXTH RANKING POLITICAL PARTIES".

The President. Is there any objection? [*Silence*]
Hearing none, the amendment is approved.

Senator Laurel. Mr. President.

Senator Pimentel. Mr. President.

The President. Senator Laurel, and then Senator Pimentel.

Senator Laurel. Mr. President, still on page 21, I take it that all these standards are going to be retained. Is that correct? That is on the basis of the following standards: "~~THE COMMISSION ON ELECTIONS UPON THE NOMINATION OF THE PARTIES THAT CAN FILL THE COMPLETE LIST OF CANDIDATES TO BE DETERMINED BY THE COMMISSION~~", which shall determine what parties are entitled to principal watchers. Is that correct?

Senator Saguisag. That is my understanding, Mr. President.

LAUREL AMENDMENT

Senator Laurel. In which case, Mr. President, if these standards are going to be retained, I would propose certain amendments:

On line 7, (1), this paragraph speaks of established record. If it is established record, why does it confine itself to the 1987 election? That seems to be inconsistent.

I would propose the deletion of the clause starting on line 8, after the word "THEM", delete "ON THE BASIS OF MERGER, UNION, OR CONSOLIDATION, IN THE 1987 ELECTION." So that the paragraph will simply read as follows: "THE ESTABLISHED RECORD OF THE SAID PARTIES OR COALITION OR GROUPS THAT NOW COMPOSE THEM."

Senator Saguisag. Accepted, Mr. President.

The President. Is there any objection? [*Silence*] The Chair hears none; the amendment is approved.

Senator Laurel. Paragraph (2) speaks of the number of Senators, Members of the House, et cetera, who are now party members. If that is so, we should be careful to state in this paragraph, first, that these are incumbents: Senators, Members of the House, governors, vice-governors, et cetera.

I propose the insertion of the word "INCUMBENT" after the word "OF". It will now read: "THE NUMBER OF INCUMBENT SENATORS" et cetera," to make it clear.

The President. That is a matter of style. Is there any objection? [*Silence*] The Chair hears none; the amendment is approved.

Senator Laurel. Thank you, Mr. President.

Then, to be even clearer, after the word "THEM" on line 14, add the following clause: "WHO WERE ELECTED AS CANDIDATES OF SAID PARTIES."

In other words, that paragraph will read as follows: "THE NUMBER OF INCUMBENT SENATORS, MEMBERS OF THE HOUSE OF REPRESENTA-

TIVES, PROVINCIAL GOVERNORS AND VICE-GOVERNORS, AND CITY AND MUNICIPAL MAYORS AND VICE-MAYORS BELONGING TO THEM WHO WERE ELECTED AS CANDIDATES OF SAID PARTIES." That is very clear. In other words, the COMELEC must be guided by the fact that all these elective officials were elected as party members.

Senator Gonzales. Mr. President.

The President. Senator Gonzales is recognized.

Senator Gonzales. Objection to that last amendment, Mr. President. We have to accept as a political reality that since the last elections, there have been changes in the political party membership of incumbent officials. Until that is disallowed or prohibited by law, that should be recognized and should be given force and effect.

Pagka ganoon, iyong mga political parties, absolutely, patay na po; wala nang pag-asa.

As I have said, that is allowed or permitted under the law. It is not prohibited. Therefore, that should be accepted as a reality. We cannot change it, Mr. President.

Senator Laurel. My answer to that simply, Mr. President, is this: Unfortunately, that is a political reality. But that does not mean that we should even encourage it, and recognize it.

Senator Gonzales. No. When the law that prohibits the same is enacted, there and then should we make these particular prohibitions, but not until then, Mr. President.

Senator Laurel. Mr. President, when we speak of track record or established record, we are talking of the results of the election, not after the election.

Senator Gonzales. Yes, Mr. President. But the distinguished Gentleman is talking of a different criterion.

The President. *Ang pag-usapan na lamang natin ay iyong number 2.*

Senator Gonzales. Number 2 *po* iyon. That is a

criterion different from that of the first.

The President. I will ask Senator Laurel. *Wala namang LDP noong 1987 election. Maaargabyado naman sila.*

Senator Laurel. *Puwede nga hong maagrabyado, subalit iyon ang karapat-dapat naman,* that we should not encourage.

Senator Gonzales. *Hindi po kami papayag doon,* that we are exercising merely at the tolerance of Senator Laurel or even of this Body.

The President. *Kung sa bagay, makakabuti iyon sa Partido Liberal,* but it may be unfair to them.

Senator Gonzales. That is not right. That is why it says here: "OR THEIR COMPONENTS BEFORE."

Senator Laurel. *Iyon na nga ho. Kaya nga ho sa number (1) ang inilalagay natin ay established record of the parties that now composed them.*

The President. *Kung hindi kayo magkakasundo,* we will submit it to a vote.

Senator Gonzales. If we will submit it to a vote, Mr. President, I would suggest that it should not be done today.

The President. *Para mapagbigyan natin ang lahat.*

Senator Gonzales. *Para mapagbigyan natin ang lahat. Para malaman naman nila kung ano ang importansiya.*

The President. *Hindi lamang ang LDP...*

Senator Gonzales. *Marami po dito. Lahat ng mga bagong partido dito na ngayon lamang nagtatayo. Pa-paano po ang gagawin rito?*

Senator Laurel. But as the original Author himself said, we are putting these criteria as basis. Not all of them necessarily will be applied. Some of them will be applied. But I am making my suggestion, Mr. President, and this has to be noted, because we do not want to

encourage a practice in our political system that tends to measure the strength of a party on its ability to attract after the election.

Senator Gonzales. There is a bill that is pending now before this Body authored by the Senate President and all the presidents of the political parties, the Anti-Turncoatism Bill.

This is one that states a policy, but until then, let us not try to prevent or go against that which is now accepted by law; which is proper and is not prohibited at all. *Hintayin na lamang natin na maipasa ang panukalang-batas na iyon* about guest candidates, about transfer from one political party to another, which are all proscribed or prohibited.

Senator Laurel. *Kaya naman, Ginoong Pangulo, pinagtibay iyong amendment sa number (1), na kung saan ay kinansela natin iyong "ON THE BASIS OF MERGER, UNION OR CONSOLIDATION, IN THE 1987 ELECTION"*. It should be the established record in the past elections. Not on the basis of any other action after the election.

Senator Gonzales. Mr. President, we have no dispute about the first criterion. But the Gentleman is talking about the second one, *hindi po ba? Doon sa NUMBER OF INCUMBENT*", *wala na kaming tutol sa mungkahing iyon, to include the word "INCUMBENT."*

Senator Laurel. *Pero siguro nakalamang naman on number (3) "THEIR VERIFIABLE POLITICAL ORGANIZATIONS AND STRENGTH AS EVIDENCED BY THEIR ORGANIZED CHAPTERS."*

Senator Gonzales. Every criterion here, while they are to be taken cumulatively and not merely independently, should be a reasonable one, Mr. President.

Senator Laurel. Very reasonable *naman po ito.*

Senator Gonzales. And we are saying, *kung ilalagay niya iyong ini-insist niya, ay tama na iyong "THE NUMBER OF INCUMBENT SENATORS, MEMBERS OF THE HOUSE OF REPRESENTATIVES, PROVINCIAL GOVERNORS, VICE GOVERNORS, AND CITY AND MUNICIPAL MAYORS"*, these are

all belonging to them. *Pero kung ia-add iyong "who were elected under such party", iba na po iyon.*

Senator Laurel. What other measures, Mr. President? The strength of the party, not as a result of the election, mandate of the people, but on its ability to attract, to induce, to inveigle, to lure...

The President. *Hindi naman natin maaaring pagtalanun ito sa mahabang panahon. Mag-aala una na.*

Is the principal Sponsor accepting the Laurel amendment?

Senator Saguisag. We cannot, Mr. President, for the reasons stated by Senator Gonzales.

Senator Gonzales. If Senator Laurel will insist on his amendment, then there is no other way but to restate the question and put it to a vote, Mr. President.

Senator Laurel. I am willing to be outvoted, Mr. President.

The President. Those who are in favor of the Laurel amendment, please raise your right hands? [*There was none.*]

Those who are against, please do the same. [*Several Senators raised their right hands.*]

The amendment is defeated.

Senator Laurel. Mr. President, may I know with respect to paragraph 4--this speaks of polling at least 10 percent of the votes cast in the 1987 elections--how does the Gentleman determine the 10 percent, Mr. President, in a case where there was an election and many of the parties form part of a grand coalition?

The records in the COMELEC will show that the parties did not receive... I mean, it was not decided nor does the COMELEC have any figure to indicate how many votes a particular party of that coalition garnered, for instance, in the elections of 1987.

Senator Saguisag. This was asked before, and I will answer it again. I was informed by the Commission that

it is verifiable.

In my own certificate of candidacy, I identified my political affiliation. I would assume that that was done by the other candidates, so that it will be limited to a few groups.

Senator Laurel. In the Senate, for instance, let us talk of particular cases. Three candidates of a particular party forming part of the coalition running under the banner of the incumbent President, the Cory coalition, six candidates ran, three were elected. The question is: How many did the party to which these three winning candidates get any specific number of votes?

Senator Saguisag. They have their entire records here. This is very clear.

Senator Laurel. How will that be determined, on the basis of the number...?

Senator Saguisag. *Puwede po bang pasagutin muna ako?*

Senator Laurel. Yes, please.

Senator Saguisag. *Ito ho iyong Records and Statistics Division. Kamukha po sa First District of Manila, iyong kandidato para Congressman ay ang kasamang Martin Isidro. Nandito ang kaniyang boto. Ang party affiliation niya ay ang Lakas ng Bansa. Si Manuel Camara po, nandito ang boto, Independent. Reynaldo Jose, nandito ang boto, Partido ng Tondo. Roberto Sese, Nacionalista Party; Daniel Sangalang, Unido, at nandito po ang mga boto.*

Senator Laurel. In other words, is that on the basis, therefore, of the votes garnered by a particular candidate or group of candidates?

Senator Saguisag. *Pagsasama-samahin po iyon.*

Senator Laurel. And then, we strike the average?

Senator Saguisag. *Hindi po averaging, kundi susumahin iyong cumulation ng mga boto ng magkakasama sa isang partido para malamn kung lumagpas sa 10 porsiyento as against a certain total.*

Senator Laurel. I do not know that that is a very wise formula, Mr. President.

Senator Saguisag. Wise or not, one does not have to be a rocket scientist to understand this.

Senator Laurel. How can we determine? Somebody got, for instance, number 3 in the lineup of the Senators elected, and the other one got number 17, and the third one got number 24. Question: How many votes did the party to which they belong get?

Senator Saguisag. *Siguro po, iyon ay pagsasama-samahin* as against the total votes cast or the total number of voters, *lalo na kung lagpas na ng* 10 percent under any possible computation. Maybe, it can be challenged in an appropriate proceeding. It is only one of several criteria. But it is not a new standard. This was introduced many years ago, and it seems to be a workable standard. *Kaya po hindi nakalusot si* Alejo Santos *na kumandidato noong* 1981 *ay dahil hindi lumagpas ng* *diyes porsiyento.*

Senator Maceda. Mr. President, with the permission of Senator Laurel. I think the last point is a valid question to ask. When we say 10 percent, are we going to total all the votes for both positions, both Senator and Congressman?

Senator Saguisag. In 1987, *Senador lamang po.*

Senator Maceda. Congressmen?

Senator Saguisag. Sa Congressmen, I am not sure how that is to be done. But it can also be handled, because it will now be on a localized basis. *Sapagkat mas madali pong intindihin...*

Senator Maceda. Yes, because without any specification, 10 percent, as the Gentleman was trying to explain it, has got to be cumulated on the basis of the number of candidates, both for Senators and Congressmen.

Senator Saguisag. *Hindi ko po alam kung dapat pagsamahin iyon.* What I am saying is that in the national level, there is perhaps a criterion. On the Congressmen, I am not so sure how that will be handled,

whether it will be on a district basis or a citywide basis or a national basis. But where the parties can easily show, either on a local basis or on a nationwide basis, that they comfortably exceed 10 percent, then there ought not to be any challenge. *Pero doon po sa medyo* borderline, then that is where the interested party may interpose an objection.

In itself, I think the standard is concrete--an entertainable one. As to its possible application, we will just have to see. *Anyway, isa lamang po iyan sa marami.*

Senator Maceda. *Nililiwanag ko lamang po,* if the 10 percent has got to be both on the cumulative vote of the senatorial candidates of that party, because the Gentleman was reading earlier the Nacionalista candidates. But the problem is, in a congressional election--and this is the second question--we can only do it on the basis of who is the official candidate.

The Gentleman was reading there several NPs. So, it is not clear who is the real NP and who is the unreal NP. We can cumulate all the NPs, if it was a senatorial, provincial board member or councilor. When it comes to the congressional, then we have a problem: Who is the official candidate? And who is not?

Senator Saguisag. *Isa lamang ito* in the particular case of the NPs. That was why we accepted the earlier amendment. To me, it is very important to recognize that the NP or whatever it is today, has a long history going back to 1907, and that also should be recognized in its favor. So, it is the cumulation of the effect of all these criteria favorable to an interested party.

Senator Maceda. Last question, Mr. President: *Paano iyong naglagay ng* Lakas ng Bansa, LP-NP Coalition *sa* certificate? *Maraming gumawa niyan. Saan ninyo i-credit iyong boto ng* Congressman *o* *Senador na iyon?*

Senator Saguisag. Each interested party will make the strongest possible case for itself. In the end, I suppose, it will be the Supreme Court that will resolve it.

Senator Maceda. *Hindi. Palagay ko, mas simple talaga kung alisin na iyong* No. 4. The application of No. 4 is subject to a lot of interpretations.

The President. *Ang nakita ko po noong 1987 elections, Ang inilagay doon ay "Laban", pero ang nakalagay ay "LP-NP-PDP Laban". Paano ninyo ia-apportion iyon?*

Senator Saguisag. My personal position, Mr. President, is, this is really all very edifying, but because of the time constraints, I can accept its deletion if it is proposed. Anyway, I assume that the COMELEC will take that into account when it looks at the track record.

The President. Under No. 1?

Senator Saguisag. *Opo.* It is subsumed under the No. 1 criterion.

Senator Pimentel. Mr. President.

The President. Senator Pimentel is recognized.

Senator Pimentel. Mr. President, the truth of the matter is, while it is true that most of us ran under a coalition, at the same time, the parties of individual candidates are identifiable. For example, a good number of PDP Laban candidates ran as PDP-Laban candidates in their certificates of candidacy.

In a particular case where a candidate identifies himself as a candidate of Laban, LP or NP, I think his present party affiliation should be taken into account, to determine where the votes that he receives should be accredited.

Senator Saguisag. *Baka po doon sa number of incumbent Senators.*

Senator Pimentel. Yes.

Senator Saguisag. ~~Anyway, under the criterion on track record and the criterion on analogous circumstances, there is enough leeway for the COMELEC to consider all those valid concerns.~~

The President. All right. Is Senator Laurel proposing the deletion of No. 4?

Senator Laurel. Yes, Mr. President.

Senator Saguisag. Accepted.

Senator Pimentel. I will object to that. We will debate it first, Mr. President, if that is the way we want it. I will certainly speak against that, and I have not yet begun even to do so.

SUSPENSION OF THE SESSION

Senator Guingona. I move for a minute suspension, Mr. President.

The President. The session is suspended for one minute, if there is no objection. [*There was none.*]

It was 1:00 p.m.

RESUMPTION OF THE SESSION

At 1:03 p.m., the session was resumed.

The President. The session is resumed.

Senator Pimentel is recognized; then Senator Laurel.

Senator Pimentel. Mr. President, may I make this suggestion as an amendment to Senator Laurel's proposal that in criterion No. (1) on page 21, we add the following concept that the number of votes received by political parties in the elections of 1987 should be one of the circumstances that should be taken into account.

Senator Laurel. Before I give my reaction to that, Mr. President, may I ask if that is not going to lead to the same question that was asked earlier: How do you determine the number of votes?

The President. *Nawala iyong 10 percent. Iyon ang ibig-sabihin-ni-Senator-Pimentel.*

Senator Laurel. Just taking into account the votes cast.

The President. May I formulate it.

"THE ESTABLISHED RECORD OF THE SAID PARTIES OR COALITION OF GROUPS THAT NOW

COMPOSE THEM, TAKING INTO ACCOUNT THE NUMBER OF VOTES RECEIVED BY THEIR RESPECTIVE CANDIDATES IN THE 1987 ELECTIONS.”

Senator Pimentel. Accepted, Mr. President.

Senator Laurel. Wait a minute, Mr. President. *Kaya naman inalis natin sa No. 1 itong “IN THE 1987 ELECTION”.* *Ngayon, ibabalik ba natin?*

The President. Yes, but that is only to find out the record of the said party.

Senator Laurel. *Ilagay nating “AMONG OTHER THINGS”.*

Senator Pimentel. Yes. Accepted, Mr. President.

Senator Gonzales. I do not think that the intention of the suggestion of the Senate President is to remove the phrase “THAT NOW COMPOSE THEM ON THE BASIS OF MERGER, UNION OR CONSOLIDATION.”

Senator Laurel. *Hindi. Inalis na iyon.*

The President. That was deleted already and approved by the Body, probably, at a time when the Gentleman was reading something.

Senator Gonzales. Then I move for a reconsideration of the action of the Body, Mr. President?

The President. Before we move for a reconsideration, let us dispose of the pending issue.

How do you formulate that now, Senator Pimentel?

Senator Pimentel. Maybe, Senator Saguisag can help us, Mr. President.

The President. All right.

Senator Pimentel. Mr. President, as far as I could gather, criteria no. 1, starting from line 7 will now read as follows:

“THE ESTABLISHED RECORD OF THE SAID

PARTIES OR COALITION OF GROUPS THAT NOW COMPOSE THEM, TAKING INTO ACCOUNT THE NUMBER OF VOTES RECEIVED BY THEIR RESPECTIVE CANDIDATES IN THE 1987 ELECTIONS.”

Senator Osmeña. Mr. President.

The President. Yes, Senator Osmeña.

Senator Osmeña. With the permission of the Gentlemen on the Floor, just to clarify.

The old provision defines how they are composed on the basis of merger, union, or consolidation. So, are we to understand that those that compose these parties or coalitions were brought together on the same process of merger, union, or consolidation?

Senator Pimentel. Yes, I suppose that can be understood because, after all, the words “NOW COMPOSE THEM” on line 8 have not been deleted.

Senator Osmeña. They have been deleted.

Senator Pimentel. No. The words “NOW COMPOSE THEM”? “PARTIES OR COALITION OR GROUPS THAT NOW COMPOSE THEM”. In other words, regardless of how the composition has been brought about, that would not be material to criterion No. 1 “THE ESTABLISHED...”.

The President. What was deleted were the words “ON THE BASIS OF MERGER, UNION, OR CONSOLIDATION, IN THE 1987 ELECTION”. *Iyon ang nawala.*

Senator Pimentel. That is correct, Mr. President. It seems to me that the operative words are as follows: “NOW COMPOSE THEM”. In other words, regardless of how the composition has been brought about.

The President. All right. Let us reformulate. “THE ESTABLISHED RECORD OF THE SAID PARTIES OR COALITION OR GROUPS THAT NOW COMPOSE THEM, TAKING INTO ACCOUNT THE NUMBER OF VOTES RECEIVED BY THEIR RESPECTIVE CANDIDATES IN THE 1987 ELECTION.”

Senator Pimentel. Yes.

The President. "INTER ALIA".

Senator Laurel. Mr. President, I beg to make a little exception there, just for the *Record*.

We speak of "ESTABLISHED RECORD", and then what has to be considered is just one election, that is the "1987 ELECTION".

The President. No, "TAKING INTO ACCOUNT, AMONG OTHER THINGS". That is what the Gentleman wanted.

Senator Laurel. "AMONG OTHER...".

The President. "AMONG OTHER THINGS" or "INTER ALIA".

Senator Laurel. Past elections.

The President. *Hindi po tayo matatapos kung ganiyan.*

Senator Laurel. Pero bakit we say "track record", and then we go back only five years?

The President. Taking into account, among other things...

Senator Laurel. If it is understood, Mr. President, that "among other things" include past elections

The President. Yes.

Senator Laurel. --beyond or back of 1987, I will have no objection.

The President. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Next.

Senator Laurel. *Iyon nga po ang ibig kong itanong.* We go to No. 5. *Ano po ang ibig sabihin nitong...*

Senator Gonzales. Before we go to No. 5, Mr.

President, may I move for a reconsideration of a previous action of this Body that deleted the phrase "ON THE BASIS OF MERGER, UNION OR CONSOLIDATION" describing the manner in which political parties or coalition of parties now include parties or coalitions or groups that now composed them.

How were they composed? That merely could have been done by merger, union or consolidation, without destroying the sense of the...

We are merely doing this, of course, as pointed out by Senator Pimentel, that is already understood in the words "now compose them." But we are doing this out of the abundance of caution, Mr. President, so that *wala nang question kung papaanong na-compose...*

Senator Laurel. What was rejected by this Body was my amendment which was an addition to the last word "them."

Senator Gonzales. In the 1987 election?

Senator Laurel. No, that was No. 2, where my amendment was... "No. 2. THE NUMBER OF INCUMBENT SENATORS/MEMBERS OF THE HOUSE OF REPRESENTATIVES" et cetera, "BELONGING TO THEM." Then I added, and which was rejected: "WHO WERE ELECTED"...

Senator Gonzales. No. *Ang subject po ng aking amendment is with respect to Item 1, because I was informed by the Senate President that there was a previous action that had already deleted the phrase "on the basis of merger, union or consolidation." The motion for reconsideration is merely to restore this particular clause.*

Senator Pimentel. Mr. President, with the permission of the two Gentlemen on the Floor.

Our problem is that, if we restore the intended phrase, then our party will not be included, because we are not composed now on the basis of merger, union or consolidation. In other words, deleting that phrase will really be broader and will accommodate all the parties now in the Legislature.

SALONGA AMENDMENT

The President. Will it help, Senator Gonzales, if we insert the following phrase: "THE ESTABLISHED RECORD OF THE SAID PARTIES OR COALITION OF GROUPS THAT NOW COMPOSE THEM, BY WHATEVER LEGAL MEANS, TAKING INTO ACCOUNT"...

Senator Gonzales. All right, that would already satisfy our purpose here.

The President. Is there any objection? [*Silence*]
Hearing none, the amendment is approved.

Senator Laurel. The last, Mr. President.

The President. *Baka mayroon pa.*

Senator Laurel. *Ibig ko lamang hong itanong ito: Sa No. 5, ano ho ba ang ibig sabihin ng "other analogous circumstances?"*

The President. Other similar circumstances.

Senator Laurel. Similar to what?

The President. Similar to those that were enumerated before.

Ako na ang sasagot at nang madali. [*Laughter*]

Senator Saguisag. Maybe some examples could be consistent impressive performances in credible surveys; maybe, having an armed component--and I am just kidding, of course--and the like.

Senator Laurel. I am asking that question, Mr. President, because we are authorizing another Body, and that is, the COMELEC.

The President. Yes, but they are limited only to circumstances similar to the previous circumstances.

Senator Saguisag. In other words, there are sufficient standards, Mr. President.

Senator Laurel. All right.

Senator Guingona. Mr. President, I move that we close the period of amendments.

Senator Gonzales. Mr. President.

The President. Senator Gonzales is recognized.

Senator Gonzales. I am not reopening anything, Mr. President. But preliminary to a major amendment I am going to introduce will be on line 25, page 20. Instead of "SECTION", we make it "SECTIONS", and add "AND 29"--"IN SECTIONS 28 AND 29 HEREOF."

Going now to Sections 28 and 29... I am sorry to do this, but this has been approved when I was on official leave, Mr. President. I merely would request that in view of what had been previously taken in connection with the number of principal watchers, what we are saying is that, on paragraph (4) THE FOURTH COPY SHALL BE DELIVERED TO THE REPRESENTATIVE OF THE FIRST RANKING POLITICAL PARTY AS DETERMINED BY THE COMELEC; (5) THE FIFTH COPY TO THE REPRESENTATIVE OF THE SECOND RANKING POLITICAL PARTY AS DETERMINED BY THE COMELEC; (6) THE SIXTH COPY TO THE REPRESENTATIVE OF THE THIRD RANKING POLITICAL PARTY AS DETERMINED BY THE COMELEC; and (7) THE SEVENTH COPY TO THE REPRESENTATIVE OF THE FOURTH RANKING POLITICAL PARTY.

The President. What is the pleasure of Senator Saguisag?

Senator Saguisag. Can we act on it now in the absence of Senator Maceda?

The President. It may not be fair.

Senator Gonzales. I understand that we explained this, that is why we have provided earlier that whenever appropriate technology shall be available, additional copies...

The President. Is the Gentleman providing that also?

Senator Gonzales. That has already been provided for in an earlier amendment that we have approved. 1873, entitled

AN ACT PROVIDING FOR THE ADMISSION TO THE PRACTICE OF MEDICAL RADIATION TECHNOLOGY DEFINING ITS POWERS, FUNCTIONS, AND FOR OTHER PURPOSES.

The President. *Mawawala na itong* Executive Judge.

The President. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Gonzales. Yes, Mr. President, *kaya kinakailangang i-restore natin iyan.*

The President. *Mawawala na iyong* Citizens Arm.

Senator Guingona. Committee Report No. 1430 on Senate Bill No. 963, entitled

Senator Gonzales. Yes, Mr. President.

AN ACT TO PROMOTE THE DEVELOPMENT OF FILIPINO OVERSEAS SHIPPING.

The President. That is a major thing.

The President. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Saguisag. Yes, because the judge is supposed to be...

The President. I suppose, we can postpone this to Monday. I think, it is unfair to do this in the absence of Senator Maceda.

Senator Guingona. Finally, Committee Report No. 1425 on Senate Bill No. 702 and 759, entitled

AN ACT CONVERTING THE PHILIPPINE NORMAL COLLEGE INTO A STATE UNIVERSITY TO BE KNOWN AS THE PHILIPPINE NORMAL UNIVERSITY.

The Majority Floor Leader is recognized.

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1861

Senator Guingona. If we cannot close this now, Mr. President, we will have to suspend consideration of this measure.

The President. Is there any objection? [*Silence*] Hearing none, the motion is approved.

The President. All right. Is there any objection? [*Silence*] Hearing none, the motion is approved.

ADJOURNMENT OF THE SESSION

Senator Guingona. I move that we adjourn the session until three o'clock, Monday afternoon.

SPECIAL ORDERS

Senator Guingona. Mr. President, I move that the following be transferred to the Calendar for Special Orders: Committee Report No. 1403 on Senate Bill No.

The President. The session is adjourned until three o'clock, Monday afternoon, if there is no objection. [*There was none.*]

It was 1:19 p.m.

It does not have the same intent as Senate Bill No. 807, entitled

AN ACT GRANTING TAX EXEMPTIONS TO WHOEVER SHALL GIVE REWARDS TO ANY FILIPINO ATHLETE WINNING A MEDAL IN THE OLYMPIC GAMES.

The House bill exempts the recipient but the Senate bill ~~exempts the giver. Unless something happens in the Conference Committee Report, I am afraid that my constitutional and policy concerns prevent me from otherwise joining our Colleagues in supporting this bill. I abstain, Mr. President.~~

Maraming salamat po.

Senator Paterno. Mr. President.

The President. Senator Paterno is recognized.

Senator Paterno. Mr. President, may I know how was my vote recorded?

The Acting Secretary [Atty. Leynes]. *Yes.*

Senator Paterno. Mr. President, I will maintain the vote of *Yes*, with reservations in view of the manifestation made by Senator Saguisag.

Senator Rasul. Mr. President.

The President. Senator Rasul.

Senator Rasul. Mr. President, I would like to find out how my vote was recorded.

The Acting Secretary [Atty. Leynes]. *Yes.*

Senator Rasul. Mr. President, in view of the explanation of Senator Saguisag, I would like to vote *Yes*, with reservations.

BILL ON SECOND READING
Senate Bill No. 1861 - Synchronized Elections
(Continuation)

Senator Guingona. Mr. President, I move that we

resume consideration of Senate Bill No. 1861, the Synchronized Elections.

I ask that we recognize Senator Saguisag. We are still in the period of individual amendments.

The President. Senator Saguisag and Senator Gonzales, if I recall, were on the Floor.

Senator Saguisag. Mr. President, as the *Journal* will show, our Colleague from Mandaluyong proposed a certain amendment which now appears on page 22 of the *Journal*, column two. We could not vote on it for reasons that were made clear then. This is an important amendment, and we wanted to hear from all concerned on how to dispose of it. Maybe, we can again listen to our Colleague as to his pleasure.

The President. The amendment is on what page?

Senator Gonzales. The amendment is on the certificates of canvass, Mr. President.

The President. On what page is that?

Senator Gonzales. It appears on page 26 as well as on page 27. May I give the background of the proposed amendment, Mr. President.

Originally, on Section 25, page 20, the second paragraph of the bill, there shall be recognized two principal watchers. Now, these two principal watchers have been increased to four. Upon the amendment proposed by Senator Maceda, they were increased to six. That is how this particular provision now stands, that there are six principal watchers.

In the last paragraph of Section 25 appearing on Section 21, lines 20 to 27, we also approved the following amendment:

THAT THE FOUR RANKING POLITICAL PARTIES OR COALITIONS AS DETERMINED BY THE COMMISSION IN ACCORDANCE WITH THE ABOVE CRITERIA, SHALL BE ENTITLED TO RECEIVE THE SIXTH AND SEVENTH COPIES OF THE CERTIFICATES OF CANVASS, WHICH SHALL BE IN ADDITION TO THE FIVE COPIES PROVIDED IN

SECTIONS 28 AND 29 HEREOF.

Upon suggestion of the Senate President, we approved also this last sentence: **WHENEVER APPROPRIATE TECHNOLOGY IS AVAILABLE ADDITIONAL COPIES MAY BE FURNISHED THE FIFTH AND THE SIXTH RANKING POLITICAL PARTIES.**

Therefore, this particular paragraph assumes that the first four ranking political parties will obtain copies of the certificates of canvass.

Turning to the appropriate provision on the certificate of canvass, we note that the "party copies" had already been deleted, and instead, it is provided that the fourth copy, originally intended to be delivered to the representative of the majority party or coalition, is now to be given to the Regional Trial Court Judge duly designated by the Regional Trial Court, et cetera.

While the fifth copy, which was originally intended for delivery to the representative of the dominant opposition party or coalition is now to be delivered to the accredited citizens arm, if any, in the place concern.

So, it is now inconsistent with the earlier amendment, when we said that the third ranking and the fourth ranking accredited political parties shall receive the sixth and seventh copies of the certificates of canvass.

That is why, the last amendment that I proposed on line 21 was this: **THAT THE FOURTH COPY OF THE CERTIFICATE OF CANVASS SHALL BE DELIVERED TO THE REPRESENTATIVE OF THE FIRST RANKING POLITICAL PARTY AS DETERMINED BY THE COMMISSION ON ELECTIONS.**

~~Then on paragraph 5: THE FIFTH COPY SHALL BE DELIVERED TO THE REPRESENTATIVE OF THE SECOND RANKING POLITICAL PARTY AS DETERMINED BY THE COMMISSION ON ELECTIONS.~~

Then we add now two additional paragraphs, and this will be paragraph 6:

THE SIXTH COPY TO THE REPRESENTATIVE OF THE THIRD RANKING POLITICAL PARTY AS

DETERMINED BY THE COMELEC.

And finally, that is paragraph 7:

THE SEVENTH COPY OF THE ELECTION RETURN SHALL BE FURNISHED THE FIFTH RANKING POLITICAL PARTY.

That is the pending amendment which this Body deferred action, and rightly so, in view of the fact that Senator Maceda was no longer present in the session hall at that time.

So these amendments are intended to conform with what previously has already been approved by this Body, by way of amendment, Mr. President.

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

Senator Maceda. Mr. President, if the Gentleman will recall, the Senate agreed to my proposal to increase the number of principal watchers from two to six.

Senator Gonzales. That is correct, Mr. President.

Senator Maceda. In view of the fact that the new Constitution clearly provides for a multiparty system of government, and clearly abolished the two-party system of government, it seemed to us that the original proposal of nominating two principal watchers would, in effect and in spirit, at least, contravene the new system that has been mandated by the 1987 Constitution.

Now, it would seem to this Representation, if he were present, that the approval of a previous amendment after reverting to the so-called "four ranking political parties" violates the same intent of a multiparty system.

There has been on page 22, under Section 26, a retention of the amendment which I presented for the sixth copy to be delivered to the regional trial court judge, et cetera, and the seventh copy to the accredited citizens' arms.

Now, this particular amendment that is being proposed today concerns the certificate of canvass which is

even more important than what is provided for in Section 22 which is election returns.

Now, I wonder whether there could be a compromise here where either the six watchers agree to designate at least two of them to receive on behalf of the six, or three could designate one which could be the fourth copy, let us say, and three could designate another one which could be the fifth copy.

Meaning to say, I would like to propose a system where the six principal watchers that we have already agreed on could participate in the designation of who among the six, if technology will not allow that all of them receive individual copies, to receive at least one copy. In which case we would encourage that, let us say, three parties--just an easy example, the Liberal Party, the PDP-Laban, and the Partido ng Masang Pilipino--could probably agree that we will designate the LP to receive the copy for the three of us with our, of course, understanding that it will be available to anyone of us just in case we need it. That might be a more workable formula, Mr. President.

SUSPENSION OF THE SESSION

The President. How about suspending the session for a minute, if there is no objection? [There was none.]

It was 4:38 p.m.

RESUMPTION OF THE SESSION

At 4:49 p.m., the session was resumed.

The President. The session is resumed.

Senator Gonzales. Mr. President.

The President. Senator Gonzales is recognized.

Senator Gonzales. Mr. President, in view of the objection and explanation of Senator Maceda, I am withdrawing the original amendment that I have proposed. In lieu thereof, I am submitting this new amendment, subject, of course, to refinement and style.

It shall be as follows, Mr. President:

The President. What line and on what page?

GONZALES AMENDMENT

Senator Gonzales. On line 5, page 26, instead of "five" in word and in figure, we will change it to SEVEN in word and in figure.

Senator Enrile. I have an anterior amendment with the permission of the distinguished Gentleman from Rizal.

The President. Senator Enrile is recognized.

ENRILE AMENDMENT

Senator Enrile. I would like to go back to page 7, Section 7, line 3. I would like to amend this section by inserting the following provision at the start of the sentence, before the article THE: ANY PROVISION OF THE OMNIBUS ELECTION CODE, PARTICULARLY SECTION 80 THEREOF, TO THE CONTRARY NOTWITHSTANDING, then the rest of the sentence.

So that the entire Section will read as follows: ANY PROVISION OF THE OMNIBUS ELECTION CODE, PARTICULARLY SECTION 80 THEREOF, TO THE CONTRARY NOTWITHSTANDING, THE convention or meeting for the nomination or selection of the official candidates of any political party, organization, group or coalition, WHETHER ON A NATIONAL, REGIONAL OR PROVINCIAL BASIS thereof, SHALL BE HELD WITHIN THE periods PRESCRIBED BY THE COMMISSION ON ELECTIONS.

The President. I think that should be acceptable.

Senator Saguisag. It is accepted, Mr. President.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Enrile. Thank you.

The President. All right, let us go back.

Senator Gonzales. Yes, Mr. President. So, the first amendment would be, on page 26, line 5, delete the

“FIVE (5)” in word and figure, and substitute it with SEVEN (7) in word and in figure. Then on line 21...

The President. Why do we not dispose of that right away? Is there any objection?

What is the pleasure of Senator Saguisag?

~~Senator Saguisag. It is accepted, Mr. President.~~

The President. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Gonzales. Then on line 21, on the same page, paragraph 4, we delete the entire paragraph as well as paragraph 5, meaning lines 21 to 33, and in place thereof we add the following: THE FOURTH, FIFTH, SIXTH AND SEVENTH COPIES OF THE CERTIFICATES OF CANVASS SHALL BE DELIVERED TO THE SIX RANKING POLITICAL PARTIES AS MAY BE DETERMINED BY THE COMMISSION, IN ACCORDANCE WITH SUCH COMBINATION OF PARTIES AS THEIR PRINCIPAL WATCHERS MAY AGREE UPON. IF NO AGREEMENT IS REACHED BETWEEN OR AMONG THEM, THE COMMISSION SHALL DECIDE SUCH COMBINATION OF PARTIES WHICH SHALL RECEIVE THE COPIES OF THE CERTIFICATES OF CANVASS. THE PARTY WHICH SHALL RECEIVE THE COPY OF THE CERTIFICATE OF CANVASS SHALL HAVE THE OBLIGATION TO SHARE WITH OR FURNISH THE OTHER POLITICAL PARTY WITH AN AUTHENTIC COPY OF THE SAID CERTIFICATE.

Senator Guingona. Mr. President.

The President. Senator Guingona is recognized.

Senator Guingona. Mr. President, we understand the compromise attempts. Could we not apply this to all the parties, instead of applying it only to the fourth, fifth and sixth?

Senator Gonzales. I think, that proposal had been submitted time and again, and we have decided--not that we have any opposition thereto; in fact, we admit that is the most ideal. But what we are saying is that it may not be possible of implementation because of the sheer num-

ber of the political parties which may be involved in this election, plus the limited technology that would permit legible copies of all of these election documents.

We have already on record the testimony of the Commission on Elections that the most number of a set of election documents that technology will now permit is only seven. Much as we would want to include all other political parties, the reality is that we cannot do it.

Senator Guingona. What bothers me, is that this is an election which is synchronized. The standard of a primary, secondary, and tertiary parties will only be determined after the outcome, perhaps, of the 1992 elections.

