

RECORD OF THE SENATE

TUESDAY, OCTOBER 18, 1994

OPENING OF THE SESSION

At 5:01 p.m., the Honorable Edgardo J. Angara, President of the Senate, called the session to order.

The President: The 33rd Session of the Senate is hereby called to order.

PRAYER

Let us observe a minute of silent prayer.

Everybody rose for a minute of silent prayer.

The President: Thank you.

Senator Romulo: Mr. President.

The President: The Majority Leader is recognized.

ROLL CALL

Senator Romulo: We had a roll call this morning. I move that, for this session, we dispense with the roll call.

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

THE JOURNAL

Senator Romulo: Mr. President, I move that we defer the reading of the *Journal* of the previous session while it is still being printed.

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

Senator Romulo: Mr. President, may I ask that the Secretary read the Order of Business.

The Secretary will now read the Order of Business.

REFERENCE OF BUSINESS

BILLS ON FIRST READING

The Secretary: Senate Bill No. 1930, entitled

AN ACT AMENDING REPUBLIC ACT
NUMBERED SIXTY-NINE HUNDRED AND

SEVENTY-FIVE, OTHERWISE KNOWN AS
THE DEPARTMENT OF THE INTERIOR AND
LOCAL GOVERNMENT ACT OF 1990, TO
STRENGTHEN THE SYSTEM OF PEOPLE'S
LAW ENFORCEMENT BOARDS AND FOR
RELATED PURPOSES.

Introduced by Senator Mercado.

The President: Referred to the Committee on Local Government.

The Secretary: Senate Bill No. 1931, entitled

AN ACT AMENDING SECTION FOUR OF
REPUBLIC ACT NUMBERED FOUR
THOUSAND SEVEN HUNDRED TWENTY-
SIX, OTHERWISE KNOWN AS THE
CONDOMINIUM ACT.

Introduced by Senator Biazon.

The President: Referred to the Committee on Urban Planning, Housing and Resettlement.

RESOLUTION

The Secretary: Proposed Senate Resolution No. 1047, entitled

RESOLUTION REQUESTING THE COMMITTEE
ON LOCAL GOVERNMENT TO CONDUCT
AN INQUIRY, IN AID OF LEGISLATION, INTO
THE EXTENT AND LIMITATIONS ON
EXECUTIVE DISCIPLINARY POWERS OVER
LOCAL GOVERNMENT OFFICIALS AND THE
GUIDELINES IN THE APPOINTMENT OF
THEIR SUCCESSOR OFFICIALS.

Introduced by Senator Sotto III.

The President: Referred to the Committee on Local Government.

COMMITTEE REPORTS

The Secretary: Committee Report No. 592 submitted by the Committee on Banks, Financial Institutions and Currencies on S. No. 1015, introduced by Senator Roco, entitled

AN ACT REQUIRING THE DISCLOSURE OF
COMPLETE AND ACCURATE CREDIT

INFORMATION IN CONNECTION WITH
APPLICATIONS FOR CREDIT FACILITY OR
LOAN ACCOMMODATIONS,

recommending its approval without amendments.

Sponsors: Senator Roco and the members of the Committee on Banks, Financial Institutions and Currencies.

The President: To the Calendar for Ordinary Business.

The Secretary: Committee Report No. 593 submitted jointly by the Committees on Justice and Human Rights; and Banks, Financial Institutions and Currencies on Senate Bill No. 1016, introduced by Senator Roco, entitled

AN ACT PRESCRIBING A TWO (2) YEAR
SUSPENSION OF SECTION 19, RULE 141 OF
THE RULES OF COURT, AS AMENDED, WITH
RESPECT TO THE DEVELOPMENT BANK OF
THE PHILIPPINES, THE PHILIPPINE
NATIONAL BANK, THE PHILIPPINE EXPORT
AND FOREIGN LOAN GUARANTEE
CORPORATION, AND THE NATIONAL
GOVERNMENT COMPANY,

recommending its approval without amendments

Sponsors: Senator Roco and the members of the Committees on Justice and Human Rights; and Banks, Financial Institutions and Currencies

The President: To the Calendar for Ordinary Business.

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

Senator Romulo: Mr. President, I move that we consider Senate Bill No. 1913 as reported out under Committee Report No. 583.

The President: Consideration of Senate Bill No. 1913 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. 1913, entitled

AN ACT PROVIDING FOR A SYSTEM OF

ELECTING MEMBERS OF THE HOUSE OF
REPRESENTATIVES THROUGH A PARTY-
LIST SYSTEM.

The following is the full text of the Senate Bill No. 1913:

Introduced by Senators Roco, Lina, Romulo, Herrera, Maceda, Rasul, Shahani, Tolentino, Ople, Macapagal, and Tañada and Sotto.

AN ACT PROVIDING FOR A SYSTEM OF
ELECTING MEMBERS OF THE HOUSE OF
REPRESENTATIVES THROUGH A PARTY-
LIST SYSTEM

SECTION 1. *Title.* - This Act shall be known as "The Party-List Act."

SEC. 2. *Declaration of Policy.* - It is the declared policy of the State to promote proportional representation in the House of Representatives by persons who could contribute to the formulation and enactment of appropriate legislation which could benefit the nation as a whole but who lack a well-defined political constituency. Towards this end, highly qualified and eminent persons shall be selected to become members of the House of Representatives through a party-list system of registered national, regional and sectoral parties or organization.

SEC. 3. *Definition of Terms.* - For purposes of this Act, the following terms shall mean:

a) Party-list system is a mechanism of proportional representation in the House of Representatives of national, regional, and sectoral parties or organizations registered with the Commission on Elections.

b) A party or organization may mean either a political party or a sectoral organization.

c) A political party refers to an organized group of qualified voters advocating the same ideology, political ideas and principles for the general conduct of the government.

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

d) A sectoral organization refers to a group of qualified voters who are bound together by similar physical attributes or characteristics, or by employment, interests and ideas, not necessarily political in character, for mutual aid and protection.

SEC. 4. *Registration.* - 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 Commission on Elections not later than ninety (90) days before an election a petition verified by its president and secretary, attaching thereto its constitution, by laws, platform or program of government, list of officers and members, and other information required by the Commission on Elections for national or sectoral parties or organizations. The Commission on Elections shall publish the petition in at least two (2) national newspapers of general circulation.

The Commission on elections shall, after due notice and hearing, resolve the petition within fifteen (15) days from the date it is submitted for decision and in every case not later than sixty (60) days before elections.

SEC. 5. *Refusal and/or Cancellation of Registration.* - The Commission may, *motu proprio* or upon verified complaint of any interested party, refuse or cancel, after due notice and hearing, the registration of any national, regional or sectoral party or organization on the following grounds:

- 1) It is a religious sect or denomination, organized for religious purpose;
- 2) It uses violence or unlawful means to seek its goal;
- 3) It is a foreign party or organization;
- 4) It is receiving support from any foreign government, or acceptance by it or any of its members of financial contributions from foreign governments;
- 5) Violation of, or non-compliance with laws, rules or regulations relating to elections;
- 6) Untruthful statements in its petition;

7) Failure to participate in the last two (2) preceding elections or its failure to obtain at least ten percent (10%) of the votes cast under the party-list system in either of the last two (2) preceding elections for the constituency in which it has registered;

8) It fields candidates in the legislative districts during the elections in which it participates under the party-list system.

