

RECORD OF THE SENATE

MONDAY, NOVEMBER 14, 1994

OPENING OF THE SESSION

At 4:46 p.m., the Honorable Edgardo J. Angara, President of the Senate, called the session to order.

The President: The 40th session of the Senate is hereby called to order.

NATIONAL ANTHEM

Let us all stand for the singing of the Philippine National Anthem to be led by the UST Coro Tomasino, and another song, entitled *Isang Lahi*.

Later on, Senator Raul S. Roco will lead us in the opening prayer.

Everybody rose for the singing of the National Anthem.

After the singing, everybody remained standing for the opening prayer.

PRAYER

Senator Roco:

Lord, inspire us as we seek electoral reforms—that the people's will may be truly sovereign.

Enlighten us as we strive to make the budget an instrument of development so that the country's wealth can be shared by all our people.

Grant us wisdom as we study international agreements so that the national interest may be fully served.

All these we ask in Your name.

Amen.

Senator Romulo: Mr. President.

The President: The Majority Leader is recognized.

SUSPENSION OF THE SESSION

Senator Romulo: May we ask for a one-minute suspension of the session.

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

It was 4:53 p.m.

RESUMPTION OF THE SESSION

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

The President: The session is resumed.

ROLL CALL

The President: The Secretary will please call the roll.

The Secretary:

Senator Heherson T. Alvarez	Present*
Senator Agapito A. Aquino	Present
Senator Rodolfo G. Biazon	Present
Senator Anna Dominique M.L. Coseteng ..	Present
Senator Neptali A. Gonzales	Present
Senator Ernesto F. Herrera	Present*
Senator Jose D. Lina, Jr.	Present
Senator Gloria Macapagal	Present
Senator Ernesto M. Maceda	Present
Senator Orlando S. Mercado	Present
Senator Blas F. Ople	Present
Senator John H. Osmeña	Present*
Senator Santanina T. Rasul	Present*
Senator Ramon B. Revilla	Present*
Senator Raul S. Roco	Present
Senator Alberto G. Romulo	Present
Senator Leticia R. Shahani	Present*
Senator Vicente C. Sotto III	Present
Senator Wigberto E. Tañada	Present
Senator Francisco S. Tatad	Present
Senator Arturo M. Tolentino	Present
Senator Freddie N. Webb	Present
The President	Present

The President: With 17 Senators present, the Chair declares the presence of a quorum.

The Majority Leader is recognized.

THE JOURNAL

Senator Romulo: Mr. President, I move that we dispense with the reading of the *Journal* of the previous session and consider the same as approved.

*Arrived after the roll call

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

Senator Romulo is recognized.

Senator Romulo: Mr. President, last week, we approved on Second Reading Senate Bill No. 1913, An Act Providing for a System of Electing Members of the House of Representatives to a Party-List System. Some of our Colleagues have asked that certain important provisions of this bill be reconsidered.

RECONSIDERATION OF APPROVAL ON SECOND READING OF SENATE BILL NO. 1913

After consultation with the Sponsor of the bill and our Colleagues, may I move that we reconsider the approval on Second Reading of Senate Bill No. 1913.

The Presiding Officer [Senator Aquino]: Is there any objection to this move for reconsideration? [*Silence*] Hearing none, the same is approved.

BILL ON SECOND READING Senate Bill No. 1913 - Party-List System (Continuation)

Senator Romulo: Mr. President, I move that we resume consideration of Senate Bill No. 1913.

The Presiding Officer [Senator Aquino]: Resumption of consideration of Senate Bill No. 1913 is now in order.

Senator Romulo: May I move, Mr. President, that we now consider the proposed amendments. For this reason, I ask that the Sponsor of the bill, Senator Tolentino, be recognized together with Senator Osmeña for his amendments.

The Presiding Officer [Senator Aquino]: Senators Tolentino and Osmeña are recognized.

Senator Tolentino: Mr. President, this Representation will appreciate it very much if we will be furnished a copy of these proposals that are to be raised on the Floor.

Senator Osmeña: Yes, we have.

[*Senator Romulo handed a copy to Senator Tolentino.*]

SUSPENSION OF THE SESSION

Senator Tolentino: May we ask for a suspension of the session for a while as I look over this, Mr. President.

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

It was 6:35 p.m.

RESUMPTION OF THE SESSION

At 6:47 p.m., the session was resumed.

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

Senators Tolentino and Osmeña are recognized.

Senator Tolentino: Thank you, Mr. President.

Senator Osmeña: Mr. President, on page 5, line 7.

Senator Tatad: Mr. President.

The Presiding Officer [Senator Aquino]: Just a moment. I think Senator Tatad wants to say something. May we hear it.

Senator Tatad: With the indulgence of Senator Osmeña, I have an anterior amendment on page 4, Mr. President.

The Presiding Officer [Senator Aquino]: Anterior amendment on page 4.

TATAD AMENDMENTS

Senator Tatad: On page 4, line 5, after the word "purposes," I propose the insertion of a semicolon (;) and the deletion of all the words beginning with the word "or" on line 5 up to the last word "parties;" on line 8.

The reason is, what is sought to be expressed in these words is sufficiently covered in the earlier part of the statement, and the prohibition is qualified by the phrase "for partisan purposes." So, I believe this is adequate, Mr. President.

Senator Tolentino: The Committee accepts, Mr. President.

Senator Tatad: Thank you very much, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection to the proposed amendment of Senator Tatad? [*Silence*] Hearing none, the same is approved.

Senator Osmeña: Mr. President, on page 5, line 19.

Senator Tatad: Anterior amendment, Mr. President.

The Presiding Officer [Senator Aquino]: Another anterior amendment. Senator Tatad is recognized.

Senator Tatad: Mr. President, on the same page 5, lines 12 to 13, after the word "for" on line 12, I propose the deletion of all the words following up to the word "Representatives" on line 13 and in lieu thereof, insert the words "ANY ELECTIVE OFFICE," so that the whole sentence will read: "The list shall not include candidates for ANY ELECTIVE OFFICE."