We have a lot of reservations insofar as the standards that the COMELEC will use. If it is a compromise formula that is sought to be reached, perhaps, the compromise formula could apply to all equally. After all, it will be the COMELEC that will decide if there is disagreement.

Senator Gonzales. Yes, Mr. President. That is why, we have... I mean, this is also a point that has been raised by Senator Maceda, and even he has to settle to only six principal watchers, because of the limitations that we have said. But, we have explained. That is why, much as we wish to agree with this proposal, which admittedly is the most ideal one, we, however, feel unable to agree with it in full.

The President. The Chair has a question: Supposing the party that receives the copy does not furnish the other parties, is there any sanction here?

~~Senator Gonzales. It may not be sanctioned, but then the COMELEC can actually command or direct it, Mr. President.~~

The President. Immediately after the election, all parties are quite busy, quite occupied.

Senator Gonzales. Yes, Mr. President.

The President. And it may be a little unreasonable to compel them, at that point.

Senator Gonzales. But our hope and our expectation is that they will do which is incumbent upon them. Unless, the Chair is proposing some sanctions?

The President. No, I am just asking questions.

Senator Gonzales. Yes, Mr. President, because we...

The President. The words, for example, "shall share," *puwedeng ipakita lamang?*

Senator Gonzales. Yes.

The President. I would have preferred "shall furnish a true copy" or "an authentic copy."

Senator Gonzales. If we can omit "shall have the obligation," "to furnish the other party with an authentic copy of the said certificate," Mr. President.

The President. *Pero ang tanong ko naman doon, kalilipas lamang ng halalan at ang lahat ng partido ay siguradong okupadong-okupado---*

Senator Gonzales. Very busy.

The President. ---o, paano natin i-enforce ito?

Senator Gonzales. That is the result of the compromise. Under my original submission, *hindi po mangyayari iyon sapagkat definite kung sino ang ta-tanggap.* But we want to accommodate all the reasonable suggestions to approximate and to accommodate the interest of as many political parties as possible.

The President. *At talaga ko pong sinasabi, iyong Regional-Trial Court Judge-ay maaaring mas mabuti-na, sapagkat impartial iyon.*

Senator Gonzales. I think *nasubok na po natin iyon.* Sa experience *natin, iyong copy ng Regional Trial Court ay hindi nagamit, ni hindi nabuksan.*

Senator Guingona. May we just clarify. The first copy will be delivered to the provincial board.

Senator Gonzales. Yes, Mr. President, that is right;

to the provincial board of canvassers.

Senator Guingona. The second copy, to the Commission on Elections.

Senator Gonzales. Yes, Mr. President.

Senator Guingona. The third shall be kept by the chairman of the board.

Senator Gonzales. Yes, Mr. President.

Senator Guingona. The fourth will be given to the representative of the majority party.

Senator Gonzales. *Hindi po. Nawala na po iyan. Kaya nga,* the fourth, fifth, sixth and seventh copies were already lumped together.

Senator Guingona. They shall be given to?

Senator Gonzales. They shall be given now to the ranking political parties. *Pero sobra pa rin po iyon. Kaya ang suggestion ni Senator Maceda,* which we are trying to accommodate, is to let them decide *kung anong kombinasyon.* For example, the Liberals, as well as the LDP, may agree that one of them shall receive a copy. That party will be under obligation to furnish an authentic copy of the same to the other party.

Senator Guingona. Yes, but the ones who received the fifth and the sixth copies first are not obligated to share.

Senator Gonzales. No, they are under obligation. *Ang kuwestiyon nga lamang ay kung hindi sumunod, kung hindi makipag-share.* That is the question of the Chair.

Senator Guingona. So all parties are obligated to share.

Senator Gonzales. Yes, Mr. President.

Senator Guingona. And, if there is no agreement, it will go to the COMELEC for it to decide.

Senator Gonzales. Yes, the COMELEC will have to decide.

Senator Guingona. But the right to be furnished, no matter which party, is a right.

Senator Gonzales. Yes, it is always a right.

The President. Senator Laurel is recognized.

Senator Laurel. I would like to ask, Mr. President. If there is a need to share or to furnish copies to the other parties, *kailan po?* Within what period of time and starting as of what date or hour?

Senator Gonzales. We can include, WITHOUT THE LEAST DELAY or WITHOUT DELAY. *Dahil ang ideal po rito ay talagang may definite recipient. Ngunit pumapayag na po tayo roon na hindi mangyayari iyon sapagkat, actually, sobra po ang anim kaysa roon sa apat lamang na certificates.*

So we have to strike some formula to accommodate that reality.

Senator Laurel. How to implement is the problem even furnishing an authentic copy. *Siguro ang "authentic," ang ibig sabihin noon ay exactly the same copy.*

The President. The genuine copy.

Any further observations? Would this formulation be agreeable to Senator Pimentel?

Senator Pimentel. The compromise would that still retain the categorization of parties into dominant opposition party and principal?

Senator Gonzales. That is correct, Mr. President. I am making this attuned with an amendment that we have earlier passed providing for six principal watchers. *Sinusunod ko lamang po ito doon. Kung hindi, bitin po tayo.*

Senator Pimentel. At any rate maybe, as a compromise, we can go along with that.

The President. So how will the final formulation be?

Senator Gonzales. *Ganoon na rin po:* THE

FOURTH, FIFTH, SIXTH AND SEVENTH COPIES OF THE CERTIFICATE OF CANVASS SHALL BE DELIVERED TO THE SIX RANKING POLITICAL PARTIES AS DETERMINED BY THE COMELEC IN ACCORDANCE WITH SUCH COMBINATION OF PARTIES AS THEIR PRINCIPAL WATCHERS MAY AGREE UPON. IF NO SUCH AGREEMENT IS REACHED, THE COMMISSION SHALL DECIDE SUCH COMBINATION OF PARTIES WHICH SHALL RECEIVE THE COPIES OF THE CERTIFICATE OF CANVASS. THE PARTY WHICH SHALL RECEIVE THE COPY OF THE CERTIFICATE OF CANVASS SHALL HAVE THE OBLIGATION TO FURNISH THE OTHER PARTIES WITH AN AUTHENTIC COPY OF THE SAID CERTIFICATE.

The President. I thought the Gentleman would add "WITH THE LEAST POSSIBLE DELAY."

Senator Gonzales. Yes, Mr. President, WITH THE LEAST POSSIBLE DELAY.

The President. Do we define there the meaning of the term COMBINATION?

Senator Gonzales. That is offhand, when we speak of "COMBINATION" because actually there will be six principal or ranking political parties, and there are only four available copies of the certificate of canvass. Obviously, *kulang po iyon. Kaya, magkakaroon ng kumbinasyon*, a combination, meaning, the Liberals and the PDP may agree that they shall receive one copy.

The President. Probably, a better term would be "an agreement", "a voluntary agreement." *Iyong "combination" ay medyo...*

Senator Gonzales. *Kaya po ginamit iyong "combination" ay para malaman kung aling dalawang partido sa mga partidong iyon ang tatanggap lamang ng isang certificate.*

Anyway, this is subject to refinement in style.

Senator Saguisag. Accepted, Mr. President.

The President. Subject to refinement in style, is there any objection? [Silence] Hearing none, the amend-

ment is approved.

Mayroon pa po ba?

Senator Herrera. Mr. President.

The President. Senator Herrera.

Senator Herrera. Page 11, paragraph (a) is for the election expenses.

I am just wondering whether or not it would be a good idea if we shall put a limit on the expenses personally borne by the candidate, equivalent to the total emolument of the entire term of the office he is aspiring for. I cannot imagine how a presidential candidate, for instance, could spend P300 million and still be honest in performing his job as President if the total amount of compensation of his entire term could not exceed P1.8 million.

So I think it would be a good idea if we will put a limit on the expenditure. It means that we will allow P10.00 per voter, but the expenses borne personally by the candidate should not exceed the total compensation of the entire term of the office that he is aspiring for. So that the remaining amount will be financed by the donations that he receives from his supporters.

Senator Saguisag. Mr. President.

The President. Senator Saguisag.

Senator Saguisag. Will that work? If I were a candidate, and assuming I could afford a plane, would I not be allowed to buy a plane and really try to return something to the country? The dream or the hope, really, is that at a certain point, it is not perceived as an investment.

I like the idea, but I am not sure it is workable, given the requirements of campaigning in an archipelago like ours. So, I am not sure whether it is going to be one of those innovations that just will not be enforced anyway. *Napakababa po ang sahod.*

Senator Aquino. Mr. President.

The President. Senator Aquino is recognized.

Senator Aquino. May I ask a clarification from Senator Herrera, Mr. President?

Does the Gentleman mean to say that if I run for President and the salary is P25,000 a month which translates to P300,000 a year, and assuming that I will be elected for six years, the limit that I can spend personally for campaign is therefore P1,800,000. Is that correct, Senator Herrera?

Senator Herrera. For the expenses that the Gentleman will personally pay, Mr. President.

Senator Aquino. Yes, Mr. President.

Senator Herrera. But he will be allowed to spend P10.00 per voter because the remaining amount will be coming from the donations that he receives from his supporters.

Senator Aquino. So that if, by the time I run there are 30 million voters, at P10.00 per voter, that means to say that the party or my supporters can spend P300 million, aside from my P1,800,000. Is that correct?

Senator Herrera. The Gentleman's P1,800,000 will be part of the P300 million. Only he will not be allowed to spend more than P1,800,000, coming from his own pocket.

Senator Aquino. One million eight hundred thousand pesos.

Senator Herrera. Yes, coming from his own pocket.

Senator Aquino. Just a clarification because it looks impractical.

Senator Herrera. Why?

Senator Aquino. From the realities today.

Senator Herrera. Why? If one is popular, he will get donations coming from his supporters. If he is not

popular, but because he is a billionaire, he will spend one billion. I do not think the perception of the public is that he will be honest in performing the function of his office.

Senator Aquino. I am just clarifying, Mr. President.

Senator Herrera. That is the reason, that I am not proposing this as an amendment because I would like to have a discussion on this. That is why I premise my proposal whether it would be a good idea.

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

Senator Maceda. I have no serious objection, except to put on the *Record* the other side of the coin.

Whether we like it or not, in this country, elections have become a necessary tool for redistribution of wealth. So that if Imelda Marcos runs and she wants to spend one billion of her own money, or she spends it through other names, I guess it does not really matter. The more the rich people spend out of their own money to redistribute, I think it is better. I think it has come to a point anyway, based on the 1987 and 1986 elections, that people will receive the money of the rich candidates but will not necessarily vote for them.

Senator Herrera. If the intention is just to redistribute one's wealth, she does not have to run for a certain office. If one wants to redistribute his wealth, all he has to do is just give it away.

SUSPENSION OF THE SESSION

The President. Let us suspend the session for a minute, if there is no objection. [*There was none.*]

It was 5:12 p.m.

RESUMPTION OF THE SESSION

At 5:19 p.m., the session was resumed.

The President. The session is resumed.

What is the pleasure of Senator Saguisag?

Senator Saguisag. After polling the sentiments of our Colleagues, it seems that they are not disposed to accept the proposal, so we are not able to accede, Mr. President. That is why, I would not say...

The President. Actually, there is no proposed amendment.

All right, let us go on.

Senator Gonzales. Mr. President.

The President. Senator Gonzales is recognized.

Senator Gonzales. Yes, Mr. President. In view of the approval of our latest amendment, there seems to be no necessity for retaining on page 21, the paragraph from lines 20 to 27, and accordingly, I move to delete the same.

Senator Saguisag. Lines...

Senator Gonzales. Delete line 20 up to line 27.

Senator Saguisag. We accept, Mr. President. It is a redundancy.

The President. Is there any objection?

Senator Guingona. Mr. President.

The President. Senator Guingona is recognized.

Senator Guingona. I have no objection; I withdraw, Mr. President.

Senator Aquino. Mr. President.

The President. Senator Aquino is recognized.

Senator Aquino. Just for clarification. On page 11, Section 15 - *Penalties for Failure to File Statement of Contributions and Expenditures.*

This Section, is prospective and not retroactive. Am I correct in this assessment?

Senator Saguisag. Considering the legislative his-

tory of the provision, and in view of the deletion reflected on page 13, that seems to be the legislative intent. It looks forward and not backward.

Senator Aquino. So, just for the *Record*, this is, therefore, prospective that those who may not comply will be fined. They will no longer be disqualified nor put in jail?

Senator Saguisag. As far as that aspect is concerned, yes. But, whether some court will apply this retroactively, I cannot predict. That is something for the Supreme Court to decide.

There is a general principle that if there is a benevolent effect on an accused, it is supposed to apply favorably.

Senator Aquino. I just wanted that clarification, that this is prospective.

The President. All right. Senator Guingona.

Senator Guingona. If we are through with that amendment, I just would like to ask: What are the standards of an accredited citizens arm? This is on page 23, lines 1 and 2. Are there any standards?

Senator Saguisag. The bill speaks for itself. There are none. Are there any proposals so we can move on?

Senator Guingona. I understand that the COMELEC has a resolution concerning this. Perhaps, we can just incorporate that.

Senator Saguisag. I do not know. If we still have the time, really, we are welcome to all of this. But when do we decide all this? We are racing against time. Because in fairness to all the Members, they should be given copies of the same and, maybe, we will need time to study that formulation, which I, myself, have not even seen.

Senator Guingona. It speaks of an accredited citizens' arm.

The President. I suppose the accreditation will be given by the COMELEC.

Senator Guingona. Yes, but are there any standards? Because this could apply both to national and local, and the election returns could be the basis of a quick count. We would like to know what is the basis for having an accredited citizens' arm?

The President. What is the Gentleman's suggestion?

Senator Guingona. No, I am asking the COMELEC, Mr. President.

Senator Saguisag. They are not ready now.

Senator Guingona. They said that they have a resolution.

SUSPENSION OF THE SESSION

The President. Let us suspend the session for a minute, if there is no objection. [*There was none.*]

It was 5:24 p.m.

RESUMPTION OF THE SESSION

At 5:34 p.m., the session was resumed.

The President. The session is resumed.

Senator Guingona. We would like to propose the amendment. I do not know where the appropriate place would be. It is up to the Chairman, Mr. President.

Senator Saguisag. Mr. President, maybe on page 27, line 30.

The President. That is right.

Senator Saguisag. Or whatever other appropriate place it may be, but this is a good place as any.

The President. Between lines 29 and 30, probably.

Senator Saguisag. Between lines 30 and 31, a matter of style.

The President. All right.

GUINGONA AMENDMENT

Senator Guingona. The proposed amendment reads as follows:

PURSUANT TO ARTICLE IX, PARAGRAPH C, SECTION 2 OF THE CONSTITUTION, THE COMMISSION ON ELECTIONS MAY ACCREDIT CITIZENS ARM FOR THE PURPOSE OF ASSISTING THE COMELEC IN THE PERFORMANCE OF ITS DUTIES AND FUNCTIONS UNDER THE FOLLOWING CRITERIA:

1. A NATIONAL ORGANIZATION SHALL BE BASED ON ITS PROBITY, IMPARTIALITY, AND INTEGRITY.

The President. May I ask whether to be accredited one has to be a national organization?

Senator Guingona. Yes, Mr. President.

The President. How about for local elections?

Senator Guingona. Also, Mr. President.

The President. In every case one has to be a national organization?

Senator Saguisag. Mr. President, maybe we should allow for local, regional, and national groupings.

The President. Maybe, just an organization, whether national or local.

Senator Guingona. For national candidates, a national organization and for local candidates, local organization.

The President. All right. Subject to style.

Senator Guingona. But it must be based on probity, impartiality and integrity.

2. THAT IT IS CAPABLE OF COORDINATED OPERATIONS AND ACTIVITY TO ASSIST THE COMELEC IN THE IMPLEMENTATION OF ITS MANDATED DUTIES;

3. THAT IT SHALL NOT ACCEPT DIRECTLY OR INDIRECTLY ANY FOREIGN FUNDING OR CONTRIBUTIONS IN THE CONDUCT OF ITS ACTIVITIES; AND

4. IT MUST BE NONPARTISAN.

Senator Saguisag. Accepted, subject to style, Mr. President.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. Mr. President, we just quickly checked this so I am not sure where else it should be located, but on page 23, lines 26 to 29, mention is also made of the "accredited citizens arm." It should also be stated there or, in other words, by way of an omnibus amendment wherever it may be appropriate.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved. Any more amendments?

SAGUISAG AMENDMENT

Senator Saguisag. Just some minor matter of style, Mr. President.

On page 10, line 4, the word "PERFORMED" should be substituted with the word DONE.

The President. On what line is that?

Senator Saguisag. Line 4, Mr. President.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved. Any more amendments?

Senator Saguisag. On page 18, lines 16 to 20, it should be recasted to read as follows:

"...ELECTION, AND THE FOLLOWING NOTICE IN ENGLISH: "FILL OUT THIS BALLOT SECRETLY INSIDE THE VOTING BOOTH. DO NOT PUT ANY DISTINCTIVE MARK OR ANY OTHER NAME OR WORDS ON ANY PART OF THIS BAL-

LOT and its equivalent in Filipino.”

In other words, on lines 16 to 17, the words AND FILIPINO should be deleted because these are repeated on lines 19 to 20.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. Page 30, line 13, after Section 32, there should be a caption for consistency, and I propose DISPOSITION OF FIREARMS.

The President. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Saguisag. Those are all we have, Mr. President.

Senator Guingona. Mr. President, I move that we close the period of amendments.

The President. Is there any objection? [Silence] Hearing none, the motion is approved.

APPROVAL OF SENATE BILL NO. 1861 ON SECOND READING

Senator Guingona. Mr. President, I move that we vote on Senate Bill No. 1861 on Second Reading.

The President. We shall now vote on the bill on Second Reading. As many as are in favor of the bill, will please say Aye. [Several Senators: Aye] As many as are against, will please say Nay. [Silence] Senate Bill No. 1861 is approved on Second Reading.

Senator Guingona. Since this is a certified measure, I move that we...

Senator Saguisag. May we just call our Colleagues who are out. They may want to be recorded as having voted. Maybe, just five minutes...

Senator Guingona. Yes for a vote on Third Reading.

The President. May it not be appropriate to get a

clean copy, so that tomorrow we approve it on Third Reading.

Senator Guingona. Yes, Mr. President.

The President. So let us have a clean copy of this for tomorrow.

Senator Guingona. Mr. President, I move to suspend consideration of this measure.

The President. Is there any objection? [Silence] Hearing none, the motion is approved.

BILL ON SECOND READING Senate Bill No. 1648 - Creating Baselands Development Authority (Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 1648, as reported out under Committee Report No. 1329.

The President. Resumption of the consideration of Senate Bill No. 1648 is now in order.

Senator Guingona. Mr. President, we are in the period of Committee Amendments. I ask that we recognize Senator Shahani.

The President. Senator Shahani is recognized.

Senator Shahani. Thank you, Mr. President.

Mr. President, the text which we are using now is a working copy as amended by the Committee. In other words, this incorporates all of the Committee amendments, and I will continue reading line by line the Committee amendments.

We will recall that we were on page 6 the last time I had the Floor. I was reading the list of the baselands, and Senator Maceda made the comments that the baselands, with reference to Camp John Hay and Wallace Air Station, for instance, should be under the jurisdiction, not of the Baselands Authority, but of a specific government unit. For instance, Camp John Hay should be under the Department of Tourism, and Wallace Air Force should be

Ordinary Business.

The Acting Secretary [Atty. Raval]. Committee Report No. 1470, submitted by the Committee on Health on House Bill No. 5958, introduced by Congresswoman Starke, entitled

AN ACT INCREASING THE BED CAPACITY OF THE KABANKALAN DISTRICT HOSPITAL IN THE MUNICIPALITY OF KABANKALAN, PROVINCE OF NEGROS OCCIDENTAL, FROM TWENTY-FIVE TO FIFTY BEDS, AND APPROPRIATING FUNDS THEREFOR

recommending its approval without amendment.

Sponsor: Senator Angara

The President Pro Tempore. To the Calendar for Ordinary Business.

The Acting Secretary [Atty. Raval]. Committee Report No. 1471, submitted by the Committee on Health on House Bill No. 1475, introduced by Congressman Horca, Jr., entitled

AN ACT EXPANDING THE CARIGARA DISTRICT HOSPITAL, WITH A TWENTY-FIVE BED CAPACITY, IN THE MUNICIPALITY OF CARIGARA, PROVINCE OF LEYTE, INTO A FIFTY BED CAPACITY DISTRICT HOSPITAL

recommending its approval without amendment.

Sponsor: Senator Angara

The President Pro Tempore. To the Calendar for Ordinary Business.

Senator Romulo. Mr. President.

The President Pro Tempore. Senator Romulo is recognized.

Senator Romulo. We wish to manifest that cosponsor of Committee Report No. 1243 is Senator Lina.

Thank you, Mr. President.

BILL ON THIRD READING
Senate Bill No. 1861 - Synchronized
Elections on May 11, 1992

The President Pro Tempore. The Majority Floor Leader.

Senator Guingona. Mr. President, I move that we vote on Third Reading on the Act providing for Synchronized National and Local Elections.

This is a certified measure, Mr. President. We approved this on Second Reading last night.

The President Pro Tempore. This will be a nominal voting?

Senator Guingona. Yes, Mr. President.

The President Pro Tempore. The Secretary will call the roll of the Senate.

The Acting Secretary [Atty. Raval]. Senator Alvarez, Senator Angara, Senator Aquino, Senator Enrile--

Senator Rasul. Mr. President.

The President Pro Tempore. Senator Rasul is recognized.

Senator Rasul. Mr. President, the bill that I have before me is Senate Bill No. 1861 as approved on Second Reading on October 21. I understand that the manner of voting of sangguniang member is no longer by districts, and yet this bill provides for election by districts.

I just want to find out if this is the bill that we should be approving now or has this already been amended?

The President Pro Tempore. The Majority Floor Leader will kindly answer the questions posed by the Senator from Sulu.

Senator Guingona. Mr. President, may we have that question again, please?

Senator Rasul. I was under the impression, Mr. President, that election of provincial board members and

councilors will be at large. But this bill shows election of the councilors and provincial board members shall be by districts. I just want to know if this is the bill that was finally approved and which we are voting on this afternoon.

Senator Mercado. Point of order, Mr. President.

The President Pro Tempore. Senator Mercado is recognized.

Senator Mercado. Has not the voting started? With due respect to Senator Rasul, this matter, I believe, may be resolved in the Conference Committee. Our *Rules* provide that once the voting has started, there will be no interruptions.

Senator Rasul. Yes, I know; but we might be voting on the wrong bill, Mr. President. That is why I raised this point. I just want to make that manifestation.

The President Pro Tempore. The Majority Floor Leader.

Senator Guingona. Mr. President, since the voting has not actually started, I just want to assure the distinguished Senator that this is the same bill that was read last night, and that we are just providing for a clean copy.

There were several amendments, Mr. President. Whether it is redistricting or universal, that was already debated on, and the redistricting provisions remain.

The President Pro Tempore. The recollection of the Chair is that last night, the Senate President asked for a complete, clean copy of the bill as amended. The Chair understands that copies of said complete bill have been distributed. Therefore, the bill as now distributed is the subject of our voting on Third Reading.

Senator Pimentel. Mr. President.

The President Pro Tempore. The Senator from Mindanao, Senator Pimentel.

Senator Pimentel. Mr. President, may we have five minutes, Mr. President, to go over the bill.

SUSPENSION OF THE SESSION

The President Pro Tempore. Since voting has not started, we declare a recess of a few minutes, if there is no objection. [*There was none.*]

It was 3:52 p.m.

RESUMPTION OF THE SESSION

At 4:18 p.m., the session was resumed with the Honorable Jovito R. Salonga, presiding.

The President. The session is resumed.

Senator Pimentel is recognized.

MOTION OF SENATOR PIMENTEL (Reconsideration of the Approval of Senate Bill No. 1861)

Senator Pimentel. May we request that the bill under consideration be reopened on Second Reading just to accommodate certain clarificatory restructuring of provisions and sentences, Mr. President.

The President. That would mean the approval of Senate Bill No. 1861 on Second Reading should be reconsidered.

Senator Pimentel. Yes, Mr. President.

The President. Is there any objection? [*Silence*] There being none, the motion is approved.

BILL ON SECOND READING Senate Bill No. 1861 - Synchronized Elections on May 11, 1992 (Continuation)

Senator Pimentel. Mr. President, we are particularly focusing our amendatory insertions on page 25.

The President. Why do we not do it page by page? Because we noticed some mistakes.

Senator Saguisag. Mr. President.

The President. Senator Saguisag is recognized.

Senator Saguisag. We are willing to listen, Mr. President.

The President. All right. On page 1.

Senator Saguisag. Maybe we ought to remove the underlining in the title even as in theory and going by accepted practice if it should come last. There seems to be no need to underline any portion of it.

The President. Now, in Section 1, we say that there shall be simultaneous regular elections for national and local elective officials, and yet, in the first paragraph of page 2, we are opening up the possibility that they will not be simultaneous.

Senator Saguisag. It is really left to the COMELEC. It is not the Congress that is going to do it.

The President. But we are saying they shall be mandatory.

Senator Maceda. Mr. President, could we first dispose of the proposed amendments of Senator Pimentel to simplify matters?

The President. We are going to do it page by page. Would the Gentleman rather go to the other pages first?

Senator Maceda. Mr. President, as shown by his Honor's first question on this first page, we are in danger of opening up the entire debate on every issue on every page. So, I was suggesting that all of these things be taken up in the Conference Committee, as suggested earlier.

The President. No. My next question will be on page 10 or page 11.

Senator Saguisag. Mr. President, the reason we proposed that is that there is really the possibility that the House may not agree to elections by district. That is why we are leaving it to the Commission on Elections, the body, which is the expert in the field, whether elections for local officials may be held on an alternative date. But it is not the Congress that is going to do it. It may be the

COMELEC, if it believes that there will be a failure of election in some places.

That concern of the President has been expressed to me more than once by the Majority Floor Leader and we recognized it to be valid. I pleaded with him that, maybe, this can be threshed out in conference, Mr. President.

The President. All right. On page 20.

Senator Saguisag. Yes, Mr. President.

The President. Under caption No. (7), "The seventh copy to the accredited citizens arm, if any, in the place concerned". Then the next paragraph says: "Pursuant to Article IX, paragraph C, Section 2 of the Constitution, the Commission on Elections may accredit Citizens Arm..." Probably there is an omission there. "Accredit EACH Citizens Arm".

Senator Saguisag. Or maybe "A".

The President. "A" or "EACH". "A Citizens arm for the purpose of assisting the Commission in the performance of its duties and functions under the following criteria:"

I cannot make out the meaning of "a". "A national and local organization for national and local candidates, respectively, shall be based on probity, impartiality and integrity." I do not understand that.

Senator Saguisag. May we recast it, Mr. President. I have discussed this with the other Members of the Chamber. May we recast letter "a)" to read as follows:

"a) IT MUST BE A NATIONAL OR LOCAL ORGANIZATION WHOSE OFFICERS ARE KNOWN FOR THEIR PROBITY, IMPARTIALITY, AND INTEGRITY;"

The President. How about letter "b)"?

Senator Saguisag. Do we have any problem with letter "b)", Mr. President?

The President. It says: "Capable of coordinated operations and activity to assist". Probably, it should

be: "AND CAPACITY FOR COORDINATED OPERATIONS AND FOR ITS READINESS to assist the Commission in the implementation of its mandated duties."

Senator Saguisag. That is an improvement, Mr. President. Accepted.

The President. Letter "c)", I was wondering: "HAS NOT ACCEPTED" or "DOES NOT INTEND TO ACCEPT".

Senator Saguisag. Yes, Mr. President.

The President. And letter "d)". We already said something about "impartiality" and "integrity". Probably, "nonpartisan" would not be necessary anymore.

Senator Saguisag. In letter "a)", Mr. President, "impartiality" refers to the officers. Maybe, we lose nothing by stressing that criterion.

The President. All right.

Senator Saguisag. Mr. President, may I just move back to page 20 as long as we are here.

SAGUISAG AMENDMENT

In No. 7, regarding the seventh copy, *et cetera*, ito pong nagsisimula sa "pursuant", just to make it less redundant, should read as follows:

Pursuant to Article IX, paragraph C, Section 2 of the Constitution, the Commission may accredit a citizens arm for the purpose of assisting IT in the performance of its duties and functions under the following criteria:

Just a matter of style, Mr. President.

The President. Is there any objection? [*Silence*]
Hearing none, the amendment is approved.

Senator Estrada. Mr. President.

The President. Senator Estrada is recognized.

ESTRADA AMENDMENT

Senator Estrada. Mr. President, on page 22 and after letter "d)", is it possible to insert the words: "THE CITIZENS ARM SHALL NOT CONDUCT ITS OWN CANVASS OR COUNTING OF VOTES."?

My explanation to this, Mr. President, is to avoid conflict with the COMELEC count. Like what happened during the last elections, the NAMFREL made its own count and it is always in conflict with the counting of the COMELEC. It tends to disrupt or confuse the public. Kapag pabor ang NAMFREL sa isang kandidato, ang una muna nilang kina-canvass ay iyong mga lugar where the candidate is strong. The tendency is to confuse the public.

Senator Guingona. Mr. President.

The President. Senator Guingona is recognized.

GUINGONA AMENDMENT

Senator Guingona. Mr. President, I understand the Senator's concern. Perhaps, I will propose this amendment: "THE CITIZENS ARM SHALL ONLY BASE ITS TALLY ON THE CERTIFICATES OF VOTES AND NOT ON OTHER SOURCES."

Senator Estrada. I agree, Mr. President.
SUSPENSION OF THE SESSION

The President. Let us suspend the session for one minute, if there is no objection. [*There was none.*]

It was 4:29 p.m.

RESUMPTION OF THE SESSION

At 4:35 p.m., the session was resumed.

The President. The session is resumed.

ESTRADA AMENDMENT

Senator Estrada. Mr. President, after talking with the Majority Floor Leader, we agreed that the "CITIZENS ARMS SHALL COUNT THE VOTES BASED

ON THE ELECTION RETURNS''. I mean, it should be based on the election returns.

The President. In other words, it will not publish its own tally except on the basis of the election returns it receives, subject to style.

Senator Saguisag. May we hear it again, Mr. President?

The President. ~~“THAT THE CITIZENS ARMS SHALL NOT PUBLISH A TALLY EXCEPT ON THE BASIS OF THE ELECTION RETURNS”.~~

Senator Saguisag. Yes, Mr. President.

Senator Estrada. Thank you.

The President. All right. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. Mr. President, regarding the earlier stylistic amendments on the criteria for accrediting the Citizens Arm as appearing on page 20, may we incorporate the same by reference in relation to the criteria appearing on page 22. They should be made consistent.

The President. The criteria that we approved for pages 20 and 21 should be--

Senator Saguisag. --correspondingly reproduced on top of page 22.

The President. All right. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Saguisag. Mr. President, if there is no anterior amendment, the Gentleman from Cagayan de Oro called my attention to the stylistic infelicities appearing on page 25, and I refer to the paragraph which is number 4.

In the second sentence of it, we would like to propose that it be recast as follows: It starts with "If". "If no such agreement is reached, the Commission shall decide which parties shall receive the copies of the CertificateS of Canvass. THE PARTIES RECEIVING THE

CERTIFICATES shall have the obligation to furnish the other parties with authentic COPIES THEREOF with the least possible delay."

Just a matter of style, Mr. President.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Any more?

~~Senator Guingona.~~ Mr. President, if there are no more amendments, I move that we close the period of amendments.

Senator Laurel. Mr. President.

The President. Senator Laurel is recognized.

Senator Laurel. Sa page 18 po. I do not know what line this is, but this is in the middle of the page. It says here: "There shall also be recognized six (6) principal watchers." Then, compare that with the provision found in the middle of page 22, which states: "The Board of Election Inspectors, together with the two (2) principal watchers." That raises the question of: Alin ba ang totoong rito, iyong anim o iyong dalawa lamang na principal watchers? These two provisions are inconsistent.

The President. It should be the six.

Senator Laurel. So, what is wrong is page 22, which speaks of two principal watchers.

Senator Saguisag. We are grateful that our attention has been called to it. Really, it seems to me that the phrase: "together with the two (2) principal watchers, if available" should be deleted.

~~The President.~~ Is it the whole paragraph?

Senator Saguisag. No, Mr. President, because the Board of Election Inspectors should still sign and affix their right thumbmark on the election returns.

The President. So, how will the whole sentence read now?

SUSPENSION OF THE SESSION

Senator Saguisag. May we have a short recess, Mr. President.

The President. The session is suspended, if there is no objection. [*There was none.*]

It was 4:42 p.m.

Senator Laurel. As far as we can go.

Senator Osmeña. Thank you.

Senator Laurel. Anyhow, that is one of the items to be considered, not the sole item. Then, on page 19...

The President. Teka muna, hindi pa natin naaprobahan.

RESUMPTION OF THE SESSION

At 4:46 p.m., the session was resumed.

The President. The session is resumed.

Senator Laurel. Mr. President, I would like to refer to page 18, under Section 25, this should read as follows:

The President. By the way, what happened to the previous correction?

Senator Saguisag. Anterior po ito dahil page 18. I think the other one is on a later page.

Senator Laurel. Page 18 po.

The President. All right.

Senator Laurel. This should read as follows: "The established record of the said parties or coalition or groups that now compose them," cross out "by whatever legal means," then follow it simply with "taking into account among other things, THEIR SHOWING IN PAST ELECTIONS."

So, it will read as follows, again: "The established record of the said parties or coalition or groups that now compose them taking into account among other things, THEIR SHOWING IN PAST ELECTIONS."

Senator Osmeña. Mr. President.

The President. Senator Osmeña is recognized.

Senator Osmeña. Just to clarify. How long is past, I mean, back to 1907?

Is there any objection?

Senator Saguisag. Mr. President, may we just insert a comma after "taking into account"?

Senator Laurel. Certainly.

Senator Saguisag. Accepted, Mr. President.

The President. All right. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Laurel. Then, on page 19, Mr. President, under caption (4) on the top of that page, I propose the deletion of the entire sentence: "They or their components before must have polled at least ten percent (10%) of the votes cast in the 1987 elections;"

It serves no purpose, and, besides, the COMELEC has stated that it is so difficult to determine, and they have no record on the matter, anyhow, Mr. President.

The President. All right. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. Mr. President, may we just renumber the other captions? It should be "(4)" and "(5)" now, since number four has gone out.

The President. Yes.

Senator Laurel. On page 22, Mr. President, I propose the deletion of the clause "together with the two (2) principal watchers, if available," in the sentence starting from "The Board of Election Inspectors," so that that sentence will read as follows:

"The Board of Election Inspectors shall sign and

affix their right thumbmark on the election returns.”

Senator Saguisag. In view of that, Mr. President, the comma after “inspectors” and after “available” should also be deleted.

Senator Laurel. Certainly.

Senator Saguisag. We accept, Mr. President.

The President. So, how will it read now?

Senator Saguisag. “The Board of Election Inspectors shall sign and affix their right thumbmark on the election returns.”

The President. Is the Gentleman saying that every member of the Board should be doing that?

Senator Laurel. Hindi po. There is a reference here somewhere that one of the other two inspectors ...

The President. Yes, that is on the ballot, but we are talking about the election returns now.

Senator Laurel. Gawa na tatlo po ang inspectors. When I raised this point on a previous occasion, it was stated by those who opposed my amendment, masyadong marami po iyong tatlo, kaya isa na lamang additional to the Chairman, to sign and ...

The President. That is on the back of the official ballot. We are talking about the election returns now.

And my question is: Shall every member of the Board of Election Inspectors sign and affix their right thumbmark?

Senator Laurel. If my wishes were to be followed, I would suggest two of the three.

Senator Saguisag. Mr. President, if before we had the three plus the two watchers, why not just maintain the three? We were ready to settle for five, and now it is reduced to three.

The President. So, “Every member of the Board of Election Inspectors shall sign and affix his right

thumbmark on the election returns.”

Senator Laurel. It is agreed, Mr. President.

Senator Saguisag. That is our position, Mr. President.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Aquino. Mr. President.

The President. Senator Aquino is recognized.

Senator Aquino. Mr. President, on page 1, Section 2 ...

The President. Natapos na tayo sa page 1. All right.

Senator Aquino. Mayroon pong isang nasilip. I think the way it is written, Mr. President, it seems that everybody elected “and on the same day every three (3) years thereafter,” includes the President and the Vice President. Actually, that is the eighth line after Section 2.

It should read: “...on the same day every three (3) years thereafter except the President and the Vice President, and with respect to Senators, only twelve (12) ...” *et cetera*, so that the word “that” after the word “except” should be replaced with the “PRESIDENT, THE VICE PRESIDENT, and ...” That is to make it clear and consistent with Section 3, Mr. President.

Senator Saguisag. Siguro po ganito: “...EXCEPT AS TO THE PRESIDENT AND VICE PRESIDENT, and with respect to Senators...”

Senator Aquino. It is a matter of style, Mr. President.

Senator Saguisag. It is accepted.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Any more? Senator Maceda is recognized.

Senator Maceda. Just an apparent oversight, to-

gether with the original Sponsor of the amendment, the Senator from Mandaluyong, on page 26, Mr. President.

The President. All right.

Senator Maceda. We have to delete No. 4 and No. 5, and insert in lieu thereof, the Gonzales amendment, which was carried and approved on the previous subsection on page 25, No. (4), to read: "The fourth, fifth, sixth and seventh copies of the Certificate of Canvass shall be delivered to the six (6) ranking political parties" up to the end of the paragraph. This earlier amendment is for the Provincial Board of Canvassers.

The next subsection is for the City Board of Canvassers. And, therefore, exactly the same procedure should be adopted.

The President. Ang ibig sabihin, gagawin lamang nating uniform.

Senator Maceda. Uniform po.

