

RECORD OF THE SENATE

TUESDAY, OCTOBER 18, 1994

OPENING OF THE SESSION

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

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

PRAYER

Let us observe a minute of silent prayer.

Everybody rose for a minute of silent prayer.

The President: Thank you.

Senator Romulo: Mr. President.

The President: The Majority Leader is recognized.

ROLL CALL

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

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

THE JOURNAL

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

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

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

The Secretary will now read the Order of Business.

REFERENCE OF BUSINESS

BILLS ON FIRST READING

The Secretary: Senate Bill No. 1930, entitled

AN ACT AMENDING REPUBLIC ACT
NUMBERED SIXTY-NINE HUNDRED AND

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

Introduced by Senator Mercado.

The President: Referred to the Committee on Local Government.

The Secretary: Senate Bill No. 1931, entitled

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

Introduced by Senator Biazon.

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

RESOLUTION

The Secretary: Proposed Senate Resolution No. 1047, entitled

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

Introduced by Senator Sotto III.

The President: Referred to the Committee on Local Government.

COMMITTEE REPORTS

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

AN ACT REQUIRING THE DISCLOSURE OF
COMPLETE AND ACCURATE CREDIT

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

recommending its approval without amendments.

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

The President: To the Calendar for Ordinary Business.

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

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

recommending its approval without amendments

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

The President: To the Calendar for Ordinary Business.

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

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

The President: Consideration of Senate Bill No. 1913 is now in order.

With the permission of the Body, the Secretary will read only the title of the bill, without prejudice to inserting in the *Record* the whole text thereof.

The Secretary: Senate Bill No. 1913, entitled

AN ACT PROVIDING FOR A SYSTEM OF

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

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

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

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

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

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

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

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

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

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

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

and provinces comprising the region.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 10. Manner of Voting. - Every voter shall be entitled to two (2) votes: the first is a vote for the candidate for Member of the House of Representatives in his legislative district, and the second, a vote for the party, organization, or coalition he wants represented in the House of Representatives. A vote cast for a party, organization, or coalition not entitled to be voted for shall not be counted.

SEC. 11. Number of Party-List Representatives. - The party-list representatives shall constitute twenty percentum (20%) of the total number of the Members of the House of Representatives including those under the party-list. Of the total number of party-list representatives, thirty percentum (30%) must be allocated to the national parties or organizations, thirty percentum (30%) to regional parties or organizations and the remaining forty percentum (40%) to sectoral organizations: *Provided*, That the forty percentum (40%) allocated to sectoral organizations must be equitably distributed as far as practicable by nominees coming from the labor, peasant, urban poor, indigenous cultural communities, elderly handicapped and overseas Filipinos, except the religious sector.

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

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

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

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

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

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

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

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

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

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

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

Approved,

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

The President: Senator Tolentino is recognized.

SPONSORSHIP SPEECH OF SENATOR TOLENTINO

Senator Tolentino: Thank you, Mr. President.

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

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

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

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

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

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

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

party-list system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We submit, Mr. President.

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

Senator Tañada is recognized.

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

Senator Tolentino: Very gladly, Mr. President.

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

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

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

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

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

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

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

The President: It must be a typographical error.

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

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

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

The President: Yes. Just for clarification.

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

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

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

The President: Yes. Please proceed.

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

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

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

the youth sector should be included here.

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

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

Senator Tolentino: Yes, Mr. President.

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

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

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

Senator Tolentino: Yes, Mr. President.

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

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

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

or organizations?

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

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

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

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

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

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

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

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

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

field candidates in the districts.

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

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

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

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

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

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

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

Senator Tañada: Thank you, Mr. President.

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

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

Senator Tañada: Would it not be better to provide already

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

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

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

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

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

Senator Tañada: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

Senator Osmeña: Mr. President.

The President: Senator Osmeña is recognized.

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

Senator Tolentino: Very willingly, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you very much, Mr. President.

The President: Senator Alvarez is recognized.

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

Senator Tolentino: In Section 5, yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Tolentino: I think so, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Maceda: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

willing to accept suggestions or proposals modifying that ratio.

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

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

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

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

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

Thank you, Mr. President.

Senator Tolentino: Thank you, Mr. President.

SUSPENSION OF THE SESSION

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

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

It was 6:32 p.m.

RESUMPTION OF THE SESSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Tolentino: That is right, Mr. President.

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

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

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

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

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

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

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

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

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

Senator Tolentino: Yes, Mr. President.

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

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

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

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

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

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

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

Thank you, Mr. President.

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

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1913

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

The Presiding Officer [Senator Aquino]: Is there any

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

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

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

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

THE JOURNAL

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

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

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

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

SUSPENSION OF THE SESSION

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

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

It was 6:53 p.m.

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.

RECORD OF THE SENATE

THURSDAY, OCTOBER 20, 1994

RESUMPTION OF THE SESSION

At 11:01 a.m., the session was resumed with the Honorable Edgardo J. Angara, President of the Senate, presiding.

The President: The session is resumed.

ROLL CALL

The President: The Secretary will please call the roll.

The Secretary:

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

The President: With 12 Senators present, the Chair declares the presence of a quorum.

THE JOURNAL

Senator Romulo: Mr. President.

The President: The Majority Leader is recognized.

Senator Romulo: Mr. President, we have the *Journal* of

* Arrived after the roll call

** On official mission

Session No. 33 for Tuesday and Wednesday. I move that we dispense with the reading of the *Journal* of this session and consider the same as approved.

The President: Is there any objection? [*Silence*] Hearing none, the reading of the *Journal* of the 33rd session of October 18 and 19 is dispensed with and the same is considered as approved.

The Secretary will now proceed with the reading of the Additional Reference of Business.

ADDITIONAL REFERENCE OF BUSINESS

COMMUNICATIONS

The Secretary: Letter from Commissioner Sofronio B. Ursal of the Commission on Audit submitting to the Senate the 1993 Annual Financial Report for Local Governments (Volume III) showing, among others, the financial condition as of December 31, 1993 and the results of operations for the year then ended.

The President: Referred to the Committee on Finance.

The Secretary: Letter from Governor Gabriel C. Singson of the Bangko Sentral ng Pilipinas submitting to the Senate the list of Central Bank Circulars issued in 1993 which affect rural banks as well as the objectives for their issuance.

The President: Referred to the Committee on Banks, Financial Institutions and Currencies.

The Secretary: Letter from Edgardo P. Zialcita, Officer-in-Charge of the Bangko Sentral ng Pilipinas submitting to the Senate the report on the major economic and financial developments in the Philippines during the second quarter of 1994.

The President: Referred to the Committee on Economic Affairs.

COMMITTEE REPORTS

The Secretary: Committee Report No. 599 submitted by the Committee on Agriculture and Food on Proposed Senate Resolution No. 718, introduced by Senator Webb, entitled

RESOLUTION URGING AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED EXISTENCE OF ILLEGAL FISHPENS AND CAGES AROUND LAGUNA DE BAY, CAUSING PREJUDICE TO SOME 3,000 ORDINARY FISHERMEN,

The President: The session is resumed.

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

Senator Aquino: 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 Aquino: We are now in the period of interpellations. I ask that Senator Tolentino, the Sponsor, and Senator Gonzales, who will interpellate, be recognized.

The President: Senator Tolentino and Senator Gonzales are recognized.

Senator Tolentino: Thank you, Mr. President.

Senator Gonzales: Will the distinguished Sponsor allow a few more clarificatory questions?

Senator Tolentino: Very gladly, Mr. President.

Senator Gonzales: Mr. President, I understand that, for purposes of this new party-list system of voting, a voter shall be entitled to two votes. The first is a vote for the candidates for Members of the House of Representatives in his legislative district, which, for brevity, we will call as the regular Members of the House of Representatives; and the second, a vote for the party, organization, or coalition he wants represented in the House of Representatives. So that this may be contained in one ballot, only that there is a space that would be allotted for the party, organization, or coalition to be represented under the party-list system. Is that correct.

Senator Tolentino: That is correct, Mr. President.

Senator Gonzales: There need not be two ballots for this purpose.

Senator Tolentino: Actually, we do not need two ballots. There will be just two spaces that would be for Members of the House of Representatives and the ballot.

Senator Gonzales: Mr. President, which of these votes shall be considered for purposes of determining the proportion of representation of the party, organization, or coalition in the House of Representatives?

Senator Tolentino: Only the vote for the party or organization is to be considered for purposes of the proportional representation of parties or organizations in the House of Representatives.

Senator Gonzales: So that the votes for the regular Members of the House of Representatives will not be included in such a determination.

Senator Tolentino: That is right, Mr. President.

Senator Gonzales: In short, if a voter votes for the official candidate of the Lakas-NUCD or LDP or NPC, those votes will not be included in reckoning the proportion of representation that a political party, organization, or coalition is entitled in the apportionment of the party-list members.

Senator Tolentino: Yes, Mr. President. The vote for the individual candidates by congressional district will be entirely separate from the vote by parties or organizations under the party-list system.

Senator Gonzales: So that the party, organization or coalition that has applied for and was accredited for purposes of the party-list voting need not field candidates for any position?

Senator Tolentino: Yes, Mr. President. Usually, if it refers to the political parties already engaged in electoral exercises before, these parties have already been registered as such political parties for the political exercise. But in order to be able to be included in the party-list system, it will require another manifestation of the intention to participate in the party-list system.

Senator Gonzales: Mr. President, I understand that under Section 5 in paragraph (7) of this bill, there are grounds for the refusal and/or cancellation of registration. One of the grounds for refusal and/or cancellation of registration is "Failure to participate in the last two (2) preceding elections or its failure to obtain at least ten percent (10%) of the votes cast under the party-list system in either of the last two (2) preceding elections for the constituency in which it has registered."

In short, would this particular ground be applicable even at the first and second elections following the approval of this bill?

Senator Tolentino: This ground, paragraph (7), obviously will not be applicable for the first and second election under the party-list system. If we begin this election under the party-list system in 1995, that means in 1995 and 1998, this paragraph cannot yet be invoked.

Senator Gonzales: I think we ought to make that clear, Mr. President, because this ground is enumerated on the same level as the seven other grounds for the refusal and/or cancellation of registration. Does the Gentleman not think so, Mr. President?

Senator Tolentino: Yes. Any one of these grounds would be equally applicable for refusal or cancellation of registration.

Senator Gonzales: But not with respect to ground No. (7), at least during the first two elections following the approval of this bill.

Senator Tolentino: Yes, Mr. President.

Senator Gonzales: Since that is a ground for a refusal or cancellation of registration for a political party, group, organization, coalition or even a sectoral group, it need not field candidates but merely files an application for participation in the party-list system of voting.

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

Senator Gonzales: The question I am propounding, Mr. President, is this: To enable a political party, an organization or a sectoral group to enjoy the benefits and privileges of the party-list system under this bill, is it required to field candidates in an election?

Senator Tolentino: That will be optional, I think, with the way a party or a group that registers for this party-list election. Even if it is registered, it is not required to field candidates. But the failure to field candidates may affect its status in subsequent elections.

Senator Gonzales: On the other hand, Mr. President, under ground No. (7) of Section 5 — there are actually two grounds — it states: "Failure to participate in the last two (2) preceding elections or its failure to obtain at least ten percent (10%) of the votes cast under the party-list system in either of the last two (2) preceding elections for the constituency in which it has registered."

In short, the first ground is that, it failed to participate in the last two (2) preceding elections. The second is, failure to obtain at least 10 percent of the votes cast under the party-list system in either of the last two preceding elections, Mr. President.

Senator Tolentino: Actually, these are two separate grounds.

Senator Gonzales: There are actually two grounds, Mr. President?

Senator Tolentino: Yes, Mr. President.