SEC. 6. *Manifestation to participate in Party-List System.* - Any political party, organization, or coalition already registered with the Commission need not register anew. However, such party, organization, or coalition shall file with the Commission, not later than sixty (60) days before the election, a manifestation of its desire to participate in the party-list system.

SEC. 7. *Certified List of Registered Parties.* - The Commission shall, not later than forty-five (45) days before the elections, prepare a certified list of national, regional or sectoral parties, organizations or coalitions which have applied and are qualified to participate under the party-list system and distribute copies thereof to all the precincts for posting in the polling places on election day. The names of the party-list nominees shall not be shown on the certified list.

SEC. 8. *Nomination of Party-List Representatives.* - Each registered party, organization or coalition shall submit to the Commission not later than fifty (50) days before the election a list of five (5) names from which party-list representatives shall be chosen in case it obtains the required number of votes: *Provided*, That for purposes of the May 8, 1995 elections, a maximum of three (3) names shall be submitted.

The list shall not include candidates for regular members of the House of Representatives.

SEC. 9. *Qualifications of Party-List Nominees.* - No person shall be nominated as party-list representatives unless he is a natural-born citizens of the Philippines [for at least one (1) year immediately preceding the day of the election, a *bona fide* member of the party or organization, with a national, regional or sectoral constituency which he seeks to represent,] a registered voter, and on the date of the election, is at least twenty-five (25) years of age.

In the case of a nominee for the youth sector, he

must at least be eighteen (18) but not more than twenty-one (21) years of age on the day of election. Any youth sectoral representative who attains the age of twenty-one (21) years during his term shall be allowed to continue in office until the expiration of his term.

SEC. 10. Manner of Voting. - Every voter shall be entitled to two (2) 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. A vote cast for a party, organization, or coalition not entitled to be voted for shall not be counted.

SEC. 11. Number of Party-List Representatives. - The party-list representatives shall constitute twenty percentum (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 percentum (30%) must be allocated to the national parties or organizations, thirty percentum (30%) to regional parties or organizations and the remaining forty percentum (40%) to sectoral organizations: *Provided*, That the forty percentum (40%) allocated to sectoral organizations must be equitably distributed as far as practicable by nominees coming from the labor, peasant, urban poor, indigenous cultural communities, elderly handicapped and overseas Filipinos, except the religious sector.

SEC. 12. Procedure in Allocating Seats for Party-List Representatives. - The Commission shall tally all the votes for the parties, organizations, or coalitions on a nationwide basis, rank them according to the number of votes received as against the total number of registered voters nationwide, and allocate party-list representatives proportionately according to the percentage of votes obtained until all seats are filled up.

A political party, organization, or coalition shall be entitled to a maximum of five (5) seats: *Provided*, That for purposes of the May 8, 1995 elections, a maximum of three (3) seats shall be available.

SEC. 13. How Party-list Representatives are Chosen. - Party-list representatives shall be proclaimed by the Commission based on the list of names submitted by the respective parties, organizations, or coalitions to the Commission according to their ranking in said list.

SEC. 14. Term of Office. - Party-list representatives

shall be elected for a term of three (3) years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No party-list representative shall serve for more than three (3) consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered an interruption in the continuity of his service for the full term for which he was elected.

SEC. 15. Change of Affiliation; effect. - Any elected party-list representative who changes his political party or sectoral affiliation during his term of office shall forfeit his seat.

SEC. 16. Vacancy. - In case of vacancy in the seats reserved for party-list representatives, the President shall fill the vacancy by appointing a representative from the list of nominees in the order submitted to the Commission on Election by the same party, organization, or coalition, who shall serve of the unexpired term.

SEC. 17. Rules and Regulations. - The Commission on Election is hereby empowered to promulgate rules and regulations as may be necessary to carry out the purpose of this Act.

SEC. 18. Separability Clause. - If any part of this Act is held invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SEC. 19. Repealing Clause. - All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed.

SEC. 20. Effectivity. - This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,

Senator Romulo: For the Sponsorship Speech, Mr. President, I ask that the distinguished Gentleman from Manila and the Chairman of the Committee on Electoral Reforms and People's Participation, Senator Arturo Tolentino, be recognized.

The President: Senator Tolentino is recognized.

SPONSORSHIP SPEECH OF SENATOR TOLENTINO

Senator Tolentino: Thank you, Mr. President.

Mr. President, Section 5, Article VI of the Constitution, providing for membership in the House of Representatives, expressly provides the following, and I quote:

(1) The House of Representatives shall be composed of not more than two hundred and fifty members, unless otherwise fixed by law, who shall be elected from legislative districts apportioned among the provinces, cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who, as provided by law, shall be elected through a party-list system of registered national, regional, and sectoral parties or organizations.

(2) The party-list representatives shall constitute twenty (20) *per centum* of the total number of representatives including those under the party list. For three consecutive terms after the ratification of this Constitution, 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, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector.

In the implementation of these provisions with respect to the party-list representatives-members of the House of Representatives, this bill is presented for consideration of this august Body.

Pursuant to the Constitution, under the party-list system, there will actually be two kinds of congressmen: One set of congressmen, a maximum of 200 unless otherwise provided by law, shall be elected by congressional districts, as we do now elect them. The other group, comprising 50 members or 20 percent of the total number of 250 congressmen, shall be elected by the party-list system.

The introduction of the party-list system by the Constitution brings about an election of congressmen in two ways. One group to be elected as individuals, as we do now, from different congressional districts; and one group to be elected nationally by means of the party-list system, the voting to be by parties instead of by individuals.

The party-list system, Mr. President, is a system of proportional representation that is intended to give to marginalized parties or groups access to the House of Representatives. The bill, as presented, provides that political parties, organizations or coalitions may register as parties participating in the party-list system, and those who are already registered political parties may manifest their intention to join in the election under the

party-list system.

In other words, in a single election, we are going to have two kinds of voting. One voting for congressmen under the party-list system without voting for individuals but for parties; and the other as we are now voting for individuals from congressional districts.

The constituencies of those voting from congressional districts will be the same as now. But the constituencies of those under the party-list system will be national or regional in scope.

The application for registration of those participating in the party-list system, if they are not yet registered political parties, should be filed at least 90 days before an election, because if a party is not registered for the party-list system, it cannot participate in the party-list system of election. The COMELEC is supposed to consider these applications and approve the applications for registration of these political parties, national, regional or sectoral.

The election under the party-list system is actually an election for proportional representation, Mr. President. In other words, out of the fifty party-list representatives, the party-list political parties will be given proportional representation, and the proportion will be based on the number of votes cast for such parties in proportion to the total number of electors in our country, so that the party-list representatives will be in proportion to the votes received by the different political parties registered for the party-list system.

In the bill as presented, those political parties presenting candidates for districts are excluded actually from the party-list system of voting. The idea is that the party-list system of voting should be reserved for marginalized political groups who are too weak to get their own congressmen elected on the basis of districts as constituencies.

This is the system that is actually proposed by the Comelec in the proposed Election Code which is lifted and transposed into the provisions of the current bill that we are presenting today. So that among the requirements for registration in order to qualify as participant in the party-list system of election is that such a party is not presenting candidates under the system of election by districts. If they present candidates for congressmen by districts, then they will be disqualified to be in the party-list system of voting.

