

JOURNAL NO. 107

Monday, October 13, 1986

CALL TO ORDER

At 10:58 a.m., the President of the Constitutional Commission, the Honorable Cecilia Muñoz Palma, called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Cirilo A. Rigos, to wit:

Most merciful and loving God, whose thoughts are higher than our thoughts, we vow before Thy Majesty for Thy patience in guiding us all along the way, for pains that served to purge our souls, for victories that gave us a foretaste of the joy which the world can never give, we give You thanks, O God. We offer unto Thee the product of our collective work; may it be a channel of Thy Grace and an instrument of Thy peace, and may it contribute to the healing of the nation and the building of a world where love and justice reign.

Above all, help us to offer ourselves, that we may overcome every tendency to be proud or self-righteous. Teach us to be humble and willing to learn from the lowly and to serve even the unloving. And as we continue to face the duties of our common life, may the fullness of Thy presence abide with us, until our eyelids close in death.

In Jesus name we pray.

Amen.

ROLL CALL

On motion of Mr. Rama, there being no objection, the Body dispensed with the Roll Call.

DEFERMENT OF THE READING AND APPROVAL OF THE JOURNAL

Likewise, on motion of Mr. Rama, there being no objection, the Body deferred the reading and approval of the Journal of the previous session.

REFERENCE OF BUSINESS

On motion of Mr. Rama, there being no objection, the Body proceeded to the Reference of Business.

REFERRAL TO COMMITTEE OF RESOLUTION

Upon direction of the Chair, the Secretary-General of the Commission read the title of the following Resolution which was, in turn, referred by the Chair to the Steering

Committee:

Resolution No. 551, entitled:

RESOLUTION PROVIDING FOR AN ORDINANCE TO BE APPENDED TO THE NEW CONSTITUTION APPORTIONING THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE PHILIPPINES TO THE DIFFERENT LEGISLATIVE DISTRICTS IN PROVINCES AND CITIES AND THE METROPOLITAN MANILA AREA

Introduced by Hon. Davide, Jr., Azcuna, Sumulong, Calderon, Alonto, Jamir, Lerum, Guingona, Abubakar, Rodrigo, Aquino, Concepcion, De los Reyes, Jr., Garcia and Treñas.

(At this juncture, the President relinquished the Chair to the Honorable Ricardo J. Romulo.)

UNFINISHED BUSINESS: ORDINANCE ON THE APPORTIONMENT OF LEGISLATIVE DISTRICTS

On motion of Mr. Rama, there being no objection, the Body proceeded to the consideration of the Report of the Committee on the Legislative on Proposed Resolution No. 551, entitled:

Resolution providing for an Ordinance to be appended to the new Constitution apportioning the members of the House of Representatives of the Congress of the Philippines to the different Legislative Districts in provinces and cities and the Metropolitan Manila area.

SUSPENSION OF THE RULES

On motion of Mr. Rama, there being no objection, the Body suspended the Rules so that it could later proceed with the Second and Third Reading on Resolution No. 551.

The Chair recognized Mr. Davide and the Members of the Committee on the Legislative.

SPONSORSHIP REMARKS OF MR. DAVIDE

Mr. Davide stated that the Constitution of the Republic of the Philippines which the Body approved during the previous session mandates that the House of Representatives shall be composed of not more than 250 members, unless otherwise provided by law, who shall be elected from legislative districts apportioned among the provinces, cities and Metropolitan Manila area in accordance with 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.

He explained that the party-list representatives shall constitute 20 per centum of the total number of representatives including those under the party-list and that for three consecutive terms after the ratification of the Constitution one-half of the seats allocated to the party-list representatives shall be filled, as provided by law, by election or selection 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.

He added that each legislative district shall comprise as far as practicable contiguous, compact and adjacent territories with each city having a population of at least 250,000 or each province entitled to at least one representative. Hence, he pointed out that on the basis of a 250 seat — House of Representatives, 200 seats would be allotted for the regular legislative districts while 50 would be allocated for the party-list representatives of which 25 would be for three consecutive terms.

