

## RECORD OF THE SENATE

THURSDAY, OCTOBER 27, 1994

### RESUMPTION OF THE SESSION

*At 10:38 a.m., the session was resumed with the Honorable Sen. Edgardo J. Angara, presiding.*

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

**Senator Romulo:** Mr. President.

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

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

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

### ADDITIONAL REFERENCE OF BUSINESS

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

October 25, 1994

Mr. President.

I have been directed to inform the Senate that the House of Representatives on October 25, 1994, passed House Bill No. 13803, entitled

AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY 1 TO DECEMBER 31, 1995, AND FOR OTHER PURPOSES,

to which it requests the concurrence of the Senate.

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 Finance.

### RESOLUTION

**The Acting Secretary [Atty. Raval]:** Proposed Senate Resolution No. 1056, entitled

RESOLUTION URGING THE EXECUTIVE DEPARTMENT THROUGH THE PROPER AGENCIES TO DESIGNATE RESETTLEMENT AREAS FOR THE REBEL RETURNEES WHO WOULD AVAIL THEMSELVES OF THE AMNESTY GRANTED UNDER PROCLAMATION NOS. 347 AND 348 DATED 25 MARCH 1994, AS AMENDED BY PROCLAMATION NO. 377 DATED 10 MAY 1994.

Introduced by Senator Biazon.

**The President:** Referred to the Committees on Urban Planning, Housing and Resettlement; and Peace, Unification and Reconciliation.

### COMMITTEE REPORT

**The Secretary:** Committee Report No. 627, submitted by the Committee on National Defense and Security on Senate Bill No. 792, introduced by Senator Biazon, entitled

AN ACT CREATING THE MILITARY MODERNIZATION COUNCIL THAT WILL SUPERVISE AND SUSTAIN THE MODERNIZATION OF THE ARMED FORCES OF THE PHILIPPINES,

recommending its approval with amendments.

Dissenting: Senators Coseteng, Maceda, and Osmeña

Sponsors: Senators Mercado and the Members of the Committee on National Defense and Security

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

The Majority Leader is recognized.

### SPECIAL ORDERS

**Senator Romulo:** Mr. President, I move that we transfer to the Calendar for Special Orders the following bills:

House Bill No. 12820, under Committee Report No. 605, converting the subprovinces of Kalinga, Apayao into a regular province; House Bill No. 8616, naming of Rizal College of Agriculture and Technology in Sampaloc, Tanay, Province of

INCREASING THE PENALTY FOR ARSON, WHEN SUCH ARE PERPETRATED IN ORDER TO DESTROY EVIDENCE AND OTHER VITAL GOVERNMENT PAPERS AND DOCUMENTS, AND FOR OTHER PURPOSES.

Introduced by Senator Mercado.

**The President:** Referred to the Committee on Constitutional Amendments, Revision of Codes and Laws.

**The Secretary:** Senate Bill No. 1951, entitled

AN ACT PROHIBITING THE SALE, MANUFACTURE, DISTRIBUTION AND POSSESSION OF GUN REPLICAS AND REPLICAS OF SIMILAR OTHER DEADLY WEAPONS, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES.

Introduced by Senator Biazon.

**The President:** Referred to the Committees on Trade and Commerce; and Constitutional Amendments, Revision of Codes and Laws.

**The Secretary:** Senate Bill No. 1952, entitled

AN ACT AMENDING PERTINENT PROVISIONS OF REPUBLIC ACT NUMBERED SEVENTY-ONE HUNDRED AND SIXTY (R.A. 7160), OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991 AND FOR OTHER PURPOSES.

Introduced by Senator Biazon.

**The President:** Referred to the Committees on Local Government; and Public Services.

#### COMMITTEE REPORTS

**The Secretary:** Committee Report No. 628 submitted jointly by the Committees on Trade and Commerce; and Health and Demography on Senate Bill No. 1151, introduced by Senator Lina Jr., entitled

AN ACT REQUIRING THAT ALL LIQUOR BOTTLES CARRY A WARNING ON THE BOTTLE ITSELF OR ON THE LABEL THAT ALCOHOL DURING PREGNANCY IS HAZARDOUS TO

THE LIFE AND HEALTH OF THE UNBORN CHILD,

recommending its approval with amendments.

Sponsors: Senators Lina, Jr., Macapagal, and Webb

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

**The Secretary:** Committee Report No. 629 submitted by the Committee on Economic Affairs on Proposed Senate Resolution No. 413, introduced by Senator Mercado, entitled

RESOLUTION DIRECTING THE COMMITTEES ON ECONOMIC AFFAIRS; SCIENCE AND TECHNOLOGY; AND ENVIRONMENT TO INQUIRE, IN AID OF LEGISLATION, INTO THE EXISTING POLICIES ON THE SELECTION, APPROVAL, IMPLEMENTATION AND MONITORING OF ENVIRONMENTALLY CRITICAL INDUSTRIES IN THE COUNTRY, AND THE VARIOUS TECHNOLOGIES AVAILABLE TO MITIGATE AND PREVENT THE HARMFUL ECOLOGICAL IMPACT OF SAID INDUSTRIES,

recommending its adoption without amendment.

Sponsor: Senator Mercado

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

**Senator Romulo:** Mr. President.

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

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

**Senator Romulo:** Mr. President, I move that we resume consideration of the party-list bill, Senate Bill No. 1913, under Committee Report No. 583.

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

**Senator Romulo:** We are in the period of individual amendments. I think there were some data that we required the COMELEC to furnish our Colleagues, which has been furnished since then.

I ask that our distinguished Chairman of the Committee on Electoral Reforms and People's Participation, Senator Arturo Tolentino, be recognized for his individual amendments.

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

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

I think we were already on an amendment that was proposed by Senator Webb when we suspended consideration of this bill.

May we ask Senator Webb to restate his proposed amendment.

#### WEBB AMENDMENT

**Senator Webb:** Mr. President, at that particular time, I remember very well that I had an amendment for a definition of coalition. That was after line 15, Subsection (d), add the following definition of a coalition ...

**The President:** That is on page...?

**Senator Webb:** That would be on the same page, I think, page 2, Mr. President.

**The President:** Yes.

**Senator Webb:** "A coalition refers to an aggrupation of duly registered political parties organized for political and/or election purposes."

**The President:** What is the pleasure of the Sponsor?

**Senator Tolentino:** Mr. President, I was just making a comment/observation that to constitute a coalition, there should be some kind of an agreement for a definite purpose. If the word "organized" will be interpreted as implying an agreement among them, I think the amendment would be acceptable.

**Senator Webb:** I think that is my idea, Mr. President, that "organized" simply means a goal that a particular coalition has to achieve.

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

**Senator Romulo:** Mr. President, I believe Senator Biazon has proposed an individual amendment on page 2.

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

**Senator Biazon:** Yes, Mr. President. But before I do, allow me to preface this proposal by the following. The Committee

amendments provide for three additional sectors which are not particularly mentioned in the Constitution, to wit: elderly, handicapped, and overseas workers. The constitutional basis of this lies on the phrase, "such other sectors as may be provided for by law".

There is a sector that is governed by certain peculiarities. And these peculiar nature and conditions that give rise to peculiar needs and concerns need to be represented in the policy-making body of the Government. Because if other sectors may make known their needs and concerns, they can do it through the following: petitions, strikes, marches on the streets, rallies and demonstrations, and even lobbies in the halls of the Legislature. This sector may not avail of such mechanisms, but their influence in the national life is much more than they are perceived to possess.