Senator Saguisag. We accept, Mr. President.

May we just call attention to the fact that the portion read by Senator Maceda was modified slightly, and that should be what should be reproduced.

The President. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Also on the same page, in the interest of uniformity, page 26(a), (b), (c), (d) should contain the same changes.

Senator Saguisag. The revised criteria.

The President. Yes.

Senator Saguisag. In fact, just to be on the safe side, it should be also revised in any other place where it may appear.

The President. Omnibus amendment.

Senator Saguisag. Yes, Mr. President.

The President. Is there any objection? [*Silence*]

Hearing none, the amendment is approved.

Any more?

Senator Gonzales. Mr. President.

The President. Senator Gonzales is recognized.

Senator Gonzales. Through oversight, Mr. President, going over this copy of Senate Bill No. 1861 as of October 21, 1991, we overlooked a very very important requirement under the existing laws, and that is in the distribution of the election returns, one of the same is considered an advance election returns, which was to be issued to the municipal treasurer before. And upon receipt of the same, the municipal treasurer shall immediately open the same and tabulate it in a tally board that is placed--

The President. Open to the public.

Senator Gonzales. --in a conspicuous place in the municipal building site. And that is very important, Mr. President, because then that forestalls the intention to tamper election returns.

The President. Where should that appear?

Senator Gonzales. I think it should be in the distribution of the copies, Mr. President.

SUSPENSION OF THE SESSION

If we can only have two minutes suspension of the session, Mr. President, wherein we can accordingly place the same.

The President. The session is suspended, if there is no objection. [*There was none.*]

It was 4: 57 p.m.

RESUMPTION OF THE SESSION

At 5:13 p.m., the session was resumed.

The President. The session is resumed.

Senator Gonzales. Mr. President, after conferring with the distinguished Sponsor of this measure, we have agreed to offer the following amendment on page 20, between paragraphs (4) and (5), a new paragraph to read as follows: "(5) THE FIFTH COPY TO BE KNOWN AS ADVANCED ELECTION RETURNS, SHALL BE DELIVERED TO THE CITY OR MUNICIPAL TREASURER WHO, IN THE PRESENCE OF THE ELECTION REGISTRAR OR HIS AUTHORIZED REPRESENTATIVE, SHALL IMMEDIATELY AND PUBLICLY OPEN THE SAME AND POST THE VOTES THEREIN IN AN ELECTION TALLY BOARD SUFFICIENTLY LARGE TO ENABLE THE PUBLIC TO READ THEM, BUILT ON A PUBLIC PLACE PREFERABLY WITHIN THE IMMEDIATE VICINITY OF THE CITY HALL OR MUNICIPAL BUILDING."

Senator Saguisag. That is accepted, Mr. President.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Gonzales. As a consequence thereof, then the following amendments in paragraph 5: Instead of "(5)", it will now be "(6)"; and instead of "fifth", it will now be the "SIXTH" copy, Mr. President. Page 20.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Gonzales. Then, in the next paragraph (6), instead of "(6)" this will now be paragraph "(7)"; and instead of the "sixth copy", it will now be the "SEVENTH COPY", Mr. President.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Gonzales. Accordingly, since the COMELEC insists that only seven copies would be legible, then we delete the paragraph (7), Mr. President, which is the seventh copy to the accredited Citizens Arm, if any, in the place concerned.

The President. Why do we not make it conditional, if technology is available for such a purpose? Let us make it the eighth copy.

Senator Gonzales. All right, Mr. President. Then, we can change this now. It will now be paragraph "(8)" instead of "(7)" and instead of "seventh copy", it will be "EIGHTH" copy after that paragraph, if technologically feasible, then "to the accredited..."

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Gonzales. Then, Mr. President, after the seventh paragraph, we have a new paragraph to read as follows:

"THE CITY OR MUNICIPAL TREASURER SHALL ISSUE CERTIFIED COPY OF ANY ELECTION RETURNS IN HIS POSSESSION UPON REQUEST OF ANY INTERESTED PARTY AND PAYMENT OF THE FEES REQUIRED BY EXISTING ORDINANCES."

The President. Why do we not do that on page 21, after letter "d" It must be non-partisan."

Senator Gonzales. Mr. President, it would also be appropriate to place it there.

The President. Yes.

Senator Gonzales. So, the idea is, the more officials from whom certified true copies of the election returns can be obtained, hopefully, the better it would be as far as the election process is concerned.

The President. Is there any objection? [Silence] Hearing none, the amendment is correct.

Senator Gonzales. Then, we will also insert in Section 21...

The President. Why do we not make it an omnibus amendment?

Senator Gonzales. Yes, Mr. President, so that it will be appropriately placed in paragraph b) of this particular section, page 21 of the bill.

The President. The same placement.

Senator Gonzales. Yes, Mr. President.

Senator Enrile. Mr. President.

The President. Senator Enrile is recognized.

Senator Enrile. In connection with the proposal to authorize the municipal treasurer to issue certified copies of the election document in his possession, may it not be proper to adopt the same wording that has been adopted in the case of the certified copies to be issued by the Regional Judge? That it shall be in an accountable form to be supplied by the COMELEC.

Senator Gonzales. For purposes of consistency, we are willing to accept the amendment, Mr. President.

Senator Enrile. Mr. President, I would like to suggest that same procedure so that it will facilitate the issuance of certified true copies to interested parties.

The President. And the same procedure with respect to the Citizens Arm.

Senator Gonzales. There will be no problem as far as the Citizens Arm is concerned, Mr. President, because there will be adequate copy for the Citizens Arm because as far as the election of local officials is concerned, there is an enumeration of only six copies. So that if we will include the advanced election returns, the seventh copy will be furnished the accredited Citizens Arm in the place concerned, Mr. President.

The President. Why do we not make it an omnibus amendment, and accept also the proposal of Senator Enrile?

Senator Gonzales. Yes, Mr. President. In fact, that is the proposal right now. We are amenable to accept the amendment to the amendment.

The President. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Gonzales. Then on page 22, Mr. President, as far as the second paragraph here is concerned, beginning with the words "The Board of Election Inspectors," the amendment is: Instead of the words "two (2) princi-

pal watchers," we just eliminate the word "two," and we just say, "TOGETHER WITH THE PRINCIPAL WATCHERS, IF AVAILABLE."

The President. We approved an amendment already.

Senator Gonzales. May I beg your pardon, Mr. President?

The President. We already approved an amendment. Is that on page 22?

Senator Gonzales. Yes, Mr. President.

The President. Beginning with the words "The Board of Election Inspectors"?

Senator Gonzales. Yes, Mr. President.

The President. We already approved an amendment.

Senator Gonzales. No. I think the amendment, Mr. President, is they removed the principal watchers--

The President. Yes, that was approved.

Senator Gonzales. --whose function is different. The only difference in function between the principal watcher and the ordinary watcher is that, the principal watchers are authorized to authenticate their signature and thumbprint in the election return.

SUSPENSION OF THE SESSION

The President. Let us suspend the session, if there is no objection. [*There was none.*]

It was 5:22 p.m.

RESUMPTION OF THE SESSION

At 5:24 p.m., the session was resumed.

The President. The session is resumed.

Senator Gonzales. So, I am offering that amendment, Mr. President. With respect to this paragraph on the second line, we remove the word "two" both in

words and in figure, so that what will remain is "together with the principal watchers." Understandably, if we relate it to the other provision, there will be six of them.

Mr. President, at the end of this, I will add another sentence: "IF THERE IS NO ADEQUATE SPACE ON THE FACE OF THE ELECTION RETURN, SUCH AUTHENTICATION MAY BE MADE AT THE BACK OF THE SAME." Sa likod ho ay puwede na kung wala talagang space.

The President. Why do we not say then: "THE BOARD OF ELECTION INSPECTORS, TOGETHER WITH THE SIX (6) PRINCIPAL WATCHERS..." to be very definite.

Senator Gonzales. Yes, Mr. President. "... WITH THE SIX (6) PRINCIPAL WATCHERS..."

The President. "...SHALL AUTHENTICATE THE ELECTION RETURN BY SIGNING AND AFFIXING THEIR RIGHT THUMBMARK."

Senator Gonzales. Yes, Mr. President.

"IF THERE IS NO SPACE ON THE FACE OF THE ELECTION RETURNS, SUCH AUTHENTICATION CAN BE MADE OR CONTINUED AT THE BACK THEREOF."

The President. Is there any objection?

Senator Saguisag. Mr. President, may we also bring back the phrase, "if available"?

Senator Gonzales. Yes, Mr. President, "if available". Because usually, some of them leave the polling place and that will unduly delay completion of the election returns.

The President. Is there any objection? [Silence] There being none, the amendment is approved.

Is there any more amendment?

Senator Pimentel. Mr. President.

The President. Senator Pimentel is recognized.

Senator Pimentel. On the matter of grammar lamang ito.

On page 3, line 2, after the word "acceptance" and before the word "another", instead of "or" it should be "of".

Senator Saguisag. Accepted.

The President. Is there any objection? [Silence] There being none, the amendment is approved.

On the last page, page 30, I think there is an omission. Under "Section 37 Appropriations - The amount of one billion PESOS..."

Senator Saguisag. Yes, Mr. President.

The President. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

Senator Maceda. Mr. President, on page 3, Section 4, up to the end of the section, I move to delete the entire section.

Senator Saguisag. We regret that we are unable to accept the same.

Senator Maceda. Mr. President, in view of the rejection by the Sponsor, I will not insist but we shall take it up in the Conference Committee.

The President. Is there any more amendment?

Senator Enrile. Mr. President.

The President. Senator Enrile is recognized.

Senator Enrile. I have also taken the same position before, Mr. President. I was requested by the members of the League of Councilors to bring this matter before the Senate.

The President. Senator Ziga may make the same observation.

SUSPENSION OF THE SESSION

Shall we suspend the session for one minute, if there is no objection? [There was none.]

It was 5:29 p.m.

RESUMPTION OF THE SESSION

At 5:30 p.m., the session was resumed.

The President. The session is resumed.

Senator Ziga. Mr. President.

The President. Senator Ziga is recognized.

Senator Ziga. Mr. President, I would like to join Senator Maceda--

The President. And Senator Enrile.

Senator Ziga. --and Senator Enrile in the proposed amendment to delete the whole of Section 4 and to abolish this provision on the redistricting of cities, municipalities and provincial redistricting.

The President. What is the pleasure of Senator Saguisag?

Senator Saguisag. The same manifestation, Mr. President. We regret that we are unable to accept the same.

The President. All right. The Majority Floor Leader.

Senator Guingona. Mr. President, I move to close the period of amendment.

The President. Is there any objection? [Silence] Hearing none, the motion is approved.

APPROVAL OF SENATE BILL NO. 1861 ON SECOND READING

Senator Guingona. Mr. President, I move that we vote on Senate Bill No. 1861 on Second Reading.

Senator Enrile. Mr. President.

The President. Senator Enrile is recognized.

Senator Enrile. Mr. President, I will register a negative vote because of Section 4.

The President. We shall now vote on the bill, as amended, on Second Reading.

As many as are in favor of the bill will please say Aye. [Several Senators: Aye]

As many as are against will please say Nay. [One Senator: Nay]

The Ayes have it. Senate Bill No. 1861, as amended, is approved on Second Reading.

BILL ON THIRD READING Senate Bill No. 1861 - Synchronized Elections on May 11, 1992

Senator Guingona. Mr. President, I move that we vote on Third Reading on Senate Bill No. 1861. Copies of the bill have been distributed to all the Members of the Senate.

The President. Voting on Third Reading on Senate Bill No. 1861 is now in order. The Secretary will please read the title of the bill only, if there is no objection. [There was none.]

The Acting Secretary [Atty. Raval]. Senate Bill No. 1861, entitled

AN ACT PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS ON MAY 11, 1992, OR ON SUCH OTHER DATES BEFORE JUNE 30, 1992 AS THE COMMISSION ON ELECTIONS MAY DEEM FIT FOR LOCAL ELECTIONS AND ON THE SAME DAY EVERY THREE YEARS THEREAFTER, AND FOR ELECTORAL REFORMS, AND AUTHORIZING APPROPRIATIONS THEREFOR

The Acting Secretary called the roll and the result of the voting was as follows:

The Acting Secretary [Atty. Raval].

YES - 20

Senator Alvarez	Senator Osmeña*
Senator Aquino	Senator Paterno*
Senator Estrada	Senator Pimentel
Senator Gonzales*	Senator Rasul*
Senator Guingona*	Senator Romulo*
Senator Herrera	Senator Saguisag
Senator Laurel*	Senator Salonga
Senator Lina*	Senator Shahani
Senator Maceda*	Senator Tañada
Senator Mercado	Senator Ziga*

NO - 1

Senator Enrile*

ABSTENTION - 0

RESULT OF VOTING

The President. All right. The result of the voting. With 20 affirmative votes, one negative vote, no abstention, Senate Bill No. 1861 is approved on Third Reading.

EXPLANATION OF VOTE OF SENATOR ENRILE

Senator Enrile. Mr. President, for the same reason that I stated in my negative vote on Second Reading, I register a negative vote because of the presence of Section 4 which deprives the members of the Sangguniang Bayan the right to be elected at large in their respective municipalities.

EXPLANATION OF VOTE OF SENATOR GUINGONA

Senator Guingona. Mr. President, I vote *Yes* to this measure with reservations, specifically on the separate election provision. While the first election would still be tabulated or canvassed, there will already be preparations for the second election, especially if it is one week or one month apart. And it is a logistical nightmare in the view of the COMELEC Chairman himself.

Therefore, I hope that in the Conference Committee, this provision can be removed especially since we would

*With explanation of vote

like the determination as early as possible, Mr. President.

Second, Section 4 on redistricting, many of the councilors all over the land are objecting to this. While they agree that this should be implemented, perhaps when there is sufficient time to really work out a redistricting plan, then that would be in the next elections, but not in this election, Mr. President.

The problems confronting this measure, if we have 57 candidates, can be addressed through resolute administrative remedies especially in the tabulation or, perhaps, there can be a systematic separate counting of votes of the national and local candidates. Otherwise, it is very hard to envision a small schoolroom, especially in the remote areas, which is covered by the tabulation forms, and the teacher inspectors would tabulate from one end to the other. There has to be a certain resolute administrative remedy, Mr. President. I am confident that the Chairman of the COMELEC has the necessary vision and determination for this purpose.

Despite all these reservations, Mr. President, I vote *Yes*.

EXPLANATION OF VOTE OF SENATOR LAUREL

Senator Laurel. Mr. President, I vote *Yes* with certain reservations which will be contained in an explanation of my vote which I would like to submit at a later hour.

The following is the written Explanation of Vote submitted by Senator Laurel:

I vote for the approval of Senate Bill No. 1861 providing for synchronized national and local elections on May 11, 1992, with a few reservations.

The bill implements the constitutional policy of synchronizing the national and local elections and at the same time provides for remedies for anticipated problems in an election involving numerous positions and candidates. We cannot deny the fact that synchronizing the national and local elections will entail difficulty for the administrative arm of the government in conducting such an election. Elective positions in the government, from the highest to the lowest, shall be at stake in that synchro-

nized election. From this election, we can expect a kilometer list of candidates for every elective post. This will involve more expenditures and man-hours for the COMELEC. For the conscientious Filipino voter, this will only mean more names to write on the ballot and more time spent in the voting booth. However, we cannot do away with the mandate of the fundamental law of the land. The Constitution must always prevail and we must now allow expediency to undermine its supremacy.

Nevertheless, the bill itself provided for its own remedies for the contingencies of a synchronized election. However, we must make sure that these remedies will not violate the constitutional policy that there should be simultaneous national and local elections on May 11, 1992. Otherwise, we may have a repeat of the *Osmeña vs. COMELEC* decision which nullified RA 7056 providing for a de-synchronized elections. Section 2 of the bill empowers the Commission on Elections to hold and conduct the next "local election" on any other date before June 30, 1992. A question that may be propounded is that will this not violate the synchronized election policy in the Constitution?

The COMELEC has the discretion to defer the local elections to another date before June 30, 1992. This provision should be interpreted strictly as an exception to the rule that the elections should be simultaneous. The requirement for a simultaneous election should not be regarded as an absolute rule to be followed in all cases. For all we know, there could be another Mt. Pinatubo on or before election day and this would render impossible the holding of an orderly election. The framers of the Constitution could not have intended that the COMELEC should be placed in a straight-jacket. It should be given a reasonable degree of flexibility for after all, it also has the constitutional duty to ensure free, orderly and honest elections. It is in the light of these arguments that we may conclude that it does not violate the requirement for synchronized polls. The COMELEC must however always bear in mind its constitutional mandate to hold free, orderly, honest, peaceful and credible elections.

As a whole, Senate Bill 1861 provides for improvements in the electoral process of this country. For instance, Section 11 of the bill empowers the COMELEC to *motu proprio* annul a padded registration list of voters. This is a marked improvement from its counterpart provi-

sion in the Omnibus Election Code where the COMELEC can only annul a padded list of voters after the filing of a verified petition, notice, and hearing. The new provision will enable the COMELEC to act swiftly in preventing such acts of electoral fraud.

Section 17 of the bill is also another improvement geared toward electoral reform. It requires the COMELEC to summarily resolve all pre-proclamation controversies within a period of seven days from receipt of the petition. No less than an expeditious resolution of electoral cases is required in a country where people live and die for elections. Furthermore, it is in the best interest of the public that pre-proclamation cases be resolved quickly so that elective public offices will not remain vacant for a long time.

There are however some provisions of the bill that do not appear to be acceptable. One example is Section 6 involving the campaign periods. There is really no reason why the campaign period for President and Vice-President should be thirty days longer than that for Senators. All of them are national officials and all are elected at large. The campaign period for such officials should therefore be the same.

Other parts of the bill that should merit discussion are Section 13 on absentee voting and Section 15 on the penalties for failure to file statement of contributions and expenditures. The basic argument against Section 13 is that it may be used as a form of electoral cheating especially by those in the administration. There is no guarantee that these reassigned public officials will vote only once in the election. The schedule of fines provided in Section 15 meanwhile is so small in amount that it is only pocket change for most candidates. This provision should be given more teeth by increasing the amount of the fine to more appropriate levels.

One final issue that I would like to raise is the question regarding the court or body that has jurisdiction over pre-proclamation controversies involving elections for President and Vice-President. This matter is not included in this bill. In as much as the Congress already intends to substantially modify the election laws with this bill, then this important matter should also be discussed.

Article XX Section 242 of the Omnibus Election

Code states that the COMELEC shall have exclusive jurisdiction over all pre-proclamation controversies. In this connection, the COMELEC under Section 227, Article XIX of the same code exercises supervision and control over the board of canvassers. However, in the election for President and Vice-President, the Congress is the one that acts as the board of canvassers. In a pre-proclamation controversy for President and Vice-President can we say that the COMELEC has jurisdiction and exercise supervision and control over Congress? The answer is clearly in the negative because there is no agency in this government that can exercise supervision and control over the legislative department. Does the Supreme Court has jurisdiction over such pre-proclamation controversies? The answer should also be in the negative because the jurisdiction of the Supreme Court is limited only to "contests" relating to elections, returns and qualifications of the President and Vice-President under Section 4 of Article VII of the 1987 Constitution. An election "contest" is different from a pre-proclamation controversy. Based on these considerations, can we therefore say that with regard to elections for President and Vice-President, no one can raise a pre-proclamation controversy? I believe that this matter should be properly addressed by Congress.

In general, the good points of this bill outweigh its questionable provisions. Thus, I vote for its approval, with reservations.

EXPLANATION OF VOTE OF SENATOR LINA

Senator Lina. Mr. President, I vote *Yes* and I will submit to the Secretariat an extended explanation of my vote.

The following is the written Explanation of Vote submitted by Senator Lina:

I vote in the affirmative without any reservation.

The approval of this measure, Mr. President, is, to me, a vindication of my original proposal to hold simultaneous and synchronized national and local elections on May 11, 1992, particularly since the Supreme Court has declared as unconstitutional Republic Act No. 7056 which provided for a separate national and local elections.

For the *Record*, Mr. President, may I be allowed to recall that I previously insisted on the holding of simultaneous and synchronized elections in 1992 as contained in the original version of Senate Bill No. 1777 which was reported out jointly by the Committees on Constitutional Amendments, Revision of Codes and Laws, and Electoral Reforms and People's Participation on April 2, 1991.

Unfortunately, after a caucus held to get a straw vote on my proposal, the original version of Senate Bill No. 1777 was revised entirely, this time, providing for a separate national and local polls in 1992. This paved the way for the enactment of Republic Act No. 7056.

With this measure, Mr. President, we have set in place remedial measures in the electoral process to meet the perceived technical difficulties brought about by the holding of simultaneous and synchronized elections.

These remedial measures, some of which were also contained in the original version of Senate Bill No. 1777, seek to ensure the holding of a free, orderly, peaceful, honest and credible 1992 elections.

Equally important, with the approval of this measure, we uphold the majesty of the law and comply with the letter and spirit of our Constitution.

I, thus, vote *Yes*, Mr. President.

Thank you.

EXPLANATION OF VOTE OF SENATOR MACEDA

Senator Maceda. Mr. President, again, I vote *Yes* with reservations, which is the result of--when we go down to the core of it--an appointive constitutional commission that dealt with political matters for which they were hardly qualified. The reservation is on Section 4 only for this election. We would be open to considering the same for future elections if the system of synchronized elections would be retained. However, we look forward to the other option which is for a constitutional convention or a constituent assembly after the elections of 1992 to deal with this matter in a more definitive way, probably, towards a return to the two-party system of government.

It is my feeling at this time that if we are going to retain the presidential system, then, certainly, a two-party system should be favored, and that the retention of the multiparty system would be more in consonance with a parliamentary system.

Mr. President, I have reservations about the compromise to which I have agreed reluctantly of determining six ranking parties as violative of the spirit of the multiparty system and of the equal protection of the law. I have reservations about the standards that have been used, considering that many of the new parties would hardly qualify for some of the standards that have been used.

At any rate, Mr. President, the holding of credible, orderly, and peaceful elections is really in the hands of the COMELEC, initially, and in the hands of the people, ultimately.

As the Senate President himself has said many times, we still look forward to the open, continuing and consistent commitment of the incumbent President to the people that, first, she is not running for re-election because that would open up an entirely new controversy, including her qualification to run for a second term.

And secondly, her not running for reelection gives us some assurance that as part of her very thin legacy of her presidency to the people, that she has committed that she will see to it that the 1992 elections will be clean, peaceful and orderly, and that there will be a peaceful transition of power.

I call on her, as I explain my vote, to be firm in her resolved not to run if only for this purpose, because then she would be in a very unique position to assure that the elections will be fair.

~~I reiterate even my call that the best way to assure that is for her to keep herself above the fray, and not endorse any candidate. After all, she had been heard to say publicly and almost so many times privately that none of the candidates of the LDP are deserving of her support, as well as some of the other candidates from the other parties.~~

As I said, I vote *yes* with the further reservation on

the matter of the campaign period. I feel very strongly that the Supreme Court was correct when it said that the campaign period should be 90 days, and that the convention should also be within the 90 days. That is really the reason for the 75-day campaign period, so that between the 76th and the 90th day before the 75 days, we can hold the conventions. After all, the parties have now devised a way of partially circumventing that problem by coming out with some form of a nonbinding consensus for the LDP on November 30, some sort of a consensus for the NP on November 16, and even so by an executive committee type of nomination by the Liberal Party already finished.

I hope that the COMELEC will stick to its commitment that they will decide on a formal convention date or period not more than 120 days, and, in effect, I made a recommendation to them that it should be within the 90 day period as contemplated by the Constitution, and even by the Supreme Court.

With all those reservations, Mr. President, I vote *yes*, aware that we have no choice but approve this bill, no matter how imperfect it is, to assure that the elections on May 11 will go through. And in voting *Yes*, I hope that each and every party will find some way to cooperate in making this forthcoming elections a real historical one in the sense that it will be an election that will truly reflect the will of the people.

EXPLANATION OF VOTE OF SENATOR OSMEÑA

Senator Osmeña. Mr. President, I vote on this bill with the thought in mind that a provision of this bill, particularly Section 4, is being opposed by the Provincial Board Members Association of the Philippines, which held two regional conventions--which I attended both--in Davao City and in the last few days, last Friday in Tacloban. At both conventions, they resoundly manifested their objections to the system of electing members of the provincial board by districts.

I have been contacted by the League of City Councilors who are also objecting, and I feel very strongly that we are representatives of the people. Obviously, if there are very strong reservations, we cannot turn a deaf ear. However, there are indications that in the Conference Committee, this problem will be addressed, to the satis-

faction of these two organizations--the provincial board members and the councilors.

Therefore, Mr. President, I am voting in the affirmative, with one reservation, that is, after the Conference Committee Report comes out and this matter is not addressed to the satisfaction of the provincial board members and the city councilors, then I will be constrained to vote in the negative on the Conference Committee Report.

Thank you, Mr. President.

EXPLANATION OF VOTE OF SENATOR PATERNO

Senator Paterno. Mr. President, I vote *Yes* with reservations on the provisions on the districting of province and city.

I am not running for reelection, but I can understand the problems that are being faced by the constituencies in respect to this.

We are forced to adopt this provision, Mr. President, because otherwise we would have an unmanageable election process. And this I associate myself with the remarks of Senator Maceda in that he points out serious flaws in the Constitution which I trust will be addressed by a Constituent Assembly or by a Convention, not a Commission, soon after the elections, Mr. President. I hope at that time, other flaws of the Constitution will also be addressed because I believe that the Constitution sets up, in many cases, objectives which are conflicting with one another and cannot be attained in the same period of time.

I would like to commend to the next Congress, Mr. President, with the experience of this Congress, a serious reflection at the beginning of Congress on the priorities ~~which it must address, because if it tries to do everything~~ that the Constitution mandates it to do, it cannot possibly be accomplished because some of these objectives are in conflict with one another, if approached contemporaneously.

So, with these observations, Mr. President, I would like to say again, I vote for this bill with a heavy heart and with serious reservations.

Thank you, Sir.

EXPLANATION OF VOTE OF SENATOR RASUL

Senator Rasul. Mr. President, I vote *Yes*, with reservations with reference to Section 4.

In my trips around the country, there were representations made opposing the redistricting and the election by districts of provincial board members and the councilors. For this reason, I vote in the affirmative, with reservations.

EXPLANATION OF VOTE OF SENATOR ROMULO

Senator Romulo. Mr. President, I vote *Yes*, and I would like to be permitted to submit my extended remarks on my vote. But let me just underscore two or three points.

The first, Mr. President, is that we must ensure that in the coming election, we do not give too much time to too much campaigning, electioneering and nominating period, because there is a lot of work to be done by both the Executive and the Congress. Therefore, we should ensure that the provision there which limits all the campaign, election and nomination to as short a period as possible, at most 90, if possible 75 days before election, should be preserved.

Second, Mr. President, this election will be a watershed election. Unless we see to it that we limit the number of offices to be voted upon, this election will be nightmarish in proportion, and therefore, will not present a truly credible election. Therefore, we must see to it that we should not overload the system, 57 positions with five or six parties presenting a full slate.

~~It is not only the voting, Mr. President, but the counting. These two are essential ingredients of a free, orderly, peaceful, and credible election.~~

Third point, Mr. President, is that we must see to it, as we have attempted to do in Sections 30, 31, and 32, that this must be a free and nonviolent election. Therefore, we must be strict on those who are going to carry guns or who are going to be allowed to carry guns, as well as security and body guards. These are provisions

that we must preserve so that it will remain after the bicameral conference committee.

There are other points I would like to make, but I will just cite them in my extended remarks.

Thank you, Mr. President.

EXPLANATION OF VOTE OF SENATOR ZIGA

Senator Ziga. Mr. President, I vote with reservations, considering the points on the redistricting of the board members and councilors, and also on the separation of the dates of the elections. I vote *Yes*, with reservation because I still continue to believe that the councilors, elected municipal-wide, is the best training grounds for vice-mayors and mayors; the board members, elected province-wide, is also the best training grounds for prospective vice-governors and governors.

So, I vote *Yes* along this reservation, Mr. President.

EXPLANATION OF VOTE OF SENATOR GONZALES

Senator Gonzales. May I make some explanations on the *Record*. The difficulties that we have encountered in the crafting of Senate Bill No. 1861, providing for a simultaneous or synchronized elections in 1992 is really not of our own making. First, this is a result of the decision of the Supreme Court, declaring as unconstitutional an earlier law passed by Congress, providing for separate National and Local Elections.

Second, that following such a declaration of unconstitutionality, the Commission on Elections, which is the Constitutional Body charged with the enforcement and administration of all laws pertaining to the elections, and tasked with the duty of ensuring a clean, honest, and orderly elections, had categorically declared that it cannot ensure a clean, honest, and orderly elections unless two conditions *sine qua non* are complied with.

1. That the number of elective positions to be filled on the ballot in a simultaneous elections should not exceed 38.

2. That the number of registered voters in a precinct should not exceed 200.

We work on that representation for, certainly, we ought to give weight to this opinion put forth on the record by the Commission on Elections.

3. That the concept of redistricting or reapportionment of the members of the sangguniang panlalawigan, sangguniang panglunsod, and sangguniang bayan is not a new thing. That is already specifically provided for in the Local Government Code.

Therefore, we found that there was no opposition to this particular provision on the part of those concerned at the time when we enacted the Local Government Code. The present apportionment or redistricting provision in this bill is merely an implementation of that particular provision in the Local Government Code.

4. Everything is not yet closed on this particular matter, because the House bill on the same subject does not provide for redistricting or apportionment, while Senate Bill No. 1861 so provides.

Therefore, this will be a disagreeing provision between the versions of two Houses of Congress, and may still be the subject of whatever possible arrangement or permutations, Mr. President.

We have asked the Commission on Elections to have a Commissioner sit down with the Bicameral Conference Committee so that we will be able to see whether anything that we can arrive at could be implemented. Probably, one permutation would be, to lessen the number of councilor districts, because, now, if there are ten elective councilors, then there will be five councilor districts, with each district electing not more than two councilors each. Then, we may follow other provisions of this bill wherein a municipality is divided only into two councilor districts, in which case, there will also be already a diminution of the number of positions to be voted on the ballot in the 1992 election.

Finally, I would like to believe that this particular provision would be applicable only in this election. We know the circumstances, the difficulties of crafting an election for 1992, because these are exceptional circumstances which will not be present in subsequent election.

For example, beginning 1995, probably, we may go

back to the old system of electing the members of the provincial board and the councilors, at large, in the province or in the city or municipality, as the case may be, because there will already be a reduction of 12 Senators to be elected beginning 1995.

So, I feel, let us not judge harshly this law, which took time for us to consider and to craft and to approve, Mr. President. But let us look at it as a practical means to resolve the unusual difficulties posed with the 1992 elections.

We just want to make that on the *Record*, Mr. President.

Senator Guingona. Mr. President, I move that we form a Committee on Style to be headed by Senator Gonzales, Senator Saguisag, and Senator Enrile, to make the proper styling of this measure.

The President. All right. Is there any objection? I think Senator Laurel wanted to be there also.

Senator Guingona. Constitution of style included, Mr. President.

The President. All right. Is there any objection? [Silence] Hearing none, the motion is approved.

CONFERENCE COMMITTEE ON SENATE BILL
NO. 1861/HOUSE BILL NO. 34811
(Synchronized Elections)

Senator Guingona. Mr. President, I move that we form the Senate panel for the Conference Committee: Senator Gonzales, as Chairman; Senators Saguisag, Enrile, Maceda, Pimentel, Lina, Laurel and Ziga, and any Senator who would like to sit in.

The President. Is there any objection? [Silence] Hearing none, the motion is approved.

Senator Guingona. Mr. President, I move that the Secretariat advise the COMELEC when the dates for this Conference Committee will be held, so that their assistance can be immediately available.

The President. Senator Pimentel.

Senator Pimentel. May we ask that Senator Rasul be made a Member also of the Conference Committee.

The President. Is there any objection? [Silence] Hearing none, the motion is approved.

Senator Guingona. So, the Secretariat is instructed, Mr. President.

The President. Yes. The Secretariat is so instructed.

Senator Guingona. Mr. President, for the next item...

SUSPENSION OF THE SESSION

The President. Why do we not call a break first?

Senator Guingona. We have an additional reference after the break, Mr. President.

The President. All right, let us have a break of a few minutes, if there is no objection. [There was none.]

It was 6:00 p.m.

RESUMPTION OF THE SESSION

At 6:36 p.m., the session was resumed.

The President. The session is resumed.

CONFERENCE COMMITTEE REPORT ON SENATE
BILL NO. 686/HOUSE BILL NO. 52276
(Literacy Coordinating Council)

Senator Guingona. Mr. President, we have here a Conference Committee Report on the disagreeing provisions of Senate Bill No. 686 and House Bill No. 52276 on the Literacy Council. I ask that we recognize Senator Rasul.

The President. Senator Rasul is recognized.

Senator Rasul. Mr. President, there were eight Conferees, four from the Senate and four from the House. The Senate Panel was composed of Senator Angara, Senator

the present leadership allowed personal prejudice to get the better of them and devalue the institutions, procedures and the quality of statesmanship required to allow our nation to move forward.

The acquittal of General Brawner and those like him who have been made victims of pride and prejudice should be made an indictment of those who now wield executive power.

In the future we must look forward to a new political leadership that is statesmanly rather than officious, fair rather than petty, gifted with an acute sense of what is proper rather than obsessed with personal whim. The political leadership is as much in need of cultivating a sense of professional behavior as the quarrelsome military factions are.

Those who are governed by vindictive and whimsical impulses must not be allowed to govern a nation in want of leaders who will truly lead. That is the first step towards acquiring the government our people deserve.

To General Brawner: our continued thanks for the sacrifices he has again undergone for the sake of the country. We are not in a position to fully compensate him or restore to him some of the things that he had lost as a result of these two years of anxiety, imprisonment, and ordeal.

I hope that this little piece today, will at least close the gap and close the books, so to speak, on the General Brawner case, and let history take care of this Administration.

Thank you very much, Mr. President. [Applause]

MOTION OF SENATOR GUINGONA
[Referral of Senator Maceda's Speech to the
Justice Committee]

Senator Guingona. Mr. President, I move that we refer the speech of the distinguished Senator to the Committee on Justice.

The President. Is there any objection? [Silence]
Hearing none, the motion is approved.

Senator Guingona. Mr. President, I move that we consider Committee Report No. 1329.

May I withdraw that, Mr. President.

CONFERENCE COMMITTEE ON SENATE BILL NO.
1861/HOUSE BILL NO. 34811
[Synchronized Elections]

Since copies of the Conference Committee Report on the Synchronization of Elections were already distributed, I ask that we consider the same and recognize Senator Gonzales.

The President. Senator Gonzales is recognized.

SPONSORSHIP SPEECH OF SENATOR GONZALES

Senator Gonzales. Mr. President, the Senate Panel, which was tasked to meet with our counterparts in the House of Representatives on the disagreeing provisions between House Bill No. 34811, entitled

AN ACT PROVIDING FOR SYNCHRONIZED
NATIONAL AND LOCAL ELECTIONS ON
MAY 11, 1992, FOR ELECTORAL REFORMS,
AND AUTHORIZING APPROPRIATIONS
THEREFOR,

and Senate Bill No. 1861, entitled

AN ACT PROVIDING FOR SYNCHRONIZED
NATIONAL AND LOCAL ELECTIONS ON
MAY 11, 1992, OR ON SUCH OTHER DATES
BEFORE JUNE 30, 1992 AS THE
COMMISSION ON ELECTIONS MAY DEEM
FIT FOR LOCAL ELECTIONS AND ON THE
SAME DAY EVERY THREE YEARS
THEREAFTER, AND FOR ELECTORAL
REFORMS, AND AUTHORIZING
APPROPRIATIONS THEREFOR,

met and agreed on a Bicameral Conference Committee Report which I am now privileged to present before this Body.

The majority of the conferees on the part of the Senate, as well as the conferees on the part of the House

of Representatives, have signed this Committee Report, and copies of the same have been furnished to all the Members of this Chamber.

Mr. President, may I now present the highlights of the bill that have been the result of the Bicameral Conference Committee.

As far as Section 2 is concerned, the version of the Senate prevailed, because the Senate intended that this would be a permanent Election Law in the sense that, even if the future Congresses shall not enact any Election Law, there will be the synchronized elections as herein provided that will go on.

Section 2 states:

In accordance with the policy hereinbefore stated, there shall be an election for President, Vice-President, twenty-four (24) Senators, all elective Members of the House of Representatives, and all elective provincial, city and municipal officials on the second Monday of May 1992. Thereafter, the President and Vice-President shall be elected on the same day every six (6) years; while the Senators, elective Members of the House of Representatives and all elective provincial, city and municipal officials shall be elected on the same day every three (3) years, except that with respect to Senators, only twelve (12) shall be elected.

If the Chair will recall, from 1971 until the passage of this Law, every time we held an election, there would always be a law that would have to be passed by the Legislative Body. We do not want election law on an ad hoc basis. We want that there should be certainty and regularity in the conduct of regular elections. That intention and purpose have been achieved by Section 2 of this consolidated bill.

Then, if the distinguished Gentlemen would recall, the COMELEC had repeatedly pointed out that it is physically impossible to hold a synchronized election on the basis of 53 to 57 names or positions to be voted for in the ballot. And so, it said that a precondition to holding a simultaneous election would be: first, to reduce the number of elective positions to be voted for to not more than 38; and, second, that no precinct shall have more than 200 registered voters.

The Senate acted in accordance with that recommendation through the process of electing the members of the Sangguniang Panglalawigan, Sangguniang Panlungsod, and Sangguniang Bayan by means of districts.

That concept had been retained in this Bicameral Conference Committee Report, with the exception of the members of the Sangguniang Bayan.