Mr. Davide pointed out that upon motion of Ms. Aquino, it was decided that the Body itself apportion the legislative districts to be incorporated in an ordinance to be appended to the new Constitution. He stated that the proposed Ordinance fixes at 200 the number of legislative seats which were, in turn, apportioned among the provinces and cities with a population of at least 250,000 and the Metropolitan Manila area in accordance with the number of their respective inhabitants on the basis of a uniform and progressive ratio. He added that the population was based on the 1983 projection with the 1980 official enumeration as the point of reckoning. He explained that this projection indicates that the country's population is at least 56 million more or less, taking into account the mandate that 250,000 persons should have at least one representative.

He added that the Committee first allotted one seat for each of the 73 provinces and one each for all the cities with a population of at least 250,000, namely the cities of Manila, Quezon, Pasay, Caloocan, Cebu, Iloilo, Bacolod, Cagayan de Oro, Davao and Zamboanga and thereafter, the Committee proceeded to increase whenever appropriate the number of seats for the provinces and cities in accordance with their number of inhabitants on the basis of a uniform and progressive ratio. He explained that with these as the guidelines, the cities which do not qualify would become component parts of the legislative districts. of the provinces where they are geographically located. He added that three cities which were allotted separate seats in the 1984 parliamentary elections, namely, Baguio, Olongapo and Iligan are no longer entitled to separate seats in the House of Representatives due to their failure to comply with the population requirements.

He explained that compared with the allocation of seats provided for in the Ordinance appended to the 1973 Constitution which was used as the basis for the 1984 regular Batasang Pambansa elections, the present allocation increased the number of seats from 183 to 200 under which the following regions have increases: Region II, from 11 to 12; Region III, from 17 to 19; Region IV, from 24 to 25; Region V, from 13 to 14; Region VI, from 16 to 17; Region VIII, from 10 to 11; Region XII, from 9 to 11; Region X, from 10 to 14; Region XI, from 12 to 15; and the National Capital Region, from 21 to 22. He pointed out that no region suffered a reduction of the seats allotted to them under the 1984 Ordinance. He added that in the distribution of seats and the apportionment thereof, the Committee objectively considered all protests and complaints formally received by it.

In this connection, he pointed out that the Province of Cavite presented a very peculiar problem because the Commission on Elections (COMELEC) submitted an apportionment scheme for the province which Mr. Jamir amended through a counter-proposal and which, in turn, was favorably considered by the COMELEC. However, he stated that the proposal of Mr. Jamir was vigorously objected to by former Senator Justiniano Montano who maintained that the original COMELEC proposal is more in accord with the standards of apportionment. He added that former Delegate to the 1971 Constitutional Convention, Mr. Abraham Sarmiento, likewise objected to the proposal of Mr. Jamir in view of which the proposed

Ordinance insofar as Cavite is concerned indicates the original COMELEC recommendation which Mr. Jamir could amend at the proper time.

Aside from this, Mr. Davide added that former MP Renato Cayetano also objected to the combination of Las Piñas and Muntinlupa and proposed to maintain the 1984 arrangement with Pateros, Taguig and Muntinlupa constituted as one district. He explained that in 1984, Parañaque and Las Piñas were combined into one district whereas under the Committee's proposal Parañaque would have a separate seat but Las Piñas could not qualify for such separate seat. He informed that if the combination of Pateros, Taguig and Muntinlupa is maintained, they would be underrepresented because their combined population is 448,205 hence following the standards, Las Piñas and Muntinlupa would be combined as one group while Taguig and Pateros would constitute the other group.

Thereafter, Mr. Davide acknowledged the invaluable assistance and cooperation given by the COMELEC staff and the Committee Secretary.

INTERPELLATION OF MR. GUINGONA

In reply to Mr. Guingona's query whether the Committee has set any time limit within which the COMELEC could make minor adjustments in the apportionment as provided for in Section 2, Mr. Davide stated that the Body should not set any time limit unless a proposal to that effect is made during the period of amendments.