The reason for this, Mr. President, is that if we limit the exception to candidates for regular Members of the House of Representatives, then all other candidates for other offices may just use the party-list system as a fallback position, and we want to avoid that.

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Tolentino: We accept the amendment, Mr. President.

Senator Tatad: Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: The Sponsor accepts the amendment. Is there any objection? [Silence] Hearing none, the same is approved.

Senator Romulo: Mr. President, there is an anterior amendment on page 4 by Senators Herrera and Tatad.

Senator Herrera: It is finished already, Mr. President.

The Presiding Officer [Senator Aquino]: So we go back to Senator Osmeña.

Senator Osmeña: On page 5, line 19, after the word "represent," there is a phrase "for at least (1) one year preceding the day of the election."

Under an earlier section, a party may be formed and registered within 90 days before the election. So, if we have a case where a new party is formed and registered within 90 days before the election, and this provision remains, that party cannot field candidates because it will not meet the one-year requirement.

My proposal is to put a period (.) after the word "represent" and delete the phrase "for at least one (1) year preceding the day of the election."

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Tolentino: Are we going to place a period after the word "represent" and delete the rest of the sentence?

Senator Osmeña: That is correct, Mr. President.

Senator Maceda: Mr. President.

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

Senator Maceda: I do not see anything unreasonable with limiting the participation in the elections of national, regional, or even sectoral groups that have shown a track record of existence. Because under the example cited by the Gentleman, nuisance parties may come about. The administration is in a better position to motivate and fund additional parties to participate. I really see nothing wrong. After all, it applies to everybody. This kind of a reasoning or demonstration of viability or existence is present in so many laws.

I would just want to present that contrary view, with due respect to my distinguished Colleague from Cebu.

Senator Osmeña: Mr. President, if we are going to adhere to that position, then the earlier provisions which allow registration within 90 days before the election shall be of no purpose. In effect, what we are saying is that, only existing parties...

Because the election is effectively six months away and the date for presenting lists is 45 days before the election.

The Presiding Officer [Senator Aquino]: Ninety days.

Senator Osmeña: Ninety days before the election. So, effectively, we are saying that between now and 90 days before the election, nobody can possibly form a party for the purpose of fielding a candidate.

I can see the point in the case of nuisance candidates. But then there is a provision in the Election Code which authorizes the Commission on Elections to deal with cases like this. And they have dealt with cases like this in the past.

So, I guess, Mr. President, it is for us to balance the good and the bad — whether the possible opportunity for nuisance candidates can be balanced off with opening up the system for those who have not yet... Nobody knew until a month ago that we were going to enact legislation on the party-list system. Nobody was able to form a party and register it in anticipation of a party-list system.

If we put a one-year restriction, Mr. President, I think we

would be lacking on the principle of due notice — that we have to tell the people in advance of a restriction and that it is going to be imposed.

I leave it up to the Body, Mr. President. As a matter of fact, my personal sentiment is against this business of the party-list system because it belongs to a parliamentary system of government. There is no business of a party-list system in a presidential system of government. But since we had Commissioners in that Commission who are what they are, and we have problems now with the Constitution because of them, we have to live with their handiwork. I leave it to the Body. I have no strong feelings one way or the other.

The Presiding Officer [Senator Aquino]: May the Chair interject something. Maybe this is applicable actually for the 1998 election but not for the 1995 election. In 1998, at least we would have already tried electing in the party-list system. So those who are intending to run in the future elections should be members of these coalitions for at least one year.

Senator Maceda: Mr. President, we can also use that same argument the other way. That in the case of this duly registered party — and it is only five months away to election time — then they can prepare to run for the party-list system in the 1998 election. Even if they are sectoral, for all practical purposes, they are still competing on a nationwide scale. Their chances are very low. We are probably even doing them a favor — that we should not encourage them to participate in the elections if they are not even one year old. It takes probably that much a time to organize people in every province, city and municipality.

Senator Gonzales: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Gonzales is recognized.

Senator Gonzales: So that we may be able to vote intelligently on these amendments in the light of the objection thereto, may we be informed by the distinguished Sponsor if there are already duly registered sectoral organizations within the purview of this bill. Because in the 1995 election, we will already elect 50 percent of the 25. And so, we would want to be ascertained whether there are already existing sectoral organizations which are capable and qualified to participate in the party-list system.

The Presiding Officer [Senator Aquino]: I think there are existing organizations. But whether they are registered or not is another matter.

Senator Gonzales: There is no question about that, but there are certain criteria here for a qualified sectoral organization.

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Tolentino: Mr. President, I suppose there are already existing sectoral organizations but they have to register first under the party-list system. Until this law is passed, they cannot register.

Senator Gonzales: Not only whether there exists already qualified and duly registered sectoral organization, but whether or not there are such sectoral organizations for the various sectors that we have herein provided. Otherwise, this will be a very impractical provision.

So there is validity to the amendment of Senator Osmeña if we have no real basis.

The Presiding Officer [Senator Aquino]: As an example, TUCP is a sectoral organization.

Senator Gonzales: Yes, but it is a labor union, Mr. President.

The Presiding Officer [Senator Aquino]: Yes.

Senator Gonzales: But there are qualities here. To be eligible for accreditation or for registration, there are certain requirements. As the good Sponsor had correctly pointed out, there are requirements for registration. We said the bill provides that each sector shall have at least a representative. There are about nine sectors herein provided.

The Presiding Officer [Senator Aquino]: Eleven.

Senator Gonzales: Or 11, whatever the number may be, Mr. President. And we have provided that as far as the 1995 election is concerned, 25 shall be elected under the party-list system, of which 50 percent shall be allocated to the representatives of the sectoral organizations, which means 12.5.

The Presiding Officer [Senator Aquino]: That is correct.

Senator Tolentino: Mr. President, perhaps the suggestion of the Presiding Officer could be taken into consideration. We do not apply this one year preceding the elections to 1995 and 1998. Actually, we must take the period into account. There is no one year before the elections to be considered.