Mr. President, I am referring to the military sector. I would like to propose, therefore, on line 25 (B) the insertion of the word "MILITARY" between the words "YOUTH" and "AND", with the provision that the term "military" would mean personnel of the military in the active service, reservists in the inactive service, the military retirees, and the veterans in accordance with the definition of Section 2(a) of Republic Act No. 6948.

**Senator Tolentino:** How will the sentence now read with the proposed amendment?

**Senator Biazon:** The line will now read: "ELDERLY, HANDICAPPED, WOMEN, YOUTH, MILITARY, AND OVERSEAS WORKERS".

**Senator Tolentino:** Mr. President, the word "military" there will not really mean the people who were mentioned by the distinguished Proponent of the amendment. The word "military" could be very well understood as those in service because when they are no longer in service, they are not part of the military anymore.

So, I think if the idea is to include those who are already out of the service, then the word "MILITARY" should not be the word that would be appropriate. If we want to include the veterans, then just say "VETERANS".

**Senator Biazon:** Mr. President, the reservists in the inactive service, the veterans, in accordance with the definition of Republic Act No. 6948, and even the military retirees — this sector continues to be administered by the military organization, specifically the Department of National Defense.

Therefore, their concerns — even if they are already outside the military organization proper such as the reservists in the

inactive service, the military retirees, and the veterans—are still being managed by the Department of National Defense.

**The President:** No. The point, Senator Biazon, is that the word “MILITARY” will not embrace those who are not in active service. If we include those in the military service, then we encounter the problem of the prohibition of the military in engaging in partisan activities.

**Senator Biazon:** Mr. President, I think that might be explained by a subsequent proposed amendment in a certain page here, in a certain section. That might be explained by a proposed additional provision on page 5, between lines 6 and 7.

This, if I may tackle now at this moment, might explain why I even proposed the definition of the words “MILITARY SECTOR” on line 25, Mr. President.

**The President:** Let us tackle first the question of nomenclature.

The point of Senator Tolentino is, if we just insert “MILITARY” as a sector, then we will not be able to include those who are not in active service—the retired, as well as the reservists. Because the word “MILITARY”, by general, ordinary connotation, indicates people in the active service.

Secondly, if we just simply say “MILITARY” and it connotes those in uniform, in active service, then we may encounter a policy issue of involving the military in partisan activity, because this is the classic case of a partisan activity.

So, these are very important policy considerations.

#### SUSPENSION OF THE SESSION

I suggest that we call for a one-minute suspension and, maybe, the Gentleman can take this up with the Sponsor, if there is no objection. *[There was none.]*

*It was 5:13 p.m.*

#### RESUMPTION OF THE SESSION

*At 5:19 p.m., the session was resumed.*

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

**Senator Biazon:** Mr. President

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

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

After due consultation with the Sponsor of the bill and other Members of the Chamber, I agree that the word “military” might be encompassing a lot more than what is intended and probably even be a possible violation of a certain basic principle in our country.

#### BIAZON AMENDMENT

So, with due consultation, Mr. President, may I then propose that instead of the word “military” as proposed in line 25, insert the word “VETERANS”.

**The President:** What is the pleasure of the Sponsor?

**Senator Tolentino:** It is accepted, Mr. President.

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

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

**The President:** Is there any other individual amendment?

**Senator Herrera:** Mr. President.

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

**Senator Herrera:** What page are we now, Mr. President?

**The President:** We are now on page 2A.

**Senator Herrera:** Later, Mr. President.

**The President:** Page 3.

#### TATAD AMENDMENT

**Senator Tolentino:** Mr. President, before we proceed, Senator Tatad, who is unable to attend the session this evening, left with the Sponsor a list of proposed amendments.

One of the proposals is on page 2, lines 21A and 21B. Between the words “PARTY” near the end of line 21B, and “OR”, delete the words “OR COALITION”.

In other words, he wants to put the word “COALITION” at the end of the listing in order to include coalitions or regional political parties and even sectoral organizations.

His proposal is on page 2, lines 21A to 21B. Between the

words "PARTY" and "OR", delete the words "OR COALITION"; and on line 21C, between the words "ORGANIZATION" and "attaching", insert the words "OR A COALITION OF SUCH PARTIES OR ORGANIZATIONS"; which amendment we accept.

**The President:** What is the pleasure of the Sponsor? Is it accepted by the Sponsor?

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

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

**Senator Aquino:** Mr. President.

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

#### AQUINO AMENDMENTS

**Senator Aquino:** Mr. President, do I understand from this amendment that we can have a coalition not only on the national level, but also on the regional level?

**Senator Tolentino:** Yes, that is the intent.

**The President:** Or between sectoral parties.

**Senator Aquino:** Even between or among sectoral organizations.

**Senator Tolentino:** That is why the word "SUCH" refers to national, regional or sectoral.

**Senator Aquino:** Or sectoral?

**Senator Tolentino:** Yes.

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

**The President:** Is there any objection? [*Silence*] Hearing none, the amendment is approved. We are now on Page 2A.

**Senator Aquino:** Mr. President.

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

**Senator Aquino:** Mr. President, still on page 2. When we say "PEASANT" here, is it clear that we are including farmers and peasants? This is on page 2, line 25A.

**Senator Tolentino:** Yes, that would include farmers.

**Senator Aquino:** How about fisherfolk, is that also included, Mr. President? If not, I think we should include the fisherfolk, especially marginalized fisherfolk.

**Senator Tolentino:** If that is being proposed as an amendment after the word "PEASANT"...

**Senator Aquino:** Yes, Mr. President. Between the words "peasant" and "urban poor", insert the word "FISHERFOLK". So the amendment is to insert the word "FISHERFOLK" before the words "urban poor".

**Senator Tolentino:** What does the distinguished Gentleman mean by the word "FISHERFOLK"?

**Senator Aquino:** Before, it was fishermen; fishers, Mr. President.

**Senator Tolentino:** I mean, the scope — does this include the fishermen or owners of big fishponds or fishpens or actually the capitalists? They are not workers.

**Senator Aquino:** Basically, Mr. President, this includes the entire fishing industry. So that this will include the big, medium and small fishermen. Of course I would like the subsistence fishermen to be emphasized.

**Senator Tolentino:** I asked that question because I think the intention is to include as a sector the fishermen themselves but not their employers — the ones who own the fishponds or fishpens — because they are capitalists. They are not even workers.

**Senator Aquino:** Mr. President, the intent is the fishermen.

**The President:** The intent is to apply it to individual fishermen, if the Chair understands it correctly.

**Senator Aquino:** That is correct, Mr. President.

**Senator Tolentino:** Yes, the use of the word "fishermen" is better, I think, than use a broader term that might include the owners themselves.

**The President:** No, it will not include the owners. It will embrace fishermen who make fishing their own occupation.

**Senator Tolentino:** Yes, but excluding those who actually employ fishermen as owners of big fishponds and such similar

areas to get fish. If we understand this to mean only the working fishermen, it is all right, Mr. President. We will accept the amendment in that sense.

**Senator Aquino:** In that sense, Mr. President. "FISHERMEN."

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

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

**The President:** Are there any more amendments on pages 2, 2-a, 3?

**Senator Gonzales:** Mr. President.

**Senator Webb:** Mr. President.

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

**Senator Gonzales:** Mr. President, I have two amendments on page 3. First, on line 12, after the words "foreign government", add the phrase, "FOREIGN CORPORATION OR ORGANIZATION OR FOREIGNERS." The purpose, Mr. President, is to jibe this provision with prohibited contributions as provided for in the Omnibus Election Code. As a consequence of the same, the same amendment after the word "government" on line 14.