The House of Representatives, in House Bill No. 34811 had provided for election of the members of the sangguniang bayan at large, contrary to the councilor districts as provided for in the Senate bill.

When we opened our Bicameral Conference Committee, I invited the Chairman and Members of the COMELEC. They offered a counterproposal, realizing the position of the House of Representatives.

The counterproposal consists of the following: That instead of dividing the municipality into as many councilor districts--probably four or five--and apportioning the elective seats in the Sangguniang Bayan among them, so that each council district will elect two councilors, they said that the municipality can now be divided only into two councilor districts, and the elective members of the Sangguniang Bayan shall be apportioned between these two districts.

The second counterproposal is, that as a means of reducing the number of positions to be voted as a result of the enactment of the Local Government Code, then the election of the sectoral representatives in the Sangguniang Panglalawigan, Sangguniang Panlungsod, and Sangguniang Bayan shall not be included in the regular elections of May 11, 1992, but the COMELEC shall be tasked with providing for a special scheme and a separate election for the sectoral representatives.

Our counterparts in the House met among themselves, and they voted twice on that proposition. The first voting resulted in a tie. In the second voting, it was a 6:3 against the counterproposals of the Commission on Elections, which was backed by the Conferees on the part of the Senate.

That opposition of the Members of the House of Representatives was consistently carried out in spite of

numerous and final attempts, and the pleas made by the Commission on Elections as well as by some Members of the House of Representatives themselves.

So as a proposal, as a compromise, we moved that at least that system of continuing an election at large, be good for purposes of the 1992 elections. However, starting with the 1995 elections, they shall be elected by means of districts.

It was unanimously accepted. First, because it would give the COMELEC time to make an equitable division of the municipalities into the councilor districts allowing interested parties to make their appeals in case they are not satisfied therewith. Second, to give also ample notice to those who wish to run for membership in the sanggunian beginning 1995.

It is embodied in this particular provision (d) page 3. It says:

For purposes of the regular elections on May 11, 1992, elective members of the Sangguniang Panlungsod and Sangguniang Bayan shall be elected at large in accordance with existing laws. However, beginning with the regular elections in 1995, they shall be elected by district.

We have also provided for a special election in the event of a permanent vacancy in the Senate as well as in the House of Representatives. This is now embodied in the second paragraph of Section 4 of the bill. It says:

In case a permanent vacancy shall occur in the Senate or House of Representatives at least one (1) year before the expiration of the term, the Commission shall call and hold a special election to fill the vacancy not earlier than sixty (60) days nor longer than ninety (90) days after the occurrence of the vacancy. However, in case of such vacancy in the Senate, the special election shall be held simultaneously with the next succeeding regular elections.

This was inspired by a proposal of Senator Saguisag. We found out that under existing laws, before a call for a special election can be made, there shall be a duly approved resolution on the part of the Senate or of the House of Representatives. And as we have seen it, there

are at least 10 vacancies in the House of Representatives and none of them has been filled by means of a special election.

Under this provision, a resolution of either House is no longer a condition precedent for the holding of a special elections. I think what it means is that the fact or the existence of a permanent vacancy can be taken judicial notice of by the Commission on Elections. Therefore, we are assured that a special election will be called for as long as the vacancy shall occur at least one year before the expiration of the term.

In respect of the election and campaign period, there have been changes. We have reiterated the provision of the Constitution that unless otherwise fixed by the Commission, the election period for the May 11, 1992 regular elections shall commence ninety (90) days before the day of the election and shall end thirty (30) days thereafter.

The campaign periods are now as follows: President, Vice- President and Senators, 90 days before the day of the election. The change here is that in the Senate version, we have approved a 45-day campaign period for the Senators. Now, it is uniformly 90 days before the day of the election for the President, Vice-President and Senators.

For the Members of the House of Representatives and elective provincial, city and municipal officials, 45 days before the day of the election.

Now, we have likewise provided that in the preparation of the election calendar, the Commission may exclude the day before and the day of the election itself, Maundy Thursday and Good Friday.

There has been a slight change from the Senate version, because the Senate version used the mandatory term "shall". Under this bill approved by the Conference Committee, we have used the permissive "may."

Likewise, there was a change as far as the determination of a candidate is concerned, because under the COMELEC formulation, as embodied in the House version, even if one has not yet filed a certificate of candidacy, he may still be considered as a candidate, if he is aspiring for nomination as the official candidate of his

party. We changed that, because it does not seem to jibe with the political realities in our country.

It now provides:

Any election campaign or partisan political activity for or against any candidate outside of the campaign period herein provided is prohibited and shall be considered as an election offense punishable under Sections 263 and 264 of the Omnibus Election Code.

So we revert to the definition of a candidate to the law existing at this time. But one who has not yet filed a certificate of candidacy is not yet a candidate for purposes of campaigning outside the campaign period.

We also note that as far as the political conventions or meetings are concerned for the nomination or selection of the official candidates of any political party or organization of political group or coalition, the same shall be held not earlier than the following periods:

- a) For President, Vice-President and Senators, one hundred sixty-five (165) days before the day of the election;
- b) For Members of the House of Representatives and elective provincial, city or municipal officials, seventy-five (75) days before the day of the election.

If the President would recall, under Republic Act No. 7056, which was later declared unconstitutional by the Supreme Court, the nominating convention may not take place earlier than 180 days before the day of election.

We were working on a version that would fix the nominating convention not earlier than 135 days. However, towards the end of our Bicameral Conference Committee meetings, it was increased to 165 days. No less than the Minority Floor Leader himself was still advocating for the 180 days before the day of the election, upon his plea that the opposition should be given ample time in order to make the necessary preparations, which seems to be a legitimate and a reasonable demand.

On the other hand, we settled for 165 days before the day of the election.

Now, "Filing of the Certificate of Candidacy", un-

der Section 7, remains the same. No changes.

Under Section 12, "Absentee Voting", no changes whatsoever.

But under Section 13, there had been changes with respect to the authorized expenses of candidates and political parties. This was again a last minute change, and this came from a motion of the Senate Minority Floor Leader.

There are again two kinds of election expenses which may be incurred.

One, those incurred by the candidates themselves, and two, by the political parties.

Now, for the candidates, this, originally in our agreement, is only three pesos for every candidate. But the Minority Floor Leader had moved that it be increased to ten pesos for the President and Vice-President upon plea that the three pesos (P3.00) for every registered voter is not a realistic figure. The Committee agreed with him. With respect to other candidates--and that would include the Senators, the Members of the House of Representatives and the elective local officials--the amount that they may spend shall not exceed three pesos (P3.00) for every voter currently registered in the constituency where he filed his certificate of candidacy, with the proviso that with respect to a candidate without any political party and without support from any political party, he may be allowed to spend five pesos (P5.00) for every such voter.

The second kind of authorized expense is the expense by the political party itself. For political parties, the amount that may legally be spent for political purposes is five pesos (P5.00) for every voter currently registered in the constituency or constituencies where it has official candidates.

Then, again, there has been some changes as far as the Senate version is concerned.

If Your Honors will recall, we have a provision to the effect that any provision of law to the contrary notwithstanding, any contribution, in cash or in kind, to any candidate or political party, or coalition of parties, for campaign purposes, shall not be subject to the payment of

any gift tax. In order to avoid the abuse of this privilege or this exemption, what the Conference Committee did was to qualify the contribution with the phrase "duly reported to the Commission".

In short, in order to enjoy the exemption from any gift tax, the contribution must be duly reported to the Commission on Elections.

We also note that Section 14 continues the principle or the policy of decriminalizing failure of any candidate to file a statement of contributions and expenditures. Instead of being a criminal offense, it is made merely an administrative offense for which the penalty that is impossible is the payment of an administrative fine ranging from one thousand pesos (P1,000) to thirty thousand pesos (P30,000) at the discretion of the Commission; however, with the note that this provision does not apply with respect to candidates for elective barangay offices, but for the commission--and this may be found in the last paragraph of Section 14--of a second or subsequent offense under this section, the administrative fine shall be from P2,000 to P60,000 at the discretion of the Commission. In addition, the offender shall be subject to perpetual disqualification from holding a public office.

Also, the Bicameral Conference Committee had adopted a provision disallowing preproclamation controversies in the election of the President, Vice-President, Senators and Members of the House of Representatives while continuing preproclamation proceedings as far as elective local offices are concerned. The reason, is the fear that the filing of preproclamation controversies or cases may unduly delay the preparation of the certificates of canvass and, therefore, the delay in the preparation and the submission of the certificates of canvass may unduly delay also the proclamation of these national officers.

What was foremost in the minds of the Members of the Bicameral Conference Committee was the fear that in view of this delay, no President nor Vice-President may be proclaimed elected after the expiration of the term of the incumbents to the said position, which was felt to be a greater evil.

At any rate, there is a reserve power on the part of the canvassing bodies. At the last sentence of the first paragraph of Section 15, it is provided:

However, this does not preclude the authority of the appropriate canvassing body *motu proprio* or upon written complaint of an interested person to correct manifest errors in the certificate of canvass or election returns before it.

Meaning, there may be instances where an election return or a certificate of canvass, upon their faces and without the need of any evidence alluded therein, are patently fraudulent. That is why there is a reserve power on the part of the Boards of Canvassers to correct the said mistakes or errors.

May I repeat that with respect to provincial, city and municipal offices, preproclamation controversies would continue in accordance with Sections 16, 17, 18, 19, 20 and 21, which are actually part of the Senate as well as the House versions, and also restatement of existing laws on the matter coupled with the precedence laid down by our Supreme Court.

With respect to Section 24, on the signature of the Chairman at the back of every ballot, the same requirement continues. However, we deleted the phrase "that any ballot without such a signature shall be null and void and shall not be counted", because fundamental rules of fairness and precedence laid down by the Supreme Court would say that a voter should not be punished or disenfranchised for failure of an election official to perform a duty as provided for by law. That is why that was deleted.

However, in order to fortify this requirement, what was approved by the Bicameral Conference Committee is this provision:

Failure to so authenticate shall be noted in the minutes of the Board of Election Inspectors and shall constitute an election offense punishable under Sections 263 and 264 of the Omnibus Election Code.

No change has been made in Section 25, "Manner of Counting of Votes"; Section 26, "Official Watchers", except that in the approved version of the Senate, the candidates for the Senate, Sangguniang Panlalawigan, Sangguniang Panlungsod, Sangguniang Bayan of a political party collectively may appoint or designate a watcher.

Now, we felt that as far as the Senators are concerned, this requirement of a collective appointment is not really practical. And considering the high office that the Senators hold and the impact upon the elections, then we are placing them in the category of "Other Candidates" who, individually, may appoint their own watchers. That is why, it now provides:

Every registered political party or coalition of political parties and every candidate shall each be entitled to one watcher in every polling place and canvassing center: *Provided*, That, candidates for the Sangguniang Panlalawigan, Sangguniang Panlungsod, or Sangguniang Bayan belonging to the same slate or ticket shall collectively be entitled to one watcher.

May I repeat, especially those running for re-election in the Senate, that each one of them can appoint an official watcher for every precinct or canvassing center.

Now, we continued with the provisions of the Senate version insofar as the recognition of six principal watchers, which party shall be determined by the Commission in accordance with the guidelines as provided for in our Senate bill.

There have been changes also insofar as the distribution of the number of official returns to be prepared by the Board of Election Inspectors and the distribution thereof. However, there has been some minor changes as far as the distribution of the certificates of canvass is concerned.

I think the Senate Conferees led by Senator Saguisag fought very hard for four party copies upon representation of Senator Pimentel because we know that this is a concern of Senator Pimentel. In fact, his own representative in the Conference Committee was there, and he will bear witness to the fact that we have failed in spite of our stand in favor of four copies of the certificates of canvass to be distributed to the political parties.

The reason is that in the scale of values, the Bicameral Conference Committee as well as the COMELEC-- and this is actually a COMELEC proposal--lay more emphasis on furnishing a copy of the election return to the media-based citizen arm. I think the COMELEC is planning to accredit a media-based citizens arm in the

nature of "Operation Quick Count." So that the basis of the data to be fed into the computer which shall be the basis of the quick count will not be just certificates relayed by messengers or runners which, sometimes, are not really authenticated and may actually confuse the public.

That is why they are now in favor of an "Operation Quick Count" by a media-based citizen arm. In order that the data would be more or less reliable, one copy of the certificate of canvass is to be furnished to this citizen arm. When we really balance these values, certainly, it would definitely weigh heavier than furnishing a fourth political party with a copy of the said certificate of canvass so we had to eventually accede to this decision, Mr. President.

These are the main changes that have been effected in the final bill as approved by the Conference Committee, Mr. President. We have worked and labored on this particular report for almost two weeks. We know that there are still some concerns of individual Members of the Senate which have not been positively addressed, but let it be on *record* that up to the last minute, Senator Rasul had fought strongly for the inclusion of the election of a sectoral representative for women in the regular elections on May 11, 1992. I think, all the Senate Conferees will bear witness to that. If she needs a sworn affidavit or a deposition, we will gladly furnish the same, Mr. President.

There were also certain concerns expressed by Senator Laurel to me before we started the session, Mr. President. His principal concern that decriminalization of the former offense of failure to submit a statement of contributions and expenses to be retroactive was carried out. However, there are new concerns that he expressed to me after consultations with the Members of his party.

I appreciate the seriousness of those concerns but, unfortunately, they came too late. We can no longer reconvene the Bicameral Conference Committee and open the discussion again, otherwise, there will be too much delay.

The Commission on Elections wants that a law be passed as soon as possible because without any law, there will be no appropriation, and without any appropriation,

they cannot really make the necessary preparations, more so if they would involve the awarding of contracts.

Therefore, with this statement, we respectfully appeal to the Members of this Chamber to approve this Bicameral Conference Committee Report.

Thank you, Mr. President.

SUSPENSION OF THE SESSION

Senator Guingona. Mr. President, before questions are asked, I suggest that we have our usual break.

The President. To give an opportunity for Senator Gonzales to have a little rest, let us declare our usual break, if there is no objection. [*There was none.*]

It was 5:54 p.m.

RESUMPTION OF THE SESSION

At 6:38 p.m., the session was resumed.

The President. The session is resumed.

Senator Guingona. May we ask the Page, Mr. President, to inform Senator Laurel that he is on deck?

INQUIRIES OF THE CHAIR

The President. Okay. We can begin with some preliminary questions. I have two or three questions for that purpose.

The Chair remembers that in the 1969 election--we might recall the 1969 presidential election--one of the complaints was that a good number of election returns were fabricated. They were not printed in the Bureau of Printing. Now, that is not covered here. I suppose that matter is covered in the Omnibus Election Code.

Senator Gonzales. That is right, Mr. President.

The President. What would be the law on that--with respect to the printing of election returns?

Senator Gonzales. In fact, the printing itself of the

ballots and other sensitive documents, including the election return forms, is a very sensitive aspect of the electoral process. That is why under the old law the Omnibus Election Code, the political parties are required to nominate their own representatives in order to witness for themselves, in behalf of their respective political parties, proceedings regarding even the procurement of the papers to be used, and even the printing thereof. There is also a provision to the effect that the political parties may actually put some party marks, a copy of which will be delivered sealed to the Commission on Elections, and a copy to be retained by the political party. If a ballot does not contain such distinguishing party mark, it means that it comes from fraudulent sources.

As far as I could recall, the political parties are even authorized to post watchers or guards in the warehouses where the papers--printed or unprinted--are stored. They are even authorized to send representatives in the distribution of the same. Because there are many aspects, not only in the printing but even in the procurement of the papers, the storage of the papers, and the distribution of the forms to the various election entities for their use.

The President. In the 1969 elections, if I remember, a good number of election returns were printed outside the Bureau of Printing. Is that possible today?

Senator Gonzales. Mr. President, that is one point I specifically raised when Chairman Monsod and Commissioner Yorac appeared before us together with Commissioner Maambong. They said that under the system being adopted now by the Commission on Elections, that is no longer possible. I even pointed out to them that in previous elections, this is a source not only of fraud but also of corruption, because while the law requires that it should be by the Bureau of Printing, all that the Bureau of Printing was to do was to certify that they do not have the capacity to print such required number of ballots. Therefore, with that certification, they are farmed out to different printers.

In the old political exercises, during the Marcos regime, that was the cause of the wholesale fraud that occurred therein. They assured us that is no longer possible under the supervision and control of the Commission on Elections.

The President. All right.

The Chair will go to a second point. I heard it said that no precinct will have more than 200 voters.

Senator Gonzales. Yes, Mr. President.

The President. How many precincts will there be on the basis of the estimated electorate?

Senator Gonzales. They are expecting some 30 million registered voters, Mr. President, so it is a matter of dividing them into 200, and we will be able to know the number of precincts.

The President. That will be around 150,000 precincts.

Senator Gonzales. Yes, Mr. President.

The President. All right. I think Senator Laurel is here; he may wish to...

Senator Laurel. Thank you, Mr. President.

I realize the urgency of passing this bill, Mr. President. But I think we should make haste with caution with respect to a bill that seeks to ensure the holding of a clean, honest and credible election, as enunciated in the Statement of Policy in the bill itself.

It is in that spirit, that I am raising certain points and asking certain questions, not only for the purpose of ensuring the objectives of the bill as stated and also for the purpose of seeking clarification on the provisions already contained in this product of the Bicameral Conference Committee.

Mr. President, first I will start with the question on this Holy Thursday or Maundy Thursday and Good Friday.

Senator Gonzales. Mr. President, that would be the third paragraph on page 4 of the bill attached to the Conference Committee Report.

Senator Laurel. As it reads, the COMELEC may exclude these two days from the campaign period.

Senator Gonzales. Yes, in the preparation of the election calendar. Then, the Commission may exclude the day before and the day of the election itself, Maundy Thursday and Good Friday. I think the focus of the Gentleman's question is on Maundy Thursday and Good Friday.

Senator Laurel. That is correct.

I was just wondering, what is the purpose of excluding these two days or empowering the COMELEC to exclude those two days, so that campaigning during those two days would be criminal or punishable under Sections 263 and 264 of the Omnibus Election Code?

Senator Gonzales. Mr. President, the Gentleman raised this question already during the consideration of Senate Bill No. 1861. We have, I think extensively debated on this. Nonetheless, if I will be permitted to repeat, the original law was mandatory which we approved in the Senate version. However, the Bicameral Conference Committee decided to remove the mandatory character, and instead of "shall," the law now uses the permissive word, "may."

I think the purpose of this requirement is, at least, it takes cognizance of the fact that most Filipinos, regardless of their religion--they need not be Catholics; they need not be Christians--have always considered Maundy Thursday and Good Friday as days necessary for the nurturing of their faith. So, the law merely takes into account what has been part of the tradition and culture of the Filipino people, regardless of their religious character or significance of these days.

Senator Laurel. What I am driving at, Mr. President, if that is really the purpose as stated by the Sponsor is, it is no longer mandatory. It is now just permissive. Why vest an individual or group of individuals or an agency of the Government such as the COMELEC with the power to violate the Constitution which provides for freedom of religion and for the separation of state and church?

Senator Gonzales. With due deference to the Gentleman's contrary view, Mr. President, we cannot see how this provision will violate the right of religious freedom.

Actually, this provision merely means that the COMELEC is authorized to--we have defined under the law what is the campaign period during which candidates may campaign. Therefore, outside of this period, campaign is prohibited regardless of the character of that day, Mr. President.

I do not know of anything in the faith of any religion that requires a person to campaign during Maundy Thursday and Good Friday.

Senator Laurel. But why vest it if Congress itself cannot violate the Constitution? How can we vest the COMELEC with that power which we do not possess?

Senator Gonzales. I think the Gentleman's question is premised on the assumption that it is unconstitutional.

On the other hand, much as we respect his opinion on this matter, we are not persuaded to share the same belief, Mr. President.

Senator Laurel. Mr. President, what I would just like to stress, even as I end this particular discussion here, is that if I were a Muslim, and the Gentleman were to tell me or the COMELEC were to tell me that I am prohibited from campaigning on Maunday Thursday and Good Friday, and it required me although my religion allows me to so campaign during those days, I think that is a violation of the Constitution, and that is really imposing a doctrinal tenet of a particular religion to nonadherence of that religion. Is it very clear?

Senator Gonzales. Mr. President, my view is different. If he is prosecuted and convicted, it is not because of any religious belief but because of the fact that he campaigned outside of the campaign period.

Senator Laurel. Why include that, Mr. President? Why include those two days, Maundy Thursday and Good Friday? Those are Christian holidays.

Senator Gonzales. Mr. President, I have already given the Gentleman the basis for the law, and it is not often that the law takes cognizance of the culture and tradition of the people regardless of their religion. Actually, they are chosen not because of any religious nature,

but because it is a part of the culture and tradition of the people, and that is the basis therefor. And such a law would be a valid exercise of the police power which entitles the State to regulate the conduct of the election.

If he is prosecuted and convicted, it is not because of his religious views, but because of the fact that he campaigned outside of the campaign period.

Senator Laurel. Finally, Mr. President, one last point on this particular issue.

I raised this question again because there was a time when the good Sponsor was out of the country and we were discussing this particular proposal of mine. And I understand that there was an amendment that was accepted by the Sponsor who took the Gentleman's place and accepted by one Body, and then all of a sudden I find that this is back here in the Bicameral Conference Committee Report.

Senator Gonzales. I assure the Gentleman that Senator Saguisag, whom I have requested to continue with the sponsorship, is more able and more capable than myself, Mr. President.

Senator Laurel. The good Senator from Pasig may make a statement on that matter if he wishes to.

Senator Saguisag. *Kung puwede po sana, G. Pangulo*, the suggestion in the Conference Committee was to use the word "shall exclude", but the COMELEC representatives precisely requested that the words "shall" be changed to MAY.

In other words, apparently the COMELEC is not inclined to go along with our decision here, and they wanted to preserve that discretion.

Maaari pong sa kaisipan nila ay hindi rin isasama iyon for the very same reasons that are being ventilated by our friend from Batangas. Or, maybe, they may say that there is one rule for Christian areas or populations and another rule for non-Christian voters.

So we believe that the question of those two days, aside from the police power argument raised here by a constitutionalist, and a better one we cannot find than our

friend from Mandaluyong, should survive any constitutional challenge.

Ang mabuti siguro ay hintayin na lamang nating ilabas ng COMELEC ang kalendaryo. Kagaya rin ng ipinaalaala ng Chairman of our Committee on Constitutional Amendments, may separability clause po naman.

If I may proceed, the COMELEC has really been pleading with us to take some action since they were two months behind as it was two weeks ago. So all these things are very good to spread upon the *Record*. But, if for lack of time it will jeopardize the staging of that elections, that should really be the bottom line.

We recognize the validity of many of those observations, but we may jeopardize an even greater objective if we are not able to vote on this one way or the other, today or tomorrow at the latest, Mr. President.

Senator Laurel. I realize that, Mr. President. But I would just like to stress the point that I do not know how we can vest authority in a body--authority to commit an unconstitutional act or commit an act that we ourselves in this Chamber cannot do or order to be done. Thank you.

Now, may I go to the next point, Mr. President, if I may.

Senator Gonzales. Please.

Senator Laurel. Registration of voters.

Senator Gonzales. Yes, Your Honor.

Senator Laurel. The registration of voters can include petition for inclusion, exclusion or correction. My point here in this bill, as reported out by the Bicameral Conference Committee, is that, this correction, registration, inclusion, et cetera, may be done on the day of election itself before actual voting. It may be done on the day before but so close to the day or hour of voting and, therefore, the voter who has been excluded may not have an opportunity to raise the question on appeal to another body. I think we should be careful to protect the supreme right to vote of every Filipino citizen qualified to do so.

Senator Gonzales. May we read into the *Record* the particular provision involved in this argument, Mr. President. It may be found in the second paragraph on page 7, which is actually the last paragraph of Section 9. It says:

When there is a significant number of inclusions, exclusions and corrections in the list of voters in a precinct, the Commission shall direct the board of election inspectors concerned to meet on the eighth Saturday immediately preceding the day of election for the purpose of making such inclusions, exclusions and corrections, as may be or may have been ordered by the courts, stating opposite every name so corrected, added or canceled, the date of the order and the court which issued the same; otherwise, the board shall not meet, but such inclusions, exclusions, and corrections, if any, shall be made in the lists of voters before the voting starts on election day.

In short, Mr. President, there will be a revision day. Aside from the registration day, there will be a revision day. That is the time when the Board of Election Inspectors meets only for the purpose of including and excluding those ordered by the court to be included or excluded, but, if there is sufficient number.

We are also saving money because the experience here is that, probably, 80 percent to 90 percent of the members of the Board of Election Inspectors are doing nothing on election day because there are no orders of inclusion or exclusion. They just order the closure of the book or registry list of voters.

Iniiwasan po na magbayad ang Gobyerno nang wala namang gagawin ang Board of Election Inspectors. Kaya, in the event na may isa o dalawa, bago magsimula ang botohan on the day of the election, magagawa na iyon ng board.

I do not see anything unreasonable in that, Mr. President.

Senator Laurel. I have no quarrel with that, Mr. President. If there are so many of them, all right, there is a day set which is the 8th Saturday.

Senator Gonzales. Yes, Mr. President.

Senator Laurel. I have no question with that, Mr.

President. What I am raising is the inequity of prescribing that if one is to be excluded, he can be excluded by just making the correction in the voters list on a particular day or hour which leaves him no time to appeal.

Senator Gonzales. Mr. President, the decisions of the court in inclusion and exclusion cases are final. Actually, the board does not make exclusion or inclusion. It merely implements the order of the court in exclusion and inclusion cases, if there is such order.

Senator Laurel. Precisely, the fact that it is final requires that the decision to exclude anybody from the voting precinct should be done early enough so that there can be, at least, some representation by himself, by his party, friends or supporters.

Senator Gonzales. The Gentleman is working, Mr. President, as if this were a litigated case, that there is always an appeal. There is nothing in law that would prohibit the Legislature from providing that certain procedures be summary. Not only summary, but the the order or decision of the court is final. That is why that has been provided for by law as far as inclusion and exclusion cases are concerned.

Senator Laurel. I think citizens of this country prize the right to vote as among the most precious rights of the citizen. I think they should not be deprived of that right there and then, on the day of the election, before the actual voting starts. I think the courts of justice that make any decision on this issue should release their decision at least 10 days before the day of the election, and the correction pursuant to that decision should be made at least five days before the day of the election. That is in order to protect the citizen. *Bakit naman gagawin on the last day, on the day of the election itself?*

Senator Gonzales. *Ang sinasabi ho ay kung kakaunti, kung iisa o dadalawa. Hindi naman sinasabi na iyong order na iyon ay issued on the same day. The order might have been issued 20 days before, pero iisa po ang affected sa isang presinto kaya ipinahihintulot ng batas na before the balloting starts, ay gawin na doon sa halip na maglagay pa ng isang revision day na magbabayad ang Gobyerno only for that one or two excluded cases already decided by the court.*

Senator Laurel. *Pero kayo rin ang may sabi na magkakaroon tayo ng 150,000 presinto. Kung dalawa o tatlo ang ma-exclude diyan sa 150,000--ipagpalagay na natin na tatlo ang ma-exclude in every precinct--150,000 times 3, we have already 450,000 disenfranchised voters.*

Senator Gonzales. *Wrong assumption naman po ang sa inyo. Mayroon pong proseso provided for by law. In inclusion and exclusion cases, there is a hearing, the guarantees of due process are there, and then there is an order of the court. Ang gagawin po lamang ng Board ay to implement merely that order of the court.*

Senator Laurel. *Bakit hindi natin sabihin na alin-sunod sa batas na dapat nating ipalabas, ang pasiya ng husgado ay dapat lumabas ten days before the election day, at ang correction ay dapat gawin five days before.*

Senator Gonzales. *Mayroon pong ganiyan. If we relate this to the Omnibus Election Code that provides the details in inclusion and exclusion cases, makikita natin na ang period na iyan ay naroroon. Let us not take this law as if this is the only law. This is only a part of the Omnibus Election Code.*

Senator Laurel. *Opo, ngunit dito ay binibigyan na natin ng kapangyarihan ang COMELEC o ang sinuman na mag-exclude ng mga botante sa presinto sapagkat iyan ay pinababayaan dito.*

May notang iniabot sa akin dito. This is covered by Section 143 of the Omnibus Election Code that allows the courts of justice handling petitions for exclusion or inclusion to decide pending cases on any day before the day of the election. This provision was used by the late President Marcos in the snap elections to disenfranchise a substantial number of voters especially in Metro Manila. Section 143 is still in force and not affected by this bill.

Iyan ang aking ipinaabot sa aking mga Kasama rito, G. Presidente. This is the way disenfranchisement was effected during the Marcos years here in Metro Manila. Ang daming na-disenfranchise. Wala kasing recourse before the day of the elections.

Senator Gonzales. Mr. President, maybe the distinguished Senator can propose an amendment to that provi-

sion of the Omnibus Election Code.

Senator Laurel. Yes. That is the reason, Mr. President. If it is still open to amendments, I would be most willing.

Senator Gonzales. *Mayroon po kayong pagkakat-aon noon dahil Miyembro kayo ng komite.*

Senator Laurel. *Ako po ay nagkasakit noon. At isa pa, iyong partido namin ay minority party. Marami kaming tinatalakay noon.*

Senator Gonzales. We are not begrudging the distinguished Senator for that, but he must not also begrudge the Conference Committee to continue with its work.

Senator Laurel. *Tama po iyon, subalit kung mayroon tayong nararamdaman, nakikita o napupuna na hindi karapat-dapat siguro sa araw na ito at sa oras na ito, baka puwedeng gawin natin.*

Senator Gonzales. *Kasama po ito doon sa Senate version natin, subalit hindi ninyo ini-raise ang kuwestiyong iyan. Pagkatapos, at the lateness of this hour, saka natin pag-uusapan ito. Hindi naman natin siguro masisisi ang counterparts natin sa House.*

Senator Laurel. *Tama po iyon.* I am not making any excuses, Mr. President. I am just presenting certain facts and making certain suggestions, and I am presenting them for the purpose of inviting attention to the Members of this Chamber who might be persuaded to take action even at this late hour.

Thank you, Mr. President.

May I now go to my next point, *The Summary Disposition of Preproclamation Controversies*, and this is in Section 18.

Section 18 provides that decisions of the Commission on preproclamation controversies shall be executory after the lapse of seven (7) days from receipt of the losing party of the decision of the Commission.

It would seem that in this provision, the aggrieved

party would have no recourse left after the lapse of seven days.

Senator Gonzales. *Ang ideya nga po ng reporma is to make the day shorter sapagkat itong...*

Senator Laurel. *Hindi pa po ako tapos.*

Ang ibig ko po lamang sabihin, alinsunod sa ating panukalang-batas na ito, final and executory na ang decision on this matter after the lapse of seven days.

At this juncture, the Presiding Officer relinquished the Chair to Senator Wigberto E. Tañada.

Senator Gonzales. *Sa akin po, nahahabaan pa ako roon.*

Senator Laurel. But under the *Rules of Court*, any party adversely affected by the decision can go to the Supreme Court within 30 days after receipt of the decision.

Now, there seems to be a conflict, and this is one of the clarificatory questions I am seeking an answer to. Which now prevails? There seems to be a conflict between these two provisions--one is in the Constitution, and I say Constitution, although in the *Rules of Court*, because the *Rules of Court* may not be changed or the Supreme Court might not be deprived of its jurisdiction, except with its own conformity.

So there seems to be a conflict here between the seven days and thirty days. Now, which one should prevail?

Senator Gonzales. Mr. President, I think the courts will also recognize the summary nature of preproclamation controversies. *Sapagkat ang nakikita po natin*, while they serve a particular purpose, sometimes also these preproclamation controversies are the cause of delay.

Senator Laurel. I understand that.

Senator Gonzales. *Kaya po summary. Ito po naman iyong summary nature. Old law pa po ito.*

So this deserves a different treatment than what can

be said to be a final order, ruling or decision of the COMELEC, in accordance with the provision of the Constitution which can be taken by petition for certiorari within 30 days from the receipt of such order.

Ibang cases po ang referred roon.

Senator Laurel. *Pero, halimbawa, ano ho ang mangyayari sa isang kandidato na nagprotesta after the lapse of seven days?*

Senator Gonzales. *Ine-enforce po ito ng Supreme Court. Dini-dismiss na ang mga...*

Senator Laurel. *Hindi po. Ang ibig po bang sabihin nito ay hindi na makakapunta ang isang tao, ang isang kandidato sa Supreme Court.*

Senator Gonzales. In short, recognition lamang ng Supreme Court of the right of Congress to make this provision. That is why even the Supreme Court has dismissed many petitions or appeals coming from the Commission on Elections because they had been filed out of time.

Senator Laurel. A petition may be filed out of time but it does not deprive the individual of the right to go to the Supreme Court when he has that right under the Constitution, no less.

Senator Gonzales. *Ang pakiwari ko po, iba ito. Hindi po ito kasama doon sa sinasabing final order, ruling or decision of the Commission on Elections which can be taken by a petition for certiorari within 30 days from date of receipt.*

Senator Laurel. *Ang ibig po ba ninyong sabihin ay hindi ito covered by the right to appeal to the Supreme Court?*

Senator Gonzales. Summary nga po ito. That is why the Court has given its imprimatur by enforcing this particular provision of law.

Senator Laurel. I do not know that I am prepared, Mr. President, to subscribe to that conclusion.

Senator Gonzales. We have differed on a number of

case, Mr. President. I am sorry that we have our diametrically opposed views involving the constitutionality or legality of a provision. Let us leave it as that.

We have already stated on the *record* our respective positions on this matter and the arguments that compelled each of us to assume that position.

Siguro po naman ay nagawa na natin ang ating tungkulin.

Senator Laurel. Thank you.

Senator Gonzales. *Salamat po.*

Senator Laurel. *Sa ilalim ng Section 24 po, alinsunod sa Conference Committee Report, ang chairman ng Board of Election Inspectors ay kailangang pumirma doon sa likod ng bawat balota bago ibigay--*

Senator Gonzales. Section 24, pages 16 to 17.

Senator Laurel. That is an amendment.

Senator Gonzales. That is correct, Mr. President.

Senator Laurel. Because before, *kailangang pirmahan* iyon noong chairman. *At kung hindi niya pipirmahan, iyon balota ay magiging null and void.*

Senator Gonzales. Null and void.

Senator Laurel. *Ngayon, wala na iyong "null and void."*

Senator Gonzales. *Opo.*

Senator Laurel. *Still valid po maski hindi niya pirmahan.*

Senator Gonzales. *Hindi po maaari sapagkat...*

Senator Laurel. *Still valid po. Iyon ang effect.*

Senator Gonzales. *Opo, valid, if it is valid in all other respects.*

Senator Laurel. Yes, of course.

Now, my question is, I like to finish here...

Senator Gonzales. Now, it is very clear *na hindi* official ballot *ang ginamit*. *Iyong ating* statement *na iyan ay hindi tama, ano po?*

And jurisprudence is very uniform on this matter, that a voter ought not to be disenfranchised for failure of an election official to perform his duty under the Election Code.

Senator Laurel. *Kaya* still valid.

Senator Gonzales. *Kaya* valid *po*, if it is valid in all other respects.

Senator Laurel. I was just wondering. We are going to require the chairman of the board of inspectors to countersign or authenticate at the back of every ballot by signing his name.

If he fails, he does not sign, the ballot is still valid. If he forgets to sign, it is still valid. If he forgets to sign, he is, however, criminally liable. *Hindi ba po?*

Senator Gonzales. Because that is a sanction *para naman gawin niya ang kaniyang tungkulin*.

Senator Laurel. I was just wondering if the purpose is really served. We are requiring the chairman of the board of inspectors to sign every ballot, if there are 200 of them, sign every one of them. For what purpose? To certify that the ballot is in good order, in proper form, and is official?

Senator Gonzales. The main purpose here is to avoid substitution of a ballot with a non-official ballot. *Iyon po. Mangyari po, madalas iyong* substitution of ballot which could easily be avoided by the simple expedience of the chairman authenticating it by signing at the back thereof. Simple expedience *po lamang ito*.

Senator Laurel. *Pero kung hindi niya pipirmahan--*

Senator Gonzales. *Kung hindi niya pipirmahan--*

Senator Laurel. --still valid *pa*.

Senator Gonzales. Valid *po sapagkat* *iyang* duty to authenticate is imposed by law upon the election official. *Kung sakali po, bakit naman parurusahan natin iyong botante nang hindi na bibilangin iyong kaniyang boto sapagkat hindi ginawa ng Chairman iyong kaniyang tungkulin sa ilalim ng batas. Hindi po ba tama iyon?*

Senator Laurel. I remember, Mr. President, that in this Chamber's deliberation on this particular provision I raised the point that the effect under the old version of the Chairman's failure to affix his signatures at the back of the ballot is the nullity of the ballot. *Hindi po ba*, in the original?

Senator Gonzales. In the original. *At inalis nga po iyon sapagkat...*

Senator Laurel. *Hindi, iba po iyon. Ang nakalagay po doon sa original ay* "after the voter has voted, filled up the blanks of the ballot, the chairman shall countersign at the back."

Senator Gonzales. Before the ballot is issued to him.

Senator Laurel. And if he does not sign, the ballot is invalid.

Senator Gonzales. That shall be null and void. *Iyon po ang dating batas.*

Senator Laurel. That is the old.

Senator Gonzales. *Opo.*

Senator Laurel. Now we removed that portion instead...

Senator Gonzales. *At binigyan natin ng* sanction or penalty *iyong* failure of the chairman to sign at the back thereof as required by law.

Senator Laurel. If that is the only purpose, Mr. President, why does the chairman not just sign even before that hour or day or minute that he is going to deliver? Why does he not sign or attach his signature at the back, shall we say, the night before?