The Presiding Officer [Senator Aquino]: In 1995 there is no one year.

Senator Tolentino: Yes, Mr. President.

The Presiding Officer [Senator Aquino]: So that what we can put in the proposed amendment is, add the words "except for the elections of 1995."

Senator Tolentino: That is correct. That was the suggestion I understand, Mr. President. Perhaps that could be a suitable compromise.

Senator Osmeña: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Osmeña is recognized.

Senator Osmeña: I have no objection to the Chair's amendment to my amendment. In effect, after 1995, the one-year membership would be applicable.

The Presiding Officer [Senator Aquino]: Would be in effect.

Senator Osmeña: Except that I would like to say that, perhaps, the Comelec would be wise now to require the parties to report who are their members. It is so easy to get a certificate of membership saying, "This is to certify that Juan dela Cruz was a member of this party for the last year." And since parties do not keep records, they do not keep journals, they do not keep rosters, and the enforceability really of this provision is not very high.

In any case, Mr. President, I accept the amendment to the amendment.

Senator Maceda: Mr. President.

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

Senator Maceda: I think what should be clarified, Mr. President, is not really the period of registration in the sense that there are less than six months to election time. Whenever they are going to register or to qualify, let us say, even in January, they have to prove that they have been existing as an organization for at least one year.

What I am adverse to is an entirely new organization being set up three months before the elections to participate. There would be certain pitfalls there. But it does not necessarily mean that the one-year period would no longer be effectively enforced now because there are less than six months left to election time. If they register in January or February, the requirement only is that they must prove that they, let us say, the Civic Assembly of Women of the Philippines or whatever other organizations — by

showing their charter and corresponding proof, have been in existence for the last 20 years.

That is what I am trying to suggest. The actuality of the number of days left before 1995 is not the absolute standard but for them to prove that they have been in existence for at least one year, so that they are not either a nuisance organization, a fly-by-night organization, or a newly created dummy organization of any political, national, regional or sectoral group.

The Presiding Officer [Senator Aquino]: By the way, the requirement is for the member and not for the party. He should have been a member of the organization one year prior to the election. So, it is the member that is required.

Senator Herrera: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Herrera is recognized.

Senator Herrera: With the permission of my Colleagues, Mr. President.

I have no objection to the proposal of Senator Osmeña, but I think it is very important that the organization that would like to register must have a certain number of members. Because if we will not require that, it might happen that many of these paper organizations will register and participate. Therefore, they will only clutter the ballots.

Now, if a sectoral organization would like to represent a certain sector, it must prove that it has really members of that sector that it would like to represent. There should be a qualification to that. How can an organization participate in a party-list to represent a certain sector when it is composed only of its officers, probably 10 people?

The Presiding Officer [Senator Aquino]: But the Chair thinks that is an altogether different matter now.

Senator Herrera: No. This is very important, Mr. President.

Senator Tolentino: Yes, Mr. President. I think these remarks do not refer to the proposed amendment of Senator Osmeña but to membership in the organization. What is being talked about now is, how long the organization should have been in existence and what membership does it have. I think that is for another section of this bill which could be modified in accordance with such suggestions.

The Presiding Officer [Senator Aquino]: Just for clarity, the Chair will read the sentence. It says: "No person shall be

nominated as party-list representative unless he is a natural-born citizen of the Philippines, a registered voter, is at least twenty-five (25) years of age on the date of the election, able to read and write and a *bonafide* member of the party or organization which he seeks to represent for at least one (1) year preceding the day of the election." That is the subject matter of what we are discussing.

It means that the organization that he represents has been in existence for at least a year and he has been a member of this organization for at least one year. But, as I said, since the 1995 elections are less than one year from now, maybe we can just exempt all candidates from this provision for the 1995 elections. But it can apply to future elections.

Senator Herrera: May I just be enlightened, Mr. President. As far as the qualification of the organization is concerned, it must be in existence for at least one year. It is the member who would like to be listed in the party-list that need not have a one year membership. Because what was mentioned by Senator Maceda is that the organization should have a track record.

The Presiding Officer [Senator Aquino]: Yes. Senator Maceda does not like midnight parties or midnight organizations that are organized only 90 days before elections.

Senator Herrera: Anyway, that is also my point. So, I am supporting the position of Senator Maceda that they should not only have one year's existence but that there should also be additional qualifications, say, they should represent actually the sector and that they should have members of the sector that they ought to represent. That might be in a different provision but we have to tackle that issue.

Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: Thank you.

Senator Tatad: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Tatad is recognized.

Senator Tatad: With the indulgence of our Colleagues on the Floor, I would like to say that I appreciate the point raised by Senator Maceda as to the need to make sure that the parties that do participate have been there for quite a while. However, we have a provision in Section 4 of the bill which says: "Any organized group of persons may register as a political party, organization, or coalition for purposes of the party-list system by filing with the COMELEC not later than 90 days before an election..."

Now, if an organization can come up 90 days before an election, how can the same law require people to have been members of a particular organization at least one year before the election? I think there is a contradiction.

The Presiding Officer [Senator Aquino]: Precisely. That is why, in curing this seeming contradiction, we are saying that this provision does not apply in 1995.

Senator Tatad: Even in 1998, this cannot apply as long as that Section 4 remains on the law.

Senator Tolentino: I think the provision sought to be amended by Senator Osmeña refers to the person who can be nominated for the party-list system by his own party.

Now, if there is a desire to require that the party organization should, at least, be in existence for a certain number of months or years, then that should be inserted in Section 5 when we enumerated these disqualifications for registration. We can insert there: "THAT THE ORGANIZATIONS SHALL NOT HAVE BEEN IN EXISTENCE FOR AT LEAST ONE YEAR."

Senator Osmeña: That even makes it worst. In effect, this bill only allows organizations that existed one year before February 8 to participate.

