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SENATE

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**Senator Romulo.** Mr. President, based on ongoing studies. And not only that there is a coordination and consultation with the other departments, not only the Department of Public Works, but also the Departments of Health, Local Governments, LWUA, MWSS in the metropolitan area. That is why the Department of Public Works have expressed their ability to comply within the period; and, perhaps, even before the period expires.

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

**The President.** Is there any other proposed amendment? [*Silence*] If there is none, the Majority Floor Leader has filed a motion.

**Senator Romulo.** Thank you, Mr. President.

**ADOPTION OF PROPOSED SENATE  
RESOLUTION NO. 32**

**Senator Mercado.** Mr. President, I move for the approval of Proposed Senate Resolution No. 32.

**The President.** The Senate will now vote on Proposed Senate Resolution No. 32, as amended.

As many as are in favor, please say *Aye*. [*Several Senators: Aye.*]

As many as are against, please say *Nay*. [*Silence*] The *Ayes* have it.

Proposed Senate Resolution No. 32, as amended, is approved.

**BILL ON SECOND READING  
Senate Bill No. 113 – Additional Rules  
Governing the First Local Elections**

**Senator Mercado.** Mr. President, with the consent of the Body, I move that we consider Senate Bill No. 113 as reported out under Committee Report No. 23 and submitted by the Committee on Electoral Reforms and People's

Participation and the Committee on Local Government.

**The President.** Consideration of Senate Bill No. 113 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. 113, entitled:  
AN ACT PROVIDING FOR ADDITIONAL RULES GOVERNING THE CONDUCT OF THE FIRST LOCAL ELECTIONS AFTER THE ADOPTION OF THE CONSTITUTION.

[*The following is the whole text of Senate Bill No. 113.*]

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

**SECTION 1.** *Applicability of Election Laws.* All pertinent provisions of Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code of the Philippines, and other election laws which are not inconsistent with the provision of this Act shall apply to the conduct of the first local election after the adoption of the Constitution as may be provided by law.

**SEC. 2.** *Voters in Cities.* The registered voters of a highly urbanized city shall not vote in the election for provincial officials of the province in which it is located: *Provided, however,* That no component city shall be declared or classified as a highly urbanized city within sixty (60) days prior to a local election.

The registered voters of a component city shall be entitled to vote in the election for provincial officials of the province of which it is a part.

**SEC. 3.** *Procedure in Cases of Nuisance Candidates.* (1) A verified petition to declare a duly registered candidate as a nuisance candidate under Section 69 of Batas Pambansa Blg. 881 shall be filed with the Commission on Elections through its duly designated local

office by any registered candidate for the same office within five (5) days from the last day for the filing of certificates of candidacy.

(2) The respondent shall be given three (3) days within which to file his verified answer (not a motion to dismiss) to the petition. Grounds for a motion to dismiss may be raised as affirmative defenses.

(3) The Commission on Elections may designate any of its officials who are lawyers to hear the case and receive evidence. The proceeding shall be summary in nature. In lieu of oral testimonies, the parties may be required to submit affidavits or counter-affidavits, together with any other documentary evidence. The hearing officer shall immediately submit to the Commission on Elections his findings, reports, and recommendations within five (5) days from the joinder of issues. The Commission on Elections shall render its decision within five (5) days from receipt thereof. These periods are mandatory.

(4) The decision, order, or ruling of the Commission on Elections shall after five (5) days from receipt of a copy thereof by the parties be final and executory unless stayed by the Supreme Court.

(5) The Commission on Elections shall without delay disseminate its decision declaring respondent a nuisance candidate to the municipal election registrars and boards of election inspectors and the general public in the political subdivision concerned.

SEC. 4. *Nuisance Candidacy an Election Offense.* The act of being a nuisance candidate as defined under Section 69 of Batas Pambansa Blg. 881 shall constitute an election offense and subject to the penalty provided in Section 264 of the same code.

SEC. 5. *Petition to Deny Due Course or Cancel a Certificate of Candidacy.* The procedure hereinabove provided shall apply to petitions to deny due course to or cancel a certificate of candidacy as provided in Section 78 of Batas Pambansa Blg. 881.

SEC. 6. *Official Watchers.* Every registered political party, coalition of political parties, and every candidate shall each be entitled to one watcher in every polling place. A duly signed appointment of a watcher shall entitle him/her to recognition by the Board of Election Inspectors and the exercise of his rights and discharge of his duties as such. *Provided, however,* That only one watcher of each of those authorized to appoint them can stay at any one time inside the polling place.

In addition to their rights and duties under Section 178 of Batas Pambansa Blg. 881, the official watchers of the candidates for city or municipal mayor obtaining the highest number of votes in a precinct shall, if available, affix their signatures and thumbmarks on the election returns for that precinct. If they or either of them are not available or unwilling or should they refuse to do so, any watcher present may be required by the Board of Election Inspectors to do so. This fact shall be entered in the minutes of the voting.

SEC. 7. *Signatures of Chairman and Poll Clerk at the Back of Every Ballot.* In addition to the preliminary acts before the voting as enumerated in Section 191 of Batas Pambansa Blg. 881, the Chairman and Poll Clerk of the Board of Election Inspectors shall affix their signatures at the back of each and every official ballot to be used during the voting. A certification to that effect must be entered in the minutes of the voting.

SEC. 8. *Board of Election Inspectors.* The Board of Election Inspectors to be constituted by the Commission on Elections under Section 164 of Batas Pambansa Blg. 881 shall be composed of a Chairman, two members, and a poll clerk, all of whom shall be public school teachers, giving preference to those with permanent appointments. In case there are not enough public school teachers, teachers in private schools may be appointed for election duty.

SEC. 9. *Publication of Names of Candidates with their Nicknames/Stage Names.*

The Commission on Elections shall cause to be printed in the official list of candidates, election returns and tally boards for every political subdivisions concerned the names of all registered candidates immediately followed by the nickname or stage name duly registered in their certificates of candidacy.

SEC. 10. *Number of Copies of Election Returns and their Distribution.* The election returns required under Section 212 of Batas Pambansa Blg. 881 shall be prepared in sextuplicate. The original copy shall be delivered to the city or municipal board of canvassers as a body for its use in the city or municipal canvass. The second copy shall be delivered to the election registrar of the city or municipality for transmittal to the provincial board of canvassers for its use in the provincial canvass. The third copy shall likewise be delivered to the election registrar for transmittal to the Commission on Elections. The fourth copy shall be deposited in the compartment of the ballot box for valid ballots. The fifth copy, to be known as advanced election returns, shall be delivered to the municipal treasurer who, in the presence of the municipal election registrar or his authorized representative, shall immediately open the same and post the votes therein in an election board, sufficiently large to enable the public to read them, built on a public place within the immediate vicinity of the municipal building. The sixth copy shall be delivered to the municipal trial judge or municipal circuit trial judge, as the case may be, for safekeeping. Said copy may be opened during the canvass upon order of the board of canvassers for purposes of comparison with other copies of the returns whose authenticity is in question.

The municipal treasurer shall issue certified copy of any election returns in his possession upon request of any interested party and payment of the fees required by existing ordinances.

The Commission shall promulgate rules for the speedy and safe delivery of the election returns.

SEC. 11. *Board of Canvassers.* There shall be a board of canvassers for each province, city and municipality, as follows:

(1) *Provincial Board of Canvassers.* The provincial board of canvassers shall be composed of the provincial election supervisor or a senior lawyer in the regional office of the Commission, as Chairman, the provincial fiscal, as vice-chairman, the provincial superintendent of schools, the provincial auditor, and the clerk of court of the Regional Trial Court as members.

(2) *City Board of Canvassers.* The city board of canvassers shall be composed of the city election registrar or a lawyer of the Commission, as Chairman, the city fiscal, as vice chairman, the city superintendent of schools, the city auditor, and the clerk of court of the Regional Trial Court as members.

(3) *Municipal Board of Canvassers.* The municipal board of canvassers shall be composed of the election registrar or a representative of the Commission on Elections, as chairman, the municipal treasurer, as vice chairman, the district supervisor or in his absence the public school principal of the municipality, the municipal assessor, and the municipal health officer, as members.

In case of the City of Manila, Quezon City, the City of Caloocan, the City of Davao, Cebu City, and other chartered cities with more than one (1) representative district, the Commission on Elections may, if the local conditions warrant, constitute district board of canvassers for every district whose members shall be the functional equivalents of those of the city board of canvassers.

The proceedings of the board of canvassers shall be public.

SEC. 12. *Right to be Present and to Counsel during the Canvass.* Any registered political party, coalition of parties through their representative, and any candidate has the right to be present and to counsel during the canvass of the election returns. They shall have the right to examine the returns being

canvassed, make their observations thereon, and file their challenges in accordance with the rules and regulations of the Commission. No dilatory action shall be allowed by the board of canvassers.

SEC. 13. *Per Diems of Election Inspectors and other School Personnel.* The Chairman and members of the boards of election inspectors, including the poll clerk, the support personnel from the Department of Education, Culture and Sports, the supervisors, principals, and other school officials and personnel who are required by the Commission on Elections to perform election duties shall each be paid a *per diem* of One hundred pesos (P100.00) for every registration day and on election day payable from funds appropriated for the Commission.

SEC. 14. *Rules and Regulations.* The Commission on Elections shall issue rules and regulations to carry out the purposes of this Act.

SEC. 15. *Repealing Provision.* Any provision of law or regulation which is inconsistent, in whole or in part, with this Act shall be deemed modified or repealed.

SEC. 16. *Effectivity.* This Act shall take effect upon its approval.

**Senator Mercado.** I move that we recognize Senator Gonzales to sponsor the bill.

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

#### SPONSORSHIP SPEECH OF SENATOR GONZALES

**Senator Gonzales.** Mr. President, my distinguished Colleagues: I rise to cosponsor with Senators Guingona, Jr., Pimentel Jr., Saguisag, and Estrada, Senate Bill No. 113, entitled:

AN ACT PROVIDING FOR ADDITIONAL RULES GOVERNING THE CONDUCT OF THE FIRST LOCAL ELECTIONS AFTER THE ADOPTION OF THE CONSTITUTION.

The Committee on Electoral Reforms and People's Participation had earlier submitted Committee Report No. 21 reporting out to this Body, Senate Bill No. 11, authored by Senator Teofisto Guingona, Jr., entitled:

AN ACT INTRODUCING REFORMS IN THE ELECTORAL SYSTEM BY AMENDING CERTAIN SECTIONS OF THE OMNIBUS ELECTION CODE AND FOR OTHER PURPOSES.

**Senator Guingona.** Mr. President.

**The President.** Senator Guingona is recognized.

**Senator Guingona.** With the permission of the distinguished Gentleman, I would just like to set the parliamentary records straight, Mr. President, that aside from Senate Bill No. 11 under Committee Report No. 21, a similar Electoral Reform bill was previously filed, and set for prior consideration. But in view of the fact that the Majority Floor Leader has asked permission to consider Committee Report No. 23 ahead, we have yielded to the same, with the request and understanding, however, that when it comes to Section 16, perhaps we can confer, so that a compromise can be reached, because there are overlapping provisions. For example, in Section 8 of Senate Bill No. 11, which is covered by Section 10 of Senate Bill No. 113.

**Senator Gonzales.** Yes, Mr. President. That is the reason why Senator Guingona is one of the coauthors of Senate Bill No. 113 which I am now sponsoring.

**Senator Guingona.** Thank you, Mr. President.

**The President.** All right.

**Senator Gonzales.** Probably, my distinguished Colleagues would ask why it is necessary to submit two committee reports on what purports to be bills introducing electoral reforms in the country.

The reason for that, Mr. President, is that Senate Bill No. 11 introduces electoral reforms by amending certain sections of the Omnibus Election Code. In short, if and when they are approved, then they become part of the Omnibus Election Code and, as such, will be in the nature of permanent statutes applicable to all elections, and plebiscites to be held hereafter.

On the other hand, Senate Bill No. 113 is more specific that the purpose of the bill is merely to introduce certain additional rules applicable to the first local elections to be held after the ratification of the Constitution.

Senate Bill No. 113 has limited itself to those reforms and rules which the authors believe are basic; that they must be in place or enacted before the conduct of the local elections which this Body has set or reset to January 18, 1988.

It is our hope that if some of the rules, reforms, or otherwise, contained in Senate Bill No. 113 are proven to be good and workable during the first election, then when we now come to revising the Omnibus Election Code, thereafter, we may be able to incorporate them. And probably it is for this reason why the distinguished Majority Floor Leader had made special representations to Senator Guingona, to allow Committee Report No. 23, although of a later date, be called earlier than Committee Report No. 21, reporting out Senate Bill No. 11; and, Senator Guingona was kind and gracious to give his consent thereto.

My distinguished Colleagues, in Senate Bill No. 92 which this Body had approved on Third Reading, we have reset the local elections from November 9, 1987 to January 18, 1988. However, there are many rules and there are certain details which must be approved in order for us to be sure that these local elections will be conducted in an orderly, peaceful manner that would satisfy the constitutional standard

that elections should be clean, honest, and orderly.

Senate Bill No. 113 states a general proposition that the pertinent provisions of Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code of the Philippines, and other election laws not inconsistent with the provisions of this bill shall apply to the conduct of the first local election after the adoption of the Constitution as may be provided by law.

Now, Section 2, determines the issue of whether or not the voters in highly urbanized cities and component cities shall vote or shall not vote in the election of provincial officials. It provides that the registered voters of a highly urbanized city shall not vote in the election for provincial officials of the province in which it is located, provided, however, that no component city shall be declared or classified as a highly urbanized city within 60 days prior to a local election.

The registered voters of a component city shall be entitled to vote in the election for provincial officials of the province of which it is a part.

A highly urbanized city is independent of the province where it is located. That is specifically provided for in our Constitution, particularly Section 12 of Article X, which states, among others, that: "Cities that are highly urbanized shall be independent of the province." That is a fact, Mr. President. There are absolutely no political or administrative ties between a highly urbanized city and a province. And because they are, under the Constitution, to be considered separate or independent of the province, we can see no reason why the voters therein should be allowed to participate in the election of the provincial officials, and why the fate of the provincial officials should be allowed to be determined

by the registered voters in a highly urbanized city since there is absolutely no connection or relation whatsoever, political or administrative, between them.

On the other hand, the voters of component cities within a province whose charters contain no such provision, shall not be deprived of their right to vote for elective provincial officials. And that should only be so, because a component city, while it is a separate political body, may, however, have some administrative relations with the province. That is why the provincial government exercises a certain degree of supervision over component cities. And because of that, the voters of a component city should be allowed to participate in the election of the provincial officials of the province in which the city is located.

Now, Section 69 of Batas Pambansa Blg. 881 defines who is a nuisance candidate. But it does not provide for a procedure to be provided when the certificate of a candidate is sought to be annulled on the ground that he is a nuisance candidate. And that void in the Omnibus Election Law is being supplied by Section 3 of Senate Bill No. 113, that:

A verified petition to declare a duly registered candidate as a nuisance candidate under Section 69 of Batas Pambansa Blg. 881 shall be filed with the Commission on Elections through its duly designated local office. . .

Who may file the same? Any registered candidate for the same office. Within what period should it be filed? Within five days from the last day for the filing of the certificates of candidacy.

The respondent, in turn, is given three days within which to file his verified answer, not a motion to dismiss to the petition. Grounds for a motion to dismiss may be raised as affirmative defenses. The procedure provided herein is summary, Mr. President, because there is no

sufficient time to go into a long and protracted proceeding. This must be determined as early as possible if we are to avoid any repetition of cases before that had adversely affected the interest of legitimate candidates for public offices.

It provides that the Commission on Elections may designate any of its officials who are lawyers to hear the case and receive evidence. The proceedings shall be summary in nature. In lieu of oral testimonies, the parties may be required to submit affidavits or counter-affidavits, together with any other documentary evidence. The hearing officer shall immediately submit to the Commission on Elections his findings, report and recommendations within five days from the joinder of issues. The Commission on Elections shall render its decision within five days from receipt thereof. Said periods are expressly declared to be mandatory.

There is an innovation in our election law which we introduced in Section 3. That the decision, order or ruling of the Commission shall, after five days from receipt of a copy thereof by the parties, be final and executory unless stayed by the Supreme Court. We are not denying a party the right to go up to the Supreme Court nor are we denying the Supreme Court the constitutional power to review, by means of *certiorari*, any decision of the Commission on Elections. But then, we are saying that after five days from receipt of a copy, the decision shall immediately be executory, unless the Supreme Court issues a stay order.

There is also a provision that the Commission on Elections shall, without delay, disseminate its decision declaring respondent a nuisance candidate to the municipal election registrars and board of election inspectors and the general public in the political subdivision concerned. This provision is intended, Mr. President, to prevent a repetition of what has

happened to senatorial candidate Augusto "Bobbit" Sanchez, where there has been no immediate dissemination from the COMELEC of its decision that a certain Gil Sanchez has been disqualified as a candidate. In my particular case, Mr. President, where the Commission on Elections, after a hearing, rendered a decision declaring Roberto Gonzales as a nuisance candidate, Roberto Gonzales still went up on *certiorari* to the Supreme Court. The Supreme Court rendered its decision affirming *in toto* the decision of the Commission on Elections, declaring him as a nuisance candidate, but it was already on May 7, 1987. We asked the Commission on Elections to disseminate at once to implement its own decision, as affirmed by the Supreme Court. What the COMELEC did, Mr. President, was to send telegrams to the provincial supervisors. But some of the provincial supervisors did not want to implement the same immediately, because according to them, they still wanted to verify the authenticity of the telegrams that they had received. Now, we thought that that was not sufficient. So, we requested the Commission on Elections to send telegrams directly addressed to the municipal and city election registrars, and the COMELEC obliged. But then, it was at our expense, because if we are to rely on the ordinary transmission, we were afraid that these telegrams may not reach the parties on time.

Mr. President, I spent no less than ₱150,000 at the time when there were no longer funds because these were the later days of the campaign. In order to pay for the transmission of these telegrams to the city and municipal election registrars, they, in turn, were required to disseminate the contents of that telegram to the members of the Board of Election Inspectors, and very few complied with that requirement. That is why we are now putting upon the COMELEC the obligation to disseminate without delay. This is its own decision declaring

respondent a nuisance candidate to the municipal election registrars and the Board of Election Inspectors and the general public in the political subdivision concerned.

Section 4 had been largely lifted from a bill filed by Senator Saguisag, a counsel and bosom friend of senatorial candidate Augusto "Bobbit" Sanchez, and his bill is, admittedly, a quality bill. It seeks to penalize the act of being a nuisance candidate. We incorporated that in what is now Section 4, that the act of being a nuisance candidate, as defined under Section 69 of Batas Pambansa Blg. 881, shall constitute an election offense and subject to the penalty provided in Section 264 of the same Code. It is our hope that with this provision, only legitimate and bona fide candidates for public office will file their certificates of candidacy.

There are other grounds by which a certificate of candidacy may not be given due course or ordered cancelled. Again, and this is provided for in Section 78 of the Omnibus Election Code, there is no procedure therein provided. Section 5 of this bill would now provide that the procedure shall apply to petitions to deny due course to or cancel a certificate of candidacy as provided in Section 78 of Batas Pambansa Blg. 881.

One of the main complaints against the last election was that the power, the rights and duties of the official watchers were not clearly spelled out or were either inadequate or ineffectual, in order to protect the interests of their respective candidates.

Section 6 of Senate Bill No. 113 intends to correct that. Under the Omnibus Election Code, every registered political party, coalition of political parties and every independent candidate shall each be entitled to one watcher in every polling place. And that was the reason why, we, who ran as the official candidates of our respective political parties did not have a single watcher during the last election. We seek



to amend that by providing that every registered political party, coalition of political parties and every candidate, whether he is independent or not, shall each be entitled to one watcher in every polling place.

The complaint of candidates and political parties during the last election was that there were a lot of requirements for a sort of recognition or accreditation of watchers by the Commission on Elections. In short, even if a person is already possessed or has in his possession a duly signed appointment as a watcher, he still has to obtain the permission or accreditation of the Commission on Elections and in many cases the recognition came late. And that is why many candidates complained that their official watchers were not able to discharge their election duties. Now, we seek to correct that in this bill. And it says that a duly signed appointment of a watcher shall entitle him or her to recognition by the Board of Election Inspectors and the exercise of his rights and discharge of his duties as such, provided, however, that only one watcher of each of those authorized to appoint them can stay at any one time inside the polling place.

Under Section 178 of the Omnibus Election Code, there is a list, an enumeration of the rights and duties of official watchers. In the second paragraph of Section 6 of Senate Bill No. 113, we are giving an additional right to the watcher which we think, is very simple indeed but may actually help much in having a clean election and it is this:

In addition to their rights and duties, under Section 178 of Batas Pambansa Blg. 881, the official watchers of the candidates for city or municipal mayor obtaining the highest number of votes in a precinct shall, if available, affix their signatures and thumbmarks on the election returns for the precinct.

Now, I think, there has been some missing phrases here. It should be "obtaining the highest

and the second highest number of votes, shall, if available, affix their signatures and thumbmarks on the election returns for that precinct."

As it is now, only the members of the Board of Election Inspectors, are required by law to affix their signatures and thumbmarks on the election returns.