**The President:** What is the pleasure of the Sponsor?

**Senator Tolentino:** Mr. President, may we hear the amendment again on line 12.

**Senator Gonzales:** On line 12, after the word "government," include or add the phrase, "FOREIGN CORPORATIONS OR ORGANIZATIONS OR FOREIGNERS."

**Senator Tolentino:** Can we just generalize this? I understand the intention and the idea behind this, but there is another amendment along the same lines and the same purpose being proposed here by Senator Tatad, in which after the word "government", he says insert the words, "FOREIGN POLITICAL PARTY, FOUNDATION, ORGANIZATION WHETHER DIRECTLY OR THROUGH ANY OF ITS OFFICERS OR MEMBERS OR INDIRECTLY THROUGH THIRD PARTIES." I think they have the same intention.

**Senator Gonzales:** In short, the intention of this amend-

ment and the proposal of Senator Tatad run along parallel grounds. Because under prohibited contributions, it does not even speak of foreign governments but speaks of foreign corporations or foreigners. It is even a crime under our election law to ask, solicit or receive contributions from foreigners for political purposes. I am making it jibe.

I would accept the Tatad amendment.

**Senator Tolentino:** The Gentleman means a broader statement.

**Senator Gonzales:** The broader statement because we know that there are many religious organizations here, Mr. President. We are aware that there are many political groups, parties or organizations in Europe exporting their ideology to the Philippines by supporting candidates and political parties. Although it is very difficult to prove it, it is a known fact that they want to export their ideology here through contributions. It is in, I think, Section 55 of the Omnibus Election Code, Mr. President. But aside from that, we have also the Constitution of the Philippines, which is under Article IX, Division D, paragraph (5) of Section 2. It says:

Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections constitute interference in national affairs and when accepted, shall be additional ground for the cancellation of their registration with the Commission, in addition to other penalties that maybe prescribed by law.

This provision, sought to be amended, actually complies with the provision.

**The President:** We will enforce; we will implement that prohibition.

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

On the other hand, we want to expand it to make it conform with Section 55 of the Omnibus Election Code on the prohibited contributions.

**The President:** So the Tatad formulation is acceptable to the distinguished Senator.

**Senator Gonzales:** Yes. Subject to style, Mr. President. I hope that this is acceptable to the distinguished Sponsor.

**Senator Tolentino:** Yes, Mr. President. If this formulation

by Senator Tatad is acceptable to Senator Gonzales, then the Committee will accept the amendment.

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

**The President:** All right. Subject to style.

**Senator Aquino:** Mr. President.

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

**Senator Aquino:** Is it not simpler if we just say, "FROM ANY FOREIGN SOURCE"? That covers everything; that is more generic. "It is receiving support FROM ANY FOREIGN SOURCE."

**Senator Tolentino:** Yes, that is more all-embracing.

**Senator Gonzales:** It is understood that here, the contribution is for political or partisan purposes.

**Senator Maceda:** Mr. President.

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

**Senator Maceda:** I was just reacting to the suggestion of Senator Aquino — that we have six million Filipinos abroad. I just want to make sure that when we say "foreign source", we do not disqualify contributions from Filipino citizens abroad.

**Senator Gonzales:** I think the enumeration is more proper. It makes precise the legislative intention, Mr. President.

**The President:** I think the formulation of Senators Gonzales and Tatad would be clearer.

**Senator Aquino:** Yes. I was only suggesting, Mr. President; that is not an amendment.

**The President:** Yes.

**Senator Herrera:** Mr. President.

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

**Senator Herrera:** I would just like to be enlightened, Mr. President, on the proposed amendments, whether the prohibition would cover Filipino organizations that are registered abroad. Therefore, for all purposes, it is considered foreign because there are so many overseas organizations abroad. What if this organization is helping an organization in the Philippines? Does it prohibit or disqualify this organization in the Philippines to

participate in the party list because it is receiving assistance from a foreign institution?

**Senator Tolentino:** I think, Mr. President, even if they were originally Filipinos who form this organization, the moment they form an organization of non Filipinos but former Filipinos, that is already foreign.

**Senator Herrera:** In the Middle East countries, Mr. President, the overseas workers have their own organizations. They register these under the laws of these countries. But these are organizations of Filipino overseas workers. Are they not prohibited if we have to strictly follow this amendment? Senator Tolentino. Mr. President, from my point of view, I would say that they would still be considered as Filipinos if only their organizations are registered for legal purposes in the country where they are.

**Senator Herrera:** I just would like to be enlightened, Mr. President.

**The President:** So there are two situations, Senator Tolentino. The first situation is, an organization of former Filipinos who incorporated an organization, say in California, and in anticipation of the absentee voting, would like to have a political action group. Would that be falling within the prohibition?

**Senator Tolentino:** That will be already foreign. If they are former Filipinos, that means they are no longer Filipinos, and that organization will be foreign.

**The President:** The second situation is, a political action group organized by Filipinos in the Middle East or in California who still remain Filipinos.

**Senator Tolentino:** Their contributions can be validly accepted, Mr. President.

**The President:** But they would not fall within the prohibition.

**Senator Tolentino:** They will not be foreign, Mr. President.

**Senator Gonzales:** Yes, because we have to interpret an organization together with foreign governments and foreigners. If it is an organization of Filipinos regardless of the place where it was organized, it is still a Filipino organization.

**Senator Herrera:** The other point that I would like to be enlightened is that, the assistance must be related to the political

activities. Is this correct?

If an organization, like the Rotary Club being an affiliate of an international Rotary Club, receives assistance for polio vaccination campaign, will it disqualify the Rotary Club from participating in the party list?

**Senator Tolentino:** Mr. President, the intention of this law is a political purpose. If the contribution or help to any party here would be for humanitarian purposes and not political in character, it will not fall under this. But these are contributions to political parties.

**Senator Gonzales:** I concur with that interpellation with a caveat that if that contribution is diverted by a local political party or group to political purposes although ostensibly it was for a nonpolitical purpose, that is where the provision of the law would apply.

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

**Senator Herrera:** The other point is, where political parties or any organizations are recipients of grants, where members of a political party — and this is happening now — are invited by the Social Democratic Party of Germany to attend seminars.

Is it not a form of assistance which might be political in nature because they are attending a political seminar? Will it now prohibit that party to participate? Because if that will be so, I do not think there would be any political party now that will qualify.

**The President:** Would that be within the prohibition?

**Senator Tolentino:** That would not come under the word "support". I do not think that would really come under the word "support", Mr. President.

**Senator Herrera:** That should be considered as support, Mr. President. Under the spirit of this prohibition, if I correctly understood the Proponent, these foreign organizations are selling their ideology and they are trying to influence, so attending seminars, conferences or meetings at the expense account of these foreign political parties should be considered as a form of assistance that will disqualify the organization of which the official is a member.

**The President:** That is why it may be necessary to define "support", and what kind of support will fall within the prohibition. Clearly, financial support for partisan purposes is definitely contemplated here.

**Senator Herrera:** Then, can we be very specific on that to avoid any problem?

**The President:** Yes. And I want to underscore "partisan purposes" because there may be political support. As the Gentleman has said, an international party, like the Christian Democrats, which might invite Senator Manglapus to join its convention in Brussels, and if we do not qualify it to partisan, will fall within political support.

So, if that is acceptable to...

**Senator Tolentino:** I think that is the concept in which this prohibition is made.

**The President:** So, "It is receiving FINANCIAL support FOR PARTISAN PURPOSES from any foreign government", et cetera.

Would that be acceptable?

