

## RECORD OF THE SENATE

WEDNESDAY, OCTOBER 19, 1994

### RESUMPTION OF THE SESSION

*At 10:36 a.m., the session was resumed, with the Honorable Edgardo J. Angara, President of the Senate, presiding.*

**The President:** The session is resumed.

**Senator Romulo:** Mr. President, before we resume consideration of Senate Bill No. 1913, the party-list bill, may I ask the Secretary to read the Additional Reference of Business.

**The President:** The Secretary will please read the Additional Reference of Business.

### ADDITIONAL REFERENCE OF BUSINESS

#### MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

**The Acting Secretary [Atty. Raval]:**

October 1, 1994

HONORABLE EDGARDO J. ANGARA  
Senate President  
Philippine Senate  
Manila

Dear Senate President Angara:

I hereby certify to the necessity of the immediate enactment of Senate Bill No. 1257 entitled

AN ACT TO EQUITABLY RE-ALLOCATE THE INTERNAL REVENUE ALLOTMENT (IRA) OF LOCAL GOVERNMENT UNITS BY TAKING INTO ACCOUNT THE COST OF DEVOLUTION, AMENDING FOR THE PURPOSE RA 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991,

to meet an emergency arising from the growing demoralization among government health workers throughout the country.

(Sgd.) Fidel V. Ramos

cc: Honorable Jose de Venecia, Jr.  
Speaker  
House of Representatives  
Quezon City

**The President:** Referred to the Committee on Rules.

### RESOLUTIONS

**The Acting Secretary [Atty. Raval]:** Proposed Senate Resolution No. 1048, entitled

RESOLUTION URGING THE PRESIDENT OF THE PHILIPPINES TO ORDER THE IMMEDIATE RELEASE OF TWO HUNDRED MILLION PESOS FROM HIS CALAMITY FUND TO PROMPTLY REHABILITATE THE MABOLO BRIDGE IN NAGACITY AND TO CONSTRUCT MAKESHIFT BRIDGES FOR TEMPORARY PEDESTRIAN AND VEHICULAR ACCESS TO SOUTHERN LUZON.

Introduced by Senators Roco, Angara, Mercado, Aquino, Alvarez, Herrera, Macapagal, Lina Jr., Ople, Maceda, Rasul, Osmeña, Romulo, Revilla, Sotto III, Shahani, Tañada, Webb, and Tolentino.

**The President:** Referred to the Committees on Finance; and Public Works.

**The Acting Secretary [Atty. Raval]:** Proposed Senate Resolution No. 1049, entitled

RESOLUTION INQUIRING, IN AID OF LEGISLATION, INTO THE ALLEGED ANOMALOUS PURCHASE OF VARIOUS EQUIPMENT BY THE DEPARTMENT OF HEALTH, AND FOR OTHER PURPOSES.

Introduced by Senator Webb.

**The President:** Referred to the Committees on Health and Demography; and Accountability of Public Officers and Investigations.

**The Acting Secretary [Atty. Raval]:** Proposed Senate Resolution No. 1050, entitled

RESOLUTION EXTENDING THE SENATE'S CONGRATULATIONS TO LIGHTFLY-WEIGHT MANSUETO VELASCO, FLYWEIGHT ELIAS RECAIDO JR., AND LIGHTWELTERWEIGHT REYNALDO GALIDO FOR THEIR OUTSTANDING PERFORMANCE DURING THE 12TH ASIAN GAMES HELD IN HIROSHIMA, JAPAN, THAT EARNED THREE GOLD MED-

ALS FOR THE PHILIPPINES, AS WELL AS CON-GRATULATING THE PHILIPPINE NATIONAL TEAM TO THE 12TH ASIAD FOR PLACING THIRTEENTH (13th) IN THE OVER-ALL MEDAL STANDINGS OF THE FORTY-THREE (43) NATION ASIAD, AND FOR OTHER PURPOSES.

Introduced by Senators Webb and Romulo.

**The President:** Referred to the Committee on Rules.

#### COMMITTEE REPORTS

**The Acting Secretary [Atty. Raval]:** Committee Report No. 594 submitted by the Committee on Accountability of Public Officers and Investigations on Senate Bill No. 598, introduced by Senator Guingona Jr., entitled

AN ACT TO PROHIBIT ANY PRIVATE FIRM WHOSE FORMER OFFICIAL OR EMPLOYEE IS HOLDING A POSITION OF POWER, PRESTIGE, OR INFLUENCE IN THE GOVERNMENT, FROM ENTERING INTO ANY KIND OF BUSINESS RELATION, CONTRACT OR TRANSACTION, WHETHER DIRECTLY OR INDIRECTLY, WITH THE GOVERNMENT,

recommending its approval with amendments.

Sponsor: Senator Alvarez

**The President:** To the Calendar for Ordinary Business.

**The Acting Secretary [Atty. Raval]:** Committee Report No. 595 submitted by the Committee on Accountability of Public Officers and Investigations on Senate Bill No. 927, introduced by Senator Mercado, entitled

AN ACT AMENDING SECTION 9 OF REPUBLIC ACT NO. 3019, OTHERWISE KNOWN AS THE ANTI-GRAFT AND CORRUPT PRACTICES ACT,

recommending its approval with amendments.

Sponsors: Senators Mercado and Alvarez

**The President:** To the Calendar for Ordinary Business.

**The Acting Secretary [Atty. Raval]:** Committee Report No. 596 submitted by the Committee on Education, Arts and

Culture on House Bill No. 370, entitled

AN ACT RATIONALIZING TECHNICAL AND VOCATIONAL EDUCATION AND FOR OTHER PURPOSES,

recommending that it be laid on the table.

**The President:** To the Archives.

The Majority Leader is recognized.

**Senator Romulo:** Mr. President, may we just remind our Colleagues that we shall have an afternoon session, and there will be a roll call. This will be at four o'clock.

Also, Mr. President, we have certain bills for Third Reading which we shall take up this afternoon, and these are in the Calendar for Bills Pending Third Reading.

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

Mr. President, I move that we now resume consideration of Senate Bill No. 1913 as reported out under Committee Report No. 583, the party list system bill.

We are still in the period of interpellations, and the following Senators have made reservations to interpellate: Senators Tatad, Ople, Osmeña, Mercado, Maceda and Tañada.

**The President:** Resumption of consideration of Senate Bill No. 1913 is now in order.

**Senator Romulo:** I ask, Mr. President, that the distinguished Gentleman from Manila, the Chairman of the Committee, Senator Arturo Tolentino, be recognized, with Senator Tatad to start the interpellation.

**The President:** Senator Tolentino is recognized, with Senator Tatad to interpellate.

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

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

Will the distinguished Sponsor yield for a few clarificatory questions?

**Senator Tolentino:** Very gladly, Mr. President.

**Senator Tatad:** Mr. President, the party-list system is a system that works well in a multiparty system, and a multiparty system is normally one that works very well in a parliamentary system. We know very well that the distinguished Sponsor is a firm supporter of the presidential system, which works very well under a two-party system.

What are his thoughts on the possibility that the institutionalization of the party-list system will next be used as a reason to move very strongly against the presidential system?

**Senator Tolentino:** Well, Mr. President, actually, I have no thoughts connecting this party-list system with the kind or system of government we may have in the country. I am personally inclined to support this, only because the Constitution provides for it—that the House of Representatives shall be composed of two kinds of Congressmen: one kind elected by districts; and the other kind elected on a party-list system. Were it not for the provision of the Constitution, perhaps, I would not support a bill like this having two kinds of Congressmen in the same House.

So, I would like to say that I have no thoughts about relating this bill to my position with respect to the kind of government that we should have.

I agree, however, with the statement of the distinguished Colleague that this works best in the case of a parliamentary system, but not in a presidential system. Were it not in the Constitution, perhaps, we would not even consider this.

**Senator Tatad:** Thank you for that answer, Mr. President.

The record shows that the distinguished Sponsor has indicated that the beneficiaries of the system would be the so-called “marginalized parties.” May we be favored with a definition of these “marginalized parties.”

**Senator Tolentino:** The “marginalized parties” are those which, on their own strength as political parties, would not be able to elect Congressmen in the different districts because they would not have the number of votes needed in particular districts. But if these are combined together on a national basis, they may be able to elect even one or two Congressmen on the basis of proportional representation.

**Senator Tatad:** Is it our understanding that these marginalized parties, to qualify for the benefits conferred by the system, should bond together as a coalition and field their candidates for congressional seats?

**Senator Tolentino:** That is not required by the proposals

in the bill, Mr. President. That is up to the parties themselves if they want to go into coalitions or if they want to go it alone.

**Senator Tatad:** The bill says that the voter is supposed to indicate in his ballot the names of the parties he would like represented in the party-list system.

Supposing we have a list of ten small parties participating and the proportion of the results tilt too much in favor of the first one or the first two parties, what would be the arrangement then to enable all the others to also participate? Would there be a limit to what one party may be entitled to or will one small party, having dominated the process, be entitled to all the seats?

**Senator Tolentino:** The matter of the number of seats that will be allocated to the parties who are in the party-list system would be in proportion to the votes cast for that particular party in relation to the totality of the registered voters in the country.

But there is some suggestion which, I think, is a very reasonable one, that the basis of the proportion be not the totality of registered voters but only the totality of the votes cast under the party-list system.

So, if this idea is the one that is carried out, that means that the number of votes given to particular parties in the system will be totalled nationwide, and the proportion they bear with respect to the totality of the votes for all the parties in the system will be the basis of the number of seats allocated or given to them in the House of Representatives.

**Senator Tatad:** Mr. President, who decides which individual finally claims the seat that is credited to a particular party?

**Senator Tolentino:** The party itself participating in the system will submit or is going to submit to the COMELEC a list of their candidates for this party-list system in an order or ranking that will show the priority in which the party regards these different candidates.

So, this list is already with the Comelec at the time of the election. If a party is entitled in the proportion that is shown by the computation of the votes, let us say, that it is entitled to three, the first three in the list that is submitted to the Comelec will be the ones who will be selected and proclaimed as elected for that particular party.

**Senator Tatad:** According to the priority indicated by the party?

**Senator Tolentino:** Yes. The party itself decides already the priority among its members who are put up as candidates for the system.

**Senator Tatad:** Is there no chance, Mr. President, that a politician who, in fact, runs for a congressional seat and at the same time has his name included in the party listing so that even if he loses in the actual combat, if the party gets enough votes as a party under the party-list system, he still gets to sit as a party-list representative?

**Senator Tolentino:** That is not going to be allowed, Mr. President. An individual has to be either in the party-list or running in a district. If a person is in the party-list, he is not allowed to run in the district as an individual candidate of that party in the district.

**Senator Tatad:** Thank you very much for that answer, Mr. President. May I return to a part of my first question.

We said earlier that this works very well in a multiparty system. At this stage, Mr. President, can our distinguished Colleague inform us the state of the multiparty system in the country today? How many small parties are there that remain on their own unaffected by the recent political tides that we have seen in the country?

**Senator Tolentino:** Mr. President, if we judge by the number of parties registered for the elections of 1992, then we really have a multiparty system. But the number of parties have been reduced already because the Comelec has considered some parties as losing their status under the Comelec since they did not get the number of votes that would be sufficient to keep them in the registry of political parties.

I do not know to what extent this idea of multiparty system could be carried out in the coming elections because, it seems to me, the trend is towards consolidation because of coalitions rather than multiplication of the parties. Perhaps it was found out that the multiparty system would not work very well because of the difficulties imposed upon the voters themselves when there are so many political parties from which to choose.

I do not really know how this idea of the multiparty system is going to develop. But it is not imposed as a requirement by the Constitution. I think the language of the Constitution is simply to encourage a multiparty system. But if the people themselves do not feel inclined to maintain a multiparty system, we cannot avoid going back, perhaps, to a two-party or three-party system.

**Senator Tatad:** Mr. President, this is the first major electoral reform we are discussing on the Floor.

I have just had the privilege of joining the President on his visit to Saudi Arabia where we met with many Filipinos. Their

very urgent concern, it seems to us, is our being able to act on the absentee voting bill.

Between these two electoral reforms, which would be the more important in the opinion of our distinguished Sponsor?

**Senator Tolentino:** Frankly, I would think that as far as importance is concerned with respect to our own citizens or electorate, it would be the absentee-voting measure. But both the absentee-voting law and this party-list system are equally required by the Constitution. It just happened that the party-list bill does not seem to be as controversial as the absentee-voting bill, and so this was given priority in the reporting by the Committee.