As an added guarantee under this bill, the official watcher of the candidate who obtained the highest number of votes, as well as the official watcher of votes, if available, shall affix their signatures and thumbmarks on the election returns for that particular precinct.

Suppose, both of them or either one are not available; or they are unwilling, or should they refuse to do so, then, any watcher present may be required by the Board of Election Inspectors to do so, and these facts shall be entered in the minutes of the voting.

Now, under Section 191 of the Omnibus Election Code, there are certain preliminary acts before the voting which the members of the Board of Election Inspectors must do.

For example, it is provided that the Board of Election Inspectors shall meet at the polling place at 6:30 in the morning of election day and shall have the Book of Voters containing all the approved applications of registration of voters pertaining to the polling place, the certified list of voters, the certified list of candidates, etc. In short, these are preliminary acts before the voting — that the members of the Board of Election Inspectors are required to do.

There is in Section 7 of Senate Bill No. 113 an additional preliminary act that the chairman and poll clerk must do. Very simple things, Mr. President, but again taken together with others, we hope, it will actually help promote and guarantee a clean and honest election.

It says here that in addition to the preliminary acts before the voting as enumerated

in Section 191 of Batas Pambansa Blg. 881, the chairman and poll clerk of the Board of Election Inspectors shall affix their signatures at the back of each and every official ballot to be used during the voting. A certificate to that effect must be entered in the minutes of the voting.

So, therefore, Mr. President, that is what the chairman or the members of the Board of Election Inspectors or the watchers would rather want to do, but that may unduly dirty or clutter the back of the official ballot. That is why this provision merely requires the chairman and the poll clerk to affix their signatures at the back of every official ballot to be used during the voting. And that should be entered into in the minutes. This again, is an added guarantee that the ballots to be used and to be counted are not spurious ballots; nor are they substituted ballots.

Now, Section 8 Board of Election Inspectors under Section 164 of the Omnibus Election Code, shall be composed of a chairman, two members and a poll clerk. The chairman is to be a public schoolteacher; the two members are to be representatives of the ruling party and the dominant opposition party. Batas Pambansa Blg. 881 or the Omnibus Election Code was approved at a time when the 1973 Constitution had been amended in 1981 allowing party representation in the Board of Election Inspectors. But that is already prohibited under the 1987 Constitution.

So, therefore, we now provide that the Board of Election Inspectors to be constituted by the Commission on Elections under Section 164 of Batas Pambansa Blg. 881 shall be composed of a chairman, two members and a poll clerk, all of whom shall be public schoolteachers, giving preference to those with permanent appointments. In case there are not enough public schoolteachers, teachers in

private schools may be appointed for election duty.

Now, under the Omnibus Election Code, in the certificate of candidacy, a candidate may register one nickname or stage name. But the trouble comes during the actual counting. The Board of Election Inspectors, due to the amount of work, will not bother themselves to consult every certificate of candidacy to determine what is the registered nickname or stage name of a candidate. That is why, there is this new provision.

The Commission on Elections shall cause to be printed in the official list of candidates, election returns and tally boards for every political subdivisions concerned the names of all registered candidates immediately followed by the nickname or stage name duly registered in their certificates of candidacy.

So that looking at the tally board or at the election return, or in the official list of candidates, then the public or the voter when he votes, and the members of the Board of Election Inspectors will already immediately know what is the registered nickname or stage name of a candidate. This provision is intended to avoid a repetition of the claims of what had happened to Liberal Party Candidate Maita Gomez in one of the congressional districts here in Manila and of actor Ramon Revilla, whose real name is Jose Bautista.

Then, Section 10. I think after this sponsorship we will ask for a suspension of the proceedings so that we will have an opportunity to thresh this out with Senator Guingona.

Under the provisions of Section 212 of the Omnibus Election Code, the election returns shall be prepared in sextuplicate. The distribution of the six copies are as follows: The original to be delivered to the city or municipal board of canvassers as a body for its use in the municipal canvass; the second copy shall be delivered

to the election registrar of the city or municipality for transmittal to the provincial board of canvassers for its use in the provincial canvass; the third copy shall likewise be delivered to the election registrar for transmittal to the Commission on Elections; the fourth copy shall be deposited in the compartment of the ballot box for valid ballots; the fifth and sixth copies are to be delivered to the representatives of the ruling party and the dominant opposition party in that municipality.

Again, that was good at the time when the Omnibus Election Code was enacted because party representatives were allowed. But we found out the changes ought to be made. That is why we now provide that up to the fourth copy; we follow the same provision of the law. But the fifth copy to be known as "Advance Election Returns" shall be delivered to the municipal treasurer who, in the presence of the municipal election registrar or his authorized representative, shall immediately open the same and post the votes therein in an election blackboard sufficiently large to enable the public to read them, built on a public place within the immediate vicinity of the municipal building.

In short, this is the reason why it is called an "Advance Election Return" because as soon as the municipal treasurer receives that copy, then in the presence of the municipal election registrar or his representative, he immediately opens the same, and post the votes therein on the so-called "Election Board" so that the people will immediately know the candidates, the people will immediately know what the results of the election are in that place and that will be a deterrent to the tampering of election returns during the canvass by the board of canvassers.

Now, the sixth copy shall be delivered to the municipal trial judge or the municipal circuit trial judge, as the case may be, for safekeeping.

Said copy may be opened during the canvass upon order of the board of canvassers for purposes of comparison with other copies of the returns whose authenticity is in question.

In short, this is not really adding a non-judicial function to a judge, to be performed in a non-judicial manner. We are aware of separation of powers. But then, this is mainly for safekeeping purposes. So that if during the canvass, the authenticity of a return is questioned, then this copy may be opened for purposes of comparison. That is, there has been a suggestion on the part of Senator Estrada that probably, the fifth and the sixth copy should be given to the official watcher of the candidates for mayor obtaining the highest and the second highest number of votes in that particular polling place.

Now, we will discuss that. We are merely telling our distinguished Colleagues that there is that proposed amendment; I hope that my distinguished Colleagues in this Body can see the reason for the "Advance Election Returns," which to me, was done before the declaration of Martial Law and which proved to be a very effective deterrent against tampering of election returns during the canvass.

Then, we said that the municipal treasurer shall issue a certified copy of any election returns in his possession upon request of any interested party and payment of the fees required by existing ordinances. We have again the board of canvassers. We find it necessary to provide for a new composition of the board of canvassers, because under the Omnibus Election Code two members of the board of canvassers are the representatives of the ruling party and of the dominant opposition party, and in view of the constitutional prohibition now we have to change the same.

So, we have the following;

There shall be a board of canvassers for each province, city, and municipality as follows:

(1) *Provincial Board of Canvassers.* — The provincial board of canvassers shall be composed of the provincial election supervisor or a senior lawyer in the regional office of the Commission, as chairman, the provincial fiscal, as vice chairman, the provincial superintendent of schools, the provincial auditor, and the clerk of court of the Regional Trial Court as members.

(2) *City Board of Canvassers.* The city board of canvassers shall be composed of the city election registrar or a lawyer of the Commission, as chairman, the city fiscal, as vice chairman, the city superintendent of schools, the city auditor, and the clerk of court of the Regional Trial Court as members.

(3) *Municipal Board of Canvassers.* — The municipal board of canvassers shall be composed of the election registrar or a representative of the Commission on Elections, as chairman, the municipal treasurer, as vice chairman, the district supervisor or in his absence the public school principal of the municipality, the municipal assessor, and the municipal health officer, as members.

Now, we always bog down in case of the cities inside the Metropolitan Manila area because of their unique composition. And so, we have this provision:

In case of the City of Manila, Quezon City, the City of Caloocan, the City of Davao, Cebu City, and other chartered cities with more than one (1) representative district, the Commission on Elections may, if the local conditions warrant, constitute district board of canvassers for every district whose members shall be functional equivalents of those of the city board of canvassers.

The proceedings of the board of canvassers shall be public.

Again, this provision has been inserted to meet the complaints of some candidates and watchers that during the last election, certain stages of the canvass had been held behind in executive session or behind closed doors wherein the public are not admitted. It is our stand, Mr. President, that the publicity of the pro-

ceedings of the board of canvassers is the best insurance against any monkey business that the members or some of them may want to commit in order to defraud the will of the voters.

Then also, Section 12 expressly recognizes the right to be present and to counsel during the canvass.

Any registered political party, coalition of parties through their representatives, and any candidate has the right to be present and to counsel during the canvass of the election returns. They shall have the right to examine the returns being canvassed, make their observations thereon, and file their challenges in accordance with the rules and regulations of the Commission. No dilatory action shall be allowed by the board of canvassers.

Then, finally, we have learned, Mr. President, that it is not only the members of the Board of Election Inspectors who perform election duties. There are even support personnel from the Department of Education, Culture and Sports — the school supervisors and principals and other school officials and personnel who are required by the Commission on Elections to perform election duties.

It is our sense that all of them should receive a uniform per diem of ₱100 for every registration day and on election day, payable from the funds appropriated for the Commission. We do not need any additional appropriation for this purpose because, if my distinguished Colleagues would recall, in Senate Bill No. 92 which we had already approved, we have increased the appropriations for the Commission on Elections from ₱200 million to ₱220 million. And, therefore, we feel that there will be enough funds for this purpose.

Now, realizing that there are certain details that may be needed but which we could not foresee and, if foreseeable, probably we could not provide for, at this point, we have given rule-making power to the Commission on

Elections — that the Commission on Elections shall issue rules and regulations to carry out the purposes of this Act, followed by a repealing provision and the effectivity provision.

We hope, Mr. President, that Senate Bill No. 113 will be approved as soon as possible by this Body, so that we can immediately transmit a copy thereof to the House of Representatives to give them time to approve it, and also, to give the Commission on Elections time in order to put them in place for the local elections set for January 18, 1988.

#### SUSPENSION OF THE SESSION

**Senator Mercado.** Mr. President, I move for a suspension of the session.

**The President.** Is there any objection? [*Silence*] Hearing none, the session is suspended for a few minutes.

*It was 5:41 p.m.*

#### RESUMPTION OF THE SESSION

*At 5:59 p.m., the session was resumed.*

**The President.** The session is resumed. We are now in the period of interpellations.

**Senator Maceda.** Mr. President.

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

**Senator Maceda.** Mr. President, will the distinguished Sponsor yield to a few questions?

**Senator Gonzales.** Gladly, Mr. President.

**Senator Maceda.** First of all, Mr. President, I would like to make it of record that I am also a member of the Committee on Local Government and I signed the report but it is not in the mimeograph copy.

Mr. President, may I know from the distinguished Sponsor if this Act, if enacted into law, will automatically not be applicable to elections after this first one?

**Senator Gonzales.** I wish to just make of

record that Senator Maceda is indeed a member of the Committee on Electoral Reforms and People's Participation and that according to my copy on page 2, he has signed the same.

**Senator Maceda.** No. I was referring to the Committee on Local Government.

**Senator Gonzales.** I see. Well, will the records please show that Ernesto Maceda, as a member of the Committee on Local Government has signed this Committee Report No. 23.

Now for the question, Mr. President.

**Senator Maceda.** Yes. The Act says that it is the rules governing the conduct of the first local elections.

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

**Senator Maceda.** So after that, if it is passed into law, passes out of existence. It will not govern any future local elections?

**Senator Gonzales.** Mr. President, unless they are actually incorporated by subsequent statutes.

**Senator Maceda.** Yes. I just wanted to clarify, Mr. President, that this is only for the first local elections. However, quite a few of the provisions are really meant to be of a permanent manner.

**Senator Gonzales.** As we have explained, Mr. President, these rules are applicable in the conduct of the first local elections. However, our target in the Committee on Electoral Reforms and People's Participation is to make a truly revised election code, but that will come after the local elections. And the provisions of these which have proved to become workable, we hope to incorporate in that new code.

**Senator Maceda.** Mr. President, from the title we will go to the last page, because this is just, I think, a typographical correction; on page 7.

If I recall right in the last elections, the President already authorized the payment of ₱200 for every teacher or every working official on election and registration days. So, maybe we should correct this typographical error and make the present rate of ₱200 already the same.

**Senator Gonzales.** We will check on that, Mr. President, and if it is ₱200, we have no intention of lowering it to ₱100. But we got this figure from a petition that we received from the Association of Public School Supervisors and Principals. I think they were only entitled to the payment of a per diem of ₱20 or ₱30.

**Senator Maceda.** Yes, the ₱200 was for the chairman and the poll clerks. So, I think what happened there was that the others were not included.

**Senator Gonzales.** This is a matter that we will check with the Commission. As much as possible, we want them to receive a uniform rate.

**Senator Maceda.** Yes, Mr. President.

I will just limit my further interpellation to Section 11, on the board of canvassers.

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

**Senator Maceda.** I know that the other Members of this Chamber, especially the learned topnotcher from San Beda and from Pasig has a lot of suggestions on the other sections, so I limit myself to Section 11.

Mr. President, the composition of the board of canvassers, whether it is provincial, city or municipal is, in effect, a carry-over of present boards.

**Senator Gonzales.** Except the two slots which, by the provisions of the Omnibus Election Code, were assigned to the representatives of the ruling party and the dominant opposition party.

**Senator Maceda.** Precisely, Mr. President.

As one of those who was fighting for the lower places in the last elections, we were at the PICC almost everyday for quite a while together with Senators Herrera, Tamano, Defensor, Rasul, and others. While the distinguished Sponsor and the other topnotchers were already vacationing, we were still fighting for our political life.

In that connection, there were quite a few provinces, and I will not name them now because it would sound embarrassing.

The problem was that the provincial board of canvassers was so politicized that there were conflicting returns of the provincial board of canvassers or city board of canvassers or municipal board of canvassers.

If I have to mention a few just to be factual, I can refer to Batangas, Pampanga, one of the summer provinces. And as the Gentleman knows, this was a problem in the City of Caloocan, and this is a problem up to now, and also in the town of Mabalacat with regard to that problem under that district.

Will the distinguished Sponsor, therefore, consider putting in some less political members of the provincial or city or municipal board of canvassers, because the impression I got from our last experience is that the people who are here are usually strongly under the influence of the incumbent provincial governor or the incumbent city mayor. And I was wondering whether we can appoint, we can restore the two slots, and put somebody who is not technically under the influence of the provincial executive or city executive.

For example, the president of the IBP of the province. Another example, some other president of a provincial civic organization whether it is Lions Club, Rotary Club, PTA's or whatnot. The reality is in the nature of things, with due respect to most of them, Mr. President, but in some places, the provincial

fiscal, the provincial superintendent, the provincial auditor, are very friendly with the incumbent provincial officials, the governor and all of that.

**Senator Gonzales.** We will be willing to hear the proposed amendment for as long as we can be sure that there will be that private organization in a province, city or municipality because we are not too sure that in every municipality, there is a Lions Club, or there is a Rotary Club, especially in the far-flung areas.

**Senator Maceda.** Now, in the case of the province, to start with, I am sure, Mr. President, that there will be an IBP in every province.

**Senator Gonzales.** Yes, Mr. President. But my own experiences as a former Chairman of the House of Delegates of the Integrated Bar of the Philippines, and also as a former Chapter President, even the IBP officers or at least, quite a number of them, are also highly involved in politics in their respective places.

**Senator Maceda.** That is correct, Mr. President, but the Gentleman knows the provincial fiscal depends on the repair of his offices from the provincial governor, his transportation allowance from the provincial governor, and things like that. The problem really, as we have already tried to solve in the upper portion, is to get someone at least with a copy of the election returns, who could probably produce it. Because in our experience, as I have said, in the counting, the actual counting, lahat itong mga officials na ito, pag medyo tinakot ng gobernador, nawawala lahat.

**Senator Gonzales.** During the last election there were only three members of the provincial and the city board of canvassers, because that was provided in an Executive Order issued by the President in the light of the disqualification of the representatives of the political parties. But as I have said, Mr. President, during the

period of amendments, we will be happy to listen to the proposed amendment of the Gentleman from Manila, Laguna, and Ilocos Sur.

**Senator Maceda.** Yes, Mr. President. I just wanted to bring it out in advance so that maybe, the Gentleman from Mandaluyong, in his usual bright way, can start to think of who are the two non-provincial officials who could be put to the Board, so as to make sure that we have a better chance that that provincial board of canvassers will be not fully partisan. And if I may say so for the record, it is a matter of public knowledge, although it is very hard to prove sometimes, that we can change returns if all the members of the board of canvassers are paid off. At least, if we have seven to pay, chances are less.

There were strong rumors — and personally I believe in them, but I will not dignify — that in a Bicol province, the whole membership of the board of canvassers was paid off to proclaim a candidate. As I said, the chances are, if we have more, like seven, we have a better chance of not everybody being paid off. One has a better chance that at least one copy of the election returns will be available to a losing candidate as a basis for showing that there was an original election return, and it has been changed to a new one that has suddenly surfaced.

**Senator Gonzales.** That is why, Mr. President, all of these things are really possible. We really do not know — the ways of the evil-minded are really unlimited. We have tried to think of ways in order to prevent them, but as my Colleague has pointed out, still there might be a way. So, let us try to help each other plug all of those possible loopholes.

**Senator Maceda.** Yes, I will leave to the distinguished Gentleman from Pasig the rest of the sections.

Thank you, Mr. President.

**The President.** Are there any other interpellations? [*Silence*]

I thought Senator Enrile had signified his intention to ask questions.

**Senator Enrile.** No questions, Mr. President.

**The President.** All right.

SUSPENSION OF CONSIDERATION OF  
SENATE BILL NO. 113

**Senator Mercado.** Mr. President, I move that we suspend consideration of Senate Bill No. 113.

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

[*Silence*] There being none; the same is approved.

ADJOURNMENT OF THE SESSION

**Senator Mercado.** Mr. President, I move that we adjourn the session until four o'clock tomorrow afternoon.

**The President.** Is there any objection?  
[*Silence*] There being none; the session is adjourned until four o'clock tomorrow afternoon.

*It was 6:14 p.m.*

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REPUBLIC OF THE PHILIPPINES  
CONGRESS OF THE PHILIPPINES  
SENATE

# Record of the Senate

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RECORD OF THE PROCEEDINGS AND DEBATES  
FIRST REGULAR SESSION

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WEDNESDAY, SEPTEMBER 30, 1987

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**The President.** Referred to the Committee on Health.

**Senator Mercado.** Mr. President.

**The President.** The Majority Floor Leader.

BILL ON SECOND READING

**Senate Bill No. 113 – Additional Rules Governing the First Local Elections (Continuation)**

**Senator Mercado.** Mr. President, I move that we resume consideration of Committee Report No. 23 on Senate Bill No. 113, entitled:

AN ACT PROVIDING FOR ADDITIONAL RULES GOVERNING THE CONDUCT OF THE FIRST LOCAL ELECTIONS AFTER THE ADOPTION OF THE CONSTITUTION.

We are still in the period of interpellations and I move that we recognize Senator Gonzales.

**The President.** Senator Gonzales is recognized. Are we still in the period of interpellations?

**Senator Mercado.** Yes, Mr. President.

**Senator Osmeña.** Mr. President.

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

**Senator Osmeña.** Mr. President, would the Sponsor yield to a few questions to clarify certain matters in the proposed bill?

**Senator Gonzales.** Gladly, to the Gentleman from Cebu City and the Province of Cebu.

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

On Section 2, line 9, on the section of voters in cities, it speaks of a highly urbanized city.

Will the Author kindly guide us as to whether or not there is an existing legislation that would set or prescribe the criteria for determining and establishing what highly urbanized cities are?

**Senator Gonzales.** Yes, Mr. President, we have the Local Government Code. Under the Local Government Code, cities are classified into highly urbanized cities and component cities.

The bases are, amongst others, the population and revenues of said cities.

**Senator Osmeña.** Therefore, Mr. President, under the Local Government Code, Batas Pambansa Blg. 337, Section 168, says that it shall be the duty of the Minister now Secretary of Local Government, to declare a highly urbanized city within thirty (30) days after it shall have met the requirements in Section 166 hereof.

Now, this bill provides, however, that no component cities shall be declared or classified as highly urbanized within sixty (60) days of the local election.

**Senator Gonzales.** That is correct. Mr. President. In fact, in the original provision of the Omnibus Election Code, it is not 60 days. It is 90 days. The reason for this provision is not really very hard to determine because if, let us say, a component city is declared or classified as a highly urbanized city within 30 days prior to a local election, then we can see the other confusion that would result from it.

Under Senate Bill No. 92, which this Body had already approved on Third Reading, the deadline for the filing of the certificates of candidacy of a candidate for a local elective office is 45 days before the election. So, we would see that if one has failed his certificate of candidacy for a local elective office and then 15 days thereafter the city or the component city is classified as a highly urbanized city, then it would create so many political chaos and political dislocations. But we thought that the 90-day period provided for in the Omnibus Election Code is quite too long, so we reduced it to 60.

**Senator Osmeña.** So, in effect, the intention of this provision is to suspend the effectivity of Section 168?

**Senator Gonzales.** Insofar as the period before a local election is concerned. Otherwise,

the general provision of the Local Government Code will apply.

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

Now, in line 14, it says: "The registered voters of a component city shall be entitled to vote in the election for provincial officials of the province of which it is a part.