I call attention to this provision because this is a very controversial provision, Mr. President. There are those who believe that the regular parties that are presenting candidates already for congressmen by district should not be excluded from

the party-list system. But the justification given for excluding them in the party-list system is that the idea of party-list system would be defeated, or the very purpose of giving access to small groups that cannot elect candidates on the district basis will be defeated, if the parties that are already big and can elect congressmen by district would still be given a chance for additional representatives through the party-list system.

Mr. President, the Comelec is given time to act on the applications, and these applications after approval by the Comelec will entitle a political party in the party-list system to submit nominees who are going to be its representatives in the event that it will get enough votes to have congressmen appointed under the party-list system.

Mr. President, the bill provides for the parties to present about five nominees. The idea is that if a party under the party-list system is allotted, let us say, a certain number of representatives by reason of proportional representation, the list of candidates submitted should be the basis for representation in the Congress. If a party submits five candidates and nominees but would be entitled only to, let us say, three, then the first three in the list submitted are the ones who will be declared as elected under the party-list system.

Since the election here under the party-list system is not on the basis of individual candidates but on the basis of political parties, there is a provision against turncoatism in this bill. The party-list representatives will have the same tenure as those elected on the basis of districts. But if a party-list congressman should change political parties during his term, then he will forfeit his seat in the Congress.

This is a rule against turncoatism because the basis of election is not individual but by the party. That is why a change in political party carries with it a forfeiture of the seat which is accorded to the congressman on the basis of the party to which he belongs.

In determining the number of seats to be allocated to a party-list group or party, the rule is the proportionate ratio between the votes cast for the political party as compared to the number of voters in the country. I call attention to this provision because there are others who feel that the basis should not be the number of registered voters but the total number of votes cast under the party-list system.

We have adopted the suggestion of Comelec in this case, but we call attention to the other theory or idea that the basis should not be the total number of voters but only the total number of votes cast for the party-list system.

The determination of the number of congressmen elected under the party-list system will be a matter of mathematics because of the ratio established by the bill.

Under the provisions of the Constitution itself, if this bill is approved into law, then for the 1995 elections, only 25 will be elected under the party-list system and in the 1998 elections, the full component of 50 will be elected. Only one half will be elected in the party-list system for 1995 because the other half is already reserved by law for sectoral representatives.

Mr. President, since the party-list representation is actually a constitutional mandate, we believe that approval of this bill should be given due consideration by this Body.

We submit, Mr. President.

The President: The following are recognized for interpellation in this order: Senators Tañada, Osmeña, Alvarez and Maceda.

Senator Tañada is recognized.

Senator Tañada: Will the distinguished Sponsor yield for some clarificatory questions?

Senator Tolentino: Very gladly, Mr. President.

Senator Tañada: Mr. President, Section 9 of the bill refers to the Qualifications of Party-list Nominees.

Going over lines 24 and 25 of page 4, Mr. President, I seem to note something is missing or something is wrong.

The President: I think there must be some typographical error.

Senator Tañada: Section 6, Article VI of the Constitution does not require party-list representatives to be a registered voter in the district in which he shall be elected and a resident thereof for a period of not less than one year immediately preceding the day of the election.

Under Section 9 of the bill, the one-year residency is being required. Would this not be violative of the Constitution, Mr. President?

The President: Before that, with the permission of the Sponsor, I think there is some missing line between lines 24 and 25.

Senator Tolentino: It is a case of typographical error, Mr. President.

The President: It must be a typographical error.

Senator Tolentino: I think what is missing here is, there should be a comma (,) after the word "Philippines". The comma (,) after the word "election" on line 26 should be deleted. So that this one year is not for residence requirement. This one year is for membership in the party that is registered for party-list system of voting.

There is no residence requirement in this case but only registration of the voter, whatever residency he may have, because the voting here is national in scope.

Perhaps, some kind of a rearrangement of the paragraph would be called for, Mr. President.

The President: Yes. Just for clarification.

The phrase "for at least one year immediately preceding the day of the election" refers to the registration as a voter.

Senator Tolentino: It refers to a *bona fide* member.

Senator Tañada: Maybe we can clarify this during the period of amendments, Mr. President.

The President: Yes. Please proceed.

Senator Tañada: Section 11 of the bill, Mr. President, particularly lines 26 to 28 of page 5, enumerates the sectors that are going to be covered. The pertinent portion of the provision reads as follows: "Provided, That the forty per centum (40%) allocated to sectoral organizations must be equitably distributed as far as practicable by nominees coming from the labor, peasant, urban poor, indigenous cultural communities, elderly, handicapped and overseas Filipinos, except the religious sector."

Going over the last sentence of subsection (2) of Section 5 of Article VI of the Constitution, we note that the women and the youth sectors are mentioned. May we know from the distinguished Sponsor why the women and the youth sectors have not been included in the enumeration in Section 11?

Senator Tolentino: Mr. President, I think this must be considered, especially with the youth sector, as an oversight, because the election of a youth sector is expressly provided in this bill — that the qualifications, he must be 18 to 21 years of age. The case of the youth is actually a case of an omission, and

the youth sector should be included here.

With respect to women sector, the bill does not make an expressed provision with respect to women because they are considered as sufficiently represented in the district representations. But if it is the will of the Body to include the women sector, as they are included now in the appointees as sectoral representatives, that is up for the Chamber to decide. We are not very keen about the exclusion of the women sector from this enumeration, but the youth sector should definitely be included because the youth is referred to in the bill itself with respect to qualifications.

Senator Tañada: Again, Mr. President, we will propose the appropriate amendments during the period of amendments.

Senator Tolentino: Yes, Mr. President.

Senator Tañada: Going to Section 12 of the bill, Mr. President, lines 29 to 31, page 5, and lines 1 to 9, page 6, we note that this provides for the procedure in allocating seats for party-list representatives. But at the same time, we note that there seems to have been no procedure provided for allocating seats for the regional and sectoral representatives. So it would seem that only the procedure in allocating seats for party-list representatives on a nationwide basis has been provided. Would that be a correct reading of this provision?

Senator Tolentino: Referring to party-list representatives, this is used in general term and refers to all those elected under the party-list system. So even in the case of the sectoral representatives, this would be applicable.

Senator Tañada: So the procedure would be the same, Mr. President, as far as regional and sectoral representatives in the party list-system are concerned.

Senator Tolentino: Yes, Mr. President.

Senator Tañada: There would be no difference in the procedure to be followed, Mr. President.

Senator Tolentino: The procedure should be the same because, as I said, the term "reserved for party-list representatives" is used in general to cover all those elected under the party-list system.

Senator Tañada: How will the votes be determined, Mr. President, if there have been coalitions entered into by the different political parties or regional or sectoral organizations? How do we decide where the vote that was cast for the party would go if that party is a coalition among several other parties

or organizations?

Senator Tolentino: The intent here, Mr. President, is that, in the event of coalition of several parties, the vote is on the coalition and not on the different component parties. So the counting of the votes must be by coalition, not by the different parties composing the coalition.

I suppose that when the Comelec issues its regulations on this, that is one of the things that will be clarified in the regulations.