Senator Gonzales: Does this bill contemplate a situation where, let us say, a political organization or a sectoral group can participate in an election through the party-list system only as such without fielding candidates, Mr. President?

Senator Tolentino: It seems that is covered by the next paragraph. When the disqualification would apply to a group seeking registration or already registered, it fields candidates in the legislative districts during the election in which it participates under the party-list system.

It seems that what is intended here is that the group participating in the party-list system does not participate at the same time in the regular election by districts.

Senator Gonzales: That is my understanding of this provision as it is written, Mr. President.

Senator Tolentino: Yes, Mr. President.

At this juncture, the Senate President relinquished the Chair to Senator Ernesto M. Maceda.

Senator Gonzales: More important is, under Section 12, which is captioned "Procedure in Allocating Seats for Party-List Representatives", it provides, and I quote:

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

It would seem to me that, as the distinguished Gentleman has stated in answer to my earlier question, while a voter is entitled to two votes — one for the regular Members of the House of Representatives; and two, for the party organization or coalition he wants represented in the House of Representatives through the party-list system — then this could only refer to the second vote, not a vote for the regular candidates, but only a vote for the party, organization or coalition. Is that correct, Mr. President.

Senator Tolentino: Yes, Mr. President, that is correct.

Senator Gonzales: It seems clear now that it is the intent of this bill. Mr. President.

Senator Tolentino: Yes, Mr. President.

Senator Gonzales: So, we can now say that even if we have a party presenting candidates for the regular Members of the House of Representatives but has not filed nor applied under the party-list system, then it cannot be entitled to any allocation of the seats which are intended for the party-list members.

Senator Tolentino: Yes, Mr. President, to the extent that even if a voter should cast a vote for that particular party, that vote will be null and void. It cannot be counted.

Senator Gonzales: Since the party-list members, under the Constitution, shall be 20 percent of the regular members, and unless the present membership of the House of Representatives is changed by law, will be 200, under this bill they have been further classified into three groups or 30 percent for the political parties; 30 percent for the regional parties or organizations; 40 percent for the sectoral organizations. The proportion in each group will not be the same, depending upon the number of political parties or regional organizations and sectoral organizations that have applied for the party-list system duly approved, filed and certified by the Commission on Elections.

Senator Tolentino: Yes, Mr. President. Actually, the provisions here indicate that there will be three categories. The first is the national parties; the second is the regional parties; and the third is the sectoral organizations.

Assuming that the basis will be the 50 additional members, that is 20 percent of 250, that means that out of the 50 seats reserved for the party-list system, 15 — that is 30 percent of 50 — will go to the national parties; 30 percent or 15 also will go to the regional parties; and 20 — the remaining 40 percent — will go to the sectoral organizations. So, there will actually be three groupings, as the distinguished Gentleman has indicated. Those who participate within these three groupings will then be ranked according to the number of votes they received in relation to the total number of votes cast for that group. So, there will be a proportional distribution within each group.

Senator Gonzales: The proportion in one category may not necessarily be the same as in the two other categories.

Senator Tolentino: That is correct, Mr. President.

Senator Gonzales: What happens in case of a coalition of political parties and they are participating as political parties, but they have entered into a coalition? Will they be entitled to a separate proportionate seat, or will they be counted only as a coalition?

Senator Tolentino: Mr. President, what is going to be

registered actually, for purposes of the party-list voting, will be the coalition, not the parties composing the coalition. Therefore, the vote will be for the coalition.

Senator Gonzales: And they cannot be voted on as a coalition?

Senator Tolentino: No, they will be voted on as a coalition precisely. They cannot be voted separately as parties, because the registration is the registration of the coalition. So, it is the registered organization that will be entitled to the party-list voting.

Senator Gonzales: Let us say, Mr. President, that the coalition is not registered as such and it is only a working tactical arrangement, but is registered as separate political parties, but field a common slate.

Senator Tolentino: If it is not registered as a coalition, for purposes of the party-list system, then it will not be entitled to a vote as a coalition. At the same time, since the separate or individual parties composing the coalition are not also registered as separate parties, no vote can be considered for them. They have to be registered either as a party or as a coalition in order to be entitled to receive party-list votes.

Senator Gonzales: Precisely, Mr. President. They have registered separately as political parties. But, as a reality, they have adopted a political scheme wherein they present a common ticket. So there is a political *modus vivendi* or working arrangement among them. In such a case, will each of them, as duly registered political parties, be entitled to a proportionate share in the party list?

Senator Tolentino: I think so, Mr. President, if the parties themselves are separately registered. They will be entitled to the proportionate number of seats, if they individually received votes.

Senator Gonzales: Yes. But they cannot be voted on as a coalition in the space that is set aside for the party-list system of voting?

Senator Tolentino: They cannot be voted on as a coalition.

Senator Gonzales: And if voted, the same will not be counted.

Senator Tolentino: Yes, that will be a null and void vote.

Senator Gonzales: Would the distinguished Sponsor know how many registered political parties or political organizations we have now?

Senator Tolentino: I really do not know the actual figures now, Mr. President. I think the Comelec has cancelled certain registrations because of the small number of votes that had been received in the last elections. I do not know how many have actually been left now.

Senator Gonzales: Mr. President, I understand that there are more than 100 registered political parties, although under the law that we have enacted, not all of them are entitled to accreditation. Because registration is one thing; accreditation is another. Is that not how our law operates, Mr. President?

Senator Tolentino: I do not have the figures of the actual number of registered parties. But I have the impression that they are over a hundred.

Senator Gonzales: Yes. Because aside from them, especially with the party-list system of voting, there will be more political parties, whether national, regional, a coalition of political parties, or sectoral organizations that may register after the approval of this Act.

Senator Tolentino: I think so, Mr. President.

Senator Gonzales: Would not all of them be entitled to a proportionate seat in the three categories allocated for the party-list members?

Senator Tolentino: If they do not receive the votes that would be needed in order to give them a proportionate number of seats, then, of course, they would not have any seat in the category in which they are.

Senator Gonzales: That is why in my interpellation during our last session, I suggested that, probably, it would be better to set a minimum percentage of votes to be received by them in order to qualify for a seat so that we can, more or less, limit the party-list members to those who obtain a substantial portion of the votes cast, Mr. President.

Senator Tolentino: We have taken into account the suggestion, Mr. President, and during our period of amendments, we shall consider that very seriously.

Senator Gonzales: It is the Commission on Elections under this law — Section 12 — that will allocate the seats for the party-list representatives, Mr. President.

Senator Tolentino: Yes. But it follows a certain procedure and a certain criteria as to how the allocation shall be made.

Senator Gonzales: Yes. I think we should really study very

well whether the criteria herein provided will be sufficiently concrete that the Commission would have really a definite and fair standard in the allocation.

What I am merely saying is that, that decision of the Commission allocating the seats can still be reviewed, by way of a repetition for review through certiorari, to be filed with the Supreme Court, Mr. President.

Senator Tolentino: I should think so, Mr. President.

Senator Gonzales: Because there might be controversies generated in the allocation of such party-list members by the Commission on Elections.

Senator Tolentino: Yes, Mr. President.

Senator Gonzales: I am really worried about the qualifications that we have set forth for the party-list candidates, Mr. President, not only on being a registered voter in the residence requirement, but also on the question of age insofar as youth sectoral organizations are concerned because of the qualifications set forth by the Constitution itself for members of the House of Representatives.

Our initial understanding would be, that they apply to all the Members of the House of Representatives, and since the Constitution makes no qualification, I think we are not justified in making any. Although admittedly, the party-list members are to be elected in the manner as may be provided for by law, but then in age, for example, there is again an alteration in the qualification. Here, to be a member of the youth sector, he must be, at least, 18 years of age although when he reaches the age of 21 during his term, he continues to serve. Can we really change the qualification provision of the Constitution?

Senator Tolentino: Mr. President, I would like to thank the distinguished Gentleman from Mandaluyong for this observation because that is a very serious question: Whether we can make a different qualification for a sector in the party-list system and whether everybody in the party-list system or in the regular election by districts should comply with the qualifications provided by the Constitution. That deserves a very serious study so we do not enact a bill that may contravene the Constitution.

Senator Gonzales: Yes, Mr. President. I thank the concern that the distinguished Senator has equally expressed on the issue that I have raised which might still also apply to Section 16 on vacancies. Because when there is a vacancy in the seat of a party-list member, the same can be filled by means of appointment, and the appointee will serve the unexpired portion of the term. This is really something new in this jurisdiction. The Constitu-

tion provides that vacancies in the House of Representatives shall be filled by means of a special election. I wonder whether or not we can change it and adopt a new system that is not provided for by the Constitution.

Senator Tolentino: I believe that in the case of the vacancies of congressmen under the party-list system, we may consider the succession automatic on the basis of the list that has been submitted by the corresponding party. Instead of having an appointment by the President, we may perhaps provide that when a vacancy occurs in a presentation of a particular party, the next name in the list shall automatically succeed. In that case, we could consider him also as having been elected, only that he did not reach the number to be a representative who should go to Congress.

Senator Gonzales: Even the Gentleman seems disturbed by this provision in the light of its apparent conflict with the express provision of the Constitution.

Senator Tolentino: Yes, Mr. President.

Senator Gonzales: I have already pointed out and have clarified, through this interpellation, a number of its provisions and the operations of this bill when it becomes a law.

I thank the Gentleman for the time that he has given me and the opportunity to ask these questions.

Thank you, Mr. President.

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

Senator Aquino: Mr. President, it was only Senator Gonzales who indicated a desire to interpellate Senator Tolentino this afternoon. I think there is no more interpellator unless somebody raises his hand.

On Monday, we shall take up Senate Bill No. 1913, the Party-List Bill, also Senate Bill No. 740 on House Bill No. 10844, Granting Permanent Status to Aliens, and Senate Bill No. 1311. If there is time, we shall also take up Senate Bill No. 1905, the Anti-Dumping Law.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1913

Meanwhile, I move that we suspend consideration of Senate Bill No. 1913.

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

ADJOURNMENT OF THE SESSION

Senator Aquino: With that, I move that we adjourn our session until four o'clock Monday afternoon.

The Presiding Officer [Senator Maceda]: The session is adjourned until four o'clock Monday afternoon, if there is no objection. [*There was none.*]

It was 5:53 p.m.

RECORD OF THE SENATE

MONDAY, OCTOBER 24, 1994

OPENING OF THE SESSION

At 4:54 p.m., the Honorable Edgardo J. Angara, President of the Senate, called the session to order.

The President: The 35th session of the Senate is called to order.

NATIONAL ANTHEM

Let us all stand for the singing of the Philippine National Anthem to be led by the Blessed Elena Academy Magnificat Choir, and another song, entitled *Pilipinas Kong Mahal*.

Afterwards, Senator Ople will lead us in prayer.

Everybody rose for the singing of the National Anthem.

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

PRAYER

Senator Ople:

Ama naming makapangyarihan, alalayan Mo po ang aming mga kababayang sinalanta na naman ng mga bagong sakuna, tulad ng magkasunod na bagyong nagdaan dito sa Luzon, at lalo nang kalingain Mo po ang mga kababayan namin sa Gitnang Luzon na sa tuwina ay sinasalanta ng lahar na umuuho mula sa kabundukan patungo sa kapatagan. At ipahintulot Mo pong mailigtas ang mga bayan sa Pampanga, Tarlac, at Zambales na nasa daan ng rumaragasang lahar.

Maraming salamat po, Panginoon.

SUSPENSION OF THE SESSION

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

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

It was 4:59 p.m.

RESUMPTION OF THE SESSION

At 5:00 p.m., the session was resumed.

The President: The session is resumed.

ROLL CALL

The Secretary will please call the roll.

The Secretary:

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

The President: With 19 Senators present, the Chair declares the presence of a quorum.