**Senator Tolentino:** Yes. Actually, there was a proposal here, but maybe that would also be acceptable as a substitute.

**The President:** Yes.

**Senator Tolentino:** That it should be support or contributions. But a financial support would be just as acceptable.

**The President:** Yes, for partisan purposes.

**Senator Tolentino:** Yes, for partisan purposes.

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

**Senator Gonzales:** So, that applies to line 14 too? I mean, in order to have a unity of style.

**The President:** Yes, subject to style. Is there any other...

**Senator Webb:** Mr. President.

**The President:** Prior amendment, Senator Webb?

**Senator Webb:** Anterior amendment, Mr. President.

Still on page 3, line 7, insert the words "ANY OF" between the words "on" and "the". So, the whole line would read starting from line 6: "The registration of any national, regional or sectoral party or organization on ANY OF the following grounds:".



Senator Tolentino: It is acceptable.

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

Senator Gonzales: Mr. President.

The President: Senator Gonzales is recognized.

#### GONZALES AMENDMENT

Senator Gonzales: Mr. President, I would want to introduce this amendment. On line 22, after the word "registered", change the semicolon (;) to a period (.) and delete the whole of lines 23 to 25.

The effect of this amendment is to remove the disqualification from the party-list system for political parties fielding candidates in the legislative districts during the election.

And with the permission of the distinguished Sponsor, may I be permitted to present the following grounds: First, two days ago, after our deliberations on the same bill, I requested the Secretariat to research on the deliberations and debates of the Constitutional Commission on the party-list voting. I found it necessary to do so because we were stalled in our consideration of this bill. It has been the contention of Senator Herrera and some Senators that regular political parties are excluded from the party-list system because the intention of the Constitutional Commission is to limit it to what he called "marginalized political parties."

Now research was done, and copies of the debates and proceedings of the Constitutional Commission on this matter had been distributed to all Members of this Body.

I have gone over this and so has Senator Herrera, and it is plain that in the said debates there is no such intention. In fact, the debates would show that the real intendment is to include regular political parties within the operation of the party-list system.

In fact, sectors are even encouraged or desired to convert themselves into political parties or political organizations.

Now, the second is, under Sections 5, 6 and 7 of the bill, it is very clear that a regular political party may register for the party-list system by following the procedure herein provided and must be included in the certified list of registered parties for the party-list system. And it is, to me, inconceivable that we allow their registration and their certification as such and yet deny them, in the same length, the right to participate in the party system.

Third, that this provision on party-list system is, I think, misunderstood. This is not synonymous with sectoral representation. In fact, that was corrected in the debates. The real purpose here is proportionate representation of political parties, so that those political parties whose candidates did not win in any district but obtained a substantial amount of the votes cast by the people will not be completely denied representation in the House.

So, we see that the very purpose here, the very foundation of the party-list system are the political parties fielding candidates.

Fourth, we found out, I repeat, that that is the very essence of the proportional representation. If we note, according to the very purpose of this bill as stated in Section 2, the "*Declaration of Policy*", It is the declared policy of the State to promote proportional representation in the House of Representatives by persons who could contribute to the formulation and enactment of appropriate legislation which could benefit the nation as a whole but who lack a well-defined political constituency."

In many countries in Europe where they have the party-list system, that is what is actually happening. Within a political party itself, there are brilliant, well-renowned persons, members who are experts in their respective fields. But, sometimes, the best candidates could not win an election. The only way by which they could enter the government parliamentary service is through the party list and, eventually, even in parliamentary governments become members of the cabinet.

Fifth, we note that it is not true that the regular political parties will swallow up everything. What the political parties fielding candidates would vie for among each other would only be the first category, since there are three categories entitled to be allocated the 50 seats on the basis of 30-30-40 percent.

Kaya ang pinaglalabanan lamang nila ay iyong 30 porsiyento, because there is already a reserved category for the sectoral groups or the sectoral representation.

Then, we find out that fielding candidates may even enhance the chances of a marginalized group, whether it be a peasant group or a group of disabled or environmentalist, for that matter, to win a seat in the House. Because it is very difficult for a political party, whether it is national, regional or sectoral to win a seat if it does not field candidates.

On the other hand, if it fields candidates, its chances of winning seats are greater than when it does not.

On this ground, we are offering this amendment.

**Senator Herrera:** Mr. President.

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

**Senator Herrera:** Mr. President, first of all, I would like to confirm that two days ago we had a discussion about this after the debate on this issue. I expressed strong reservation in deleting this provision because my sentiment and my understanding of the provision of the Constitution is that it is intended to strengthen democracy and to provide opportunity to the marginalized sector in order that they be given a chance to participate in the highest policy-making body of our Government, which is Congress.

If we allow political parties to participate in the party-list system, in effect, besides the 80 percent that we are reserving for the political parties — which is to field candidates in every district — we are also giving additional seats under the party-list system because, definitely, political parties are better organized in the grass roots. It is beyond me to understand and reconcile realities and the idealism that is intended in that provision of the Constitution based on my understanding.

For instance, how can a cultural minority win in an election against a political party since under the system there will be a nationwide voting? If one runs for the elderly, the votes for the youth, the women and other sectors will be counted also. Since this is nationwide, only political parties are organized in the grassroots level. As long as there are people from the smallest island, they belong to political parties. That is the reason for the reservation.

Mr. President, I would like to confirm that my reading of the proceedings of the Constitutional Commission is that there is no prohibition for political parties to participate. As I said, my sentiments is that, although we are strengthening democracy by seeing to it that the marginalized sector will be given a chance to participate, that chance will be diminished once political parties are allowed to participate in the party-list system. There is no chance for them. I would like to confirm that is also my reading of the proceedings of the Constitutional Commission.

**Senator Gonzales:** Mr. President, if we are really to go by the proceedings of the Constitutional Commission, particularly in the answers and comments made by Commissioner Monsod — in fact, Commissioner Monsod said on record that there is no such thing as sectors. In this bill, we have gone even beyond than what has been contemplated in the Constitution by reserving 40 percent of the 50 percent to the sectoral groups to be assured that they will really have the opportunity to win seats in the House of Representatives.

In fact, if we are to abide by the opinions stated therein — and that was the one that was approved by the Commission, although I accept that there are still some ConCom delegates who strongly feel that this should be limited to a sectoral group — yet, it is very clear that the purpose, according to Commissioner Monsod, is not really a sectoral group but a proportionate representation of the political parties participating in the election.

The idea is to open the system so that it is not all or nothing. Kahit na hindi manalo ang kaniyang kandidato but he obtained at least the minimum number of the votes cast, which I would propose later in order to ensure that only those with a more or less substantial following can be represented, then the purpose of party-list system has already been achieved.

Thank you, Mr. President.

**Senator Tolentino:** Mr. President.

**The President:** The Sponsor is recognized.

**Senator Tolentino:** After a reading of the proceedings in the Constitutional Commission with respect to this party-list representation, I think we can all agree, that the intention was not to exclude political parties from the party-list system. Even those who were opposing the proposal for a party-list system admitted that they were opposing it because this will make the big political parties gobble up the small sectoral representatives and there may be no sectoral representation in the Congress. But we are trying to consider this by categorizing precisely those who can participate in the party-list system and we have created the third category of the sectoral representation.

In other words, what will happen here is, those within each category will compete among themselves. The national political parties will compete among themselves; the regional political parties will also compete among themselves; and the sectoral groups will be competing among themselves. The sectoral groups will not be competing with the national or regional political parties. And within each category, we provide for the proportional representation. It is not a proportional representation for the entire party-list participants. But within each category, we recognize the proportional representation.