Senator Gonzales. *Mahirap po naman iyon, requiring him to sign before he issues the ballot. So it means in the presence of the other members of the board in the presence of the...*

Senator Laurel. *Pero kayo rin ang may sabi na bale-wala naman iyong pirma.*

Senator Gonzales. *Hindi ko po sinasabing bale-wala. Kaya nga po siya pinaparusahan.*

Senator Laurel. It has no effect. *Para hindi niya makalimutan, pirmahan niya iyong balota even for a few days bago iaabot iyon.*

Senator Gonzales. *Made-defeat po ang purpose ng law. Ang purpose po ng law ay pipirmahan niya iyon in the presence of the other inspectors, voters, and the watchers. Sapagkat kung gagawin niya iyon sa kaniyang bahay iyon, unang-una, dadalhin kaagad niya iyong balota sa kaniyang bahay.*

Senator Laurel. *Hindi ko po naman sinasabing sa kaniyang bahay.*

Senator Gonzales. *Saan po niya pipirmahan iyon? Sa election day po lamang naman i-issue iyong ballot sa kanya.*

Senator Laurel. *Kasama niya iyong mga kuwan.*

Senator Gonzales. I mean, let us take the process as a whole.

Senator Laurel. Because of the change, the signature has no meaning now, except to require him to see to it that the ballot is in good and official form. That is the only purpose.

Senator Gonzales. *Aba, iyon po bang to avoid substitution of ballots ay mahina pang dahilan?*

Senator Laurel. *Wala nang epekto on the ballot as cast.*

Senator Gonzales. *Wala nga po. Pero sa kanya, bilang obligasyon niya, malaki po ang epekto sa kanya sapagkat papasok siya sa bilibid.*

Senator Laurel. *Mapepreso na agad iyong isang tao na nakalimutan ang pirma.*

Senator Gonzales. *Ito po ang layunin o purpose ng mga requirement nito: one for the voter, one as against the election chairman.*

Senator Laurel. Thank you very much, Mr. President. In view of the lateness of the hour, and since I have still a few more clarificatory questions and suggestions to raise, I would like to make a reservation, if I may, to continue with my questions tomorrow.

The Presiding Officer [Senator Tañada]. The Majority Floor Leader is recognized.

SUSPENSION OF CONSIDERATION OF
CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 1861

Senator Guingona. Mr. President, I move that we suspend consideration of this measure.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the motion is approved.

CONFERENCE COMMITTEE ON SENATE
BILL NO. 1200/HOUSE BILL NO. 22466

Senator Guingona. Mr. President, I move that the following Senators be named Senate Conferees on Senate Bill No. 1200, entitled, AN ACT PROMOTING THE INTEGRATION OF WOMEN AS EQUAL PARTNERS IN DEVELOPMENT EFFORTS, and House Bill No. 22466, entitled, THE WOMEN IN NATION BUILDING, namely Senators Rasul, Shahani, Maceda, Laurel, and Enrile.

The Presiding Officer [Senator Tañada]. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Guingona. Mr. President, I move that Committee Report No. 1335 on Senate Bill No. 1513, entitled AN ACT TO UPHOLD THE FREEDOM OF SPEECH, STRENGTHEN THE RIGHTS, ASSOCIATION AND INFORMATION, GUARANTEE EQUAL

Nov. 19, 1991

gurong ito, kung ito man ay maituturing na kasalanan, ay ang paghahatid ng kanilang mga hinaing, ng kanilang mga suliranin sa Kagawaran tungkol sa pasahod sa pamamagitan ng masasabi nating makademokratikong pamamaraan na pinahihintulutan naman ng ating Sali-gang-Batas. Sila ay napilitang kumilos upang ipaglaban ang kapakanan ng mga guro at ng edukasyon.

Hindi sila naglunsad ng rebelyon tulad ng mga militar na sumapi sa mga *coup d'etat*. Hindi sila gumamit ng armas o dahas laban sa Pamahalaan. Hindi sila nagdala ng pinsala sa kanilang mga kilos-protesta sa mga ari-arian ng Pamahalaan o ng sinuman. Hindi sila umutang ng buhay upang ipaabot ang kanilang damdamin sa Pamahalaan. Ang ginawa lamang nila ay ang maglunsad ng isang mapayapang pag-aaklas na marahil ay tinatanggap bilang isang pamamaraan ng protesta sa hanay ng mga manggagawa.

Ang mga ito ang mga makatwirang dahilan kung bakit maaaring sabihin na kung mayroon mang dapat unang bigyan ng *amnesty* ngayon sa lipunan, ito ay walang iba kundi ang mga guro. At kung nagawa ng Pamahalaan na bigyan ng *executive clemency* ang Gobernador ng Tarlac o ang iba pang mga pinuno ng Pamahalaan na nasangkot sa iba't ibang anomalya, bakit hindi natin maipagkaloob ang ganoong pagkakataon sa ating mga guro?

To the Honorable Secretary of Education, I address this appeal. You have proven your point. The teachers have learned their lesson, and now it is time to give us, our youth and our Nation, a supreme lesson in the magnanimity of power; that the powerful can be just and compassionate at the same time, without compromising, even for a single moment, the overriding principles of respect for law and authority. By doing this, Mr. Secretary, you will be the better person; the more honorable man who can show the true spirit of reconciliation because you will be negotiating from a position of strength and power.

Show the way, Mr. Secretary, that our teachers, our students and our people will know that today, there are still leaders who can wield power and authority and yet understand the meaning of reconciliation. This one single act will earn for you the goodwill and respect of our countrymen.

Sa ngalan ng mga gurong nagdusa na, at nag-durusa pa, nakikiusap ako sa Kalihim ng Kagawaran ng Edukasyon na tapusin na ang alitang ito.

Ginoong Pangulo, napag-alaman ko na may ilang mga guro, kasama na ang pangulo ng Alliance for Concerned Teachers, ang muling nagprotesta sa pamamagitan ng hunger strike kahapon. Nakikiusap ako sa kanila na ihinto na ang ganitong pamamaraan ng protesta sapagkat wala itong ibubungang pakinabang kundi magpapalala lamang ng kasalukuyang hidwaan.

Naniniwala ako na titigil sila sa kanilang hunger strike kung sila at ang kanilang mga kasama ay muling bibigyan ng panibagong pagkakataon.

Sa mga gurong nagsasagawa ngayon ng hunger strike, hinihiling ko na ihinto na muna ito, at tugunin ang tawag ng reconciliation. Katulad nila, ako ay umaasa na pag-uukulan ng pansin ng Kagalang-galang na Kalihim ang ating kahilingan.

Ginoong Pangulo, sa magkabilang panig, ipinaabot ko ang pakiusap na ipakita natin sa sambayanang Pilipino, lalo na sa ating mga kababayan ang tunay na diwa ng reconciliation at pagiging marangal, gaya ng ating ipinangaral sa kanila. Ipakita natin ang halimbawa sa kabataan, nang sa ganoon ay makita nila ang tunay na kahulugan ng reconciliation.

Maraming salamat po.

MOTION OF SENATOR GUINGONA
[Referral of Senator Estrada's Speech
to the Committee on Education]

Senator Guingona. Mr. President, I move that the speech of the distinguished Senator be referred to the Committee on Education.

The President. Is there any objection? [Silence]
Hearing none, the same is approved.

CONFERENCE COMMITTEE REPORT ON SENATE
BILL NO. 1861/HOUSE BILL NO. 34811
Synchronized Elections
(Continuation)

Senator Guingona. Mr. President, I move that we

consider the Conference Committee Report on the Synchronized Elections Bill. I ask that we recognize Senator Gonzales.

The President. Senator Gonzales is recognized.

Who was interpellating yesterday? Senator Laurel is recognized.

Senator Laurel. Mr. President, last night we ended the interpellation, and the questions raised by this Representation covered Section 26. We shall continue with Section 26, Mr. President, and that is with regard to official watchers.

It says here in this section that every registered political party or coalition of political parties and every candidate shall each be entitled to one watcher in every polling place and canvassing center: Provided, That, the candidates for the Sangguniang Panlalawigan, Sangguniang Panlungsod, or Sangguniang Bayan belonging to the same slate or tickets shall collectively be entitled to only one watcher.

The section further provides that there shall also be recognized six principal watchers, representing the six accredited major political parties, who shall be designated by the Commission upon nomination of the said parties. And these major political parties who will be recognized as entitled to a principal watcher, will be determined by the Commission upon notice and hearing on the basis of the following circumstances:

Established record of the number of incumbent officials belonging to them 90 days before the date of election, identifiable political organizations, ability to fill a complete slate of candidates, other analogous circumstances that may determine their relative organizations and strengths.

I would like to ask this question, Mr. President: If the COMELEC is entrusted here or vested with the power or prerogative of determining which of the numerous political parties that we will have and we still have before election time comes, may I know how the COMELEC will proceed to determine the six principal or major political parties? Will it be on the basis of each one, each criterion having the same weight, or will the different

criteria here have different weights from each other?

Senator Gonzales. Mr. President, I think that when this Section 26 enumerates about five different criteria in the determination of the watchers of the six accredited political parties, they are not to take this criteria successively, but will consider all of them in the determination of which political parties should be entitled to accreditation.

I do not think that we can say that criteria No. 1 should carry 10 percent or 15 percent, as in an oratorical contest, and criteria No. 2 should be given 40 percent. That is not the intention.

It means that after considering all of the circumstances, then the COMELEC arrives at its judicious conclusion.

Senator Laurel. But, Mr. President, if that is so, then we will vest actually the COMELEC with a power, the exercise of which will be based on pure discretion of said body.

For example, Mr. President, we might have a political party that has a number of incumbent elective officials, but it might not be able to comply with the ability to fill a complete slate of candidates from the municipal level to the position of President.

What happens in such a case? Do we cross each other out?

Senator Gonzales. Mr. President, I think the appreciation of the totality of all the circumstances would guide the discretion of the Commission on Elections.

I think there is nothing wrong in delegation of discretion, more especially in the grant of a power that may appear to be quasi-judicial. Necessarily that involves discretion.

That is why, in order to prevent an uncontrolled discretion, the proposed law lays down certain criteria that would guide or that would limit the discretion of what otherwise may be an absolute discretion of the COMELEC, where its judgment would become arbitrary.

Senator Laurel. There is no weight attached to the various criteria mentioned here.

Senator Gonzales. I purposely did that, Mr. President, because this is not judging an oratorical contest where, let us say, the subject is entitled to 30 percent; manner of delivery should be entitled to 20 percent, et cetera. I think we have graduated from that.

Senator Laurel. In other words, we are vesting the COMELEC with discretion that is to be measured by its own discretion?

Senator Gonzales. In accordance with the guidelines established here, and the guidelines, I think, are valid. It has reasonable basis in the selection of what are the principal political parties.

Senator Laurel. Given a situation where we have a political party that complies with two out of five of the criteria mentioned here, will it qualify as an accredited major political party?

Senator Gonzales. As I said, the COMELEC will have to consider all of the circumstances.

It may appear that there is a new party. But it may present evidence that it has submitted a complete slate for national and local positions. Then it may also try to prove that there are other circumstances why it has a good organization. It can present its verifiable organization of the party.

We are not closing on anything to show that indeed the party deserves accreditation. The COMELEC will weigh all of these things and arrive at a reasonable judgment.

Senator Laurel. May I ask if this decision or determination by the COMELEC is subject to appeal?

Senator Gonzales. There is actually no appeal here; but the certiorari jurisdiction or certiorari authority of the Supreme Court is always there when there is a claimed grave abuse of discretion amounting to a denial of due process or amounting to a lack or absence of jurisdiction.

Senator Laurel. How about abuse?

Senator Gonzales. That is it--grave abuse of discretion.

That is always uniform. These are just sacramental grounds for the Supreme Court to exercise its certiorari jurisdiction.

Senator Laurel. This "established record" mentioned in paragraph (a), "established record of the said parties, coalition or groups," will be based mainly on what follows later under (b), (c), (d), and (e). In other words, it says here:

Established record of the said parties, coalition or groups that now compose them, taking into account among other things their showing in past elections.

This established record will be considered on the basis of the showing of the political parties in the past.

Senator Gonzales. Yes, Mr. President. But I would still say that if a political party has a good established record--let us say, 20 years ago--and for the last 20 years, in effect, it has already become a political entity, the whole thing will be considered also in itself.

Senator Laurel. Would the Gentleman say that the standing, prestige, and integrity of the officers of the party will fall under other analogous circumstances?

Senator Gonzales. I would assume that there is a reasonable basis to consider them as part of the analogous circumstances to show the bona fide of that political party.

Senator Laurel. Will the Gentleman kindly tell us what is the difference--because this point I am going to raise now is involved in determining which parties will be considered as accredited major political parties--between a representative or watcher of an accredited major political party...

Senator Gonzales. And the ordinary watcher?

Senator Laurel. Yes, Mr. President.

Senator Gonzales. All right. Mr. President, this is

actually a modification of an existing law already. We already have this before, the so-called "principal watcher for the dominant political opposition," as well as the "watcher for the ruling coalition." It is a modification that instead of a dominant political party or dominant political opposition, we just say "six accredited political parties" for this purpose alone.

Under that, they are entitled to sit as observers of the proceedings of the Board of Election Inspectors; also, they are entitled to authenticate the election returns in the sense that the election returns should be authenticated with their thumbmarks and signatures, Mr. President, which, to me, is quite a very important function if we were to further safeguard the integrity of the election returns.

Senator Laurel. Does this mean that every major political party will have its watcher there and that in the preparation, in the tallying of election results, he will have to sign the certificate of election returns? Because if that is so, that is quite good.

Senator Gonzales. Not all the candidates, Mr. President. In fact, that was the plea here: equality of rights of all political parties. But we have to recognize that there are more than 100 political parties.

Senator Laurel. No. What I mean is what the Gentleman just said, Mr. President. I am just following what he said, that the principal watchers of the six major political parties are entitled to sign the election results.

Senator Gonzales. Yes, because this is nothing but an amplification of an already existing provision, under the existing provisions of the law. We enacted this law, Mr. President.

Senator Laurel. Where is that here in this bill?

Senator Gonzales. Precisely, I am saying it is in the existing law, Mr. President.

Senator Laurel. I would be interested in that, Mr. President, because that is a very important point.

Senator Gonzales. This is in Republic Act No. 6646.

Senator Laurel. Is that still in the existing law?

Senator Gonzales. Yes, Mr. President, because any provision of existing laws which is not inconsistent with this is not repealed. This is nothing, *kundi binago lamang iyon*. That instead of a dominant political opposition and a dominant ruling party, now we are providing for six accredited watchers for six accredited political parties. Their functions remain as conceived and provided for under existing laws.

Senator Laurel. In other words, the six will take the place of the two: the majority and the dominant opposition party of the past or up to the present.

Senator Gonzales. That is right, Mr. President, if we have to synchronize the provisions of these two laws, because they have the same purpose; otherwise, there is no distinction between the principal watcher of accredited political parties and the ordinary watcher of a candidate or of a political party.

Senator Laurel. Mr. President, may I request a one-minute suspension of the session just to determine if this provision is in the existing law and has not been repealed.

SUSPENSION OF THE SESSION

The President. The session is suspended for one minute, if there is no objection. [*There was none.*]

It was 4:40 p.m.

RESUMPTION OF THE SESSION

At 4:43 p.m., the session was resumed.

The President. The session is resumed.

Senator Laurel. We are still verifying from the existing laws.

The President. *Samantalang kayo ay naghahanap, maaari po bang makapagtanong kay Senador Gonzales?*

Senator Gonzales. Opo.

The President. *Ang isa sa mga tinatawag nating*

political realities ngayon ay itong parang pagkakahati-hati ng Nacionalista Party. Mayroon tayong isang Nacionalista Party na pinangungunahan ni Bise-Presidente Laurel. Ayon sa kaniya, iyan ang tunay na Nacionalista Party. Mayroon namang Nacionalista Party na pinangungunahan yata ni dating Gobernador Isidro Rodriguez. Paano natin ia-apply na magkaroon ng watcher ang bawat major political party kung ang isang political party ay dalawa yata ang pakpak, na kung saan ay kapuwa nag-aangkin na sila ang tunay na Partido Nacionalista?

Gusto ko itong itanong kay Senador Gonzales.

Senator Laurel. Iyon ho sana ang isusunod kong tanong.

The President. Kanina pa po ako naghihintay, subalit hindi naman iyon dumating--dating sa aking pandinig.

Senator Gonzales. Ang diperensiya ho ay ibinibitin tayo ni Senador Laurel. Ayaw niyang itanong iyon kaagad.

Sa akin pong palagay, Mahal na Pangulo, ang COMELEC ang siyang magpapasiya sa bagay na ito. Ayon po sa nabasa ko sa mga pahayagan, ang Pangalawang Pangulong Doy Laurel ay nagharap na ng isang kaukulang petyon sa Commission on Elections. Pero ang tingin ko po rito ay hindi ito bago, sapagkat nagkaroon na ng precedent tungkol sa pagkakahati ng isang partido.

Ang katotohanan po, dati ay isa lamang naman iyong Nacionalista Party. Konsolidado ito. Ngunit pagkatapos po ng liberasyon, nahati ito sa dalawang pakpak.

Noong primero po ay may Conservative Wing at may Liberal Wing, at nagkaroon ng kaukulang paghahati ng mga inspektor noon, sang-ayon sa desisyon ng COMELEC. Ngunit pagkatapos ay hindi lamang naging pakpak kundi naging buong ibon na. Naging Liberal Party na at naging Nacionalista Party na. Samakatwid, nag-evolve.

Dati ay mga pakpak pa lamang, pero pagkatapos ng ilang panahon ay nagkahiwalay at lubusang naging mga partido na. Kaya sa palagay ko po ay hindi ito makaka-

pigil. Maaari pong determinahin ng COMELEC kung ito ay Nacionalista Party, at pagkatapos ay maaaring paghatiin.

Sa isang lugar, ang pakpak na ito ang siyang pagkakalooban ng karapatan mag-nominate ng principal watcher, at sa ibang rehiyon naman ay iyong kabila to equalize the situation. Hindi ko po sinasabi na iyon ang mangyayari, pero batay sa ating karanasang sa pulitika, ito ang nagaganap kung dumarating masasaklap na pagkakataong katulad nito ngayon.

Bagamat ang pag-asa ko po, G. Pangulo--huwag namang ikatataba ng puso ng mga Nacionalista--ay maaari pa rin silang magkasundo.

The President. Hindi po ba higit na angkop na ang pagbatayan natin ay iyong nangyari noong panahon ni Presidente Quirino at ni Senador Avelino? Nagkaroon yata ng dalawang pakpak ang Liberal Party noong halalan ng 1949. Iyong Liberal Party ay nagkaroon ng Avelino wing at Quirino wing. Palagay ko ay binigyan sila kapwa ng tig-iisang inspektor noong panahong iyon. Hindi po ba iyon ang tama?

Senator Gonzales. Hindi ko nga lamang po malaman. Sapagkat ang pagkakaalam ko po, tatlo lamang ang bumubuo ng Board of Election Inspectors. Iyong isa po ay hindi maaaring ipagkaloob sa isang partido sapagkat iyon ang representative ng COMELEC, na, sa ilalim ng batas, ay ang public school teachers.

Ngayon, iyon namang dalawang inspektor ay hindi maaaring ipagkait doon sa other political party, iyong second political party. Ang maaaring paghatian po ay iyong nauukol doon sa majority party o kung alin mang party na nagkahiwalay. Iyon nga ang tinutunton ko. Siguro, ganoon ang panuntunang gagawin at isasakatuparan ng COMELEC.

The President. Hindi masyadong mahirap ito sapagkat anim ang principal watchers.

Senator Gonzales. Oho. At saka ito po ay watchers lamang. Noong araw po ay lalong mabigat sapagkat ang pinag-aawayan noon ay talagang members of the Board of Election Inspectors.

Senator Laurel. Ginoong Pangulo, ang tanda ko noon, ang Liberal Party ay nagkaroon din ng ganitong issue involving the same problem, I think, the Kalaw wing yata.

The President. Hindi po naging mabigat na issue iyon sapagkat sumama naman si Senadora Kalaw sa GAD at naging oposisyon.

Senator Laurel. Ibig ho yata niyang gamitin ang pangalang "Liberal".

Senator Gonzales. Hindi naman.

The President. Wala pong Kalaw wing. Naging desisyon po iyan ng COMELEC--walang Kalaw wing.

Senator Gonzales. Siguro po ay magiging simple ang talakayan natin kung hindi na isasama itong partido dito sa kapalarang ngayon ay nagaganap sa Nacionalista Party. Siguro ay makakabuti ito, ano po?

Senator Laurel. Besides, I suppose this will be resolved at the proper time and at the proper forum also, when the time comes.

Senator Gonzales. Nahanap ko na rin po iyong sinasabi ko para magkaroon ng liwanag. Ito po ay Republic Act No. 6646. Sa kauna-unahang pagkakataon, sa ilalim ng batas na ito, ay nagkaroon ng watchers, sapagkat ipinagbawal na po natin simula noong 1973 Constitution ang party inspectors at ang ginawa natin ay lumikha tayo noon--at ito ay naging effective naman noong 1987 eleksiyon--ng dalawang principal watchers o iyong tinatawag nating "ruling coalition" at iyong "dominant opposition party."

Ang sinasabi po noon ay ganito:

The watchers shall be permitted full and unimpeded access to the proceedings so that they can read the names of those written on the ballots being counted with an aided natural vision consistent with good order in the polling place.

In addition to their rights and duties under Section 179 of Batas Pambansa Big. 881, Omnibus Election Code, the two principal watchers representing the ruling coalition and the dominant

opposition coalition in a precinct, shall, if available, affix their signatures and thumbmarks on the election returns of that precinct.

Iyon po ang authentication na sinasabi natin.

Senator Laurel. But what will happen, Mr. President, if this bill now is passed which deletes the provision relative to the ruling party and the dominant opposition party? Would that provision still apply to the six now coming in who will each one be entitled to a watcher?

Senator Gonzales. Ang sinasabi ko po lamang naman, the provisions are modified accordingly. Ang binago po lamang ay iyong ruling coalition at saka ang dominant opposition. Sapagkat sa umiiral na kalagayan ngayon na napakaraming partido, hindi na puwede iyon sapagkat nag-break up na iyong ating ruling coalition.

Kaya ang ginawa po natin, instead of the watcher of the ruling coalition, iyong six principal watchers. But as far as their functions and duties are concerned, iyon po ay hindi nababago sapagkat wala namang itinathana rito sa bagong batas na salungat doon sa tadhanang umiiral na batas, ang Republic Act No. 6646.

Senator Laurel. Kung ang sinasabi ninyo ay ang talagang katotohanan, at hindi lamang katotohanan kundi iyan ang ibig sabihin ng batas, na maski na may bagong probisyon dito relative to the number of watchers, that instead of two parties entitled to a watcher each, now we will have six. These six will now be entitled to the same rights and privileges as the two which are now abolished. I would welcome that and I think this will be welcomed by all the minority opposition parties.

Senator Gonzales. Kaya matatandaan po ninyo, mahal na Senador, na noong ini-sponsor ko ito, iginigiit at mahigpit ko pa ngang ipinaglalaman itong principal watchers hindi dahil doon sa kagustuhan ko na ang alin mang partido ay magkaroon ng extra privilege, kundi nalalaman ko kung ano ang kahulugan noong kanilang added duty, which is the authentication of the election returns. Doon sa authentication of official returns, ito po ay isang napakahalagang paraan upang lalong mapatibay natin ang integridad ng official returns.

Senator Laurel. If that is the thinking of the Gentleman, Mr. President, would he not say that in order to really convey the meaning that is inherent in that provision, in the new bill that is under consideration by this Chamber, we make it clear that the six major parties are entitled to their watchers, to the privileges and powers given to the parties under the existing law?

Senator Gonzales. Sa katotohanan po, kung inyong natatandaan, doon sa Senate Bill No. 1861 na pinagtibay natin, that was expressly stated. Pero doon sa pag-uusap na ginawa sa Bicameral Conference Committee, inakala ng mga Kagawad that that would already be a surplusage sapagkat iyon po ay provided na under Republic Act No. 6646.

Senator Laurel. Would the Gentleman say then that this is a matter of style and, therefore, for purposes of style, we could make it clearer, the very meaning that he has conveyed to this Chamber relative to that provisions?

Senator Gonzales. Iyan na po ang napagtibay natin doon sa Bicameral Conference Committee. Hindi na po natin mababago ito maliban na lamang if we disapprove it; we do not accept this Conference Committee Report. At kung papayag iyong kabila, makikipag-usap tayong muli.

But I want to warn the Gentleman of the adverse political fallout that we, in the Senate, will suffer. Sapagkat sa katotohanan po ay tayo ang laging nasa ilalim; tayo ang pirming nasasaktan sapagkat kagabi ay pinagtibay na ng House itong Bicameral Conference Committee Report. Lalung-lalo na kung maririnig ninyo ang kahilingan ng COMELEC na kung maaari ay pagtibayin na natin ang batas na ito sa lalong maagang panahon.

Senator Laurel. Opo. Ako po ay sang-ayon doon.

As I said, let us hurry, but let us hurry with caution.

Senator Gonzales. Yes. Ang diperensiya po naman, iyong gusto ninyo pa rin ang ibig ninyong mangyari bagamat sinabi ko na sa inyo kung ano ang naging kabuuan at kapasyahan hindi lamang ng mga Sador kundi maging ng mga Congressmen na siyang bumubuo ng Conference Committee Report na ito.

Kung wala po kayong tiwala sa amin, ipinababahala na namin sa inyo ito. The Gentleman turns it down; rejects this Bicameral Conference Committee Report.

Senator Laurel. I understand the Gentleman's position on this matter, Mr. President. But I would like it also understood by this Chamber that I am not speaking for the Nacionalista Party alone. I am speaking for all the other parties which are in the opposition.

Senator Gonzales. Sinagot ko na po kayo; ipinaliwanag ko na sa inyo na nandoroon na iyon. Pero kung hindi naman kayo tatanggap ng ano mang paliwanag, na hindi kayo sang-ayon, ano na po ang mangyayari roon?

The President. In any event, ang sabi naman ni Senator Laurel ay surplusage na, sapagkat nagkakaintindihan na. Iyon ang ibig sabihin nito.

Senator Laurel. And that will be an intrinsic aid to interpretation, Mr. President.

The President. Yes. It is spread already in the *Record*.

Senator Laurel. That will help, but I just wanted to be more certain.

Mr. President, may I now go to the next point.

Senator Gonzales. Mr. President, since this is not really a consideration of the bill, but a consideration of the Conference Committee Report, can we limit our discussion now only to the disagreeing provisions on the Senate and the House versions of the bill? Sapagkat ang mangyayari po ay muling mabubuksan itong mga bagay na dapat sana ay tinalakay at pinag-usapan na sa Chamber na ito -- ang main bill natin, ang Senate Bill No. 1861.

Senator Laurel. May I just react to that statement, Mr. President.

Last night, when I started asking questions, I said I would make some suggestions for purposes of clarification, clarifying certain provisions here which, to my mind, are not as clear as we would want them to be.

On that score and in that spirit, I would like to be allowed to proceed, Mr. President. As we started already here, as stated by no less than the President of this Chamber, this was spread on the *Record* and will help a tribunal or a forum where the question may be raised, where the issue is one of determining the meaning of any particular provision that is at issue.

So, may I be allowed just to clarify further...

The President. Please proceed.

Senator Laurel. Mr. President, also for the purpose of clarification. There is a provision here to the effect that no political convention, meeting of any political party or group of parties or any political activity--no political activity--shall be held before the campaign period. The campaign period, in the case of national offices, is set to be 165 days before election day.

I suppose it is quite clear that no political party may do so. And political activity, I presume, is an activity that would seek to persuade and convince voters to take a position for or against any candidate.

My question, Mr. President, is this: Would that injunction, which is contained in the bill, include a position taken by a cultural group or even by a religious group for or against a candidate for elective public office?

Senator Gonzales. Kung ang ibig ninyong sabihin o gustong itanong ay kung puwede na ang isang hindi kandidato o hindi partido can engage in political campaigning outside of the authorized campaign period, maliwanag po namang itinatadhana ito sa page 40, Section 80 ng Omnibus Election Code na ganito ang sinasabi:

It shall be unlawful for any person whether or not a voter or a candidate or for any party or association of persons to engage in an election campaign or partisan political activity, except during the campaign period.

Maliwanag po na iyong prohibition against campaigning outside of the campaign period ay applicable hindi lamang sa mga kandidato o partido kundi maging to any person or to any association of persons.

Senator Laurel. The term used, Mr. President is "campaign for or against any candidate".

My question was: With respect to a nonpolitical body like a cultural body, even the Jaycees, the Lions or the Rotary or even the church or any religious body--where is the dividing line between a political campaign and a gesture of support like awarding of medals to a particular aspirant for public elective office? Will that fall under that prohibition?

Senator Gonzales. Mayroon pong sinasabi rito sa Section 79 on *Definition* as used in this Code, paragraph (b):

The term "election campaign or partisan political activity" refers to an act designed to promote the election or defeat of a particular candidate or candidates to a public office which shall include..."

The Gentleman can apply this rule to his situation, and he can get his answer.

Senator Laurel. Does that mean, Mr. President, that now Chief Justice Marcelo Fernan had violated that provision or the church or whoever gave him a medal?

Senator Gonzales. Mr. President, he is not yet a candidate.

Senator Laurel. Precisely, if we consider the awarding of a medal as already prohibited before the campaign period starts, then the act of giving or awarding a medal in favor of one who could be considered or might be persuaded to run would be a prohibited act under the Omnibus Election Code.

Senator Gonzales. Yes. But, for what purpose is the medal given? If it is given for the purpose of a recognition of valor over and beyond the call of duty, certainly the political implication of the same is merely incidental to that award and it cannot be said as an election campaign.

Senator Laurel. In other words, Mr. President, what the Gentleman is saying is, puwede?

Senator Gonzales. Awarding of a medal?

Senator Laurel. Opo.

Senator Gonzales. Why not, Mr. President. I would even strongly suggest that the Gentleman deserves an award, and I would not begrudge people for giving the Gentleman an award.

Senator Laurel. If the Gentleman's interpretation, Mr. President, is that that is prohibited, I will refuse the award.

Senator Gonzales. Hindi po, sapagkat hindi naman ibinigay ang award sa inyo for the purpose of enhancing the Gentleman's candidacy but in recognition of certain acts that deserve recognition on the part of the people, from the viewpoint of the one making the award. Kaya, hindi po iyon ang purpose ng award.

Senator Laurel. All right. I would just want to point out, Mr. President, that there is a very thin dividing line, that many acts can be done for a particular purpose and which, on their face, might not really violate a prohibition. But it is obvious that...

Senator Gonzales. In the example that the Gentleman had given, incidentally, it might boost his own political stock. Pero, hindi iyon ang purpose at nature ng award.

Senator Laurel. Between intention, Mr. President, and the actual purpose, there is a wide gap which can lead to abuse and circumvention of the prohibition.

The President. All right. Let us go to the next point.

Senator Laurel. Next point, Mr. President.

Here, there is also a provision--I think this is the favorite subject also of the Senator from Pasig, Senator Saguisag--with respect to this administrative fine that is now being imposed on candidates and political parties who failed to submit in five days after election a statement of receipts, contributions, and expenditures. It says there, I think, the administrative fine for the first offense for failure to submit on time this statement of contribu-

tions and expenditures is P1000 minimum and a maximum of P30,000, depending upon the discretion of the COMELEC. It is the COMELEC that can impose the penalty.

Senator Gonzales. The nature of the offense as an administrative one has not changed, whether it is a first or a second offense.

Senator Laurel. Ang second offense po ay double.

Senator Gonzales. Opo. Ang nagbabago po lamang ay ang penalty. But in both instances, they are considered administrative fines.

Senator Laurel. Opo. I am driving at that, Mr. President.

My point is, the COMELEC can impose from P1000 to P30,000 for the first offense, and P2000 to P60,000 for the second offense.

What is the basis for the gap? In other words, for the same kind of offense or violation, failure to file a statement, puwedeng i-impose ang P30,000, whereas in another case, P10,000 na lamang. In another instance, siguro ay P1,000 na lamang. How can we justify this, Mr. President?

Senator Gonzales. G. Pangulo, hindi naman bago ito sa ating mga batas, especially when we are adopting the American system of penalties. Hindi ito kamukha ng Spanish system where we have *reclusion temporal*, *reclusion perpetua*, et cetera, that there is discretion. The law sets a minimum and also a maximum and gives a court or a tribunal the discretion in the determination of what is the imposable penalty.

Senator Laurel. In other words, it is a wide-ranging discretion. For the same kind of offense, a penalty of P1000 can be imposed in one case which is so little, and so high in another case, like P30,000.

Senator Gonzales. Probably, the law wants to give discretion because the offenders may actually differ in their situations. One offender may be a candidate for a high national position like Senator, Vice-President or Congressman, and one for a lower position like a municipi-

pal mayor. Probably, the COMELEC will consider that in determining the penalty to be imposed.

The President. *Ito po ba ay napag-usapan na noong talakayin natin iyong unang panukalang-batas?*

Senator Gonzales. Gumawa po tayo ng *escalafon* ng penalties which are imposable, ngunit binago po sa Conference Committee. For the second or subsequent offense, ito po ay Saguisag proposal, sapagkat sinabi ni Senador Saguisag na napakaliit naman ng penalty at parang pinaglalaruan lamang natin or we are encouraging violation of the same. Siguro po ay si Senador Saguisag lamang ang maaaring makapagpaliwanag nito sapagkat, kung hindi ko pa nakakalimutan, siya ang nagmungkahi nito, Ginoong Pangulo.

Senator Saguisag. Ginoong Pangulo, ang totoo po nito, during the deliberations, I was probably the only Senator present. I had written to our Colleagues that on points they felt strongly on, I would need their assistance.

In this regard, I argued to the extent I could as if our good friend from Batangas were present, if that were possible, because I share and continue to share that point of view that we ought not to have done this.

In other words, if we will not punish misconduct, then disrespect for the rule of law will continue, et cetera. It also disturbed me that it would benefit 13 congressmen which, to me, is a blatant case of conflict of interest.

I also found appealing the argument of Senator Laurel that this might be the functional equivalent of an amnesty and, maybe, we ought to be following the normal procedure although, in my mind, I was saying that if the House and the Senate agree and the President signs it, siguro ganoon na rin ang suma total noon.

So, when all was said and done, the only thing I was able to do, Mr. President, was to increase the fine. It was really reduced to a ridiculous amount. Even a P60,000 fine for a presidential candidate is really a loose change. That is why I insisted that in addition to second offenders, they shall be subject to perpetual disqualification from holding office to add some teeth.

Pero masasabi nga na mako-corroborate siguro ito ng

ating kaibigang taga-Batangas. We even talked over the phone. And I was hoping, although I understood his dilemma at that time--it was at the height of the NP national circumventions-- there were three of them going. He said that, maybe, it was not possible for him to attend. The bottom line was at the end. We have to subject this to some kind of informal consensus, otherwise there would have been no law.

I would just want to stress what I said yesterday. As I speak now, the COMELEC is behind by two-and-half months. So, I said to them: "All right, if that is the consensus. Anyway, that would not foreclose the possible challenges to this, that, maybe, it is not valid when applied to Members of Congress, number one, because it is not in the form of an amnesty; number two, because there could be a conflict of interest."

Doon sa 199,000 others--mga municipal officials--sige na po, ibalato na ninyo iyon.

Mr. President, that was how it came out in the Conference Committee. The very same arguments that Senator Laurel is repeating to us this afternoon were presented to our Colleagues. But after some cut and thrust, give-and-take of half an hour, this was the best that we could come up with, that all concerned could, at the very least, live with. No one was ecstatic about it. They are not very happy with it even now.

Nakikiusap kami na hindi pa naman sarado ito. Puwede pa ring kuwestiyunin kung talagang gusto nating malaman kung ito ay pakikinabangan, lalo na ng mga Kagawad ng Kongreso. I do not think that door, Mr. President, has been closed.

Senator Laurel. Does the good Gentleman, Mr. President, believe that this can still be amended at this stage?

Senator Saguisag. As the Gentleman from Mandaluyong has said, we reject it. But today, I think our options only are to vote up and down. We either accept or reject it in its present form.

There is a point here on page 28 where two sections were.... In other words, there are some grammatical infelicities, but I think even those we are not empowered to....

The President. Our options are limited. We either approve this Conference Committee Report or reject it altogether. At this point, we can no longer amend.

Senator Saguisag. *Iyon po yata ang established practice natin. Kaya ako po ay naninikluhod sa ating Kaibigan na....*

Senator Laurel. Kung ganoon, siguro ay wala na tayong dapat pang i-clarify because the point is being raised that it is late, too late, as a matter of fact, in the hour to make statements such as I have done. But let us consider my statements as suggestions, as I said last night, and even for clarificatory purposes.

Senator Saguisag. I believe, they are useful. In an appropriate court challenge, they may be looked at as indications of the appropriate legislative intent.

I do not think anybody here really wants to exercise cloture or suggest any indication of the same. We are just hoping that it may be possible to vote on this, if possible, today before we adjourn. *Pero hindi naman ho natin nais na pigilin ang sinuman, kung mayroon pa siyang ibang mga punto.*

Ako po ay naatasan lamang na tumayo dahil iyon nga ang nangyari diyan. Ginawa ko po ang aking makakaya. I am against this personally. I do not think that we should decriminalize it because we seem always to lose our moral stamina. Anytime that there are many violations, and we cannot do anything about it, we make it legal. I do not believe that that is the proper approach. Para ho tayong ganoon. Iyon nga po, the forces of evil are stronger than the forces of good.

Senator Laurel. That has been my personal opinion from the very beginning, Mr. President, when I took the Floor to interpellate for the first time. I addressed myself to this particular provision, actually ending up, No. 1, in an amnesty and No. 2, in providing for ... Well, choosing particular people to benefit therefrom.