One of the biggest sources of controversy in the absentee-voting bill is how the votes of the voters can be kept secret and the sanctity of the ballot can be upheld because the sanctity of the ballot and the secret nature of the vote is also required by the Constitution to be guaranteed in our laws. The proposal on absentee voting is that the votes of the absentee voter will be sent either to the embassy in the country where he resides or to the Comelec.

We cannot really find a foolproof guarantee that the secrecy of the ballot can be maintained under that system of voting by mail. That is why there is some kind of a delay due to more studies being considered as to how the secrecy of the ballot can really be maintained, whether we have to change the manner of voting or we have to continue with the proposal of the Comelec that the voting be by sending it through mails.

**Senator Tatad:** Mr. President, I appreciate very much that explanation. I do not have too many more questions at this time. One last question, perhaps.

In the Constitution, Mr. President, the provision concerning party-list voting states:

The party-list representatives shall constitute twenty *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.

It states, Mr. President, for three consecutive terms after the ratification of the 1987 Constitution. The 1987 Constitution was ratified in February 1987 and the first congressional election was held immediately thereafter.

Has there been no default on the part of Congress in fulfilling this constitutional provision, Mr. President?

**Senator Tolentino:** Mr. President, what I understand was that, there was an executive order issued by then President Aquino before the First Congress under the 1987 Constitution was convened, during which time she had legislative authority. By virtue of this Executive Order, half of the number of seats under the party-list system would be appointed by the President from the sectors specified in the Executive Order. That is what is being done at present.

The President has been appointing members of the Lower House to fill certain sectors as provided in that Executive Order. Of course, we can change this by legislation, but there is only one election that is left for this purpose if we still change this. There seems to be a feeling that we may just as well let the three consecutive terms expire and the last of the third would be in the election of 1995.

The last election by which one-half of the seats would be allotted to sectors would be in 1995. But there seems to be no inclination to pass a law for that purpose. We will just continue having the appointments by the President up to 1998, where the first election under the full component of the party-list congressmen will be held.

**Senator Tatad:** Thank you very much for that answer, Mr. President. For now that would be my last question. I thank the distinguished Sponsor.

**The President:** Senator Osmeña is recognized.

**Senator Osmeña:** Mr. President, will the distinguished Sponsor and Chairman of the Committee yield for some questions to clarify the interpretations of Section 5, Article VI of the Constitution?

**Senator Tolentino:** Very gladly, Mr. President.

**Senator Osmeña:** Mr. President, Article VI, Section 5, paragraph (1) of the Constitution — I was reading this over and over last night — provides:

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 here is where we are right now —

— and those who, as provided by law, shall be elected through a party-list system of registered national, regional, and sectoral parties or organizations.

The fact, Mr. President, that the Constitution distinguishes between a national, regional and the sectoral party or organization, is it then the understanding of the Sponsor that the election of the party-list representatives should be undertaken on the basis of regional and sectoral constituencies?

**Senator Tolentino:** Mr. President, I am more inclined to believe that the words “registered national, regional and sectoral parties” should be descriptive of the parties or groups participating in the party-list system of election, but does not necessarily require that the election is nationwide, regional, or by sectors.

In other words, the election will be on a national basis but those participating do not have to be all national parties. They may be regional or sectoral organizations.

**Senator Osmeña:** Therefore, Mr. President, conceivably under the Gentleman’s interpretation, the parties that will be contending in the election for members of the House of Representatives under the party-list system could be single parties or coalitions, or shall we say, aggrupations, as it was used in 1984, of regional and sectoral parties, like, for example, the labor sector or organization.

So the Constitution, as the Gentleman pointed out, conceives of a national electorate or a national constituency with all of these regional and sectoral parties or organizations coalescing or singly putting up candidates in the party-list system. Is that not correct?

**Senator Tolentino:** Mr. President, in case these different groups should go into a coalition, they can be entitled to the party-list system and they will be considered as one unit.

In other words, the vote will be for the coalition and not for the component groups in the coalition.

**Senator Osmeña:** Thank you very much, Mr. President.

Going to paragraph (2), it states:

The party-list representatives shall constitute twenty per centum of the total number of representatives including those under the party list.

And paragraph (1) states: —

The House shall be composed of not more than 250 members. Twenty percent of 250 would be 50. Is that the total number to be elected? Or is 20 percent of the existing membership of the House which, I think, is 207?

The membership of the House is changing because every time we enact a law creating a province, a new member is added. Like in the case of Mandaluyong, a newly created city, a new member is added.

As a matter of fact, we have a bill before us — which I do not think is the right thing to do — which creates one more seat in Makati through the operation of a simple law and not through reapportionment.

In effect, Mr. President, the number of members of the House is not static. It can change from time to time. It can increase or it can even conceivably decrease if there are mergers.

What is the 20 percent going to be based on, Mr. President?

**Senator Tolentino:** The 20 *per centum* would be what is provided already by law. I think the creation of new cities may not automatically involve an increase in the number of members of the House but may have to wait until a new district is provided by law, Mr. President.

In other words, if that is the interpretation, then the membership will remain the same.

But if we take a different view that every city or every new province is entitled, by the Constitution itself, to a member, that means the number will actually change depending upon the number of seats that we add by the creation of new urbanized cities or new provinces.

That will mean that in every election where there is a party-list system, the computation of the number of seats for the party list will change.

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

Going further, Mr. President. For three consecutive terms after the ratification of this Constitution, the phrase "three consecutive terms," I think, refers to the first term which was the term of those elected in 1987, the second term which was that of those elected in 1992, and the third term will be those to be elected in 1995. Is this a correct interpretation?

**Senator Tolentino:** I agree with that interpretation, Mr. President.

**Senator Osmeña:** Continuing with this provision, Mr. President, it says:

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...

In effect, this particular provision of the Constitution will only operate for the party list of 1995. After 1995, there will no longer be a need to provide the other half for the sectoral constituencies. Is that not correct?

**Senator Tolentino:** I think that will be the correct interpretation, Mr. President.

**Senator Osmeña:** Therefore, Mr. President, the measure that we are now passing is going to be a law especially for the 1995 election?

**Senator Tolentino:** Yes, Mr. President. If we should pass this bill now and enact it into law, then it will operate in order to elect 25 members only under the party-list system. The other 25 will still be reserved for the sectoral representatives because 1995 to 1998 will only be the third term.

**Senator Osmeña:** Mr. President, would it not be conceivably possible that the parties elect all 50, but after a party has been proclaimed or has won a certain number of seats, that they be forced to go to the party, to the sectors to fill this one half?

**Senator Tolentino:** That is if we allow the seats to be filled after the election by proposal of the party entitled to seats. But in the bill, the people who will fill the seats that will be won by a party are already predetermined because a list of the people who will be considered as their nominees for the party-list system in the order or the ranking that the party decides is going to be submitted by the political party.

In other words, the party already determines how these will be ranked, because once the party is shown to be entitled to a certain number, then they will pick from that list beginning from the first, the second, the third, according to the rank that have been established by the party itself.

So it is not possible that after the election, the party can make adjustments in its number.

**Senator Osmeña:** So, Mr. President, the mechanics of this

is that we will only be electing 25 from the nominees of the parties.

**Senator Tolentino:** In 1995.

**Senator Osmeña:** In 1995. The next question, Mr. President, is: How are we going to select or elect the sectoral representatives, since this law does not provide for it?

**Senator Tolentino:** There will be no election of the one-half of sectoral representatives. They will continue under the power of the President to appoint because that was the method provided for in the Executive Order issued by President Aquino before the session of the First Congress and that amounts to a law.

**Senator Osmeña:** But that Executive Order was only specific for that particular group of sectoral representatives. As a matter of fact, I raised that issue repeatedly in the Commission on Appointments, when I was a member, that the power of the President was limited by her own Executive Order to that particular instance. But the incumbent President has, I think, chosen to adopt a liberal interpretation. He continues to appoint members to the Congress for sectoral representation.

Is it the position of the Gentleman that that Executive Order of President Aquino would be the governing Executive Order in the case of the remaining 25?

**Senator Tolentino:** That has been the accepted interpretation both by the incumbent President and the Commission on Appointments, and until that is changed, we will go along with that interpretation.

**Senator Osmeña:** Could we not also provide in this law the manner with which or the sectors from which and the number of seats per sector that the President may appoint for the remaining 25?

**Senator Tolentino:** Perhaps we can study that because the bill refers to a party-list system of election and that would be a different subject on the President's power to appoint. Maybe, we can study that angle, Mr. President.

**Senator Osmeña:** Mr. President, that ends my interpellation on this particular matter. Thank you very much for clarifying so many, shall we say, "dark and unexplained" matters on this provision of the Constitution.

Thank you, Mr. President.

**Senator Mercado:** Mr. President.

**The President:** Senator Mercado is recognized.

**Senator Mercado:** Mr. President, would the Sponsor of the measure yield for a few questions?

**Senator Tolentino:** Very willingly, Mr. President.

**Senator Mercado:** Mr. President, I would like to ask the Sponsor of this measure to explain the rationale for the 30-30-40 percentage formula in the allocation of party-list seats among national, regional and sectoral parties or organizations respectively. This is incorporated in Section 11.

**Senator Tolentino:** May I say, Mr. President, that this distribution is more or less an arbitrary one and can be changed. There are not really mandatory but can be changed on whatever we may agree in the Congress.

**Senator Mercado:** Do we have some empirical data on which we could base a proportion or a percentage formula that we can decide upon for this measure?

**Senator Tolentino:** I think at this time, we would not have any data on this, that is why I said this is, more or less, arbitrary.

**Senator Mercado:** Could the Sponsor, Mr. President, explain to this Representation the rationale for allowing a maximum of five seats? I think a maximum of three seats in the May 8, 1995 election is allowed for a party, organization or coalition. How does this square with the declared policy of proportional representation? Should the maximum limit be permanent or transitory? Or, if it is going to be something that is transitory, until when will we have the same? Will it be in 1994, 1998 or 2001?

**Senator Tolentino:** This limit, Mr. President, is fixed by law and, therefore, a law can subsequently change it at any time insofar as whether this is permanent or not.

But as far as the number is concerned — why there is a limit — I think the reason for this was to allow as many as possible of these marginal groups that would be entitled to representation to have a seat in the Congress. As I said, this is a matter fixed by law and, therefore, can be changed by law also.

**Senator Mercado:** Mr. President, one House version of this measure — I think it is the Mastura bill — provides for a minimum percentage requirement of 5 percent of votes garnered to qualify for at least one seat.

Now, should our version also provide for a minimum percentage requirement? Should the absence of a minimum

percentage requirement also be permanent or transitory? And again, if it is something that is not going to be permanent, up to when?

**Senator Tolentino:** If it will be the pleasure of the Congress to put a minimum requirement, we can really do that. But the point is, since the first election will be in 1995 or 1998, we have really no basis yet as to how the people will react to this party-list system. And so, if we fix, let us say, a minimum, that will be purely guesswork, I think.

**Senator Mercado:** I have been informed, Mr. President, in the interpellations yesterday that there was a statement to the effect that big parties will be disqualified from the party-list system. By "big parties", I refer to those fielding candidates on a national level. Is my impression correct?

**Senator Tolentino:** Yes, that is provided for in Section 5 of the bill. That when a party already fields candidates for the legislative districts, then it should not participate anymore in the party-list system of election. The idea is to give more chance in the representation of the marginal parties. That is one view that was advanced, and we took that from the Comelec proposal.

There are others, however, who believe that this should not be a limitation, and that the bigger registered parties be allowed also to field candidates in the party-list system by manifesting their desire to participate in this party-list election system. The Committee is flexible on that matter, Mr. President.

**Senator Mercado:** Does the Sponsor of the measure have any recommendation as regards the two positions? Should we disqualify or allow the national parties to participate?

**Senator Tolentino:** Personally, Mr. President, I would favor the view that there be freedom for the other national parties to participate in both kinds of election. That means we have to delete lines 23 to 25 on page 3 of the bill. But I would leave that entirely to the membership of the Senate because we have given some weight to the recommendations of Comelec on this question.

This, however, is a matter of policy and, therefore, the Senate or the Congress can make a final decision on this point.

**Senator Mercado:** So, if I understood the Sponsor correctly, Mr. President, the recommendation of the Comelec is that the national parties be disqualified.

**Senator Tolentino:** Will the Gentleman kindly repeat his question?

**Senator Mercado:** Is the recommendation of the Comelec to disqualify the national party?

**Senator Tolentino:** Yes. They have to choose either one — either they go to the district elections or they go to the party-list elections.

**Senator Mercado:** Would it not be better to do so? We will be able to nurture the small parties. If the large parties would still be allowed to participate in the scheme, they invariably would have the advantage and this might just perpetuate the dominance of these large parties.