Now, is the Author aware of the fact that there is a provision in the Constitution which clearly states that in cases of component cities where their charters provide they shall not vote in a provincial election, the same shall not be allowed to vote? So in effect, is it the intention of the Author to amend the charters of component cities which bar their voting for a provincial official so that now, on lines 14, 15, and 16, all component cities regardless of the provisions of their respective charters are allowed to vote through provincial elections?

**Senator Gonzales.** That is actually the intention of the Committee. In fact, during the period of amendments, the Committee will propose certain amendments to the effect that these provisions shall apply to any provision of law to the contrary notwithstanding. The very purpose, Mr. President, is to adopt a uniform rule. For political reasons, some charters of component cities prohibit the registered voters of the component cities from voting in the provincial election; some allow it. And we cannot see any reason for such a distinction. In fact, from my experience in the legislative work, this has been inspired mainly by political considerations. And so, we want really a fresh break, a fresh start from this practice. There are chartered cities; there are highly urbanized cities the charters of which allow the registered voters to vote in provincial elections. There are also charters of highly urbanized cities that provide otherwise. There seems to be no rhyme or reason. Historically, these have been the result of political maneuverings, and we want to avoid

that. That is why we are adopting a uniform rule, and it is our view that the registered voters of highly urbanized cities should not be allowed to participate in the election of provincial officials, because there is no political or administrative relation whatsoever between a highly urbanized city and the province in which it is located.

On the other hand, component cities are so called because they are considered as component parts of the provinces in which they are located. And under the Local Government Code, a certain degree of authority is still exercised by the provincial governor over them, however little that authority is. We feel that there is justification now for allowing the registered voters of component cities to vote in the election of provincial officials.

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

Now, we come to Section 3 which is the procedure in cases of nuisance candidates. I am fully aware of the problem of nuisance candidates. As a matter of fact, Mr. President, I almost did not run in the last election because I was very much concerned with the nuisance that a relative of mine would have provided.

**Senator Gonzales.** I think I know her even without the Gentleman's mentioning . . .

**Senator Osmeña.** I do not know about the gender, Mr. President, but never mind.

But in any case, one of the things that we considered at that time was the possibility of a certificate of candidacy being mailed. And then, with the help of a friendly municipal postmaster in any municipality in this country, that certificate of candidacy — after having been postmarked on a date prior to the deadline for filing — could have been withheld by the postmaster; or the delivery of it could have been delayed so that it does not reach the COMELEC until, let us say, 15 days before the election. But the certificate would still be validly filed

because it was mailed prior to the deadline. In which case, I would like to ask the Author if he would like to consider, during the period of amendments, a provision wherein — since we are now dealing with local elections — we will no longer accept the mailing of the certificate of candidacy. The certificate of candidacy should be filed directly with the city election registrar in the case of chartered cities, be they component or highly urbanized, and with the provincial election registrar in the case of provincial and municipal elections.

**Senator Gonzales.** Yes. I could see the point of the distinguished Gentleman, but then, there is really no provision in this bill regarding the filing of the certificate of candidacy. But if he feels very strongly about this, he can propose an amendment to Section 75 of the Omnibus Election Code, entitled, "Filing and Distribution of Certificates of Candidacy," because here we see that under paragraph (c), it says:

... for city and municipal offices with the city or municipal election registrar who shall send copies thereof to all polling places in the city or municipality. Probably, it can be amended to mean that no filing by registered mails or otherwise shall be allowed.

**Senator Osmeña.** In which case, at the proper time, Mr. President, I will introduce that amendment.

Now, on page 2, line 2, if I may be allowed, this has to do with a successive number of lines. Line 2 describes "within five (5) days from the last day for the filing of certificates of candidacy." That is precisely why I brought out the point of mailing, because it is possible that we could not be aware of such certificate having been mailed.

**Senator Gonzales.** As I said, I fully appreciate the reason given by the distinguished Gentleman. Probably, somewhere in this provision, we can add his proposed amendment.

**Senator Osmeña.** Mr. President, also provided here for five days within which the findings shall be reported, and then the Commission on Elections shall render its decision within five days from receipt thereof. And then, five days from the receipt of the copy, it shall be final. In effect, we are really talking here of 20 days from the date of the filing of the certificate of candidacy.

**Senator Gonzales.** Twenty to 25 days would still be considered acceptable. That would give sufficient period to any party adversely affected by the ruling of the Commission on Elections to bring its case to the Supreme Court, because we cannot deprive the Supreme Court of that jurisdiction. This is constitutionally provided. So, considering the 45-day period that we have provided for from the deadline of the filing of the certificate of candidacy, hopefully, there will be a sufficient period to have all of these things settled before election day.

**Senator Osmeña.** That is precisely what concerns me, Mr. President, because we have a very short campaign period. We only have a 45-day campaign period. And we have here a series of days, a total of up to 25. As a matter of fact, Mr. President, on line 21, it reads: "... after five (5) days from receipt of a copy thereof by the parties be final." But we do not know how long it will take the party to receive the copy, which, if mailed, may take forever.

**Senator Gonzales.** I hope we can still shorten the period. Our purpose really in prescribing the period is to direct a speedy disposition of all such cases, because the very fact that there are candidates with identical surnames, in itself, causes already some confusion to the voters, and at the same time, may already seriously affect the candidacy of a registered candidate. Now, if the distinguished Gentleman can help us, if he can think of something that would further shorten these proceedings, we will be very happy

to do that, but at the same time, we also do not want any party deprived of his day in court.

**Senator Osmeña.** Now, my last question, Mr. President, has to do with official watchers. In Section 6, page 3, it is provided that there shall only be one watcher at one time.

**Senator Gonzales.** For those who are authorized to appoint. In short, for a political party or a candidate, then they are entitled to have one watcher at one time, otherwise, if a party or a candidate can appoint many watchers, then, considering the physical size of our polling places, it might become a market place, and there will really be no order already in the proceedings of the board of canvassers.

**Senator Osmeña.** I could see this, especially with the local elections.

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

**Senator Osmeña.** But I would just like for the record a clarification on this. If there is a watcher appointed by a candidate who is the official candidate of a political party, therefore, there will be two watchers in that particular precinct for one particular candidate.

**Senator Gonzales.** That was what happened during the last election.

**Senator Osmeña.** Who is the watcher that should be sent out of the room?

**Senator Gonzales.** No, both of them will be entitled to remain in the polling place, because sometimes a candidate does not feel that his personal interest is sufficiently protected by the official watcher of his political party. That is the reason why we are giving him an opportunity to appoint also, and this is an innovation from the old provision of the Code. In fact, I am thinking that if there is a need to restrict the number of official watchers for candidates, we can provide during the period of amendments, insofar as the candidates for councilors belong to a political party, they will be entitled only

to collectively appoint one watcher. But I am submitting that. That was the old law before.

**Senator Osmeña.** No, Mr. President. The reason I am asking is because, conceivably, in a municipal election where the mayor, the vice mayor, and 10 councilors are running in the same ticket, let us say, the ticket of the Gentleman from Cagayan de Oro, PDP Laban, then, one of his councilors or all of his 10 councilors each has a watcher, and the candidate for mayor has a watcher, and the candidate for vice mayor has a watcher. The distinguished Gentleman would have in effect 13 watchers in that polling place for that particular political party.

**Senator Gonzales.** That is correct, Mr. President. That is why we are ready, and we even offered the suggestion that during the period of amendments that suggestion be considered and that, insofar as the candidates for councilor belong to the same political party instead of each candidate being allowed to appoint an official watcher, then they are collectively entitled to only one watcher.

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

**Senator Gonzales.** Thank you kindly, Mr. President.

**The President.** Are there any further interpellations?

**Senator Rasul.** Mr. President.

**The President.** Senator Rasul is recognized.

**Senator Rasul.** Will the Senator from Mandalayong yield to a few questions?

**Senator Gonzales.** Gladly, to the Gentle Lady from the South, Rose or otherwise.

**Senator Rasul.** Thank you, Mr. President.

After going through the longest election count in our political history, I am bothered by the fact that Senate Bill No. 113 did not make any provision or additional rules concerning the registration of voters.

**Senator Gonzales.** Because that is already provided for in Senate Bill No. 92 which we have already approved on Third Reading. If the distinguished Lady will recall, in Section 4 of Senate Bill No. 92, we provided for a special registration day on Saturday, November 28, 1987 for voters who will reach the age of 18 on January 18, 1988, or those who fail to register in the general registration of voters last December 1986 or in the special registration before the elections for Members of Congress on May 11, 1987.

**Senator Rasul.** Yes, Mr. President, but what I mean is there has been no additional rules governing registration to make it impossible for flying voters to vote.

**Senator Gonzales.** If the distinguished Lady Senator will note, in Section 1 of this bill, the provisions of Batas Pambansa Blg. 881, otherwise known as the "Omnibus Election Code of the Philippines" and all other pertinent election laws, if not inconsistent with the provisions of this bill, shall govern the conduct of the local elections. That is why, all these are already provided for in the Omnibus Election Code which apply in a suppletory character.

**Senator Rasul.** Thank you, Mr. President. So, I have the impression that these Rules are sufficient to safeguard the integrity of the registration.

**Senator Gonzales.** Under the existing registration law, I feel that there are already sufficient safeguards, sufficient provisions for the cleansing or purging the list of voters of illegal or spurious voters. The question as it is in most cases is the implementation of these provisions.

**Senator Rasul.** May I ask this question, Mr. President: How can we correct fictitious registration inasmuch as nothing much in the Rules has been introduced in this new Act?

**Senator Gonzales.** As I have said, Mr. President, these are already governed by the provi-

sions of the Omnibus Election Code. For example, we have the requirements: Section 135, Publication of the list of voters; Section 136, Challenge of right to register; Section 137, Power of the board of election inspectors to administer oaths and issue summons; Section 138, Jurisdiction, inclusion and exclusion cases; Section 139, Petition for inclusion of voters in the list; Section 140, Voters excluded through inadvertence or registered with an erroneous or misspelled name; Section 141, Change of name registered voters; Section 142, Petition for exclusion of voters from the list; so, also Section 144, that the election registrars shall, once every two years or oftener should the Commission deem it necessary in order to preserve the integrity of the permanent list of voters, conduct verification by mail or house-to-house canvass, or both, of the registered voters of any barangay for purposes of exclusion proceedings; Section 145, Annulment of permanent lists of voters, the preparation of which has been effected with fraud, bribery, forgery, impersonation, force, or any similar irregularity. So, I repeat, Mr. President, that these are already provided for in the Omnibus Election Code.

**Senator Rasul.** Thank you, Mr. President. How can we be certain that these provisions will not be violated? The distinguished Gentleman mentioned the fact that what is needed is correct implementation. How then can we insure proper and correct implementation of this code?

**Senator Gonzales.** Unfortunately, Mr. President, we here in Congress can only try to enact a law that could possibly apply to foreseeable circumstances. But in the implementation of the same, it is already beyond our power, although we can arraign before the bar of public opinion the Commission on Elections for its failure to do its duty; and if there are grounds for impeachment, then the way we can interfere is through

impeachment proceedings of the Chairman and the members of the Constitutional Commission; or probably, finding that there be some misconduct amounting to offenses, we can disclose to the Senate or to any of its committees; then the same can be referred properly to the Office of the Special Prosecutor or to the Tanodbayan for disposition. In short, the whole thing does not really rest upon our shoulders.

**Senator Rasul.** Mr. President, may I know from the distinguished Senator what are the penalties provided by law in the event that the provisions of this Code are violated?

**Senator Gonzales.** Mr. President, this is again covered by the provisions of the Omnibus Election Code. For example, there are so many election offenses which are defined under Article XXII, entitled "Election Offenses," starting with Section 261 of the Omnibus Election Code on prohibited acts, and the penalty is provided for also. If the distinguished Lady Senator will note, how many pages are these?

**Senator Rasul.** Mr. President, is imprisonment one of the penalties?

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

**Senator Rasul.** How many years, Mr. President?

**Senator Gonzales.** According to Section 264 of the Omnibus Election Code, entitled, "Penalties," and I quote:

Any person found guilty of any election offense under this Code shall be punished with imprisonment of not less than one year but not more than six years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage. If he is a foreigner, he shall be sentenced to deportation which shall be enforced after the prison term has been served. Any political party found guilty shall be sentenced to pay a fine of not less than ten thousand pesos, which shall be imposed upon such

party after criminal action has been instituted in which their corresponding officials have been found guilty.

There are so many penalties provided for here which we feel are already adequate and need no amendment.

**Senator Rasul.** Thank you, Mr. President.

Now, may I ask this question: Has there been anyone penalized for an election offense that was mentioned?

**Senator Gonzales.** Unfortunately, my memory is not that good, but there might have been. But definitely, I am not aware of any known politician or political personage who has been sent to jail for the commission of an election offense. And probably some of these provisions, sad to state, are more honored in breach than in observance.

**Senator Rasul.** Like the distinguished Senator from Mandaluyong, I do not recall of any instance where anyone went to jail or was penalized for any election offense. That being the case, does not the distinguished Gentleman think there is something amiss in our Election Code or in the Rules now promulgated governing the conduct of the first local elections? How can we be sure that these offenses will not be committed?

**Senator Gonzales.** We cannot be sure, Mr. President. If the Lady Senator asks for a 100-percent guarantee from me, I am not in a position to give the same. Unfortunately, we have different offices and branches of the government and we are only one-half of Congress; meaning, we are just one House of Congress. We try to do what we should do within the parameters of our own powers.

Now, insofar as the implementation of laws are enacted, unfortunately, that is already beyond the scope of our authority. What we can only do is to exercise our own, not only the political pressures that we can probably exercise, we can arraign them before the bar of pub-

lic opinion, condemn such action, urge them to do something about it, and, if necessary, refer matters constituting offenses that have come to our official knowledge to the proper bodies. And probably, that may not necessarily require action of this Body, but even the individual actions of members thereof.

**Senator Rasul.** Thank you, Mr. President.

I feel disturbed that in Senate Bill No. 113, it seems the focus of its attention is the candidate himself, the voters. What about the people who are supposed to uphold the law? I believe, Mr. President, that there should be more stringent measures, stringent penalties for those who are supposed to uphold the law and the integrity of the elections. The penalty should be more grave.

We have just gone through an election, and, Mr. President, we all know what happened during the recent elections. And keeping that in mind, this Representation feels that any rule that would provide for a reform of our election, particularly the forthcoming election, the local election, should look into the offenses committed not by the voters themselves but especially by the people who are supposed to hold sacred the elections, the right of suffrage.

**Senator Gonzales.** Mr. President, that is a very, very strong indictment that probably requires specification. I do not have personal knowledge of the same, and I would like to hold my head up. I refuse to believe that my own election to this august Body is tainted with fraud.

**Senator Rasul.** Mr. President, this humble Representation did not mention fraud. What was meant here is that people, officials, and employees supposed to be responsible for the conduct of elections should be made to realize that in the event they violate the rules they are supposed to uphold, they should be the first people to be penalized, if only to serve as a deterrent,

that in the future, if elections will be held properly, they should follow the law instead of what we went through. We had the longest count, and up to this day, Mr. President, there are still some municipalities which have not counted their votes.

**Senator Gonzales.** Yes, Mr. President. That is why I have said that the penalties provided for in the Omnibus Election Code, in my view, are already sufficient. Imagine, there is the additional disqualification here that the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage. Sometimes, we think of penalties in terms of imprisonment. But penalties of permanent disqualification to hold public office, deprivation of the right of suffrage, in my view, are more harsh than merely sending a man to jail.

So, it depends on our own personal appreciation of what a penalty or what a punishment is.

**Senator Rasul.** Thank you, Mr. President.

**Senator Saguisag.** Mr. President.

**Senator Estrada.** Mr. President.

**The President.** Senator Saguisag is recognized, to be followed by Senator Estrada.

**Senator Saguisag.** Thank you, Mr. President.

I have a few questions on nuisance candidacies. Will the distinguished Gentleman yield to the same?

**Senator Gonzales.** Gladly, Mr. President. Who could possibly refuse?

**Senator Saguisag.** Thank you, Mr. President.

The way Section 4 is worded here, it is open to the interpretation that if someone, for being a nuisance candidate, can be subjected to the penalty provided in Section 264 of the Omnibus Election Code.



In a democracy, it seems to me, one who feels he has a chance to win in an election may run; he may, in fact, fly with the wings of fantasy; but that is his right. Then, he will lose if he is not questioned as an alleged nuisance candidate.

I wonder whether this penalty should only be imposed upon a nuisance candidate who, after having been so declared by a final and executory judgment, still persists or continues to misrepresent himself, or holds himself out as a candidate, thus creating confusion. We know of some notorious cases — I do not have to name names, but there are some rather well known names in our history. They kept running all the time without really harming anybody, providing some kind of amusement even. I am not sure whether that should be our intent, to ban such candidacies.

In other words, in the period of amendments, will the Gentleman consider something along this line, that it should only apply to a case where a nuisance candidate has been so formally declared by final and executory judgment, and despite that continues to deceive the public that he is still a candidate?

**Senator Gonzales.** I have to admit that Section 4 is the product of a misapprehension of the bill that the distinguished Gentleman has filed which penalizes a nuisance candidacy. And we will be very happy to accommodate an amendment as I already indicated to him yesterday.

But, while it is true that a person, probably as a result of what we can flights of fantasy, may like to become a candidate, that is not really what we have to consider as nuisance candidacy, not from the viewpoint of the candidate alone, but from the viewpoint also of the candidate adversely affected by the said nuisance candidacy and the people. Because, in order that

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one can be a nuisance candidate, it must be proven that the certificate of candidacy has been filed to put the election process in mockery or disrepute or to cause confusion among the voters by the similarity of names of the registered candidates, or by any other circumstances or acts which clearly demonstrate that the candidate has no bona fide intention to run for the office for which the certificate of candidacy has been filed. And, I want to underscore this and thus prevent a faithful determination of the true will of the electorate. And to me, that offense, that act itself, seriously affects the electoral process and, therefore, it is a crime against the very purity of suffrage.

There is a sufficient basis, therefore, or justification to declare it as an offense.

But, as I have pointed it out here, Mr. President, we are willing to accept, because this provision has really been inspired by his own bill. And that is the reason why the distinguished Gentleman is a coauthor of this bill.

**Senator Saguisag.** I would also clarify for the record, so that it may be understood better in the period of amendments, that the real origin of the bill that this Representation authored was not so much a case of nuisance candidacy but a disqualified candidacy.

**Senator Gonzales:** Yes.

**Senator Saguisag.** Because under Section 74 of the Omnibus Election Code, there are so many grounds for disqualification. And again I would hope that the understanding would be confirmed that we could expand this section to include the case of disqualified candidate who, despite the formal disqualification, continues to misrepresent himself.

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

**Senator Saguisag.** Now, however, is that also our understanding, Mr. President?

**Senator Gonzales.** Yes, the proposed amend-

ment will be accepted at the proper time, Mr. President.

**Senator Saguisag.** Now, before I yield the floor, I would just want to touch on a point that was discussed by the Gentleman from Mandaluyong and the Senator from Sulu. We seem to be reacting often here to a situation that where a law is not being enforced, we increase the penalties. I wonder whether the Gentleman will share with me the view that actually what deters people is not the gravity to the penalty but the swiftness and certainty of punishment. I am not sure that people commit electoral offenses because all that they will suffer is six years of imprisonment or perpetual disqualification.

I am only mentioning this because I think the tendency in both Houses is that every time there is a breakdown in the law, we say, "Let's increase the penalty."

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

**Senator Saguisag.** When actually, even one month of imprisonment is terrible; I mean, if it is something that can be swiftly and quickly imposed upon a delinquent. So, it is a question of penology, which I am just spreading upon the record, for us to consider every time that we are confronted with alleged inefficiency in enforcement or breakdown of law and order.

But otherwise, I associate myself with the thought of the distinguished Gentleman from Mandaluyong in that, in fact, disqualification from public office is, to a public official, some kind of a capital penalty in itself.

**Senator Gonzales.** That is what I have said, Mr. President, that when we speak of punishment or penalties, we always think in terms of imprisonment. But I believe with the Gentleman that the accessory penalties — image, permanent disqualification to hold public office or, let us say, deprivation of the right of the right of suffrage, which is a very basic and fundamental right of citizenship — now, these things cannot

be measured in terms of periods in which one is sent to jail.

**Senator Saguisag.** I thank the Gentleman from Mandaluyong. Thank you, Mr. President.

**The President.** Senator Estrada, and then to be followed by Senator Enrile.

**Senator Estrada.** G. Pangulo, kung mamara-  
patin po ng Kgg. na Senador ng Mandaluyong,  
ako po ay magdadagdag lamang.

**Senator Gonzales.** Buong karangalan at  
buong kasiyahan pumapayag po ako.

**Senator Estrada.** Doon po sa page 3, Section  
6, lines 17 to 20, and nakalagay po dito ay:

In addition to their rights and duties under  
Section 178 of Batas Pambansa Blg. 881, the  
official watchers of the candidates for city or  
municipal mayor obtaining the highest number  
of votes in a precinct shall . . .

Puwede po bang idagdag iyong "obtaining the  
FIRST TWO highest number of votes"?