There is always a guarantee under this bill that 40 percent of the party-list representatives will come from the sectoral organizations, and this will meet the concern of such Commissioners in the ConCom as Commissioners Tadeo and Villanueva who expressed their concern about this part of the Constitution being proposed by Commissioner Monsod himself as an amend-

ment. And so, the sense of the Constitution, being that there is no exclusion of the political parties from the party-list system, the Committee will accept the amendment of Senator Gonzales.

**Senator Herrera:** Just a short comment, Mr. President.

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

**Senator Herrera:** As I said, that is also my understanding of the proceedings. I would just like to put into the record that I can understand the difficulty really, because the Constitution speaks of national, regional and sectoral. But following this bill, all of them will be voted nationwide. So I do not see in what area they will be competing since they will be voted nationwide. But they are merely categorized such that so much percentage will go regional, another percentage for national and another percentage for sectoral. But the voting will be nationwide.

**Senator Tolentino:** Yes, Mr. President, the voting will be nationwide. But the picking or the selection of the representatives of each group that will sit in the Congress will be within each category. That is why I said they will compete among themselves.

In other words, if we have political parties, let us say, A, B and C in the national category, they are the ones who will compete among themselves and their ranking will be among themselves only. So, those with the higher number of votes nationwide will be given more representatives. And that will happen even in the sectoral group. That means the laborers, the peasants, and the urban poor. They will have their own organizations in the party-list system and they are the ones who will compete among themselves.

If labor happens to have more votes, then labor will be given more representatives in that sector which is, under the bill, 40 percent of the number of party-list representatives. That will mean, out of 50, 40 percent will be 20 and that will go to the sectors. But among themselves, they will be ranked according to the national votes they get and the higher votes will be given a proportionate number, higher than those lower in the number of votes received. That is what I meant by "They will compete among themselves within each category", not one category competing with another category.

**Senator Herrera:** The practical side of this, Mr. President, is that, the sectoral organizations — for trade unions or farmers' organization — in order to assure winning will have to align with the political party. That will be the practical side of it, so that the dominant political party will have the advantage over the others because it is entitled to two votes. It will make the party in power more powerful, because each voter is entitled to two

votes. So, if I am a supporter of Lakas or Laban, I vote twice.

**Senator Tolentino:** But everybody does that. Every voter will have two votes.

**Senator Tañada:** Mr. President.

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

**Senator Tañada:** Thank you, Mr. President. I would like to state that if these amendments were approved, I can see that the very main objective of the measure would be defeated and this would render ineffective our intention to broaden and make more democratic the representation in the House of Representatives.

I would like to ask the distinguished Sponsor how can the representation be proportional, if let us say, in the coming elections in 1995 the coalition of Lakas-NUCD and LDP would have garnered not only the majority but almost all of the votes that would have been cast in the elections.

**Senator Tolentino:** If that happens and in the strict mathematical computation the bigger party, let us say, gets about 80 percent of the national votes, in spite of that, they will only get five representatives. They cannot get more than five representatives. So, those number of representatives exceeding five will be distributed proportionately to those who are lower in the proportion.

**Senator Tañada:** But what, Mr. President, if in the election for the regular congressional candidates the Coalition also gets 80 percent of the votes cast, so they get 80 percent of the membership in the House of Representatives plus the 5 percent from the party-list voting?

**Senator Tolentino:** That will mean they get 80 percent of the congressmen from the districts plus five in the party list — not more than five.

**Senator Tañada:** So, there would be no proportional representation anymore?

**Senator Tolentino:** There will be no proportional representation in the House. This proportional representation is limited to those in the party list — not including those in the districts.

**Senator Tañada:** Mr. President, is it not the objective that there be proportional representation in the House of Representatives, not in the party list? The party list is only the mechanism or the instrument that will be used in bringing about the

broadening and the democratization of the membership in the House of Representatives.

**Senator Tolentino:** Mr. President, I think the proportionate representation is not for the entire House of Representatives but it is limited to the 20 percent of the membership of the House. That would be out of the 250 members within the 50 party-list members.

**Senator Tañada:** Let us assume that that is the correct interpretation, Mr. President, and that may be so. Then even in that 20 percent there would be no proportional representation.

**Senator Tolentino:** Actually, if the basis will be the entire 20 percent, there may not be a real proportional representation. But the proportional representation will be within its category so that there will be no exclusion of the third category, and that is the 40 percent of the 20 percent pertaining to the sectoral organizations.

If we did not have this categorization, which was actually implied from the interpellation of the distinguished Minority Leader and which we adopted, actually, there may be a wiping out of the sectoral organizations. But since the categorization is established now in this bill, the sectoral representation will always have 40 percent of the 50 members of the party-list system.

**Senator Tañada:** So, Mr. President, there will already be three divisions. We have the national party, regional party and then the sectoral organization. Now, the national political party in the party-list system would be vying for 30 percent of the 20 percent?

**Senator Tolentino:** Yes.

**Senator Tañada:** Would the regional party in the party-list system be vying for 30 percent of the 20 percent?

**Senator Tolentino:** Yes.

**Senator Tañada:** And would the sectoral organization be vying for 40 percent of the 20 percent stated in the measure?

**Senator Tolentino:** That is right.

Actually, we have some Commissioners in the ConCom reserved seats. In other words, we are reserving seats for the sectoral organizations equal to 40 percent of the 20 percent of the Membership of the House of Representatives.

**Senator Tañada:** Let us say, Mr. President, that the

political parties will also be allowed to join the party-list system even if they field their own candidates for the congressional districts, will this apply to all political parties with no qualification? Or could this only apply to those political parties which are not considered major political parties?

**Senator Tolentino:** This will apply to all the political parties. The classification will not be the size or strength of the party, but whether it is national or regional.

**Senator Tañada:** In the case of the regional party, Mr. President, as I understand it, under the the present wording of the measure, it will still be voted upon on a nationwide basis even though it is a regional party.

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

**Senator Tañada:** That being the case, Mr. President, will that not mean that the regional party is after all not a regional party? Why is it going to be voted upon on a nationwide basis? Why can it not be voted upon only within the jurisdiction of the region concerned?

**Senator Tolentino:** Mr. President, the concept as proposed in this measure is that, there should be a nationwide voting for all the party-list groups that are in the system. So, whether they are national political parties or regional or only sectoral, the vote is national. And it is this national vote that is taken into account in determining the proportion. But this national vote is considered within its sector or only within its group or category. Otherwise, what will happen if we do not have a national vote in the sectors? We will just require votes among those belonging to a sector, but which perhaps will be a very difficult process in the election. Because how will we determine whether the voter belongs to a particular sector or not? That is why the basis of this measure is a nationwide voting and counting of votes.

**Senator Tañada:** I was thinking, Mr. President, that if we will stick to this, then it may just make things more difficult for members of regional parties to become elected or selected to the House of Representatives.

Let us say, what would the regional party in Region I be interested in in the regional party in Region XII? The interests that the regional party in Region XII would be promoting and advocating would only be good for that region. So why will the members of a regional party in Region I vote also for them?

**Senator Tolentino:** Mr. President, the practical side of it, of course, is that a regional party in Region I cannot expect to receive as much votes in the other regions as it will in the region to which it belongs. That is also true in a regional party, let us

say, in the Bicol area. But the idea perhaps of this kind of representation is that the bigger regional organization which will get a bigger national vote will be given more representatives in the House of Representatives.