**Senator Tolentino:** As I said, that is more in line with the purpose of the party-list election. That is why that is what we adopted in the bill. But as I said, this Representation or the Committee would be flexible on that and would yield to the desire of the majority on this matter.

**Senator Mercado:** Mr. President, under the bill, all voters may vote for the party-list. In other words, the constituency base is national.

Is it proper for voters in one region to vote for a regional party of another region? Is it proper for voters, for example, of one sector to vote for a sectoral party of another? Does this not defeat the purpose of representation? Is this arrangement not disadvantageous to small regions and small sectors? Would there be a way of putting up a viable alternative arrangement to prevent this, if this is going to happen?

**Senator Tolentino:** We will be complicating the election very much if we do not use a national basis in determining the results of the election. The idea here is to make these people, although supported by regional parties or by sectoral parties, to actually be representatives at-large, like the Senate. But, of course, they may do this if they have enough votes in some particular regions. But if they appeal to the people as a whole to vote for their candidates or for their sectoral party, they may be able to get enough to support several candidates as entitled to seats in the House of Representatives.

So, whether this will ultimately be advantageous to the bigger parties or the smaller parties, that is, more or less, theoretical because the list of nominees will count very much in these elections.

**Senator Mercado:** For example, Mr. President, if the environmental groups decide to put up a political party — not unlike the Green Party in other nations — would that be a national or a sectoral party?



**Senator Tolentino:** That will be, more or less, a sectoral party but it has a national constituency because the environmentalists are not limited to a particular place in the country. As far as being national is concerned, I would think that is national, but sectoral in the sense that it is not a political organization.

**Senator Mercado:** Section 12 of the bill provides for ranking according to the number of votes received as against the total number of registered voters nationwide.

Should the computation formula denominator not be the total number of party-list voters?

*At this juncture, the President relinquished the Chair to Senator Agapito A. Aquino.*

**Senator Tolentino:** Yes, Mr. President. As I indicated in my Sponsorship Speech, there is also a strong view that the basis be not the total number of registered voters but the total number of party-list votes that had been cast. And mathematically, I think this later review is more acceptable.

**Senator Mercado:** In Section 11 of the measure, Mr. President, it provides that the 40 percent allocated to sectoral organizations must be equitably distributed as far as practicable by nominees coming from labor, peasant, urban poor, indigenous, cultural communities, elderly, handicapped, and overseas Filipinos. Now, how is this equitable distribution going to be done in this measure, Mr. President?

**Senator Tolentino:** As the bill now stands, I believe that this is a matter that the Comelec will undertake under its power to issue rules and regulations to implement this bill if it becomes a law. But there is some suggestion in the interpellations last night that it must be Congress itself that makes the distribution among the sectors.

**Senator Mercado:** Indeed, Mr. President, because we might have over representation of certain sectors and under representation or no representation of the others.

Mr. President, in Section 16 of the measure, there are provisions that in case of vacancy the President shall fill the vacancy by appointing a representative from the list of nominees in the order submitted to the Comelec. Should this not be automatic instead of depending on the action of the President?

**Senator Tolentino:** That was raised last night, Mr. President, and I tend to agree that we may change this in the period of amendments to make it automatic, instead of leaving the matter to the President. The President here would be acting ministerially since he is limited to the order that is submitted

already to the Commission. So, why not make it automatic? I think that is simpler, because the President may delay the appointment for political or any other reasons. So, I would agree to amending this in order to make the succession automatic.

**Senator Mercado:** In Section 8, Mr. President, there is a provision for the number of nominees in a party. Now, as a rule, it is five, but three in 1995.

I would like to ask whether it should be more than five. Maybe six or ten — I do not know really — to allow for names to fill vacancies in case a party has five or three seats as the case may be. To begin with, what is the Sponsor's feeling as regards increasing the number?

**Senator Tolentino:** As far as this Representation is concerned, I was laboring under the belief that maybe they should even put a limitation on the maximum. But the Comelec justified this limitation by saying that there may be so many participants and the total number to which they would be entitled exceeds 50 or even 25 in the first election. They say there should be a limitation.

I think a different way of looking at it is to observe the proportion mathematically. If there is a number in excess, then the reduction must be also proportionate. All the parties entitled to seats should also suffer some reduction not only the top parties. We may give more thought to this maximum of five and change the provision as we may find more appropriate.

**Senator Mercado:** Mr. President, in case of a coalition of organizations or parties in the party list, what entity will be entitled to seats, the coalition or the component parties? Can the component parties participate separately?

**Senator Tolentino:** In the case of the party list, if the registered party for the purpose of the party-list election is a coalition, then the coalition gets the seats, not the component groups in the coalition.

**Senator Mercado:** Mr. President, the Constitution authorizes Congress to change the manner of selecting sectoral representatives. Any change, however, is time-bound since the favored status of sectoral representatives ends in 1998, unless extended by Congress by virtue of its plenary or residual powers.

Instead of presidential appointment, why do we not provide for election either by a plurality of votes cast among the members of the sector or through a party-list system exclusively for sectoral organizations using the same mechanism as the proposed regular party-list system?

**Senator Tolentino:** How will that be? Will we allow an election by the sectors separately from the general election? I do not get the idea of the proposal.

**Senator Mercado:** That is the idea we are trying to explore, Mr. President. Instead of a presidential appointment, we provide for a system for determining the plurality of votes cast among the members of the sector or through something similar to the party-list system that we are proposing. It is an idea we are bringing up to see whether it is going to be something that we can pursue.

**Senator Tolentino:** Perhaps, we can study some kind of a provision by which under existing law — as accepted at present — when the President makes an appointment to a particular sector, that the appointed party must be one that is actually nominated by the members of the sector.

I do not know if that is practicable at the present time. I am not sure whether that is practicable at the present time, but that would be ideal. That the person, for instance, appointed to the peasant or farmer sector must be one recommended by the farmers' organization. But if there are several organizations, who, among them, shall be appointed? That is why, the practicability of that must also be explored. But we can put that in the laws in our power to do that, if we should desire to do it.

**Senator Mercado:** There is a cultural aspect to that question, Mr. President, knowing as we do how these organizations can be so divided and how they can — like the amoeba — just multiply.

We all know that it is a common practice. When one does not get the leadership of an organization, he forms his own breakaway organization. That is all, Mr. President.

I thank the Sponsor for the answers to our questions.

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

**Senator Romulo:** Mr. President, for the next interpellation, we would like to call for Senator Gonzales.

#### SUSPENSION OF THE SESSION

May I ask for a one-minute suspension of the session.

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

*It was 11:34 a.m.*

#### RESUMPTION OF THE SESSION

*At 11:35 p.m., the session was resumed.*

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

**Senator Gonzales:** Mr. President.

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

**Senator Gonzales:** Mr. President, will the distinguished Sponsor yield for some questions?

**Senator Tolentino:** Very gladly, Mr. President.

**Senator Gonzales:** We have to read in this bill — that would provide a party-list system of voting — the applicable provisions of our Constitution particularly Section 5 of our fundamental law. Unless there be a law increasing the number of members of the House of Representatives, then the Constitution provides that the same shall be composed of not more than 250 members. Now, of that number, Mr. President, the party list representatives shall constitute 20 percentum of the total number of representatives including those under the party-list. So the basis of the computation of the 20 percent is not the number of the regular members of the House of Representatives elected by the voters in the legislative districts, but that number would include the 20 percent which are reserved seats for those to be elected under the party-list system. Is my understanding correct?

**Senator Tolentino:** That is the intent of the provision.

**Senator Gonzales:** And these 50 seats will be the ones which are now to be assigned or distributed to the party-list members in accordance with the proportional representation, Mr. President.

**Senator Tolentino:** Yes, Mr. President.

**Senator Gonzales:** May we know, Mr. President, what is the underlying reason for this proportional representation? Because we have been born under the concept that in an electoral process, in order to be elected, one must have obtained the highest number of votes cast for that particular office. If one obtains the second, the third, he loses the election.

Now, in this particular case, party-list representatives are not even voted for by the people. They are nominated, but they are not, in fact, voted for by the electorate. It cannot be said that

anyone of them has obtained the highest number of votes for that particular office.

So, my question is: "What seems to be the underlying principle behind this proportional representation of political parties?"

**Senator Tolentino:** Mr. President, I was not a member of the Constitutional Commission that drafted this provision in the Constitution, but I suppose the reason for this is that there are individuals who by themselves cannot get elected under their own party, because there may be small parties. But if their party is allowed to be a candidate, the party itself, in case of a party list, is actually the candidate. The party itself could receive a certain number of votes if we allocate a certain number of seats for those participating in the party-list election, then at least we give some representation to those who cannot get elected, because the number of members of their party or the support of their party cannot get themselves elected in a district.

**Senator Gonzales:** Yes, Mr. President.

**Senator Tolentino:** So the party is allowed to get all the votes together for itself. And on the basis of the vote that it gets in representation to the number of votes in the ratio of the number of voters in the party-list system, it may be able to get one or two seats in the Assembly.

I think it is just to give a little more leeway to those who cannot get elected by individual candidates, so that if they can get through the parties, they may be able to get representations for their parties.

**Senator Gonzales:** But then, my problem, Mr. President, is, why force the people to be represented by those whom they did not elect?

**Senator Tolentino:** I think the answer to that is that the voter is not obliged to vote in the party-list system. He may not vote for any party.

**Senator Gonzales:** Yes, Mr. President. But nonetheless, if his party qualifies, at least, for the minimum number of the requirement to be entitled to a seat, then he would be proclaimed by the Commission as having been elected under the party-list system. In effect, he would be representing either his constituency or the electorate therein.

So, why force the people to be represented by those whom they did not elect?

**Senator Tolentino:** Mr. President, perhaps, that could have

been an argument when this provision was being considered by the ConCom. But now that this is in the Constitution itself, I think we should implement the provisions of the Constitution in view of the fact that the full complement of the party-list representatives will actually be required to be elected in 1998, and half of them in 1995.

I think the reason here is that—I agree that these nominees of the parties are not elected by the people. But the idea practically in the party-list system is the election by party, and the party itself determines who among themselves will be made the delegates of the party and become members of the Legislative Chamber.

As far as the election by the people is concerned, maybe we consider that merely as an indirect way of voting for the list submitted by the party as nominees in case they should win a number of seats to the Parliament.

**Senator Gonzales:** But these nominees need not file any certificate of candidacy. They do not have to personally campaign for themselves. They may campaign for the candidates of the party in order that this party may qualify for a seat. But they are not exposed to the same requirements as a regular candidate for membership in the House of Representatives. Is that not correct, Mr. President?

**Senator Tolentino:** Yes, Mr. President. There is actually a qualification here because the bill requires a nominee to have practically the same qualifications as a Member of the House of Representatives except the residence requirement in a place where he is supposed to be elected. Because he is not supposed to be elected in a particular district, the residence requirement of having been a resident of six months, for instance, in the place where he is required to vote or to be a candidate for one year is not required in the bill. But I think the Comelec will require the nominees themselves to submit a statement of their qualifications because the law lists down the qualifications. If a nominee, for instance, does not have the age requirement, he would not be qualified to be a nominee of a party.

While he is not subjected to the same difficulties which an individual candidate undergoes in an election, the election here is not really by individuals. The election is by parties.

**Senator Gonzales:** While it is true that the system of a party-list representation will have to be provided by law, that law must also comply with the basic requirements of the Constitution.

For example, on the point of residence, for all Members of the House of Representatives, the Constitution makes no distinc-

tion. Whether he has been regularly elected as such or whether he has been elected under the party-list, he must be a resident of the district in which he is a registered voter and in which he shall be elected. He must be a resident thereof for a period of not less than one year immediately preceding the day of the election. But I heard the Gentleman, if I was correct in my hearing, that he need not be a resident or a registered voter of that particular district.

**Senator Tolentino:** I was referring only to the residence requirement. There is no length of residence requirement in a particular place because he is not going to be elected from a particular district. That is why the bill does not require that. But certainly, the residence requirement in the Philippines would be required of him because he cannot be a Member of Congress unless that is complied.

**Senator Gonzales:** Would the Gentleman have fundamental objection if that requirement of being a registered voter in the district and a resident therein be inserted in this bill by way of amendment?

**Senator Tolentino:** If some phraseology can be devised to require residence in a particular place. But not in the district from which he is going to be elected because he is not going to be elected from any particular district. What is going to be elected actually is the party, and the vote is for the party. He is going to represent only the party.

**Senator Gonzales:** But it may happen that being only a regional or a sectional political party, it fields candidates only in one or two districts. Is that not possible?

