

JOURNAL NO. 103

Thursday, October 9, 1986

CALL TO ORDER

With 32 Members present, the Chair declared At 10:00 a.m., the Honorable Alberto M K Jamir called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Jose C. Colayco, to wit:

Dear Lord,

When we began to work on the task You assigned to us four months ago, we were mostly strangers to each other picked by You from different walks of life. We appealed to You every day since then for Your divine inspiration and guidance, united by our common resolve to set the fundamental guidelines that will ensure the economic progress of our people and the political stability of our government in the future. You deigned to hear our prayers.

We are about to close the book. It is time to acknowledge our debt of gratitude. We wish to thank You for keeping us together after the intense and at times acrimonious debates. We thank You for drawing us closer to You and to each other. We thank You for everything.

We owe You one, dear Lord.

Amen.

ROLL CALL

Upon direction of the Chair, the Secretary-General of the Commission called the Roll and the following Members responded:

Alonto, A. D.	Jamir, A. M. K.
Aquino, F. S.	Padilla, A. B
Azcuna, A. S.	Quesada, M. L. M
Bacani, T. C.	Rama, N. G
Bennagen, P. L	Regalado, F. D
Bernas, J. G.	De los Reyes, R. F
Rosario Braid, F	Rigos, C. A.
Calderon, J. D	Rodrigo, F. A
De Castro, C. M	Suarez, J. E
Colayco, J. C.	Sumulong, L. M
Concepcion, R. R	Tan, C.
Davide, H. G.	Tingson, G. J.
Foz, V. B.	Treñas, E. B
Garcia, E. G.	Uka, L. L
Gascon, J. L. M. C.	Villacorta, W. V.
Guingona, S. V.C	Villegas, B. M.

With 32 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.

Abubakar Y. R.
Bengzon, J. F. S
Lerum, E. R.
Maambong, R. E
Monsod, C. S.

Nieva, M. T. F
Nolledo, J. N.
Ople, B. F.
Romulo, R. J
Sarmiento, R V

P.M.

Natividad, T. C
Mrs. Muñoz Palma and Mr. Rosales were sick.

Tadeo, J. S. L.

Mr. Laurel was absent.

READING AND APPROVAL OF THE JOURNAL

On motion of Mr. Calderon, there being no objection, the reading of the Journal of the previous session was dispensed with and the said Journal was approved by the Body.

REFERENCE OF BUSINESS

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

REFERRAL TO COMMITTEES OF RESOLUTION AND COMMUNICATIONS

Upon direction of the Chair, the Secretary-General read the titles of the Resolution and Communications which were, in turn, referred by the Chair to the Committees hereunder indicated:

Proposed Resolution No. 547, entitled:

RESOLUTION EXPRESSING THANKS AND APPRECIATION TO THE SECRETARY-GENERAL THE SECRETARIAT, THE TASK FORCE, THE PRESS CORPS, THE VOLUNTEERS AND THE STAFF OF THE COMMISSIONERS' OFFICES

Introduced by Hon. Villacorta, Muñoz Palma, Quesada, Maambong, Lerum, Villegas, Uka, Bernas, Monsod, Bengzon, Jr., Davide, Jr., Sarmiento, Rama, Rodrigo, Bennagen, Nolledo, Guingona, Rosario Braid, Abubakar, Alonto, Aquino, Rigos, Tadeo, Sumulong, Garcia, Natividad, Nieva, De Castro, Jamir, Tingson, Bacani, Suarez, Treñas, Romulo, Padilla, Regalado and Concepcion.

TO THE STEERING COMMITTEE

COMMUNICATIONS

Communication No. 1079 — Constitutional Commission of 1986

Communication from Ms. Edna S. Galia, transmitting Resolution No. 82, series of 1986, adopted by the Sangguniang Bayan of Catarman, Samar, requesting the Constitutional Commission to amend the draft Constitution to grant autonomous government to Muslim Filipinos in provinces and or islands of Mindanao where the greater majority or all of the inhabitants thereof are Muslim Filipinos only

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 1080 — Constitutional Commission of 1986

Letter from Mr. Ciriaco Puson of Bakilid, Mandaue City, expressing opposition to any move to change the barangay system

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 1081 — Constitutional Commission of 1986

Communication from Mr. Silverio P. Alarcio of Laoac, Pangasinan, seeking inclusion in the Constitution of a provision providing for free elementary, secondary and college education