**Senator Gonzales.** Ipinaliwanag ko po kaha-  
pon sa aking sponsorship speech na mayroon  
silang pagkukulang sa pagkopya noong original  
bill. At ang sabi ko pa nga, ang ibig sabihin nito  
ay, the candidates for city or municipal mayor  
obtaining the highest and the second highest  
number of votes. Sapagkat ang suggestion na ito,  
sa aking pagkakatanda, noong magkaroon tayo  
ng committee deliberations, ay nanggaling sa  
inyo o sa inyong Kinatawan. Kaya ikinararangal  
namin na kayo ay maging isa sa mga kinikilalang  
ama ng panukalang Batas Blg. 113.

**Senator Estrada.** Doon sa Section 6, lines 23  
and 24, nais ko pong idagdag, pagkatapos ng  
"If they or either of them are not available or  
unwilling or should they refuse to do so," ang  
mga sumusunod: "THE WATCHER OF THE  
CANDIDATE OBTAINING THE NEXT SUC-  
CEEDING HIGHEST NUMBER OF VOTES  
may be required by the Board of Election In-  
spectors to do so."

**Senator Gonzales.** Maaari po. Ang kaisipang nasa ilalim ng nasabing panukala kung bakit namin inilagay ang salitang "any watcher" ay sapagkat may mga pagkakataon na iyong mga official watchers na dapat pumirma, naroroon man o wala sa presinto, ay ayaw pumirma. Hindi natin malaman kung ito ay maiwasan, inilagay namin ang salitang "any watcher" o sino mang watcher, kung sa ano mang kadahilanan ay wala sila o ayaw nilang lumagda. Sapagkat kailangang matapos agad ang proceedings ng pagbibilang at paggawa ng election returns. Baka lalo pong tumagal kung maghihin-tay tayo kung sakaling wala iyong pangatlo, kung wala iyong pag-apat at hahanapin pa natin iyong panglima. Kailangang matapos agad sa lalong madaling panahon ang pagbilang ng balota at paggawa ng election returns upang madala agad sa mga kinauukulan. Sapagkat may panganib habang ito ay tumatagal. Iyon po ang dahilan kung bakit sinabi naming "any watcher." Mangyari po kung succeeding, maghahanapan pa kayo. Hahanapin ninyo kung sino ang pangatlo, at kung wala ito, hahanapin ninyo ang pag-apat, bagaman may ibang watcher na naroroon at maaaring lumagda sa pagkakataon at sandaling iyon.

**Senator Estrada.** Puwede po ba sa page 2, line 24, after the words "Commission on Elections", we put a "comma (,)" at idagdag ang mga sumusunod: UPON RECEIPT OF THE FINAL AND EXECUTORY DECISION OR ORDER OF THE SUPREME COURT; and on the same page and line, between the words "shall" and "without", we insert the following: "AND IN ACCORDANCE THEREWITH AND without delay disseminate. . ." So that the whole paragraph will read: "The Commission on Elections, UPON RECEIPT OF THE FINAL AND EXECUTORY DECISION OR ORDER OF THE SUPREME COURT shall AND IN ACCORDANCE THEREWITH AND without delay disseminate its decision declaring respondent a

nuisance candidate to the municipal election registrars and board of election inspectors and the general public in the political subdivision concerned."

**Senator Gonzales.** Puwede po iyon, sapagkat ang ibig sabihin nito, ang desisyon ay tala-gang final. Sapagkat kung hindi pa final, wala pa po silang katungkulan. Sapagkat hindi dapat alisan ng karapatan ang sino mang party na iakyat ang kaniyang usapin sa Korte Suprema. Ang ibig po bang sabihin nito, iyong desisyon ay isang final decision. At kung ito ay isang final decision, maaaring maging final pagkatapos ng limang araw o pagkatanggap nila ng decision sa Korte Suprema.

**Senator Estrada.** Walang definition dito kung sino ang nuisance candidate.

**Senator Gonzales.** Hindi na po namin inulit iyon sapagkat may sapat na batayan na pagkakakilanlan kung ang isang tao ay nuisance candidate sang-ayon sa Section 69 ng Batas Pambansang Blg. 881.

**Senator Estrada.** Iyon lamang po. Marami pong salamat.

**Senator Gonzales.** Marami pong salamat.

**The President.** Senator Enrile is recognized.

**Senator Enrile.** Thank you, Mr. President.

In fact, my Colleague has already asked one of the substantive matters that I wanted to ask but I will just ask one question, Mr. President.

I am referring to page 3, lines 14 to 16, a proviso which implies to mean, Mr. President, that the implication of this proviso seems to suggest that the parties who are entitled to appoint watchers could appoint more than one watcher, only that one watcher would be allowed to stay inside the polling place. Would the distinguished Gentleman accept an amendment in due course to clarify this?

**Senator Gonzales.** Yes, Mr. President. That is not really the intention. I think when we say

that every registered political party, coalition of political parties, every candidate shall be entitled to one watcher "inside" the polling place, isang watcher lamang ang kaniyang maa-appoint.

**Senator Enrile.** Yes, but if we analyze this proviso, Mr. President, it would seem to contradict, precisely, or at least, it becomes redundant because the first sentence of the proposed section already says that they are only entitled to one.

**Senator Gonzales.** Probably, the structure of the sentence is really ambiguous. Any change that would make it — the legislative intentions — clearer will be most welcome.

**Senator Enrile.** Thank you, Mr. President.

Now, on page 4, lines 7 to 8, giving preference to those with permanent appointments, may I know the purpose of this particular phrase, Mr. President? After all, the Government can give permanent appointments to all the teachers who would serve in the conduct of our elections so that one would be suspected of being subject to pressure.

**Senator Gonzales.** The idea, Mr. President, is what I think, as the Gentleman has always been pointing out that one who holds already a permanent appointment is not entitled to security of tenure. That is why the bill says giving preference to those with permanent appointments.

**Senator Enrile.** Precisely, Mr. President, the term "giving preference" would seem to suggest that the one appointing the teachers who will serve as members of the board of election inspectors would have the discretion to either select a permanent appointee or not, provided that all things being equal, the preference is given to those with permanent appointments. But since human discretion is applied, the appointing authority could very well say, "Well, I would rather put people with temporary appointments because of certain reasons which impel me to do so."

**Senator Gonzales.** How would he want it worded then, Mr. President?

**Senator Enrile.** I suggest, Mr. President, that we delete the words "giving preference to those" and just say: "ALL OF WHOM SHALL BE PUBLIC SCHOOL TEACHERS WITH PERMANENT APPOINTMENTS."

**Senator Gonzales.** But suppose there are not enough public school teachers with permanent appointments, and those available only hold temporary appointments? It has happened in a number of times, Mr. President.

**Senator Enrile.** Am I to understand that we have more teachers with temporary appointments?

**Senator Gonzales.** I am not saying that. But since we do not have the sufficient statistics, there is always that possibility.

**Senator Enrile.** Maybe, we can discuss that at the proper time.

**Senator Gonzales.** Yes, Mr. President, we will be very happy to do that.

**Senator Enrile.** Thank you, Mr. President.

**Senator Laurel.** Mr. President.

**The President.** Senator Laurel is recognized.

**Senator Laurel.** With the permission of the Senator from Mandaluyong, Mr. President, I would like to ask a few questions.

**Senator Gonzales.** Gladly, to the Batangueño of the Senate.

**Senate Laurel.** Mr. President, there is a provision in the Constitution on political dynasties.

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

**Senator Laurel.** And that is specifically mentioned or contained in Section 26 of Article II of said Constitution. It reads:

The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law.

I would like to ask the good Senator from Mandaluyong if he agrees, not that he has to, because it is a mandate of the Constitution, whether he thinks that this principle, this mandate, should somehow be contained in the bill which he is proposing.

**Senator Gonzales.** As we explained yesterday, Mr. President, there are really two bills dealing with the elections, and there is an earlier bill that was authored by Senator Guingona where the permanent electoral reforms are being placed. They are in the nature of amendments to the Omnibus Election Code, which, if approved, will have a permanent character.

Now, on the other hand, Senate Bill No. 113 which is the bill under consideration merely intends to provide additional rules governing the conduct of the first local elections after the adoption of the Constitution. That is why, we did not include any anti-dynasty provision here, because by the very nature of that provision, it should really be permanent. Because it is very difficult to have an anti-dynasty provision applicable to the local election, and then we are going to change it later when we revise the Election Code. So it is contained in the bill that is authored by Senator Guingona which we also hope will be approved just in time for the local election.

**Senator Laurel.** Mr. President, aside from the bill introduced by Senator Guingona, this Representation also prepared and authored a bill on kinship disclosure; meaning, a candidate for elective office would have to disclose, under oath, his relatives within the fourth to the sixth degree of affinity or consanguinity with any public official elected or appointed. That is for the purpose of letting the people know, who will be electing the public officials, whether on the national or local level, that he is a member of a certain family already in the Government, appointive or elective.

**Senator Gonzales.** So the purpose of the bill

is not really to ban dynasty but merely to disclose to the people such blood relationship, still allowing the people to make the choice.

**Senator Laurel.** That is correct, Mr. President.

**Senator Gonzales.** Yes. What is the number of that bill, Mr. President?

**Senator Laurel.** As far as my recollection is correct, Mr. President, I think it is Senate Bill No. 45.

**Senator Gonzales.** We will actually look into that. But as we have said, Mr. President, bills of that nature assume a permanent character. I think it is so important that it should not be applicable only to one election but it should be applicable all throughout.

**Senator Laurel.** It is applicable throughout.

**Senator Gonzales.** And probably that can be considered when we take up Committee Report No. 21.

**Senator Laurel.** Mr. President, if I can find a place in the Gentleman's proposed bill where that disclosure could be included, would he consider a possible inclusion?

I refer specifically, Mr. President, to Section 9 of his bill, on page 4, starting from lines 11 to 18. Because, here we have in Section 9, the publication of names of candidates with their nicknames or stage names. And it reads:

The Commission on Elections shall cause to be printed in the official list of candidates election returns and tally boards for every political subdivisions concerned the names of all registered candidates immediately followed the nickname or stage name duly registered in their certificates of candidacy.

I was thinking, Mr. President, that we could include here the names of their relatives within the fourth degree of consanguinity or affinity of the candidates. This is the best place to put it in

order to inform the public, the electorate, that this particular candidate is a relative of an official already elected to office or appointed to high office.

**Senator Gonzales.** We will discuss with Senator Guingona because I understand his bill contains some anti-dynasty provision. And we would really want to harmonize the suggested provision.

**Senator Laurel.** Mr. President, my bill is simply a disclosure. It does not disqualify. Not yet. The bill of Senator Guingona disqualifies; my bill does not. All my bill seeks to do is to get information from the candidates by the disclosure of his relationship with people in the government. And which is in line with precisely the provision contained in Section 26 which is: "The State shall guarantee equal access to opportunities for public service." Not yet prohibiting political dynasties; that is the bill of Senator Guingona.

Mine simply seeks to inform the public. So that in voting for public office any elective official, the voter would know if this candidate is the relative, the brother, the sister, the cousin or the father or the son of this mayor, for instance. Well, the electorate will have to decide. Do I vote for the son of this mayor, for instance, in spite of the fact that his father is already the mayor or the governor of a province?

**Senator Gonzales.** On the other hand, it may also work the other way. That he is an unknown candidate, and a voter votes for him because he now learns that he is a relative of a duly recognized political personality who is in public office.

**Senator Laurel.** I understand that, Mr. President.

**Senator Gonzales.** Which means it can also went the other way, and thus, defeat the anti-dynasty provision.

**Senator Laurel.** Yes, but that means that if the voter, in spite of what he knows that this particular candidate is a relative of somebody already in high office, votes for the candidate, that is the responsibility of the electorate, of the voter. But at least, he knows when voting that he is either rejecting or supporting the particular candidate. In other words, it is with full knowledge of the fact that he is a relative.

**Senator Gonzales.** That would require then two documents, Mr. President: (1) a verified statement of the candidate himself enumerating his relatives within the fourth degree of consanguinity or affinity; and (2) a document to be published by the Commission on Elections listing now the candidates and their respective relatives.

Is that the intention of the distinguished Gentleman?

**Senator Laurel.** Yes, Mr. President, Actually, my bill seeks to get a disclosure from candidates in a sworn statement and that is to be filed, shall we say, amongst others with the Commission on Audit, then with the Commission on Elections. But that would mean nothing if it will not be published as stated here: "The Commission on Elections shall cause to be printed in the official lists of candidates," because that is merely informing an office, shall we say the Commission on Elections. . .

**Senator Gonzales.** Yes. We will try to find the proper place, Mr. President, because for very obvious reasons, the same should not be included in the election returns.

**Senator Laurel.** Yes, Mr. President.

**Senator Gonzales.** Neither should it be included in the tally board nor in the official lists. In all probability, it should be in a separate statement.

We will try to find whichever place. If necessary, we can create a new section or add a new paragraph.

**Senator Laurel.** Thank you, Mr. President.

**Senator Saguisag.** Mr. President.

**The President.** Senator Saguisag is recognized.

**Senator Saguisag.** Parliamentary inquiry, Mr. President. I would like to know if it is in order to supply the information that we just took up an hour or two ago the bill of Senator Laurel as part of the consolidated bill on ethical standards. So, if we can report that other bill out presently without having to touch the bill under consideration, which is in an advanced stage, we may be able to report out that consolidated form of Senate Bill Nos. 3, 45, and 104, maybe, as early as next week. That may influence whatever decision may be taken here. The intent of the distinguished Gentleman from Batangas, it seems to me, is amply met in the consolidated bill that we took up earlier this afternoon and which we will take up again Monday afternoon.

So, I am just supplying that information as it may affect the intention of the distinguished Gentleman from Batangas. We bodily lifted from his bill, Senate Bill No. 45, that portion where it is required of all candidates to disclose their relatives within the affected degrees.

#### SUSPENSION OF THE SESSION

**The President.** The session is suspended for a few minutes, if there is no objection. (*There was none.*)

*It was 5:18 p.m.*

#### RESUMPTION OF THE SESSION

*At 5:39 p.m., the session was resumed.*

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

**Senator Maceda.** Mr. President.

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

**Senator Maceda.** Puwede po bang magtanong uli sa magiting at guwapong Senador ng Mandaluyong?

**Senator Gonzales.** Kung kayo po, puwede kong paulitin.

**Senator Maceda.** Salamat po. Nasasaad sa Section 2 ang tungkol dito sa mga botante sa mga lungsod. Ito ay tila ibinase sa Section 12, Article XII ng local government provisions. Hindi po ba puwedeng mangyari na isa na lamang ang dapat na maging regulasyon dito, na kung ang lahat ng lungsod ay puwedeng bumoto, pare-parehong puwedeng bumoto, at kung ang lahat ng lungsod ay hindi puwedeng bumoto, pare-parehong hindi puwedeng bumoto? Tila hindi po maliwanag itong constitutional provision. It does not look to be that absolute.

**Senator Gonzales.** Kaya nga po kami ay nagmumungkahi na gumawa tayo ng isang maayos na batayan. Sapagkat talagang may pagkakaiba iyong tinatawag na highly urbanized cities doon sa component cities. At maging sa Konstitusyon ay nasasaad na iyong highly urbanized cities ay hiwalay sa lalawigan. Sa katotohanan, walang ano mang kunksiyon, maging administrative or political, ang isang highly urbanized city at ang lalawigan ng dati niyang kinalalagan. Kaya wala kaming makitang dahilan kung bakit kailangang ang mga botante, ang mga rehistradong manghahalal sa isang highly urbanized city ay pabotohin magpatalo ng isang kandidato sa isang katungkulang panlalawigan. Sa kabilang dako naman, ang mga component cities ay maliliit. Ang dami-daming component cities dito sa Pilipinas. Ang karamihan po niyan ay maliliit. Kaya mayroon pa rin itong relasyon doon sa probinsiya. Ang gobernador, sa ilalim ng Local Government Code, ay binibigyan pa rin ng superbisyon sa mga component cities na ito. Kaya iyon ang dahilan kung bakit ang kanilang mga mamamayan o manghahalal ay dapat na bumoto sa halalan para sa mga provincial officials. Ito ay isang karapatan na itinatadhana ngayon ng ating Konstitusyon.

Sapagkat nasasaad sa second sentence ng

Section 12, Article X ang ganito: "The voters of component cities within a province, whose charters contain no such prohibition, shall not be deprived of their right to vote for elective provincial officials."

**Senator Maceda.** Iyon nga po ang gusto kong itanong sa inyo. Sapagkat dito sa second sentence na binasa ninyo, mayroon ditong parang limitation: "whose charters contain no such prohibition."

**Senator Gonzales.** Opo, G. Pangulo.

**Senator Maceda.** Ang ibig sabihin, kung may prohibition sa existing charter, o kung sakaling bukas-makalawa ay magkaroon ng prohibition, ay puwede silang i-deprive. Ganoon din sa unang sentence: "Whose charters prohibit their voters from voting for provincial elective officials." Ang tingin ko po rito, magandang kaso ito for a case of being discriminatory. Because there is no, as he said, rational difference, where if we just base it on their charters. Alam naman natin na, in the past, iyong charter ay naipapasa, one way or the other, depende sa political reality noong Congressman. Kung gusto niya na hindi pabotohin sa mga provincial officials ang mga manghahalal, hihilingin niya, at since it is a local bill, ipapasa naman.

**Senator Gonzales.** Kaya kung mapapansin ninyo, dito sa Section 2 ng Senate Bill No. 113, isa na lamang ang patakaran natin. And I am willing to submit this to a constitutional test. Sapagkat wala namang nakasaad sa Section 12 na pinagbabawalan ang Kongreso na baguhin iyon, kundi sinisiguro lamang ng tadhana ng ito ng Saligang Batas na ang lahat ng mga rehistradong manghahalal sa mga component cities ay hindi pagkakaitan ng karapatang bumoto sa mga provincial officials.

**Senator Maceda.** Hindi po sa katotohanan, katulad ng City of Lipa for Batangas, or City of San Pablo for Laguna, ay hindi naman talagang

pinakikialaman ng gobernador ang mga lungsod na iyan?

**Senator Gonzales.** Talagang totoo po iyon at walang kapangyarihan. At kung walang kapangyarihang bumoto, bakit naman pabobotohin natin para sa halalan ng mga gobernador ang mga manghahalal ng lungsod na iyon? On the other hand, ang mga manghahalal ng Cebu City, katulad ng pagkakaalam nina Senador Osmeña at Senador Herrera, ay nakakaboto para sa provincial officials. Hindi ba? How about Mandaue? Ang Mandaue ay nakakaboto.

**Senator Maceda.** Iyan na nga po. Hindi po ba mali iyon?

**Senator Gonzales.** Mali po iyon.

**Senator Maceda.** Na iyong Cebu City ay hindi boboto. Hindi naman nakikialam iyong provincial government ng Cebu sa Cebu City. Then, just across the boundary within one meter, iyong sa Mandaue City ay puwedeng bumoto sa provincial. Hindi rin naman nakikialam iyong provincial government sa Mandaue City.

**Senator Gonzales.** Kaya nga po, kung magagawa nga lamang sana natin na magkaroon ng isang batas para sa highly urbanized at component city. Kaya lamang ay hindi natin magagawa iyon sapagkat may malaking pagkakaiba ang isang highly urbanized city doon sa component city. Sang-ayon sa tadhana ng Saligang Batas, ang isang highly urbanized city ay independiyente sa isang lalawigan at ang mga botante ng isang component city ay hindi dapat pagkaitan kailanman ng karapatang bumoto para sa provincial officials.

**Senator Maceda.** Opo. Sapagkat ang isa sa mga committee amendments na idadagdag natin ay iyong phrase na: THE PROVISION OF ANY LAW TO THE CONTRARY NOTWITHSTANDING. Samakatwid, kahit na may tadhana pa sa kanilang karta o charter na nag-sasabing hindi sila dapat na bumoto, iyon ay mawawalan na ng kabuluhan at mangingibabaw



ang tadhana ng bill na ito sa oras na pagtibayin bilang isang batas.

**Senator Maceda.** Mr. President, for me, I certainly feel that whether it is a highly urbanized city or a component city, as long as it is already chartered as a city, the political segregation between the city and the province should be maintained. However, I am acquainted with the constitutional provision and I was just wondering whether the distinguished Gentleman from Mandaluyong can still find a way to, in effect, provide for a rule that will prohibit all voters of the different cities from voting for the provinces and establish the complete independence of cities from the provincial government.

**Senator Gonzales.** Salat po ako sa kakayahang umisip ng isang panukala na sa aking palagay ay lalabag sa tadhana ng Saligang Batas.

**Senator Maceda.** Hindi po ba puwede na iyong mga charters na walang prohibition ay lagyan nating lahat ng prohibition?

**Senator Gonzales.** Ang ispiritu o diwa ng tadhanang ito ay talagang inirereserba sa mga mamamayan ng component cities — iyong karapatang bumoto sa mga provincial officials. Iyon po ang talagang diwa.

**Senator Maceda.** Sapagkat kayo ang gumuhit ng tadhanang iyan ngayon, hindi na po ako makakatutol.

Salamat po.