THE JOURNAL

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

The President: Is there any objection? *[Silence]* There being none, the reading of the *Journal* of the previous session is dispensed with and the same is considered approved.

The Secretary will now read the Order of Business.

* Arrived after the roll call

** On official mission

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 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 now in the period of Committee amendments. But, first, may I move that we close the period of interpellations and debate.

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

Senator Romulo: Before we proceed with the Committee amendments, may I ask, Mr. President, that the distinguished Chairman of the Committee on Electoral Reforms and People's Participation, Senator Arturo Tolentino, be recognized.

The President: Senator Tolentino is recognized.

COMMITTEE AMENDMENTS

Senator Tolentino: Thank you, Mr. President.

Mr. President, in the course of the interpellations, several points were raised from which the Committee decided to go along with, especially referring to clarifications of some provisions of the bill we have on hand.

It is in this light that we are proposing these Committee amendments to Senate Bill No. 1913.

On page 2, line 21, between the word "secretary," and the word "attaching", insert the words "STATING ITS DESIRE TO PARTICIPATE IN THE PARTY-LIST SYSTEM AS A NATIONAL POLITICAL PARTY OR COALITION, OR A REGIONAL POLITICAL PARTY, OR A SECTORAL ORGANIZATION."

This will clarify the position of the applicant for participation in the party-list system as to whether it is participating as a national political party or coalition, or as a regional political party, or as a sectoral organization.

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

The Secretary will please distribute the list of amendments.

Senator Tolentino: On the same page, page 2, line 24, place a comma (,) after the word "national", and after the comma (,) insert the word "REGIONAL." It is in the same light as the preceeding amendment, to show the category in which the applicant is participating in the election.

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

Senator Aquino: Mr. President.

The President: Senator Aquino is recognized.

Senator Aquino: Just a clarification. Is it possible to have a coalition in the regional level?

Senator Tolentino: I suppose so. Nothing will prevent two or three regional political parties to have a coalition.

Senator Aquino: Thank you, Mr. President.

Senator Gonzales: Mr. President.

The President: Senator Gonzales is recognized.

PARLIAMENTARY INQUIRY OF SENATOR GONZALES
(Approved Committee Amendments Subject to Individual Amendments)

Senator Gonzales: Parliamentary inquiry, Mr. President. Is it understood that after the period of Committee amendments, the Members of the Body will be furnished with a clean copy of the bill together with the Committee amendments and that all the provisions of this bill, including the approved Committee amendments, may be subject to individual amendments?

The President: I believe that is our procedure.

Senator Gonzales: That has been our procedure, but I am clarifying it because I think it will facilitate action on these Committee amendments because even if approved they can still be the subject of individual amendment. Not much debate will be engendered by these Committee amendments.

If that is the position of this Chamber, then I want that clarified, Mr. President.

The President: The Chair rules that we will follow the procedure that we have been following in the past. Clean copies of the bill, as amended by the Committee, will be distributed to each Member, and that even Committee amendments may be subject to individual amendments.

Please proceed, Senator Tolentino.

Senator Tolentino: The third proposed Committee amendment: On page 2, line 25, after the word "organizations", change the period (.) to a colon (;) and add the following: "PROVIDED, THAT THE SECTORS SHALL INCLUDE LABOR, PEASANT, URBAN POOR, INDIGENOUS CULTURAL COMMUNITIES, ELDERLY, HANDICAPPED, WOMEN, YOUTH, AND OVERSEAS WORKERS." Just a matter of transposing certain parts of the bill, Mr. President.

The President: Is there any objection?

Senator Maceda: Mr. President.

The President: Senator Maceda is recognized.

Senator Maceda: May I have some clarification, Mr. President. May I know the difference between the words "peasant," "farm worker," "farmers," or "agricultural workers"? Is the word "peasant" a more restrictive phrase, or is it a more expansive phrase?

Senator Tolentino: I think those words, as a general term, can be even considered as synonymous for purposes of this law.

Senator Maceda: I see. Is the word "peasant" used in the Constitution, Mr. President?

Senator Tolentino: I am not very sure of that, but this is a word suggested by the Comelec.

Senator Maceda: The word "peasant" has a very colonial sounding tone. It reminds us of peasants in the old Russia or the old Spanish...

Senator Tolentino: I think the Constitution uses the word "peasant" — labor, peasant, urban poor, et cetera.

Senator Maceda: It uses the word "peasant". Now, is there a difference between the words "handicapped" and "disabled"? Which is the narrower phrase and which is the more general term?

Senator Tolentino: The term "disabled", I think, is more limited than "handicapped". "Handicapped" is broader. In other

words, a person may be handicapped but not really disabled.

Senator Maceda: Because "handicapped" seems to imply any kind of deficiency, even financially handicapped. I was wondering whether the right word is really meant to apply to the narrower group of disabled persons who have more of physical or mental disabilities.

Senator Tolentino: A narrower or a limited word will perhaps be better than the word "HANDICAPPED". We will yield to any amendment on this in the period of individual amendments.

Senator Maceda: I read it somewhere and I thought that it was an interesting point. Since this is supposed to be a temporary phenomenon, as shown by the neighboring countries of Taiwan, Malaysia, even Thailand now, there is a question as to whether overseas workers are giving the labor sector a double representation because they are also part of labor, especially in the light of the fact that if we will have economic recovery by the year 2000, we will hardly have any overseas workers in due time.

Senator Tolentino: I think, Mr. President, that the term "overseas worker" is limited more to those who are working abroad. "Labor" is broader and could include the overseas workers. But if we want to give the overseas workers a representation in Congress, this may be a way of giving them representation. We must confess that our bill on absentee voting has generated many objections and we are not so sure that we will be able to pass that bill.

Senator Maceda: At any rate, we will reserve our individual amendments at the proper time. I thought it was enough that we clarify these points at this time. So subject to the reservations already made by Senator Gonzales, we shall terminate our interpellation.

Senator Tolentino: We will now proceed to the next amendment, Mr. President. On the same page 2, line 25, after the amendment we have just introduced, change the following sentence into a new paragraph. It is just a matter of form.

The President: Before that, Senator Tolentino, we will submit the third amendment to a vote.

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

Senator Tolentino: The next amendment, Mr. President, as I stated, is on the same page 2, line 25. After the amendment just approved, we change the following sentence into a new paragraph beginning with the words "The Commission". It is

just a matter of form.

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

Senator Tolentino: The next amendment is on page 4, lines 24 to 28. Delete the words "for at least one (1) year immediately preceding the day of the election, a *bona fide* member of the party or organization with a national, regional or sectoral constituency which he seeks to represent".

This will just be a transposition. We are deleting these words from these lines and transferring them in some other suitable place, Mr. President.

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

Senator Tolentino: On the same page, lines 28 to 29, delete the words "on the date of the election".

This will also be part of the matter of form that has been approved already, Mr. President.

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

Senator Tolentino: On the same page, line 29, delete the period "(.)" at the end of the line and add the following words: "ON THE DATE OF THE ELECTION, ABLE TO READ AND WRITE AND A BONA FIDE MEMBER OF THE PARTY OR ORGANIZATION WHICH HE SEEKS TO REPRESENT FOR AT LEAST ONE YEAR PRECEDING THE DAY OF THE ELECTION."

That is a transposition of what we have deleted earlier, Mr. President, and adding the other qualifications "ABLE TO READ AND WRITE" as required by the Constitution.

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

Senator Tolentino: On page 5, line 2, delete "eighteen (18)" and substitute it with "TWENTY-FIVE (25)"; delete also "twenty-one (21)" and substitute it with "TWENTY-EIGHT (28)".

Mr. President, the interpellation made by Senator Gonzales on this matter called the attention of the Committee that really, the Constitution makes no distinction with respect to the qualifications for suffrage. Since the Constitution itself does not make a distinct age below 25 for the youth, we should require

even the youth to be at least 25 years old. But we make the youth classification in the sense that we limit the term "youth" to only three years, from 25 to 28, as a qualification for this sector.

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

Senator Aquino: Mr. President.

The President: Senator Aquino is recognized.

Senator Aquino: Just a clarification, Mr. President. May we know the reason behind the upper limit of "28"?

Senator Tolentino: We are observing that the present concept of the youth is for three years only, from 18 to 21. We are simply adopting that span from 25 to 28.

Senator Aquino: Thank you, Mr. President.

Senator Tolentino: On the same page, line 4, delete the words "twenty-one" and substitute it with "TWENTY-EIGHT". This is a consequence of the previous amendment, Mr. President.

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

Senator Tolentino: On the same page, line 23, change the colon (:) after "organizations" to a period "(.)". Then delete the rest of the sentence to the end of line 28.

We have already transposed this part to an earlier amendment, Mr. President.

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

Senator Tolentino: On the same page, line 31, between the words "coalitions" and "on", insert the following: "IN EACH OF THE THREE CATEGORIES (NATIONAL, REGIONAL AND SECTORAL)" so that the sentence would be: "The Commission shall tally all the votes for the parties, organizations, or coalitions IN EACH OF THE THREE CATEGORIES (NATIONAL, REGIONAL AND SECTORAL)" emphasizing that they are separate categories.

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

Senator Tolentino: On page 6, lines 2 to 3, delete the phrase "as against the total number of registered voters nation-

wide".

We are deleting that because we are changing the basis for determining the proportion of seats that are to be given to the different categories, Mr. President.

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

Senator Tolentino: On the same page, line 5, between the words "obtained" and "until", insert the following phrase: "BY EACH ORGANIZATION AS AGAINST THE TOTAL NATIONWIDE VOTES CAST IN ITS CATEGORY."

In other words, instead of the national vote being used as the basis for determining the proportion, it will only be the total votes in the category so that there will be no mix-up in determining the proportion, Mr. President. The three categories are actually separated.

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

Senator Tolentino: On the same page, line 9, after the period (.) at the end of the line, add the following sentence: "THE EXCESS OF SEATS, IF ANY, SHALL BE PROPORTIONALLY ALLOTTED TO THE PARTICIPANTS ENTITLED TO A SMALLER NUMBER OF SEATS."

This is made, Mr. President, because we are limiting the number of seats to be allotted to a participant in a category. In the actual computation of proportion, that participant may have obtained a larger number of votes than corresponding to only five seats. Let us say, he is entitled to eight seats. Since the limit is only five, there will be an excess of three seats.

Now, this provision seeks to distribute the three excess seats to those who are lower in the rank proportionately.

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

Senator Tolentino: On the same page, between lines 9 and 10, following the paragraph that is ending with the sentence that we have just approved, insert a new paragraph to read as follows:

"IN THE ELECTION OF 1995, TWENTY-FIVE (25) PARTY-LIST REPRESENTATIVES SHALL BE ELECTED, AND IN 1998 FIFTY (50) SHALL BE ELECTED."

Although that is clear in the Constitution, we want to reiterate it in the law itself, Mr. President.

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

Senator Tolentino: On the same page, lines 29 to 30, delete the phrase "the President shall fill the vacancy by appointing a", and in lieu thereof, insert the phrase "THE VACANCY SHALL BE AUTOMATICALLY FILLED BY THE NEXT."

This in line with the interpellations made, Mr. President, that since there is already a ranking in the list of nominees submitted by the participant in the party-list election, if a vacancy should occur for any reason, then that vacancy must be automatically filled by raising the next in line.

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

Senator Tolentino: These are all the proposed amendments by the Committee, Mr. President.

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

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

Senator Romulo: Mr. President, as agreed upon with our Colleagues and the Chairman of the Committee on Electoral Reforms and People's Participation, clean copies of Senate Bill No. 1913, as amended with the Committee Amendments, will be submitted to each of our Colleagues. Thereafter, we shall take up the individual amendments.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1913

I move, Mr. President, that we, in the meantime, suspend consideration of Senate Bill No. 1913.