Senator Tañada: For example, Mr. President, there is a coalition now between Lakas-NUCD and the LDP. Let us say that they have registered with the Comelec to be included in the party-list system and that the registration is approved by the Comelec. How will the vote be counted? Will it go to Lakas-NUCD or to LDP for purposes of determining the number of votes that the parties garnered during the election?

Senator Tolentino: Mr. President, it seems to me that in such a case, the coalition is the one that is registered for the party-list system, not the component parties, and therefore the vote will be the vote for the coalition.

If a vote is not for the coalition but for one of the component parties, then it will not be counted for the coalition neither for the component parties, because the component parties are not registered for the party-list system. It is the coalition that is registered for the party-list system. Therefore, in the determination of ratio or proportion in the number of seats, the seat is allocated to the coalition and not to the parties composing the coalition.

Senator Tañada: In his sponsorship speech, the Gentleman mentioned that if a political party is already presenting a candidate for a congressional district under the provisions of the bill, that political party would already be disqualified from being included in the party list. Would that be correct, Mr. President?

Senator Tolentino: If there is a political party already registered, it can participate in the party-list system by manifesting that it wants to be a participant in the party-list system.

What I said — and that is what is in the bill and I called attention to it — is that, if a party is included in the party-list system, it cannot have votes for the districts. The moment it has votes for the districts, then it will be disqualified in the party-list system.

In other words, a political party has to choose whether it will participate in the party-list system or remain as a party that could

field candidates in the districts.

Senator Tañada: Can it not participate in both, Mr. President?

Senator Tolentino: In the present form of the bill, it cannot. But there are some people who feel that we should allow a political party to participate in both. However, as I said, that might defeat the very purpose of allowing party-list system because the purpose of the party-list system of election is to accommodate the very small groups who cannot really elect their people in the districts but which when combined in different districts will have enough votes nationally to be represented in the House of Representatives.

Senator Tañada: And that policy would apply to coalitions, Mr. President? The coalitions cannot also participate in both the party-list system and presenting individual candidates for congressional districts?

Senator Tolentino: I think so, Mr. President, because there is no distinction between coalitions and individual parties in the registration of party lists.

I am speaking of the bill as it is worded now, Mr. President.

Senator Tañada: Yes, Mr. President. That is how the principal Sponsor believes that the measure should be, that political parties should not be allowed to participate in both.

Senator Tolentino: We have incorporated this provision on the basis of the recommendations of Comelec actually, Mr. President. But as I said, there are views which are different from the view that is expressed by the Comelec in its proposals. As far as this Representation is concerned, while we have this in the bill as presented, we are flexible with respect to what policy this Chamber would adopt on this matter.

Senator Tañada: Thank you, Mr. President.

How will the 40-percent allocation to sectoral organization be finally distributed among the sectors defined in Section 11 of the proposed bill, Mr. President?

Senator Tolentino: We are aware that the bill itself does not specify how the division will be made. But the bill provides only for equitable distribution. Unless the Congress itself lays down the actual numeral basis, this could be left to the regulations that may be issued by the Comelec in implementing this bill when it becomes a law.

Senator Tañada: Would it not be better to provide already

in the measure itself the standards as well as the rules that should be followed on this issue, Mr. President?

Senator Tolentino: We shall consider that during the period of amendments if some proposals are made with respect to this point, Mr. President.

Senator Tañada: Section 17 of the bill empowers the Comelec to promulgate rules and regulations. Would the Comelec be allowed to promulgate rules and regulations providing for a minimum number of membership for political parties or sectoral organizations? Again, would it be better to provide for that already in the measure that we are now considering?

Senator Tolentino: We shall, as I said, as adjudicated, consider proposals along these lines. As a matter of principle, maybe it is really better for the law to specify the number, but there is more flexibility when we leave that to the Comelec.

Anyway, we shall consider this when the period of amendment, comes and proposals are made on this particular point.

Senator Tañada: Thank you, Mr. President.

Now, going back to Section 7 of the bill, page 4, lines 3 to 11, Mr. President, which refers to a Certified List of Registered Parties, I was just wondering why in Section 4 of the bill, we require publication of the petition that will be filed by the applicants to the party-list system, and in Section 7, we do not require the publication of the party's organizations or groups that have been approved to be included in the list of registered parties.

Senator Tolentino: Mr. President, I think the procedure actually is going to be that when the application for registration is filed, then there may be parties that may oppose the registration, or even when the registration has already been made, they may ask for cancellation because of the reasons that are enumerated in the bill for refusing registration.

So, once this is considered in a hearing and the Comelec registers the applicant political party organization, then that one that has been approved is the one that is included in the certified list to be given to the different polling places and there is no need of publishing these applicants again because they have already been approved.

Senator Tañada: So there would be no need for another publication, Mr. President?

Senator Tolentino: Yes, Mr. President, because it is assumed that there was such publication already and a particular

political party has already been approved and registered by the Comelec.

Senator Tañada: I was thinking, Mr. President, that since not all of the applicants would perhaps be approved by the Comelec, there would be need for another publication which would contain the list of the applicants that have been approved to be included in the party list.

Anyway, Mr. President, I will see if I can propose an amendment to this effect during the period of amendments.

There are some other points which I wish to clarify but I still have to formulate the questions. At this point, I would like to suspend my interpellation.

Senator Osmeña: Mr. President.

The President: Senator Osmeña is recognized.

Senator Osmeña: Mr. President, will the distinguished author of the bill and the Chairman of the Committee yield for a few questions?

Senator Tolentino: Very willingly, Mr. President.

Senator Osmeña: Mr. President, the bill obviously is intended to implement a provision of the Constitution. Unfortunately, we are treading on new grounds here because the provision of the Constitution when it speaks of a party-list system does not follow, conform, or, shall we say, seek to undertake a system as it is known in the western democracy like, for example, in Germany.

Mr. President, in Germany, the CDU, the SPD and the other political parties field two different sets of candidates. One set of candidates runs in a specific constituency which we call "district". Then the CDU prepares a list of candidates who will run on a nationwide basis in almost the same way that we ran in the Senate in 1984. Under that system, a voter goes to the polling place and cast two votes — one vote for his representative who is a natural person, and another vote for the party that he wishes to support.

The votes of the party, Mr. President, are then tallied. If the CDU has received 43 percent of the votes and there are 200 contested party-list seats, then 43 percent of 200 or 86 is now won by that party. Then they go back to that party list.

The party list arranges the names of the 200 candidates in the order that the party wishes to present them to the electorate. If only 86 won, then No. 1 to No. 86 are deemed elected and they

are proclaimed as being the party representatives in the Parliament representing that particular party.

The reverse is true in the Scandinavian democracies. In the Scandinavian countries, the process of choosing the personalities is undertaken by the party after it has won a number of seats. So if the Socialist Party of Scandinavia won 23 percent, then they have a party convention to choose the people who will represent the party to allot the number of seats that they have won.

These are all elections that are held on a national constituency. The whole country votes together. Unfortunately, Mr. President, either by design or, shall we say, ignorance—because some of our Commissioners in that CONCOM were not absolutely very well-versed—we have a mess of a Constitution right now because this system has not been adhered to. So, we have now national constituencies, regional constituencies, sectoral constituencies.

My first question to the distinguished Gentleman is this: Since 30 percent of the 40 party-list representatives are going to be contested on a national constituency, are we to understand that there will be a labor party, a farmers' party, a youth party, a party of the blind, a party of the disabled, who will each field candidates and then when we go to the polling place, we will choose whether we will vote for a youth candidate for the youth party or for the disabled, or the farmer or for the industrial labor? Is that how it is going to work?