**The President.** Is there any other interpellation?

**Senator Tañada.** Mr. President.

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

**Senator Tañada.** I would just like to ask the Gentleman from Mandaluyong clarificatory questions, Mr. President, and they are in connection with the membership of the municipal board of canvassers.

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

**Senator Tañada.** Under the bill, the membership of the municipal board of canvassers is supposed to be composed of the election registrar or a representative of the Commission on Elections, as Chairman; the municipal treasurer, as vice-chairman; the district supervisor, or in his absence, the public school principal of the municipality; then the municipal assessor; and then, the municipal health officer, as members.

My question, Mr. President, is: There are some municipalities where there are more than one school district, where there will be more than one district supervisors, in such a situation then, who would be the supervisor that would be appointed to the municipal board of canvassers?

**Senator Gonzales.** I was informed indeed that there are municipalities where there are two or more district supervisors. In the same manner, there are also municipalities where there are two or more public school principals.

Dahil nga po sa hindi natin matumbok, because we cannot really foresee or we are not aware of the conditions obtaining in each and every municipality, we have provided for a general rule. And hoping that in the event that certain matters such as that envisioned by the distinguished Gentleman will come up, then under the rule-making authority of the Commission on Elections, that gap would be filled or provided for.

**Senator Tañada.** Would there be any criterion or criteria that would be followed by the Commission on Elections?

**Senator Gonzales.** Of course, Mr. President, the rule should always be consistent with but never repugnant to the expressed provision of the law. But if the Gentleman thinks of a certain standard that can improve this particular provision and guide the discretion of the Com-

mission on Elections, we will be very happy to hear that.

**Senator Tañada.** Perhaps, it would be the supervisor, or in his absence, the principal of the school district of elementary school within the area comprising the municipal hall or building where the municipal mayor and the sangguniang bayan hold office. Ang haba po nito. *(Laughter)*

**Senator Gonzales.** Let us somehow refine it, but, I think, we understand the concept that the distinguished Gentleman is suggesting.

**Senator Tañada.** Yes, Mr. President.

Another point that I would like to clarify is that on lines 13 to 15 of page 6, second paragraph of this subdivision 3 of Section 11, there is that phrase "and other chartered cities with more than one representative district." As I understand it, the Constitution, in the ordinance appended to it, mentions only Manila, Quezon City, Caloocan City, Davao City, and Cebu City, as these cities are with more than one representative district. And that the proposed bill itself prohibits the classification of a city into a highly urbanized one within 60 days prior to a local election. So, would it not be then a surplusage to still have this phrase in this paragraph?

**Senator Gonzales.** The truth, Mr. President, is that the phrase "and other chartered cities with more than one representative district" had been included here *ex abundante cautela*, merely out of the abundance of caution, because we were not very sure at the time whether or not outside of the cities herein enumerated, there are other cities. But if, as he says, he has checked it with the ordinance appended to the Constitution, and there are none, then I agree with the Gentleman that this is a surplusage and could be deleted during the period of amendments.

**Senator Tañada.** Thank you very much.

**The President.** Are there any other interpellations?

The Majority Floor Leader.

**Senator Mercado.** Mr. President, if there are no other interpellations, I just would like to ask a few questions.

On page 3, lines 11, 12, 13, and 14, the candidate appoints the watcher who shall be recognized by the Board of Election Inspectors. But in the last election, there was a ruling that there were some complaints as regards this notation.

Now, I would like to know from the Author if we can incorporate something to remove this particular problem that was encountered in the past election.

**Senator Gonzales.** Yes, Mr. President. In fact, that is the very purpose why I said, we provided in the second sentence, first paragraph of Section 6: "That a duly signed appointment of a watcher shall entitle him or her to recognition by the Board of Election Inspectors in the exercise of his right and the discharge of his duties as such."

Because during the Committee hearing, we were informed that there had been some difficulties or delays in the appointment of watchers because, aside from the appointment, a sort of accreditation or certification was still required from the Commission on Elections of the Municipal Election Registrar.

And, we really want to remove it. That is why, we have provided here that for as long as a watcher has a duly signed appointment, it is really sufficient for purposes of recognition and discharge of his duties.

**Senator Mercado.** So, there is no necessity for this to be noted by the election registrar.

**Senator Gonzales.** No more, because we feel this is really a source of delay if we still have to register it with the election registrar.

I think if we have to air at all, let us air in favor of having a watcher than having a late appointment of a watcher.

**Senator Mercado.** Mr. President, I just would like to be clarified as regards Section 10.

**Senator Gonzales.** Is the Gentleman speaking of a sort of a parallel canvass?

**Senator Mercado.** Of a parallel canvass aside from the one that is officially done. Now, would this preclude canvassing that will be done by any other organizations, civic organizations that would like to conduct a quick count?

And that the other thing that I would like to ask is: Do we not have a sort of a duplication of functions considering the fact that the Members of the Board of Municipal Canvassers are also the Municipal Election Registrar and the Municipal Treasurer?

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

**Senator Mecado.** I understand the intent of such provision. But what I am trying to say is that we might be encumbering the said officials too much, and in the process, divide the attention and produce adverse effects, perhaps a haphazardly prepared result.

**Senator Gonzales.** Yes, Mr. President, I think that this is the most important electoral reform in this bill and this is not really an experiment. It used to be done and was expressly provided for by law before Martial Law. I could not blame him because he was still very young, and he may not have been fully aware of the political happenings before the declaration of Martial Law which Ting Paterno and I are very, very, fully aware.

What was very important was the elections were relatively clean because even before the official canvass took place, the people had already known what to expect during the canvass since the votes had already been tabulated on a

bulletin board; and that deterred the tampering of the election returns during the canvass. But the official canvass really is the one that is done by the Board of Canvassers. It is also the basis of the proclamation. This is a safeguard in order to inform the people as to what to expect. So that, if there are changes in the votes during the canvass, then there is already notice to him that something is wrong and, therefore, he should set now in motion all the legal remedies in order to make the necessary correction for the protection of the interest of the voters.

**Senator Mercado.** Thank you very much, Mr. President. I am satisfied with the explanation.

Mr. President, if there are no other interpellations, I move that we close the period of interpellations.

**The President.** All right. Is there any objection? (*Silence*) Hearing none, the same is approved.

#### SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 113

**Senator Mercado.** Mr. President, I move that we suspend consideration of Committee Report No. 23 on Senate Bill No. 113.

**The President.** Is there any objection? (*Silence*) The Chair hears none; the same is approved.

#### ADJOURNMENT OF THE SESSION

**Senator Mercado.** Mr. President, I move that we adjourn the session until four o'clock tomorrow afternoon.

**The President.** Is there any objection? (*Silence*) Hearing none, the session is adjourned until four o'clock tomorrow afternoon.

*It was 6:02 p.m.*



REPUBLIC OF THE PHILIPPINES  
CONGRESS OF THE PHILIPPINES  
SENATE

# Record of the Senate

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**Senator Osmeña.** When they order the people to carry their wounded or carry their materials or act as couriers, did he say that these people were freely and willingly out of their own volition following these orders? Or were they intimidated or coerced or threatened to do this?

**Senator Ziga.** Mr. President, I think the Vice-Governor reported that the extent of the influence by the NPAs on the so-called mass base has already extended to a point wherein they can call on them voluntarily or at any time that they want to stage probably an ambush or an attack.

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

#### SUSPENSION OF THE SESSION

**The President.** Let us have a brief suspension of the session, if there is no objection. [*There was none.*]

*It was 6:05 p. m.*

#### RESUMPTION OF THE SESSION

*At 6:17 p. m., the session was resumed.*

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

#### BILL ON SECOND READING (Senate Bill No. 113 Additional Rules for Local Elections) (Continuation)

**Senator Mercado.** Mr. President, I move for the consideration of Committee Report No. 23 on Senate Bill No. 113, entitled:

#### AN ACT PROVIDING FOR ADDITIONAL RULES GOVERNING THE CONDUCT OF THE FIRST LOCAL ELECTIONS AFTER THE ADOPTION OF THE CONSTITUTION

I believe we are in the period of individual amendments, Mr. President. For this purpose, I request that we recognize Senator Gonzales.

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

**Senator Gonzales.** Mr. President, I am submitting the following Committee amendments, which are jointly made together with the other Senators.

On page 1 of Senate Bill No. 113, line 11, delete the colon (:) after the word "located", then delete the words "Provided, however, That" and change small letter "n" to capital letter N in "no", so that Section 2 will now read as follows:

"The registered voters of a highly urbanized city shall not vote in the election for provincial officials of the province in which it is located. No component city shall be declared or classified as a highly urbanized city within sixty (60) days prior to a local election."

**The President.** Is there any objection? [*Silence*] The Chair hears none; the same is approved.

**Senator Gonzales.** Between lines 16 and 17, insert the following new paragraph:

FOR THE PURPOSE, THE CHARTERS OF THE CITIES AFFECTED ARE HEREBY AMENDED ACCORDINGLY.

The intention of this amendment, Mr. President, is to adopt a uniform rule for urbanized cities and for component cities, and to amend accordingly the charters of the cities affected by this provision.

**The President.** Is there any objection? [*Silence*] The Chair hears none; the same is approved.

**Senator Gonzales.** This is an amendment that has been suggested by Senator Osmeña. The Committee, jointly with him, presents this amendment.

On page 2, line 3, after the word "candidacy" remove the period and change it with a semicolon and then add the following clause:

PROVIDED THAT CERTIFICATES OF CANDIDACY SHALL BE FILED DIRECTLY WITH

THE CITY OR MUNICIPAL ELECTION REGISTRAR. FILING BY MAIL SHALL NOT BE ALLOWED.

The purpose of this provision, in view of the shortness of period within which to file a petition to declare a candidate a nuisance candidate or to disqualify him on some other grounds, is to have a fixed and definite starting point within which the five-day period is to be computed.

**The President.** Is there any objection? (*Silence.*) The Chair hears none; the same is approved.

**Senator Gonzales.** On line 24, after the word "delay" add the following phrase: AND THROUGH THE FASTEST AVAILABLE MEANS. Then on line 25 – and this is an amendment the Committee is submitting jointly with Senator Estrada – after the word "decision" add or insert the words: OR THE DECISION OF THE SUPREME COURT IF APPEAL HAS BEEN MADE, then delete the phrase "declaring respondent a nuisance candidate" up to line 26 and after the word "registrars" insert a comma (,) and delete the following word "and" so that this paragraph will now read as follows:

"The Commission on Elections shall without delay AND THRU THE FASTEST AVAILABLE MEANS disseminate its decision OR THE DECISION OF THE SUPREME COURT IF APPEAL HAS BEEN MADE to the municipal election registrars, board of election inspectors and the general public in the political subdivision concerned."

May I explain this amendment, Mr. President.

**The President.** Yes.

**Senator Gonzales.** Originally, it is only when the decision declares a respondent a nuisance candidate that this dissemination is required. However, the Committee now considers that any decision, whether declaring a candidate a nuisance candidate has also a right to such a dissemination so that the people will be according-

ly informed.

**The President.** All right. Senator Rasul.

**Senator Rasul.** Mr. President, in connection with subsection 5: "The Commission on Elections shall without delay", I noted that in all the preceding subsections, the periods were mandatory.

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

**Senator Rasul.** The periods were specified. Perhaps, there should also be a specified period during which the COMELEC should disseminate its decision and this should be made mandatory.

**Senator Gonzales.** It refers always to a final decision, and that is why the preceding paragraph 4, says, and I quote:

"The decision, order or ruling of the Commission on Elections shall after five (5) days from receipt of a copy thereof by the parties be final and executory unless stayed by the Supreme Court."

**Senator Rasul.** Yes, Mr. President, but subsection 5 refers to the dissemination, not to the decision.

**Senator Gonzales.** Yes, that is right. So, what can be disseminated only are final decisions. And that is why the word here used means "immediately".

**Senator Rasul.** Mr. President, is it possible that instead of "shall without delay", we specify there a period of time, maybe, a period of five days during which the COMELEC shall disseminate its decision?

**Senator Gonzales.** Five days is too long.

**Senator Rasul.** Well, perhaps, three days. But the idea there, Mr. President, is to make it mandatory on the part of COMELEC to publicize; and also the manner of dissemination to be particularized. It should be, for example, disseminated in the newspaper of general circulation and so forth.

SUSPENSION OF THE SESSION

**The President.** Let us have a brief suspension of the session, if there is no objection?  
[There was none]

*It was 6:26 p.m.*

RESUMPTION OF THE SESSION

*At 6:27 p.m., the session was resumed.*

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

**Senator Gonzales.** Mr. President, we have agreed on the following amendment and, therefore, we recall the original amendment that we have suggested or presented and now, the amendments are as follows:

On line 24, remove the words "without delay" and replace them with the phrase WITHIN TWENTY-FOUR HOURS and retaining the addition AND THROUGH THE FASTEST AVAILABLE MEANS.

The other amendments remain so that the paragraph, as amended, will now read as follows:

"5. The Commission on Elections shall WITHIN TWENTY-FOUR HOURS AND THROUGH THE AVAILABLE MEANS disseminate its decision OR THE DECISION OF THE SUPREME COURT to the municipal election registrars, board of election inspectors and general public in the political subdivision concerned."

**The President.** Just a question of style.

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

**The President.** The Commission on Elections shall WITHIN TWENTY-FOUR HOURS, THROUGH THE FASTEST AVAILABLE MEANS. . .

**Senator Gonzales.** We are accepting the suggestion of the President and we request that the proposed amendment be worded accordingly.

**The President.** Is there any objection?  
[Silence] The Chair hears none; the same is approved.

**Senator Gonzales.** We are now on page 3. Mr. President. This is an amendment jointly submitted by the Committee, together with Senator Enrile's: Between lines 7 and 8 of page 3, we insert a new paragraph to read as follows: DURING PRINTING OF RETURNS AND BALLOTS, the whole phrase being underlined.

The provision is as follows:

THE REGISTERED POLITICAL PARTIES OR COALITION OF PARTIES OR THEIR COMPONENTS SHOULD THERE BE ANY DISSOLUTION OR DIVISION OF SAID COALITION, WHOSE CANDIDATES OBTAIN AT LEAST TEN PERCENT OF THE TOTAL VOTES CAST DURING THE SENATORIAL ELECTIONS HELD ON MAY 11, 1987 SHALL EACH HAVE A WATCHER AND/OR A REPRESENTATIVE IN THE PROCUREMENT AND WATERMARKING OF PAPERS TO BE USED IN THE PRINTING OF ELECTION RETURNS AND OFFICIAL BALLOTS AND IN THE PRINTING, NUMBERING, STORAGE, AND DISTRIBUTION THEREOF

**The President.** Is there any comment?

**Senator Gonzales.** As we have said, this is an amendment jointly submitted by the Committee, with Senator Enrile, the Minority Floor Leader.

**The President.** Does the Chair understand that the procurement shall be subject to watching, because the procurement is a long process?

**Senator Gonzales.** Yes, Mr. President, but this is only a watcher or a representative. They have really no say there, but to make its observations so that they can make their proper reports to their political parties who may take whatever action that is needed under the circumstances.

**The President.** Is there any objection?  
[Silence] The Chair hears none; the same is approved.

**Senator Gonzales.** On line 11, after "place," remove the period and change it to a semi-

colon and add the following phrase:

PROVIDED, THAT CANDIDATES FOR MUNICIPAL COUNCILORS BELONGING TO THE SAME SLATE OR TICKET SHALL COLLECTIVELY BE ENTITLED TO A WATCHER.

This was borne out during the interpellations by Senator Osmeña, and that is why this amendment is being submitted jointly with him. Considering the number of candidates for municipal councilors, there is a possibility that the polling place may actually be so crowded with the number of watchers.

**The President.** Is there any objection? [*Silence*] The Chair hears none; the same is approved.

**Senator Gonzales.** On line 12, between "him/her" and the word "recognition," insert the word TO. Actually, it was originally contained therein, but somehow, it was not typed legibly, Mr. President.

On line 13, after the word "his," add HER, and for the same reasons, on line 14, after the word "his," put a slash and add HER.

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

**Senator Romulo.** Mr. President.

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

**Senator Romulo.** Mr. President, this Representation would just like to make a comment and ask if it is necessary to put his/HER. It seems to me that it would clutter the pages, so perhaps, we should just put "his."

**Senator Gonzales.** Yes. Maybe, we put here "his," and beg the pardon of Senator Shahani and Senator Rasul. We have no objection for purposes of style. Instead of "him" or "her" or "his", "him", "her," we are withdrawing our amendment and instead, we move that on line 12 /HER be deleted in the same way, and the rest of the sentence remains, Mr. President.

**The President.** Is there any objection from

the feminine section? [*Laughter*] The Chair hears none; the same is approved.

**Senator Romulo.** Thank you.

**Senator Gonzales.** On line 20, between the words "highest" and "number," add the phrase AND THE SECOND HIGHEST NUMBER. This is an amendment being submitted by the Committee together with Senator Estrada.

**The President.** Is there any objection to the amendment? [*Silence*] The Chair hears none; the same is approved.

**Senator Gonzales.** On page 4, line 14, delete the word "boards" and substitute it with the word SHEETS. I think that is how they are called by the Commission on Elections.

**The President.** So, how will it read?

**Senator Gonzales.** So that it will now read as follows:

"The Commission on Elections shall cause to be printed in the official list of candidates, election returns and tally SHEETS for every political sub-division concerned. . ."

"Sub-division" here has been misspelled. We want it corrected to read SUBDIVISION.

". . .the names of all registered candidates immediately followed . . ."

And then on line 18, Mr. President, after the word "candidacy," remove the period (.) and add the following phrase: AS AUTHORIZED UNDER SECTION 74 OF BATAS PAMBANSA BLG. 881," enclosed in parentheses

**The President.** Is there any objection? [*Silence*] The Chair hears none; the same is approved.

**Senator Gonzales.** On page 5, Mr. President, line 8, between the words "be" and "for," insert the following phrase: OR IN HIS ABSENCE TO ANY OFFICIAL WHO MAY BE DESIGNATED BY THE COMMISSION ON ELECTIONS.



May we explain this amendment, Mr. President. We have been informed that there are still a number of towns or municipalities which are without municipal trial judges or municipal circuit trial judges. And that is why, if this Body would recall, in one of my privilege speeches, I had argued for the early constitution of the Judicial and Bar Council so that the vacancies in the Judiciary numbering more than 200 could be filled.

**The President.** How would it read now?

**Senator Gonzales.** It will now read as follows, beginning on line 6:

“The sixth copy shall be delivered to the municipal trial judge or municipal circuit trial judge, as the case may be, OR IN THIS ABSENCE TO ANY OFFICIAL WHO MAY BE DESIGNATED; BY THE COMMISSION ON ELECTIONS, for safekeeping.”

**The President.** Is there any objection there? [Silence] The Chair hears none; the same is approved.

The Chair would like to invite the attention of the Sponsor to line 22 of the preceding page, page 4. Instead of the words “the original copy, which may be in contradiction in terms, probably the FIRST copy would be more understandable.

**Senator Gonzales.** Yes. We just copied, Mr. President, the word “original” from the text in Batas Pambansa Blg. 881. And certainly, the change from the word “original” to FIRST is a better description of the situation.

**The President.** Yes. Is there any objection?

**Senator Gonzales.** Therefore, the Committee makes the corresponding amendment.

**The President.** Is there any objection to the amendment? [Silence] The Chair hears none; the same is approved.

**Senator Gonzales.** On line 17, Mr. President, between the words “delivery” and “of” insert

the words AND PRESERVATION.

In short, the sentence will now read, as follows:

“The Commission shall promulgate rules for the speedy and safe delivery AND PRESERVATION of the election returns.”

**The President.** Is there any objection? [Silence] The Chair hears none; the same is approved.

**Senator Gonzales.** On page 6, Mr. President, on line 19, after the word “be” add the words OPENED IN.

So that the sentence will now read, as follows: “The proceedings of the Board of Canvassers shall be OPENED IN public.”

**The President.** Is there any objection? [Silence] The Chair hears none; the same is approved.

**Senator Gonzales.** Line 23, after “parties” add a comma.

**The President.** Yes.

**Senator Gonzales.** And on page 7, Mr. President, line 9, between the words “registration” and “day”, insert the two words OR REVISION.

And then between “and” and “on” that follows, insert in words and in figures TWO HUNDRED PESOS (₱200.00).

So that it will now read, as follows:

“Section 13. The Chairman and Members of the Board of Election Inspectors, including the poll clerks, the support personnel from the Department of Education, Culture and Sports, the supervisors, principals, and other officials and personnel who are required by the Commission on Elections to perform election duties, shall each be paid a per diem of one hundred pesos (₱100.00) for every registration OR REVISION day and TWO HUNDRED PESOS (₱200.00) on election day payable from funds

appropriated for the Commission.”

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

**Senator Romulo.** Mr. President.

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

**Senator Romulo.** This Representation would like to inquire why the per diem of ₱100 for every registration day is retained. Whereas it is ₱200 on election day?

**Senator Gonzales.** No, Mr. President, I made a personal inquiry with the Finance Division of the COMELEC, and also with the Municipal Treasurers of Mandaluyong and Makati, and I was informed that during the last election, only ₱50 was paid on registration day. And on election day, only the Chairman and the poll clerk were paid ₱200, but the rest were paid only ₱100. We are removing that distinction now because as long as they are required to perform election duties, we can not see why there ought to be a distinction in pay.