Mr. President, as I said earlier, I have no strong feeling. What I am just saying is that, if we are going to implement the intent of the Constitution — at least, my interpretation of the intent of the Constitution is to open up this system to those who are disadvantaged and to those sectors which have not been able to participate because of the electoral contest in a district to district level — then we have to open it up even at the risk of allowing nuisance candidates. If we are not going to do that, if we are going to restrict it to one year since nobody a year ago, not even any of us here in this Chamber, will know that this bill is going to pass, in effect, this bill will negate the constitutional intent and this will promote the status quo. I am known to be an advocate of the status quo. So, I am just saying that if we are going to do something, let us do it right.

Senator Maceda: Mr. President.

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

Senator Maceda: I think there is room now for a compromise to accommodate both the views of Senator Osmeña and this Representation. That as suggested by the Sponsor, as far as the parties are concerned, these should be in existence for at least one year. That one year existence, as I said, is a matter of proof. As

long as these are in existence, even way back 1908, that already qualifies them.

Then, if the Gentleman from Cebu wants less than a year for the nominee of the party, as pointed out by the Sponsor, I am willing to agree that he should be a member of the party for at least 90 days.

Senator Tolentino: So this means another amendment — an amendment to the portion referred to by Senator Osmeña and an amendment in Section 5 for refusal to register. That means one of the causes for refusal to register should be that the organization has not been in existence for at least one year.

Senator Maceda: That is correct, Mr. President.

Then in the other section, we can remove the one-year period and reduce it to whatever period Senator Osmeña and the Sponsor would agree upon.

Senator Osmeña: In effect, Mr. President — with the permission of the Gentlemen on the Floor — this will operate to restrict the party participation of parties that have been in existence for a year. But it does not restrict the individual's participation.

Senator Maceda: That is right, Mr. President, and this will only be for 1995. By 1998, when we have the full 50 elected, then if these parties are really serious to register now, they would qualify for 1998, which is just three years to go.

SUSPENSION OF THE SESSION

Senator Osmeña: Mr. President, I would like to ask for a one-minute suspension of the session so that we can confer with the Sponsor.

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

It was 7:14 p.m.

RESUMPTION OF THE SESSION

At 7:16 p.m., the session was resumed.

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

Senator Osmeña is recognized.

Senator Osmeña: Mr. President, the compromise is for this Representation to modify the amendment. Instead of deleting it, we change the period of one year to 90 days. So that an individual who is not a member of any party may affiliate with a registered party 90 days before the election and becomes a candidate of that party. That would be the amendment to my amendment.

To effect Senator Maceda's position, another amendment would be introduced — which he will introduce himself — to Section 5 on disqualifications which restricts the election to organizations which have been in existence for at least three years.

Senator Maceda: That is correct, Mr. President.

Senator Osmeña: But not necessarily registered, Mr. President.

The Presiding Officer [Senator Aquino]: We should take up Senator Maceda's amendment first since that will be introduced to Section 5.

Senator Gonzales: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Gonzales is recognized.

Senator Gonzales: I regret that I have to oppose the Maceda amendment, although I am in favor of the Osmeña amendment, because it seems unfair to me.

Certainly, before the enactment of this law, no one, much less any sectoral organization or regional political party, would know the contents of this party-list voting. This is something new.

When we inaugurate something new like this, those whom you give a right or intended to protect under the same ought to be given a reasonable chance to meet the requirements of the new law. But in this case, we do not. On the other hand, we already exclude them at the very inception, and that, to me, does not seem to be fair and is inequitable.

With deep regret, that is my reason for objecting to the Maceda amendment, although, by nature, I always welcome compromises in order that legislation can push through. But here, the issue of fairness and reasonableness persuades me to vote against it.

The Presiding Officer [Senator Aquino]: We are now discussing the Maceda amendment. Senator Maceda wants the party in existence for one year, and it is only now that we are

informing the public that there will be party-list candidates to our people, and we are less than one year away from the election. I think that is the point of Senator Gonzales.

Senator Maceda: Mr. President, there seems to be some truth to the statement of Senator Gonzales except that for practical purposes, as a matter of practical reality, I doubt if anybody at this point can just organize a new party or group and be ready to field, as I said, party-list candidates on a nationwide basis.

So, the fear of unfairness will really hardly affect anybody. At the moment, I do not know if there are any people who are thinking of putting up a new political party just for purposes of the party-list system.

On the other hand, I must again clarify that for existing parties, existing regional groupings, existing sectoral groups, the one-year requirement could be complied with by just showing that they have in effect been in existence for one year, dating back to whatever time they want to cite as shown by their certificate of incorporation or their registration with the Bureau of Commerce or any other office, National Library, or whatever it is. That does not automatically exclude or require everybody to register not less than one year before as I was explaining earlier. The time or deadline of registration, which is 90 days before, has nothing to do with the length of time that the organization is in existence.

At any rate, we respect the feelings of the Gentleman from Mandaluyong.

I will present the amendment suggested by the Sponsor to Section 5, subject to style, as additional disqualification: "ANY PARTY OR GROUP THAT HAS BEEN IN EXISTENCE FOR LESS THAN A YEAR." I will leave it to the Body to decide.

The Presiding Officer [Senator Aquino]: Senator Osmeña is recognized.

Senator Osmeña: Mr. President, I appreciate it and I am grateful for the support of Senator Gonzales to my amendment.

My original position really was that, since we have not been giving due notice to the public that this bill was going to be enacted, that we should not take steps or we should not make provisions that would restrict the entry of people who may be interested to participate. That was my thesis, Mr. President, and Senator Gonzales supported that.

Now, with these sets of amendments, it is easy to imagine, Mr. President, anyone who wants to run can find a party or an

organization. There are so many existing organizations. There are organizations in communities which would qualify now under the amendment of Senator Maceda, because we only require one-year existence.

I could go to the Commission on Elections with the program of the organization's symposium or induction of officers two years ago, and that would satisfy the requirement that it has been in existence for one year.

