

## RECORD OF THE SENATE

**TUESDAY, FEBRUARY 21, 1995**

### RESUMPTION OF THE SESSION

*At 6:55 p.m., the session was resumed with the Honorable Agapito A. Aquino, presiding.*

**The Presiding Officer** [Senator Aquino]: The session is resumed.

**Senator Romulo**: Mr. President, I ask that the Additional Reference of Business be read by the Secretary.

**The Presiding Officer** [Senator Aquino]: The Secretary will read the Additional Reference of Business.

### TENTH ADDITIONAL REFERENCE OF BUSINESS

#### MESSAGES OF THE PRESIDENT OF THE PHILIPPINES

**The Secretary:**

February 16, 1995

Honorable EDGARDO J. ANGARA  
Senate President  
Senate of the Philippines  
Senate, Manila

Dear Senate President Angara,

Pursuant to the provisions of Section 26 (2), Article VI of the Constitution, I hereby certify to the necessity of the immediate enactment of Senate Bill No. 1266, entitled

**AN ACT ESTABLISHING A SPECIAL ECONOMIC ZONE AND FREE PORT IN THE MUNICIPALITY OF STA. ANA, PROVINCE OF CAGAYAN, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES,**

to meet a public emergency of the need to promote and develop strategic locations into industrial, commercial, financial and investment centers as a necessary means to effectively attract legitimate and productive foreign investments essential for a sustained economic development.

Best regards.

(Sgd.) FIDEL V. RAMOS

cc: Jose De Venecia, Jr.  
Speaker  
House of Representatives  
Batasang Pambansa Complex  
Quezon City

**The Presiding Officer** [Senator Aquino]: Referred to the Committee on Rules.

**The Secretary:**

Feb. 16, 1995

Honorable EDGARDO J. ANGARA  
Senate President  
Senate of the Philippines  
Senate, Manila

Dear Senate President Angara:

Pursuant to the provisions of Section 26 (2), Article VI of the Constitution, I hereby certify to the necessity of the immediate enactment of Senate Bill No. 1433, entitled

**AN ACT CREATING THE ZAMBOANGA CITY ZONE AUTHORITY AND APPROPRIATING FUNDS THEREFOR,**

to meet a public emergency consisting of the need to promote and develop strategic locations into industrial, commercial, financial and investment centers as a necessary means to effectively attract legitimate and productive foreign investments essential for a sustained economic development.

Best regards.

(Sgd.) FIDEL V. RAMOS

cc: Jose De Venecia, Jr.  
Speaker  
House of Representatives  
Batasang Pambansa Complex  
Quezon City

**The Presiding Officer** [Senator Aquino]: Referred to the Committee on Rules.

**The Secretary:**

February 16, 1995

Honorable EDGARDO J. ANGARA  
Senate President  
Senate, Manila

## SUSPENSION OF THE SESSION

**Senator Aquino:** Mr. President, I move that we suspend our session until eleven o'clock tonight. This is going to be the last session of the Senate.

**The Presiding Officer [Senator Lina]:** The session is suspended until eleven o'clock tonight, if there is no objection. [There was none.]

*It was 8:24 p.m.*

## RESUMPTION OF THE SESSION

*At 11:36 p.m., the session was resumed with the Honorable Agapito A. Aquino, presiding.*

**The Presiding Officer [Senator Aquino]:** The session is resumed.

CONFERENCE COMMITTEE REPORT ON  
H. NO 3043/S. NO. 1913  
(Party-List System)

**Senator Romulo:** Mr. President, I move that we consider the Bicameral Conference Committee Report on House Bill No. 3043 and Senate Bill No. 1913, on the Party-List System.

As far as the Senate panel is concerned, the Senate is recommending the approval of this Conference Committee Report. However, on the part of the House conferees, out of eight members, only three have signed, plus one who signed with reservations. Therefore, under the present signatories of the House panel, obviously, we cannot consider this Bicameral Conference Committee Report as a recommendation of the Bicameral Conference Committee. They have asked us to wait, and possibly have sessions for another day or two, so that they may be able to get one or two of those who have not yet signed. As of now, there is no guarantee that they will be able to get a majority of the House panel to sign in favor of this Bicameral Conference Committee Report.

Mr. President, to give a fuller account of what has transpired in the discussion and deliberation on the Party-List bill, may I ask that the Chairman of the Senate panel, Senator Lina, be recognized.