Senator Tolentino: Mr. President, I think that is how it will work out in the case of sectoral representations. They must be registered. Otherwise, they will not be given any share in the number of seats for the party-list system.

Senator Osmeña: Mr. President, would a voter be casting his vote more than once? Would he go to the polling place and cast a vote for the Progressive Party of the Philippines, and then another vote for a farmer's party and another vote for a youth party? We would be, in effect, casting three votes.

Senator Tolentino: As the bill has proposed, Mr. President, there will be only two votes — one vote for a party and one vote for the district or individual candidates. In other words, when the voter votes, he does not vote for all the different sectors but only for one sector if he uses sectoral representation.

Senator Osmeña: So, Mr. President, when the parties present their individual candidates, a voter will have a choice of whether he wants to vote for a youth sector candidate, or for the disabled, or for a cultural minority. Is that the concept under this bill?

Senator Tolentino: Unfortunately, Mr. President, that seems to be the intention and there must be a limitation on the number of party-list votes. He cannot vote for regional, for national and then for sectoral. Because the intention seems to be to have all these votes for a sector gathered all over the country and the votes counted for that sector.

Senator Osmeña: That is correct, Mr. President, in a sense. But in effect, a voter going to the polling place will be faced with a choice of whether he will cast his vote. Because I do not think that we are going to segregate the youth and make them vote only for the youth sector. I think everybody will be voting across different sectors.

We will be faced, Mr. President, with a choice of voting for either the Progressive Party, the Federalist Party, the Parliamentarist Party, or the Youth Party.

Is that the way we are going to do it, Mr. President? Because the sectoral representation is really the one that, shall we say, is a mixture. It is a hodge-podge.

Senator Tolentino: Yes, because there will be different groups in that sector.

Senator Osmeña: Would it not be possible, Mr. President, to even pick a sectoral representation here and incorporate that in a party organization? Is the constitutional provision structured in such a way that we could do away with having elections on a sectoral basis? And that, instead, each party will adopt candidates who represent the various sectors?

Senator Tolentino: I suppose that is left more to the discretion of the Congress on how this sectoral representation will be distributed.

Senator Osmeña: Now, in the case of a regional allocation, Mr. President, a regional party can put up a candidate. Will the number of votes that a regional party's candidate gets be taken into consideration vis-a-vis the votes of the other regions? Are we going to allocate, let us say, one candidate to Region V and that all the parties in Region V will contest that one candidate?

Senator Tolentino: My reading of that, Mr. President, is, when it comes to regional representation, the people in that region are really the ones to elect the party-list candidate in the region. So, there is a political party that is regional, and then it is only the people in that region who will choose the regional party. Because the party that is regional is not supposed to be national in scope that must be voted by the entire nation. It must be voted only by the region in which it is a political party.

Senator Osmeña: Mr. President, could the Gentleman conceive of a provision wherein a voter could cast three votes on that party list — he would cast one vote for the national party list; another vote for the regional party list; and the third vote for the sectoral party list?

In the canvassing, we count the total number of votes that everyone gets throughout the nation and canvass them for the national party-list elections; we get the regional votes in each region and canvass them only within the region; and then we get the sectoral votes all over the country and canvass them all over the country.

Mr. President, I think that would be one of the many ways of sorting out the problem which is not our fault. I mean, we are forced to legislate on a provision of the Constitution that was put there by parties for their own particular motives without really considering the realities of practical politics.

Senator Tolentino: Mr. President, we will appreciate very much a proposal that we may be able to consider in this respect.

Senator Osmeña: Mr. President, I think at the moment there are small nit-picking provisions which I do not want to deal with. To me, that would be the core and I would like to study this matter further, and at another time return to the Floor with a better-studied position.

Thank you very much, Mr. President.

The President: Senator Alvarez is recognized.

Senator Alvarez: Mr. President, I am looking at that particular provision which I came across when I was looking over this proposed legislation — barring religious groups from fielding their own religious party list. Could the Gentleman help this constituency for that particular provision? It is in Section 5.

Senator Tolentino: In Section 5, yes.

Senator Alvarez: It says here that it may bar a religious sect or denomination organized for religious purposes. This would only be a formal acknowledgment of the activities of a certain religious sect which really has the internal discipline of that sect in supporting particular candidates and it has happened time and again.

Now, if they come out formally and present their own party list based on their faith that it is needed for religious discipline, can we really ban them from organizing into a political party because of religious faith or belief, in the manner that certain

socialists are bound together as socialists because it is their faith and political belief? Why not theological belief?

Senator Tolentino: Mr. President, I think this is based on the principle of separation of Church and State, that a religious group should not participate actually as such a group in a political exercise. It is different when the religious groups support certain candidates. They are doing that as voters. Every voter, whatever his religion may be, has the right to support a candidate.

But in this case, if we have a religious group actually as a party-list group, it is actually participating in a political exercise as such a religious group. That would be merging already its personality as a religious group with a political exercise. I think that is the reason for this prohibition.

But this will not prevent the religious group from supporting candidates, who, according to its own religious persuasions, it would like to support.

Senator Alvarez: Let us take a Muslim party in the South, Mr. President. Let us assume the name is the Ulama Party that wants to field candidates for the available seats in the South. This phenomenon has already emerged.

The idea is to have a group believing in this particular form of faith, defining its platform in accordance with what it believes, and then offering itself, so that when it is in the Government, it may pursue that through the legitimate process of Government.

It does not necessarily mean that resources of the Government would be committed for that one particular group, but pursuing the idea that this is how the principles of Government should be pursued according to the Ulama principle, which is also its religious faith.

Senator Tolentino: So long as it is a group that is not religious in character, I think it can participate in this party-list system of voting. Because if one is a Muslim, that does not really mean a religious group. It may mean a portion of our own population and not a religious group.

Senator Alvarez: Under this provision, would that restrain the Opus Dei or the Sodality of Mary in fielding its own candidates as a party, adhering to the Catholic faith in the pursuit of many of its programs including, but not limited to, opposition to any program of family planning?

At this juncture, the Senate President relinquished the Chair to Senator Jose D. Lina, Jr.

Senator Tolentino: Mr. President, as long as we are talking of a religious group, it is excluded by this provision, whatever kind of religion it may be.

Senator Alvarez: How about the Iglesia ni Cristo, Mr. President?

Senator Tolentino: It is the same. It is a religious group.

Senator Alvarez: Mr. President, I will leave that point now. But with regard to that matter, perhaps, at the opportune time for amendments, we will offer our proposed amendments and perhaps clarify that point with appropriate arguments for it.

May I proceed to Section 12, Mr. President, starting on line 6 on page 6. "A political party, organization, or coalition shall be entitled to a maximum of five (5) seats."

If there is a maximum of 20 percent of the total votes and we have an assembly of about 200, 20 percent of the assembly would be somewhere around 40, where the party-list representation be a maximum of 40.

However, under this section — correct me if I am misreading it — a party would only be entitled to a maximum of five seats. Why can we not make party-list representation truly representative on the percentage of the votes that it garners instead of giving a ceiling or a maximum? Then, it will not be proportionate.