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 1082 — Constitutional Commission of 1986

Letter from Mr. Teodoro C. Garcia of 481 Tiong St., Manaoag, Pangasinan, expressing his views concerning the presence of foreign bases in the country

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

Communication No. 1083 — Constitutional Commission of 1986

Letter from Mr. Florencio B. Abad of 41-B Purdue St., Cubao, Quezon City, transmitting a resolution adopted by the Lakas ng Sambayanan of which he is the chairperson, supporting the proposal for selective objection in the ratification of the proposed constitution

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 1084-Constitutional Commission of 1986

Letter from Mr. Regner R. Ramirez of the National Manpower and Youth Council, expressing his views and suggestions on a number of issues related to constitution-making

TO THE STEERING COMMITTEE

Communication No. 1085 — Constitutional Commission of 1986

Letter from Mr. Senador L. Zamora, transmitting Resolution No. 37-86 of the Sangguniang Panlalawigan of Davao Oriental, requesting the allocation of two (2) congressional seats for the Province of Davao Oriental

TO THE COMMITTEE ON THE LEGISLATIVE

Communication No. 1986 — Constitutional Commission of 1986

Letter from Mr. Emmanuel V. de Ocampo, President, Veterans Federation of the Philippines, Arroceros Street, Manila, expressing deep and sincere gratitude for the inclusion of Section 4 of the Article on General Provisions of the proposed Constitution

TO THE ARCHIVES

MOTION OF MR. TINGSON ON RESOLUTION NO. 547

On motion of Mr. Tingson, there being no objection, Resolution No. 547, entitled "Expressing thanks and appreciation to the Secretary-General, the Secretariat, the Task Force, the Press Corps, the volunteers and the staff of the Commissioners' Offices" was unanimously signed by all the Members of the Commission.

Upon inquiry of the Chair, Mr. Rama informed that copies of the said Resolution have been furnished the Members of the Commission.

UNFINISHED BUSINESS: CONTINUATION OF CONSIDERATION OF COMMITTEE REPORT NO. 40 ON PETITION NO. 3

On motion of Mr. Rama, there being no objection, the Body resumed consideration of Committee Report No. 40 on Petition No. 3 prepared by the Steering Committee, entitled:

AN URGENT, PETITION TO REOPEN SECTIONS 5 AND 11 OF THE ARTICLE ON THE LEGISLATIVE POWER

Thereupon, the Chair recognized Mr. Davide, Chairman of the Committee on the Legislative Department.

THE PARLIAMENTARY SITUATION

Mr. Davide stated that the parliamentary situation called for the consideration of Section 5, paragraph 3 of the Article on the Legislative Department which reads as follows:

EACH LEGISLATIVE DISTRICT SHALL COMPRISE AS FAR AS PRACTICABLE, CONTIGUOUS COMPACT, AND ADJACENT TERRITORY. EACH CITY WITH A POPULATION OF AT LEAST TWO HUNDRED FIFTY THOUSAND, OR EACH PROVINCE SHALL HAVE AT LEAST ONE REPRESENTATIVE.

He stated that the only amendment is the inclusion of the word "fifty" thereby increasing the population requirement for cities to be entitled to separate representation from the original 200,000 to 250,000. He explained that the original proposal of 200,000 would result in the over-representation of cities and the under-representation of provinces in which such cities are located as the ratio for the provinces shall be 1 seat for every 400,000 population.

He then moved for the approval of paragraph 3 which, there being no objection, was approved by the Body.

The Body then proceeded to consider paragraph 4, which reads:

FOR THE FIRST ELECTION UNDER THIS CONSTITUTION, THE MEMBERSHIP OF AND THE CONSTITUENCIES FOR THE HOUSE OF REPRESENTATIVES, OTHER THAN THOSE FOR THE PARTY-LIST, SHALL BE THE SAME AS THAT PROVIDED FOR IN THE ORDINANCE GOVERNING THE PARLIAMENTARY ELECTION IN 1984.

INQUIRY OF MR. DE CASTRO

Mr. de Castro stated that he had just received a copy of the COMELEC report dated July 28, 1986 on the redistricting of the Philippines.

Mr. de Castro noted that the Body just approved paragraph 3 which states that the legislative districts shall comprise as far as practicable, contiguous, compact and adjacent territory.