**Senator Tolentino:** I think the qualification of regional here refers to the party organization. The party organization may not be a national party organization; it may be a regional-party organization. But when it participates in the party-list election and it receives the vote that would entitle it to a certain number of seats in the assembly, then the candidates that it must submit will be those listed in the nominees already filed with the Comelec, and it will only choose the number of people from that list to represent the party in the number that it is entitled to.

But with respect to the qualifications of those who will be in that list of nominees, they must certainly have the qualifications of a Member of the House of Representatives except possibly the question of residence in what particular district because there is no particular district in which the candidate or the nominee is representing.

**Senator Gonzales:** My problem is that, once a party-list nominee is declared as having been elected under this system by

the Commission, he has all the powers, duties, obligations, responsibilities and privileges of a regular Member of the House of Representatives. Admittedly, the system of proportionate party representation will be conducive to the proliferation of small political parties.

That is why, in many European countries where the party-list system of voting is being observed, there is a tendency to get away from this, because no majority is obtained by any political party in the Parliament. For example, in the case of Israel, ever since the state of Israel has been born, to this date, no political party had been able to obtain a majority in the Knesset, which is their legislature.

In order that it can govern, because it is a parliamentary system, the party having elected the most number of members enters into coalition with small religious political groups. So, what happens, Mr. President, is that a small political party that obtains a minuscule percentage of the votes cast finds itself in power and governing the nation together with other political parties which formed the coalition, and this seems to be repulsive to our own political experiences.

**Senator Tolentino:** Well, Mr. President, I cannot but agree with the statements made by the distinguished Colleague, and that is one of the reason why this Representation is not in favor of a parliamentary system in this country.

**Senator Gonzales:** Thank you, Sir. Now, the...

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

**Senator Gonzales:** Yes, Mr. President.

**The Presiding Officer [Senator Aquino]:** Following the Gentleman's suggestion of the candidate registering his district, since they are not registered in district, how about regional parties? Must the candidate, at least, come from the region where he is going to be nominated?

**Senator Gonzales:** The point I wish to drive home through my interpellations is that, while we are empowered to enact the law, the law, however, must conform with the pertinent requirements of the Constitution.

For example, as to qualification. We should not adopt a system or a provision in this bill that would be inconsistent with the requirements of the Constitution. Among others, there is a registered voter and a residence requirement for Members of the House of Representatives. That is the point I wish to drive home.

**The Presiding Officer [Senator Aquino]:** Yes, I agree with

that point, that is, if one represents a certain district. But since these are actually party-members of a certain party, then a regional party may require its candidates to, at least, be residents of that region. That is a kind of meeting the requirement of a residence status.

**Senator Gonzales:** We will leave it at the proper time, Mr. President.

**The Presiding Officer [Senator Aquino]:** Thank you.

**Senator Gonzales:** Would this not be unduly advantageous to the major political parties, Mr. President, because they themselves are entitled also to party-list members? And since they will obtain the greater number of votes, then they will obtain the greater proportion in the 50 available positions. Therefore, we worsen the situation of the smaller groups because, while under this bill a political party shall be entitled to not more than five members from the party-list system, but that is five; while other political parties can hardly qualify for one member, Mr. President.

Would that not unduly be advantageous to the major political parties and, at the same time, be a burden upon the smaller political groups?

**Senator Tolentino:** That would be a very sound argument to prevent the registered political parties from, at the same time, participating in the party-list election. But that is one side.

On the other hand, we cannot avoid the fact that a bigger party by proportional representation will also have a bigger number of representatives. That is mathematical. We cannot avoid that.

That is why, I suppose, the Comelec suggested a limit of the number of representatives to be given to a party that wins in the party-list system of election.

**Senator Gonzales:** For purposes of continuity, I would want to follow up a point that was raised by, I think, Senator Osmeña when he said that a political party must have obtained at least a minimum percentage to be provided in this law in order to qualify for a seat under the party-list system.

They do that in many other countries. A party must obtain at least 2 percent of the votes cast, 5 percent or 10 percent of the votes cast. Otherwise, as I have said, this will actually proliferate political party groups and those who have not really been given by the people sufficient basis for them to represent their constituents and, in turn, they will be able to get to the Parliament through the backdoor under the name of party-list system, Mr. President.

**Senator Tolentino:** Mr. President, we will appreciate very much a specific proposal when we come to the period of amendments on that particular point so that we can consider it well and have the Body vote on it.

**Senator Gonzales:** Mr. President, there appears no more material time and my interpellation may require a longer period.

So, my request is that the interpellation be deferred for the next session of this Body.

**The Presiding Officer [Senator Aquino]:** Yes, we will note that, Senator Gonzales.

The Majority Leader is recognized.

#### SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1913

**Senator Romulo:** With the permission of our Colleagues and Senator Tolentino, I move that we suspend consideration of Senate Bill No. 1913, as reported out under Committee Report No. 583, until this afternoon.

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

**Senator Romulo:** At which time, Mr. President, we shall continue with the interpellation of Senator Gonzales.

Mr. President, the rest of the agenda would remain.

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

**Senator Romulo:** Inasmuch as we are going to adjourn this morning's session until four o'clock this afternoon, may I remind our Colleagues that the roll call will take place in this afternoon's session.

Also, after our four to six o'clock session this afternoon, we shall have the GATT Committee of the Whole starting from six to eight o'clock. That is the schedule.

With that, Mr. President, we now come to the Privilege Hour.

Mr. President, for the Privilege Hour, I ask that the distinguished Senator from Pampanga, Pangasinan, and Negros Occidental, the Chairman of the Committee on Economic Affairs, Senator Gloria Macapagal-Arroyo be recognized.

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

Macapagal is recognized.

**PRIVILEGE SPEECH OF SENATOR MACAPAGAL  
(On the Corruption in the Presidential Commission on  
Urban Poor and Implementation of R. A. 7279)**

**Senator Macapagal:** Mr. President, I rise today in behalf of the urban poor. I rise to make two demands in behalf of the urban poor. I rise to make two demands.

One, is an official and public investigation into certain transactions denounced by the urban poor as anomalous transactions apparently entered into by Diogenes S. Osabel, Chairman of the Presidential Commission on Urban Poor.

The following irregular transactions have been cited:

First, it appears that Chairman Osabel tacitly directed funds allotted to the Urban Basic Services Program amounting to P228,400.00 to be deposited to the personal account of Ms. Teresita D. Eva, Administrative Officer of the Presidential Commission for the Urban Poor, despite the directive from the Department of Budget and Management dated March 15, 1993 to maintain a trust fund for the Urban Basic Services Program granted by UNICEF.

Second, it appears that Chairman Osabel did not record and remit receipts of grants and aids in the amount of P438,360. This action of the Chairman is a violation of the Administrative Code.

Third, it appears that Chairman Osabel has ignored COA Auditor Malaya Ochosa's reminders to account for the savings in the amount of P419,000 from various quarters of the Urban Basic Services Program for the year 1991-1992..

Fourth, it appears that despite repeated reminders and admonitions from Auditor Ochosa, the Chairman continues to handle all donations and grants received by the Commission as private funds. Auditor Ochosa has called the Chairman's attention to the 1993 fourth quarter release in the amount of P456,350 which the Chairman received through the BOND, a nongovernmental organization. We have received a copy of a letter signed by the Auditor pointing out that the handling of the aforementioned amount was irregular.

Fifth, it appears that on July 30, 1993, the Chairman of the Presidential Commission on the Urban Poor approved a disbursement voucher for P17,000 as payment of expenses incurred in connection with a forum allegedly held on June 9 to 10, 1993 which actually did not happen.

And sixth, it appears that the caterer of the alleged training

which never happened was paid the amount of P17,000. In postaudit, COA Auditor Ochosa found on October 8, 1993 the expenditure to be fraudulent. The expenditure is considered fraudulent because no training was conducted on those dates.

Mr. President, our demand for an investigation is driven by our concern to uphold the supremacy of public interest, especially the poor, and especially the urban poor. We must remain relentless in pushing the drive against Government misfits and scalawags. No matter how small the amount seems to be, if we compare them to the corruptions that we have been addressing in such grandiose magnitudes as those occurring in the Mt. Pinatubo Commission, nonetheless, the amounts are small because, in the first place, the amounts allocated for the urban poor are small. The urban poor are victims enough of poverty. Let them not be victims in addition of corruption and red tape.

While I rise to call attention to the corruption in the Presidential Commission on the Urban Poor, I also rise to call attention to a second and related problem of the urban poor: the problem of bureaucratic inertia in the implementation of the rights of the urban poor as mandated by Republic Act No. 7279.

Republic Act No. 7279 provides for a myriad of benefits for the urban poor, including a community mortgage program. We would like an inquiry into how effective this program has been.

Let me give an example of one area where we see bureaucratic inertia in the avilment of the rights of the poor under Republic Act No. 7279, and I refer to the Dagat-Dagatan area in Caloocan, Malabon and Navotas.

I have a personal interest in Dagat-Dagatan because Dagat-Dagatan was first made an area for priority development during the Administration of my father, former President Diosdado Macapagal, in 1962.

In that proclamation, it was intended that the 5000 families who found their way there would eventually be legitimized and given the rights of urban poor. Since then, not only have these 5000 families continued to wait in vain, but others who have gone there and who have been supposedly legitimized under Republic Act No. 7279 continue to wait for the implementation of the respect for the rights as urban poor.

For instance, 10,000 families continue to wait for the implementation of the Community Mortgage Program under Republic Act No. 7279 which they have been promised since 1991.

Another 3000 families continue to wait for the land conversion of the sites in which they reside from industrial and

commercial to residential.

Another 3000 families are ready to pay for their land in the areas that have been subdivided by the NHA but still has not been given to them.

There are also 2000 families in areas that have been identified as danger areas. They are willing to comply with whatever solution is provided by the Government, but to this day, there is no clear relocation plan for them.

Ten thousand plus 3000 is 13,000, plus another 3000 is 16,000, plus 2000 is 18,000, plus 5000 is 23,000 families in Dagat-Dagatan waiting for the implementation of their rights under Republic Act No. 7279.

Mr. President, I rise to take up these issues on the urban poor in the wake of our having just passed the Integrated Shelter Program. Under the proposed Integrated Shelter Program, which we have passed on Third Reading and which is now in the Conference Committee, more funds will be allocated to the resettlement of the urban poor. But if with the little funds that they have we see instances of corruption and bureaucratic red tape, we fear what will happen when the funds to be corrupted get bigger, as big as the funds of the Pinatubo Commission.

Mr. President, on the eve of a new age of housing for the urban poor, I call upon the pertinent agencies and those who have authority over these agencies to redress the problems of corruption and bureaucratic red tape. Let us not allow our poor to be victims once again not only of poverty but of corruption and red tape. Let us fight corruption and red tape. Let us save the urban poor because in their hands lie the future of our country.

Thank you, Mr. President.

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

**Senator Romulo:** We would like to join our distinguished Colleague from Pampanga, Pangasinan and Negros Occidental in her plea for the urban poor, for the housing and resettlement,

which is supposed to help the urban poor and, in particular, on the matter of corruption.

**MOTION OF SENATOR ROMULO**  
**(Referral of Senator Macapagal' Speech to the Blue Ribbon; Urban Planning, Housing and Resettlement; and Social Justice, Welfare and Development Committees)**

Mr. President, I move that the Privilege Speech of our distinguished Colleague be referred to the Blue Ribbon Committee, as far as the corruption issues are concerned, and to the Committee on Urban Planning, Housing and Resettlement as far as this issue pertains to this Committee.

**The Presiding Officer [Senator Aquino]:** How about the Committee on Social Justice, Welfare and Development?

**Senator Romulo:** If the Chair so requests, also to the Committee on Social Justice, Welfare and Development.

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

**Senator Romulo:** Mr. President, as we have announced, we shall have the session at four o'clock and the roll call will be taken at that time. Again, may we remind our Colleagues that after the session, we shall have the Committee of the Whole on the GATT at six o'clock this evening.

Tomorrow, we shall also have the GATT meeting according to the time announced.

**ADJOURNMENT OF THE SESSION**

With that, Mr. President, I move that we adjourn the session until four o'clock this afternoon.

**The Presiding Officer [Senator Aquino]:** Is there any objection? [*Silence*] Hearing none, the session is adjourned until four o'clock this afternoon.

*It was 12:11 p.m.*

## RECORD OF THE SENATE

WEDNESDAY, OCTOBER 19, 1994

### OPENING OF THE SESSION

*At 4:26 p.m., Honorable Edgardo J. Angara, President of the Senate, called the session to order.*

**The President:** The 34th session of the Senate is hereby called to order.

Senator Mercado will lead us in the opening prayer.