Senator Saguisag. *Sapagkat ang nangyari nga po dito, in some respects the House got its way, in some other respects we got our way, and in some other respects, the COMELEC got its way. So, that is really how democracy works, I mean, in the spirit of give and take.*

No one Senator, no one Congressman, and no one COMELEC representative really would say that he got all that he wanted.

Ganoon po iyan. Pagkatapos na mapakinggan ang lahat, hindi kami nagkaroon ng formal voting doon kundi, to the extent possible, through consensus. At dito po, I have to admit, we lost this one.

I share totally the feelings of the Gentleman in this respect. To me the sounder rule was not to make this retroactive. In other words, puwede pong baguhin, pero hindi iyon ia-apply, lalo na doon sa 13 Kongresista, because to me lawmakers should not be lawbreakers. They should set an example. To me this is disgraceful; but we have lost, and I accept it.

Senator Laurel. I am glad at least, Mr. President, that the Senator from Pasig is on my side.

The President. But with respect to the second or the subsequent offense, there is a penalty here that is quite heavy.

Senator Saguisag. Oho.

The President. And I do not think there is any element of discretion involved: "He shall be subject to perpetual disqualification to hold public office." *Iyon na lamang siguro ang konsuwelo natin.*

Senator Saguisag. Opo, because to the politicians, that may be the functional equivalent of the capital penalty.

Senator Laurel. Thank you, Mr. President. I will close my interpellation or questioning.

The President. The Majority Floor Leader is recognized; then Senator Rasul.

Senator Guingona. Mr. President, just some clarificatory questions, if the distinguished Sponsor will yield.

Senator Gonzales. Yes, Mr. President.

Senator Guingona. Pre-proclamation is not allowed for presidential and vice presidential candidates.

Senator Gonzales. For national offices, Mr. President.

Senator Guingona. For national offices, and only manifest errors can be corrected *motu proprio* by the canvassing bodies or by the Commission.

Senator Gonzales. That is correct, Mr. President, pursuant to the first paragraph of Section 15.

Senator Guingona. Yes, and assuming that there are real errors that are manifest, but errors nonetheless, they go up to the appropriate body which will canvass the returns.

Senator Gonzales. No, Mr. President, I think the intention was that all such irregularities, if any, should be the subject of an election protest.

Senator Guingona. Yes. If there is such an election protest, who will hear the same?

Senator Gonzales. Well, Mr. President, we have the provision regarding election protests. With respect to the elections, qualifications, returns--

Senator Guingona. For President.

Senator Gonzales. --of the election for President, Vice President, then we have the Presidential Electoral Tribunal.

Senator Guingona. That has to be created.

Senator Gonzales. No, Mr. President, I think there is already one.

The President. There is already a law on the point creating the Presidential Electoral Tribunal. There is already.

Senator Guingona. It is an existing...

The President. Yes.

Senator Gonzales. The Supreme Court is the Presidential Electoral Tribunal.

The President. We resorted to that in the case of former Senator Sergio Osmeña.

Senator Gonzales. That is right, Mr. President. And in respect of the contest relating to the elections, qualifications and returns of the Senators and Members of the House of Representatives, through their respective electoral tribunals. For elective local officials, we have a provision under this bill.

Senator Guingona. So that the canvassing of the election returns for President and Vice President will really be ceremonial only.

Senator Gonzales. Not ceremonial. In fact, Mr. President, we are required by the Constitution to enact a law providing for the procedures that should govern the canvass by Congress, of the elections for President and Vice President.

I would agree with the distinguished Gentleman that since no pre-proclamation proceedings will be allowed, except in this instance that he has cited, the role of the Congress, as a Board of Canvassers, will be that of, first, determining the authenticity; second, upon their face, there are no manifest errors. If that is decided, then it is reduced to one of the ministerial duty of tabulating and adding. Thereafter, proclaiming the results of the elections.

Senator Guingona. No debates can ensue, such as the debates we saw in the Batasan, I think.

Senator Gonzales. In a Body of Senators and Congress, we cannot really avoid debates. Probably, the next thing that we ought to do in Congress is--and I think we owe it to ourselves and for the cleanliness of the elections--to adopt a law governing the canvass of the results of the elections for President and Vice President.

Senator Guingona. Which we should do before adjournment.

Senator Gonzales. Yes, because we do not want a repetition of the canvass of the results of the snap elections. I mean, that is too recent an experience for us which we do not want to be repeated.

Senator Guingona. Mr. President, just two more points on the deputizing private persons for electoral duties. In case there are inadequate teachers, will they be covered by these appropriations?

Senator Gonzales. Mr. President, I think the COMELEC is pretty sure that the P1 billión appropriation would be sufficient to cover the 1992 synchronized elections in spite of the fact that it may be constrained to appoint not only public school teachers but also private school teachers and even government officials in order to perform election duties. Because it is possible, Mr. President, that the breakup of the precincts may be such that there may not be sufficient number of public and private school teachers who may be available for election duty.

The President. How many school teachers would be needed on the basis of 150,000 precincts?

Senator Guingona. Five hundred thousand.

Senator Gonzales. Board of election inspectors only times three, Mr. President. But then, we have supervisors. In their count, there may not really be enough. They would need, if my memory is correct, even about 40,000 people who are nonteachers, whether public or private.

Senator Guingona. The COMELEC has the authority to do this.

Senator Gonzales. Yes. It has, under the existing laws. What we have instructed, if that is the proper term, is to lay down certain guidelines in the selection of those in the government service to ensure that they are not only in the permanent or in the career civil service, but they must be impartial in the discharge of their election duties. The COMELEC says that they have already laid down certain rules, regulations, and guidance.

Senator Guingona. This will be limited to government personnel?

Senator Gonzales. I think they might even enlist members of nongovernmental organizations. We were so informed, Mr. President.

The President. But how will they impose sanctions on nongovernment personnel? How about administrative

discipline?

Senator Gonzales. That is why, on that particular point, I have said that they have to be very careful about the so-called nongovernment organizations, because not all of them are really what they purport to be, and they are, at least, aware of that fact, Mr. President.

Senator Guingona. The last point, Mr. President, is the deputization by the COMELEC of all the Armed Forces. Is that the understanding here during elections, in connection with the carrying of firearms?

Senator Gonzales. Mr. President, as far as the carrying of firearms is concerned, there is a specific provision in this bill in Section 32, and it says:

Who may bear firearms. During the election period, no person shall bear, carry or transport firearms or other deadly weapons in public places, including any building, street, park, private vehicle or public conveyance even if licensed to possess or carry the same, unless authorized in writing by the Commission. The issuance of firearms' licenses shall be suspended during the election period.

Then it says:

Only regular members or officers of the Philippine National Police, the Armed Forces of the Philippines, and other law enforcement agencies of the government who are duly deputized, in writing, by the Commission for election duty may be authorized to carry and possess firearms during the election period: *Provided*, That when in the possession of firearms, the deputized law enforcement officer must be (a) in full uniform showing clearly and legibly his name, rank and serial number, which shall remain visible at all times; and (b) in the actual performance of his election duty in the specific area designated by the COMELEC.

With respect to security personnel and bodyguards, Mr. President, Section 33 provides:

During the election period, no candidate for public office, including incumbent public officers seeking election to any public office, shall employ by himself or engage the services of security personnel or bodyguards, whether or not such

bodyguards are regular members or officers of the Philippine National Police, the Armed Forces of the Philippines or other law enforcement agency of the government: *Provided*, That when circumstances warrant, including but not limited to threats to life and security of a candidate, he may be assigned by the Commission, upon due application, regular members of the Philippine National Police, the Armed Forces of the Philippines or other law enforcement agency who shall provide him security for the duration of the election period. The officers assigned for security duty to a candidate shall be subject to the same requirement as to wearing of uniforms prescribed in the immediately preceding Section, unless exempted in writing by the Commission.

Senator Guingona. Yes, Mr. President. The question is: If the members of the military or the PNP are not deputized for electoral duties, can they carry firearms, in accordance with the performance of their duties, outside of electoral duties?

Senator Gonzales. Mr. President, we have paragraph (q) of Section 261, Prohibited Acts, and it says:

(q) Carrying firearms outside residence or place of business.

And it applies to any person who, although possessing permits to carry firearms, carries any firearm outside his residence or place of business during the election period unless authorized in writing by the Commission.

Senator Guingona. So, that is absolute.

Senator Gonzales. There is absolute prohibition, Mr. President.

Senator Guingona. Absolute prohibition. And military force, supposed to quell rioting or to maintain peace and order in a certain area, cannot carry firearms.

Senator Gonzales. Mr. President, I would assume that unless they are deputized by the Commission on Elections, they may not do so.

Senator Guingona. They are not deputized because according to the Gentleman, there are some members

who will be deputized and others not--

Senator Gonzales. Yes, Mr. President.

Senator Guingona. --in answer to my previous question, whether it is the entire Armed Forces or the entire PNP forces who will be deputized. Apparently, there are only some who will be deputized.

Senator Gonzales. Yes, Mr. President. And I think the COMELEC will not make a wholesale deputization but ordinarily, it chooses the unit as well as the persons whom they deputize and would limit them to specific areas or specific acts.

Senator Guingona. So that if a CAFGU contingent, for example, carry firearms under the pretext of quelling a supposed disorder in a certain place, they would be violating the law.

Senator Gonzales. Yes, Mr. President, especially under the Gentleman's premise that they did so only under the pretext of quelling an act of violence.

Senator Guingona. Let us assume that it is not under the pretext but in actual--

Senator Gonzales. I have already answered the Gentleman's question. Probably, I think, when we say that it is an actual situation, there is a rebellion or that there are raids--

Senator Guingona. Or disorder.

Senator Gonzales. --or disorder, certainly, their duty is to maintain law and order, and at the same time, the prohibition under election laws must be reasonably interpreted to complement with each other. In short, I think, they should be allowed to coexist.

The President. But under the second paragraph of Section 32, only regular members, regular officers of the Philippine National Police, the Armed Forces of the Philippines, and other law enforcement agencies of the government who are duly deputized in writing.

Senator Gonzales. Yes, but there may be no time to apply for a permission from the COMELEC because the

question presupposes that there are actually acts of violence. For example, there is a raid committed by the NPA insurgents, or let us say, outlaws have raided a town. So, we come to a situation where there may be no time in order to secure that permission from the COMELEC which, I am sure, that if filed, would be granted.

Senator Guingona. In other words, the burden of proof would now be shifted to those who carry firearms and utilize them.

Senator Gonzales. I would assume, Mr. President.

Senator Guingona. Thank you, Mr. President.

Senator Rasul. Mr. President.

The President. All right. Senator Rasul is recognized.

Senator Rasul. Mr. President, I would just like to seek clarification with regard to Section 3, subsection (d) on page 3 which says that the Commission shall promulgate the rules and regulations to effectively provide for the election of sectoral representatives in the implementation of the Local Government Code.

I would like to ask the distinguished Sponsor: what was the contemplation of the COMELEC as to when the election for sectoral representatives will be held?

Senator Gonzales. Mr. President, the original formulation here was that the election for the sectoral representatives should be done before June 30, 1992. But then, I do not know the real reason why that has been removed, Mr. President. But my assumption is that it will have to be done before June 30, 1992 because the term of office of all elective officials, including sectoral representatives in the national and local legislative bodies would expire on June 30, 1992.

Senator Rasul. If that was the intention, Mr. President, why was it not so stated in the law, especially since--and I speak for the sectoral representative for women--this is a new representation, unlike the barangay and the youth, which are really in existence?

I wonder if there is an attempt to really relegate this

sector to oblivion since there is no mention here of a definite date. Even if an election will be held later on, will it be at large, Mr. President, or will it be sectoral?

Senator Gonzales. The Local Government Code says that the sectoral representatives shall be elected as may be provided by law. So, therefore, that requires legislative implementation. And I think the reason why the COMELEC is mandated to provide some rules and regulations is, in order that as much as possible, the sectoral representatives, even if they are elective, would have to be respected, which is the real intention of the Constitution, Mr. President.

Senator Rasul. Yes. Mr. President, I understood sectoral representatives to mean as representatives of a particular sector, but in the case of the representatives for women, the contemplation of that provision in the Local Government Code was to make them elected at large, together with the other officials to be elected on May 11. My worry, Mr. President, is that I do not see any definite date for the election of that particular sectoral representative.

Senator Gonzales. Yes. If the distinguished Senator would recall, I think she was present there when the COMELEC, realizing the very strong opposition of the Members of the House of Representatives in the election of the members of the Sangguniang Panlungsod and the Sangguniang Bayan by councilor districts, offered the following counterproposals:

- 1) To reduce the number of positions to be elected on the ballot to an average of forty (40); and
- 2) To accomplish that, the election of the sectoral representatives should not be held simultaneously with the regular election on May 11, 1992.

In short, the women sectoral representatives have not been singled out for this purpose, but this applies to all sectoral representatives, and probably for a very valid and stronger reason, and that is, the belief that it is physically impossible for the COMELEC to conduct a synchronized election where more than forty (40) members or positions will have to be filled in the ballot on the same occasion, Mr. President.

Senator Rasul. I realize the difficulty, Mr. President, that is why I ask this question: Will a later election of sectoral representatives be not construed as a separate election and, therefore, violative of that constitutional provision for synchronized election?

That was the reason why the original election law was nullified, and that is why we are now discussing this present bill because the interpretation of the Supreme Court was that two separate elections would be violative of that constitutional provision.

Senator Gonzales. Mr. President, if the distinguished Senator is asking for my opinion--and begging her pardon, because of her known interest in the sectoral representatives for women-- I do not think that the sectoral representatives were in contemplation of the decision of the Supreme Court in the Osmena case, because at that time they were not elective officials, Mr. President, and they are not still elective officials. They will become elective officials only when a law implementing the Local Government Code shall have been enacted.

Senator Rasul. That is quite correct, Mr. President, as far as the barangays and the youth are concerned, because they are not elected in the strict sense of the word, in the same manner that the other members of the sanggunian are elected. But then the Local Government Code provides for the election of a woman sector.

Senator Gonzales. Yes.

Senator Rasul. And that would make them different from the other sectors which formerly assumed their positions in the council, in the board or the sanggunian by virtue of their having been elected at the lower level.

Senator Gonzales. Yes. But the Local Government Code itself must have also recognized the difficulties of electing the sectoral representatives. That is why it qualified it by the phrase "as may be provided by law" leaving to Congress the manner and the details by which they are to be elected. And until that law is passed, then they are not yet elected officers.

Senator Rasul. I do not wish to argue with the Gentleman; he is the legal luminary.

Senator Gonzales. No, that is my humble...

Senator Rasul. I just would want to articulate my apprehensions and fears, because when the Local Government Code was passed, women groups all over the country had been preparing for the May 11 elections, so that they can elect their women representative in the various sanggunian of the country.

I would just want to make of record here the frustrations and the disappointments of the women of this country since they have already prepared for the electoral contest and they were made to believe that a woman sectoral representative will be part of the regular elections on May 11.

Senator Gonzales. Mr. President, I do not think that would be labor-wasted, because they can run in the regular election. And as shown, not only in many local legislative bodies but also in the House of Representatives, and in the very Floor of this Body, the women can be elected even nationally, Mr. President.

Senator Rasul. That is correct, Mr. President. As a matter of fact, our President is a woman. But as I go around the country I noted that there are provinces, cities, municipalities that do not have a woman sitting in the council. And that is the very reason why we proposed that amendment to the Local Government Code.

Anyway, Mr. President, it is not for us to argue because we can no longer amend this bill or this Conference Committee Report. We can only vote for or reject the Conference Committee Report.

Thank you, Mr. President.

Senator Gonzales. Thank you, Mr. President.

At this juncture, the Senate President relinquished the Chair to the President Pro Tempore.

Senator Osmeña. Mr. President.

The President Pro Tempore. Senator Osmeña is recognized.

Senator Osmeña. Thank you, Mr. President.

Will the distinguished Gentleman yield to a few questions?

Senator Gonzales. Willingly, Mr. President.

Senator Osmeña. Mr. President, before I go into this matter, in our original bill as we approved here, we have a paragraph on page 6, on the version "Approved on Second Reading of 21 August," which defines the term "candidate." And it says: "The term 'candidate' when used in connection with election campaign or partisan political activity, refers to any person aspiring for or seeking an elective public office who has already filed his certificate of candidacy or has been nominated by any political party, organization or coalition of parties as its candidate."

In other words, we either file it or we have been nominated. This is in our version, Mr. President.

Senator Gonzales. Mr. President, we have to adopt this definition to conform to the definition of a candidate under the Omnibus Election Code.

Senator Osmeña. But, in the final Committee Report, Mr. President, this definition has been eliminated.

That is my question, Mr. President. It is no longer a definition.

Senator Gonzales. Yes, Mr. President, because knowing the realities of the political situation in our country, we are afraid that those who had acted in accordance with the present state of the law might find themselves in jeopardy of being penalized. That is why we felt it more prudent to go back to the standard and accepted definition of a "candidate" as appearing in the Omnibus Election Code.

Senator Osmeña. That definition, Mr. President, is that "a 'candidate' is one who has filed a certificate of candidacy."

Senator Gonzales. That is right, Mr. President.

Senator Osmeña. If a person says, "Neptali Gonzales for Senator" or "Ibalik si Gonzales" before-- assuming that the Gentleman is not running for President

and he is running for Senator--he files his certificate of candidacy, would that constitute a violation of this law?

Senator Gonzales. In the first place, I cannot file a certificate of candidacy now because the earliest time to file a certificate of candidacy would be the start of the campaign period. So, if that happens after I have filed my certificate of candidacy, that is already campaigning within the authorized period.

Senator Osmeña. Mr. President, I beg to call the attention of the Gentleman--if we will jump to that-- to Section 7 which is *Filing of Certificates of Candidacy*. This is the Committee Report:

The certificates of candidacy of any person running for office of President, Vice President, Senator, Member of the House of Representatives or any elective provincial, city, or municipal official shall be filed in five (5) legible copies with the offices of the Commission specified hereunder not later than the day before the date legally fixed for the beginning of his campaign period.

The campaign period, Mr. President, is 90 days for Senators and 45 days for Members of the House of provincial, city or municipal officials.

Senator Gonzales. Yes. My interpretation, Mr. President, is that I cannot file a certificate of candidacy earlier than 90 days which is the commencing date or the starting date of the campaign period.

Senator Osmeña. Ninety days, Mr. President, happens to be the commencing date also of the election period.

Senator Gonzales. Yes, Mr. President.

Senator Osmeña. Section 7 says that the last day is not later than the day before the date legally fixed for the beginning of the campaign period.

That is the last line in Section 7 of page 5, Mr. President.

Senator Gonzales. Yes.

Senator Osmeña. We understand that to be the last day.

Senator Gonzales. No, that is not the last day.

Senator Osmeña. No, the language says "not later than." "Cannot be after."

Senator Gonzales. Yes. I beg to correct my statement. I think that even now, a person can file his certificate of candidacy.

SUSPENSION OF THE SESSION

May we have a recess for two minutes, Mr. President, and may we invite Senator Osmeña?

The President Pro Tempore. The session is suspended for two minutes, if there is no objection. [*There was none.*]

It was 5:54 p.m.

RESUMPTION OF THE SESSION

At 5:56 p.m., the session was resumed.

The President Pro Tempore. The session is resumed.

Senator Osmeña. Mr. President, the question was: When can we file a certificate of candidacy?

Senator Gonzales. Mr. President, we have read the law as it is. But then, there is a new factor that ought to be injected into our thinking, which is, the ruling of our Supreme Court in the case of *Osmeña vs. COMELEC*, to the effect that the campaign period, as well as all political activities connected thereto, must be circumscribed within the election period provided for in the Constitution.

Under the Constitution, the election period, unless otherwise fixed at a longer date by the Commission on Elections, shall commence 90 days before the day of the election and shall end 30 days thereafter.

I was informed that tomorrow, the COMELEC will promulgate a resolution fixing an election period which is longer than the 90-day period provided for by the Constitution. The resolution will fix the election period at 120

days before the day of the election, and ending 90 days after the election. With that, the filing of the certificate of candidacy can be filed any time within the election period, but in no case later than 90 days before the day of the election, which is already the start of the campaign period.

Senator Osmeña. Thank you, Mr. President. Going back to the original question--I just want the records to show this clearly, because this has been changed from the version of the Senate to the Conference Committee Report--there is no longer a definition in this bill of a candidate. It is the definition now in the Omnibus Election Code.

Senator Gonzales. Yes, Mr. President.

Senator Osmeña. Mr. President, a candidate is one who has filed a certificate of candidacy.

Senator Gonzales. Yes, Mr. President. That is correct.

Senator Osmeña. Therefore, the ban on election propaganda, which is enforceable on candidates, is not enforceable before a person files his certificate of candidacy.

Senator Gonzales. That is why, in actual political practice, candidates file their certificates of candidacy on the last day.

Senator Osmeña. Thank you very much, Mr. President.

Mr. President, in Section 6 of the bill covered by the Committee Report, which is the same as Section 7 of our Senate bill, on the "Nomination and Selection of Official Candidates," in the Senate version, we left the period within which a political party could hold a convention at the discretion of the Commission on Elections.

Senator Gonzales. That is right, Mr. President.

Senator Osmeña. In Section 6 of the Conference Committee Report, this has been set, Mr. President, for President, Vice-President, and Senators, 165 days before the date of the election.

Senator Gonzales. Yes. Can we give the reason therefor?

If we will recall, in Senate Bill No. 1861 we did not fix, if any, a particular period. We left it to the COMELEC, but the COMELEC itself was the one who urged the Bicameral Conference Committee to fix the particular date, and any such date would actually be acceptable to the COMELEC. That is why we first fixed it at 135 days before the day of the election, and later, in the final agreement, 165 days before the day of the election.

Senator Osmeña. So, on what day, Mr. President, would this fall? This would fall somewhere around the end of November.

Senator Gonzales. According to the computation of the COMELEC, it will actually start on November 28, 1991.

Senator Osmeña. So, Mr. President, if the newspapers are reporting correctly the decision of the LDP, of which the distinguished Gentleman is President, the political exercise, the convention or the provincial nominating conferences, or whatever it is called--I do not know what it is called by the Party--to be held on the 30th of November would already fall within this specified period.

Senator Gonzales. That is correct, Mr. President.

Senator Osmeña. So they can, in effect, be legally, Mr. President, a convention to select or nominate a candidate under the provisions of this law.

Senator Gonzales. We are very careful on that matter, Mr. President.

Senator Osmeña. And, in effect, is that the intention, Mr. President, of the LDP?

Senator Gonzales. Well, it would really be binding, but then we have also to conform with the provisions of our Constitution. We will still call a national electoral congress to formalize the results of our November 30 balloting, and also to officially proclaim our candidates for Vice President and for the 24 Senators.

Senator Osmeña. Mr. President, on the assumption

that this bill is not approved in the Senate on time, on the assumption that the Conference Committee Report is not approved on time, on the assumption the President decides that she does not want the LDP to have a November 30 binding convention and therefore does not sign the bill until December 1, what is the effect of this on the November 30 exercise of the LDP?

Senator Gonzales. Mr. President, the Gentleman can trust that the LDP will do whatever is needed under the circumstances.

Senator Osmeña. In effect, Mr. President, it will postpone the November 30 meeting, if the bill is not signed.

Senator Gonzales. I am not saying so, because sometimes many of the Gentleman's assumptions are insupportable. [Laughter]

Senator Osmeña. I agree, Mr. President, that assumption in itself carries the risk of being such. But, in any case, Mr. President, assuming that there is no law, can that convention be held, and can this law have a *post facto* effect?

Senator Gonzales. Mr. President, this carries a penal sanction, and, therefore, it will be in the nature of a penal act. We cannot apply a penal act retroactively because it will be an *ex post facto* one.

Senator Osmeña. In effect, Mr. President, anything that takes place before this bill is approved into law...

Senator Gonzales. Yes, because at the time when we did it, it is legal, and a posterior criminal act cannot make it illegal.

Senator Osmeña. I am not talking of the criminal act, Mr. President. I am saying that, suppose Parakiusa--which is our party in Cebu--will hold a convention on November 29, and then this bill is not approved until the 1st of December, that will not be a valid convention.

Senator Gonzales. It would have to depend upon its own rules.

What I am saying is that, if the law that punishes it is

enacted later, certainly it cannot touch with criminality an act that was innocent when it was done.

Senator Osmeña. In the same vein, Mr. President, if the law that authorizes it was enacted later, the act prior to the authorization cannot be covered by that law.

Senator Gonzales. I would say that it necessarily follows.

Senator Osmeña. Thank you, Mr. President.

Senator Osmeña. Another question, Mr. President, which to me also is very relevant, because this has to do with Section 30, page 25 is - Congress as the National Board of Canvassers for the Election of President and Vice-President: Determination of Authenticity and Due Execution of Certificates of Canvass.

My question here, Mr. President, is that the provision that Congress shall be the National Board of Canvassers is actually in Article VII, Section 4 of the Constitution. It provides in our bill that Congress shall determine the authenticity and due execution of the certificates of canvass.

Senator Gonzales. Yes, Mr. President.

Senator Osmeña. Congress, Mr. President, is bicameral.

Senator Gonzales. That is right, Mr. President.

Senator Osmeña. The Constitution provides that the returns shall be transmitted to the Congress directed to the President of the Senate.

Senator Gonzales. Yes, Mr. President.

Senator Osmeña. The law does not provide when Congress shall convene. When is Congress going to convene, Mr. President?

Senator Gonzales. I think the Constitution provides that Congress shall convene not later than 30 days after the election, and this is provided in the fourth paragraph of Section 4. It says here:

The returns of every election for President and Vice-President duly certified by the board of canvassers of each province or city, shall be transmitted to the Congress, directed to the President of the Senate. Upon receipt of the certificates of canvass, the President of the Senate shall, not later than thirty days after the day of the election, open all the certificates in the presence of the Senate and the House of Representatives in joint public session...

What would actually happen here is that the President of the Senate will convene Congress as a national canvassing body in a joint session.

Senator Osmeña. So, it is the President of the Senate who will convene.

Senator Gonzales. That is what the Constitution says, Mr. President.

Senator Osmeña. No. The Constitution only says that it should be directed to the President.

Senator Gonzales. Yes. But what is usually done, as a matter of practice, Mr. President, is that once Congress is convened in a joint session, then there are Board of Tellers or Canvassers appointed by it. I think as many as ten who would make the independent canvass, Mr. President.

Senator Osmeña. I am particularly concerned, Mr. President, because this is going to be a very political and a very partisan Congress where the Senate President himself will be a candidate.

Senator Gonzales. That is why, Mr. President, I have pointed out that probably, the next thing we have to do here is to enact a law that would provide for the details in the canvass of the results of the presidential and vice-presidential election.

Senator Osmeña. Mr. President, the Constitution is not clear as to when. It only says that the Senate President shall open the certificates of canvass before the joint session.

Senator Gonzales. Yes, Mr. President.

Senator Osmeña. But it does not say that it is the

President of the Senate who will call this Congress to a joint session.

Senator Gonzales. Mr. President, probably, we have to adopt the parliamentary practice as to who may call a joint session. And, probably, I will correct myself that it would be the Speaker of the House and the Senate President who would issue the call for a joint session of the Congress.

Senator Osmeña. Suppose, Mr. President, that a losing presidential candidate, who is the President of the Senate, wants to delay the canvass because he has 30 days within which to call and he does not want to call. For one excuse or the other, maybe the returns of Batanes which are going to be inconsequential--since there are only 5000 votes in Batanes--are not here yet because they have been hijacked or they sank, and the President of the Senate who is a losing presidential candidate--as will be most likely the case--does not want to call the canvass until 29 days.

Senator Gonzales. Well, Mr. President, we hope that this does not happen. But what I have been saying is that, we have to implement this provision of the Constitution regarding the canvass when it says: "the Congress shall promulgate its rules for the canvassing of the certificates."

Senator Osmeña. But we have not promulgated the rules.

Senator Gonzales. Precisely, Mr. President. I am saying that it is equally our duty and responsibility to do so, in order to answer some of the concerns that the Gentleman has stated which are valid concerns and which we hope, for the sake of the nation, would not happen.

Senator Osmeña. But, Mr. President, this is going to be a very partisan Congress that will convene on or about May 11.

Senator Gonzales. I do not think so. I still have faith and confidence in Congress. This is not the first presidential election, the results of which Congress will canvass. There have been several presidential elections already.

After the election, especially when the results are already definite, as well as the defeated candidates have conceded the results of the election, everything will go on smoothly, Mr. President. I think it would be best for us to look forward to that scenario rather than a very worse scenario, Mr. President.

Senator Osmeña. Well, Mr. President, I wish I could share the Gentleman's optimism and his confidence in some of our fellowmen. But there is a saying in Spanish, *hombre prevenido vale por dos*.

Senator Gonzales. Although I did not understand it, Mr. President, we are also aware of the import of that saying.

Senator Osmeña. Mr. President, again let us go back to the law that Congress shall determine the "authenticity..." Suppose the returns of a particular province, the Province of Bohol or the Province of Ilocos Sur, or the Province of Nueva Ecija, are questioned, how is that going to be settled, by a vote of both Chambers jointly voting, or voting separately?

Senator Gonzales. Mr. President, that is why the greater is the need for us to provide for the conduct of the canvassing. I cannot do so, because mine would be a personal opinion, but this has got to be a collegiate act, Mr. President, not only of this Body but also of the House of Representatives. So I think we should really crack our heads in trying to lay down the rules and the procedures of the canvass.

The Gentleman have raised many valid points, Mr. President. Probably they will be very helpful so that they can be addressed in the rules that we are going to promulgate.

Senator Osmeña. That is precisely my concern, Mr. President. My concern is that, since under the Constitution, the President of the Senate is the one who will hold the canvassing of these returns, the President of the Senate may say the returns of Batanes have not arrived yet, so we cannot hold the canvass and may try to wait until 30 days are over which is June 11. Then, there may be a question as to who will convene the joint session. So we have to go to the Supreme Court. We might have July 1,

Mr. President, and no President is proclaimed.

Senator Gonzales. Mr. President, these are indeed very helpful. I will tell the Gentleman that even in the United States Congress, more important problems have arisen in the course of the canvass.

For example, the question of whether or not Congress during the canvass can go behind the returns. Meaning, can the Congress, *pagkatapos na ma-certify ng isang State* that the presidential result of the vote of the presidential electors is such and such, sitting as a Board of Canvassers now go beyond the canvass, and reject it on some other grounds? It was finally executed in this controversy, Mr. President. But then, probably we have to direct the legislative staff both of the Senate and of the House *upang tingnan nila ang lahat ng records magmula nang mag-elect tayo ng President at Vice-President* how were the canvass conducted.

Kaya, kailangang pag-aralan po natin ito, including many of the concerns that the Gentleman has raised tonight, so that they can be addressed in the rules of procedure in the conduct of the canvass, Mr. President.

But if he will ask me any particular question now regarding some of these difficulties, I could only oblige him with a personal view. But that would not serve any purpose, Mr. President.

Senator Osmeña. That is why, Mr. President, when I read this--in fact, I turned to our Colleague, Senator Saguisag, and I raised questions about this, because I am concerned about all the problems that can arise out of this very decisive resolution.

Senator Gonzales. Yes. We did not provide that because we thought that this should be taken care of by a separate legislation.

Senator Osmeña. But would the separate legislation be forthcoming, Mr. President?

Senator Gonzales. I understand that the COMELEC has submitted a draft bill regarding this matter to the House--a draft resolution. It will be in the nature of probably a concurrent resolution of the House and of the Senate.

Unfortunately, no copy of the said resolution was furnished the Senate Electoral Tribunal.

SUSPENSION OF THE SESSION

Senator Osmeña. May we ask for a suspension of the session, Mr. President?

The President Pro Tempore. The session is suspended if there is no objection. [*There was none.*]

It was 6:17 p.m.

RESUMPTION OF THE SESSION

At 6:21 p.m., the session was resumed.

The President Pro Tempore. The session is resumed.

Senator Osmeña. Mr. President, so as not to prolong the proceedings, I think I have driven ...Does the Gentleman want to prolong it? The Partidong Masang Pilipino wants to prolong it, Mr. President. [*Laughter*]

I think I have driven home my point, Mr. President--

Senator Gonzales. Yes.

Senator Osmeña. --that the role of a Senate President is very critical in the canvass. The Senate President will be the custodian of the returns. So, conceivably, he could even tamper with the returns in his custody. And that is precisely my point, Mr. President. That is exactly why, I think, we should pass a law. But how can we pass a law which will protect us and provide us with orderly canvass when it is to the interest of the Senate President to have a disorderly canvass?

Mr. President, can we expect logically that the Senate will pass a law providing for the conduct of the canvass since the leadership is in the hands of a Senate President, who is a candidate?

Senator Gonzales. Mr. President, at least, I do not want to be put to a test, but as soon as we receive officially a copy of a draft bill on this particular matter--governing the conduct of the canvassing--then we will

study it in the Committee, and if necessary, to hold meetings in which representatives of political parties would be invited, and then we will report it out in the hope that it can be approved.

It is in the nature of a concurrent resolution, and a copy is already in the House. Probably, this is in order to comply with our duty under the Constitution to prescribe the conduct of the canvassing.

Senator Osmeña. Now, Mr. President, since the role of the Senate President is so critical in this process, and it is in the interest of the Nacionalistas, of the LDP, of the PDP and of the Partidong Masang Pilipino to have an impartial Senate President to preside over this, does the Gentleman think, Mr. President, that it is in the interest of an orderly canvass that we should reorganize the Senate?

Senator Gonzales. Will the Gentleman kindly spare me from answering that question?

Senator Osmeña. Thank you very much, Mr. President.

Senator Gonzales. Thank you.

The President Pro Tempore. Are there any other questions?

The Majority Floor Leader.

Senator Guingona. If there are no other questions, Mr. President, I move that we approve this Conference Committee Report.

Senator Maceda. Mr. President.

The President Pro Tempore. Senator Maceda is recognized.

Senator Maceda. Mr. President, as the Gentleman saw I signed the Committee Report. I just want some clarification.

Senator Gonzales. Yes, Mr. President.

Senator Maceda. The matter of giving the addi-

tional provincial board member seat to a congressional district with the largest number of votes, meaning to say that if it is three districts, so it is three, three, three and there is one excess--

Senator Gonzales. Yes, Mr. President.

Senator Maceda. --which shall go to the largest of the three.

Senator Gonzales. Yes, Mr. President.

Senator Maceda. What is the standard for the largest number of votes? The 1987 list, the 1988 list or the present listing after the registration of voters for the selection and the closing of the list?

Senator Gonzales. I think, under the law, it is the number of population, and it would be based upon the latest census. The latest census is very recent, Mr. President. It was in 1990.

Senator Maceda. So, it shall be based on the 1990 census.

On page 2, Mr. President, Subsection (c), I notice that we retained that in the municipalities in Metro Manila, there shall be districting.

Senator Gonzales. Yes, Mr. President, because the municipalities in Metro Manila are even bigger than many of the provinces and cities.

Also, practically the same districting, upon consultations with the local officials concerned, has already been completed. I know, as a fact, that there has been no opposition or, at least, no significant opposition on the part of the members of the Sangguniang Bayan.

Senator Maceda. In this particular case, Mr. President, in the case of the provinces, the congressional districts are known.

When are we going to have this done so that the candidates now will know how the municipal districts in Metro Manila are going to be so constituted?

Senator Gonzales. I understand, Mr. President, that

this redistricting process or apportionment process is already ongoing, and it will be completed, actually, in two months' time. And I think that the COMELEC should finish this before the deadline for the filing of the certificate of candidacy so that a candidate for the sangguniang bayan would know for what councilor district he would run and file his certificate of candidacy.

Senator Maceda. For purposes of this Metro Manila districted municipalities, did we retain a provision that incumbent councilors may run in either district?

Senator Gonzales. Mr. President, this provision was attached to the councilor districts outside of Metro Manila.

Senator Maceda. That is right.

Senator Gonzales. When that particular provision was disapproved, that provision giving the incumbents the right to choose also went along with it, and we were not able to transpose it to Metro Manila, Mr. President.

Senator Maceda. Okay, just for the *Record*. Once the Municipality of Mandaluyong is divided, they have to run in the district where they have their residence?

Senator Gonzales. That is correct, Mr. President.

Senator Maceda. And that is six months residence for councilors?

Senator Gonzales. Yes, Mr. President, because that is the requirement of the law.

Senator Maceda. Just for the *record*, Mr. President, 165 days is a very unusual figure. The only explanation is, it was meant to accommodate the November 30 convention of the LDP.

Senator Gonzales. Let us say that it has entered into that determination, but if we shall have the Minority Floor Leader's desire, he would want it fixed at 180 days before the day of the election.

Senator Maceda. That was before he withdrew.

Senator Gonzales. I do not know, Mr. President,

but it is a matter of record that he would want 180 days before the election.

Senator Maceda. So, with this, the November 30 provincial voting of the LDP or whatever it is, is now legal?

Senator Gonzales. We have always thought that it is legal, only that the effect that we are going to give to it is the one for our party to decide, but, certainly, there is nothing to prohibit us from holding a nonbinding or consensus-taking or a determination of the preference of our delegates on that day, even under existing laws, Mr. President.

Senator Maceda. In the case of "absentee voting," just for the rom, does the Armed Forces of the Philippines include the CAFGU?

Senator Gonzales. CAFGUs, I think, are with more reason. At any rate, they are already governed by existing laws, Mr. President.

Senator Maceda. Mr. President, although it is not here, let me just get some clarification of it.

Considering the size of the number of candidates which is down to around 43, I understand that in most places, the number of positions to be voted for now is around 43.

Senator Gonzales. The average is 40, Mr. President.

Senator Maceda. The average is 40.