**Senator Romulo.** My question, really, is why it should not also be ₱200 per diem for every registration day. My recollection is that when we were discussing the budget for 1987, we computed registration even at ₱200.

Now, I am unaware of why it was actually ₱100.

**Senator Gonzales.** Fifty pesos only.

**Senator Romulo.** Fifty pesos on registration day. So, this is the reason why this Representation, inquired and asked this question, because even in the preparation of the 1987 budget, we agreed that even on registration day, it should be ₱200.

Now, if the Sponsor would be agreeable to continue what we recommended in 1987, then I would like to ask.

**Senator Gonzales.** I would not know, really, what is the reason therefor. But that was the information I got. And even in the 100

days, in addition to the 100 days paid, it was only paid just recently.

In short, there must have been some difficulties in the release or the availability of funds. But I hope the Gentleman can see the distinction between a registration day and election day, that the work being performed by the poll inspectors on election day is more than double than that on registration day.

**Senator Romulo.** Yes, we acknowledge that, Mr. President. But I would like to inquire: Would he accept an amendment to put it also at ₱200 per registration day?

May I ask for a suspension of the session, Mr. President.

#### SUSPENSION OF THE SESSION

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

*It was 6:45 p.m.*

#### RESUMPTION OF THE SESSION

*At 6:46 p.m., the session was resumed.*

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

**Senator Romulo.** Mr. President, the Sponsor has explained quite clearly that the work involved during registration days is a lot less than during election days, or to put it the other way during election day, the work is really heavy, and therefore, this Representation withdraws his amendment and just leaves it as it is.

Thank you, Mr. President.

**Senator Gonzales.** Thank you.

**The President.** The amendment is withdrawn. So, the original amendment is now subject to voting.

Is there any objection? [*Silence*] The Chair hears none; the same is approved.

**Senator Gonzales.** We are through with the

Committee amendments, Mr. President. We are now ready for the individual amendments.

**The President.** Any individual amendments? Senator Rasul is recognized.

**Senator Rasul.** On page 2, Mr. President, Section 4. — Nuisance Candidacy and Election Offense. This Representation feels that, in addition to the nuisance candidate, perhaps an official who knowingly or deliberately or in gross negligence amounting to bad faith omits to implement Section 3, subsection 5, should also be made criminally liable, because this section just penalizes the nuisance candidate, but not the official who fails to disseminate the decision.

**Senator Gonzales.** May we then hear the proposed amendment.

**The President.** That is an amendment on what line?

**Senator Rasul.** Page 2, Section 4, line 30.

The act of being a nuisance candidate, as defined under Section 69 of Batas Pambansa Blg. 881 shall constitute an election offense and subject to the penalty provided in Section 264 of the same Code.

**Mr. President.** I would like to propose an amendment that would also penalize the official. Probably, it should be on page 3, line 1.

**The President.** Is there any anterior amendment on page 2?

**Senator Rasul.** That is all. That is the only amendment.

**The President.** All right. Let us go to page 3 then. How will the amendment be worded?

**Senator Rasul.** "... Section 69 of Batas Pambansa Blg. 881 shall institute an election offense" — and probably, it could be inserted here, Mr. President: AN OFFICIAL WHO KNOWINGLY OR DELIBERATELY OMITTS TO IMPLEMENT SECTION 3, SUBSECTION

(5) SHOULD ALSO BE MADE CRIMINALLY LIABLE.

I do not know. It should be reworded because of the subsequent phrase.

#### SUSPENSION OF THE SESSION

**Senator Gonzales.** May we request a suspension for a few minutes?

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

*It was 6:49 p.m.*

#### RESUMPTION OF THE SESSION

*At 6:53 p.m., the session was resumed.*

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

**Senator Saguisag.** Mr. President.

**The President.** Senator Saguisag is recognized.

#### SAGUISAG AMENDMENT

**Senator Saguisag.** Thank you, Mr. President.

The distinguished Lady from Sulu has agreed to yield the floor to me. We conferred on a proposed amendment by substitution. This has to do with Section 4 appearing on page 2, beginning with line 29 up to line 2 of page 3. May we propose the following amendment by substitution?

**Senator Gonzales.** In short, the amendment is to delete the entire Section 4 of this bill starting from line 29 to line 2 on page 3 and to substitute it with the following.

**The President.** With the following amendment.

**Senator Saguisag.** Thank you, Mr. President. The proposed amendment is as follows:

SEC. 4. NUISANCE OR DISQUALIFIED CANDIDACY AN ELECTION OFFENSE PERIOD. ANY PERSON DECLARED

A NUISANCE CANDIDATE AS DEFINED UNDER SECTION 69 OF BATAS PAMBANSA BILANG 881, OR IS OTHERWISE DISQUALIFIED, BY FINAL AND EXECUTORY JUDGMENT, WHO CONTINUES TO MISREPRESENT HIMSELF, OR HOLDS HIMSELF OUT, AS A CANDIDATE, SUCH AS BY CONTINUING TO CAMPAIGN THEREAFTER, ALONG ANY OTHER PUBLIC OFFICER OR PRIVATE INDIVIDUAL, WHO KNOWINGLY CAUSES OR ABETS SUCH MISREPRESENTATION, BY COMMISSION OR OMISSION, SHALL BE GUILTY OF AN ELECTION OFFENSE AND SUBJECT TO THE PENALTY PROVIDED IN SECTION 264 OF THE SAME CODE.

**Senator Gonzales.** Yes, Mr. President. Could we change the word, ALONG with the word OR?

**Senator Saguisag.** Gladly accepted.

**The President.** OR or AND/OR?

**Senator Saguisag.** We agree, Mr. President.

**Senator Gonzales.** The President has suggested that instead of ALONG, what we can use is AND/OR.

**Senator Saguisag.** That should cover all. . .

**Senator Gonzales.** We have previously discussed this, Mr. President, and we are accepting the amendment, subject, of course, to style because of the lengthy provision substituted.

**The President.** Subject to refinement and style. Is there any objection?

**Senator Guingona.** Mr. President.

**The President.** Senator Guingona is recognized.

**Senator Guingona.** This is not an objection. I just would like to be clarified on the definition of "nuisance candidate" because we understand that there have been Supreme Court rulings also defining what a nuisance candidate is, and the proponent of the amendment refers

only to Batas Pambansa.

**Senator Saguisag.** It is someone who is so declared by the Commission on Electicns as a nuisance candidate by final and executory judgment. So, it really is to be decided on a case-to-case basis.

**Senator Guingona.** So the Supreme Court rulings are not to be reckoned with.

**Senator Saguisag.** We presume that the COMELEC will always feel persuaded or guided by the authoritative pronouncements of the Supreme Court.

**Senator Guingona.** At any rate, it is after the adjudication that one can be declared as a nuisance candidate.

**Senator Saguisag.** By final and executory judgment. In fact, the judgment of the COMELEC itself can be appealed to the Supreme Court which would seek to harmonize a ruling on a particular case with past cases or the precedents on the point.

**Senator Guingona.** What happens pending appeal, Mr. President? Does he campaign?

**Senator Saguisag.** Yes, Mr. President, because of the presumption of good faith.

**Senator Guingona.** Thank you, Mr. President.

**The President.** All right, subject to refinement and style. Is there any objection to the proposed amendment? [*Silence*] The Chair hears none; the same is approved.

**Senator Saguisag.** Thank you, Mr. President.

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

**Senator Estrada.** Mr. President.

**The President.** Senator Estrada is recognized. Senator Estrada, may we know what page?

**Senator Estrada.** Page 10 po, Ginoong

Pangulo. Bago ko imungkahi, gusto ko pong mailagay sa record na ako po ay hindi tumututol na magbigay ng increases sa mga teachers, ngunit noong nakaraan pong election ay one week or two weeks before, ang ibang teachers ay nakatanggap na ng dalawang libong piso in the form of medical allowance. Kaya po kung mamarapatin po ng Kgg. na Senador Neptali Gonzales, gusto ko lang pong idagdag sa page 7. .

**Senator Gonzales.** Before we proceed to the Senator's amendment, may we request the Chair to ask if there are amendments on page 4, page 5, page 6?

**The President.** Are there any proposed amendments on page 4? [*Silence*] Are there any proposed amendments on page 5? [*Silence*] Are there any proposed amendments on page 6?

**Senator Tañada.** Mr. President.

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

**Senator Tañada.** On page 6, Mr. President, line 8, this is in connection with a situation where there are more than school districts, and so there would be more than one district supervisor. So, I am proposing that on line 8 of page 6, we delete the word "district" and then on line 9 delete the words "public school" and also the word "municipality", and in lieu of the word "municipality", insert the following words:

SCHOOL DISTRICT OR THE ELEMENTARY SCHOOL, AS THE CASE MAY BE, SITUATED WITHIN THE AREA COMPRISING THE MUNICIPAL HALL OR BUILDING WHERE THE MUNICIPAL MAYOR AND THE SANGGUNIANG BAYAN HOLD OFFICE.

(3) *Municipal Board of Canvassers.* — THE MUNICIPAL BOARD OF CANVASSERS SHALL BE COMPOSED OF THE ELECTION REGISTRAR OR A REPRESENTATIVE OF THE COMMISSION ON ELECTIONS, AS CHAIRMAN, THE MUNICIPAL TREASURER, AS VICE-CHAIRMAN, THE SUPERVISOR OR IN HIS ABSENCE THE PRINCIPAL OF

THE SCHOOL DISTRICT OR THE ELEMENTARY SCHOOL, AS THE CASE MAY BE SITUATED WITHIN THE AREA COMPRISING THE MUNICIPAL HALL OR BUILDING WHERE THE MUNICIPAL MAYOR AND THE SANGGUNIANG BAYAN HOLD OFFICE. . . .

**Senator Gonzales.** And the municipal assessor.

**Senator Tanada.** And we continue, . . . THE MUNICIPAL ASSESSOR, etc.

**Senator Gonzales.** Subject to refinement and style, we are accepting the amendment.

**The President.** All right, subject to refinement and style. Is there any objection to the amendment? [*Silence*] Hearing none, the same is approved.

**Senator Tañada.** I have another proposed amendment on lines 13 and 14, Mr. President.

**The President.** Yes.

**Senator Tañada.** I am proposing that we delete the words starting from "and other" on line 13 up to "district" on line 15, Mr. President, because the Constitution already declares which cities are containing more than one district and are highly urbanized.

**Senator Gonzales.** May we request that between "Davao" and "Cebu" we delete the comma and insert the word AND.

**Senator Tañada.** Yes, Mr. President.

**The President.** How will the entire paragraph now read?

**Senator Tañada.** The paragraph would now read as follows:

IN CASE OF THE CITY OF MANILA, QUEZON CITY, THE CITY OF CALOOCAN, THE CITY OF DAVAO AND CEBU CITY, THE COMMISSION ON ELECTIONS MAY, IF THE LOCAL CONDITIONS WARRANT, CONSTITUTE A DISTRICT BOARD OF CANVASSERS WHOSE MEMBERS SHALL BE THE FUNCTIONAL EQUIVALENTS OF THOSE OF THE CITY BOARD OF CANVASSERS.

**Senator Gonzales.** We are accepting the amendment, Mr. President.

**The President.** Subject to refinement and style. Is there any objection to the proposed amendment? [*Silence*] Hearing none, the same is approved.

We will go back to Senator Estrada.

**Senator Estrada.** Doon po sa page 7, line 10, kung puwede lang po idagdag ito pong: payable from funds appropriated for the Commission PROVIDED THAT NO SALARY INCREASES OR ANY KIND OF FINANCIAL OR MATERIAL INCENTIVE TO BE GIVEN OR GRANTED TO TEACHERS WITHIN SIXTY DAYS BEFORE AND SIXTY DAYS AFTER AN ELECTION.

**Senator Gonzales.** Mr. President, I am trying to find a way by which the Committee can accept the proposed amendment, but we could not see that this is germane to Section 14 because Section 14 specifically relates only to per diems of election inspectors and other school personnel on registration, revision, and election day.

Actually, the amendment proposed by the Gentleman from San Juan is really a ban against salary increases within 60 days before an election.

Now, there is already a prohibition against the grant of salary increases within 45 days before the election, as provided for under Batas Pambansa Blg. 881. So, 60 days is really too long. For example, this is a time when the Government is actually confronted with agitations for salary increases on the part of government officers and employees, including those of the Armed Forces.

Now if we extend the ban to 60 days, then, it might actually unduly and adversely affect the chances of government officials, including the members of the Armed Forces.

#### SUSPENSION OF THE SESSION

**The President.** Let us suspend the suspend the session for a few minutes, if there is no objection? [*Silence*]

*It was 7:07 p.m..*

#### RESUMPTION OF THE SESSION

*At 7:10 p.m., the session was resumed.*

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

**Senator Estrada.** Mr. President.

**The President.** Senator Estrada is recognized.

**Senator Estrada.** G. Pangulo, I am withdrawing my amendment.

**The President.** Samakatuwid iniurong na ninyo, Senador?

**Senator Estrada.** Iniurong ko na po.

**Senator Gonzales.** All right.

**The President.** All right.

**Senator Gonzales.** I think, there being no other individual amendment, Mr. President, we now request that the numbering of the paragraphs be corrected accordingly.

In view of the approval of the Enrile Committee amendment, which is now Section 6, on line 8, page 3, then we are moving that the number of the section be changed from "6" to "7".

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

**Senator Gonzales.** On line 27, the same page, Section 7 should now read SEC. 8.

**The President.** All right.

**Senator Gonzales.** On page 4, line 3, Section 8 should now read SEC. 9.

Line 11, the same page, Section 9 should now read SEC. 10.

Line 19, the same page, Section 10 should

now read SEC. 11.

Page 5, Mr. President, line 18, Section 11 should now read SEC. 12.

On page 6, line 21, Section 12 should now read SEC. 13.

On page 7, Section 13, on line 1, should now read SEC. 14.

On line 11, Section 14 should now read SEC. 15.

On line 14, Section 15 should be changed to read SEC. 16.

On Line 17, Section 16 should now read SEC. 17, Mr. President.

**The President.** Is there any objection? [Silence] The Chair hears none; the same is approved.

APPROVAL OF SENATE BILL NO. 113  
AS AMENDED, ON SECOND READING

Now, we will vote on Senate Bill No. 113, as amended. 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] The *Ayes* have it. Senate Bill 113, as amended, is approved on Second Reading.

**Senator Mercado.** Mr. President.

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

ADJOURNMENT OF THE SESSION

**Senator Mercado.** I move that we adjourn the session until four o'clock tomorrow afternoon.

**The President.** The session is adjourned until four o'clock tomorrow afternoon, if there is no objection? [There was none]

*It was 7:12 p.m.*



REPUBLIC OF THE PHILIPPINES  
CONGRESS OF THE PHILIPPINES  
SENATE

# Record of the Senate

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tence of Section 16, Article XVIII of the Constitution supports the intent of the resolution and should, therefore, be included as one of the legal bases thereof.

Mr. President, in view of the observations made at the time, this humble Representation has come up with a substitute resolution to Senate Resolution No. 34, copies of which are being passed around, and if it is in order, Mr. President, I would like to read this resolution.

**The President.** Do we have copies of this resolution?

**Senator Rasul.** They are passing this around, Mr. President.

**The President.** All right.

**Senator Rasul.** Perhaps I will read the last portion, the last two paragraphs. I am not reading the "whereases" anymore, Mr. President.

NOW THEREFORE, be it resolved:

1. That the Senate urgently request the President to take such measures as may be deemed appropriate for expeditious referral to the Congress of the Philippines of departmental reorganization plans, modules and position structures issued or adopted after July 27, 1987 and still in the process of implementation.

2. Pending such referral, that the President make such other measures for holding in abeyance the implementation of various Executive Orders authorizing such reorganization plans, modules or position structures.

Thank you, Mr. President.

#### SUSPENSION OF THE SESSION

**The President.** Let us suspend the session for a few minutes, so we can have time to read this Resolution, if there are no objection. [*There was none* ]

*It was 4: 45 p.m.*

#### RESUMPTION OF THE SESSION

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

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

#### SUSPENSION OF CONSIDERATION OF SENATE RESOLUTION NO. 34

**Senator Mercado.** Mr. President, I move that we suspend consideration of Senate Resolution No. 34 introduced by Senator Rasul.

**The President.** Is there any objection? [*Silence*] The Chair hears none; the motion is approved.

It is with the understanding that Senate Resolution No. 34 will be with the Committee on Civil Service and Government Reorganization, chaired by Senator Rasul.

#### APPROVAL OF COMMITTEE REPORT NO.25 (Textile Industry)

**Senator Mercado.** Mr. President, with the consent of the Body, I move that we approve Committee Report No. 25 on the privilege speech of Senator Gonzales on the textile industry.

**The President.** Is there any objection? [*Silence*] The Chair hears none; the same is approved.

**Senator Mercado.** Mr. President, may I, therefore, remind the Committees on Economic Affairs, Labor, Trade and Commerce, and Committee on Ways and Means to take jurisdiction of the referrals of the Committee Report.

#### BILL ON SECOND READING Senate Bill No. 11 – Reforms in the Electoral System

**Senator Mercado.** Mr. President, I move that we consider Senate Bill No. 11 as reported out under Committee Report No. 21.

**The President.** Consideration of Senate Bill No. 11 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. 11, entitled:  
AN ACT INTRODUCING REFORMS IN THE  
ELECTORAL SYSTEMS BY AMENDING

CERTAIN SECTIONS OF THE OMNIBUS  
ELECTION CODE AND FOR OTHER PUR-  
POSES

(The following is the whole text of the bill)

*Be it enacted by the Senate and House  
of Representatives of the Philippines in Con-  
gress assembled:*

SECTION 1. *Title.* This Act shall be known and cited as "The Electoral Reforms Law of 1987."

SEC. 2. *Applicability.* The electoral reforms introduced by this Act shall govern and be applicable to the elections for local officials scheduled for November 9, 1987 and to all subsequent elections to be held thereafter.

SEC. 3. *Reforms on the Use of Printed Election Propaganda.* (a) Section 84 of the Omnibus Election Code of the Philippines, Batas Pambansa Blg. 881, hereafter referred to as the Code, is hereby amended as follows:

"SEC. 84. *Requirements for [published or/printed election propaganda.* [Any newspaper, newsletter, newsweekly, gazette, or magazine advertising.] (a) Posters, pamphlets, circulars, handbills, bumper stickers, streamers, simple lists of candidates, SAMPLE BALLOTS, AND OTHER [for any published or] printed political matter for or against a candidate or group of candidates to any public office shall bear and be identified by the words 'paid for by' followed by the true and correct name and address of the payer and by the words 'printed by' followed by the true and correct name and address of the printer.

(b) TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS CODE ON THE LIMITATIONS ON ELECTORAL EXPENDITURES, THE COMMISSION SHALL, AFTER DUE NOTICE AND HEARING WHERE ALL INTERESTED PARTIES ARE GIVEN AN EQUAL OPPORTUNITY TO BE HEARD, PROMULGATE RULES AND REGULATIONS FIXING THE MAXIMUM NUMBER OF ELECTION PROPAGANDA THAT MAY BE PRINTED AND USED IN THE CAMPAIGN OF EACH CANDIDATE AND POLITICAL

PARTY, AND REGULATING THE MODE AND MANNER OF THE DISSEMINATION AND USE THEREOF.

(c) ALL CONTRACTS FOR THE PRINTING OF SUCH ELECTION PROPAGANDA SHALL, BEFORE ITS IMPLEMENTATION, BE REGISTERED BY THE PRINTER WITH THE COMMISSION AND SHALL IN EVERY CASE BEAR THE SIGNATURE OF THE CANDIDATE OR HIS DULY AUTHORIZED REPRESENTATIVE OR THE SIGNATURE OF THE AUTHORIZED REPRESENTATIVE OF THE POLITICAL PARTY.

(b) Subparagraph (a), Section 85, of the Code is hereby amended to read as follows:

"SEC. 85. *Prohibited forms of election propaganda.* It shall be unlawful: (a) To print, publish, post or distribute any poster, pamphlet, circular, handbill or other printed [matter urging voters to vote for or against any candidate unless they bear the names and addresses of the printer and payer as required in] ELECTION PROPAGANDA WHICH HAVE NOT COMPLIED WITH THE REQUIREMENTS OF SECTION 84 OR, IN A PROPER CASE, WITH THE REQUIREMENTS OF SECTION 86, OR TO POST, DISPLAY OR PUBLICLY EXHIBIT ANY ELECTION PROPAGANDA IN ANY PLACE OTHER THAN THE COMMON COMELEC BILLBOARDS TO BE PROVIDED UNDER SECTION 91 OF THIS CODE."