As I see it, Mr. President, in the course of time, it is possible that because of national voting, these regional parties may develop into actually national parties, or may actually embrace more than one region in the country. Those who will be chosen as members of the House from these regional and national political organizations may eventually go into actual elections in the districts.

That is the way I look at this in the course of time. Because after a member has been selected on a party-list basis and has become a member of the House of Representatives, he may show his capacity and become very well known and later on, he may already be a candidate in the district and not just being a candidate by the party to which he belongs.

**Senator Tañada:** To ensure a broader representation in the House of Representatives, Mr. President, could we not consider providing in the measure a party-list representative for each region? It will operate in this manner: The regional parties, let us say, in Region I will register with the Comelec and then the registered voters in Region I would be the only ones voting for their party-list representative from the regional party. So the regional party receiving the highest number of votes in Region I would get to be represented in the House of Representatives and so on down the line.

Region II, the same thing, the regional party getting the highest number of votes in that region would be entitled to a seat in the House of Representatives. So that would go, as far as the election for the regional party-list representative is concerned.

Has that been considered by the distinguished Sponsor, Mr. President?

**Senator Tolentino:** Yes, Mr. President. Actually, that was taken into account and considered at the possibility of having only those belonging to the region vote for the regional party of that region. But that would also involve that the sectoral representatives be voted only by those belonging to its sector. This will make the election a little bit more complicated because we will have a more difficult way of canvassing of the votes in determining whether a particular person belongs really to a sector or not, and of course, as far as the voters in the region are concerned, whether they belong to a particular region or not.

But it seems to me that the idea of the measure is actually to make these members, whether they are of national political

parties or of regional political parties, or of sectors, become more or less representatives of their party but voted by the people. Their party is a case of nomination by the political parties, whether national, regional or sectoral. It is the people of the country who vote for them.

**Senator Tañada:** Thank you, Mr. President. I just would like to put on record my concern that if this amendment would be approved, then we would be defeating the very main objective of this measure.

**Senator Aquino:** Mr. President.

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

**Senator Aquino:** From what I understand, the party list will be made up of candidates who, in the normal process of being elected to office, cannot really compete in the normal process.

That is the reason we have political parties with candidates in the regular elections. But those in the party list are, let us say, to be represented in the party-list system precisely because they cannot join the mainstream. That is my understanding.

Therefore, Mr. President, if the entire 50 come from the marginalized sectors, I think that was the intention of having candidates in the party-list system. It is either one is a candidate in the party list or a candidate in a regular political party. I think one should not be in both because, obviously, those in the political party have a tremendous advantage over these marginalized candidates.

**The President:** That is why there is a quota requirement.

**Senator Aquino:** In that case, Mr. President, to bring it down to figures, do we want 20 percent to come from the marginalized sectors, which means 50? Or are we content with 40 percent of the 50 or 20 members? It is either 20 or 50.

**The President:** We will go to that when we get to that provision.

In the meantime, there is a pending amendment here of Senator Gonzales on page 3, to delete paragraph "(8)" on lines 23, 24, and 25, the effect of which is to allow national parties to include the party list. As I understand it, the Sponsor has accepted this amendment.

**Senator Tolentino:** It is accepted, Mr. President.

**The President:** Is there any objection?

**Senator Aquino:** I will have to object to this amendment, Mr. President.

**The President:** Since there is an objection, we will call for a division of the House.

Those in favor of the Gonzales amendment, please say *Aye*.  
[Several Senators: *Aye*]

Those against, please say *Nay*. [Few Senators: *Nay*.]

The *Ayes* have it. The Gonzales amendment is approved.

**Senator Aquino:** Mr. President, may we have a nominal voting or, at least, a raising of the hands? Because I thought the *Nays* are louder. [Laughter]

**The President:** Because Senator Aquino shouted louder. [Laughter] Anyway, we will have a raising of the hands, as requested.

Those in favor, please raise your right hands. The Secretary will make a correct count. [Eight Senators raised their right hands.]

Those against, please do the same. [Seven Senators raised their right hands.]

**The President:** With eight voting in favor of the amendment and seven voting against, the amendment is carried.

Are there any more amendments on page 3?

**Senator Webb:** Mr. President.

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

#### WEBB AMENDMENT

**Senator Webb:** I would like to ask for a reconsideration because my amendment is an anterior amendment. It is on line 8 of the same page.

On line 8, after the word "denomination", add the following: "ORGANIZATION OR ASSOCIATION".

The reason for this, Mr. President, is that there are religious groupings that do not fall under denomination or sect. Some of them are organizations or associations. So I just want to make sure that they are placed in the proper manner.

**The President:** What does the Sponsor say?

**Senator Tolentino:** The amendment is accepted, Mr. President.

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

We are on page 4.

**Senator Maceda:** Mr. President.

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

**Senator Maceda:** This is to be consistent with the explanation of Senator Gonzales on the rationale for proportionate representation even assuming that one party is able to get almost all of the district winners. The idea really is to give proportionate representation as much as possible to other parties — whether they be national, regional or sectoral — to vie for as large a number of party-list representatives as may be possible. It may even be possible that a political party without sufficient resources may decide to forego fielding these three candidates on either national or on a partial level and go in an all-out party-list campaign under the principle of, it would be good since there would be an assumption that one party is probably much favored to win most of the district seats; that it would be good for the voting population to accommodate opposition parties to get as many seats as they could in the House of Representatives.

With that, the intent of my amendment is to remove the limitation of five in Section 8, and if that is carried later on in Section 12, and really open it up to the field of competition. If a national party can get all the 15 seats, so be it. If a regional party can get all the 15 seats, so be it. If a sectoral group can be strong enough to get public support to get the 20 seats, so be it.

It would seem to go against the principle of proportionate representation if a party, whether national, regional, or sectoral in character, let us say, gets ten million votes behind it and it is only limited to five, when the public will or public decision is to give it what is proportionate to the number of votes that it got.

**Senator Tolentino:** So the proposal is, there should be no limit.

**Senator Maceda:** The limit would be: In the case of national, they shall submit a list of not more than 15; in the case of regional, they shall submit a list of not more than 15; and in the case of sectoral, they shall submit a list of not more than 20.

Realistically, we know that this is very hard to achieve. But

at least when we have 15 good names on the list instead of five, or a sectoral group has 20 good names on the list, it may have a better campaign pooling power. When the people see that in the list of veterans, there are congressional medals of honor — General so and so, Captain so and so, the hero of the Bataan Peninsula — if 20 of these names are on the veterans' list, that would probably give them a better campaign tag, rather than if they would only be allowed to field five names. They could also get together 20 small organizations to put one candidate in the list of 20, so that they would have a better chance of winning the election.

Subalit kung lilima lamang iyong nandoon, and there are so many disabled — there is an association of the blind; there is a Down's syndrome association; there is an association of the deaf; association of polio victims — mag-aaway-away iyan. The more we open it up, the more disabled associations will be entitled to nominate a potential party-list winner. I think it might subserve the purpose of getting all sectors to participate in a better way.

**Senator Tolentino:** Mr. President, as intimated by the distinguished Gentleman, this provision in Section 8 is very closely related to the provisions of Section 12 about the allocation of seats for the party-list representatives.

Since the party-list representatives are limited by Section 12 to a maximum of five seats, that is the reason in Section 8, the list submitted is not more than five seats. At least that is for 1998, but for 1995, it says three only because in Section 12, there is a maximum of three in the seats available for the party-list winners.

It is proposed then that we hold action on the proposal with respect to Section 8 until we are through with Section 12.