*Everybody rose for the opening prayer.*

### PRAYER

**Senator Mercado:**

Dear Lord, our agenda is filled up. We do not have much time. We are sure You will understand if we make our prayer short.

Thank You, Lord, for all the blessings.

Amen.

**The President:** The Majority Leader is recognized.

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

**The President:** The Secretary will now proceed with the reading of the Order Business.

### REFERENCE OF BUSINESS

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

**The Secretary:**

October 18, 1994

**Mr. President:**

I have been directed to inform the Senate that in view of the disagreeing provisions of House Bill No. 13059, entitled

AN ACT SUPERVISING AND REGULATING THE  
LICENSURE AND PRACTICE OF  
PROFESSIONAL TEACHERS IN THE  
PHILIPPINES,

which was passed by the House of Representatives on October 17, 1994 and Senate Bill No. 1452, entitled

AN ACT TO STRENGTHEN THE REGULATIONS  
GOVERNING THE PRACTICE OF TEACHING  
IN THE PHILIPPINES AND PRESCRIBING A  
LICENSURE EXAMINATION FOR  
TEACHERS, REVISING FOR THE PURPOSE  
PRESIDENTIAL DECREE NO. 1006, AS  
AMENDED AND FOR OTHER PURPOSES,

passed by the Senate on July 27, 1994 the House of Representatives requests a conference on these two bills and on October 17, 1994 designated Congressman Antonio M. Serapio, Congressman Salvador H. Escudero III, Congressman Simeon A. Datumanong, Congressman Cirilo Roy G. Montejo and Congressman Angel M. Carloto as its conferees.

Very truly yours,

(Sgd.) CAMILO L. SABIO  
Secretary General

The Honorable  
EDGARDO J. ANGARA  
President of the Senate  
M a n i l a

**The President:** Referred to the Committee on Rules.

**The Secretary:**

October 18, 1994

**Mr. President:**

I have been directed to inform the Senate that the House of Representatives on October 17, 1994, passed House Bill No. 5141, entitled

AN ACT PROVIDING FOR THE REDISTRICTING  
OF THE LEGISLATIVE DISTRICTS IN THE  
PROVINCE OF LEYTE,

to which it requests the concurrence of the Senate.

Very truly yours,

(Sgd.) CAMILO L. SABIO  
Secretary General



MUNICIPALITY OF ROXAS, PROVINCE OF ORIENTAL MINDORO, FROM TWENTY-FIVE TO FIFTY BEDS, AND APPROPRIATING FUNDS THEREFOR.

**The President:** The Senate will now proceed to vote on the bill. the Secretary will please call the roll.

*The Secretary called the roll and the result of the voting was as follows:*

YES - 12

Senator Gonzales	Senator Rasul
Senator Herrera	Senator Romulo
Senator Maceda	Senator Tañada
Senator Mercado	Senator Tatad
Senator Ople	Senator Tolentino
Senator Osmeña	The President

NO - 0

ABSTENTION - 0

#### RESULT OF VOTING

**The President:** With 12 affirmative votes, no negative vote, and no abstention, House Bill No. 137 is approved on Third and Final Reading.

#### 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 as reported out under Committee Report No. 583.

**The President:** Resumption of consideration of Senate Bill No. 1913 is now in order.

**Senator Romulo:** Mr. President, we are still in the period of interpellations. Those who have made reservations to interpellate are Senators Ople, Maceda, Tañada, and Shahani.

**The President:** Senator Tolentino is recognized, with Senator Ople to interpellate him.

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

**Senator Ople:** Will the distinguished Sponsor yield for two or three questions?

**Senator Tolentino:** Very gladly, Mr. President.

**Senator Ople:** Mr. President, the bill, it seems to me, is very inclusive with respect to those authorized to join the party list. And rightly so, because that seems to be the intent of the Constitution in trying to incorporate the so-called marginalized parties and sectors into the electoral process.

Will this mean, Mr. President, that the Comelec is indeed charged with the duty of registering applicants for inclusion in the party list, more or less, on a ministerial basis, the exceptions being those organizations that are religious in character or those that have been determined to have received financial support from foreign governments? With those two exceptions, do I understand it that the Comelec's duty to register applicant-groups for purposes of participating in the party-list election is ministerial in character?

In other words, they should give due course to such applications, provided that these organizations are clearly not religious in character, or are receiving funding from foreign governments. These seem to be the two exceptions. Otherwise, any group in the country is eligible to participate in the party-list system, and the Comelec has no choice except to give due course to their applications.

**Senator Tolentino:** Mr. President, as long as the party seeking registration for the party-list system does not fall under any of the disqualifications as provided for in Section 5, then perhaps we can say that the Comelec's duty to accept the application and register the party would be ministerial.

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

Given this interpretation, may I assume that the Communist Party of the Philippines is eligible to participate in the party list?

**Senator Tolentino:** I would believe so, Mr. President, since we repealed the law that makes the Communist Party an illegal party.

**Senator Ople:** As a matter of fact, this might constitute as one of the preparations for admitting them to the national electoral process in accordance with the peace process that is going on. Will that be correct, Mr. President?

**Senator Tolentino:** I am sorry. I did not get the question, Mr. President.

**Senator Ople:** There is a peace process going on and electoral reforms are among those placed on the agenda of the peace talks both by the extreme right and the extreme left. If we

approve this bill, Mr. President, will that mean that these groups are now given the chance to participate in the electoral process as an alternative to an armed revolt?

**Senator Tolentino:** Mr. President, as we indicated, the Communist Party itself as a party is no longer illegal because of the law that we approved here to that effect.

But as far as the status of the peace talks is concerned, that would perhaps simply not affect the status of the Communist Party. Whether these peace talks will succeed or not, the political status of the Communist Party would remain, unless it performs certain subsequent acts which would render it illegal.

**Senator Ople:** I thank the Gentleman for the clarification, Mr. President.

May any labor union qualify for Comelec approval for purposes of registration to be included in the party-list system?

**Senator Tolentino:** Yes, because then that labor group would fall under the classification of sectoral organization.

**Senator Ople:** The Constitution speaks of a number of sectors for purposes of sectoral representation on an appointive basis by the President of the Philippines. Among these are labor, small farmers or peasants, urban poor, indigenous communities, women, and youth.

Does the sponsor feel that for purposes of determining sectoral representation in the party-list system, these various sectors listed in the Constitution for sectoral representation—as a matter of fact, they are now members of these sectors serving in the House of Representatives as sectoral representatives by appointment—constitute, in effect, the essential definition of sectors eligible to participate in the electoral exercise? These are the sectors that now participate in Congress by appointment of the President in accordance with the Constitution.

**Senator Tolentino:** Mr. President, these sectors which are now represented by appointed Congressmen could, I believe, certainly qualify as sectoral organizations under the party-list system so long as they have the requirements of the law with respect to their constitution, their offices, and such matters as laid down in the sections of this bill.

**Senator Ople:** Which would include, Mr. President, the sectors within sectors. For example, under the heading of "Labor", overseas workers are now represented in the House of Representatives by representatives appointed by the President. Will this concept of overseas labor sector carry forward into this bill.

**Senator Tolentino:** The bill itself lays down what matters have to be submitted to the Comelec in order that the organization would be considered for purposes of registration under the party-list system under Section 4. So long as these provisions are complied with by the sector, then it would be entitled to registration on the condition that it does not fall under any one of the disqualifications provided by the other sections of this bill, particularly in Section 5 of the bill.

So, even these sectors which are now represented in the House of Representatives by Congressmen who are appointed by the President would, if they have these qualifications required by Section 4 of the bill, be properly admissible for registration.

**Senator Ople:** Thank you, Mr. President. That is all.

**Senator Romulo:** Mr. President, may I ask that Senator Shahani be recognized.

**The President:** Senator Shahani is recognized.

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

Mr. President, I think this is one of those bills which calls for reform and thereby contains some novel propositions. This Representation is one of the authors of the substitute bill. But I still would like to ask whether the distinguished Chairman of the Committee on Electoral Reforms and People's Participation would care to entertain a few questions from this Representation.

**Senator Tolentino:** Very willingly, Mr. President.

**Senator Shahani:** Mr. President, does the distinguished Sponsor not feel that there could be the danger of double representation in this bill on the part of big, established political parties, accredited political parties, organizations and coalitions, that can participate in the party-list system by simply filing a formal manifestation with the Commission on Elections in addition to their own right to be represented by the regular representatives? This double representation is certainly a decided advantage for these big parties which the marginal ones do not have. May we have some clarification on this issue.

**Senator Tolentino:** Mr. President, as the bill is now presented, the danger of duplication of participation in the electoral process of the organized political parties now is not possible because of the provision in Section 5 that one of the disqualifications is that the organization fields candidates in legislative districts during the elections in which it participates under the party-list system. So, it is not possible for an organized political party to be participating in the elections by herding candidates in the different districts and at the same time by

having itself as included in the party-list system of elections.

**Senator Shahani:** But is there not a danger that with the superior capability they have in terms of finances, for instance, they could clandestinely support sectoral organizations which might be accepted as registered people's organizations?

**Senator Tolentino:** Well, that is always a possibility, Mr. President.

**Senator Shahani:** Mr. President, the party-list system is therefore going to encourage the multiple party system. I think this is what the party list points to. But the 1992 elections showed that the presence of so many political parties, instead of strengthening the political process, in the end weakened it because there were just too many points of view, too many voices. Will this party list not exacerbate this fragmentation of political representation in our political system?

**Senator Tolentino:** Yes, Mr. President. The party-list system is more consistent with a parliamentary form of government where the development of different or many parties is possible. But we cannot avoid having this bill passed into law because of the fact that the Constitution itself already contemplates that a number of Congressmen will be in office under the party-list system.

So, in order to implement this provision of the Constitution, we have to enact a law on the party-list system even if we do not, perhaps, agree with the philosophy underlying the system.

**Senator Shahani:** Mr. President, I am quite surprised why under Section 11 of this bill, the women and youth sector are not included in the enumeration. I believe that these are very important sectors not only from the point of view of population but also from the point of view of human development. May we know the reason for this omission.

**Senator Tolentino:** The sectors that are indicated here are by no sense exclusive in the sense that Congress cannot add to these sectors. So long as this is not yet a law, then it is within the prerogative of the Congress to either add or subtract from the sectors which are mentioned here.

**Senator Shahani:** But I would still like to ask, Mr. President, why Women and Youth are not included under Section 11.

**Senator Tolentino:** I did not get it, Mr. President.

**Senator Shahani:** Mr. President, under Section 11, entitled *Number of Party-List Representatives*—there is this provision on line 23 saying, and this is now the percentage on 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.*"

Now, this is coming from the constitutional provision as Section 5, paragraph 2. Women and youth are mentioned in the Constitution, but in this bill they are omitted. I think this is not accidental but rather deliberate. Is this Representation correct in this perception, Mr. President?

**Senator Tolentino:** Mr. President, the equitable distribution here, in the first place, is intended for the Comelec to make the distribution among these different sectors.

In the second place, whether we shall increase the sectors or reduce them from what is proposed in this measure is within the discretion of Congress.

The sectors that are indicated here are going to be established by law. Unlike the sectors for which now the President of the Philippines is making appointments to the Congress, it is established not by an act of Congress but by an Executive Order that was promulgated by the President before the session of Congress convenes under the present Constitution. So, these sectors may appear to be more than what is provided in the present Executive Order as to what sectors will be represented in the Congress by appointment of the President.

**Senator Shahani:** Mr. President, the Executive Order is one thing but the Constitution is another. It is very clear that women and youth are included here, and if we include in this bill the elderly, the handicapped, I do not see any reason why there is a deliberate omission of women and youth. That is what I am trying to say. In terms of population, half of the population are women. Sixty percent of the voting population in this country is below 35 years old. I believe that these are very serious omissions.

**Senator Tolentino:** With respect to the youth, I think that was just some oversight in the enumeration here because the youth is going to be considered as really a sector. In fact, we have here a provision in Section 9 on the age qualification of a person to be considered as a representative of the youth sector.

With respect to women, I recognize the validity of the arguments set forth by the distinguished Colleague, but I do not know if we can consider the women as a sector unlike in the cases of these which are enumerated here in the bill. I do not think they should be considered just as a sector. If we consider women as

a sector, the men must also be considered as a sector. I do not see any difference between the two. They are just separated by gender.

**Senator Shahani:** Mr. President, I am afraid our Colleague may not know what is happening in the women's movement. They are indeed fighting for recognition, because the men have never really recognized them before.