Upon inquiry, Mr. Davide affirmed that he has a copy of the COMELEC report which contains the proposed apportionment of Congressional districts to which many provinces and sectors protested.

Mr. de Castro adverted to the 6th paragraph of the report to wit:

". . . that there are provinces which, although no change was necessary in the number of legislative districts because of population limitation, had to be subjected to a regrouping of municipalities in order to satisfy the standards of compactness, contiguity and adjacentness",

referring to the provinces of Capiz, Iloilo, Bohol and Sorsogon which complained to the Committee.

Mr. Davide replied that there are other provinces which complained and that Appendix A (R-22) of the report contains the list of provinces without changes while Appendix B contains the list of provinces with changes.

On whether the redistricting in the said report meets the standards of compactness, contiguity and adjacentness, Mr. Davide noted that it may, since COMELEC based it on the configuration of the provinces.

On the observation that a candidate for Congress in this case would have difficulty crossing the river to reach other municipalities, Mr. Davide remarked that since many candidates would run for seats they could probably divide the province into portions which they will represent. He stated that in Cebu, which is entitled to six representatives, as a political strategy, the party or

organization shall see to it that the six candidates represent different areas and not merely candidates represent different areas and not merely one area of the province.

Mr. de Castro then inquired whether under such a strategy it would be possible for a candidate to win even without meeting the people whom he shall represent, to which Mr. Davide replied that-for a candidate to win he must reach every nook and cranny of his province. Also a matter to be considered, he added, is the people's accessibility.

Adverting to a portion of the COMELEC report which states: "We are prepared with statistics to support the above apportionment plan and we would appreciate any opportunity that will be given the technical staff that prepared this plan to explain its position and justify its proposal", Mr. de Castro inquired whether the technical staff was consulted.

Replying thereto, Mr. Davide informed that the technical staff was consulted several times and its explanations, more particularly by Director Vicente de Lima, enabled the Committee to reach its conclusions. Further, he stated that political and sectoral leaders of the different areas found out that the districting of the provinces resulted in many difficulties such as the difficulty of a candidate in going from one end to the other, the difficulty of allotting seats to provinces, when municipalities had to be realigned, owing to the traditional sense of belongingness to a specific area. He cited Iloilo as the best example, noting that Guimaras, while technically closely associated with the third district, was placed in the second district because of proximity although it is not easy to reach Guimaras from the latter district.

Upon inquiry, Mr. Davide affirmed that in paragraph 5, Congress would be mandated to make an apportionment of legislative districts. He manifested his optimism that the First Congress would have ample time to make the apportionment and opined that it would be in a better position to determine the physical condition of the provinces and to delineate the different areas to comprise a district.

In answer to Mr. de Castro's inquiry as to whether the COMELEC may do the redistricting, Mr. Davide noted that the Commission can only include in the ordinance the number of seats for every province and leave the rest to the COMELEC. He cautioned, however, that the COMELEC might not be able to attend to its business properly if it has to do the redistricting before the election.

Mr. Davide pointed out that the First Congress would have five years to do the apportionment.

Mr. de Castro observed that election by province would entail expenses to the candidates who would have to travel all over the province and that a poor candidate might not have any chance of being elected. He opposed the idea on the ground that the representatives, elected province-wide are seldom seen by the people whom they are supposed to represent and that it breeds political warlordism.

Mr. Davide, on the other hand, manifested that political warlordism will thrive if elections are done by districts. He stated that a political warlord would not be able to control an entire province and that a poor candidate has a better chance to be elected in an election by province.

INQUIRY OF MR. RODRIGO

Upon inquiry of Mr. Rodrigo, Mr. Davide affirmed that the general and permanent rule on the manner of electing Members of the Lower House is contained in Section 5, paragraphs 1), 2) and 3), which paragraphs state that the Members of the Lower House shall be elected by districts. He also affirmed that the additional Section 4 is designed to be an exception to the rule and is applicable only to the first election to be held after the Constitution's ratification.

As to how the Members of the House of Representatives would be elected in the first congressional election after ratification of the Constitution if an additional section has not been added to the article, Mr. Davide stated that until the President enacts an apportionment law, there would be no basis for election for Members of the Lower House.

Mr. Davide agreed that the President, under the Freedom Constitution, would continue to have legislative powers even after the ratification of the Constitution but before the convening of