So, if I were somebody who is interested in running, under the existing law, it would require that I be a member of an organization for one year and therefore, I may have to find myself a home or an organization.

Under our sets of amendments now, all I have to do is find myself an organization, any organization which has an induction program dating back to April of 1994. That would qualify already. I will run using that organization.

I think the original objection that we raised on being restrictive to people who were not aware of this bill has been really in a circuitous manner, but it has been answered, Mr. President.

The Presiding Officer [Senator Aquino]: Are we now prepared to vote on the Maceda amendment?

Senator Maceda: I think the parliamentary status is for the Sponsor to accept or not to accept.

The Presiding Officer [Senator Aquino]: Yes.

Does the Sponsor accept the Maceda amendment?

Senator Tolentino: Mr. President, I view the amendment of Senator Maceda as trying to avoid the participation of what may become fly-by-night organizations. They will just organize 90 days before the election, register and afterwards, disappear.

So, I will accept the amendment, Mr. President.

Senator Romulo: There is an objection.

The Presiding Officer [Senator Aquino]: Yes, there is an objection. There are 12 Senators in the room. I think we can decide on this matter.

As many as are in favor of the Maceda amendment, please raise their right hands. [*Several Senators raised their right hands*]. As many as are against, please do the same. [*Three Senators raised their right hands*].

With five Senators voting in favor and three against, the Maceda amendment is approved.

Now, we will go to the Osmeña amendment which, instead of one year, should be 90 days. That is on page 5, line 19.

OSMEÑA AMENDMENTS

Senator Osmeña: On page 5, line 19, change the words "one (1) year" to "NINETY (90) DAYS"

The Presiding Officer [Senator Aquino]: What does the Sponsor say?

Senator Tolentino: We accept, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection to this amendment? [*Silence*] Hearing none, the amendment is approved.

Is there any other amendment?

Senator Tatad: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Tatad is recognized.

Senator Tatad: Mr. President, on page 7...

Senator Osmeña: Mr. President, anterior amendment.

The Presiding Officer [Senator Aquino]: Yes, Senator Osmeña.

Senator Osmeña: Before I introduce my amendment, I would like to address a question to the Sponsor.

Mr. President, is it our understanding that, under the provision of the Constitution on sectoral representatives, 50 percent of the sectoral representatives for the three elections following the adoption of the Constitution on February 7, 1987 — meaning the elections of 1987, 1992, and 1995 — shall be appointed as provided by law?

Senator Tolentino: Mr. President, the Constitution says that "one-half of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant," et cetera.

I understand that the Executive Order issued by President Aquino before the convening of the Congress after the new Constitution was established was that there shall be appointed this

number of representatives from the sector. That is the law that we are now following and under which even President Ramos is now making appointments to this sectoral representation.

Senator Osmeña: So, Mr. President, in the 1995 election, the sectoral representatives will be appointed. They will not be elected.

Senator Tolentino: That will mean the 25 or one-half of the 50 will come from the sectoral representatives and they will still be appointed under the law that was issued by President Aquino.

Senator Osmeña: Therefore, in the 1995 election, we will only be electing sectoral representatives from national and regional political parties. Is that not correct?

Senator Tolentino: If we want to do that in the present bill, we elect only from the political parties the remaining 25 candidates because 25 candidates will already be reserved for appointment by the President.

Senator Osmeña: Mr. President, on page 6, lines 6 to 13, it reads:

The party-list representatives shall constitute twenty *per centum* (20%) of the total number of the Members of the House of Representatives including those under the party-list. Of the total number of party-list representatives, thirty *per centum* (30%) shall be allocated to national parties or organizations, twenty *per centum* (20%) to regional parties or organizations, and the remaining fifty *per centum* (50%) to sectoral organizations.

This would apply to the elections of 1998, Mr. President.

My amendment is, after the word "organizations," add a semicolon (;) and insert the following: "PROVIDED, HOWEVER, THAT IN THE ELECTIONS OF 1995, SIXTY PERCENT (60%) OF THE TWENTY-FIVE (25) MEMBERS TO BE ELECTED SHALL BE ALLOCATED TO NATIONAL PARTIES OR ORGANIZATIONS AND FORTY PERCENT (40%) SHALL BE ALLOCATED TO REGIONAL PARTIES OR ORGANIZATIONS."

My interpretation is that, unless we provide this now, unless we clarify, unless we distinguish between the elections of 1995 and 1998, if we let this Section 11 stand as it is, we may end up electing 25 candidates in 1995, one-half or 12 1/2 of which will be allocated to the sectoral representatives, in addition to the 25 that will be appointed by the President. Am I correct, Mr. President?

Senator Tolentino: I think there is reason for that conclusion, Mr. President.

Senator Osmeña: Therefore, my amendment would read:

"EXCEPT FOR THE ELECTION OF 1995, THE ALLOCATION OF THE TWENTY-FIVE PARTY-LIST REPRESENTATIVES SHALL BE AS FOLLOWS: FIFTEEN (15) TO NATIONAL PARTIES AND TEN (10) TO REGIONAL PARTIES TO BE ELECTED IN THE MANNER HEREIN PROVIDED; AND THE TWENTY-FIVE (25) FOR THE SECTORAL ORGANIZATIONS TO BE APPOINTED IN ACCORDANCE WITH LAW."

Senator Tolentino: That will mean that in the 1995 election, the party-list will no longer have any representation from the sectoral section because they are already given 25 seats by law —

Senator Osmeña: Appointed.

Senator Tolentino: — by appointment.

Senator Osmeña: Yes.

Senator Tolentino: I think that would be reasonable, Mr. President. Otherwise, the sectoral level will be practically overrepresented. We will accept that amendment.

Senator Osmeña: Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: So the Chair understands that in 1995, there will be 50 in the party-list: 25 to be appointed by the President and 25 to be elected from national and regional parties. Is that correct?

Senator Tolentino: They will pertain to the party-list system, but the 25 is reserved by law for appointment by the President. The 25 will be elected by the people.