Let us say, in a field of five parties contesting, the Nacionalist Party, as a second-party vote, gains a clearly dominant number of the votes. Should the Nacionalist Party not be entitled to a proportionate number of the votes cast in its favor, Mr. President?

Senator Tolentino: Theoretically, yes. But I think the purpose of limiting to five seats any dominant party is to be able to distribute these party-list representatives to as many party groups as possible. Because if one party will dominate, then the idea of giving as much possible to the marginalized groups may be defeated.

Senator Alvarez: But, Mr. President, we already have a ceiling of 20 percent for party-list representatives. So that 80 percent would be those that are directly favored representatives or those who are directly chosen as representatives. So that in the 20 percent that we are allocating for party-list representatives, should we not allow the percentages of votes that will favor particular parties to be reflected within this 20 percent? Anyway, the limitation is already within the 20 percent.

Allow me, Mr. President, to explain why there may be some merit to this. Supposing all over the country — from Mindanao to Sulu — there is a national election. We could have clusters and clusters and clusters of votes of the Social Democratic Party. In each district, they are not good enough, they are not strong enough to elect their candidates. But when we put together all the Social Democratic Party votes throughout the country, they represent, at least, not 20 percent, perhaps, but 18 percent of the total number of votes. They are not good enough to win on a man-to-man basis against their political opponents. But nationwide, they reflect a certain percentage.

Should we not allow also that this percentage be now represented in the party-list? Because that is what their party is for; that is what the party represents, the choice of, at least, 18 percent of the general population.

In this particular case, if another party gets 2 percent out of the 20 percent of the votes that we are allocating, then both parties will have equal representation, Mr. President. One that has 18 percent of all the national votes will get five, and the other one that has a very miniscule 2 percent may also be entitled to five.

Senator Tolentino: I can see the reason for the position of the distinguished Gentleman. Maybe we can cite that a little further, and before we close the period of amendments, we may find something suitable to adjust to that position.

Senator Alvarez: Thank you, Mr. President. I agree with the thrust and the logic of this particular legislation. I was just hoping that we could broaden the concept of party representation, and in the opportune time, I will offer my amendment to the Gentleman.

The Presiding Officer [Senator Lina]: The next to interpellate is Senator Maceda, who is now recognized.

Senator Maceda: Will the distinguished Dean of the Senate answer a few questions?

Senator Tolentino: Subject to qualification, yes, Mr. President.

Senator Maceda: Mr. President, I must congratulate the Gentleman for coming out with a good starting bill. Immediately, I thank him for his answers to the previous Members who have interpellated, indicating that the Gentleman is quite open and flexible in finalizing this measure.

Mr. President, it would be correct, as the Gentleman has so

properly started, to refer to Section 5, paragraphs 1 and 2, of Article VI of the Constitution. As the two referred paragraphs are worded, is there any wording here that suggests that national political parties should be disqualified from participating in the competition for election or selection of party-list representatives?

Senator Tolentino: Mr. President, there is none. This is just a matter of policy to attain what is intended by the party-list system. And that is to give access to the House those who are considered as marginal political groups that cannot elect a representative in one district, but when taken together nationally, they may be able to have a representative. It is not actually stated in the Constitution itself.

Senator Maceda: As the Gentleman has indicated earlier to the Gentleman from Cebu, if we could come up with a specific system that may not disqualify political parties from presenting candidates, but, as a matter of fact, may be a better vehicle for assuring that marginalized groups have access to the House of Representatives, that certainly would still be within the intent of the Constitution.

Senator Tolentino: I think so, Mr. President.

Senator Maceda: I am afraid, Mr. President, that we might have a system where — of course, the Gentleman had already, in answer to Senator Osmeña, not finalized his position — among all the sectoral groups, for example, partly because of my highest admiration for Senator Herrera and the TUCP. If we allow the sectoral groups to compete among themselves then, certainly, the more organized labor unions and the more organized peasant and farmers organizations will have a distinct advantage over the smaller associations of elderly or disabled sectoral groups.

So, even among themselves, there will be this problem that organized labor groups, organized farmers groups, as well as, maybe, organized women's groups would have advantage over the other marginalized sectors.

Would that not be a possibility if this system is not really refined to make sure that everybody has, of the different sectoral groups, more or less, an even chance of competing with each other?

Senator Tolentino: I agree with that, Mr. President. As I have indicated, we are open and flexible with respect to these matters. We will be very happy to consider proposals, during the period of amendments, that would equalize the position of these different groups.

Senator Maceda: So that, Mr. President, for example, as we have seen in the appointment of sectoral representatives which, of course, passes through the Commission on Appointments — that the Gentleman and I are very well aware of it as Members of the same — theoretically, and I used that with full intent, we might be able to craft a system where we allow the national and/or regional parties principally to compete among themselves but require that in the party list that they will submit, the appropriate percentage subject to a rotating priority, for example, would be reserved for regional representatives or would be reserved for sectoral representatives.

I am saying that if a national party organization is entitled to compete for the entire 50 — my impression is 50, not 40 — the law can provide that a certain number of seats should be reserved by these political parties for sectoral representatives as we have decided for labor, peasant, urban poor, indigenous cultural communities, women and youth seek to start with or whatever addition we have.

Would it be possible to accept this rough idea for possible study that allows the national parties to compete but require them and, I guess, it would be good policy and judgment for them to say that in our party-list of 50, we have this sectoral representatives included. And that would be a basis also for the different sectors to choose based on the qualification and stature of the sectoral representatives included in the Lakas-LDP Party-List candidates, on the NPC-PRP Party-List candidates or on the KBL Party-List candidates for people to decide whom they would be voting for as a party precisely because of the quality of sectoral and other candidates in their list?

Senator Tolentino: Well, we may possibly consider that, as I said. But one thing is that, in the party-list system, the names or the nominees of each party is only practically known to the Comelec. That will not appear on the ballot itself when the vote is made because the vote is always by party and never by the individuals nominated by each party. But as I said, we can consider all these things because we want to have this bill reflect, more or less, the sentiment of the Senate itself. What may be most equitable, perhaps, should be adopted by the Body.

Senator Maceda: Thank you very much. May I inject another thought.

Frankly speaking, as President of a political party, I commented earlier to one of our Colleagues that in this country, the opposition party is also a part of the marginalized sector. The tremendous advantages of the Administration really makes everybody else in politics marginalized.

However, this party-list system is exciting to us in the sense

that we have always complained that — and I am experiencing it now; that is why pardon me if I have to refer to my position as party President — a lot of good people whom we are trying to convince or draft to be candidates under a political party usually beg off. The principal reason really is that politics is dirty or they cannot afford it. In some cases, they cannot see themselves conducting a national campaign or a barangay--to--barangay campaign.

The idea that is crossing my mind is that the party-list system is an ideal vehicle for the political parties to be able to improve the quality of the House of Representatives by including in their party list very distinguished and qualified people who otherwise would not run for election.

That is one good argument that I would like to present why disqualification No. 8 — meaning to say, not allowing political parties to participate in this system since they are already fielding candidates, seconding the statements of Senator Osmeña — should probably be reviewed and restudied.

Senator Tolentino: Yes. As I stated even in my Sponsorship Speech, this is a position that is taken by many. But we have included in the bill that we presented the position that has been taken by the Comelec. But that is not binding upon us.