**The Presiding Officer [Senator Aquino]:** Senator Lina is recognized.

**Senator Lina:** Thank you, Mr. President.

*Res ipsa loquitur*, the thing speaks for itself.

The House and the Senate panels met and agreed on the harmonization of the two versions. The Bicameral Conference Committee Report faithfully reflects the agreement forged during the Bicameral Conference Committee. In fact, there were no major disagreements, except that the House panel during the Bicameral Conference Committee agreed not to press for the exclusion of the political parties in the party-list election, Mr. President. They agreed to include the parties, whether major or minor, in the scheduled party-list election this coming 1995.

As a compromise, the Senate panel agreed to the compromise proposal coming from the House panel, that of the 25 seats allocated to the parties as far as the 1995 election is concerned, 13 out of the 25 party-list representatives will still come from the sectors but nominated by the political parties.

That was the compromise. So we will not ban the participation of the political parties in the party-list system. We argued that the Constitution is very clear on this matter, that this is going to be a party-list election, and the party-list is composed of the national, regional parties or sectoral organization.

The House version had a ban on the participation of the major political parties for two consecutive terms. So we stood our ground and, finally, they were won over and they acceded and accepted our Senate version. But as a compromise, as I stated earlier, the Senate panel accepted the proposal coming from the House of Representatives to increase the sectoral representatives who will be chosen. That is reflected in the Bicameral Conference Committee Report.

They also suggested, since it is their version, that the regional parties be not considered anymore for purposes of the party-list system because there are no regional parties to speak of, as there are no regional elections. But we countered, Mr. President, that the Constitution is also clear that the party list is composed of national, regional or sectoral organizations.

So, as a compromise, the Senate panel accepted that we will remove the regional parties, but we will have a modification to the effect that the regional parties may coalesce with the national parties and that the coalition agreement will be submitted to the Comelec, and the terms and conditions of the coalition agreement will govern their relationship as to the nominees who will be appointed under the party-list system.

These are the major points of agreement, Mr. President, and they are all reflected in the transcript. We, on the part of the Senate panel, have signed the Bicameral Conference Committee

Report. We sent the Bicameral Conference Committee Report as early as Thursday, but until now, they have not completed the required number of signatories.

That will be all, Mr. President.

#### SUSPENSION OF THE SESSION

**Senator Romulo:** May I ask for a one-minute suspension of the session, Mr. President.

**The Presiding Officer [Senator Aquino]:** The session is suspended for one minute, if there is no objection. [*There was none.*]

*It was 11:44 p.m.*

#### RESUMPTION OF THE SESSION

*At 12:25 a.m., the session was resumed.*

**The Presiding Officer [Senator Aquino]:** The session is resumed.

**Senator Romulo:** Mr. President, as we have stated earlier, majority of the Senate Members have signed this Conference Committee Report. Unfortunately, the House does not have a majority and therefore, we cannot pass this party-list bill much as the Senate wishes to do pursuant to the constitutional provision.

May I ask that Senator Lina be again recognized.

**The Presiding Officer [Senator Aquino]:** Senator Lina is recognized.

**Senator Lina:** Thank you, Mr. President.

As I said, the thing speaks for itself. The two panels — the House and the Senate — have already agreed in conference as to the points of agreement and these points were all incorporated in the Bicameral Conference Committee Report. There is nothing more to add, except that we are disappointed that after having agreed in conference and having worked so very hard to capture the terms and conditions of the agreement in clear language, the Members of the House panel made a turnabout and would not sign the Bicameral Conference Committee Report. We are definitely not to blame for the nonpassage of this very significant electoral reform bill. Therefore, this is a day of mourning as far as the party-list system is concerned.

I hope that after some time, the bill can be resurrected. I am

just unhappy that the party-list law will not come about in my term here in the Senate.

Thank you very much, Mr. President.

**Senator Romulo:** It is very clear, Mr. President, that the Senate is ready to vote to approve the party-list bill as mandated by the Constitution.

**Senator Maceda:** Mr. President.

**The Presiding Officer [Senator Aquino]:** Senator Maceda is recognized.

**Senator Maceda:** May I direct a few questions to the distinguished Chairman of the Conference Committee panel.

**Senator Lina:** Willingly, Mr. President.

**Senator Maceda:** There appears to be eight Members of the House Conference Committee panel. May I know how many of these eight were present when the Gentleman agreed on this draft report.