I would disagree with our male Colleague that if there is a women's sector, there will have to be a men's sector. The men have been the superior sector all of these centuries, and the women are now fighting for recognition.

In this country, I am sure the good Senator is in touch with so many women NGOs. This is why we now have bills on sexual harassment, rape, and the establishment of the National Commission on Women as major issues.

I think one cannot disregard the fact that feminism, Philippine style, is coming of age. This is why, Mr. President, I would like to register my very serious apprehension about this deliberate omission of women as a sector when the debate in this Chamber has been very articulate and focused on the participation of women in the political life of the country.

**Senator Tolentino:** Mr. President, I do not think that the mere fact that "women" is not included in the listing here of sectors actually excludes women. If we consider the number of women compared to men—I understand that there are now more women than men in this country—how can we just consider women as a mere sector? That is my point. It is not a mere sector.

If we consider women by number, it is the men who should be a sector because they are less in number. But that does not deprive the women population of sufficient participation in the electoral process.

**Senator Shahani:** Mr. President, the fact that "women" is mentioned in the Constitution was a deliberate attempt on the part of those Constitutional delegates to increase the participation of women in our political life.

I do not want to prolong it because I think a debate of this nature is not going to change the Sponsor's mind. Suffice it to say, Mr. President, that I would like to register a very strong reservation on behalf of our women constituents, because I believe they would share the concern and apprehension I have about a deliberate attempt to leave them out just because they do not belong to a sector. This is something which can be debatable, but I would just leave it at that. Maybe, during the period of amendments, our distinguished Colleague would be able to

entertain an amendment coming from this area.

**Senator Tolentino:** We are open-minded with respect to this, Mr. President. So, if an amendment is proposed later on, we will give it the same consideration as any other amendment that may be presented.

I would like to voice this apprehension, however, Mr. President, that if the women are included here as a sector in the party-list voting, that may prevent them from later on organizing themselves into a political party with candidates in the different districts. As the bill is now worded, if a party presents candidates in the different districts, it cannot participate in the party-list system. That is as the bill now stands. That is a danger that will be faced by the women in case they are allowed to go into a party-list system as a sector.

**Senator Shahani:** Mr. President, as far as the women organizing themselves as a party is concerned, there have been some attempts. But the trend towards having themselves recognized as a sector seems to be stronger than they wanting to organize as a separate party. As I said, I just would like to raise this question during this preliminary stage of the debate.

Mr. President, since many of these ideas are novel in this party-list bill, we did not get clearly from the Sponsorship Speech of our distinguished Colleague nor in the provisions of the bill how the mechanism of proportional representation of national, regional and sectoral parties or organizations could be effected. Could the distinguished Sponsor explain more fully, especially in Section 11 where the percentages are enumerated?

**Senator Tolentino:** From my reading of the provisions of the bill as they are presented, I believe the mechanism is something like this:

The political parties that are listed and allowed to participate in the party-list system of election will be voted upon by the electorate nationwide. The voters of the country will vote for them in the same manner that they vote now for our Senators. The results will also be tallied nationwide so that the votes of every participant in the party-list system will be totalled on the basis of what they get throughout the country. This total number of votes by parties will then be added in order to determine the total number of votes cast in the system of party-list election.

That is a proposal which has been aired. But actually, in the bill itself, the basis is not the total number of votes cast in the party-list system but the total number of registered voters in the country. Whichever way it is finally approved, the fact is that, there will be a proportionate number of the 50 seats in the House

of Representatives distributed among the parties in the system in proportion to the number of the votes they got whether basing on the number of total votes or on the number of registered voters.

The party that gets the highest number of votes will naturally have a higher number of seats allotted to it in Congress, and the one with the lowest number of votes will naturally have the least number of congressmen allotted to it among the 50 that will go the House of Representatives.

That will be a mathematical process, Mr. President.

**Senator Shahani:** The number "50", which is mentioned, refers to the 20 percent of the total number of Members of the House including those who will be included in the party list.

**Senator Tolentino:** Yes, Mr. President. That is 20 percent of the total 250 indicated as the number of seats in the House of Representatives.

**Senator Shahani:** Could we have an example of a regional party because the percentage here is quite high, and there seems to be more national than regional parties. I am somewhat surprised at the large percentage which is allotted to regional parties—30 percent.

**Senator Tolentino:** Mr. President, if we go by figures, I have here a rough computation not by actual number of votes we have in the country, but showing how the proportion is going to be made. It is something like the proportional representation we have in our own Commission on Appointments, based on parties.

If in an election on the party-list system we say there are five parties that will participate, and Party A receives—this is just symbolic—1000 votes, Party B receives 2000 votes, Party C receives 3000, Party D receives 4000, and Party E receives 5000, the total number of votes cast will be 15,000. So, Party A will receive  $1/15$  of the 50 seats; Party B will receive  $2/15$  of the 50 seats; Party C will receive  $3/15$  of the 50 seats; Party D will receive  $4/15$  of the 50 seats; and Party E will receive  $5/15$  of the 50 seats. This will approximately be, for Party A, 3 seats; for Party B, 6 seats; for Party C, 9 seats; for Party D, 13 seats; and for Party E, 16 seats. This is roughly the mathematical computation, Mr. President.

That is how the distribution is going to be made, if the basis is the number of votes cast. But if we compute by the number of votes of registered voters, it will be different. And I think the computation will be a little bit more complicated than what we have here, if the basis is the number of total votes cast in the

entire country for the party-list organizations participating in the election.

**Senator Shahani:** Mr. President, I raised this question knowing that there is no complete answer to this question. But I just would like to point out that the complexity of the computation of party-list representatives, I am afraid, is going to be the stumbling block, because if we say 3.15, I do not know where that .15 is going to come from. I can imagine the parties quarreling over the .1 or .10.

I am sure the distinguished Sponsor is aware of this problem, and I hope that we will get more clarification on the matter of computation. I think our experience here in the Commission on Appointments of having to go to the Supreme Court, for instance, is already a precursor of the complexity of this procedure, Mr. President.

**Senator Tolentino:** This will be more complicated than what we found in the Commission on Appointments because, I suppose, there will be more parties participating here than what we have in the Commission itself.

**Senator Shahani:** Mr. President, I think the party-list system was installed in our Constitution in order to expand the democratic basis of our Government. In other words, politics is expensive. In this country, one has to belong to the landed economic or political elite to be elected into Congress.

But I do not see in this bill a mention of a bias for the poor or the marginalized sectors. There is really no specific mention. Because even if we say, sometimes, urban poor, their leaders are already established in some positions of political elitism.

So, I am really wondering, Mr. President, why there is no mention of the rationale of the party-list system, that is, to enable the poor and the marginalized sectors to participate in the mainstream of our political life. If we say here, "highly qualified and eminent persons," that is fine. But why not a mention of the representatives of the poor and marginalized sectors because that is, in essence, the reason why we have a party-list system?

**Senator Tolentino:** I think this party-list system of election, Mr. President, presupposes that the party, especially the sectoral party, that participates in the election will put down among their candidates or nominees, from whom to pick the ones who will sit in the Congress, people who really belong to that particular sector and not those who may have, at one time or another, belonged to the sector but already have become so situated that they no longer, perhaps, enjoy the feelings of those who are really in the sector.

I suppose that is going to be left entirely to the political group, sector or party to select who will be the ones who will sit in Congress to represent the party. That cannot be, I think, legislated because that will depend upon the will of the party itself that participates in the election.

**Senator Shahani:** Perhaps, Mr. President, in the declaration of policy, mention could be made on the importance of the representation of those who are marginalized by the present political system.

Although I said this is a novel experiment, how does the Gentleman think the Filipino people would react to voting for parties rather than for persons? I know that Senator Gonzales raised this issue this morning, and I would like to raise it again.

In other words, we have to come to terms with the people's reaction, the people's acceptance of parties or their having to vote for parties instead of for persons or distinct personalities.

**Senator Tolentino:** I think this should be something very new to our people, to our electorate and there may be some confusion. It is possible that the number of votes that will be cast under this system will not be as big as we might expect because the only experiment we had in voting by parties was under the block-voting system. But that was different. That was the only time we had a party vote.

I do not know how the people will actually vote here. They may even be confused, and some ballots may be invalidated if we put the party vote and the individual vote by district in the same ballot. That is why I suggested to the Comelec that, perhaps, there should be two ballots, one ballot for the regular elections, and another ballot just for the party-list system. Many ballots may be invalidated because of some errors in the party-list system.

I would think that our people are so new to this system that they may not really like it because the culture among our people is that they want to put the individual candidates who will be the ones they are going to vote for. But in the case of the party vote, they just vote for the party and the party itself picks the individual who will represent it in Congress.

**Senator Shahani:** So, the distinguished Sponsor therefore foresees problems in terms of the people's acceptance and also in the implementation of this bill?

**Senator Tolentino:** We have to presume that the people accepted this when they voted for the ratification of the Constitution.

**Senator Shahani:** Mr. President, does the Sponsor not foresee that there is a need, if this bill is signed into law, for a major educational effort on the part of the Comelec to explain this very big innovation in our voting system?

**Senator Tolentino:** Yes, Mr. President. I think that will be needed and the Comelec will play a very important role in this voter education. In fact, I think there is an appropriation for the Comelec for purposes of voter education.

**Senator Shahani:** Mr. President, I just would like to state at this stage of the debate that this is a novel idea. I just hope that it will be advocated properly and implemented carefully when the proper time comes.

Thank you, Mr. President.

**Senator Maceda:** Mr. President.

**The President:** Senator Maceda is recognized.

**Senator Maceda:** Mr. President, I just have one question. The matter is with regard to the fact that, as intended, this will be first implemented with 25 candidates to be elected in 1995 and the full 50 candidates in 1998. Is that correct?

**Senator Tolentino:** Yes. That is the idea, Mr. President.

**Senator Maceda:** I guess some provisions of the bill have to be clarified and realigned to reflect this particular plan because some of the provisions are framed on the basis of the full implementation by 1998. Maybe this partial implementation in 1995 could be further clarified by specific provisions.

**Senator Tolentino:** Yes, Mr. President. We can do that in the period of amendments. The Sponsor is very open-minded on that.

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

**Senator Romulo:** Mr. President, may I enumerate the names of those who asked to interpellate: Senators Herrera, Aquino and Tañada in that order.

**The President:** Senator Herrera is recognized.

**Senator Herrera:** I have just one or two questions, Mr. President.

I notice in the bill that a voter is entitled to two votes: one for the representative of his district and the other is a vote for the organization or the party that he would like to be represented in

Congress. Whether it is the national, regional or sectoral representatives, all these seats are elected on a nationwide basis.

**Senator Tolentino:** Yes, Mr. President. The party vote will be on a nationwide basis.

**Senator Herrera:** Is that what is contemplated by the Constitutional Convention during the debate on this particular provision, Mr. President? Because with this requirement that the party-list representative will have to be elected on a nationwide basis, then this is a more strict requirement compared to the ordinary members of the House of Representatives.

**Senator Tolentino:** The requirement as far as qualifications are concerned are practically the same, except with respect to the residence requirement.

There is a very big difference between the two kinds of votes, Mr. President. Because while in the case of representatives in the districts, we actually select the individual and individual qualifications may become very important in the selection by the voters, in the case of the party-list system, the selection of the people who will actually sit in Congress is not done by the electors. It is done by the party itself that wins a certain number of seats in the Lower House. So it is very difficult to make a comparison in these two kinds of voting.

The bill requires the party participating to submit the names of the nominees of that party in case it wins a certain number of seats for the Congress. Although very slight, this is one way of letting the voters know who will sit in Congress in case they vote for a particular party.

**Senator Herrera:** Since there are three classifications of party-list representatives—we have the national, the regional, and the sectoral—why is a voter entitled to two votes only?

**Senator Tolentino:** Mr. President, my thinking on this matter is that, the selection of parties will be on a national vote. Everybody in the whole country is entitled to vote for a particular organization that participates in the party-list system. But the organization itself may not really be so extensive and it may be only in a region. That is why we allow participation by national, sectoral and regional organizations. But the voting is national in character.

When the canvassing is made by the Comelec, it will canvass all the votes all over the country even if there are votes outside of the region of the regional party. The term "regional and sectoral" defines the party organization but does not define the voting itself.

**Senator Herrera:** If an organization registers as a national organization, it cannot be allowed to participate in the regional and sectoral?

**Senator Tolentino:** No. Everybody here is a national candidate. All the parties are national candidates, although they are national, regional or sectoral. All of them are candidates before the entire electorate.