INTERPELLATION OF MR. DE CASTRO

On Mr. de Castro's query whether the transfer of one municipality from one district to another district could still be considered a minor adjustment, Mr. Davide replied in the negative, stating that minor adjustment does not include changes in the allocations per district. He explained that the term only covers instances such as the inclusion of the name of a territory, still within the assigned district, which inadvertently omitted, or rectifying the errors of names of municipalities which may have already been changed by the Interim or the Regular Batasang Pambansa.

INTERPELLATION OF MR. NOLLEDO

Mr. Nolleddo inquired on the reason for including Puerto Princesa in the northern towns when it has more affinity with the southern towns of Aborlan, Batarasa, Brooke's Point, Narra, Quezon and Marcos. He stated that the First District has a greater area than the Second District. He then queried whether population was the only factor considered by the Committee in redistricting.

Replying thereto, Mr. Davide explained that the Committee took into account the standards set in Section 5 of the Article on the Legislative Department, namely, 1) the legislative seats should be apportioned among the provinces and cities and the Metropolitan Manila area in accordance with their inhabitants on the basis of a uniform and progressive ratio; and 2) the legislative district must be compact, adjacent and contiguous.

Mr. Nolleddo pointed out that the last factor was not met when Puerto Princesa was included with the northern towns. He then inquired what is the distance between Puerto Princesa from San Vicente.

SUGGESTION OF MR. DE CASTRO

At this juncture, Mr. de Castro suggested that the Body begin its discussions according to the enumeration stated in the report which starts with the Metropolitan Manila area.

Mr. Nolledo maintained that those who made reservations should be given the first chance to interpellate. He stated, however, that the Body could follow Mr. de Castro's suggestion after he is through.

Mr. Rama stated that the Body could follow Mr. de Castro's suggestion during the period of amendments. He noted that the Body was still in the period of interpellations.

The Chair asked Mr. Nolledo to proceed

CONTINUATION OF MR. NOLLEDO'S INTERPELLATION

Thereupon, Mr. Nolledo stated that Puerto Princesa has a population of 75,480 and based on the apportionment, its inclusion with the northern towns would result in a combined population of 265,000 as against only 186,000 for the south. He added that Cuyo and Coron are very important towns in the northern part of Palawan and, in fact, Cuyo was the capital of Palawan before its transfer to Puerto Princesa. He also pointed out that there are more potential candidates in the north and therefore if Puerto Princesa City and the towns of Cuyo and Coron are lumped together, there would be less candidates in the south, most of whose inhabitants are not interested in politics. He then suggested that Puerto Princesa be included in the south or the Second District.

Mr. Davide stated that the proposal would be considered during the period of amendments. He requested that the COMELEC staff study said proposal.

INTERPELLATION OF MR. UKA

Mr. Uka stated that he received a letter from a leader of the Municipalities of Talayan, Upi and South Upi of the Province of Maguindanao requesting that the said municipalities be included in the First District to prevent the unfair, unjust, unreasonable and undemocratic consequence of gerrymandering-on the following grounds:

First, the municipalities of Talayan, Upi and South Upi were formerly parts of the Municipality of Dinaig, thus, their inclusion in the First District will maintain the accessibility to transportation and communication. He also stated that it will preserve political stability and common interest among the people in the area since, historically and traditionally, said municipalities have the same political, economic, cultural, social, tribal, ancestral and peace and order interests from the pre-Spanish era to the present. He stressed that to dismember this compact and united territory would not only be impractical but also very unfair.

Secondly, he stated that the Province of Maguindanao has since time immemorial been divided into the Upper Valley known as Laya and the Lower Valley known as Ilut, which up to the present are under the accepted regional political, traditional and sectoral leaders. He stressed that it would be unfair and unwise to assimilate them into the Upper Valley or the Second District and thereby create instability, chaos and disunity. He stated that consultations with the constituents of the First District have not been done and, therefore, the proposal should be amended to conform to the true wishes and desires of the people of Talayan, Upi and South Upi.