Senator Gonzales. Yes, Mr. President.

Senator Maceda. Because if it is for President, Vice-President, Congressmen, and 24 Senators, that is 27 candidates. For Governor and Vice Governor and, let us say, plus three, that is 32. Plus eight, that is 40.

Under the existing Omnibus Election Code, I think there is a very small sample ballot or sample guide that is allowed. So, we will have to fit in 40 names into a very, very small ballot. Does the Gentleman know the size that we are allowed to distribute?

Senator Gonzales. Yes. From the benefit of our political experience, *kung magpapagawa rin lamang tayo ng sample ballot, kailangang parehung-pareho na ng official ballot.* Because what happens is that the voters are put side by side with each other. Then they will start copying.

When it is a small sample ballot, kung saan-saan na laang napupunta ang mga pangalandahil hindi pareho ng linya. The votes sometimes are misplaced, Mr. President. Magastos nga po lamang iyon.

Senator Maceda. Right, but since the bigger size is not provided for in this law, the existing Omnibus Election Code size will govern.

Senator Maceda. Yes, all others that have not been repealed by nor inconsistent with any of the provisions of this bill are deemed to continue, Mr. President.

Senator Maceda. I just wanted to clarify. We will have to print very, very small names to fit within the existing sample ballot size because it contains 40 names.

Senator Gonzales. Yes, Mr. President.

Senator Maceda. *Walang remedyo doon* except to allow the candidates to print larger sample ballots. With 40 positions, the more there is justification for the use of sample ballots, especially in the rural areas where people are not so "literate," so to speak.

Senator Gonzales. Mr. President, indeed, the Omnibus Election Code and all previous election codes provide for sample ballots, but they are the official sample ballots which are, in all respect, like the official ballots, only that they are in colored paper, and they are unofficial issues by the COMELEC to the Board of Election Inspectors para magamit po ng mga inspectors sa pagtuturo sa mga botante as to how they fill the ballot, but there is a restriction that no name of a candidate shall be written therein.

Tungkol doon sa sinasabi po nating sample ballot, iyon ang inilalabas ng mga kandidato at saka ng mga partido. I do not recall any law that would fix the size specifications of these sample ballots.

Senator Maceda. I seem to recall otherwise, Mr. President. When they started those restrictions on the size of the streamer being only half yard, and for headquarters signs, by three to eight feet, *magkakasama lahat iyon. Pati sample ballot ay may measurement.*

Senator Gonzales. *Wala po. Ang nandirito lamang ay iyong official sample ballots. Wala pong prohibition with respect to the sizes. Wala pong specifications in respect of the so-called sample ballots issued by the candidates or by the political parties.*

Senator Maceda. Mr. President, will the distinguished Gentleman simplify to me, in the case of the Senators, how different the procedure for canvassing and counting the votes is under this law compared to 1987 when we ran?

Senator Gonzales. Mr. President, under this law, there will, of course, be a canvass of the returns by the municipal board of canvassers and also the city board of canvassers.

There will be two sets of returns--one for the national officials and the second for the local officials. *Kakanbasin po iyon ng municipal board of canvassers, and the municipal canvassers now will make certificates of canvass.*

Senator Maceda. *Kasama ho iyong Pangulo at Pangalawang Pangulo doon pag sinabi ninyong nasayonal?*

Senator Gonzales. *Opo, sapagkat iyong certificates of canvass ay ipapadala naman doon sa provincial board of canvassers.*

Therefore, the canvassing by the provincial board of canvassers will be done not on the basis of the election returns, but already on the basis of the certificates of canvass, then the provincial board of canvassers in turn will now prepare the certificates of canvass for the Senators, and it will be transmitted to the Commission on Elections together or supported by a statement of the count per precinct.

Similarly, the board of canvassers of every province

or city will also prepare a certificate of canvass for the election of the President and Vice President, and these certificates of canvass supported by the statement of the count per precinct will be sent to the Congress addressed to the President of the Senate.

Iyon nga po ang sinasabi ng Constitution, that upon receipt of the same, not later than 30 days after the date of the election, then in the presence of Congress in a joint session assembled, the President of the Senate shall open the certificates of canvass, and the votes shall then be counted.

Senator Maceda. *Nililinaw ko lamang po*, because in all of these statements here *ay naka-lump tayo*--President, Vice President, Senators and Members of the House.

Senator Gonzales. *Tama po.*

Senator Maceda. *Kaya maliwanag iyong pinag-usapan ninyo kanina, at hanggang ngayon, iyong tungkol sa Presidente at Bise Presidente na pupunta sa--*

Senator Gonzales. President of the Senate.

Senator Maceda. --President of the Senate.

Ang nililinaw ko ay iyong sa Senador, saan pupunta, anong kopya ang ipapadala? Is it a duplicate of what is sent to the Senate or is it a separate...?

Senator Gonzales. It is a separate certificate of canvass, Mr. President.

Senator Maceda. Only for Senators.

Senator Gonzales. Only for Senators.

Senator Maceda. And Congressmen, o hindi?

Senator Gonzales. No. *Sapagkat ang Congressman po ay ipoproklama ng district board of canvassers or the provincial board of canvassers.*

Senator Maceda. *Kaya, samantalang sa municipal canvass ay magkakasama iyon sa isang form--President, Vice President, Senators, Congressmen--pag natapos*

iyong provincial canvass, to begin with, ipoproklama na iyong mga House winners.

Senator Gonzales. *At saka iyong provincial elective officials.*

Senator Maceda. Right. *Pagkatapos ay gagawa na ng dalawang certificate?*

Senator Gonzales. *Nang certificates of canvass.*

Senator Maceda. *Nang certificates of canvass. Ang isa ay only for President and Vice President, at ang isa naman ay only for Senators.*

Senator Gonzales. That is right, Mr. President.

Senator Maceda. But on municipal level, it is still common in one form.

Senator Gonzales. Yes, Mr. President. *Kaya po very crucial iyong canvassing on the municipal level.*

Senator Maceda. All right. *Dahil wala ho dito iyan.*

Senator Gonzales. *Sa actual practice nga po lamang iyan, in implementation of these provisions.*

Senator Maceda. *Kaya pagdating noong provincial certificates of canvass for Senators sa COMELEC, ang COMELEC naman ngayon--*

Senator Gonzales. *Ang siyang magka-canvass.*

Senator Maceda. --*ang siyang magka-canvass.*

Senator Gonzales. Yes, Mr. President, because...

Senator Maceda. *Doon tayo puwedeng ma-computerize sa COMELEC.*

Senator Gonzales. Well, I hope not, *bantayan na lamang po natin.*

Senator Maceda. No, *ang sinasabi ko po ay baka puwedeng ma-computerize sa COMELEC.*

Senator Gonzales. *Maaari po, sapagkat iyon ang naging experience natin noong 1978. Ako ay takot na takot doon sa computer, because computers can be programmed. Maski na ano ang ipasok ninyo doon, iyong nakaprograma na ang lalabas--garbage in, garbage out.*

Senator Maceda. In effect, ang kakanbasin ng COMELEC will be something like 75 provincial certificates of canvass and something like 61 cities certificates of canvass.

Senator Gonzales. Yes, Mr. President.

Senator Maceda. Kaya, 136 lamang.

Senator Gonzales. *Tama po, kaya mas madali ang canvass ngayon.*

Senator Maceda. *Kaya kung ganoon lamang, hindi na kailangan pang gamitan tayo ng computer.*

Senator Gonzales. *Siguro ho.*

Senator Maceda. One hundred and thirty-six lamang.

Senator Gonzales. *Ang sabi ko nga po ay takot ako sa computer, dahil hindi ko naiintindihan iyan. Basta hindi ko po naiintindihan, takot ako.*

Senator Maceda. *Kaya nga po iniri-raise ko ito ngayon. Puwede bang sabihin kay Mr. de Lima na huwag nang gamitan ng computer iyong canvassing ng Senator?*

Senator Gonzales. *Ang sabi po ni Director de Lima, ayon sa aking pagkakarinig, ay gagamitin lamang iyon na parang adding machine. Ang gamit po lamang diyan ay parang adding machine.*

Senator Maceda. *Pero baka iyong computer printout din ang magiging official na pipirmahan nila. That will be more than an adding machine.*

Senator Gonzales. At any rate, the representative of the COMELEC is with us. He is requested to transmit these concerns to the Commission on Elections.

Senator Maceda. *Ngayon, kung may computer, mayroon bang mga probinsiyang gagamit ng computer para sa lahat ng certificate of canvass? I am sure may mga probinsyang wala. What is the plan? Sa Cebu ba ay computerized?*

Senator Gonzales. I understand, Mr. President, that they are not, but the ordinary adding machines are the ones to be utilized in the canvass.

Senator Maceda. *Kaya, walang negosyo iyong kapatid ni Butz diyan. Mabuti na lamang hindi nadinig. [Laughter]*

Nililinaw ko lamang ho. Hindi yata na-retained dito iyong Romulo Amendments on firearms.

Senator Gonzales. *Ang sabi po ni Senator Saguisag ay kasama raw iyon dito.*

Senator Maceda. *Pero very general itong Section 32.*

Senator Gonzales. *Baka po sa security personnel, Section 33.*

Senator Maceda. Sections 32 and 33.

Senator Gonzales. Then we have Section 34, disposition of firearms, Mr. President.

Senator Maceda. Last point, Mr. President. I notice na hindi ninyo inaprobahan iyong P600, but at the same time, itinaas pa rin ninyo sa P1 bilyon iyong halaga. Meaning to say, it was increased to P1 billion on the premise that the per diem was going up to P600.

Senator Gonzales. I was made to understand that the reason therefor--*hinahanap ko rin po ito kanina--ay sapagkat mangangailangan ito ng dagdag na appropriations na P400 million. Two hundred million pesos for one day of registration and P200 million on the day of the election.*

Senator Maceda. *Doon sa tinatawag na day of the election, halimbawa isang araw ang election at dalawang araw iyong counting, ang total bang matatanggap ay P400 lamang at hindi P1,200 o P400 a day? Hindi*

lamang isang araw ang halalang ito.

Senator Gonzales. *Tama po iyon. Kaya po dinoble iyon sa araw ng halalan.* Two Hundred Pesos *po lamang ang registration day at P400 ang election day.*

I understand that the COMELEC is also working with the DECS for a sort of a merit scheme--incentives and merit award system. It is already provided here. It is provided for in this law. Siguro po, iyong makapagko-compensate more than the additional P200 involved.

Senator Maceda. I do not know what the actual provision of the law is. I am just worried that for P400, we might have a big number of teachers, of course, giving excuses not to serve.

Senator Gonzales. Mayroon pong nakalagay dito, in the last portion of the first paragraph of Section 31, "after fixing the days, the amount of per diems..." na ganito ang sinasabi: "Provincial, city and municipal treasurers, administrators and supervisors of the DECS assigned by the Commission to perform election duty shall receive a per diem," etc. "Such per diems shall be paid..."

Section 37, second paragraph, ay ganito po naman ang sinasabi: "Any provision of law to the contrary notwithstanding, and for purposes of the May 11, 1992 elections only, the chairman and members of the board of election inspectors shall each be paid a per diem of Four hundred pesos (P400.00) on election day. The Commission may provide hazard pay, when warranted, incentive and merit awards to members of the boards of election inspectors, board of canvassers and personnel of the Commission and its deputized agencies."

Senator Maceda. Let us clarify again, for the *Record*: What is the definition of election day?

Senator Gonzales. Election day is the day when the actual balloting is held in the polling places of every precinct, Mr. President.

Senator Maceda. All right. Let us say, May 11 is election day.

Senator Gonzales. Yes, Mr. President.

Senator Maceda. If the counting is held on May 12 and 13, in effect, they do not get any compensation for that.

Senator Gonzales. Under the present system, the election day is computed once, regardless of the actual number of hours or days being served to finish the same.

Senator Maceda. I hope the Gentleman is right that it is shorter, in a sense, because we really proposed P600 under a conviction that it will be a three-day affair. And it was really, more or less, going to be just P200 per day for three days.

Senator Gonzales. In the Senate version, Mr. President, I think, following the Gentleman's suggestion, we fixed it at P600. But, again, it is a question of money, and the difficulty was made very real by the COMELEC before the Members of the Bicameral Conference Committee.

Senator Maceda. All right. So, this second sentence, "hazard pay, incentive and merit awards," is there a contemplated cash here also? Hazard pay is cash.

Senator Gonzales. It may include cash, Mr. President.

Senator Maceda. So that the Commission, on its own, provide an additional P200 across the board for everybody, as incentive and merit award?

Senator Gonzales. Well, there is the authority for that purpose. Where they will get the money is, of course, a different thing. Probably, they may be able to scrape from whatever savings of the Commission.

Senator Maceda. I just wanted to clarify that, that there might be a way here. Because I would like to suggest that, once the counting takes two days, well, that is enough basis for incentive and merit. And I would support that an additional P200 be given for the counting of the second and the third day.

Senator Gonzales. I think the use of the words "hazard pay" and the authority granted to the COMELEC is itself already a legal authority for it to use whatever funds that may be available for the purpose.

Senator Maceda. Yes. May I just sound the concern--not warning but concern--that I could see that this particular sentence will really be used principally to compensate personnel of the Commission. I hope that if there is going to be hazard pay, incentive and merit awards, the teachers and the people in the field get first priority, and that the personnel of the Commission get last. If there is not enough money, then the Commission should receive it last.

Senator Gonzales. I think the representative of the COMELEC has heard it loud and clear.

Senator Maceda. Because I have a feeling that this sentence was put in here for purposes of compensating their own people in the Commission.

The President Pro Tempore. May the Chair ask: Who determines the amount of the incentive or hazard pay?

Senator Gonzales. What we are merely saying is that this hazard pay or merit pay may take the form of cash. And we say that this provision serves as the legal authority for the Commission to make such payment. But where they shall get their money, of course, will depend upon the financial position of the COMELEC. So, we cannot say that it shall be P25; it shall be P50; it shall be P100.

The President Pro Tempore. It will depend upon the amount.

Senator Gonzales. Yes, Mr. President.

The President Pro Tempore. If the amount is available, it is the COMELEC that will determine the amount.

Senator Gonzales. Because the available amount may only be good for a certain amount, and we cannot fix it unless we provide the corresponding appropriation which we failed to do under this law.

Senator Maceda. Going to the matter of official watchers, it is clear here, Mr. President, that the determination of who are the six accredited major parties shall be determined by the Commission upon notice and hearing.

Senator Gonzales. That is right, Mr. President.

Senator Maceda. And when will this be done, more or less?

Senator Gonzales. We expect the COMELEC to do it...I think that the COMELEC will issue the corresponding rules and regulations therefor, Mr. President.

Senator Maceda. I guess it will have to be done not earlier than 90 days before.

Senator Gonzales. And I think that the sooner that it is done, the better. *Hindi po naman madaling maghanap ng mga inspectors, ng mga watchers.*

Senator Maceda. *Dahil mayroon hong sinasabi dito sa (b): "the number of incumbent elective officials belonging to them 90 days before the date of the election."*

Kaya, kung isasaalang-alang natin na marami pang naglilipatan ngayon, we have to wait until this limitation before we can really determine this particular factor.

Senator Gonzales. *Siguro nga ho ay papasok iyon, and we hope that matters of detail such as this are included within the rule-making power of the COMELEC.*

Senator Maceda. *Ito pong ability to fill a complete slate of candidates from the municipal level to the position of President, I just wanted to put into the Record a different slant from what was discussed earlier.*

There are quite a few political parties now, probably including ours, thinking they can put up a list of 24 senatorial candidates any time. It is not a question of ability to put up 24, but at the moment, if I were the one to be followed, let us say in the PMP, I could see the advantages of fielding a list of candidates of less than 24.

I just want to put into the *Record* that it is not only a numerical matter, because if the COMELEC will consider this purely numerical, then I will tell You Honor that 90 days before, I am going to get 24 people to sign certificates of candidacy for senators.

There is no problem of getting that. But, really, I

could see most of the political parties also, considering that there is something to just fielding 12, for example, so as to allow the public to have freedom of choice for the rest of the 12 or so as to be able to concentrate on 12 because it is so difficult to campaign for 24.

Senator Gonzales. *Siguro po ay malalaman iyon ng COMELEC, and will be considered as such. Pero, kung natatandaan po ninyo, noon ay ito ang principal consideration, hindi po ba? At inalis nga po namin at inilagay na lamang na isa sa mga circumstances.*

The distinguished Gentleman even congratulated the Sponsor for adopting that view. I think the COMELEC will reasonably implement it, *sapagkat hindi lamang isang kuwestiyon iyan dahil sa dami ng kandidato*, but also the quality and the winability of the candidates presented. *Kung puro Racuyal po lamang naman ang nasa loob ng isang ticket ...*

Senator Maceda. *Kung Fernan po?*

Senator Gonzales. *Hindi pa ho siya nagpapasiya.*

Senator Maceda. *Maraming salamat po. Alas siyete na po. Ako ay hihinto na at mukhang gabi na.*

SUSPENSION OF THE SESSION

The President Pro Tempore. We shall have a few minutes break, if there is no objection? [*There was none.*]

It was 7:02 p.m.

RESUMPTION OF THE SESSION

At 7:07 p.m., the session was resumed.

The President Pro Tempore. The session is resumed.

The Majority Floor Leader is recognized.

SUSPENSION OF CONSIDERATION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 1861/HOUSE BILL NO. 34811

Senator Guingona. Mr. President, I move that we suspend consideration of this Conference Committee Report.

The President Pro Tempore. Is there any objection? [*Silence*] Hearing none, the motion is approved.

ADJOURNMENT OF THE SESSION

Senator Guingona. Mr. President, we have distributed the calendar for tomorrow. I move that we adjourn the session until three o'clock tomorrow afternoon.

The President Pro Tempore. The session is adjourned until three o'clock tomorrow afternoon, if there is no objection. [*There was none.*]

It was 7:08 p.m.

NOV. 20, 1991

The President. Is there any objection? [*Silence*]
The Chair hears none; the motion is approved.

The President. Referred to the Committee on Ways and Means.

REFERENCE OF BUSINESS

The President. The Secretary will now proceed with the reading of the Order of Business.

The Secretary. Senate Resolution No. 1304, entitled

RESOLUTIONS

The Secretary. Senate Concurrent Resolution No. 54, entitled

CONCURRENT RESOLUTION GRANTING CONSENT TO FILIPINO MILITARY VETERANS WHO WERE INCARCERATED BY THE ENEMY OCCUPATION FORCES DURING WORLD WAR II TO ACCEPT THE PRISONER OF WAR MEDAL BEING OFFERED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

RESOLUTION DIRECTING THE COMMITTEE ON LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT TO CONDUCT AN INQUIRY IN AID OF LEGISLATION, TO CONSIDER THE PLIGHT OF THE MUSICIAN OVERSEAS CONTRACT WORKERS WHOSE PECULIAR CIRCUMSTANCES, AND PARTICULAR PROBLEMS HAVE BEEN OVERLOOKED AMIDST THE NATIONWIDE ATTENTION BEING GIVEN TO THE JAPAN-BOUND ENTERTAINERS AND THE MIDDLE EAST CONTRACT WORKERS.

Introduced by Senator Rasul.

Introduced by Senators Maceda, Shahani, and Romulo.

The President. Referred to the Committee on Labor, Employment and Human Resources Development.

The President. Referred to the Committees on Foreign Relations; and Ethics and Privileges.

The Secretary. Senate Resolution No. 1305, entitled

The Secretary. Senate Resolution No. 1303, entitled

RESOLUTION URGING SECRETARY ISIDRO CARIÑO TO REINSTATE THE DISMISSED AND SUSPENDED PUBLIC SCHOOLTEACHERS.

RESOLUTION DIRECTING THE COMMITTEE ON FINANCE TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE REPORTED TECHNICAL SMUGGLING OF SHIPMENTS OF HIGHLY-DUTIABLE GOODS ESTIMATED TO BE WORTH P10 BILLION TRANSACTED BY THREE HUNDRED FORTY-EIGHT IMPORTING FIRMS WITH THE GOVERNMENT LOSING P5 BILLION IN REVENUES AND TO RECOMMEND APPROPRIATE LEGISLATIVE MEASURES FOR AN EFFECTIVE AND BETTER INSTITUTIONALIZED COORDINATION IN THE PREVENTION OF SMUGGLING OF SHIPMENTS OF HIGHLY-DUTIABLE GOODS INTO THE COUNTRY

Introduced by Senators Angara, Aquino, Enrile, Estrada, Gonzales, Guingona, Jr., Herrera, Laurel, Maceda, Osmeña, Paterno, Rasul, Romulo, Saguisag, Shahani, Tamano, Tan-ada, Ziga, and Salonga.

The President. Referred to the Committee on Education, Arts and Culture.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 1861 HOUSE BILL NO. 34811
Synchronized Elections
(*Continuation*)

Introduced by Senator Maceda.

Senator Guingona. Mr. President, I move that we consider the Conference Committee Report of the Syn-

chronized Elections bill.

I ask that we recognize Senator Gonzales.

The President. Senator Gonzales is recognized.

Senator Guingona. Mr. President, we have already terminated the questions for clarification, I move that we close the period for further interpellations.

The President. Is there any objection to the motion to close the period of interpellations?

Senator Romulo. Mr. President.

The President. Senator Romulo is recognized.

SUSPENSION OF THE SESSION

Shall we suspend the session for one minute, if there is no objection? [There was none.]

It was 3:55 p.m.

RESUMPTION OF THE SESSION

At 3:56 p.m., the session was resumed.

The President. The session is resumed.

Senator Gonzales. Mr. President, the parliamentary situation on this report of the Bicameral Conference Committee is that last time, upon motion of the Majority Floor Leader, the period of interpellations had already been closed or terminated, and accordingly this report is now due for a vote by the Members of this Body.

Senator Guingona. Mr. President, there are some manifestations before we close the period of interpellations.

I understand Senator Saguisag would like to make a manifestation.

SUSPENSION OF THE SESSION

The President. Let us suspend the session for another minute, if there is no objection? [There was

none.]

It was 3:56 p.m.

RESUMPTION OF THE SESSION

At 3:57 p.m., the session was resumed.

The President. The session is resumed.

Senator Guingona. Mr. President, the Chamber is now ready to consider the vote on the Conference Committee Report, and so I move that we...

The President. I just would like to pose a question.

Senator Guingona. Yes, Mr. President.

The President. With respect to that point raised last night when I was out, regarding the election of councilors in the municipalities now included in Metro Manila, will it be by districts or at large?

SUSPENSION OF THE SESSION

Senator Gonzales. May we request for suspension for two minutes, Mr. President.

The President. The session is suspended, if there is no objection? [There was none.]

It was 3:58 p.m.

RESUMPTION OF THE SESSION

At 4:00 p.m., the session was resumed.

The President. The session is resumed.

Are we now ready to vote on the Conference Committee Report?

Senator Guingona. Yes, Mr. President. I move that we approve the Conference Committee Report.

The President. Is there any objection?

Senator Osmeña. Mr. President.

The President. Senator Osmeña is recognized.

EXPLANATION OF VOTE OF SENATOR OSMEÑA

Senator Osmeña. When I voted, Mr. President, for this bill on Third Reading, I manifested my concern for the election of the members of the provincial board by districts, especially because I have made a commitment to the Provincial Board Members Association of the Philippines to support a provincewide election.

To be consistent, Mr. President, I would like to manifest an abstention.

I recognize the work and the difficulties that the Conferees had to go through, but, on the other hand, I am bound by a commitment, and I am bound to honor that commitment, and this is the reason for my abstention.

Thank you, Mr. President.

The President. Let that be put in the *Record*.

APPROVAL OF CONFERENCE COMMITTEE
REPORT ON SENATE BILL NO. 186/
HOUSE BILL NO. 34811

Is there any objection to the approval of the Conference Committee Report? [*Silence*] Hearing none, the same is approved.

The following is the full text of the Conference Committee Report:

The Conference Committee on the disagreeing provisions of House Bill No. 34811, entitled:

AN ACT PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS ON MAY 11, 1992, FOR ELECTORAL REFORMS, AND AUTHORIZING APPROPRIATIONS THEREFOR

and Senate Bill NO. 1861, entitled:

AN ACT PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS ON MAY 11, 1992, OR ON SUCH OTHER

DATES BEFORE JUNE 30, 1992 AS THE COMMISSION ON ELECTIONS MAY DEEM FIT FOR LOCAL ELECTIONS AND ON THE SAME DAY EVERY THREE YEARS THEREAFTER, AND FOR ELECTORAL REFORMS, AND AUTHORIZING APPROPRIATIONS THEREFOR”

having met in full and free conference, has agreed to recommend and hereby recommends to the Senate and the House of Representatives that the consolidation of House Bill No. 34811 and Senate Bill No. 1861 be approved in accordance with the attached version as reconciled and approved by the Conferees.

Approved,

CONFEREES ON THE PART OF
SENATE

Sgd. HON. NEPTALI A. GONZALES
Chairman

Sgd. HON. JOSE D. LINA, JR

Sgd. HON. RENE A. V. SAGUISAG

Sgd. HON. AQUILINO Q. PIMENTEL

Sgd. HON. ERNESTO M. MACEDA

HON. SOTERO H. LAUREL

Sgd. HON. SANTANINA T. RASUL

Sgd. HON. VICTOR S. ZIGA

HON. JUAN PONCE ENRILE

CONFEREES ON THE PART OF THE
HOUSE OF REPRESENTATIVES:

Sgd. HON. MAGDALENO M. PALACOL
Chairman

Sgd. HON. ANTONIO V. CUENCO

Sgd. HON. PABLO P. GARCIA

HON. DANTE O. TINGA

Sgd. HON. ALBERTO S. VELOSO

Sgd. HON. RAUL S. ROCO

Sgd. HON. CIRILO ROY G. MONTEJO

HON. ROMEO G. GUANZON

HON. MARTIN B. ISIDRO

Sgd. HON. EDCEL C. LAGMAN

Sgd. HON. HERMOGENES D. CONCEPCION, JR.

Sgd. HON. RAUL A. DAZA

HON. CIRIACO R. ALFELOR

Sgd. HON. JOSE A. RONO

Sgd. HON. VICTOR F. ORTEGA

AN ACT PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS AND FOR ELECTORAL REFORMS, AUTHORIZING APPROPRIATIONS THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Statement of Policy. - It is the policy of the State to synchronize elections so that there shall be simultaneous regular elections for national and local officials once every three (3) years.

SEC. 2. Date of Elections. - In accordance with the policy hereinbefore stated, there shall be an election for President, Vice-President, twenty-four (24) Senators, all elective Members of the House of Representatives, and all elective provincial, city and municipal officials on the second Monday of May 1992. Thereafter, the President and Vice-President shall be elected on the same day every six (6) years; while the Senators, elective Members of the House of Representatives and all elective provincial, city and municipal officials shall be elected on the same day every three (3) years, except that with respect to Senators, only twelve (12) shall be elected.

SEC. 3. Election of Members of the Sangguniang Panlalawigan, Sangguniang Panlungsod and Sangguniang Bayan. - The elective members of the Sangguniang Panlalawigan, Sangguniang Panlungsod and Sangguniang

Bayan shall be elected as follows:

(a) For provinces with two (2) or more legislative districts, the elective members of the Sangguniang Panlalawigan shall be elected by legislative districts. For this purpose, the number of seats shall be apportioned equitably: Provided, That, if equal division is not possible, the remaining member or members shall be elected in the district or districts with the greater number of population or, if they be the same, with the greater number of voters: Provided further, That, if a legislative district includes a city that does not vote in the election of provincial officials, the Commission on Elections, hereinafter referred to as the Commission, shall allocate the number of seats among the districts in proportion to the population of the constituencies voting for the Sangguniang Panlalawigan.

(b) For provinces with only one (1) legislative district, the Commission shall divide them into two (2) districts for purposes of electing the members of the Sangguniang Panlalawigan, as nearly as practicable according to the number of inhabitants, each district comprising a compact, contiguous and adjacent territory, and the number of seats of elective members of their respective sanggunian shall be equitably apportioned between the districts in accordance with the immediately preceding paragraph.

(c) The number and election of elective members of the Sangguniang Panlungsod and Sangguniang Bayan in the Metro Manila Area, City of Cebu, City of Davao and any other city with two (2) or more legislative districts shall continue to be governed by the provisions of Sections 2 and 3 of Republic Act No. 6636: Provided, That, the municipalities of Malabon, Navotas, San Juan, Mandaluyong, Muntinlupa, Las Pinas and Taguig shall have twelve (12) councilors, and Pateros, ten (10): Provided further, That, the Commission shall divide each of the municipalities in Metro Manila Area into two (2) districts by barangay for purposes of representation in the Sangguniang Bayan as nearly as practicable according to the number of inhabitants, each district comprising a compact, contiguous and adjacent territory.

(d) For purposes of the regular elections on May 11, 1992, elective members of the Sangguniang Panlungsod and Sangguniang Bayan shall be elected at large in accordance with existing laws. However, beginning with the regular elections in 1995, they shall be elected by district.

The Commission shall promulgate rules and regulations to effectively provide for the election of sectoral representatives in the implementation of the Local

Government Code.

SEC. 4. *Postponement, Failure of Election and Special Elections.* - The postponement, declaration of failure of election and the calling of special elections as provided in Sections 5, 6 and 7 of the Omnibus Election Code shall be decided by the Commission sitting *en banc* by a majority vote of its members. The causes for the declaration of a failure of election may occur before or after the casting of votes or on the day of the election.

In case a permanent vacancy shall occur in the Senate or House of Representatives at least one (1) year before the expiration of the term, the Commission shall call and hold a special election election to fill the vacancy not earlier than sixty (60) days nor longer than ninety (90) days after the occurrence of the vacancy. However, in case of such vacancy in the Senate, the special election shall be held simultaneously with the succeeding regular election.

SEC. 5. *Election and Campaign Period.* - Unless otherwise fixed by the Commission, the election period for the May 11, 1992 regular elections shall commence ninety (90) days before the day of the election and shall end thirty (30) days thereafter.

The campaign periods are hereby fixed as follows:

(a) For President, Vice-President and Senators, ninety (90) days before the day of the election; and

(b) for Members of the House of Representatives and elective provincial, city and municipal officials, forty-five (45) days before the day of the election.

However, in the preparation of the election calendar, the Commission may exclude the day before and the day of the election itself, Maundy Thursday and Good Friday.

Any election campaign or partisan political activity for or against any candidate outside of the campaign period herein provided is prohibited and shall be considered as an election offense punishable under Sections 263 and 264 of the Omnibus Election Code.

SEC. 6. *Nomination and Selection of Official Candidates.* - No political convention or meeting for the nomination or selection of the official candidates of any political party or organization or political groups or coalition thereof shall be held earlier than the following periods:

(a) For President, Vice-President and Senators, one

hundred sixty-five (165) days before the day of the election; and

(b) For Members of the House of Representatives and elective provincial, city or municipal officials, seventy-five (75) days before the day of the election.

SEC. 7. *Filing of Certificates of Candidacy.* - The certificates of candidacy of any person running for the office of President, Vice-President, Senator, Member of the House of Representatives or any elective provincial, city or municipal official shall be filed in five (5) legible copies with the offices of the Commission specified hereunder not later than the day before the date legally fixed for the beginning of his campaign period.

a) The certificate of candidacy for President, Vice-President and Senators shall be filed with the main office of the Commission in Manila;

b) The certificate of candidacy for Members of the House of Representatives shall be filed with the provincial election supervisor of the province concerned. Those for legislative districts in the National Capital Region shall be filed with the regional election director of said region and those for legislative districts in cities outside the National Capital Region which comprise one or more legislative districts shall be filed with the city election registrar concerned;

c) The certificate of candidacy for provincial offices shall be filed with the provincial election supervisor concerned; and

d) The certificate of candidacy for city or municipal offices shall be filed with the city or municipal election registrar concerned.

Whenever practicable, the names of registered candidates for local positions shall be printed in the election returns: Provided, That, if a candidate has been disqualified or declared a nuisance candidate, it shall be the duty of the Commission to instruct without delay the appropriate election officials to delete the name of said candidate as printed in the election return.

The certificate of candidacy shall be filed by the candidate personally or by his duly authorized representative. No certificate of candidacy shall be filed or accepted by mail, telegram or facsimile.

SEC. 8. *Precincts and Their Establishment.* - Any provision of law to the contrary notwithstanding, where it is not practicable to divide the precinct by territory, the

Commission may adjust or split the precinct by assigning the registered voters therein alphabetically and equitably among the adjusted or split precincts: Provided, That, the polling places of said precincts shall be in the same building or premises.

SEC. 9. *Registration of Voters.* - There shall be a registration of voters on the fifteenth Saturday before the day of the election for voters who will reach the age of eighteen (18) years on or before the day of the election or for those who are qualified but not registered in the list of voters. However, the Commission may designate an additional date of registration in certain areas to ensure that voters therein are not deprived of their right of suffrage.

Before adjourning on registration day, the board of election inspectors shall close the list of voters by affixing their signatures in the space immediately after the last name; number consecutively the names of the voters listed therein and authenticate the list of voters by affixing their signatures on each and every page thereof.

The board of election inspectors shall post, on the wall outside the room where the registration was conducted, the list of voters in each precinct beginning on the first working day after registration day until election day. Failure to post said list shall constitute an election offense punishable under Sections 263 and 264 of the Omnibus Election Code.

When there is a significant number of inclusions, exclusions and corrections in the list of voters in a precinct, the Commission shall direct the board of election inspectors concerned to meet on the eighth Saturday immediately preceding the day of the election for the purpose of making such inclusions, exclusions and corrections as may be or may have been ordered by the courts, stating opposite every name so corrected, added or cancelled, the date of the order and the court which issued the same; otherwise, the board shall not meet but such inclusions, exclusions and corrections, if any, shall be made in the list of voters before the voting starts on election day.

SEC. 10. *Annulment of the List of Voters.* - Any book of voters the preparation of which has been effected with fraud, bribery, forgery, impersonation, intimidation, force or any other similar irregularity or which is statistically improbably may be annulled, after due notice and hearing, by the Commission *motu proprio* or after the filing of a verified complaint: Provided, That, no order, ruling or decision annulling a book of voters shall be executed within sixty (60) days before an election.

SEC. 11. *Voting Booth.* - Any provision of law to the contrary notwithstanding, there shall be in each polling place at least ten (10) voting booths of such size, specifications and materials as the Commission may provide to enable the voters to fill out their ballots secretly.

SEC. 12. *Absentee Voting.* - Absentee voting as provided for in Executive Order No. 157 dated March 30, 1987 shall apply to the elections for President, Vice-President and Senators only and shall be limited to members of the Armed Forces of the Philippines and the Philippine National Police and other government officers and employees who are duly registered voters and who, on election day, may temporarily be assigned in connection with the performance of election duties to places where they are not registered voters.

SEC. 13. *Authorized Expenses of Candidates and Political Parties.* - The aggregate amount that a candidate or registered political party may spend for election campaign shall be as follows:

(a) For candidates - Ten pesos (P10.00) for President and Vice-President; and for other candidates, Three pesos (P3.00) for every voter currently registered in the constituency where he filed his certificate or candidacy: Provided, That, a candidate without any political party and without support from any political party may be allowed to spend Five pesos (P5.00) for every such voter; and

(b) For political parties - Five pesos (P5.00) for every voter currently registered in the constituency or constituencies where it has official candidates.

Any provision of law to the contrary notwithstanding, any contribution in cash or in kind to any candidate or political party or coalition of parties for campaign purposes, duly reported to the Commission, shall not be subject to the payment of any gift tax.

SEC. 14. *Statement of Contributions and Expenditures: Effect of Failure to File Statement.* - Every candidate and treasurer of the political party shall, within thirty (30) days after the day of the election, file in duplicate with the offices of the Commission the full, true and itemized statement of all contributions and expenditures in connection with the election.

No person elected to any public office shall enter upon the duties of his office until he has filed the statement of contributions and expenditures herein required.

The same prohibition shall apply if the political party

which nominated the winning candidate fails to file the statement required herein within the period prescribed by this Act.

Except candidates for elective barangay office, failure to file the statements or reports in connection with electoral contributions and expenditures as required herein shall constitute an administrative offense for which the offenders shall be liable to pay an administrative fine ranging from One thousand pesos (P1,000.00) to Thirty thousand pesos (P30,000.00), in the discretion of the Commission.

The fine shall be paid within thirty (30) days from receipt of notice of such failure; otherwise, it shall be enforceable by a writ of execution issued by the Commission against the properties of the offender.

It shall be the duty of every city or municipal election registrar to advise in writing, by personal delivery or registered mail, within five (5) days from the date of election all candidates residing in his jurisdiction to comply with their obligation to file their statements of contributions and expenditures.

For the commission of a second or subsequent offense under this Section, the administrative fine shall be from Two thousand pesos (P2,000.00) to Sixty thousand pesos (P60,000.00), in the discretion of the Commission. In addition, the offender shall be subject to perpetual disqualification to hold public office.

SEC. 15. *Pre-proclamation Cases Not Allowed in Elections for President, Vice-President, Senator, and Member of the House of Representatives.* - For purposes of the elections for President, Vice-President, Senator and Member of the House of Representatives, no pre-proclamation cases shall be allowed on matters relating to the preparation, transmission, receipt, custody and appreciation of the election returns or the certificates of canvass, as the case may be. However, this does not preclude the authority of the appropriate canvassing body *motu proprio* or upon written complaint of an interested person to correct manifest errors in the certificate of canvass or election returns before it.

Questions affecting the composition or proceedings of the board of canvassers may be initiated in the board or directly with the Commission in accordance with Section 19 hereof.

Any objection on the election returns before the city or municipal board of canvassers, or on the official certificates of canvass before the provincial boards of canvassers or district

boards of canvassers in Metro Manila Area, shall be specifically noted in the minutes of their respective proceedings.