Senator Maceda: Thank you.

Now, to support that statement, we have all seen the disorder, the problems, the chaos which the last synchronized elections have shown. I am referring, first of all, to the practical matter of the printing costs of the Comelec.

If we allow each and every sectoral group, each and every regional party, each and every registered party to participate, the Comelec might be forced to print a six-meter long document of the list of parties for which the voters will choose to vote for — whether it is two votes, three votes or four votes — one for the elected congressman and one, two or three for the party list. The list of all the candidates for Congress in that district will have to be printed in a list to be posted at the precinct. The list of all the parties and sectors to be voted for will have to be printed also.

What I am saying is, if we adopt a system where principally the vehicle for electing the party-list candidates are the existing political parties and, as the distinguished Sponsor has indicated, subsequently thinned out and qualified by referring eventually to the 10 percent vote requirement in either one or two last elections, then in practice it will be more workable, Mr. President. Would the Sponsor consider that as a factor in making a decision on this matter?

Senator Tolentino: Definitely, Mr. President, because we shall be open-minded in this respect.

Senator Maceda: Mr. President, the other matter that excites us even as members of the Opposition is, again, accepting the fact that the Administration party, let say, under the present system, will probably elect, or will have better chances of electing a majority of the congressmen candidates, we were thinking that under the proportionate formula, if we have a party-list system, we could always go into a campaign in a district where the people there would tell us, "I am sorry but we are already committed to Congressman Bagatsing as our candidate for Congress."

Then we can always say, "Okay na iyong kay Bagatsing, pero iyon sa party list ay ihati ninyo kami para mayroon din namang representasyon iyong Oposisyon."

In practice, that would work out as what would happen in many districts when certain political leaders or voters would like to assure that both the Administration party and the Opposition will be given some representation. Then here is a "solomonic" way by which they can accommodate the incumbent congressman who, most probably, comes from the party in power, considering that as of now there are 19 from the LDP and they are supposed to be coalesced with the majority. There are about 26 in the NPC. So even if we combine the 19 and the 26, if we are talking about 45, we have 155 incumbent Lakas congressmen. Even if we accept the usual formula that about 60 to 65 percent of all incumbents will be reelected, the chances are that the Administration party, with all its advantages, will get the majority of those to be elected as congressmen. But, of course, we are going to try our best to reverse that.

I say this as a premise that under the party-list system, we have a chance to assure that there will be at least a significant number of Opposition Members in the House of Representatives, which at the present time is something that would be quite ideal and necessary.

Would the Gentleman consider this particular factor in finalizing the system under this bill, Mr. President?

Senator Tolentino: Well, of course, Mr. President.

Senator Maceda: I guess if the Gentleman is open to all of those, then he will also be open eventually to reviewing this matter of the 30-30-40 formula that we now have in the present bill.

Senator Tolentino: Yes, Mr. President. We would be

willing to accept suggestions or proposals modifying that ratio.

Senator Maceda: Mr. President, the last point for tonight. In the case of Section 16, in view of the fact that it is established that the parties or sectors, or whatever is the final system, are going to submit a list, may we therefore revise this during the period of amendments, that instead of the President appointing, the list shall automatically be followed upon certification by the President or the secretary-general of the party concerned.

I say this because even now, Mr. President, it is established that when a member, let us say, of a Sangguniang Bayan or a Sangguniang Panlalawigan dies or resigns, then the replacement must come from the party of the person who died or resigned.

I must tell the Gentleman that — I do not know whether this is part of a master plan of political harassment — our recommendees for the very few NPC councilors or board members who have left vacancies by death, resignation or otherwise, are held pending in Malacañang for a long time. Since the list will be there to follow, I see no reason why we should give the power to the President to appoint, because then we give him the discretion; we cannot force him whether to appoint immediately, freeze the appointment or not act on it at all.

Senator Tolentino: I think that will be a very good suggestion, Mr. President. In the period of amendments, we can make the succession automatic according to the list submitted by the party to the Comelec.

Senator Maceda: Those are the few points we have tonight. Again, I must thank the distinguished Sponsor for his flexibility and understanding. I am sure that under his leadership, we will be able to come out with a very good, final bill on the matter.

Thank you, Mr. President.

Senator Tolentino: Thank you, Mr. President.

SUSPENSION OF THE SESSION

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

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

It was 6:32 p.m.

RESUMPTION OF THE SESSION

At 6:32 p.m., the session was resumed.

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

Senator Romulo: For the next interpellation, I ask that the distinguished Gentleman from Cebu and Bohol, Senator Herrera, be recognized.

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

Senator Herrera: Thank you, Mr. President. I have a few questions as of this very moment, but I would like to reserve my right to interpellate tomorrow or the following days because I would like to study this particular bill.

Mr. President, let me start with this question: Is it necessary for us to enact this particular measure now? What are we going to lose if we will not enact this measure now? Because this is one provision of the Constitution — the party-list system — which is very difficult to implement. I am just wondering why we have to enact this measure now.

Can we not enact this probably in 1997 for the 1998 elections? So that we can study this carefully, make further consultations, and probably prepare our people and the various organizations — national, regional or sectoral organizations — in order that they can effectively participate in the election under the party-list system.

Senator Tolentino: Mr. President, I think there is no mandatory period for enacting this kind of measure. But if we enact this now, then at least in the election of 1995, 25 members of the House will go under the party-list system already. While if we enact this after the elections of 1995, then the composition of the House of Representatives after the 1995 election will be practically the same as it is today. And we go to the party-list system by electing 50 already in 1998.

Senator Herrera: One of the reasons I am raising this matter, Mr. President, is the practicability of enacting this measure now. Because even with the sectoral representatives, who are appointed by the President, the House of Representatives is even rejecting the idea of filling up all the 25 seats supposedly to be filled up by the sectoral representatives.

Senator Tolentino: I think the main reason for that is, the present sectoral representatives are appointive, while in the

party-list system, these people will be elective. That would be a big difference.

Senator Herrera: Mr. President, is it therefore correct to say that with the implementation of the party-list system, and using this bill as the basis for the party-list system, the Members of the House of Representatives will be composed of those elected by districts, those elected on a nationwide basis, those elected on a regional and sectoral basis?

Would that be the profile of the House of Representatives if we have to enact this particular bill into law, Mr. President?

Senator Tolentino: Yes, Mr. President. Actually that will be the composition of the House of Representatives. But that is a composition that is, I think, based on a constitutional provision, and so we have to go along with that constitutional provision.

Senator Herrera: How do we segregate then the national votes from the regional votes, Mr. President? Let us assume that a labor center like the Trade Union Congress of the Philippines will register and participate in the party-list system, and since it has membership all over the country and in all sectors, how do we then draw the line between the sectoral votes, the regional votes and the national votes?

The TUCP has members both from peasant and industrial worker sectors. It has a youth arm and has a very active and very strong women sector. It has membership also among the retired workers who are active members and therefore can be considered as elderly. Most members are poor and they are in urban centers, therefore they can be considered as urban poor. How are we going to draw the line, Mr. President?

Senator Tolentino: Mr. President, there were some suggestions that we make this more specific, and I expressed my position of being open to suggestions in order to clarify this matter that was already raised before. I appreciate the willingness of some Members to present suggestions to clarify this matter so that we will know exactly how the votes should be distinguished by national, regional or sectoral considerations.