Even if a party participating, let us say, is a regional organization, that party can be voted for by everybody even outside of the region. In other words, the election is national but the party participating is regional.

**Senator Herrera:** Is it not correct, Mr. President, that when a party or an organization registers with the Commission on Elections to participate in the party list as a national organization, it has to enumerate the persons that they would like to be given the seat if it earns a certain number of votes?

**Senator Tolentino:** Yes, Mr. President.

**Senator Herrera:** Although the list of these persons will not be included in the ballots?

**Senator Tolentino:** Yes, that is right, Mr. President.

**Senator Herrera:** Is it possible for the party to enumerate the names when it registers for the national seat, then another list for regional and another list for sectoral?

**Senator Tolentino:** The seats, Mr. President, to be occupied by these individuals who will be representing the parties are not classified as national, regional or sectoral. We consider them as national members because they represent the entire country already. They are voted for by the entire country, not by any sector or by any region.

**Senator Herrera:** How will the allocation be done, Mr. President?

**Senator Tolentino:** As I explained a while ago, it will be in proportion to the number of votes they received nationwide. So that even if a political organization is a regional organization and it is voted for, even people outside of that region can vote for it as a party. In other words, the election is nationwide, although the participant—maybe, organizations that do not have a nationwide membership but only a regional membership—may be so strong in its region that it might get a number of votes enough to entitle it to a certain number of seats in the Congress.

When we mention this national or regional, I think this is merely to make it clear, that the parties participating in the party-list system of election need not be national in scope, or need not even be political in character.

**Senator Herrera:** But since the voting will be nationwide, it has the advantage if the organization is national in scope.

**Senator Tolentino:** Of course, that is to be presumed that the national organization will be nationwide. But since this is a proportional representation, that big organization cannot have all the representatives. A number will always go to the other parties participating in the system because they will be represented proportionately by the number of votes that the party will receive, even if it is a regional party.

**Senator Herrera:** Under the provision of the bill, no organization will have more than five seats.

**Senator Tolentino:** Yes, that is how the bill is now worded.

**Senator Herrera:** That would mean that the five seats will be distributed to sectoral, regional, or national. Is that the way...

**Senator Tolentino:** That means that even if a party, on the basis of mathematical computation, will receive a certain number of votes nationwide that would entitle it to, let us say, seven seats or eight seats, it cannot have all seven seats; it can only have five seats because enough seats will be left to those who are way below in the list. But I think this limitation is based on the assumption that the basis of computation will be the electorate in the country and not the total number of votes cast in the party-list system of election. If we consider the total number of votes cast in the party-list system of election and not the number of electors in the entire country, then it may be possible to avoid this provision on a maximum number. But being in the highest vote, it would be entitled mathematically to the proportionate number of seats.

**Senator Herrera:** So that if there will only be two organizations participating, even if we have to give them the maximum, these two organizations will only be entitled to ten seats, and that will be less than the number of 25 seats that are supposed to be covered under the party list.

**Senator Tolentino:** Yes, Mr. President. That is what is going to happen if we limit to five seats. But as had been brought out in the interpellations last night, if we use as a basis the total number of votes cast for the parties that are participating in the party-list system of election, then, perhaps, there would be no need of a limitation to five seats because the proportion can be strictly applied.

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

**Senator Maceda:** Mr. President.

**The President:** Senator Maceda is recognized.

**Senator Maceda:** Mr. President, just on this point. In the example given, if a party gets a certain percentage of votes that should entitle it to seven seats or eight seats and then it is cut down to five seats—the first computation will be to compute the percentage of all the parties, and they get a corresponding number of seats—what happens to the excess since there is a limitation on five seats?

**Senator Tolentino:** What is going to happen is, there may be vacancies under this system.

**Senator Maceda:** I just wanted to clarify that.

**Senator Tolentino:** That is why, I think, the basis must always be the total number of votes and give them what is due them in the mathematical proportion.

**Senator Maceda:** But even based on the total number of votes, we may have one or two major parties or major labor organizations, for that matter, really getting more than five seats.

**Senator Tolentino:** Yes, that is going to happen, Mr. President, if there is no limitation. But the alternative is we will have some vacancies in the House of Representatives.

**Senator Maceda:** Because the alternative to vacancies, if it is so provided in the law, would be to further redistribute the vacancies. After providing for the parties that get a maximum of five seats, then the excess could be reapportioned among all the parties that would not be getting the maximum of five seats.

**Senator Tolentino:** That could be expressly provided for.

**Senator Maceda:** Yes, that could be the other alternative. But as framed now, the result would be that there would be vacancies if some parties get more than five seats.

**Senator Tolentino:** That is right, Mr. President.

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

**The President:** Senator Aquino is recognized.

**Senator Aquino:** Mr. President, will the distinguished Sponsor answer a few questions?



**Senator Tolentino:** Very gladly, Mr. President.

**Senator Aquino:** Mr. President, in the allocation of seats, since a voter will vote for his candidate for a congressman and will vote in the party list, does the distinguished Gentleman think that the parties or coalitions, or organizations should be so divided so that we have national organizations, regional organizations, and sectoral organizations? So that when one votes for the party list he is, in effect, voting for three additional names.

A national organization, naturally, is exposed nationally and a regional organization is only exposed in the region. As an example, Bicol Saro will only be exposed in Bicol. Will it depend on how Bicol Saro is registered in the Comelec? It will most probably be registered as a regional party only.

Let us say, if I like a candidate from Bicol or for Bicol to be in, does that mean I cannot choose anymore from the national parties?

**Senator Tolentino:** No, Mr. President. The way this is going to work out, as proposed in the bill, is that even if an organization is a regional organization—let us say Bicol Saro, as an example—even people from Central Luzon, from the North, from the Visayas can vote for that organization.

In other words, if that organization, by the national vote for it, becomes entitled, according to the proportion, to a certain number of seats, then it will get those seats even if the votes that it garnered were not concentrated in the Bicol area but they came from other areas of the country.

That is why I said that those words “national,” “regional” and “sectoral” should only be descriptive of the party that registers. It should not be descriptive of the votes that should be given to that party.

**Senator Aquino:** But in terms of competing with a national party, Mr. President, we cannot imagine, for instance, an Ilocano party voting for a party in Bicol but rather a party in Cebu voting for Panaghiusa. The Ilocanos will be exposed to national parties and, most probably to a regional party in Region I.

**Senator Tolentino:** I suppose that is the most logical thing to happen. But that is not what the law provides, Mr. President.

In other words, while the participants may belong to regions only, yet they are entitled to a national vote. They will be entitled to a national vote.

**Senator Aquino:** Mr. President, while I was checking the representation, the Gentleman said 30 percent national, 30

percent regional and 40 percent sectoral. In terms of number of people, this will actually mean 15 people representing national, 15 from regional and 20 for the sectoral organizations to total 50 which is the intention. Maybe, it will be simpler if we just allocate one representation per region. After all, we already have 15 regions in the country. Then there will be proportionate representation.

Mr. President, what I thought of, when they thought of this party-list system, is precisely to elect the marginalized sectors or people who normally cannot run for public office. For instance, somebody representing the elderly. I would assume that the one who represents the elderly is elderly so that it might be too rigorous for him to campaign. Of course, there are exemptions, but normally, somebody who is elderly might not be able to campaign as vigorously as we have done. Or for that matter, a handicapped. We have to define the meaning of the word “handicapped.” Will somebody who has only one eye be considered a handicapped when sometimes those who cannot see actually see better or understand better?

I think the intention of this party-list system is to allow representation from sectors who, by themselves, will not have the resources to have their candidates elected. That is why we should concentrate on national parties and encourage coalitions with the assurance that these national parties will already have a list of their party-list candidates coming from the different sectors.

**Senator Tolentino:** These are ideas which may be taken into account when we prepare amendments for this bill, Mr. President. I will be the first to admit that this is something novel for us. The concept is novel, and perhaps, we should give a chance for consideration of amendments to reflect many of the thoughts that have been expressed here. And the Committee, considering the nature of this bill, expresses itself as receptive to considering these different ideas to be incorporated in the bill in order to carry out the purpose and intent of the measure.

**Senator Aquino:** Anyway, Mr. President, I will try to formulate exactly what I want to come across so that in the period of amendments, that will be the proper time to introduce changes like these. At present, I would like the voter to choose the candidates in the simplest possible way. Right now, these national, regional and sectoral parties or organizations might be too complicated. Maybe, just a simple sectoral representation will be sufficient. After all, as far as national is concerned, this can be satisfied by the national parties. The regional parties should attach themselves to some national party.

With that, Mr. President, I would like to end at this point, and probably formulate some kind of a mechanism to make it simpler for the voter.

Thank you, Mr. President.

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

**Senator Romulo:** Mr. President,

**The President:** The Majority Leader is recognized.

**Senator Romulo:** With the consent of the Minority Leader, I ask that Senator Webb be recognized to interpellate and thereafter the Minority Leader.

**The President:** Senator Webb is recognized.

**Senator Webb:** Mr. President, will Senator Tolentino yield for just a few questions?

**Senator Tolentino:** Very willingly, Mr. President.

**Senator Webb:** Mr. President, I understand that this bill seeks to include coalitions in the party-list system; but I see no definition of "coalition" in the bill. May I ask the Sponsor to kindly include the definition of the word "coalition" in the bill.

**Senator Tolentino:** The bill does not exclude coalitions but it will be the organization that will present its own constitution and officers. Once it is organized that way, then it will be entitled to the party-list vote.

**Senator Webb:** That is why, Mr. President, all I am asking is the possibility of including in the definition of terms the meaning of the word "coalition."

**Senator Tolentino:** We can have that.

**Senator Webb:** Mr. President, I understand that in the multi party system, a coalition may be necessary where no party holds a clear majority to run the government. But we are clearly talking here of a parliamentary form of government in this particular scenario.

In our presidential form of government, the present one, are party coalitions, according to the Sponsor in his own opinion, necessary, or are these primarily there for expediency or convenience?

**Senator Tolentino:** Coalitions of political parties sometimes become necessary or may often become necessary when we have a parliamentary form of government because there may be no single party with a majority that can run the government. That is why small parties can form coalitions and get a majority to run the government.

**Senator Webb:** That is why, Mr. President, with a presidential type of government—my purpose of asking this is, I hope the distinguished Gentleman will agree with me, that coalitions should not be given the same importance or status as political parties or sectoral organizations under the present form of government.

**Senator Tolentino:** Mr. President, we cannot avoid that if the party is trying to form a coalition and the coalition presents itself as a party-list candidate, unless we prohibit that, it will be an organization that will have its own constitution, officers, program of government, and so on.

**Senator Webb:** But should this be given the same status as political parties or sectoral organizations, Mr. President?

**Senator Tolentino:** We cannot avoid that because we must treat this as another party or political organization that is presenting itself for the party-list system, unless we prohibit it.

**Senator Webb:** Mr. President, let me cite an example. For instance, in Germany, it is quite evident now that a coalition normally exists and consists of small and big parties. They coalesce primarily because of ideologies. What often arise here are two opposing coalitions—the ruling coalition and the coalesced opposition. Is this not so, looking at a particular example such as Germany—that there are possibilities? The same could happen here, or is happening right now which consists of two parties—the ruling coalition and the coalesced opposition.

The reason I am asking this, Mr. President, is, can the same situation happen particularly for the 1995 elections?

**Senator Tolentino:** What situation is the Gentleman referring to?

**Senator Webb:** A clear example is, are we looking at a possibility here of a two-party system in the coming elections, Mr. President?

**Senator Tolentino:** Whatever kind of system develops, Mr. President, if we apply this party-list system of voting, then this will perhaps be for the benefit of the very small parties. Even if we have a two-party system, we cannot avoid the development of small organizations as political parties. We have seen that in the past. Even if we have only two political parties in the past, there will always be some kind of political organizations which are limited in scope.

**Senator Webb:** Mr. President, under the proposed bill, a coalition consisting, for example, of the Lakas-NUCD, the LDP and the Liberal Party will be entitled to submit its party list. Is

this not so? Right now, in the same situation, we will all be entitled to submit our party list.

**Senator Tolentino:** If they register for the party-list system, they will have their party list. They will have their list of nominees submitted to the Comelec.

**Senator Webb:** Another coalition, consisting, for instance, of the NPC, the PRP and some other parties, will these also be entitled to submit their listing? Because I have a question after that, Mr. President.

**Senator Tolentino:** As the bill is now, Mr. President, I do not think these will be accepted in the party-list system because there is an exclusion from the party-list system of organizations which field candidates in the districts. I suppose the parties mentioned by our distinguished Colleague are going to field candidates in the districts. Once they do that, under the provisions of the bill now, they cannot be accepted for the party-list system of election.