Senator Herrera: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Herrera is recognized.

Senator Herrera: Mr. President, I think the amendment is more consistent with the provision of the Constitution provided that the 25 sectoral seats will all be filled up. Otherwise, the sectoral representatives will be less than the number of regional and national representatives. Right now, the 25 seats are not filled up.

Senator Tolentino: But their terms will be expiring by June of 1995. After June of 1995, the President will again appoint the 25 seats.

Senator Herrera: Precisely, my amendment — I do not know if it is in this bill — is that the 25 seats for sectoral representatives must be filled up in order to have a balanced representation. Because what is happening now is, only 13 sectoral seats have been filled up. Then we will have national and regional elections which will fill up the 25 seats under the party list.

Senator Tolentino: That is precisely what the amendment of Senator Osmeña is intending to achieve.

In other words, if after the 1995 election, 15 of the party-list representatives shall come from national parties, 10 from regional and 25 from sectoral, the 25 is to be appointed by the President.

My understanding is that the Gentleman from Cebu would now want the President to fill up the 25 sectoral seats. Unlike what happens now that he has filled up only, I understand, less than 25.

Senator Herrera: These positions must be filled up.

The Presiding Officer [Senator Aquino]: The impression of the Chair is that it is not the President's fault, because they have been appointed but they have not been confirmed by a Committee in the Commission on Appointments headed by Senator Herrera.

Senator Herrera: No, it is not a complete appointment, Mr. President, because there seems to be an understanding between the House of Representatives and the President to fill up only so much number. And we cannot get enough votes in the Commission on Appointments.

What I am trying to convey here is, the 25 seats must all be filled up. That should be a mandate.

Senator Tolentino: Mr. President, I doubt if by legislation we can compel the President to exercise his appointing power in this respect. If he wants to appoint only 10 or 15 of the sectoral representatives, we cannot compel him to appoint the whole 25, nor can we compel the Commission on Appointments to approve the appointments made by the President.

Senator Herrera: What will happen, Mr. President, is that the sectors will have less representation.

Senator Tolentino: That will be the responsibility of the

President to whom the appointing power has been entrusted by Executive Order.

The Presiding Officer [Senator Aquino]: It might be comforting to know, Senator Herrera, that we are still in the transition period. So in 1998, all 50 will be elected already.

Senator Osmeña: Mr. President, the amendment was accepted by the Author.

The Presiding Officer [Senator Aquino]: Yes.

Senator Osmeña: I do not think there is any objection.

The Presiding Officer [Senator Aquino]: Yes. Is there any objection to the amendment of Senator Osmeña regarding the 15 coming from the national organization and 10 from regional? [Silence] Hearing none, the same is approved.

Senator Osmeña: Thank you, Mr. President.

Mr. President, I have a clarification which would lead to an amendment in Section 3, under paragraph (c). The second portion of subsection (c), line 13 of page 2 states:

It may be a national party wherein its constituency is spread over the geographical territory of at least a majority of the regions...

That defines a national party, Mr. President. A constituency spread over a majority of the regions.

...It may likewise be a regional party wherein its constituency is spread over the geographical territory of at least a majority of the cities and provinces comprising the region.

My question to the distinguished Sponsor, Mr. President, is: What would a regional political party which has a constituency of two or three regions be? Because two or three regions do not qualify to be a national political party.

Senator Tolentino: It will qualify as a regional party.

Senator Osmeña: As a regional party, Mr. President. So a regional party is a party that has, at least, a majority of the cities and provinces in a region or in more than one region.

Senator Tolentino: As long as it is not a majority of the regions.

Senator Osmeña: No, that is a national party, Mr. President.

Senator Tolentino: So long as it is the majority of the regions, it is regional.

Senator Osmeña: It is regional. If it is not national, it is regional no matter how many regions it encompasses.

Senator Tolentino: Yes, Mr. President.

Senator Osmeña: Thank you, Mr. President. I have no more amendments.

Senator Gonzales: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Gonzales is recognized.

Senator Gonzales: Just a point of inquiry from the distinguished Sponsor. Have we made a provision to govern a situation where probably the name of a regional political party is also the name of a national political party?

To be more specific, the original Laban — Lakas ng Bayan — which became the political vehicle of the opposition under whose ticket Senator Maceda and this Representation ran in 1978 as Assemblyman, in 1984 is still a registered political party, but it is nonetheless only a regional political party because it has a constituency of Metro Manila.

On the other hand, LDP, which also uses the acronym "Laban," is a national party. It is not a regional political party. Suppose both would apply for registration for purposes of the party-list system, is there any rule governing a situation such as this, under this law, where two political parties have the same surname, one being a national political party and the other a regional one?

Senator Tolentino: Although they have the same one word in common, my understanding is that they are two distinct political groups: one is regional and the other is national.

Senator Gonzales: Yes, Mr. President, that is quite correct. They are distinct political parties, although the LDP would want to trace its roots to the original Laban which had been founded by the late Senator Tafiada.

Senator Tolentino: I think a question like that would very well be within the jurisdiction of the Comelec.

Senator Gonzales: So the Gentleman would think that this is within the rule-making power of the Comelec in order to avoid confusion.

Senator Tolentino: With the definition of the national

political party and the regional political party in this bill, this definition can be used by the Comelec to determine from the facts whether these are still two different parties or they consider one superseding the other. I think the Comelec will have jurisdiction over this.

Senator Gonzales: So the answer to the query I posed is that, this issue must be resolved by the Comelec in accordance with its rule-making power.

Senator Tolentino: I believe so, Mr. President.

Senator Gonzales: Thank you, Mr. President.

Senator Herrera: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Herrera is recognized.

Senator Herrera: Mr. President, this Representation wants to be enlightened on the definition of sectoral organization which, according to this bill, refers to a group of citizens mainly qualified voters, who are bound together by similar physical attributes or characteristics, et cetera.

Can less than 10 people form a sectoral organization and qualify as such? Or should it have a sizable number in order to be called a sectoral organization and, therefore, can represent the sector that it intends to represent?