**Senator Maceda:** That is acceptable, Mr. President, because one way or the other, the same principle is involved in both sections.

**The President:** Is there any other amendment on page 4? Page 4A?

**Senator Tañada:** Mr. President.

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

#### TAÑADA AMENDMENT

**Senator Tañada:** On page 4, line 7, between the words "applied" and "and", insert the following words: "OR WHO MANIFESTED THEIR DESIRE TO PARTICIPATE". So that

the phrase would now read as follows: "which have applied OR WHO MANIFESTED THEIR DESIRE TO PARTICIPATE and are qualified to participate under the party-list system".

Under the measure, Mr. President, existing parties need not register. They need only to manifest their desire to participate in the party-list system.

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

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

We are on page 4 (a)... page 5.

**Senator Herrera:** Mr. President.

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

**Senator Herrera:** I would like to propose, Mr. President, since we have increased the number of sectors — we included the veterans — that we increase also the percentage for sectoral organizations to 60; the national will be 20, and the regional will be 20. So, it will be the reverse now. It will be 20 for the national, 20 for the regional, and 60 for the sectoral under the concept of winner-take-all.

Because we have increased the number of sectoral groups; we have the veterans, we have the fishermen, so, my proposal is that instead of 40 percent only to sectoral organizations, it should be increased to 60 percent and reduce the percentage for the national and the regional, making it 20-20. Then we can proceed with Senator Maceda's proposal of the winner-take-all concept.

**Senator Tolentino:** Mr. President, may I advance the fact that because of the number precisely of the sectoral groups that we have, this Representation was simply going to propose that in the allocation of seats, a sector should be allocated at least one seat, so that no sector would be deprived of representation. That might be a substitute for the proposal to increase the percentage of representation. So that actually, we have 40 percent or 20 percent. There will be 20 representatives for the sectoral group. If you allocate at least one, there will still be an excess which can be distributed proportionately.

**Senator Herrera:** Maybe we can have a compromise, Mr. President. We increase the percentage to 60 percent but put a provision that each sector, at least, must have one representative.

**Senator Tolentino:** That proviso can be inserted without necessarily increasing the percentage because out of 20, if there

are 12 sectors, then there is still an excess of 8 that can be distributed proportionately according to the votes.

**Senator Herrera:** But if we will not increase the sector, Mr. President, and insert a provision that each sector will have only one, then the representatives of the sector will be less than 20. It should be at least one. But we can increase the percentage also from 40 to 60, since we have increased the number of sectors. We included already the veterans and the fisherfolk.

**Senator Tolentino:** If we increase that to 60, then the political parties will have only 40 — 20 percent each. We believe that the margin or the difference may be too big. Anyway, there is a limitation to the number of seats that can be allocated to a party getting a big number of votes — a limitation of five under the proposal now.

**Senator Herrera:** I thought that we have already deleted the limitation of five.

**Senator Tolentino:** Not yet, Mr. President.

**Senator Herrera:** My proposal was a consequence or a result of the proposal to do away with the limitation of five. Now, if we have not yet deleted that, then I can withdraw my proposal.

**The President:** The proposal is withdrawn in the meantime. Any other amendment on pages 5, 5A, 6?

**Senator Gonzales:** Mr. President.

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

#### GONZALES AMENDMENT

**Senator Gonzales:** My amendment, Mr. President, will be on line 5B of page 6. After the word "up", change the period (.) to a semi-colon (;) and add the following: "PROVIDED, HOWEVER, THAT A POLITICAL PARTY OR GROUP WHETHER NATIONAL, REGIONAL, OR SECTORAL MUST OBTAIN AT LEAST TWO (2) PERCENT OF THE VOTES CAST TO BE ENTITLED TO A SEAT."

**Senator Tolentino:** A minimum of 2 percent of what?

**Senator Gonzales:** Two percent of the votes cast, Mr. President.

**Senator Tolentino:** For that category or the entire party-list?

**The President:** The total nationwide votes cast. Is that the intent?

**Senator Tolentino:** Because the number of votes would be different in case we consider 2 percent of the category to which the party or organization belongs, and the national votes for all the three categories.

So, I am just inquiring, Mr. President, 2 percent of what?

**Senator Gonzales:** Two percent of the votes cast nationwide.

**The President:** In that category.

**Senator Tolentino:** In that category.

**Senator Gonzales:** My initial position, Mr. President, is the total votes cast nationwide. At least, it would have a right to demand representation. Imagine a political party obtaining only 10,000 votes nationwide, it is already entitled to a seat. I do not think that is doing justice to the representative system.

**The President:** That is right. There seems to be no legitimacy.

So, the basis of the recommended percentage, Senator Tolentino, is the vote cast on a nationwide basis.

**Senator Tolentino:** But all the votes cast here will be nationwide. In the category, it is nationwide. I mean, the votes cast under the party-list system or in the category?

**The President:** Under the category or under the party-list system.

**Senator Gonzales:** Yes, under the party-list system.

**Senator Tolentino:** Under the entire party-list system. We accept that, Mr. President.

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

**Senator Lina:** Mr. President.

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

**Senator Lina:** Mr. President, I just would like to ask for some clarification on page 6, lines 9C to 9E.

In 1998, 50 party-list representatives shall be elected. But that 50 should always conform to the percentage of party-list representatives to the total number of the Members of the House of Representatives, including those under the party-list system.



So, what is the basis of the 50 in 1998?

**Senator Tolentino:** We are assuming that there will be no change in the number of congressmen, but perhaps, with that observation or that question, we could reword this paragraph to refer to the percentage that is actually allotted to the party-list system in each election. In the election of 1995, only one-half of the 20 percent for the party-list system will be elected, and the full complement is to be elected only in the succeeding elections.

**Senator Lina:** The first question that I should have asked is: What is the basis of the 25?

The Constitution says: "The party-list representatives shall constitute 20 percentum of the total number of the members of the House of Representatives including those under the party-list."

**The President:** There are 200 regular members plus 50 proposed for party list; the 50 will be 20 percent of 250.

**Senator Lina:** But it is percentage, Mr. President. We have to get the party-list representatives by getting 20 percent of the total number.

The party-list representatives is a percentage of the total number of the Members of the House of Representatives including those under the party-list. The number of party-list representatives is not spelled out. It is neither 50 nor 40, it is a percentage. What is the basis therefor?

**Senator Tolentino:** We see the point, Mr. President. In other words, this should be reworded so that it will not be a definite number of seats but a percentage of seats as provided under the Constitution.

**The President:** A percentage to the actual membership.

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

**Senator Lina:** In all candor, Mr. President, I have difficulty — and I have already talked with some of our Colleagues — in understanding what is really meant by the Constitution. The words used in Section 11 are lifted from the wordings of the Constitution — that the party-list representatives shall constitute 20 percentum of the total number of the Members of the House of Representatives including those under the party-list.

This is something that boggles my mind, Mr. President. How do we compute now? How do we determine the number of the party-list representatives?

**Senator Maceda:** Mr. President.

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

**Senator Maceda:** I would like to support the sentiments expressed by Senator Lina from another angle.

As we could see today, if we create the two provinces of Kalinga and Apayao, we will add another seat. We added a seat for Guimaras; we added a seat for Biliran. Meaning to say, Mandaluyong and San Juan are divided into two. We are now way over 200. So the computation now is not based on the original 200.

However, just to complicate the matter further, if we do not approve this fast, at the rate we are creating those seats or if we have a new reapportionment bill, and the Constitution says that we have an absolute maximum of 250 seats in the House of Representatives, wala nang matitira for the party-list.