**Senator Lina:** At least six of the eight Members were present.

**Senator Maceda:** All these six agreed?

**Senator Lina:** Except for Congressman Edcel Lagman.

**Senator Maceda:** So five agreed?

**Senator Lina:** Yes.

**Senator Maceda:** And yet the five all turned around with the exception of three. So even the Speaker Pro Tempore of the House turned around?

**Senator Lina:** Yes, he would not sign, Mr. President.

**Senator Maceda:** After agreeing?

**Senator Lina:** Yes. In fact, the Liberal Party, Mr. President, had a sort of a position paper on the question of banning the five major political parties from participating in the party-list election for three consecutive terms. The Liberal Party described the ban as unconstitutional, and this position paper was being carried by the Honorable Congressman Raul Daza. That is the bone of contention — the House version carries the ban on the participation of the five major political parties for three consecutive terms.

**Senator Maceda:** I just wanted to put into the *Record* the Members who agreed and then who turned around. Really, the question is: How do we deal with situations like this since this is not the first time that this has happened?

It is a matter of public knowledge that part of the reason why one Congressman can block the entire bill is that there is no quorum left in the House. He can threaten to call a quorum if the bill is called.

**Senator Lina:** That may be correct, Mr. President. Really, we should take this matter seriously so that there will be no recurrence of the thing that happened as far as this bill is concerned. As we all know, I was just to cover for the Chairman of the Committee on Electoral Reforms and People's Participation; I was not really heading the Senate panel, but I took it as suggested by the Senate leadership.

**Senator Maceda:** What is the parliamentary situation now? Shall we consider the Conference Committee dissolved and the Senate panel discharged?

**Senator Lina:** The Majority Leader can reply to that, Mr. President.

**Senator Romulo:** Mr. President, my view is that the Conference Committee has not yet completed its task. If there is another meeting of the Conference Committee, then it can finalize, one way or the other, the Bicameral Conference Committee Report. It is still an incomplete Conference Committee Report.

**Senator Maceda:** So we will allow the situation to continue where we are, in effect, hostage to the Conference Committee panel of the House.

**Senator Romulo:** Mr. President, as far as the House panel is concerned, they can get the signatures of the other Members who had participated in the Conference Committee. But unfortunately, they are not available during the signing today.

So, it is in suspense, Mr. President. It is like some of the Conference Committee reports where there are already agreements, but because of nonphysical presence of some of the Members, the final reports cannot be completed.

**Senator Maceda:** I just want to try to put the parliamentary situation clear because after the antecedents, I will not be surprised if we will be unreasonably called to a special session just to continue this bill and have the Conference Committee continue. I would rather, to preclude that, consider now this Conference Committee discharged.

**Senator Romulo:** Mr. President, we have not yet discharged our panel. They are still in the process of finalizing the Conference Committee Report with their counterparts in the House.

**Senator Maceda:** That is right, Mr. President. But we all know that we are about to adjourn. In fact, we should have adjourned about 30 minutes ago. That is why I am asking these questions for the record because they are really academic, but it would be good to put them now into the *Record*.

**Senator Romulo:** My view also is that, although it will no longer be applicable to the May 8 elections, as far as this Conference Committee Report is concerned, we can pick it up when we resume our session on May 29. But, of course, it will not apply anymore to the May 8 elections.

**Senator Maceda:** That is correct, Mr. President. I would rather that the new Senate or new Congress deal with it anew rather than keep it alive and pick it up on May 28 or May 29.

At any rate, I have expressed my views for the record and I have no further questions to ask on this matter.

**Senator Shahani:** Mr. President.

**The Presiding Officer [Senator Aquino]:** Senator Shahani is recognized.

**Senator Shahani:** Mr. President, I would just like to express my very deep disappointment that this Conference Committee Report on the Party-List bill has not been approved. Reports from many provinces say that the NGOs have already been preparing their candidates; that there have been attempts to search for possible nominees to the party-list of many groups, especially the NGOs. I think it is an indication of, maybe, lack of political will on the part of some Members of Congress that they do not wish to see the great principle of people empowerment institutionalized in our legislature.

I would just like to place this on record, Mr. President, and I hope that this situation would be rectified soon. I do not think it speaks well of the representatives of the people.

Thank you, Mr. President.

**Senator Romulo:** Mr. President, pursuant to our Calendar, our next session would be on May 29, 1995, that is after the elections.

Before I move for adjournment, Senator Maceda wishes to take the Floor.