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

BILL ON SECOND READING Senate Bill No. 740 - Excluding Fishponds and Prawn Farms from CARL (Continuation)

Senator Romulo: Mr. President, I move that we resume consideration of Senate Bill No. 740 as reported out under Committee Report No. 406.

The President: Resumption of consideration of Senate Bill

RECORD OF THE SENATE

TUESDAY, OCTOBER 25, 1994

ROLL CALL

OPENING OF THE SESSION

At 4:39 p.m., the Honorable Orlando S. Mercado, Presiding Officer, called the session to order.

The Presiding Officer [Senator Mercado]: The 36th session of the Senate is hereby called to order.

We shall be led in prayer by Senator Coseteng.

Everybody rose for the opening prayer.

PRAYER

Senator Coseteng:

Diyos po nating maawain. Tulungan po Ninyo ang Inyong mga anak na magpasiya upang mabigyan ng ganap na katarungan ang ating mga kababayan lalung-lalo na at pinag-uusapan ngayon ang usapin tungkol sa badyet para sa susunod na taon at ang General Agreement on Tariffs and Trade na siya pong maaaring makasalakay ng aming mga magsasaka, mangingisda at maliliit na mga kababayan.

Bigyan po Ninyo kami ng karagdagang liwanag upang kami ay maaaring magpasya para sa kabutihan ng taong-bayan sa lahat ng aming tinatalakay dito sa Mataas na Kapulungan.

Amen.

SUSPENSION OF THE SESSION

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

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

It was 4:40 p.m.

RESUMPTION OF THE SESSION

At 4:41 p.m., the session was resumed.

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

The Secretary will please call the roll.

The Secretary:

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

The Presiding Officer [Senator Mercado]: With 17 Senators having answered the roll, the Chair declares the existence of a quorum.

THE JOURNAL

Senator Romulo: Mr. President, since we adjourned at about 12:30 this noon, to give our Secretariat a little more time to finish the *Journal*, I move that we defer consideration of the *Journal* until later in the session today.

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

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

* Arrived after the roll call

** On official mission

Sponsor: Senator Tolentino

The Presiding Officer [Senator Mercado]: To the Calendar for Ordinary Business.

The Acting Secretary: Committee Report No. 616 prepared and submitted by the Committee on Electoral Reforms and People's Participation on Senate Bill No. 1943 with Senator Romulo, *et al.* as authors thereof, entitled

AN ACT PROVIDING FOR A SYSTEM OF
ABSENTEE VOTING BY FILIPINOS ABROAD,

recommending its approval in consolidation with S. Nos. 101, 454, 653, 1227, 1389, 1427, 1429, 1450, 1472, 1679, 1789, and 1928.

Sponsor: Senator Tolentino

The Presiding Officer [Senator Mercado]: To the Calendar for Ordinary Business.

SPECIAL ORDERS

Senator Romulo: Mr. President.

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

Senator Romulo: I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders the following electoral reform bills: Senate Bill No. 1941 as reported out under Committee Report No. 614; Senate Bill No. 1942, as reported out under Committee Report No. 615; and Senate Bill No. 1943, as reported out under Committee Report No. 616.

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

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

Senator Romulo: Mr. President, I move that we resume consideration of Senate Bill No. 1913, as reported out under Committee Report No. 583. Clean copies of the bill, with the Committee amendments, have been distributed to our respective Colleagues since this morning, and we announced that we shall take up this bill this afternoon for the individual amendments.

The Presiding Officer [Senator Mercado]: Resumption of

consideration of Senate Bill No. 1913 is now in order.

Senator Romulo: I ask that the distinguished Chairman of the Committee on Electoral Reforms, Senator Arturo Tolentino, be recognized.

The Presiding Officer [Senator Mercado]: The Chair recognizes Senator Tolentino.

Senator Romulo: Mr. President, for the individual amendments, may we do the amendments page by page, starting with the first page so that we can have an orderly manner of considering the individual amendments.

The Presiding Officer [Senator Mercado]: Is there any objection? [*Silence*] We shall proceed page by page. We will start with page 1. Are there any amendments on page 1?

Senator Shahani: Mr. President.

The Presiding Officer [Senator Mercado]: Senator Shahani is recognized.

SHAHANI AMENDMENT

Senator Shahani: Mr. President, on page 1, line 9, I would like to propose that the words "highly" and "and eminent" be deleted, and in lieu thereof, I would like the line to read as follows: "Towards this end, qualified persons, OF PROVEN INTEGRITY AND WITH A RECORD OF SERVICE IN THE PUBLIC AND/OR PRIVATE SECTORS..."

I feel that this would be useful, Mr. President, because after all, the party-list system should represent sectors which are marginalized, poor and oppressed. If we keep these words, "highly" and "and eminent", we might give the impression that they have to be very highly qualified in the academic or in the financial sense.

To keep that pro-poor element in the qualifications of the candidates, that is the proposal I submit.

May I repeat: "Towards this end, qualified persons, OF PROVEN INTEGRITY AND WITH A RECORD OF SERVICE IN THE PUBLIC AND/OR PRIVATE SECTORS,".

Senator Tatad: Mr. President.

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

Senator Tatad: Before the distinguished Sponsor acts on

the motion, may I ask a question of the distinguished Sponsor of the amendment.

I would support the proposed deletion. But with respect to the proposed insertion of the words enumerated by our distinguished President Pro Tempore, I would like to ask whether the inclusion of these words would not, in fact, impose on the parties certain specific qualifications on those who will be submitted to the Comelec, and on the basis of which the Comelec might rule that a certain list submitted by a certain party does not meet the standards specified under this provision?

Senator Shahani: Mr. President, I think this is really to guide the parties because these are sectoral representatives. They cannot be the ordinary politicians seeking power. We are now making sure that those who are not in the mainstream of political representation do have some access to a seat in the legislature.

Since there is an indication here of the qualifications, they must be faithful to the philosophy of the party-list system which would really be representatives from the sectors.

Senator Tatad: For instance, the age qualification for youth would be 25 to 28. What record of service might we expect from people under that category?

Anyway, I will leave this now to the wisdom of the distinguished Sponsor.

Thank you very much, Mr. President.

The Presiding Officer [Senator Mercado]: Will the Sponsor reply to that.

Senator Tolentino: Mr. President, we appreciate the intent of the distinguished President Pro Tempore in proposing this amendment. Our only feeling is, this might exclude actual representation by the sectors. There are some sectors which may not be able to comply with this requirement. For persons who have integrity, it is all right. But with regard to this record of service in the public or private sector, many in the sectors may be excluded from choice of their different sectors.

The remarks of the distinguished Gentleman from Catanduanes are very pertinent. It might unduly limit the choice of the parties and/or the sectors which will submit their list of representatives, in case they are entitled to representatives under the party-list system. We submit that consideration to the distinguished Proponent of the amendment.

Senator Shahani: Mr. President, what do we mean when

we say "eminent persons"? Suppose we want to have the disabled represented, how would we choose an eminent or highly qualified person among the disabled or, let us say, among the urban poor? That is what I am trying to say. When we use these words, we are really using them in terms of academic or professional qualifications. And precisely, this is what I think — these sectoral representatives are not. They have worked with their sectoral concerns — the urban poor, the peasants, the women, the youth.

Let me restate my amendment and say, "and with a track record of service." We can take off the words "public and/or private", if that would make it easier, Mr. President.

Senator Tolentino: Mr. President, as far as the deletion of the words "highly" and "and eminent" is concerned, maybe that would broaden the scope of those who can be recommended or who would be nominees of the parties participating in the party-list election. But the addition of the phrase "with a record of service in the public and/or private sector" might be a bigger limitation than what we have eliminated, with the words "highly" and "and eminent" being taken out of the bill.

Can we not just limit the amendment to the deletion of the words "highly" and "and eminent" to broaden the scope of selection by the different parties participating in the party-list system?

Senator Shahani: If the distinguished Sponsor would agree to the deletion of the words "highly" and "and eminent", I think my concerns will be covered, Mr. President.

Senator Tolentino: Is the distinguished Proponent of the amendment modifying the proposed amendment?

Senator Shahani: Yes, Mr. President. It would read this way: "TOWARDS THIS END, QUALIFIED PERSONS SHALL BE SELECTED TO BECOME MEMBERS."

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

Senator Shahani: Thank you, Mr. President.

The Presiding Officer [Senator Mercado]: Are there any other amendments on page 1?

Senator Tatad: Mr. President.

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

Senator Tatad: Mr. President, before I propose an amendment, I would like to ask a clarificatory question.

On lines 19 and 20, under *Definition of Terms*, we have letter (b) which reads, "A party or organization may mean either a political party or a sectoral organization."

My question is: Are the words "party" and "organization" interchangeable? Does the word "party" mean either a political party or a sectoral organization? Likewise, does the word "organization" mean either a political party or a sectoral organization?

Senator Tolentino: Yes, Mr. President.

The Presiding Officer [Senator Mercado]: Before the distinguished Sponsor replies, what lines are we in, Senator Tatad?

Senator Tatad: We are on page 1, lines 19 and 20.

The Presiding Officer [Senator Mercado]: Before that, let us act on the amendment of Senator Shahani.

Is there any objection? [*Silence*] Hearing none, the amendment is approved. Please proceed.

Senator Tolentino: In answer to the query of the distinguished Gentleman from Catanduanes, I think the words "party" and "organization" as used here are understood interchangeably because there is no repetition of the word "political". Sometimes, we just use the word "organization" and that would include the political parties.

Senator Tatad: So, a "party" in this case may be understood to mean a sectoral organization.

Senator Tolentino: Yes, Mr. President.

Senator Tatad: And "organization" may be understood to mean a "political party"?

Senator Tolentino: Yes, Mr. President.

Senator Tatad: I have no amendment to propose, mr. President.

Senator Webb: Mr. President.

The Presiding Officer [Senator Mercado]: Senator Webb is recognized.

WEBB AMENDMENTS

Senator Webb: Thank you, Mr. President.

This is an anterior amendment on line 12. It is possible to delete the word "or" and after the word "organization", replace the period (.) with a (,) and add the words "OR COALITIONS THEREOF"?

Senator Tolentino: What page is that, Mr. President?

Senator Webb: the same page, line 12. Delete the word "or" between the words "parties" and "organizations", and after the word "organizations", change the period (.) to a comma (,) and add the words "OR COALITION THEREOF".

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

Senator Tolentino: If the intention is to add the word "coalitions", it will not be necessary to remove the word "or". The phrase "sectoral parties or organization OR COALITION THEREOF" would be acceptable to the Sponsor, Mr. President.

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

Senator Webb: On the same page, line 16, delete the word "of" between the words "Representatives" and "national", and substitute it with the word "THROUGH".

Senator Tolentino: What is the proposal, Mr. President?

Senator Webb: May I repeat. On line 16, between the words "Representatives" and "national", delete the word "of" and in lieu thereof, insert the word "THROUGH".

So, the whole sentence from line 15 will read: "Party-list system is a mechanism of proportional representation in the House of Representatives THROUGH national, regional and sectoral parties or organizations registered with the Commission on Elections."

Senator Tolentino: It is accepted, Mr. President.

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

Senator Webb: Again, Mr. President, to be consistent also. On line 17, after the word "organizations," insert again the words "OR COALITIONS THEREOF".

Senator Tolentino: It is accepted, Mr. President.

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

Senator Webb: On the same page, line 20, delete the period (.) after the word "organization", and add the phrase "OR A COALITION OF POLITICAL PARTIES AND/OR SECTORAL ORGANIZATIONS."

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

Senator Tolentino: How are we going to read it, Mr. President?

Senator Webb: It is on line 20, Mr. President, on the same page. After the word "organization", add the following: "OR A COALITION OF POLITICAL PARTY OR PARTIES AND/OR SECTORAL ORGANIZATION OR ORGANIZATIONS."