SEC. 4. *Reforms on Use of Mass Media.* (a) The following paragraphs of Section 86 of the Code are hereby amended to read as follows:

"SECTION 86. *Regulation of Election propaganda through mass media.* (a) The Commission shall promulgate rules and regulations regarding the sale of PRINT SPACE and air time IN MASS MEDIA for partisan political purposes during the campaign period to insure that equal PRINT SPACE OR TIME, as to duration, PROMINENCE and quality is available to all candidates for the same office or political parties at the same rates or given free of charge; that such rates are reasonable and not

higher than those charged other buyers or users of PRINT SPACE OR air time for non-political purposes; that the provisions of this Code regarding the limitation of expenditures by candidates and political parties and contributions by private persons, entities and institutions are effectively enforced; and to ensure that said [radio broadcasting and television stations] MASS MEDIA shall not unduly [allow the scheduling of any program or permit any sponsor to] manifestly favor or oppose any candidate or political party by unduly or repeatedly referring to or including said candidate and/or political party in [such] THEIR programs, REPORTS OR ARTICLES respecting, however, in all instances the right of said [stations] MASS MEDIA to broadcast accounts of, OR COMMENT AND REPORT ON significant or newsworthy events and views on matters of public interest.

(b) All contracts or advertising in any newspaper, [magazine, periodical or any form of publication] RADIO OR TELEVISION STATION OR OTHER MASS MEDIA promoting or opposing the candidacy of any person for public office shall, before its implementation, be registered by said [newspaper, magazine, periodical or publication] MASS MEDIA with the Commission. In every case, it shall be signed by the candidate or by the duly authorized representative of the political party.

“(c) No franchise or permit to operate a NEWSPAPER, radio or television station OR OTHER MASS MEDIA shall be granted or issued, suspended or cancelled during the election period.

“Any NEWSPAPER, radio or television station OR OTHER MASS MEDIA, including that owned or controlled by the Government, shall give free of charge equal SPACE, time and prominence to A CANDIDATE OR an accredited political party [or its candidates] if it gives free of charge PRINT SPACE or air time to ANOTHER CANDIDATE OR ANOTHER accredited political party [or its candidates] for political purposes.”

(b) Section 92 of the Code is hereby amended to read as follows:

SEC. 92. *Comelec Time.* The Commission shall procure AIR TIME FROM radio and television [time] STATIONS, to be known as ‘Comelec Time’ which shall be allocated free of charge equally and impartially among the candidates within the area of coverage of all radio and television stations.

IN THE ALLOCATION OF COMELEC AIR TIME UNDER THIS SECTION AND OF PRINT SPACE UNDER SECTION 90 OF THIS CODE, PREFERENCE AND PRIORITY SHALL BE GIVEN BY THE COMMISSION, AFTER DUE NOTICE AND HEARING AND PURSUANT TO SUCH GUIDELINES AND CRITERIA AS IT MAY ESTABLISH, TO CANDIDATES WHO DO NOT HAVE THE FINANCIAL RESOURCES TO DEFRAY THE COMMERCIAL COST OF MASS MEDIA PROPAGANDA UTILIZED BY OR AVAILABLE TO OTHER CANDIDATES.

“For [this] THE purposes of THIS SECTION AND OF SECTION 90 OF THIS CODE, the franchise, LICENSE AND PERMITS OF ALL NEWSPAPERS, radio and television stations AND OTHER MASS MEDIA are hereby amended so as to provide PRINT SPACE AND radio or television time, free of charge, during the period of the campaign.”

SEC. 5. *Reforms on Political Meetings.* — Section 87 of the Code is hereby amended by adding a second paragraph thereto, to read as follows:

“THE COMMISSION SHALL, DURING THE CAMPAIGN PERIOD, INITIATE AND HOLD IN EVERY PROVINCE, MUNICIPALITY, OR CITY, BY ITSELF OR THROUGH AND WITH THE ASSISTANCE OF ANY NON-POLITICAL, NON-PARTISAN PRIVATE OR CIVIC ORGANIZATION WHICH IT MAY AUTHORIZE, PUBLIC FORA AT WHICH ALL REGISTERED CANDIDATES FOR THE SAME OFFICE MAY

SIMULTANEOUSLY AND PERSONALLY PARTICIPATE TO PRESENT, EXPLAIN AND/OR DEBATE ON THEIR CAMPAIGN PLATFORMS AND PROGRAMS AND OTHER LIKE ISSUES. THE COMMISSION SHALL PROMULGATE THE RULES AND REGULATIONS FOR THE HOLDING OF SUCH FORA TO ASSURE ITS NON-PARTISAN CHARACTER AND THE EQUALITY OF ACCESS THERETO BY CANDIDATES.”

SEC. 6. *Reforms in the Posting of Election Propaganda.* Section 91 of the Code is hereby repealed and in its place the following Section is hereby inserted:

SEC. 91. *COMELEC BILLBOARDS.* THE CAMPAIGN POSTERS AND OTHER PRINTED ELECTION PROPAGANDA OF CANDIDATES SHALL BE POSTED, DISPLAYED AND EXHIBITED ONLY IN COMMON BILLBOARDS TO BE INSTALLED BY THE COMMISSION, AFTER DUE NOTICE AND HEARING, IN STRATEGIC PLACES WITH THE HEAVIEST PEDESTRIAN AND/OR VEHICULAR TRAFFIC IN THE PROVINCE, MUNICIPALITY OR CITY. THE SPACE IN SUCH BILLBOARDS SHALL BE ALLOCATED FREE OF CHARGE, EQUALLY AND IMPARTIALLY AMONG THE CANDIDATES IN THE PROVINCE, MUNICIPALITY OR CITY.”

SEC. 7. *Reforms in the Dissemination of Basic Election Propaganda.* Section 93 of the Code is hereby repealed and in its place the following Section is hereby inserted:

SEC. 93. *COMELEC DISSEMINATION OF CANDIDATE'S BASIC ELECTION PROPAGANDA.* — THE COMMISSION SHALL, UNDER SUCH REGULATIONS IT MAY PROMULGATE AFTER DUE HEARING AND SUBJECT TO THE PAYMENT BY EACH CANDIDATE OF SUCH REASONABLE FEES AS IT MAY DETERMINE, DISSEMINATE TO EACH REGISTERED VOTER ONE COPY OF EACH CANDIDATE'S POSTER AND HANDBILL DETAILING HIS BIO-DATA,

QUALIFICATIONS, AND PROGRAM OF GOVERNMENT, AND TO THIS END, THE COMMISSION IS HEREBY AUTHORIZED, DURING THE CAMPAIGN PERIOD, TO UTILIZE THE FACILITIES OF THE POSTAL SERVICE OF THE GOVERNMENT.”

SEC. 8. *Reforms in Copies of Election Returns.* (a) Section 212 of the Code is hereby amended to read as follows:

“SEC. 212. *Election Returns.* — The board of election inspectors shall prepare the election returns simultaneously with the counting of the votes in the polling place as prescribed in Section 210 hereof. NINE COPIES OF THE [The] return shall be prepared [in sextuplicate]. The recording of votes shall be made as prescribed in said section. The entry of votes in words and figures for each candidate shall be closed with the signature and the clear imprint of the thumbmark of the right hand of all the members, likewise to be affixed in full view of the public, immediately after the last vote recorded or immediately after the name of the candidate who did not receive any vote.

“The returns shall also show the date of the election, the polling place, the barangay and the city or municipality in which it was held, the total number of ballots found in the compartment for valid ballots, the total number of valid ballots withdrawn from the compartment for spoiled ballots because they were erroneously placed therein, the total number of excess ballots, the total number of marked or void ballots, and the total number of votes obtained by each candidate, writing out the said number in words and figures and, at the end thereof, the board of election inspectors shall certify that the contents are correct. The returns shall be accomplished in a single sheet of paper, but if this is not possible, additional sheets may be used which shall be prepared in the same manner as the first sheet and likewise certified by the board of election inspectors.

"The Commission shall take steps so that the entries on the first copy of the election returns are clearly reproduced on the second, third, fourth, fifth, [and] sixth, SEVENTH, EIGHT, AND NINTH copies thereof, and for this purpose the Commission shall use a special kind of paper.

"Immediately upon the accomplishment of the election returns, each copy thereof shall be sealed in the presence of the watchers and the public, and placed in the proper envelope, which shall likewise be sealed and distributed as herein provided.

"Any election return with a separately printed serial number or which bears a different serial number from that assigned to the particular polling place concerned shall not be canvassed. This is to be determined by the board of canvassers prior to its canvassing on the basis of the certification of the provincial, city or municipal treasurer as to the serial number of the election return assigned to the said voting precinct, unless the commission shall order in writing for its canvassing, stating the reason for the variance in serial numbers.

"If the signatures and/or thumbmarks of the members of the board of election inspectors or some of them as required in this provision are missing in the election returns, the board of canvassers may summon the members of the board of election inspectors concerned to complete the returns.

(b) Section 214 (3) of the Code is hereby amended to read as follows:

"(3) In local elections: the original copy of the election returns shall be delivered to the city or municipal board of canvassers as a body for its use in the city or municipal canvass. The second copy shall be delivered to the election registrar of the city or municipality for transmittal to the provincial board of canvassers as a body for its use in the provincial canvass. The third copy shall likewise be delivered to the election registrar for transmittal to the Commission. The fourth copy

shall be deposited in the compartment for valid ballots. The fifth and sixth copies shall each respectively be delivered to the members representing the political parties represented in the board of election inspectors. THE SEVENTH, EIGHTH, AND NINTH COPIES SHALL BE DELIVERED TO THE PROVINCIAL TREASURER, CITY TREASURER, AND MUNICIPAL TREASURER, RESPECTIVELY, FOR SAFEKEEPING.

"The Commission shall promulgate rules for: (A) the speedy and safe delivery of the election returns; (B) THE ISSUANCE OF CERTIFIED TRUE COPIES OF THE ELECTION RETURNS UNDER THE CUSTODY OF THE PROVINCIAL, CITY, OR MUNICIPAL TREASURER AS THE CASE MAY BE, UPON REQUEST OF A CANDIDATE OR A DULY ACCREDITED MEDIA REPRESENTATIVE; AND (C) THE ACCREDITATION OF MEDIA REPRESENTATIVES."

SEC. 9. *Reforms on the Prosecution of Election Offenses.* (a) Section 261, subparagraph (b) of the code is hereby amended to read as follows:

"(b) *Conspiracy to Bribe Voters.* (1) Two or more persons, whether candidates or not, who come to an agreement concerning the commission of any violation of paragraph (a) of this Section and decide to commit it.

(2) PROOF THAT AT LEAST ONE VOTER IN VARIOUS PRECINCTS REPRESENTING AT LEAST TWENTY PERCENT (20%) OF THE TOTAL PRECINCTS IN ANY MUNICIPALITY, HAS BEEN OFFERED, PROMISED OR GIVEN MONEY, VALUABLE CONSIDERATION OR OTHER EXPENDITURE BY A CANDIDATE'S RELATIVES, LEADERS AND/OR SYMPATHIZERS FOR THE PURPOSE OF PROMOTING THE ELECTION OF SUCH CANDIDATE, SHALL CONSTITUTE *PRIMA FACIE* EVIDENCE AGAINST SUCH RELATIVES, LEADERS OR SYMPATHIZERS, OF A CONSPIRACY UNDER THIS PARAGRAPH.

(3) WHERE SUCH PROOF AFFECTS AT LEAST TWENTY PERCENT (20%) OF THE PRECINCTS OF THE MUNICIPALITY OR PROVINCE, TO WHICH THE PUBLIC OFFICE ASPIRED FOR BY THE FAVORED CANDIDATE RELATES, THE SAME SHALL CONSTITUTE *PRIMA FACIE* EVIDENCE OF THE INVOLVEMENT OF SUCH CANDIDATE AND OF HIS PRINCIPAL CAMPAIGN MANAGERS IN EACH OF THE MUNICIPALITIES CONCERNED, IN THE CONSPIRACY.

(4) THE PRESENTATION OF A COMPLAINT SUPPORTED BY AFFIDAVITS OF WITNESSES ATTESTING TO AN ADMISSION BY VOTERS TO THE AFFIANTS, OF THE OFFER OR PROMISE BY OR OF THE VOTER'S ACCEPTANCE OF MONEY OR OTHER CONSIDERATION FROM THE RELATIVES, LEADERS OR SYMPATHIZERS OF A CANDIDATE, SHALL BE SUFFICIENT BASIS FOR AN INVESTIGATION TO BE IMMEDIATELY CONDUCTED BY THE COMMISSION, DIRECTLY OR THROUGH ITS DULY AUTHORIZED LEGAL OFFICERS, UNDER SECTION 68 OR SECTION 265 OF THIS CODE."

(b) Subparagraph (d), Section 52, of the Code is hereby amended by adding thereto the following paragraphs:

IN ALL HEARINGS, INQUIRIES, AND PROCEEDINGS OF THE COMMISSION, INCLUDING PRELIMINARY INVESTIGATIONS OF ELECTION OFFENSES, NO PERSON SUBPOENAED TO TESTIFY AS A WITNESS SHALL BE EXCUSED FROM ATTENDING AND TESTIFYING OR FROM PRODUCING BOOKS, PAPERS, CORRESPONDENCE, MEMORANDA AND OTHER RECORDS ON THE GROUND THAT THE TESTIMONY OR EVIDENCE, DOCUMENTARY OR OTHERWISE, REQUIRED OF HIM, MAY TEND TO INCRIMINATE HIM OR SUBJECT HIM TO PROSECUTION: *PROVIDED*, THAT NO PERSON SHALL BE PROSECUTED CRIMINALLY FOR OR ON ACCOUNT OF ANY MATTER CONCERN-

ING WHICH HE IS COMPELLED, AFTER HAVING CLAIMED THE PRIVILEGE AGAINST SELF INCRIMINATION, TO TESTIFY AND PRODUCE EVIDENCE, DOCUMENTARY OR OTHERWISE.

UNDER SUCH TERMS AND CONDITIONS AS IT MAY DETERMINE, THE COMMISSION MAY GRANT IMMUNITY FROM CRIMINAL PROSECUTION TO ANY PERSON WHOSE TESTIMONY OR WHOSE POSSESSION AND PRODUCTION OF DOCUMENTS OR OTHER EVIDENCE WHICH MAY BE NECESSARY TO DETERMINE THE TRUTH IN ANY HEARING, INQUIRY OR PROCEEDINGS BEING CONDUCTED BY THE COMMISSION OR UNDER ITS AUTHORITY, IN THE PERFORMANCE OR IN THE FURTHERANCE OF ITS CONSTITUTIONAL FUNCTIONS AND STATUTORY OBJECTIVES. THE IMMUNITY GRANTED UNDER THIS AND THE IMMEDIATELY PRECEDING PARAGRAPH SHALL NOT EXEMPT THE WITNESS FROM CRIMINAL PROSECUTION FOR PERJURY OR FALSE TESTIMONY."

(c) Section 263 of the Code is hereby amended by adding thereto the following paragraph:

THE GIVER, OFFEROR, AND PROMISOR AS WELL AS THE SOLICITOR, ACCEPTOR, RECIPIENT AND CONSPIRATOR REFERRED TO IN SECTION 261, PARAGRAPHS (A) AND (B) OF THIS CODE, SHALL ALL BE PUNISHABLE AS PRINCIPALS: *PROVIDED*, THAT ANY PERSON OTHERWISE GUILTY UNDER SAID PARAGRAPHS, WHO VOLUNTARILY GIVES INFORMATION AND WILLINGLY TESTIFIES ON ANY VIOLATION THEREOF IN ANY OFFICIAL INVESTIGATION OR PROCEEDING SHALL BE EXEMPT FROM PROSECUTION AND PUNISHMENT FOR THE OFFENSES WITH REFERENCE TO WHICH HIS INFORMATION AND TESTIMONY WERE GIVEN: *PROVIDED*, *FURTHER*, THAT NOTHING HEREIN SHALL EXEMPT SUCH PERSON FROM

**CRIMINAL PROSECUTION FOR PERJURY OR FALSE TESTIMONY."**

(d) Section 68 of the Code is hereby amended to read as follows:

"SEC. 68. *Disqualifications.* Any . . . candidate who, in an action, INQUIRY or protest in which he is a party is declared by final decision of a competent court of, or found by the Commission having (a) given money or other material consideration to influence, induce or corrupt the voters or public officials performing electoral functions; (b) committed acts of terrorism to enhance his candidacy; (c) spent in his election campaign an amount in excess of that allowed by this Code; (d) solicited, received or made any contribution prohibited under Sections 89, 96, 97 and 104; or (e) violated any Sections 89, 96, 97 and 104; or 261, paragraphs b, d, e, f, J, K, v and cc, subparagraph 6, shall be disqualified from continuing as a candidate, or if he has been elected, from holding the office. Any person who is a permanent resident of or an immigrant to a foreign country should not be qualified to run for any elective office under this Code, unless said person has waived his status as a permanent resident or immigrant of a foreign country in accordance with the residence requirement provided for in the election laws."

(e) The second paragraph of Section 72 of the Code is hereby amended to read as follows:

"Any candidate who has been declared by final judgment to be disqualified shall not be voted for, and the votes cast for him shall not be counted. [Nevertheless] If for any reason a candidate is not declared by final judgment before an election to be disqualified and he is voted for and receives the winning number or votes in such election, [his violation of the provisions of the preceding sections shall not prevent his proclamation and assumption of office] THE COURT OR COMMISSION SHALL CONTINUE WITH THE TRIAL AND HEARING OF THE ACTION, INQUIRY

OR PROTEST AND, UPON MOTION OF THE COMPLAINANT OR ANY INTERVENOR, MAY DURING THE PENDENCY THEREOF ORDER THE SUSPENSION OF THE PROCLAMATION OF SUCH CANDIDATE WHENEVER THE EVIDENCE OF HIS GUILT IS STRONG.

SEC. 10. *Reforms Relating to Rights of Watchers.* — The Commission on Elections shall, after due notice and hearing promulgate such rules and regulations as may be required to ensure that none of the rights and duties of watchers under Sections 178, 179, 180 and 189 of the Code are diminished or impaired and their functions and responsibilities enumerated therein as fully and effectively discharged by them.

SEC. 11. *Effectivity of Regulations and Orders of the Commission.* — The rules and regulations hereafter promulgated by the Commission on Elections shall take effect on the seventh day after their publication in the Official Gazette or in at least two (2) daily newspapers of general circulation in the Philippines. Orders and directives issued by the Commission shall be furnished by personal delivery to all parties concerned within forty-eight (48) hours from date of issuance and shall take effect immediately upon receipt, unless a later date is expressly specified in such orders or directives.

SEC. 12. *Repealing Clause.* — Provisions of the Omnibus Election Code, Batas Pambansa Blg. 881 and other laws, decrees, orders, rules and regulations and other issuances, or parts thereof which are inconsistent with this Act are hereby recommended, modified, supplemented, superseded or repealed accordingly.

Senator Mercado. I move that we recognize Senator Teofisto Guingona.

The President. Senator Guingona is recognized.

SPONSORSHIP SPEECH OF  
SENATOR GUINGONA

**Senator Guingona.** Mr. President, permit me to enter into the record the coauthors of Senate Bill No. 11: Senators Gonzales, Angara, Estrada, Maceda, Pimentel, Tañada, Rasul and Ziga.

Mr. President, this Senate Bill No. 11 seeks to grant electoral reforms and will be applicable, Mr. President, if approved, not only to the local elections in January but also to the subsequent elections.

We are all familiar, Mr. President, with the criticisms of our political life and statements attributed to the late Ninoy Aquino: that elections in our country are decided primarily by the three Gs – Guns, Goons, and Gold.

This has been unfortunately our historical experience, which was capped by the unabashed use and total abuse of might and money by the Marcoses during the martial law years.

The employment of force to influence the result of electoral contests has appreciably diminished since the revolution. The constitutional plebiscite, Mr. President, and the recent national elections, which in the perception of a substantial majority of the citizenry were the most peaceful in recent memory, attest to this.

But it is in the prevention of the abuse of financial resources that we have not been as successful. Our elections have been as much a contest of financial resources as a battle of issues, placing the less financially endowed candidates at a marked disadvantage. And the last elections do not seem to have been an exception.

It is for this reason, Mr. President, that the author and coauthors of this bill introduced certain electoral reforms calculated to reduce election expenditures to prevent violations of the statutory limits thereon, and to give all

candidates, regardless of their financial resources, an equal chance for election.

Primarily, Mr. President, the bill seeks to achieve this objective by vesting the COMELEC with the authority, among others, to regulate and monitor the quantity of election propaganda and the use of mass media (Sections 3 and 4), and by imposing on the COMELEC the duty of initiating the holding of public fora accessible to all candidates (Section 5) and of assuring the dissemination to each voter of each candidate's basic election propaganda on common billboards to be installed by the COMELEC (Section 6).

The bill, Mr. President, also seeks to deter massive vote-buying. The existing law, Mr. President, under the Omnibus Election Code, contains two remedies against the candidate who directly buys votes during the campaign and until the canvassing. The candidate who buys votes can be disqualified as a candidate by the COMELEC quasi-judicially under Section 68 of the Omnibus Election Code. After proclamation, Mr. President, he may also be convicted of the election offense by the courts, the effects of which would be to deprive him of his elective position.

Mr. President, under the present law, if the candidate receives the winning number of votes, his proclamation can not be stayed even if he is adjudged guilty of vote-buying by either the COMELEC or the courts because he can appeal, and for as long as his conviction is on appeal, he can be proclaimed, and if he is proclaimed, most likely the delay will be academic.