Or is this something that the Commission on Elections must have to define as regards the size of membership?

If we allow three, four or five persons to register as a sectoral organization, we might have a fly-by-night organizations, which is something we would like to prevent.

Senator Tolentino: Mr. President, since the bill itself does not lay down any minimum number of members of the sectoral organization, I think the Comelec would be in a position, by regulation, to state the size of an organization before it can be registered.

Senator Herrera: So, it is within the authority of the Comelec.

Senator Tolentino: Yes. Because, as the Gentleman from Cebu states, if there may be a fly-by-night organization with four or five members and registers as a sectoral organization for the party-list election, I think the Comelec would be well within its jurisdiction to determine what number or how big the organization should be.

Senator Herrera: Mr. President, if I recall, the Constitution provides for national, regional and sectoral organizations for the party-list system.

Is it possible that the sectoral organization can be included in the 1995 elections? Or is the Constitution explicit that the sectoral organization will have three terms starting in 1987?

Senator Tolentino: I think the three elections provided by the Constitution must be observed. The President now will still have the authority to appoint the 25 sectoral representatives in 1995. That is constitutional. We cannot modify that.

Senator Herrera: Thank you, Mr. President.

Senator Tatad: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Tatad is recognized.

Senator Tatad: One final amendment, Mr. President.

On page 7, line 19, delete the period (.) and add the following words: "AND SHALL NOT BE ELIGIBLE TO REPRESENT HIS NEW PARTY UNDER THE PARTY-LIST SYSTEM IN THE NEXT ELECTION."

So the whole sentence will read:

"Any elected party-list representative who changes his political party or sectoral affiliation during his term of office shall forfeit his seat AND SHALL NOT BE ELIGIBLE TO REPRESENT HIS NEW PARTY UNDER THE PARTY-LIST SYSTEM IN THE NEXT ELECTION."

The reason for this proposal, Mr. President, is that the forfeiture of seat is all right if the individual concerned changes his party early enough. But if he changes his party on the eve of the next election, then forfeiture means nothing.

Senator Tolentino: Mr. President, supposing he changes his party immediately after his election, will that still bar him from becoming a party-list representative in the next election?

Senator Tatad: He forfeits his seat.

Senator Tolentino: He only forfeits his seat. The amendment includes barring the representative from being a party-list representative in the next election. My question is, will he be still disqualified in the next election?

Senator Tatad: My concern is very clear, Mr. President. I

am trying to address a situation where on the eve of an election, a party-list representative changes his party so that he qualifies to represent a stronger party, perhaps. If he changes parties a few months after he shall have become a Member of the House under a party, then for a long period of time he would not be serving the House. That is not the contemplation of my proposal. I do not know if we could introduce a time frame in this particular amendment.

Senator Tolentino: I understand the intention here. It is to disqualify him from becoming a candidate under the new party affiliation for the party list. But, perhaps, if a time frame is given, we may consider accepting the proposed amendment.

Senator Tatad: How about a six-month period prior to the next election? What is the usual time when people change political parties just to prepare for the next election? I should like to seek the counsel of wiser Colleagues on this issue, Mr. President.

Senator Tolentino: The usual penalty for changing political parties is simply the forfeiture of seats. I do not know if we should go to the extent of disqualifying him for another nomination in a next election. But if that is the desire of the Body, I think we should limit this change of parties to only a few months before the next election so that he will not take advantage of the new party affiliation for the purpose of becoming a party-list representative again.

Is there a time frame that is suggested by the proponent, Mr. President?

TATAD AMENDMENT

Senator Tatad: Would six months be too long, Mr. President? "*PROVIDED, HOWEVER, THAT ANY ONE WHO CHANGES HIS PARTY OR SECTORAL AFFILIATION SIX MONTHS BEFORE AN ELECTION SHALL NOT BE ELIGIBLE TO REPRESENT HIS NEW PARTY UNDER THE PARTY-LIST SYSTEM IN THE NEXT ELECTION.*"

Senator Tolentino: So that would be placing a colon (:) after the word "seat".

Senator Tatad: After the word "seat," put a colon (:) and add the following: "*PROVIDED, HOWEVER,...*"

Senator Tolentino: "*PROVIDED, HOWEVER, THAT IF HE CHANGES POLITICAL PARTY WITHIN SIX (6) MONTHS BEFORE AN ELECTION, HE SHALL NOT BE ELIGIBLE FOR NOMINATION AS A PARTY-LIST REPRESENTATIVE UNDER HIS NEW POLITICAL PARTY.*"

Senator Tatad: That is the sense, subject to style, Mr. President.

Senator Tolentino: We will accept that, Mr. President.

Senator Tatad: I thank the distinguished Sponsor, Mr. President.

The Presiding Officer [Senator Aquino]: Is there any objection to this new amendment of Senator Tatad? [*Silence*] Hearing none, the amendment is approved.

Senator Tañada: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Tañada first, and then Senator Gonzales.

Senator Tañada: Can we go back to Section 2, Mr. President?

The Presiding Officer [Senator Aquino]: Yes, Section 2.

TAÑADA AMENDMENT

Senator Tañada: I would propose a reformulation of the present wording of the Declaration of Policy.

I propose that it be reworded as follows:

"It is the declared policy of the State to promote proportional representation in the House of Representatives THROUGH THE PARTY-LIST SYSTEM OF REGISTERED NATIONAL, REGIONAL AND SECTORAL PARTIES OR ORGANIZATIONS OR COALITIONS THEREOF WHICH WILL ENABLE PERSONS WHO LACK WELL-DEFINED POLITICAL CONSTITUENCIES BUT WHO COULD CONTRIBUTE TO THE FORMULATION AND ENACTMENT OF APPROPRIATE LEGISLATION THAT WILL BENEFIT THE NATION AS A WHOLE, TO BECOME MEMBERS OF THE HOUSE OF REPRESENTATIVES."