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

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

We shall now proceed to page 2.

SUSPENSION OF THE SESSION

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

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

It was 5:08 p.m.

RESUMPTION OF THE SESSION

At 5:08 p.m., the session was resumed with the Honorable Senate President Pro Tempore, Sen. Leticia Ramos Shahani, presiding.

The President Pro Tempore: The session is resumed.

Senator Tatad: Madam President.

The President Pro Tempore: Senator Tatad is recognized.

Senator Tatad: May I respectfully ask for a reconsideration of the last approval. We are defining here a party or organization....

The President Pro Tempore: Excuse me. May the Chair know what line is the Gentleman referring to?

Senator Tatad: Lines 19 to 20. "A party or organization may either mean a political party or a sectoral organization." Once we add the coalition of several parties or organizations, then we would no longer be defining the single unit of a party or organization. So, I ask for a reconsideration of that approval.

Senator Tolentino: The amendment which we just approved, proposed by Senator Webb, is just to see to it that when the word "party" alone, or "organization" is used in the law, it may also include a coalition. I think that was the intent and the scope of the amendment. We accepted that because that may be true.

In this bill, in case of registration for the party-list system, a vote for a coalition may be accepted and a vote for the coalition is a vote only for that group or organization. So, we feel that that is acceptable in the light of other provisions of the bill.

Senator Tatad: I yield to that interpretation, Madam President.

The President Pro Tempore: Thank you.

Senator Webb: Madam President.

The President Pro Tempore: Senator Webb is recognized.

WEBB AMENDMENT

Senator Webb: Mr. President, on page 2, line 2, insert before the word "qualified" the following words: "CITIZENS MAINLY" and add a comma (,) after the word "voters". So the whole text on page 2 would read as letter (c) "A political party refers to an organized group of CITIZENS MAINLY qualified voters, advocating the same ideology", *et cetera*.

Senator Tolentino: The amendment is accepted, Madam President, because we have seen political parties with actually young people who are not yet qualified voters.

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

Senator Herrera: Mr. President.

The President Pro Tempore: Senator Herrera is recognized.

Senator Herrera: Before I propose an amendment, Madam President, may I just be clarified.

Is the intention of the bill to allow political parties which field candidates in the regular process of election to register also as party-list under the party-list system? Because if we will allow them to participate in the party-list system, then that defeats the purpose of giving the marginalized sector the chance to be represented in Congress.

Senator Tolentino: The intention of the bill, Madam President, as it is now worded, is to disqualify from the party-list system those parties that are already presenting candidates in the different congressional districts.

Senator Herrera: Can we make it very clear in the bill, Madam President, especially in Section 4? Maybe, we can provide a sentence: "PROVIDED FURTHER THAT POLITICAL PARTIES WHICH FIELD CANDIDATES IN THE REGULAR PROCESS OF ELECTION SHALL NOT BE ALLOWED TO PARTICIPATE IN THE PARTY-LIST SYSTEM". Subject to style.

Senator Tolentino: That is covered already, Madam President, by the provisions of Section 5, in paragraph 8.

Senator Herrera: Thank you, Madam President.

Senator Maceda: Madam President.

The President Pro Tempore: Senator Maceda is recognized.

Senator Maceda: Madam President, maybe, we can defer the debate on this until page 3 in connection with Section 5, paragraph 8. Precisely, it was the intention of this Representation—together with some other Senators—to propose to delete this particular subsection which is a position directly opposite the position taken by the distinguished Gentleman from Cebu. But we will debate the matter at that particular time.

The President Pro Tempore: Thank you.

Senator Tolentino: Madam President, this paragraph 8 under Section 5, page 3, is intended to carry out the objective of this bill of giving representation in the House of Representatives to marginal parties or organizations which cannot elect their own

candidates in the district. Therefore, if we allow the big organized political parties to still participate in the party-list system, there is a great possibility of adding to their district representation more representatives in the party-list system and crowd out the small parties or organizations for which the party-list system is originally intended.

I understand the feelings and the views of some of our Colleagues. But I am stating this just to underline the reason for this paragraph 8, and that is, we are intending this party-list system more for marginalized parties which cannot elect candidates in the district.

Senator Gonzales: Madam President.

The President Pro Tempore: Senator Gonzales is recognized.

Senator Gonzales: Madam President, are we already on page 3? My understanding is that, we are still on page 2.

The President Pro Tempore: Yes, that is correct. The Sponsor was just explaining.

Senator Gonzales: There has been a request of Senator Maceda, which I am joining, that we postpone a debate on this particular provision until we reach the appropriate page. In fact, I even have anterior amendments thereto on the same page.

The President Pro Tempore: Yes, we are still on page 2.

Senator Webb: Madam President.

The President Pro Tempore: Senator Webb is recognized.

WEBB AMENDMENT

Senator Webb: Still on page 2, line 12. Again to be consistent with my proposal, I would like to propose that before the word "qualified", add the words "CITIZENS MAINLY", and add the comma (,) after the words "voters". The reason for which is, the sectoral organization is actually composed of nonvoters.

The President Pro Tempore: May we know what is the pleasure of the Sponsor?

Senator Tolentino: We accept the amendment, Madam President.

The President Pro Tempore: The amendment is accepted.

Is there any objection to this amendment? [*Silence*] Hearing none, the amendment is approved.

Senator Webb: Still on page 2, Madam President. After line 15, add subsection (d), and this will be the definition of the word "coalition" if it will be accepted by the Sponsor.

"(d) A COALITION REFERS TO AN AGGRUPATION OF DULY REGISTERED POLITICAL PARTIES ORGANIZED FOR POLITICAL AND/OR ELECTION PURPOSES."

Senator Tolentino: Actually, that is the popular concept of a coalition. But I was just thinking — I am not objecting — whether there should be something in common to the groups that are organized as a coalition.

SUSPENSION OF THE SESSION

Senator Webb: May I ask for a one-minute suspension of the session, Madam President.

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

It was 5:19 p.m.

RESUMPTION OF THE SESSION

At 5:21 p.m., the session was resumed.

The President Pro Tempore: The session is resumed.

Senator Webb: Madam President, I have an amendment I was hoping the Sponsor would agree with, which is on what a "coalition" is, the definition which I stated earlier.

If I may reiterate, "A COALITION REFERS TO AN AGGRUPATION OF DULY REGISTERED POLITICAL PARTIES, ORGANIZED FOR POLITICAL AND/OR ELECTION PURPOSES."

Senator Tolentino: Would the word "AGGRUPATION" there be sufficient?

Senator Webb: I beg your pardon, Madam President.

Senator Tolentino: My question is, the definition refers to an aggrupation. I said, would an aggrupation without some kind of an agreement between the groups or parties be sufficient, or we need to put in some kind of a requirement of an agreement between parties to form a coalition?

The President Pro Tempore: Maybe we can say "bound by a common purpose." Something like that.

Senator Webb: Madam President, is there any amendment to my amendment?

The President Pro Tempore: Well, I believe the Sponsor wants to add something, but...

Senator Tolentino: Yes. To give the element of an agreement of that aggrupation that is just something binding to the groups that are forming the coalition.

Senator Webb: I think it is common knowledge, Madam President, that when a coalition is formed, definitely it has some directions and as such, the idea is to, maybe, give life to the party. The only way to do it is, we coalesce primarily to give better muscle and life to the party itself.

Senator Tolentino: Will the Gentleman be kind enough to read again the amendment as proposed?

Senator Webb: "A COALITION REFERS TO AN AGGRUPATION OF DULY REGISTERED POLITICAL PARTIES, ORGANIZED FOR POLITICAL AND/OR ELECTION PURPOSES."

Senator Tolentino: Maybe we can accept that, Madam President. It is okay.

The President Pro Tempore: Is there any objection to this amendment?

Senator Osmeña is recognized.

Senator Osmeña: With the permission of the Gentlemen on the Floor.

The definition of "coalition" when it refers to political parties or political organizations, limits the possibility of coalescing between political and sectoral organizations or even civic organizations. Because one coalesces when there is a commonality of cause; when there is a reason or a basic, shall we say, agreement. And one cannot limit or should not limit that event strictly to political organizations, Mr. President.

So, I would propose that, since the Constitution defines those who could participate in the party-list system as being national, regional, sectoral parties or organizations, the definition of "coalition" should be: an agreement of national, regional, sectoral parties or organizations to field a common set of candidates in the party-list election. If we will limit it to political

organizations, then we cannot allow a coalition of sectoral organizations anymore.

Senator Tolentino: Mr. President, I will withdraw, in the meantime, our acceptance of the amendment of the Gentleman from Parañaque and give way to what Senator Osmeña is now saying, if he wants to amend the amendment.

SUSPENSION OF THE SESSION

The President Pro Tempore: Shall we suspend the session for a few minutes so that we can combine all of those suggestions.

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

It was 5:26 p.m.

RESUMPTION OF THE SESSION

At 5:56 p.m., the session was resumed.

The President Pro Tempore: The session is resumed.

Senator Romulo: Madam President.

The President Pro Tempore: The Majority Leader is recognized.

Senator Romulo: Madam President, after consulting the Chairman and Sponsor of the bill and our other Colleagues, I sense that we need more time than this afternoon to consider the discussions on the points raised.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1913

Therefore, I have their permission to ask that we, in the meantime, suspend consideration of Senate Bill No. 1913, the Party-List Bill.

The President Pro Tempore: Are there any objections? [*Silence*] Hearing none, we therefore suspend further discussions of Senate Bill No. 1913.

SUSPENSION OF THE SESSION

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

The President Pro Tempore: The session is suspended, if

there is no objection. [*There was none.*]

It was 5:57 p.m.

RESUMPTION OF THE SESSION

At 6:03 p.m., the session was resumed.

The President Pro Tempore: The session is resumed.

BILL ON SECOND READING

House Bill No. 1248 - Repatriation of Filipino Women (Continuation)

Senator Romulo: Madam President, I move that we resume consideration of House Bill No. 1240, as reported out under Committee Report No. 563.

The President Pro Tempore: Resumption of consideration of House Bill No. 1240 is now in order.

Senator Romulo: We are in the period of interpellations, Madam President. I ask that the distinguished Sponsor of the bill and Chairman of the Committee on Justice and Human Rights, Sen. Raul Roco, be recognized.

The President Pro Tempore: Senator Roco is recognized.

Senator Roco: Thank you, Madam President.

We terminated our brief Sponsorship Speech yesterday and we will be pleased to answer or try to answer questions from our Colleagues.

SUSPENSION OF THE SESSION

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

The President Pro Tempore: The session is suspended, if there is no objection. [*There was none.*]

It was 6:04 p.m.

RESUMPTION OF THE SESSION

At 6:06 p.m., the session was resumed.

The President Pro Tempore: The session is resumed.

Senator Romulo: Madam President, for the first interpellation, I ask that our distinguished Colleague from

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.

BLAZON 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

RECORD OF THE SENATE

MONDAY, NOVEMBER 14, 1994

OPENING OF THE SESSION

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

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

NATIONAL ANTHEM

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

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

Everybody rose for the singing of the National Anthem.

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

PRAYER

Senator Roco:

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

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

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

All these we ask in Your name.

Amen.

Senator Romulo: Mr. President.

The President: The Majority Leader is recognized.

SUSPENSION OF THE SESSION

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

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

It was 4:53 p.m.

RESUMPTION OF THE SESSION

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

The President: The session is resumed.

ROLL CALL

The President: The Secretary will please call the roll.

The Secretary:

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

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

The Majority Leader is recognized.

THE JOURNAL

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

*Arrived after the roll call

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

Senator Romulo is recognized.

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

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

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

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

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

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

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

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

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

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

Senator Osmeña: Yes, we have.