Sec. 16. *Pre-proclamation Cases Involving Provincial, City and Municipal offices.* - Pre-proclamation cases involving provincial, city and municipal offices shall be allowed and shall be governed by Sections 17, 18, 19, 20, 21 and 22 hereof.

All pre-proclamation cases pending before the Commission shall be deemed terminated at the beginning of the term of the office involved and the rulings of the boards of canvassers concerned shall be deemed affirmed, without prejudice to the filing of a regular election protest by the aggrieved party. However, proceedings may continue when on the basis of the evidence thus far presented, the Commission determines that the petition appears meritorious and accordingly issues an order for the proceeding to continue or when an appropriate order has been issued by the Supreme Court in a petition for certiorari.

SEC. 17. *Pre-proclamation Controversies: How Commenced.* - Questions affecting the composition or proceedings of the board of canvassers may be initiated in the board or directly with the Commission. However, matters raised under Sections 233, 234, 235 and 236 of the Omnibus Election Code in relation to the preparation, transmission, receipt, custody and appreciation of the election returns, and the certificates of canvass shall be brought in the first instance before the board of canvassers only.

SEC. 18. *Summary Disposition of Pre-Proclamation Controversies.* - All pre-proclamation controversies on election returns or certificates of canvass shall, on the basis of the records and evidence elevated to it by the board of canvassers, be disposed of summarily by the Commission within seven (7) days from receipt thereof. Its decisions shall be executory after the lapse of seven (7) days from receipt by the losing party of the decision of the Commission.

SEC. 19. *Contested Composition or Proceedings of the Board: Period to Appeal: Decision by the Commission.* - Parties adversely affected by a ruling of the board of canvassers on questions affecting the composition or proceedings of the board may appeal the matter to the Commission within three (3) days from a ruling thereon. The Commission shall summarily decide the case within five (5) days from the filing thereof.

SEC. 20. *Procedure in Disposition of Contested Election Returns.* - (a) Any candidate, political party or coalition of political parties contesting the inclusion or exclusion in the

canvass of any election returns on any of the grounds authorized under Article XX or Sections 234, 235 and 236 of Article XIX of the Omnibus Election Code shall submit their oral objection to the chairman of the board of canvassers at the time the questioned return is presented for inclusion in the canvass. Such objection shall be recorded in the minutes of the canvass.

(b) Upon receipt of any such objection, the board of canvassers shall automatically defer the canvass of the contested returns and shall proceed to canvass the returns which are not contested by any party.

(c) Simultaneous with the oral objection, the objecting party shall also enter his objection in the form for written objections to be prescribed by the Commission. Within twenty-four (24) hours from and after the presentation of such objection, the objecting party shall submit the evidence in support of the objection, which shall be attached to the form for written objections. Within the same period of twenty-four (24) hours after presentation of the objection, any party may file a written and verified opposition to the objection in the form also to be prescribed by the Commission, attaching thereto supporting evidence, if any. The board shall not entertain any objection or opposition unless reduced to writing in the prescribed forms.

The evidence attached to the objection or opposition, submitted by the parties, shall be immediately and formally admitted into the records of the board by the chairman affixing his signature at the back of each and every page thereof.

(d) Upon receipt of the evidence, the board shall take up the contested returns, consider the written objections thereto and opposition, if any, and summarily and immediately rule thereon. The board shall enter its ruling on the prescribed form and authenticate the same by the signatures of its members.

(e) Any party adversely affected by the ruling of the board shall immediately inform the board if he intends to appeal said ruling. The board shall enter said information on the minutes of the canvass, set aside the returns and proceed to consider the other returns.

(f) After all the uncontested returns have been canvassed and the contested returns ruled upon by it, the board shall suspend the canvass. Within forty-eight (48) hours therefrom, any party adversely affected by the ruling may file with the board a written and verified notice of appeal; and within an unextendible period of five (5) days thereafter, an appeal may

be taken to the Commission.

(g) Immediately upon receipt of the notice of appeal, the board shall make an appropriate report to the Commission, elevating therewith the complete records and evidence submitted in the canvass, and furnishing the parties with copies of the report.

(h) On the basis of the records and evidence elevated to it by the board, the Commission shall decide summarily the appeal within seven (7) days from receipt of said records and evidence. Any appeal brought before the Commission on the ruling of the board, without the accomplished forms and the evidence appended thereto, shall be summarily dismissed.

The decision of the Commission shall be executory after the lapse of seven (7) days from receipt thereof by the losing party.

(i) The board of canvassers shall not proclaim any candidate as winner unless authorized by the Commission after the latter has ruled on the objections brought to it on appeal by the losing party. Any proclamation made in violation hereof shall be *void ab initio*, unless the contested returns will not adversely affect the results of the election.

SEC. 21. *Partial Proclamation.* - Notwithstanding the pendency of any pre-proclamation controversy, the Commission may summarily order the proclamation of other winning candidates whose election will not be affected by the outcome of the controversy.

SEC. 22. *Election Contests for Municipal Offices.* - All election contests involving municipal offices filed with the Regional Trial Court shall be decided expeditiously. The decision may be appealed to the Commission within five (5) days from promulgation or receipt of a copy thereof by the aggrieved party. The Commission shall decide the appeal within sixty (60) days after it is submitted for decision, but not later than six (6) months after the filing of the appeal, which decision shall be final, unappealable and executory.

SEC. 23. *Official Ballots.* - (a) Ballots for national and local elections, regular or special, plebiscites and referenda, shall be of uniform size and shall be provided by the Commission. They shall be printed in black ink on white security paper with distinctive, clear and legible watermarks that will readily distinguish it from ordinary paper. Each ballot shall be in the shape of a strip with stub and detachable coupon containing the serial number of the ballot, and a space for the thumbmark of the voter on the detachable coupon. It shall bear at the top of the middle portion thereof the coat-of-

arms of the Republic of the Philippines, the words "Official Ballot," the name of the city or the municipality and province in which the election is to be held, the date of the election, and the following notice in English: "Fill out this ballot secretly inside the voting booth. Do not put any distinctive mark on any part of this ballot."

b) The official ballot shall also contain the names of all the offices to be voted for in the election, allowing opposite the name of each office, sufficient space or spaces with horizontal lines where the voter may write the name or names of individual candidates voted for by him;

c) There shall not be anything printed or written on the back of the ballot except as provided in Section 24 of this Act;

d) Official ballots for cities and municipalities where Arabic is of general use shall have each of the titles of the offices to be voted for printed in Arabic in addition to and immediately below the English title;

e) Notwithstanding the preceding provisions, the Commission is hereby authorized to prescribe a different form of official ballot on the same watermarked security paper to facilitate voting by illiterate voters only and to use or adopt the latest technological and electronic devices in connection therewith as provided under Section 52 (i) of the Omnibus Election Code.

SEC. 24. *Signature of Chairman at the Back of Every Ballot.* - In every case before delivering an official ballot to the voter, the chairman of the board of election inspectors shall, in the presence of the voter, affix his signature at the back thereof. Failure to so authenticate shall be noted in the minutes of the board of election inspectors and shall constitute an election offense punishable under Sections 26 and 264 of the Omnibus Election Code.

SEC. 25. *Manner of Counting Votes.* In addition to the requirement in the fourth paragraph of Section 12 Republic Act No. 6646 and Section 210 of the Omnibus Election Code, in reading the individual official ballots during the counting, the chairman, the poll clerk and the third member shall assume such positions as to provide the watchers and the member shall assume such positions as to provide the watchers and the members of the public as may be conveniently accommodated in the polling place, an unimpeded view of the ballot being read by the chairman of the election returns and the tally board being simultaneously accomplished by the poll clerk and the third member respectively, without touching any of these election documents. The table shall be cleared of all unnecessary writing paraphernalia. Any violation of this

requirement shall constitute an election offense punishable under Section 263 and 264 of the Omnibus Election Code.

SECTION 26. *Official Watchers.* Every registered political party or coalition of political parties, and every candidate shall each be entitled to one watcher in every polling place and canvassing center: Provided, That, candidates for the Sangguniang Panlalawigan, Sangguniang Panlungsod, or Sangguniang Bayan Belonging to the same slate or ticket shall collectively be entitled to only one watcher.

There shall also be recognized six (6) principal watchers, representing the six (6) accredited major political parties, who shall be designated by the Commission upon nomination of the said parties. These political parties shall be determined by the Commission upon notice and hearing on the basis of the following circumstances:

(a) The established record of the said parties, coalition or groups that now compose them, taking into account, among other things, their showing in past elections;

(b) The number of incumbent elective officials belonging to them ninety (90) days before the date of election;

(c) Their identifiable political organizations and strengths as evidenced by their organized chapters;

(d) The ability to fill a complete slate of candidates from the municipal level to the position of President; and

(e) Other analogous circumstances that may determine their relative organizations and strengths.

SEC. 27. *Number of Copies of Election Returns and Their Distribution.* The board of election inspectors shall prepare in handwriting the election returns in their respective polling places, in the number of copies herein provided and in the form to be prescribed and provided by the Commission.

The copies of the election returns shall be distributed as follows:

a) In the election of President, Vice-President, Senators and Members of the House of Representatives:

(1) The first copy shall be delivered to the city or municipal board of canvassers;

(2) The second copy, to the Congress, directed to the President of the Senate;

(3) The third copy, to the Commission;

(4) The fourth copy, to the provincial board of canvassers;

(5) The fifth copy, to be known as advance election returns, shall be delivered to the city or municipal treasurer who, in the presence of the election registrar or his authorized representative, shall immediately and publicly open the same and post the votes therein in an election tally board sufficiently large to enable the public to read them, built on a public place preferably within the immediate vicinity of the city hall or municipal building.

(6) The sixth copy shall be given to the city or municipal trial court judge or in his absence to any official who may be designated by the Commission. The city or municipal trial court judge or the official designated by the Commission shall keep his copies of the election returns, sealed and unopened. Said copy may be opened only during the canvass upon order of the board of canvassers for purposes of comparison with other copies of the returns whose authenticity is in question; and

(7) The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots; and

(b) In the election of local officials:

(1) The first copy shall be delivered to the city or municipal board of canvassers;

(2) The second copy, to the Commission;

(3) The third copy, to the provincial board of canvassers;

(4) The fourth copy, to be known as advance election returns, shall be delivered to the city or municipal treasurer who, in the presence of the election registrar or his authorized representative, shall immediately and publicly open the same and post the votes therein in an election tally board sufficiently large to enable the public to read them, built on a public place preferably within the immediate vicinity of the city hall or municipal building.

(5) The fifth copy shall be given to the city or municipal trial court judge or in his absence, to any official who may be designated by the Commission. The city or municipal trial court judge or the official designated by the Commission shall keep his copies of the election returns, sealed and unopened. Said copy may be opened only during the canvass upon order of the board of canvassers for purposes of comparison with other copies of the returns whose authenticity is in question; and

(6) The sixth copy shall be deposited inside the compartment of the ballot box for valid ballots.

SEC. 28. *Canvassing by Provincial, City, District and Municipal Boards of Canvassers.* - a) The city or municipal board of canvassers shall canvass the election returns for President, Vice-President, Senators and Members of the House of Representatives and for elective provincial and city or municipal officials. Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice-President, Senators and Members of the House of Representatives and elective provincial officials and thereafter, proclaim the elected city or municipal officials, as the case may be.

b) The city board of canvassers of cities comprising one or more legislative districts shall canvass the election returns for President, Vice-President, and Senators and thereafter, proclaim the elected Members of the House of Representatives and city officials.

(c) (1) In the Metro Manila Area, each municipality comprising a legislative district shall have a district board of canvassers which shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective municipal officials. Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice-President, and Senators and thereafter, proclaim the elected member of the House of Representatives and municipal officials.

(2) Each component, municipality in a legislative district in the Metro Manila shall have a municipal board of canvassers which shall canvass the election returns for President, Vice-President, Senators, Members of the House of Representatives and elective municipal officials. Upon completion of the canvass, each shall prepare the certificate of canvass for President, Vice-President, Senators and Members of the House of Representatives and thereafter, proclaim the elected municipal officials.

(3) The district board of canvassers of each legislative district comprising two (2) municipalities in the Metro Manila Area shall canvass the certificates of canvass for President, Vice-President, Senators and Members of the House of Representatives submitted by the municipal boards of canvassers of the component municipalities. Upon completion of the canvass, it shall prepare a certificate of canvass for President, Vice-President, and Senators and thereafter, proclaim the elected Member of the House of Representatives in the legislative district.

(d) The provincial board of canvassers shall canvass the certificates of canvass for President, Vice-President, Senators Members of the House of Representatives and elective provincial officials as well as plebiscite results, if any plebiscite is conducted simultaneously with the same election, as submitted by the board of canvassers of municipalities and component cities. Upon completion of the canvass, it shall prepare the certificate of canvass for President, Vice-President and Senators and thereafter, proclaim the elected Member of the House of Representatives and provincial officials as well as the plebiscite results, if any.

SEC. 29. *Number of Copies of Certificate of Canvass and their Distribution.* - a) The certificate of canvass for President, Vice-President, Senators, Members of the House of Representatives and elective provincial officials shall be prepared in seven (7) copies by the city or municipal board of canvassers and distributed as follows:

(1) The first copy shall be delivered to the provincial board of canvassers for use in the canvass of election results for President, Vice-President, Senators, Members of the House of Representatives and elective provincial officials;

(2) The second copy shall be sent to the Commission;

(3) The third copy shall be kept by the chairman of the board;

(4) The fourth copy shall be given to the citizens arm designated by the Commission to conduct a media-based unofficial count; and

(5) The fifth, sixth and seventh copies shall be given to the representatives of any three (3) of the six (6) major political parties in accordance with the voluntary agreement of the parties. If no such agreement is reached, the Commission shall decide which parties shall receive the copies of the certificate of canvass on the basis of the criteria provided in Section 26 hereof. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic

copies thereof with the least possible delay.

(b) The certificates of canvass for President, Vice-President and Senators shall be prepared in seven (7) copies by the city boards of canvassers of cities comprising one or more legislative districts, by provincial boards of canvassers and by district boards of canvassers in the Metro Manila Area, and distributed as follows:

(1) The first copy shall be sent to the Congress, directed to the President of the Senate for use in the canvass of election results for President and Vice-President;

(2) The second copy shall be sent to the Commission for use in the canvass of the election results for Senators;

(3) The third copy shall be kept by the Chairman of the board;

(4) The fourth copy shall be given to the citizens arm designated by the Commission to conduct a mediabased unofficial count; and

(5) The fifth, sixth and seventh copies of the certificate of canvass shall be given to any three of the of the six (6) accredited major political parties in accordance with the voluntary agreement of the parties. If no such agreement is reached, the Commission shall decide which parties shall receive the copies of the certificate of canvass on the basis of the criteria provided in Section 26 hereof. The parties receiving the certificates shall have the obligation to furnish the other parties with authentic copies thereof with the least possible delay.

(c) The certificates of canvass prepared by the city or municipal boards of canvassers shall each be supported by a statement of votes by precinct, signed and thumbmarked by the chairman and members of the board, and the principal watchers if available. Thereafter, it shall be sealed and placed inside an envelope which shall likewise be properly sealed.

In the Metro Manila Area, the certificates of canvass prepared by a district board of canvassers of a legislative district comprising one (1) municipality shall be supported by a statement of votes by precinct. The certificate of canvass prepared by a district board of canvassers of a legislative district comprising two (2) municipalities shall be supported by a statement of votes by municipality.

The certificates of canvass prepared by the provincial board of canvassers shall be supported by a statement of votes by municipality, and the original copy thereof for the Congress shall, in addition, be supported by statement of votes by precinct as submitted to the provincial board of canvassers by the city or municipal boards of canvassers. The same requirement shall apply in the case of certificate of canvass of a district board of canvassers of a legislative district comprising two (2) municipalities in Metro Manila Area.

Sec. 30. Congress as the National Board of Canvassers for the Election of President and Vice-President; Determination of Authenticity and Due Execution of Certificates of Canvass. - Congress shall determine the authenticity and due execution of the certificates of canvass for President and Vice-President as accomplished and transmitted to it by the local boards of canvassers, a showing that: (1) each certificate of canvass was executed, signed and thumbmarked by the chairman and members of the board of canvassers and transmitted or caused to be transmitted to Congress by them; (2) each certificate of canvass contains the names of all of the candidates for President and Vice-President and their corresponding votes in words and in figures; and (3) there exists no discrepancies in other authentic copies of the certificate of canvass or discrepancy in the votes of any candidate in words and figures in the same certificate.

When the certificate of canvass, duly certified by the board of canvassers of each province, city or district, appears to be incomplete, the Senate President shall require the board of canvassers concerned to transmit by personal delivery, the election returns from polling places that were not included in the certificate of canvass and supporting statements. Said election returns shall be submitted by personal delivery within two days from receipt of notice.

When it appears that any certificate of canvass or supporting statement of votes by precinct bears erasures or alterations which may cast doubt as to the veracity of the number of votes stated therein and may affect the result of the election, upon request of the presidential or Vice-presidential candidate concerned or his party, Congress shall, for the sole purpose of verifying the actual number of votes cast for President and Vice-President, count the votes as they appear in the copies of the election returns submitted to it.

SEC. 31. Per diems of Election Inspectors and Other Officials. - The members of the board of election inspectors shall be paid a per diem of Two hundred pesos (P200.00) each for services on registration and revision days and Four hundred pesos (P400.00) each on the day of the election. Provincial, city and municipal treasurers, administrators and

supervisors of the Department of Education, Culture and Sports assigned by the Commission to perform election duty shall receive a per diem of Four hundred pesos (P400.00) each on election day.

Said per diems shall be paid by the cashier or other finance officer of the Department of Education, Culture and Sports or of the Commission within fifteen (15) days after registration, revision and election days, respectively. There being funds actually available, any delay in said payments to any of the above-mentioned personnel without justifiable reason shall constitute an election offense and all officials and other personnel responsible therefor, directly or indirectly, shall be liable under Section 263 and 264 of the Omnibus Election Code.

SEC. 32. Who May Bear Firearms. - During the election period, no person shall bear, carry or transport firearms or other deadly weapons in public places, including any building, street, park, private vehicle or public conveyance, even if licensed to possess or carry the same, unless authorized in writing by the Commission. The issuance of firearms licenses shall be suspended during the election period.

Only regular members or officers of the Philippine National Police, the Armed Forces of the Philippines and other law enforcement agencies of the Government who are duly deputized in writing by the Commission for election duty may be authorized to carry and possess firearms during the election period: Provided, That, when in the possession of firearms, the deputized law enforcement officer must be: (a) in full uniform showing clearly and legibly his name, rank and serial number which shall remain visible at all times; and (b) in the actual performance of his election duty in the specific area designated by the Commission.

SEC. 33. Security Personnel and Bodyguards. - During the election period, no candidate for public office, including incumbent public officers seeking election to any public office, shall employ, avail himself of or engage the services of security personnel or bodyguards, whether or not such bodyguards are regular members or officers of the Philippine National Police, the Armed Forces of the Philippines or other law enforcement agency of the Government: Provided, That, when circumstances warrant, including but not limited to threats to life and security of a candidate, he may be assigned by the Commission, upon duo application, regular members of the Philippine National Police, the Armed Forces of the Philippine or other law enforcement agency who shall provide him security for the duration of the election period. The officers assigned for security duty to a candidate shall be subject to the same requirement as to wearing of uniforms

prescribed in the immediately preceding section unless exempted in writing by the Commission.

If at any time during the election period, the ground for which the authority to engage the services of security personnel has been granted shall cease to exist or for any other valid cause, the Commission shall revoke the said authority.

SEC. 34. *Disposition of Firearms.* - The firearm or other deadly weapon found in the possession of person prosecuted for the election offense shall be disposed of according to existing laws.

SEC. 35. *Rules and Regulations.* - The Commission shall issue rules and regulations to implement this Act. Said rules shall be published in at least two (2) national newspapers of general circulation.

SEC. 36. *Governing Laws.* - The elections provided herein and all subsequent elections and plebiscites shall be governed by this Act, by the provisions of the Omnibus Election Code, Republic Act No. 6646 and other election laws not inconsistent herewith.

SEC. 37. *Appropriations.* - The amount of One billion pesos (P1,000,000,000.00) is hereby authorized to be appropriated out of any savings or unexpended balance in the National Treasury not otherwise appropriated to cover the costs of holding the May 11, 1992 elections. Hereafter, the amounts necessary to fund subsequent elections shall be included in the General Appropriations Act for the corresponding fiscal year.

Any provision of law to the contrary notwithstanding, and for purposes of the May 11, 1992 elections only, the chairman and members of the board of election inspectors shall each be paid a per diem of Four hundred pesos (P400.00) on election day. The Commission may provide hazard pay, when warranted, incentive and merit awards to members of the boards of election inspectors, board of canvassers and personnel of the Commission and its deputized agencies.

SEC. 38. *Separability Clause.* If any provision or part of this Act is declared unconstitutional, such declaration of unconstitutionality will not affect the other provisions of this Act.

SEC. 39. *Amending and Repealing Clause.* - Sections 107, 108, and 245 of the Omnibus Election Code are hereby repealed. Likewise, the inclusion in Section 262 of the Omnibus Election Code of the violations of Sections 105, 106, 107, 108, 109, 110, 111 and 112 as among election offenses is

also hereby repealed. This repeal shall have repeal retroactive effect.

Batas Pambansa Blg. 881, Republic Act No. 6646, Executive Order Nos. 144 and 157 and all other laws, orders, decrees, rules and regulations or other issuances, or any part thereof, inconsistent with the provisions of this Act are hereby amended or repealed accordingly.

SEC 40. *Effectivity Clause.* - This Act shall take effect upon its publication in full in at least two (2) national newspapers of general circulation.

Approved,

Senator Laurel. Mr. President.

The President. Senator Laurel is recognized.

EXPLANATION OF VOTE OF SENATOR LAUREL

Senator Laurel. I am sorry, Mr. President, I was on the telephone on a very important matter, and I failed to follow the proceedings. However, I am constrained to cast a vote of abstention.

This is the voting, but because the question was whether there were objections, I am not casting a negative vote. I am just merely expressing my view and manifesting my eventual vote on the matter when the time comes; that I am not casting a vote of either objection or affirmation.

Senator Saguisag. Mr. President.

The President. Senator Saguisag is hereby recognized.

EXPLANATION OF VOTE OF SENATOR SAGUISAG

Senator Saguisag. Maraming salamat po, G. Pangulo.

Mr. President, looking at the *Journal* of our proceedings yesterday, on page column 2, there is in the second paragraph of the interpellation of Senator Maceda the following:

Senator Maceda then asked when the districting

of the municipalities in Metro Manila would be known. Senator Gonzales pointed out that the redistricting process is ongoing and that it would be completed in two months or before the deadline for the filing of the certificate of candidacy.

I vote *Yes*, Mr. President, but may I just be allowed to spread some remarks upon the *Record* which may partly or fully respond to the question the Senate President raised earlier.

As was stated here by Senator Osmeña, there were really difficulties working in the Conference Committee. That was the first time in my memory that a Conference Committee. That was the first time in my memory that a Conference Committee worked so hard during a recess even. Still, because of the time constraints, it was not possible to rescue the work from every possible infelicity, inexactitude, imprecision of ambiguity. This may represent one of the gray areas from where I sit. All the while, Mr. President, my own personal impression, and I could very well be mistaken, was that the policy-decision was taken hold election by district on the provincial level. But, that, as far as 1992 is concerned, in relation to municipalities, the status quo would be maintained. That is, in fact, how I read Section 3 of the Report.

Letter (c) states in part, Mr. President:

The Commission shall divide each of the municipalities in Metro Manila area into two districts by barangay for purposes of representation in the *Sangguniang Bayan*, as nearly as practicable according to the number of inhabitants, each district comprising a compact, contiguous and adjacent territory.

It does not mention when the elections will be held. It states that it will be divided into two, and the criteria are provided.

Then we move to letter (d), which I thought should cover every situation:

For purposes of the regular elections on May, 11, 1992, elected members of the *Sangguniang Panlungsod* and *Sangguniang Bayan* shall be elected at large in accordance with existing laws. However, beginning with the regular elections in 1995, they

shall be elected by district.

I do not find here any excepting clause saying that out of 1533 municipalities in the country, the 13 that are found in Metro Manila will go ahead. So, I am the first to concede that this is open to two interpretations. I am just unable to fathom any substantial distinction between the towns in Metro Manila and those that are found elsewhere.

So, I hope that this can be resolved, maybe, first, on a policy or political level. Maybe, we can make representations with the COMELEC that since, if I am correct, it is open to two interpretations, in light of letter (d), then, maybe, *siguro po dapat sabay-sabay na lamang sa 1995*.

I preliminarily called some of those concerned last night and this morning, and they were equally surprised. All the reporting in the media had been to the effect that there were only two levels--provincial, 1992; municipal, 1995--without any exception however. If it cannot be resolved on a policy or political level, then, of course, a judicial challenge by someone who is interested is not out of the question.

However, I was assured last night by Atty. De Lima that, perhaps, they will consult those concerned, as to what they may want to do. Last night, my impression is that they were determined to proceed with these elections by district in Metro Manila and those that are found elsewhere.

So, there are arguments pro and con. I do not know how this will be resolved by the COMELEC or by some other authority. I just speak, particularly for Makati and Pasig, because of my roots in these places. I talked with the Mayors of these two towns. I grew up and studied in Makati Elementary School. My roots are from Pasig, and I attended Rizal High School. And the local leadership do not prefer that they be made to hold elections by district ahead of the rest of the country.

Of course, they are also for the rule of law. And if that is really what we mean here, then, of course, they will follow whatever authoritative ruling there may be.

From the standpoint of the Senator, this really shows the need at times to repeal the law of unintended conse-

quences as it were. Kung hindi pa ho natanong ni Senator Maceda kahapon, hindi ko alam na iyon pala ang ating intensiyon dito, dahil umasa ako sa Section 3(d), hindi sa Section 3(c). And to me, they are not mutually incompatible anyway.

Of course, if I am wrong, well, this is a policy decision taken by the Congress in the Local Government Code, and I can live with it. It is just that it caught me by surprise. Natatandaan ko nga ho na medyo na medyo biniro pa ako ni Senator Maceda kagabi: "Buti nga, ayang nagkamali ka rin." To me, that does not upset me at all. Iyan po ang sinasabi. There is an old Chinese saying that, really, it is good always to work and have some imperfections in it. It is good for one's humility.

Iyan din po ang sinasabi ni Louis d'Fontaine, on behalf of the French Senate, in addressing Napoleon that the worse affliction that can afflict the human mind is to strive for perfection. So, warts and all, we think that there are many more good things in this than the debatable or negative ones.

Before I close, Mr. President, let me just stress for the record that among the other points of ambiguity or unhappiness from where I sit, one, I mentioned yesterday. I agreed with more than one observation of Senator Laurel. I am also concerned that Senator Rasul has really raised a valid point about some degree of uncertainty in the way we have, dealt with the sectoral representation of women and other groups. And I hope that this can be addressed as promptly as possible by us or the Commission on Elections so that we will be able to resolve the very valid issue raised by our distinguished friend, Senator Rasul yesterday. Kaya, iyon lamang po. Sana ay maayos na natin ito at nang wala nang gaanong gusot.

Maraming salamat po.

The President. Gusto ko po lamang linawin iyong interpretation ninyo sa Section 3 (c). What the Gentleman is actually saying is that Section 3 ((c), the second sentence, should have read that "Beginning with the elections of 1995, the municipalities of Malabon, Navotas, San Juan, Mandaluyong, councilors, and Pateros, ten (10)". Or is it the next sentence where it states, "Beginning with the elections of 1995, the Commission shall divide each of the municipalities in Metro Manila

area into two (2) districts by barangay for purposes of representation in the *Sangguniang Bayan* as nearly as practicable according to the number of inhabitants"?

Senator Saguisag. Ideally, Mr. President, if we had put in "Beginning in 1995", there should not have even been this interesting issue.

The President. Because the next paragraph states: "For purposes of the regular elections on May 11, 1992", then that will be at large. So that it would have made for clarity if it is stated there that "Beginning with the 1995 elections, the Commission shall divide each of the municipalities in Metro Manila area into two districts".

Senator Saguisag. Ideally ho. But the way it is worded now, and we cannot change even a comma of it, no matter how I read Section 3 (c), it does not really authorize holding elections by district in 1992 because all it says is that there will be a division and the criteria were given. And then, the next paragraph seems to comprehend all.

In other words, the first question -- if there is an appropriate judicial challenge is: Was there any authorization given in Section 3 (c)? Assuming that can be hurdled, the next question is: Is there equal protection of the laws? Why is it that only 13 will try it ahead of the rest of the country? But even so, there is a meaning as to this, and maybe, the proper authority may say that that is implied. However, under cannons of statutory construction also, the later provision sometimes is supposed to control all the preceding provisions.

Anyway, as I said, I hope that whatever the COMELEC will do, after the proper consultation with those concerned, it will represent the predominant sentiment. Because if there is no strong resistance from Pasig or Makati where I feel particularly compelled to speak for, then I would not really mind it at all. Ang isa ho kasing naririnig namin noon--tananong ko nga ho sina Mayor Binay at Mayor Raymundo kagabi at kanina at gayundin ang iba pang tao--ay iyong pirming sinasabi ng COMELEC that they have gone through the consultation process. And even in the Conference Committee, those concerned kept professing surprise.

Anyway, to go back to the core of the question, it is really susceptible of more than one interpretation, and I could very well be wrong. I just said I was surprised personally because all along I was making periodic reports to the Members of the Chamber, and never did I get the impression that provincial election in 1992 and municipal election in 1995 take in 13 municipalities.

So, if there was an oversight or a failure to comprehend on my part, this is not the first time that I would have made a mistake. As I said, I am prepared to live with it. Anyway, the debate of the 1992 elections will not really turn on what will happen or what will not happen in regard to those 13 municipalities.

Dahil sa kinonsulta ko na iyong ibang constituencies natin, at baka hindi rin naman matindi ang kanilang resistance, if any, then it will really be academic on my part.

The President. All right. Thank you.

Senator Maceda is recognized on the same point. Then Senator Lina and then Senator Rasul.

Senator Maceda. Mr. President, lest the COMELEC in reading the record only read the views of Senator Saguisag, I am compelled to say, to begin with, that when we voted on this measure on Third Reading, I was one of those who expressed some reservations because of the election of councilors by districts.

However, from the very beginning, and as evidenced by the fact that it is covered by a separate Section, the case of Metro Manila, meaning to say its municipalities, has always been treated separately for the simple reason, Mr. President, that the equal protection of the laws has been invoked here; that there is a reasonable ground for a reasonable distinction which is, that these Metro Manila municipalities are generally big ones, and if we have election by districts in the City of Manila or Quezon City or Caloocan, it happens not because they are cities or chartered cities, but because they are big. So that if we take Pasig, Marikina, Valenzuela, and Makati, they are so big that they are even represented by a separate Member of the House of Representatives.

Mr. President, we saw nothing wrong really with the matter of election by districts, especially since I started

my political career, having been elected as a councilor from a district of Manila, and so I do not really see any real prejudice to the people of Pasig and the other municipalities if they elect their councilors by district.

In this case, if it will be recalled, Mr. President, part of the reason is, while as a general rule, municipalities have eight councilors, all of these municipalities, with the exception of Pateros, which is given ten, have 2 councilors.

The President. Maliit po ang Pateros.

Senator Maceda. Kaya nga po. Pero sa buong bansa po, the regular number is eight, so that if we divide 12 into two, we will still be voting for six, which is almost eight, Mr. President. So, I think the cause of a more intelligent voting process is observed by dividing municipalities and cities where we have more than eight councilors to be elected.

So, I think the provisions of the Section are clear. I do not see any room for interpretation at this time, but, of course, it is up to the COMELEC to decide.

I just want to put into the *Record* that I think it will be for the good of the electoral procedure in these big municipalities if they are districted even now. After all, we have also accepted the principle that the others will be districted in 1995. So, the principle is acceptable as a principle.

Thank you.

The President. All right. Senator Lina is recognized.

Then Senator Rasul.

EXPLANATION OF VOTE OF SENATOR LINA

Senator Lina. Thank you very much, Mr. President.

I vote in favor of the Conference Committee Report, but on the question of election of councilors by district, I would like to associate myself to the views expressed by Senator Saguisag.

Mr. President, the bill (Senate Bill No. 1777) which the Committee on Constitutional Amendments, Revision of Codes and Laws reported out, first contained the election of councilors by district. And the rationale behind that was the need to reduce the number of positions to be filled up, because if the elections are synchronized, then the COMELEC would have difficulty overseeing the election and to finish the election in one day's time.

That is the main reason why the election of councilors by district came about. It is basically and primarily to reduce the number of positions to be filled up in a one-day synchronized election.

The problems of many positions, Mr. President, applies more to the provinces rather than to Metro Manila. This is the additional point I would like to bring up in addition to the points raised by Senator Saguisag. Ang dami pong posisyon dito sa Metro Manila, hindi katulad ng dami ng posisyon dito sa Metro Manila, hindi katulad ng dami ng posisyon sa probinsiya sapagkat mayroon sa ilang gobernador, bise gobernador at provincial board members. Doon po may problema. Pero dito sa Metro Manila, wala pong gaanong problema sapagkat wala ditong provincial board members, governor and vice governor.

So, if at all, the redistricting to be implemented in 1992, it should be implemented in the provinces rather than in Metro Manila.

I would like to emphasize that point, Mr. President. For purposes of legislative history, the first bill that contained the proposal to elect councilors by district was in that original bill (Senate Bill No. 1777) reported out by the Committee on Constitutional Amendments, Revision of Codes and Laws and which I sponsored. Unfortunately, that bill did not get the majority because the decision is to synchronize the election. But now that the decision is to synchronize elections based on the Supreme Court decision, the problem of so many positions to be filled up again becomes an issue; hence, the proposal to elect councilors by district. Such problem, however, does not apply in Metro Manila. It applies more in the provinces because of the reason I already cited.

I would like to spread that on the *Record*, Mr. President, for a better appreciation of this concern.

Thank you very much.

Senator Rasul. Mr. President.

The President. Senator Rasul is recognized.

EXPLANATION OF VOTE OF SENATOR RASUL

Senator Rasul. Mr. President, I would like to register a vote of abstention.

Section 3 (d) of the proposed election bill, I feel, endangers the legislative intent of the Local Government Code to provide for women sectoral representative to be elected simultaneously with all the other officials of the Government.

The provision, Mr. President, effectively lumps the women representative together with the other sectoral representatives who are to be elected by members of their respective sectors only. Therefore, the intent of the Local Government Code to have women sectoral representatives elected at large is violated. Moreover, its is apparent that the election of these sectoral representatives is to be held on a date other than that provided for all the other elective officials.

This, again, goes against the spirit and intent of the Local Government Code since it segregates the women sectoral representatives who, I must reiterate, were meant to be elected along with the other officials and by the general population.

In addition, this segregation, or more appropriately, this desynchronization and compartmentalization of the election proceedings violates also the constitutional provision providing for synchronized elections, as held by the Supreme Court in the case of the law recently enacted by Congress desynchronizing elections for national and local officials. This ruling expressly states that elections are to be synchronized.

Therefore, to postpone the election of the sectoral representatives until such time as the Commission shall have promulgated rules and regulations for the purpose violates the ruling of the Supreme Court.

For these reasons, Mr. President, I register a vote of abstention.

Senator Romulo. Mr. President.

The President. Senator Romulo.

EXPLANATION OF VOTE OF SENATOR ROMULO

Senator Romulo. Mr. President, I am voting, *Yes* to the Conference Committee Report; but I will submit my remarks because there are certain provisions to which I take strong exceptions and reservations which I shall record in the remarks that I will submit.

Thank you, Mr. President.

The President. The Chair would also like to make that reservation to submit my explanation for my vote of *Yes*.

Senator Saguisag. Mr. President.

The President. Senator Saguisag is recognized.

EXPLANATION OF VOTE OF SENATOR SAGUISAG

Senator Saguisag. May I just make the same reservation to file some supplemental remarks on noncontroversial aspects of the bill, Mr. President.

The President. All right.

Senator Shahani. Mr. President.

The President. Senator Shahani is recognized.

EXPLANATION OF VOTE OF SENATOR SHAHANI

Senator Shahani. Mr. President, I vote *Yes* with the understanding that I shall be sending my remarks which shall express my views on the issue and explain my vote.

Thank you, Mr. President.

The President. All right.

The Majority Floor Leader.

BILL ON SECOND READING
Senate Bill No. 16-48 Creating Baselands
Development Authority
(Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 1648 as reported out under Committee Report No. 1329. We are in the period of Committee amendments. I ask that we recognize Senator Shahani.

The President. Senator Shahani is recognized.

May the Chair know what is the parliamentary status of this bill?

Senator Shahani. Mr. President, this bill is still in the period of Committee amendments. If the Chair recalls, when this was last taken up, I was in the process of reading the Committee amendments, which are considerable.

On October 24--this was when this bill was last taken up--we stopped at Section 8 relative to the funding scheme. That is page 8 of the working copy which was distributed and which contains all of the Committee amendments.

During the recess, Mr. President, on the suggestion of Senator Paterno and some other Colleagues, who expressed their concern that this bill should be given priority, and that it should pass the Senate or Congress at least before we adjourn for the Christmas break, we tried to arrive at a meeting of minds between the Executive and some members of the Senate who were involved in the Committee hearings, in particular the Chairmen of those Committees who were involved in the final version of this bill.

So we had a meeting. Senator Gonzales and Senator Tafiada were there. This was held last November 14, 1991. I also invited Executive Secretary Drilon so that he could express to us his views concerning the role of the Executive units which were involved in the drafting of this bill, and who would also have some of the replies which were raised in this Chamber.

Mr. President, we cleared up some issues because