Senator Tolentino: Mr. President, I think that is a restatement of the declared policy with a change in style. We will accept the proposed amendment.

Senator Tañada: Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: The amendment of Senator Tañada is accepted. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Gonzales is recognized.

Senator Gonzales: Mr. President, preparatory to an amendment which may be needed, I seek clarification on Section 10 of this bill that provides that "Every voter shall be entitled to two votes: the first is a vote for the candidate for Member of the House of Representatives in his legislative district, and the second, a vote for the party, organization, or coalition he wants represented in the House of Representatives."

In effect, there will only be two spaces in the ballot — the name of the candidate as a regular Member of the House, and the name of the candidate for party list. But there are three categories for the party list. They are, first, for the national political party; second, for the regional political party; and third, for the sectoral groups.

We said that in the minimum number of votes for a political party, whether national or regional or a sectoral organization to be entitled to the party list, it must have received at least 2 percent of the votes cast in that category.

Would it not be necessary to have actually three spaces for the party list and to be so indicated — a vote for the representative of the national political party, a vote for the regional political party, and a vote for the sectoral organization? In effect, a voter will be having four votes, Mr. President.

Senator Tolentino: Mr. President, I think there will only be two spaces here in the ballot. One is for the regular district representative and one is for the name of a party. I see the difficulty of classifying them into three categories. But since the category is specified in the registration of this party-list system — to what category each one belongs — then even if the vote is only with the name of the party, the Comelec would know to what category that vote is to be counted, because the category to which an organization belongs is registered with the Comelec.

Senator Gonzales: So, it will be an either/or situation for a voter — whether he votes for a national political party, or he votes for a regional political party, or he votes only for a sectoral organization. He really cannot spread his votes.

Senator Tolentino: No, Mr. President. There will be only one vote, either for a national political party or a regional political party or a sectoral organization. He has to choose how he will vote. He cannot vote for all three.

SUSPENSION OF THE SESSION

Senator Gonzales: May we have a one-minute suspension of the proceedings so that we can thresh this out, Mr. President.

The Presiding Officer [Senator Aquino]: The session is

suspended for one minute, if there is no objection. *[There was none.]*

It was 8:00 p.m.

RESUMPTION OF THE SESSION

At 8:08 p.m., the session was resumed.

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

What is the pleasure of Senator Gonzales?

Senator Gonzales: I am just bringing this to the attention of the Sponsor and this Body. Personally, I would rather give him a vote not only for the regular Member of the House of Representatives but also for the three categories in the party list. But apparently this suggestion does not find acceptance with the distinguished Sponsor. I defer to his judgment as Chairman of the Committee on Electoral Reforms and People's Participation.

The Presiding Officer [Senator Aquino]: Thank you, Senator Gonzales.

Senator Tolentino: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Tolentino is recognized.

Senator Tolentino: Mr. President, I made that response because I believe that the philosophy behind the party-list system, where there are categories, is that a person will vote for the national party if he belongs to the national party. He will vote for regional if he belongs to regional. But if he belongs to a sectoral, he will vote for the sectoral party. That is why there must only be one vote in the ballot. But I can anticipate there will be some difficulty on the part of the Comelec trying to implement this provision.

Senator Tañada: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Tañada is recognized.

Senator Tañada: Just for clarification purposes, Mr. President.

What happens in the case of a coalition between a national party and a sectoral organization? How would the categorization be, Mr. President? If we say that there will be three categories — national party, regional party and sectoral organization —

what happens in case of a coalition between a national party and a sectoral organization?

Senator Tolentino: I think, in a case like that, the coalition itself should indicate in its registration to what category it will belong. So that, perhaps, if the bigger group in the coalition is a political party, it will register as a political party. If the sectoral is the bigger group, it may perhaps register as a sectoral. They will indicate exactly when they register to what category they will belong.

Senator Tañada: So, they cannot be categorized in more than one category?

Senator Tolentino: No, Mr. President, they cannot.

Senator Tañada: Thank you.

The Presiding Officer [Senator Aquino]: Is there any other clarification? *[Silence]*

Senator Romulo: Mr. President.

The Presiding Officer [Senator Aquino]: The Majority Leader is recognized.

Senator Romulo: Mr. President, I move that we close the period of amendments.

The Presiding Officer [Senator Aquino]: Is there any objection? *[Silence]* Hearing none, the motion is approved.

APPROVAL OF SENATE BILL NO. 1913 ON SECOND READING

Senator Romulo: Mr. President, I move that we vote on Senate Bill No. 1913, as amended, on Second Reading.

The Presiding Officer [Senator Aquino]: 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*. *[Silence]*

Senate Bill No. 1913, as amended, is approved on Second Reading.

Senator Romulo: Mr. President, may I just remind our Colleagues—we have already circularized this notice—that the caucus tomorrow will be at 8:00 a.m. at the Senators' Lounge, Manila Hotel.

Senator Tolentino: Mr. President.

The Presiding Officer [Senator Aquino]: Senator Tolentino is recognized.

Senator Tolentino: We have been called to caucuses already several times, but I notice that in most cases we do not have the agenda. What are we going to talk about in the caucus?

Senator Romulo: Mr. President, we will take up the proposed GATT schedule and the budget schedule.

Senator Tolentino: Thank you, Mr. President.

Senator Romulo: Mr. President, we shall have our session tomorrow at ten o'clock. At that time, we shall resume consideration of Senate Bill No. 1942, Liberalizing the Ban on Political Advertisement and Propaganda, as well as the other electoral reform bills; Senate Bill No. 1863, Export as a Key to Attain National Development; Senate Bill No. 740, Excluding the Prawns and Fishponds from CARL; and House Bill No. 10844, Granting Permanent Status to Aliens.

SUSPENSION OF THE SESSION

With that, I move that we suspend this evening's session until ten o'clock tomorrow morning.

The Presiding Officer [Senator Aquino]: The session is suspended until ten o'clock tomorrow morning, if there is no objection. *[There was none.]*

It was 8:13 p.m.