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

SUSPENSION OF THE SESSION

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

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

It was 6:35 p.m.

RESUMPTION OF THE SESSION

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

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

Senators Tolentino and Osmeña are recognized.

Senator Tolentino: Thank you, Mr. President.

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

Senator Tatad: Mr. President.

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

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

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

TATAD AMENDMENTS

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

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

Senator Tolentino: The Committee accepts, Mr. President.

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

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

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

Senator Tatad: Anterior amendment, Mr. President.

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

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

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

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

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

Senator Tatad: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

Senator Osmeña: That is correct, Mr. President.

Senator Maceda: Mr. President.

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

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

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

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

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

The Presiding Officer [Senator Aquino]: Ninety days.

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

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

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

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

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

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

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

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

Senator Gonzales: Mr. President.

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

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

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

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

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

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

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

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

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

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

The Presiding Officer [Senator Aquino]: Yes.

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

The Presiding Officer [Senator Aquino]: Eleven.

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

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

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

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

Senator Tolentino: Yes, Mr. President.

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

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

Senator Osmeña: Mr. President.

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

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

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

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

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

Senator Maceda: Mr. President.

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

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

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

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

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

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

Senator Herrera: Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

The Presiding Officer [Senator Aquino]: Thank you.

Senator Tatad: Mr. President.

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

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

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

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

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

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

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

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

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

Senator Maceda: Mr. President.

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

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

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

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

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

Senator Maceda: That is correct, Mr. President.

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

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

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

SUSPENSION OF THE SESSION

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

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

It was 7:14 p.m.

RESUMPTION OF THE SESSION

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

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

Senator Osmeña is recognized.

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

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

Senator Maceda: That is correct, Mr. President.

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

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

Senator Gonzales: Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Presiding Officer [Senator Aquino]: Yes.

Does the Sponsor accept the Maceda amendment?

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

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

Senator Romulo: There is an objection.

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

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

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

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

OSMEÑA AMENDMENTS

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

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

Senator Tolentino: We accept, Mr. President.

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

Is there any other amendment?

Senator Tatad: Mr. President.

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

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

Senator Osmeña: Mr. President, anterior amendment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Osmeña: Therefore, my amendment would read:

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

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

Senator Osmeña: Appointed.

Senator Tolentino: — by appointment.

Senator Osmeña: Yes.

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

Senator Osmeña: Thank you, Mr. President.

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

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

Senator Herrera: Mr. President.

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

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

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

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

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

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

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

Senator Herrera: These positions must be filled up.

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

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

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

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

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

Senator Tolentino: That will be the responsibility of the

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

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

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

The Presiding Officer [Senator Aquino]: Yes.

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

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

Senator Osmeña: Thank you, Mr. President.

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

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

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

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

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

Senator Tolentino: It will qualify as a regional party.

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

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

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

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

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

Senator Tolentino: Yes, Mr. President.

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

Senator Gonzales: Mr. President.

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

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

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

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

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

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

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

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

Senator Tolentino: With the definition of the national

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

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

Senator Tolentino: I believe so, Mr. President.

Senator Gonzales: Thank you, Mr. President.

Senator Herrera: Mr. President.

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

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

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

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

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

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

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

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

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

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

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

Senator Herrera: Thank you, Mr. President.

Senator Tatad: Mr. President.

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

Senator Tatad: One final amendment, Mr. President.

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

So the whole sentence will read:

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

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

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

Senator Tatad: He forfeits his seat.

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

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

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

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

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

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

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

TATAD AMENDMENT

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

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

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

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

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

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

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

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

Senator Tañada: Mr. President.

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

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

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

TAÑADA AMENDMENT

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

I propose that it be reworded as follows:

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

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

Senator Tañada: Thank you, Mr. President.

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

Senator Gonzales is recognized.

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

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

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

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

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

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

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

SUSPENSION OF THE SESSION

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

The Presiding Officer [Senator Aquino]: The session is

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

It was 8:00 p.m.

RESUMPTION OF THE SESSION

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

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

What is the pleasure of Senator Gonzales?

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

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

Senator Tolentino: Mr. President.

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

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

Senator Tañada: Mr. President.

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

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

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

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

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

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

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

Senator Tañada: Thank you.

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

Senator Romulo: Mr. President.

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

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

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

APPROVAL OF SENATE BILL NO. 1913 ON SECOND READING

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

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

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

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

Senator Tolentino: Mr. President.

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

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

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

Senator Tolentino: Thank you, Mr. President.

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

SUSPENSION OF THE SESSION

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

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

It was 8:13 p.m.

RECORD OF THE SENATE

TUESDAY, NOVEMBER 22, 1994

OPENING OF THE SESSION

At 4:22 p.m., the Honorable Edgardo J. Angara, President of the Senate, called the session to order.

The President: The 44th session of the Senate is hereby called to order.

Senator Francisco S. Tatad will lead us in prayer.

Everybody rose for the opening prayer.

PRAYER

Senator Tatad:

Almighty Father,

You have called us to this Chamber as we begin to consider the most vital measures before us,
Give us the grace to see what we do not yet see
To know what we do not yet know
And to say what we cannot always say,
So that our people will hear not what they want to hear but what You want them to know, for their own good today and tomorrow, and for the glory of Your name and our country.

All this we ask in the name of Jesus Your Son, Our Lord who lives and reigns with You and the Holy Spirit, one God, forever and ever.

Amen.

ROLL CALL

The President: The Secretary will please call the roll.

The Secretary:

Senator Heherson T. Alvarez
Senator Agapito A. Aquino
Senator Rodolfo G. Biazon
Senator Anna Dominique M.L. Coseteng .
Senator Neptali A. Gonzales
Senator Ernesto F. Herrera
Senator Jose D. Lina, Jr.
Senator Gloria Macapagal Present
Senator Ernesto M. Maceda
Senator Orlando S. Mercado

Senator Blas F. Ople
Senator John H. Osmeña Present
Senator Santanina T. Rasul
Senator Ramon B. Revilla
Senator Raul S. Roco
Senator Alberto G. Romulo Present
Senator Leticia R. Shahani
Senator Vicente C. Sotto III
Senator Wigberto E. Tañada
Senator Francisco S. Tatad Present
Senator Arturo M. Tolentino Present
Senator Freddie N. Webb
The President Present

The President: As there are only six Senators present, there is no quorum.

Senator Romulo: Mr. President.

The President: The Majority Leader is recognized.

SUSPENSION OF THE SESSION

Senator Romulo: I move that we suspend the session, Mr. President, and ask our Colleagues to come to the Session Hall.

The President: The Secretary is instructed to call each and every Senator who are not here, and ask them to come to the Session Hall.

The session is suspended, if there is no objection. [*There was none.*]

It was 4:24 p.m.

RESUMPTION OF THE SESSION

At 4:58 p.m., the session was resumed with the Honorable Agapito A. Aquino, presiding.

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

ROLL CALL

The Secretary will please call the roll.

The Secretary:

Senator Heherson T. Alvarez Present
Senator Agapito A. Aquino Present
Senator Rodolfo G. Biazon Present*

There is a very important aspect in marketing, and that is the claims of what is being marketed have to have a one-to-one correspondence with reality. If the toothpaste is not good, the people will not buy it no matter how beautiful the teeth of the endorser are.

SUSPENSION OF THE SESSION

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

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

It was 6:42 p.m.

RESUMPTION OF THE SESSION

At 6:50 p.m., the session was resumed.

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

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1942

Senator Romulo: While the discussion on the lifting of the political ad ban is going on, with the permission of our Colleagues, may I move that we suspend consideration of Senate Bill No. 1942.

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

Senator Romulo: Mr. President, we have two bills that we may pass on Third Reading today. The three-day rule on the distribution of printed copies has been complied with in the case of Senate Bill No. 1913, the Party-List System. We passed this bill on Second Reading on November 14, and we had the printed copies distributed last week.

In the case of Senate Bill No. 1863, the Export Development Bill, we also passed this on Second Reading on November 15 and the printed copies were distributed last week, thereby complying also with the three-day rule on distribution of printed copies prior to Third Reading.

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

Senator Romulo: Mr. President, I move that we vote on Third Reading on Senate Bill No. 1913. Copies of the bill were distributed to all the Members of the Senate.

The Presiding Officer [Senator Aquino]: Voting on Third Reading on Senate Bill No. 1913 is now in order.

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

The Secretary: Senate Bill No. 1913, entitled

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

The Presiding Officer [Senator Aquino]: 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 - 15

Senator Aquino
Senator Biazon
Senator Gonzales
Senator Herrera
Senator Lina, Jr.
Senator Maceda
Senator Mercado
Senator Osmeña

Senator Roco
Senator Romulo
Senator Sotto
Senator Tañada
Senator Tatad
Senator Tolentino
The Senate President

NO - 0

ABSTENTION - 0

RESULT OF VOTING

The Presiding Officer [Senator Aquino]: With 15 affirmative votes, no negative vote, and no abstention, Senate Bill No. 1913 is approved on Third Reading.

RECORD OF THE SENATE

TUESDAY, FEBRUARY 21, 1995

RESUMPTION OF THE SESSION

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

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

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

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

TENTH ADDITIONAL REFERENCE OF BUSINESS

MESSAGES OF THE PRESIDENT OF THE PHILIPPINES

The Secretary:

February 16, 1995

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

Dear Senate President Angara,

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

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

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

Best regards.

(Sgd.) FIDEL V. RAMOS

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

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

The Secretary:

Feb. 16, 1995

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

Dear Senate President Angara:

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

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

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

Best regards.

(Sgd.) FIDEL V. RAMOS

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

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

The Secretary:

February 16, 1995

Honorable EDGARDO J. ANGARA
Senate President
Senate, Manila

SUSPENSION OF THE SESSION

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

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

It was 8:24 p.m.

RESUMPTION OF THE SESSION

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

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

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

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

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

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

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

Senator Lina: Thank you, Mr. President.

Res ipsa loquitur, the thing speaks for itself.

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

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

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

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

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

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

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

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

That will be all, Mr. President.

SUSPENSION OF THE SESSION

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

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

It was 11:44 p.m.

RESUMPTION OF THE SESSION

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

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

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

May I ask that Senator Lina be again recognized.

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

Senator Lina: Thank you, Mr. President.

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

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

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

Thank you very much, Mr. President.

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

Senator Maceda: Mr. President.

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

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

Senator Lina: Willingly, Mr. President.

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

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

Senator Maceda: All these six agreed?

Senator Lina: Except for Congressman Edcel Lagman.

Senator Maceda: So five agreed?

Senator Lina: Yes.

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

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

Senator Maceda: After agreeing?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Shahani: Mr. President.

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

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

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

Thank you, Mr. President.

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

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

RECORD OF THE SENATE

TUESDAY, FEBRUARY 28, 1995

February 16, 1995

RESUMPTION OF THE SESSION

At 5:00 p.m., the session was resumed with the Honorable Edgardo J. Angara, Senate President, presiding.

The President: The session is resumed.

Senator Romulo: Mr. President, there is an Additional Reference of Business. I ask the Secretary to read it.

The President: The Secretary will do so.

ADDITIONAL REFERENCE OF BUSINESS

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Secretary:

February 16, 1995

Mr. President:

I have been directed to inform the Senate that the House of Representatives on February 16, 1995, agreed to the amendments of the Senate to House Bill No. 1432, as embodied in Senate Bill No. 1690, entitled

AN ACT CONVERTING THE SOUTHERN AGUSAN NATIONAL AGRICULTURE COLLEGE OF BUNAWAN, AGUSAN DEL SUR INTO A STATE COLLEGE, TO BE KNOWN AS THE AGUSAN DEL SUR STATE COLLEGE OF AGRICULTURE AND TECHNOLOGY, AND APPROPRIATING FUNDS THEREFOR.