Senator Herrera: Using the same example, Mr. President, under this bill, can the TUCP, as a center, participate as a distinct organization in the party-list election? Also, can the members within the center, which are national unions and federations, also participate as sectoral organizations?

For instance, one of the affiliates of the Trade Union Congress of the Philippines is the organization of farmers. Can they participate separately from the Trade Union Congress of the Philippines which is a labor center itself?

Senator Tolentino: Mr. President, I suppose that the branches should not be allowed to participate separately from the organization, otherwise we would be giving undue advantage to the organization, receiving party votes for the organization and still receiving party votes for its branches. I think that would be beyond the intent of the party-list system of voting.

Senator Herrera: But in the case of a labor center, these are not branches since they have their own personality. They are registered also as an organization, but they group into one labor center. Each member has its own juridical personality representing a specific sector.

Senator Tolentino: A case like that, I believe, should be governed already by the regulations that the Comelec may issue in order to implement the provisions of this bill when enacted into law. Those are details which, I believe, could be covered by rules and regulations.

Senator Herrera: Some of the points that I would have liked to raise have been raised by Senator Maceda, especially on the practical difficulty in preparing the ballots where we have to list several organizations.

In the example that I presented, Mr. President, how will the voter vote in the case, for instance, of the Trade Union Congress of the Philippines participating in the party-list system where they have various sectors within the organization and each sectoral organization has its own juridical personality? So voters will have to indicate that they are voting for the Trade Union Congress of the Philippines for the national, and they vote also on the regional and the sectoral.

Senator Tolentino: If there is no change actually in how the bill is worded, then there can be only one vote; that is, the voter will have to choose whether he is voting for the national organization or a regional organization. But if some refinements are made, we may be able to have more than one vote for the party-list system than as they are proposed now with only one vote.

At this juncture, the Presiding Officer, Senator Lina, relinquished the Chair to Senator Agapito A. Aquino.

Senator Herrera: I would like to refer to the same example. If the Trade Union Congress of the Philippines will register in the Comelec, is it necessary that its affiliates should also register as an individual organization in order to participate in the election for the sectoral or regional seats? Do these affiliates have to register in the Comelec as a separate organization?

Senator Tolentino: That is right, Mr. President.

Senator Herrera: Not only as an affiliate of the Trade Union Congress of the Philippines.

Senator Tolentino: If they just register as an affiliate, they may not be acceptable as a separate body for the purpose of party-list voting. They have to register in their own capacity or personality.

Senator Herrera: In a case of a national organization, is it necessary that a national organization should have votes all over the country or can the national organization represent only votes covering two-thirds of the country or probably one-half of the country?

Senator Tolentino: Even if they receive votes only from a part of the country, they will be considered as national if they are registered as a national sectoral organization. Because one cannot assure votes from all over the country. There may be some organizations, although registered as national may actually be receiving votes only from some portions of the country.

Senator Herrera: So how are we going to draw the line, Mr. President? Does an organization that would participate in the regional election participate only in one region, or an organization like a TUCP participate in the election for the national but can also be voted for the regional since it has members all over the country?

Senator Tolentino: In that case, they should register for a national party-list voting because they have members all over the country, so that they can get in one totality all the votes of all their members all over the country and so that they can be considered with that number of votes all over the country instead of dividing into regions.

Senator Herrera: It can be done also that the center can register as a national organization in order to get the 30 percent allotment and part of the center can register as a regional organization in order to get the other 30 percent since its affiliates have their own juridical personality. Would it be possible under this bill?

Senator Tolentino: Mr. President, perhaps, theoretically, we can do that under this bill but the regulations of the Comelec may prevent such thing to be done because that will give undue advantage to an organization which has several affiliates.

Senator Herrera: What the distinguished Gentleman is saying, Mr. President, is that problems like these can be addressed in the implementing rules.

Senator Tolentino: Yes, Mr. President.

Senator Herrera: Because I really have difficulty in understanding why we should discriminate a sectoral organization, which is a member of a labor center but has its own judicial personality, to participate especially if it is well-organized and representing a sizable membership.

Senator Tolentino: Because of the fact that it may give undue advantage to the organization that has several affiliates when the affiliates are considered as separate and distinct from the organization itself.

Senator Herrera: But is it not, Mr. President, that the bottomline in the electoral process is such that one party will have the advantage over the other parties?

Senator Tolentino: I think the idea of the party-list system is precisely to prevent some small groups from actually being left out in the democratic process. So that even marginalized groups or parties are given a chance to be represented in the Congress by means of this party-list system. If that is the very purpose then, that may be defeated by the maneuvers suggested by the distinguished Gentleman.

Senator Herrera: But the formation of a labor center is certainly to give power to marginalized sector that is why they organized into a labor center. To discriminate or inhibit them from participating in the party-list election would be unfair.

Senator Tolentino: Perhaps, if it is the desire of the distinguished Gentleman, that should be clarified expressly in the bill. We may consider that during the period of amendments.

Senator Herrera: I would like to terminate my interpellation now but I would like to reserve my right to interpellate further in the next session.

Thank you, Mr. President.

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

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1913

Senator Romulo: Mr. President, with the permission of the distinguished Chairman and Sponsor, Senator Tolentino, I move that we suspend consideration of Senate Bill No. 1913 until tomorrow.

The Presiding Officer [Senator Aquino]: Is there any

objection? [*Silence*] Hearing none, the motion is approved.

Senator Romulo: Mr. President, we have agreed, and I had passed a list after consulting with each Senator, that starting tomorrow, we shall have the roll call in the afternoon. In other words, we will have roll calls in the afternoon of Mondays, Tuesdays and Wednesdays. The morning session will be suspended from the previous day so that there will be no roll call in the morning.

Nevertheless, Mr. President, we ask our Colleagues to be with us, as the distinguished Presiding Officer always states, "sharp at ten o'clock" so that we can get on with the business and the agenda of the Senate.

Of course, Mr. President, on Thursdays, these are suspended sessions. So, we suspend after the session on Wednesday up to Thursday and then continue up to Thursday afternoon. Then we adjourn for the next Monday.

THE JOURNAL

With that, Mr. President, before we move to suspend the session until tomorrow, may I move that we dispense with the reading of the *Journal* of the previous session; said *Journal* having been distributed an hour ago and are on the desk of each of our Colleague. I so move.

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

Senator Romulo: Mr. President, as we have stated, in addition to continuing the interpellations on Senate Bill No. 1913, the Party-list bill, we shall also resume consideration of Senate Bill No. 740 — Excepting Fishponds and Prawns from the Operation of the CARP Law. We shall also resume consideration of House Bill No. 10844 under Committee Report No. 516 Granting Permanent Status to Aliens; Senate Bill No. 1311 and House Bill No. 9288 — the High-Value Crops bill.

As we have been informed by the Chairman of the Committee on Ways and Means and the Chairman of the Committee on Economic Affairs, we shall consider for sponsorship speech the Anti-Dumping Law tomorrow.

SUSPENSION OF THE SESSION

With that, Mr. President, I move that we suspend the session until ten o'clock tomorrow, Wednesday morning.

The Presiding Officer [Senator Aquino]: Is there any objection? [*Silence*] Hearing none, the session is suspended until ten o'clock tomorrow morning.

It was 6:53 p.m.