**The President:** What is the pleasure of the Sponsor?

**Senator Tolentino:** Mr. President, we can see that point. In other words, this paragraph should be reworded in order to follow almost verbatim the provisions of the Constitution without any specific number but based on the percentage of the Members of the House of Representatives to be elected including those in the party-list system.

**Senator Aquino:** Mr. President.

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

**Senator Aquino:** Mr. President, even if there is no specific number, that can be computed. Let us assume, let X be the total number of Congressmen, and then let Y be the number of party-list congressmen. Now, there is a relationship between X and Y, because Y is 20 percent of X, therefore, when we make the equation, it is going to be X equals 200 plus .2X. Therefore, X, as the unknown, will be 250.

It is a simple computation.

**The President:** That is why it is good to be an engineer.

**Senator Romulo:** Mr. President.

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

**Senator Romulo:** Mr. President, Senator Lina, as we know, has been reading the Constitution. But it seems that he is a little

bit confused on what to base the 20 percent.

Since we have the constitutional proceedings, perhaps we can refer to that, or we can ask our Colleague, Senator Ople, to shed light on this so that we are not discussing this in a vacuum; that we are basing our discussion on something that has already been discussed.

**The President:** I think Senator Tolentino has already proposed a provision that will accommodate or clarify this uncertainty.

**Senator Tolentino:** Yes. May I suggest, Mr. President, that we hold the final formulation of this paragraph. Because when the Constitutional Commission was considering this provision, we did not even have 200 members contemplated. I think we have only 198.

**The President:** So, we will defer consideration of lines 9(c) to 9(e) later on.

**Senator Tolentino:** Mr. President, considering the observations made by the distinguished Gentleman from Laguna...

**The President:** Is there any other amendment?

**Senator Gonzales:** Mr. President.

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

**Senator Gonzales:** I would want to put into the record that when I introduced my latest amendment in Section 12 with respect to a provision for a minimum, I was referring to the original copy of this bill as reported out in Committee Report No. 583. However, I learned that there is an amended copy as of October 24, 1994.

Therefore, instead of the amendment being on line 5, page 6, it would be on line 5B of page 6 of the amended copy as of October 24.-

**Senator Tolentino:** So, the amendment of Senator Gonzales should be considered in the light of that change in the lines of page 6.

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

Any other amendment?

**Senator Romulo:** Mr. President, I believe Senator Ople wanted to be recognized.

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

**Senator Ople:** Mr. President, reference was made to my humble role as a Member of the Constitutional Commission of 1986.

What I wanted to say was that, my recollection of what happened in 1986 must yield to the cold text of the constitutional record. I believe that some of our Colleagues on both sides of this debate have already agreed on the clarification derived from the perusal of the text of the constitutional record on party-list representation.

But may I humbly offer my own recollection of what happened then.

It was not so much the party-list system as sectoral representation that was a source of dissension in the Constitutional Commission. The fact that sectoral seats were going to be filled up by presidential appointment was a cause of resentment at that time. We all know in the Commission on Appointments — those who sit there — that up to this time this is a cause of resentment among the Members of the House. Ang tingin nila sa mga sectoral ay parang second class. Sapagkat tuwing maaalaala nila ang kanilang pinagdaanan upang makarating sa Kongreso — samantalang ang sectoral ay walang puyat, walang pagod, at walang gastos — para bang inaapuyan ang kanilang mga dibdib.

So, the party-list system was in part a response to that resentment. Itong mga sectoral naman, na may bilang na 50, after three consecutive terms, they will be abolished in favor of a party-list system. The idea there is, kung baga sa golf, bibigyan natin ng handicap ang mga sectors na ito. After three terms, baka sakaling manalo na sa eleksiyon kahit na sa pamamagitan ng party-list system.

Anyway, that is the relationship between sectoral and party list that I can recall and which is not clearly set forth in the record.

At any rate, I am glad that this bill is taking shape in the manner that it is, and I think we should heed the wise words of Senator Maceda. Baka raw walang matirang reserved seats for the sector, which is probably an exaggerated fear.

Iyon namang sinasabing size ng House na 250, it is in the Constitution. If I will recall right, it says 250 or as may be provided by law, so that it is not written in stone. Congress can alter the number of its own seats. So, there is no real limit to that. It is within the power of Congress to determine the number of its own size, the number of its own seats.

Anyway, Mr. President, I am very glad to see in these

proceedings tonight the collective wisdom of the Senate about to result in an enabling law that will put the party-list system within reach of the marginalized sectors of our society so that they can become participants in the democratic process.

In general, I approve of this bill, although, of course, I wish that Senator Herrera's misgivings on the injustice done to sectors could still be remedied in the course of the period of amendments.

Thank you.

#### SUSPENSION OF THE SESSION

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

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

*It was 6:53 p.m.*

#### RESUMPTION OF THE SESSION

*At 7:14 p.m., the session was resumed.*

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

**Senator Maceda:** Mr. President.

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

**Senator Maceda:** Mr. President, the amendment would be fundamentally in Section 12 and by implication, then the limits will be adopted also in Section 8. Subject to style, on lines 6 to 9 (b) delete all of these provisions and in lieu thereof, it will also entail a subsequent revision of Section 11 on the formula:

"A NATIONAL POLITICAL PARTY SHALL BE ALLOCATED 30 PERCENT OF THE SEATS IN PROPORTION TO THE NUMBER OF VOTES THAT THEY HAVE GOTTEN PROPORTIONALLY" — or whatever is the style — "A REGIONAL POLITICAL PARTY, 20 PERCENT; AND THE SECTORAL ORGANIZATIONS, 50 PERCENT: *PROVIDED*, HOWEVER, THAT IN THE CASE OF SECTORAL ORGANIZATIONS, ALL THE AFOREMENTIONED SECTORS IN SECTION 4 SHALL BE ENTITLED TO AT LEAST ONE SEAT EACH: *PROVIDED, FURTHER*, THAT THE MAXIMUM NUMBER THAT ANY NATIONAL, REGIONAL, OR SECTORAL ORGANIZATION CAN BE ALLOTTED IS 10: AND *PROVIDED, FINALLY*, THAT ANY NATIONAL,

REGIONAL, OR SECTORAL ORGANIZATION TO BE ENTITLED TO A SEAT MUST GARNER AT LEAST 2 PERCENT OF THE TOTAL VOTES CAST IN THE ELECTION".

**Senator Tolentino:** The Committee will accept that, subject to changes in style, Mr. President.

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

Any other individual amendment on page 6A, page 7?

**Senator Romulo:** Mr. President.

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

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

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

#### APPROVAL OF SENATE BILL NO. 1913 ON SECOND READING, AS AMENDED

**Senator Romulo:** Mr. President, I move for the approval of Senate Bill No. 1913, as amended, on Second Reading.

**The President:** We shall now vote on the bill, as amended, on Second Reading. As many as are in favor of the bill, as amended, will please say *Aye*. [*Several Senators: Aye.*] As many as are against will please say *Nay*. [*Silence*]

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

#### BILL ON THIRD READING Senate Bill No. 1632 - Proscribing Sexual Harassment

**Senator Romulo:** Mr. President, I move that we vote on Third Reading on Senate Bill No. 1632: Printed copies of the bill were distributed to all the Members of the Senate last October 24, 1994.

**The President:** Voting on Third Reading on Senate Bill No. 1632 is now in order.

The Secretary will please read only the title of the bill, if there is no objection. [*There was none.*]

**The Secretary:** Senate Bill No. 1632, entitled