Very truly yours,

(Sgd.) CAMILO L. SABIO
Secretary General

The Honorable
EDGARDO J. ANGARA
President of the Senate
Manila

The President: To the Archives.

The Secretary:

Mr. President:

I have been directed to inform the Senate that the House of Representatives on February 16, 1995, agreed to the amendments of the Senate to House Bill No. 4622, as embodied in Senate Bill No. 1638, entitled

AN ACT CONVERTING THE BICOL REGIONAL TRAINING AND TEACHING HOSPITAL INTO BICOL MEDICAL CENTER, DEFINING ITS FUNCTIONS, RESPONSIBILITIES, POWERS AND AUTHORITY, AND APPROPRIATING FUNDS THEREFOR.

Very truly yours,

(Sgd.) CAMILO L. SABIO
Secretary General

The Honorable
EDGARDO J. ANGARA
President of the Senate
Manila

The President: To the Archives.

The Secretary:

February 17, 1995

Mr. President:

I have been directed to inform the Senate that the House of Representatives on February 16, 1995, agreed to the amendments of the Senate to House Bill No. 322, entitled

AN ACT ESTABLISHING A TEN-BED CAPACITY MUNICIPAL HOSPITAL IN THE MUNICIPALITY OF SAN JOSE, PROVINCE OF SURIGAO DEL NORTE, TO BE KNOWN AS THE SAN JOSE MUNICIPAL HOSPITAL, AND APPROPRIATING FUNDS THEREFOR.

Very respectfully,

(Sgd.) CAMILO L. SABIO
Secretary General

first step is good enough.

At this point, I would like to rest content with the hope that in the course of the deliberations of the Joint Executive-Legislative Water Crisis Commission, they would arrive at the ineluctable conclusion that unless we do something drastic to protect our forests, we are going to inhabit a desert in the end. And should that conclusion arise, Madam President, and should Providence guide our journey back to the Senate, we pledge to our Colleagues that we shall not tire; we shall push again, for the third round for the Senate to pass a Total Logging Ban as something that is intimately linked to the solution of the water crisis.

Thank you very much, Madam President.

Senator Osmeña: Madam President.

The President Pro Tempore: Senator Osmeña is recognized.

Senator Osmeña: Just a small correction, Madam President. I was under the impression that the quotation "The journey of a thousand miles begins with the first step" is attributed to the late President John F. Kennedy. I am told that that belongs to Chairman Mao Tse Tung. Therefore, I would like to give him credit for that quotation and acknowledge that at least there is one thing that Mao Tse Tung and I agree on. [Laughter]

Thank you, Madam President.

Senator Maceda: Madam President.

The President Pro Tempore: Senator Maceda is recognized.

Senator Maceda: May we ask the Secretariat for our turn to research on that because I was under the impression that that was a statement by Confucius. [Laughter]

The President Pro Tempore: The Chair thinks that it might even be a poem by Robert Frost. [Laughter]

Senator Romulo: That really adds to the confusion, Madam President. [Laughter]

At this juncture, the Senate President Pro Tempore relinquished the Chair to Senator Agapito A. Aquino.

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

Senator Romulo: At any rate, Mr. President, the Bicameral

Conference Committee Report on the disagreeing provisions of House Bill No. 3043 and Senate Bill No. 1913, the Party-List bill, has been filed with the Senate. Both the Members of the Senate panel and the Members of the House panel, the majority of them, have signed this Bicameral Conference Committee Report urging and recommending the approval thereof.

For a fuller account, may I ask that the Chairman of the Senate panel, the distinguished Gentleman from Laguna, Senator Lina, be recognized.

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

Senator Lina: Thank you very much, Mr. President, the future Congressman of the Second District of Makati unless the decision of the Court says the bill that we passed into law is unconstitutional. [Laughter]

The two panels met this noon, Mr. President, to harmonize the disagreeing provisions of House Bill No. 3043 and Senate Bill No. 1913. On the part of the Senate, the following were present in that Conference: this Representation, Senator Herrera and Senator Shahani. On the part of the House of Representatives, the following were present: The Chairman of the House Panel, Hon. Tito Espinosa, Rep. Raul Daza, Rep. Michael Mastura, Rep. Leonardo Montemayor, and Rep. Edcel Lagman.

Mr. President, the summary of the harmonized version has the following features:

The first election under the party-list system will be in May of 1998. In the May 1998 party-list election, the first five major political parties on the basis of party representations in the House of Representatives at the start of the Tenth Congress of the Philippines shall not be entitled to participate in the party-list system.

Let me explain the reasons behind these agreements. Between tomorrow and May 8, 1995, only 69 days are remaining. As pointed out very succinctly by our Colleague, Senator Herrera, there will be little time to educate the electorate on the party-list system. Perhaps, creating confusion in the minds of our people, if election under the party-list system is held on May 8, is to which of the two lines or three lines in the ballot will be for the regular Member of the House or for the sector or for the party.

Effectively, there will only be about 49 days, Mr. President, in which period the Comelec can undertake the necessary information campaign if we hold the party-list election on May 8, 1995. Sectors will have to be organized; they will have to

register; they will have to put up their own network nationwide.

We were convinced that a meaningless election is not advisable. Therefore, there is wisdom in holding the first election under the party-list system in May 1998.

There was much debate on whether to agree or not to agree with the prohibition on the participation of the five major political parties in the election under the party-list system in 1998. But after a long discussion and debate, the panels agreed to have a one-term prohibition on the first five major political parties in the election starting 1998.

So from 1998 to the year 2001, the first five major political parties based on the party representation at the start of the Tenth Congress will be prohibited or not entitled to participate in the party-list system.

As to the allocation of seats, Mr. President, the following procedure was agreed upon:

That the party's organization and coalition shall be ranked from the highest to the lowest based on the number of votes they garnered during the elections; and that the party's organizations and coalitions receiving at least 2 percent of the total votes cast for the party-list system shall be entitled to one seat each, provided, that those garnering more than 2 percent of the votes shall be entitled to additional seats in proportion to their total number of votes. And provided, finally, that each party organization or coalition shall be entitled to not more than three seats.

Mr. President, it was also agreed that the following shall be the procedure in allocating seats for party-list representatives:

The Comelec shall tally all the votes for the party's organizations or coalitions on a nationwide basis; rank them according to the number of votes received; and allocate party-list representatives proportionately according to the percentage of votes obtained by each party organization or coalition as against the total votes nationwide cast for the party-list system.

Those are the major or salient features of the harmonized version, Mr. President, and I will just be so happy if this Bicameral Conference Committee Report is approved.

The Presiding Officer [Senator Aquino]: Is there any question regarding...

Senator Maceda: Mr. President.

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

Senator Maceda: Mr. President, I will not belabor the matter except for one point.

Will the distinguished Gentleman give us the justification, for the record, why the panel agreed to a ban on the first five political parties in the elections of 1998? It is my position that there is no basis for this in the Constitution; and that I believe it was the Sponsor himself who informed this Representation that in the earlier Conference Committee meetings, very well prepared and succinct position papers on this had been submitted to the effect that any ban on the political parties in any form is unconstitutional.

Senator Lina: That is correct, Mr. President. I was adverting to the position paper prepared and even presented by the Liberal Party outlining the arguments against the prohibition or restriction of certain political parties from participating under the party-list system.

Fact No. 1 is that the very same president of that party withdrew his objection and agreed to the prohibition of the five major political parties from participating under the party-list system.

Mr. President, the original proposal by the House panel based on its House version is to bar the five major political parties from participating under the party-list system for three consecutive terms or for nine years.

As a matter of compromise, considering that there are two sides to a constitutional issue, the Senate panel agreed to a one-term ban. That was the agreement among those who participated in this Bicameral Conference Committee from the Senate panel, although this Representation still has this reservation that under the Constitution, the party-list system is to be participated in by national and regional parties or organizations.

It was presented by the House panel, to which we may find some wisdom, that indeed in these past many years, the marginalized and under-represented sectors have not really had ample representation in the House of Representatives. There are other sectors who have been outside of the mainstream of politics and participation in the affairs of government that have been clamoring for a little leeway so that they can present themselves and be part of the democratic process. But they request that they be given time to organize and strengthen themselves so that in the scramble for seats in the House of Representatives, they will have some possibilities or potentialities even to win seats under the party-list system.

This can be argued, one way or the other, Mr. President, but the Bicameral Conference Committee, as we all know, is a give-

and-take affair. After all, we made sure that there is a Separability Clause so that when the bill is attacked on the basis of being unconstitutional, the unconstitutional provisions can be so declared by the appropriate court without affecting the entire bill.

Senator Maceda: So, would the distinguished Gentleman at least admit that there is no specific wording in the party-list provision of the Constitution that directly or expressly supports a ban on political parties from participating in any election for party-list members to the House of Representatives.

Senator Lina: It is already on record, Mr. President, that I have taken that position. But as I said, this is not a white- and-black affair and therefore, in the process of the deliberation in the Bicameral Conference, a compromise was forged.

Senator Maceda: Of course, as the distinguished Gentleman has indicated the other night, the original Conference Committee Report which the Senate panel validly signed and which the House of Representatives agreed to, but subsequently a majority did not sign, did not include such a ban.

Senator Lina: That is correct, Mr. President.

Senator Maceda: And that if ever the distinguished Gentleman agreed to include such a ban as he said, it was for purposes of compromising so as to finally be able to pass this bill and for us to finally adjourn. Would that be correct?

Senator Lina: The matter of adjournment is not entirely correct, Mr. President. An agreement has to be forged, one way or the other. We can prolong the debate in that Bicameral Conference meeting but somehow a consensus was arrived at and we were present there with Senators Herrera, Osmeña and Shahani. We felt that the deliberation had reached a point that taking everything into consideration, a compromise was necessary and a harmonized version could already be ironed out.

Mr. President, I think it is a better situation if we already put into motion this provision in the Constitution calling for an election under the party-list system. This is a new element in our political life. I even consider this party-list system as not conducive or relevant under a presidential system. A party-list system may be true and useful under a parliamentary system of government. But it is part and parcel of the Constitution — this party-list system.

So, it is better to give this provision of the Constitution flesh and blood and let the idea evolve in the future. If amendments are necessary and corrections are needed when we are faced with actual experiences on the ground, then let those amendments or changes be forthcoming in the future under a new Congress.

Senator Maceda: I just want to put this on the record to support an appropriate challenge in the Supreme Court at the proper time. I just want to say in ending that it is a little bit ironical, if not funny, that we were called to extension of sessions several times principally because of this measure, among others, and now we come out with a final version that is going to take effect in 1998 yet. I suppose that justifies again the certification of this bill; that it is certified as an urgent bill so that it could be effective in 1998.

Senator Lina: Well, I thank the Gentleman for his comment, but let me just say something about that, Mr. President.

As I said, after all is said and done, the report was made available to us already close to our scheduled date of adjournment. And considering the time limitation between now and May 8 and the needed publication of this and the needed educational campaign or information campaign to inform the electorate on the matter of the party-list system, the panel saw the wisdom of having more time to educate the people on this matter. That is the reason for the holding of the first election under this system in May 1998.

That will be all, Mr. President.

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

LINA AMENDMENT

Senator Lina: I just would like to say that there is a typographical error in Section 2. It is the word "marginalize." It should have a "D." It is "marginalized," Mr. President.

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

APPROVAL OF CONFERENCE COMMITTEE REPORT ON S. NO. 1913/H. NO. 3043

Senator Romulo: Mr. President, we vote on this Bicameral Conference Committee Report.

The Presiding Officer [Senator Aquino]: Is there any objection to the approval of this Bicameral Conference Committee Report? [*Silence*] Hearing none, the Bicameral Conference Committee Report is unanimously approved.