**Senator Webb:** The reason I asked this, Mr. President, is, hindi kaya magdoble iyong submission ng mga pangalan kapag ganito ang sitwasyon na puwedeng mag-submit iyong mga nag-coalesce at puwede namang iyong ibang partido na nakahiwalay din? Maaaring magdoble ang submission ng mga pangalan. Is that possible?

**Senator Tolentino:** If that is done, these parties will not be entitled to be voted for in the party-list system. Any vote for them would be void.

**Senator Webb:** In short, doon sa partidong maliit hindi bibilangin iyong boto? Ganoon po ba iyon?

**Senator Tolentino:** The point is, if they field candidates by the districts, they are not going to be accepted any more for the party-list system.

**Senator Webb:** So, there is no possibility that they will have a listing of identical names because masasala na kaagad ito at malalaman kung sino ba itong mga nasa listahan ng party-list system?

**Senator Tolentino:** In the party-list system, the names of the nominees are already known in advance because they are supposed to be filed with the Comelec. Therefore, even in the campaign under the party-list system, the political parties can mention to the electorate, "These are our nominees. So if we win, these are the ones who will be sitting in the House of Representatives."

**Senator Webb:** Thank you very much, Mr. President, for the very clear answers to some of the questions that were bugging me prior to asking and interpellating the Gentleman from Manila.

**The President:** The Minority Leader.

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

Will the distinguished Sponsor yield again to a few questions from this Representation?

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

**Senator Tañada:** Mr. President, under Section 11 of the bill, it is provided that of the total number of party-list representatives, 30 *per centum* must be allocated to national parties or organizations; 30 *per centum* to regional parties or organizations and the remaining 40 *per centum* to sectoral organizations. In view of this classification, it came to my mind that, perhaps, it could also be interpreted to mean that when the votes are going to be tallied, there will be three divisions: one will contain the total number of votes cast nationwide for the national parties; the second will be the total number of votes cast nationwide for regional parties; and then the third will be the total number of votes cast nationwide for the sectoral parties or organizations. And then on that basis, there will be a ranking who among the national parties garnered the most number of votes, the second number of votes, the third number of votes, and so on and so forth. On that basis, the 30 *per centum* that has been allotted to the national parties in the party-list system would be determined.

**Senator Tolentino:** Yes, Mr. President. This is a matter, I think, that will be clarified in regulations issued by the Commission because its officials are the ones to be in charge of the canvassing of these votes. And so, this classification mentioned by the distinguished Minority Leader will naturally come into that.

**Senator Tañada:** As it is now being interpreted, it would seem that the national parties, the regional parties, as well as the sectoral organizations, will be all clamped together and then these will be ranked altogether based on the total number of votes they receive on a nationwide basis.

Now, I think it will serve better the objective and noble purpose of the measure if these three classifications could be made—the counting for the national parties, the counting for the regional, and then the counting for the sectoral—and on the basis of that, the 30 percent for the national and the regional would be determined, and then the 40 percent for the sectoral.

**Senator Tolentino:** I suppose that would be the way these provisions of Section 11 will be amended by the Comelec.

**Senator Tañada:** Now, in Section 13, Mr. President, it is provided that 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.

In Section 11, however, it is provided that as far as the 40 percent allocated to sectoral organizations is concerned, that 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. And has already been discussed yesterday and this afternoon, there is the proposal that the women and the youth sector should also be included.

My question, Mr. President, is with respect to the list of names that will be submitted by the national parties, the regional parties, or the sectoral organizations. These are going to be solely determined and decided by them, and the Comelec will not, in any way, have any say in the list of nominees that these parties will be submitting to the Comelec?

**Senator Tolentino:** Yes, because these will be submitted by the parties so they determine who are the people to compose the list that they will submit. The Comelec cannot put in any name or take away any name from it.

**Senator Tañada:** But then, Mr. President, the list of names that may be submitted by a national organization which is composed of different sectors may not have been done equitably and so it would go against Section 11 which calls for the distribution to be done as equitably as possible.

**Senator Tolentino:** Yes, but that phrase "as far as practicable" is quite very flexible.

**Senator Tañada:** For example, let us say, in the case of the national federation of a labor organization which is not only consisting of workers or farmers but also of urban poor. In the list that they will be submitting to the Comelec, the first five or the first ten would only be consisting of workers. Would the Comelec have no say on that to see to it that if the organization is composed of several sectors, then the nominees that they will put in their list should be proportionately or equitably distributed among the sectors composing the organization?

**Senator Tolentino:** As the bill now stands, the Comelec will have no power to do that. The bill does not even allow or permit changes by the party itself. I mean by the ranking that they

have already submitted, that ranking will be strictly observed, because it is supposed that when the people voted for the particular party or organization they took into account this list that has been submitted to the Comelec.

**Senator Tañada:** Mr. President, I was thinking if it would be all right if they all belong to one sector, but if the party or the organization is composed of several sectors, then there could be some problems arising if the nominees submitted by the organization would be composed mostly of one sector.

Anyway, I will think about an amendment I can propose on this matter.

Now, Section 15 states that any elected party-list representative who changes his political party or sectoral affiliation during his term of office shall forfeit his seat. What if the party-list representative has been elected under a coalition registered with the Comelec and therefore included in the party list and then during the term of the party-list representative elected under a coalition, the coalition breaks up and is dissolved, would that have any effect on the membership of the party-list representative in Congress, Mr. President?

**Senator Tolentino:** I think we should have a special provision for that. That eventuality is not included in the provision on the change of political parties.

**Senator Tañada:** Thank you, Mr. President, and Gentleman from Manila.

**The President:** Senator Revilla.

**Senator Revilla:** Mr. President, will the distinguished Sponsor yield for some clarification?

**Senator Tolentino:** Very willingly, Mr. President.

**Senator Revilla:** Section 4, page 2, lines 16 to 18 provides that "any organized group of persons may register as a political party, organization, or coalition." May I know if there is a required minimum number of persons to constitute an organized group to qualify for registration under the party-list system?

**Senator Tolentino:** I did not get the question, Mr. President.

Mr. President, I raised this issue because without perhaps setting up a minimum number, it might result in the proliferation of political parties' organizations as mentioned this morning by Senator Mercado, if my recollection would not fail me.

**Senator Tolentino:** I understand that, Mr. President. But even now, we do not have any minimum number specified or required to compose a political party. The only thing required here is that there must be a constitution, by-laws, platform or form of government, and a list of officers and members without specifying how many members should be a minimum.

**Senator Revilla:** Mr. President, another one. Section 5, page 3, lines 12 to 14, mentions as among the grounds for refusal and/or cancellation of registration the following:

"4) It is receiving support from any foreign government, or acceptance by it or any of its members of financial contributions from foreign governments;"

My question is this: Suppose the support or financial contribution is to the person himself and not as a member of the party to which he belongs, would it be a ground for refusal and/or cancellation of the registration?

**Senator Tolentino:** To whom does the Gentleman refer? Is it a contribution given to a nonmember of the party?

**Senator Revilla:** Yes, Mr. President.

**Senator Tolentino:** Well, it does not fall under this provision. This refers to receiving by a member of the party or by any of his officers perhaps. But if a nonmember of the party, who is seeking registration, receives contributions, that will not affect the status of the party itself, because the party cannot be responsible for the acts of a nonmember of that party.

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

Under Section 8 on page 4, line 17, it mentions about the required number of votes. Hindi po kaya mas maganda kung percentage of vote na lamang ang gagamitin natin kaysa fixed number of votes?

**Senator Tolentino:** Mr. President, the required number of votes here refers to the votes that will qualify it for certain number of representatives. The phrase "required number of votes" simply means here the number of votes that will qualify it to have a certain number of representatives in the House of Representatives. That cannot be substituted by percentages.

**Senator Revilla:** Thank you, Mr. President. That is all.

**The President:** One point, Senator Tolentino. One of the grounds for delisting a party is, if it has failed to obtain 10 percent of the votes in the party list for its constituency. Does this mean that this minimum vote is also required for the first election in 1995?

**Senator Tolentino:** I suppose that it cannot be required for 1995 because we have not yet any party-list election at any time prior to 1995.

**The President:** Is this 10 percent minimum vote also expected of sectoral or regional parties?

**Senator Tolentino:** I suppose so, Mr. President, because this is already under the party-list system. Since we have not had any party-list system, there will be no basis for this 10 percent.

**The President:** So a Bicol Saro must obtain at least 3 million votes nationwide to stay registered, for instance, assuming that the total number of votes nationwide is 30 million.

**Senator Tolentino:** Unless we put that in the law, this provision, paragraph 7 would not really be applicable in the first election.

**The President:** Yes, but subsequent elections. When does a Bicol Saro obtain the 10 percent minimum vote? During what election if it is not in 1995?

**Senator Tolentino:** I did not get that, Mr. President.

**The President:** Under this provision, a party in order to remain registered in the party-list must have obtained at least 10 percent of the votes cast in the constituency, and the Senator said that the constituency is nationwide.

**Senator Tolentino:** Yes, Mr. President.

**The President:** I am just taking the example already mentioned. Assuming that a Bicol Saro wants to maintain its registration as a party-list party, when does it have to obtain 10 percent of the votes? If it is not in 1995, during what election? Is it 1998?

**Senator Tolentino:** It says here, "in either in the last two preceding elections."

**The President:** That is correct.

**Senator Tolentino:** So if it is in the last two preceding elections, this paragraph will not be applicable to the election in 1995 nor in the election of 1998 because in 1998, there will be only one preceding election. This is an election under the party-list system already.

**The President:** That is correct.

**Senator Tolentino:** If the first election will be in 1995, and

if the question is raised in 1998, the party could allege that although it really got 10 percent in 1995, the law requires in either the last two preceding elections. But we have not a second election yet. I think it could defend itself by that argument.

**The President:** So the 10 percent requirement will only be applicable on the third election.

**Senator Tolentino:** On the third election. Yes, Mr. President.

**The President:** And that would be in the year 2001.

**Senator Tolentino:** Unless we change this to "any preceding election" or "the last preceding election."

**The President:** But is the 10 percent minimum vote quite a very high minimum requirement? Because it is only a regional party—and I suppose it is regional because its appeal is only regional—and a 10 percent of the votes cast of a region, say Bicol, it would not give us 10 percent of the nationwide votes. It is almost near to impossible to getting a minimum 10 percent.

**Senator Tolentino:** Yes, Mr. President. If we consider 10 percent of a region, that may be quite a high requirement.

At any rate, since figures are not available yet on the party-list system, it is very difficult to make estimates like this.

**The President:** Thank you.

The Majority Leader is recognized.

#### SUSPENSION OF CONSIDERATION OF S. NO. 1913

**Senator Romulo:** Mr. President, with the permission of the Sponsor, I move that we suspend until tomorrow consideration of Senate Bill No. 1913, the Party-List system bill.

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

#### CONFERENCE COMMITTEE ON S. NO. 1452/H. NO. 13059 (Professional Licensure Examination for Teachers)

**Senator Romulo:** Mr. President, I move that the following conferees be named to the Senate panel on the disagreeing provisions between the House and Senate bills on the licensure examination for teachers: Senators Shahani, Rasul, Sotto, Mercado and Tañada.

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

#### SPECIAL ORDERS

**Senator Romulo:** I also move, Mr. President, that we transfer to the Calendar for Special Orders, House Bill No. 164, entitled

#### AN ACT GRANTING CAGAYAN SATELLITE PROGRAM NETWORK A FRANCHISE TO CONSTRUCT, INSTALL AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN LUZON.

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

#### MOTION OF SENATOR ROMULO (Referral of S. No. 1808 to the Agrarian Reform; and Natural Resources Committees)

**Senator Romulo:** Mr. President, with the permission of the respective Chairmen, I move that we refer Senate Bill No. 1808 to the Committee on Agrarian Reform as the lead Committee, and to the Committee on Natural Resources as the next Committee.

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

**Senator Romulo:** Mr. President, we have the continuation of the GATT hearing by the Committee of the Whole immediately after this session.

For tomorrow, Mr. President, before we move for suspension, we have the following bills to take up: the franchise bills on Maranaw Telecommunication and Cagayan Satellite Program; the local bills on converting Makati into a city and the creation of Region XIII, Caraga; the Vocational Technical School in Caramoan, Camarines Sur; the Nicolas Extension Hospital in Basak, Cebu, from Don Vicente Sotto; and three bills for Third Reading.

#### SUSPENSION OF THE SESSION

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

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

*It was 6:12 p.m.*