The following is the full text of the Conference Committee Report:

The Conference Committee on the disagreeing provisions of House Bill No. 3043, entitled

"AN ACT PROVIDING FOR THE ELECTION OF PARTY-LIST REPRESENTATIVES THROUGH THE PARTY-LIST SYSTEM AND APPROPRIATING FUNDS THEREFOR"

and Senate Bill No. 1913, entitled

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

having met, after full and free conference, has agreed to recommend and do recommend to their respective Houses that House Bill No. 3043 and Senate Bill No. 1913, be approved in accordance with the attached copy of the Bill as reconciled and approved by the conferees.

Approved,

*CONFEREES ON THE PART
OF THE SENATE*

(Sgd.) HON. JOSE D. LINA, JR.

(Sgd.) HON. ALBERTO G. ROMULO

(Sgd.) HON. RAUL S. ROCO

(Sgd.) HON. ERNESTO M. MACEDA
Dissent: Any ban on parties is unconstitutional

(Sgd.) HON. ERNESTO F. HERRERA

(Sgd.) HON. LETICIA R. SHAHANI

(Sgd.) WIGBERTO E. TAÑADA

*CONFEREES ON THE PART
OF THE HOUSE OF REPRESENTATIVES*

(Sgd.) HON. TITO R. ESPINOSA

(Sgd.) HON. RAUL A. DAZA

(Sgd.) HON. MANUEL A. ROXAS

(Sgd.) HON. MICHAEL O. MASTURA

(Sgd.) HON. ALFREDO AMOR E. ABUEG, JR.

(Sgd.) HON. LEONARDO B. MONTEMAYOR

(Sgd.) HON. EDCCEL C. LAGMAN

(Sgd.) HON. RONALDO B. ZAMORA

AN ACT PROVIDING FOR THE ELECTION OF PARTY-LIST REPRESENTATIVES THROUGH THE PARTY-LIST SYSTEM AND APPROPRIATING FUNDS THEREFOR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

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

SEC. 2. *Declaration of Policy.* - The State shall promote proportional representation in the election of representatives to the House of Representatives through a party-list system of registered national, regional and sectoral parties or organizations or coalitions thereof, which will enable Filipino citizens belonging to marginalize and underrepresented sectors, organizations and parties, and who lack well-defined political constituencies but who could contribute to the formulation and enactment of appropriate legislation that will benefit the nation as a whole, to become members of the House of Representatives. Towards this end, the State shall develop and guarantee a full, free and open party system in order to attain the broadest possible representation of party, sectoral or group interests in the House of Representatives by enhancing their chances to compete for and win seats in the legislature, and shall provide the simplest scheme possible.

SEC. 3. *Definition of Terms.* - a) The *Party-List System* is a mechanism of proportional representation in the election of representatives to the House of Representatives from national, regional and sectoral parties or organizations or coalitions thereof registered with the Commission of Elections (COMELEC). Component parties or organizations of a coalition may participate independently provided the coalition of which they form part does not participate in the party-list system.

b) A *party* means either a political party or a

sectoral party or a coalition of parties.

c) A *political party* refers to an organized group of citizens advocating an ideology or platform, principles and policies for the general conduct of government and which, as the most immediate means of securing their adoption, regularly nominates and supports certain of its leaders and members as candidates for public office.

It is a national party when its constituency is spread over the geographical territory of at least a majority of the regions. It is a regional party when its constituency is spread over the geographical territory of at least a majority of the cities and provinces comprising the region.

d) A *sectoral party* refers to an organized group of citizens belonging to any of the sectors enumerated in Section 5 hereof whose principal advocacy pertains to the special interest and concerns of their sector.

e) A *sectoral organization* refers to a group of citizens or a coalition of groups of citizens who share similar physical attributes or characteristics, employment, interests or concerns.

f) A *coalition* refers to an aggrupation of duly registered national, regional, sectoral parties or organizations for political and/or election purposes.

SEC. 4. *Manifestation to Participate in the Party-List System.* - Any party, organization or coalition already registered with the Commission need not register anew. However, such party, organization, or coalition shall file with the Commission, not later than ninety (90) days before the election, a manifestation of its desire to participate in the party-list system.

SEC. 5. *Registration.* - Any organized group of persons may register as a party, organization or coalition for purposes of the party-list system by filing with the COMELEC not later than ninety (90) days before the election a petition verified by its president or secretary stating its desire to participate in the party-list system as a national, regional or sectoral party or organization or a coalition of such parties or organizations, attaching thereto its constitution, by-laws, platform or program of government, list of officers, coalition agreement and other relevant information as the COMELEC may require: *Provided*, That the sectors shall include labor, peasant, fisherfolk, urban poor, indigenous cultural communities, elderly, handicapped, women, youth,

veterans, overseas workers and professionals.

The COMELEC shall publish the petition in at least two (2) national newspapers of general circulation.

The COMELEC shall, after due notice and hearing, resolve the petition within fifteen (15) days from the date it was submitted for decision but in no case not later than sixty (60) days before election.

SEC. 6. *Refusal and/or Cancellation of Registration.* - The COMELEC may, *motu proprio* or group verified complaint of any interested party, refuse or cancel, after due notice and hearing, the registration of any national, regional or sectoral party, organization or coalition on any of the following grounds:

- 1) It is a religious sect or denomination, organization or association organized for religious purposes;
- 2) It advocates violence or unlawful means to seek its goal;
- 3) It is a foreign party or organization;
- 4) It is receiving support from any foreign government, foreign political party, foundation, organization, whether directly or through any of its officers or members or indirectly through third parties for partisan election purposes;
- 5) It violates or fails to comply with laws, rules or regulations relating to elections;
- 6) It declares untruthful statements in its petition;
- 7) It has ceased to exist for at least one (1) year; or
- 8) It fails to participate in the last two (2) preceding elections or fails to obtain at least two *per centum* (2%) of the votes cast under the party-list system in the two (2) preceding elections for the constituency in which it has registered.

SEC. 7. *Certified List of Registered Parties.* - The COMELEC, shall, not later than sixty (60) days before election, prepare a certified list of national, regional, or sectoral parties, organizations or coalitions which have applied or who have manifested their desire to participate under the party-list system and distribute copies thereof to all precincts for posting in the polling places on

election day. The names of the party-list nominees shall not be shown on the certified list.

SEC. 8. *Nomination of Party-List Representatives.*

- Each registered party, organization or coalition shall submit to the COMELEC not later than forty-five (45) days before the election a list of names, not less than five (5), from which party-list representatives shall be chosen in case it obtains the required number of votes.

A person may be nominated in one (1) list only. Only persons who have given their consent in writing may be named in the list. The list shall not include any candidate for any elective office or a person who has lost his bid for an elective office in the immediately preceding election. No change of names or alteration of the order of nominees shall be allowed after the same shall have been submitted to the COMELEC except in cases where the nominee dies, or withdraws in writing his nomination, becomes incapacitated in which case the name of the substitute nominee shall be placed last in the list. Incumbent sectoral representatives in the House of Representatives who are nominated in the party-list system shall not be considered resigned.

SEC. 9. *Qualifications of Party-List Nominees.*

- No person shall be nominated as party-list representative unless he is a natural-born citizen of the Philippines, a registered voter, a resident of the Philippines for a period of not less than one (1) year immediately preceding the day of the election, able to read and write, a bona fide member of the party or organization which he seeks to represent for at least ninety (90) days preceding the day of the election, and is at least twenty-five (25) years of age on the day of the election.

In case of a nominee of the youth sector, he must at least be twenty-five (25) but not more than thirty (30) years of age on the day of the election. Any youth sectoral representative who attains the age of thirty (30) during his term shall be allowed to continue in office until the expiration of his term.

SEC. 10. *Manner of Voting.* - Every voter shall be entitled to two (2) votes: The first is a vote for candidate for Member of the House of Representatives in his legislative district, and the second, a vote for the party, organization, or coalition he wants represented in the House of Representatives: *Provided*, That a vote cast for a party, sectoral organization, or coalition not entitled to be voted for shall not be counted: *Provided, finally*, That the first election under the party-list

system shall be held in May 1998.

The COMELEC shall undertake the necessary information campaign for purposes of educating the electorate on the matter of the party-list system.

SEC. 11. *Number of Party-List Representatives.*

- The party-list representatives shall constitute twenty *per centum* (20%) of the total number of the Members of the House of Representatives including those under the party-list.

For purposes of the May 1998 elections, the first five (5) major political parties on the basis of party representation in the House of Representatives at the start of the Tenth Congress of the Philippines shall not be entitled to participate in the party-list system.

In determining the allocation of seats for the second vote, the following procedure shall be observed:

a. The parties, organization and coalitions shall be ranked from the highest to the lowest based on the number of votes they garnered during the elections.

b. The parties, organizations and coalitions receiving at least two percent (2%) of the total votes cast for the party-list system shall be entitled to one seat each: *Provided*, That those garnering more than two percent (2%) of the votes shall be entitled to additional seats in proportion to their total number of votes: *Provided, finally*, That each party, organization or coalition shall be entitled to not more than three (3) seats.

SEC. 12. *Procedure in Allocating Seats for Party-List Representatives.* - The COMELEC shall tally all the votes for the parties, organizations, or coalitions on a nationwide basis, rank them according to the number of votes received and allocate party-list representatives proportionately according to the percentage of votes obtained by each party, organization or coalition as against the total nationwide votes cast for the party-list system.

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

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

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

SEC. 15. *Change of Affiliation; Effect.* - Any elected party-list representative who changes his political party or sectoral affiliation during his term of office shall forfeit his seat: *Provided*, That if he changes his political party or sectoral affiliation within six (6) months before an election, he shall not be eligible for nomination as party-list representative under his new party or organization.

SEC. 16. *Vacancy.* - In case of vacancy in the seats reserved for party-list representatives, the vacancy shall be automatically filled by the next representative from the list of nominees in the order submitted to the COMELEC by the same party, organization, or coalition, who shall serve for the unexpired term. If the list is exhausted, the party, organization or coalition concerned shall submit additional nominees.

SEC. 17. *Rights of Party-List Representatives.* - Party-List Representatives shall be entitled to the same salaries and emoluments as regular members of the House of Representatives.

SEC. 18. *Rules and Regulations.* - The COMELEC shall promulgate the necessary rules and regulations as may be necessary to carry out the purposes of this Act.

SEC. 19. *Appropriations.* - The amount necessary for the implementation of this Act shall be provided in the regular appropriations for the Commission on Elections starting Fiscal Year 1996 under the General Appropriations Act.

Starting 1995, the COMELEC is hereby authorized to utilize savings and other available funds for purposes of its information campaign on the party-list system.

SEC. 20. *Separability Clause.* - If any part of this Act is held invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SEC. 21. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations, or parts thereof,

inconsistent with the provisions of this Act are hereby repealed.

SEC. 22. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,

CONFERENCE COMMITTEE ON S. NO. 2061 (Water Crisis Bill)

Senator Romulo: Mr. President, on the disagreeing provisions of the House and the Senate versions of Senate Bill No. 2061, the Water Crisis Bill, I ask that for the Senate panel, we constitute it with Senators Osmeña, Shahani, Romulo, Aquino, Maceda and Tañada.

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

Senator Romulo: Mr. President, the next time we meet would be May 29, 1995.

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 8:53 p.m.

RESUMPTION OF THE SESSION

At 9:12 p.m., the session was resumed.

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

Senator Romulo: Mr. President, we have a bill here, Senate Bill No. 2065, entitled: "AN ACT AMENDING SECTION 27 OF REPUBLIC ACT NO. 7166, OTHERWISE KNOWN AS THE SYNCHRONIZED ELECTION AND ELECTORAL REFORM LAW OF 1991."

Mr. President, since there is no Committee Report and it is a bill that has been filed, I ask the unanimous consent of our Colleagues in this Chamber that we consider this bill on Second Reading.