Worse, Mr. President, the conspiracy to buy votes, which is a separate election offense under the Code and distinct from direct vote-buying, is not one of the grounds for which the COMELEC can disqualify a candidate in the course of the campaign.



Since a candidate hardly ever buys votes directly, although he may be the moving force behind the conspiracy, there has hardly been an occasion where a candidate has been disqualified in connection with vote-buying.

The proposed bill, Mr. President, expands the quasi-judicial and administrative authority of the COMELEC to disqualify a candidate in the course of the campaign for involvement in the conspiracy to buy votes. The bill does not, however, transfer to the COMELEC the authority or jurisdiction to impose penal sanctions for the offense such as imprisonment, fine, perpetual disqualification, which will continue to be vested in the courts as presently provided in the Omnibus Election Code.

The Bill thus seeks to make the existing provisions of the Code on vote-buying and conspiracy more meaningful, Mr. President, by introducing the following amendments: First, it amends Section 68 of the Omnibus Election Code by including the candidates' involvement in the conspiracy to buy votes *among the grounds for which the Comelec may disqualify a candidate quasi-judicially*. Second, it amends Section 72 by authorizing the COMELEC to suspend the proclamation of a candidate whenever the evidence of his guilt of direct vote-buying or involvement in the conspiracy to buy votes is strong.

In other words, the amendment, Mr. President, seeks to give to the COMELEC the power to suspend the proclamation of a candidate if the evidence of vote-buying or conspiracy is strong. It also relaxes the requirements for the initiation by the COMELEC of an investigation into vote-buying by authorizing such investigation on the strength of affidavits by persons to whom voters may have admitted that their votes have been bought or that an attempt had been made to buy their votes.

Mr. President, one point, however, is to be emphasized and, that is, that these affidavits

saying that "I was bought," that, "there was an attempt for me to vote for certain candidates merely serve as the basis for an investigation and constitute the proof required to raise the presumption of the existence of a conspiracy to buy votes. What will raise the presumption is direct proof such as the testimonies of the voters themselves, or of those who personally witnessed the vote-buying, or of those who may have been asked to buy votes; that such vote-buying took place, or was attempted in at least 20 percent of the precincts in an electoral area. If there are 40 precincts, 20 percent would be eight precincts.

For the purpose of the investigation by the COMELEC and the courts as well, the bill, Mr. President, widens the avenues of evidence by creating a presumption of conspiracy to buy votes which may extend to the candidate himself, or to his major leaders; and by providing immunity from prosecution to witnesses who may be compelled, or who may voluntarily decide to give testimony or information on vote-buying or the existence of a conspiracy to buy votes.

We have seen, Mr. President, the last elections where the propaganda littered, virtually, the entire Metro Manila, and we seek to avoid this. We have seen instances where there was rampant vote-buying, and we seek to minimize this. And it is for these reasons, Mr. President, that we strongly urge the approval of this measure.

Thank you, Mr. President.

The President. Is there any interpellation? Senator Enrile.

Senator Enrile. Mr. President, may I know if my distinguished Colleague will yield to some questions?

Senator Guingona. Certainly, Mr. President.

Senator Enrile. Mr. President, I share my Colleague's desire for electoral reforms in our political system and especially in the area of

election expenses. Now, I noticed that in this proposed measure, there is an implication that the government would impose as a condition for the grant of a permit for newspapers to operate certain requirements, such as granting free space, equal space to candidates of diverse political parties who may seek a political office. I am not concerned about the grant of equal space or time; I am concerned, Mr. President, about the implication that the Government now, through this proposed measure, would license newspapers. Was this intended as an implication of this measure, Mr. President, or was this merely expressed inadvertently?

**Senator Guingona.** No, Mr. President, There is no intention at all to require the licensing of newspapers. It is only that, as a matter of fact, we provide that during the period of campaign, the media that is already in place, there can not be any revocation of any permit or license whatsoever.

**Senator Enrile.** I am referring to page 4 of Senate Bill 11, Mr. President. I think that is the bill the Gentleman is now discussing. And paragraph (c) says:

“No franchise or permit to operate a newspaper, radio or television station, or other mass media shall be granted or issued, suspended, or cancelled during the election period.”

The use of the term “permit” in relation to a newspaper would seem to suggest that we now require a permit for newspapers to be opened.

**Senator Guingona.** No, Mr. President, it is an old provision. And the only amendment that we did in that old provision is to include the phrase OR OTHER MASS MEDIA. But that is an old provision in the Omnibus Election Law; Section 86, sub-section (c). It says and I read: “No franchise or permit to operate a radio or television station shall be granted or issued,

suspended or cancelled during the election period.”

**Senator Enrile.** The copy of Senate Bill No. 11, Mr. President, that I have, which accompanied Committee Report No. 21, shows an insertion of the word NEWSPAPER in capital letters, before “radio” or “television”. And that is why I am prompted to stand up to raise this issue. Because even on page 5 of the same bill, Mr. President, if we are using the same copy of Senate Bill No. 11, it says here: “For the purposes of THIS SECTION AND OF SECTION 90 OF THIS CODE, the franchise, LICENSE AND PERMITS OF ALL NEWSPAPERS, radio and television stations and OTHER MASS MEDIA are hereby amended so as to provide PRINT SPACE and radio or television time, free of charge, during the period of the campaign”, which again implies that there is a tendency to require a permit or a license for a newspaper to be established.

This may be alright in the case of radio and television because they are covered by special franchises, but for the print media, I think this will not be allowed, Mr. President.

**Senator Guingona.** Print Media, I understand, undergo registration which is not violative of present censorship. That is the intent there. It is not intended in any way to be a censor; it is not intended to be a restraint. It is only intended to insure that during the election period no newspaper shall be suspended.

**Senator Enrile.** Mr. President, I know that the licensing was never the intention of my distinguished Colleague. I know him well enough, I think, to realize that he would not go so far as to require any permit or license from the government for a newspaper or a magazine to be published. And I just raised this issue because at the proper time, I will probably suggest to him some amendments in order to cure this problem.

Thank you, Mr. President.

Senator Guingona. Very well.

The President. I think it may be agreed that there is no necessity for a permit in order to have a newspaper. But a franchise or a permit is necessary for the operation of a radio or television broadcasting station.

Senator Guingona. Yes, Mr. President.

The President. Is there any further interpellation? Senator Saguisag is recognized.

Senator Saguisag. Thank you, Mr. President. Will the Gentleman from Luzon, Visayas, and Mindanao yield to a few questions?

Senator Guingona. Willingly, Mr. President.

Senator Saguisag. The Gentleman mentioned about a certain registration requirement in relation to newspaper. My own recollection is that it represented the best thinking of the martial law regime. I am not aware that today there is still that registration requirement. I would have thought that anybody of us who would want to put out a newspaper tomorrow just would need, well, to look for resources to put out one. Because it would amount to censorship of a sort. And what I know in that area is that any check is post publication. It would be unconstitutional, in my view, if newspapers would be required to be registered.

Senator Guingona. Mr. President, we only lifted that from the old law, and there is no intent whatsoever to have any prior restraint. The old law under Section 86, subsection (b) says: "All contracts for advertising in any newspaper, magazines, periodicals and any form of publication promoting or opposing the candidacy of any person for public office shall, before its implementation, be registered by said newspaper/magazine."

Senator Saguisag. Well, I have no quarrel with that because that is really limited to advertising placements. But it is really the news-

paper itself which is to us novel, cause it jumps at us since it is, as has been pointed out by the Gentleman from Cagayan, in capitals. And the intent we got is that this is something that was being injected for the first time.

In other words, we agree that, whether it is meritorious or not, it has always been for sometime now a requirement that any advertising placement would have to go through some registering requirement with the Commission on Elections. It was not the intent to apply it however to a paper which would like to operate; to have it go through some registration process.

Senator Guingona. No, because certain newspapers, Mr. President, may be utilized for the entire political propaganda. In that case, that would fall under this registration requirement. We are not saying that that is a restraint or a limitation of press freedom. We are just following the old law. So that if the entire newsletter or the entire magazine is dedicated by one political party for election propaganda, once it is registered, it should never be suspended or revoked. That is the meaning and the intent of this provision.

Senator Saguisag. I just would want to go on record that I am really very disturbed by any licensing or registering requirement when it comes to newspapers.

Senator Guingona. Yes.

Senator Saguisag. The idea being that all these should compete freely in the market place of ideas. And anytime that there is a prior requirement to that extent, it chills the freedom of expression.

I am not very disturbed if one paper will entirely devote its contents to promoting or fighting the candidacy of anybody. That seems to be entirely within the constitutional purview of free speech.

**Senator Guingona.** I am as much concerned, I think. And we are only following the old law. It does not in any way seek to restrain or to priorly censor. But it says that once there is a registration, there should be no suspension, there should be no revocation. That is the intent.

Now, if there is no registration, then all the more reason that I can assure the Gentleman that we have no intention of having priority on this.

**Senator Saguisag.** I would hope that we could amend this at the proper time. Because the way it is worded now page 4: "No franchise or permit to operate a newspaper." And then on page 5: "License and permits of all newspapers." These are open to the interpretation that has disturbed some of us here.

Is the Gentleman open to a modification of the language at the proper time?

**Senator Guingona.** Certainly, Mr. President.

**Senator Saguisag.** Now, the other point here is in relation to giving space free of charge. I am referring to line 20, page 4. Maybe I should read the entire . . . .

**Senator Guingona.** Yes, please.

**Senator Saguisag.** From line 17:

The Commission shall procure AIR TIME FROM radio and television STATIONS, to be known as "COMELEC Time" which shall be allocated free of charge, equally and impartially, among the candidates within the area of coverage of all radio and television stations.

And then on line 27, there is reference to candidates:

. . . who do not have the financial resources to defray the commercial cost of mass media propoganda utilized by or available to other candidates.

My concern here is, if in a certain election, like in the last May 11 election where there were 132 senatorial candidates, are we really going to compel these radio and television stations to

give time and space free of charge, equally and impartially to all candidates? Because this can happen in the coming local elections.

There may be 20 aspirants for mayor, 20 aspirants for the vice mayor, and let alone governors down the line. Are we really going to compel these stations to render the service free of charge?

In other words, is this not a little impractical?

**Senator Guingona.** This is a carry-over of an old COMELEC space, COMELEC time, COMELEC hour, which is already in place but we would like to strengthen it because, while it is true that there may be some impractical aspects, it is also equally true that it is our duty to try to balance the interest, especially the proposition that we should have amendments that are reasonable; and in order to give equality of access of the candidates to the voters. And if a person is really without means, I think it will help him a lot if he can have more access to radio and television.

**Senator Saguisag.** The Gentleman will recall our problem during the previous regime. Even if the candidate had money up front, so to speak, he had money deposited for the entire cost of advertising of a political nature, still the money was refused. In other words, access was denied. Today, my own impression is that anybody who has money will be accommodated. In fact, radio stations, television stations and the newspapers are competing for political advertising. So, it seems to me that access in that sense is no longer a problem.

In the past, even if one had money — the Gentleman will recall that he was one of the leading lights in the Magnificent 21 lineup in 1978 — what we found then was that no newspaper was willing to run any advertising for Laban. That is no longer a problem today. So, in such a situation perhaps the law should help him by giving him this mechanism.

**Senator Guingona.** Mr. President I believe that they do because they have their kind of business as public interest. Media has public interest and we just want to make equitable the means so that assuming that his candidate does not have enough supporters for financial contributions, then this will help him. He may have sympathizers, he may have supporters, but they are also equally poor. So, in such a situation perhaps the law should help him by giving him this mechanism.

**Senator Saguisag.** Let us assume as true the hypothetical claim that the *Manila Times* was really financially strapped. Let us assume that there would be such newspapers in the midst of a political campaign, Is the intent of this law to compel even publications, which can demonstrate that they could hardly survive, to follow this requirement?

**Senator Guingona.** That is the general rule, Mr. President. But I think exceptions can be made if done in good faith. Certainly.

**Senator Saguisag.** We will see, maybe, in the period of amendments whether we can reconcile the tension between the valid competing claims identified by the Gentleman and certain of the competing claims that we have raised

Thank you very much.

**The President.** Are there any other interpellations?

**Senator Mercado.** Mr. President, inasmuch as there are no other interpellations, I move that we close the period of debate on general principles.

#### PERIOD OF AMENDMENTS

**The President.** Are there any speeches for or against the bill? If not, we can enter into the period of amendments. Are there any committee amendments?

**Senator Guingona.** Just on numbering and transposition, Mr. President, but nothing substantial and we can go along as we proceed.

**The President.** All right. Why do we not begin with page 1. Is there any proposed amendment on page 1?

#### INDIVIDUAL AMENDMENTS

**Senator Guingona.** On page 1, Mr. President — individual amendment of the authors. Section 3 on line 7 "*Reforms on the use of Printed Election Propaganda*" and on line 8, instead of small letter "(a)", place a capital letter (A).

**The President.** All right. Is there any objection? [*Silence*] The Chair hears none; the same is approved.

Are there any further amendments on page 1? [*Silence*] Let us go to page 2. Is there any proposed amendment on page 2? Does the Sponsor have any proposed amendment on page 2?

**Senator Guingona.** Yes, Mr. President. On line 18, instead of the small letter "a", place a capital letter B.

**The President.** Enclosed in parenthesis.

**Senator Guingona.** Enclosed in parenthesis.

**The President.** Is there any objection? [*Silence*] The Chair hears none; the same is approved. We go to page 3.

**Senator Guingona.** Yes, Mr. President. On line 1 of page 3, instead of the small letter "a", a big letter A, after the word "media".

**The President.** Enclosed in parenthesis.

**Senator Guingona.** Enclosed in parenthesis.

**The President.** Is there any objection? [*Silence*] The Chair hears none; the same is approved.

**The President.** Is there any other proposed amendment on page 3?

**Senator Osmeña.** Mr. President.

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

**Senator Osmeña.** Mr. President, at the proper section, I would introduce an amendment on this concept of common COMELEC billboards. But because the penultimate line, lines 29 and 30 on this page, makes mention of this common COMELEC billboard as to be provided for in Section 91, which is subsequent to this page, I would like to make a reservation to introduce an amendment on this section after the amendment in Section 91 has been approved, if it is approved. That is the reservation I would like to make, because I can not make an amendment now until we know what is going to be the action of the Body on the proposals on Section 91.

**The President.** So, the reservation is accepted.

**Senator Enrile.** Mr. President.

**The President.** Senator Enrile is recognized.

**Senator Enrile.** Mr. President, individual amendment. On page 3, line 30, I move that we delete the phrase "OR OTHER MASS MEDIA".

**The President.** And just limit it to radio or television stations?

**Senator Enrile.** Yes, Mr. President.

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

**Senator Guingona.** May we hear the reason or the rationale behind that, Mr. President, because "mass media" covers all.

**Senator Enrile.** This will include newspapers which was sought to be deleted, Mr. President, by the bracketed portion of this paragraph appearing on line 29. The intention was to exclude magazines, periodicals and any other forms of publication. Yet, by using the term OR OTHER MASS MEDIA. We restore what what is sought to be deleted.

**Senator Guingona.** That was my intention, Mr. President, because instead of citing magazines, periodicals, or any forms of publication, we thought of just including them in the term "mass media."

**Senator Enrile.** Am I to understand, Mr. President, that we require newspapers to register with the COMELEC advertisements of candidates before they are printed? This is going to be rather messy.

**Senator Guingona.** That is the existing law, I think.

**Senator Enrile.** Precisely, Mr. President, we are trying to improve the law.

**The President.** While the Gentleman is looking for it, how about theaters, cinemas?

**Senator Enrile.** Maybe we can include that, Mr. President.

SUSPENSION OF THE SESSION

**The President.** Let us call for a brief recess, if there is no objection. [*There was none* ]

*It was 5:34 p.m.*

RESUMPTION OF THE SESSION

*At 5:43 p.m., the session was resumed.*

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

**Senator Guingona.** May I have just one anterior amendment, Mr. President? On line 19, after the word "unduly" and before the word "manifestly", insert the word OR.

**The President.** What line is that?

**Senator Guingona.** Line 19, Mr. President, on page 3.

**The President.** So, how will it read now?

**Senator Guingona.** MASS MEDIA shall not unduly OR. . .

**The President.** Is there any objection? [*Silence*] The Chair hears none; the same is approved.

Senator Enrile. Mr. President.

The President. Senator Enrile is recognized.

#### ENRILE AMENDMENT

Senator Enrile. I withdraw my proposed amendment on line 30, instead I would propose an amendment on line 28 of page 3, by deleting the word "newspaper" before the comma.

The President. Is there any objection? [Silence] The Chair hears none; the motion is approved.

Senator Enrile. On page 4, Mr. President, on line 6, I propose to delete the word NEWSPAPER before the comma, which is in capital letters.

And on line 7, Mr. President, I propose to delete the phrase OR OTHER MASS MEDIA.

The President. What is the pleasure of the Sponsor?

Senator Guingona. We are willing as far as NEWSPAPER is concerned, Mr. President. But... MASS MEDIA, the intent here is that during the campaign period or the election period, no mass media shall be cancelled or suspended. And if a newspaper does not require prior registration, then, the newspaper continues; but, it should not be suspended or cancelled. That is the intent, Mr. President.

Since the distinguished Gentleman has already deleted NEWSPAPER, we concur with the deletion; provided that the mass media does not require any form of prior registration, the intent here is that it should continue during the period of election, and no cancellation or suspension or revocation shall be imposed.

Senator Enrile. Mr. President, I will withdraw that suggested amendment provided it is stated in the record that the phrase OR OTHER MASS MEDIA shall not include newspapers, magazines and the like.

The President. All right. On the deletion of the NEWSPAPER, is there any objection? [Silence] The Chair hears none; the same is approved.

And with respect to OTHER MASS MEDIA, the proposed amendment is withdrawn.

Senator Guingona. Yes. And for the record, we also agree with that.

The President. Is there any other proposed amendment on page 4?

Senator Osmeña. Mr. President.

The President. Senator Osmeña is recognized.

Senator Osmeña. Anterior amendment only for letterings, Mr. President.

On line 6, page 4, put a big letter C.

The President. Enclosed in parenthesis.

Senator Osmeña. Yes, Mr. President.

The President. Is there any objection? [Silence] The Chairs hears none; the same is approved.

Senator Osmeña. And on line 15, a big letter (B) enclosed in parenthesis.

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

Is there any other amendment on page 4?

Senator Osmeña. Mr. President, on line 18 before the word AIR, I propose to insert the word FREE, FREE AIR TIME FROM radio and television STATIONS; and then, after the word STATIONS and before the comma (,) insert the words WHENEVER AVAILABLE.

Because to procure, Mr. President, implies purchase. If we do not clarify that it is free and the COMELEC does not have a budget for purchasing air time, we will be unduly burdening the Commission on Elections.

The President. So, how will it read now?

**Senator Osmeña.** "The Commission shall procure FREE AIR TIME FROM radio and television STATIONS 'WHENEVER AVAIL-ABLE', to be known as . . ."

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

**Senator Guingona.** We agree.

**The President.** Is there any objection? [*Silence*] The Chair hears none; the same is approved.

On page 4, is there no other proposed amendment? Then we go to page 5.

**Senator Enrile.** Mr. President, page 5.

**The President.** Senator Enrile is recognized.

**Senator Enrile.** On page 5 . . . .

**Senator Guingona.** With the indulgence of the Gentleman, Mr. President.

**The President.** Senator Guingona is recognized.

#### GUINGONA AMENDMENT

**Senator Guingona.** Just a prior amendment: On line 22 before the word IN: HOWEVER IN ORDER TO PROVIDE EQUAL ACCESS TO THE VOTERS, before the word IN on line 22, Mr. President.

**The President.** Line 22, page 4.

**Senator Guingona.** So, it will read HOWEVER, IN ORDER TO PROVIDE EQUAL ACCESS TO THE VOTERS IN THE ALLOCATION OF COMELEC AIR TIME UNDER THIS SECTION.

**The President.** Is there any objection? [*Silence*] The Chair hears none; the same is approved.

#### ENRILE AMENDMENT

**Senator Enrile.** Page 5, line 2, Mr. President, I propose, after the comma following the word "franchise", we delete the words

LICENSE AND PERMITS; and on line 3, we delete the word NEWSPAPERS, including the comma following it, and the phrase AND OTHER MASS; and on line 4, the word MEDIA and the phrase PRINT SPACE AND, so that this paragraph will read:

"FOR THE purpose of THIS SECTION AND OF SECTION 90 OF THIS CODE, the franchise OF ALL radio and television stations are hereby amended so as to provide radio or television time, free of charge, during the period of the campaign."

**Senator Guingona.** We accept that, Mr. President.

**The President.** Just a moment. I understand that, actually, most of the radio stations now do not have franchises. They only have temporary permits. I did not know that until yesterday.

**Senator Enrile.** Then, we will take note of the remarks of the Chair and, therefore, may I propose an amendment to my proposed amendment, Mr. President, if that is possible under the Rules.

**The President.** We will make it possible.

**Senator Enrile.** So that on line 2, we do not include in the deleted words the word PERMIT. The only thing that will be deleted will be the words LICENSE AND.

**The President.** All right. Why do we not say, THE FRANCHISE OR PERMITS?

**Senator Enrile.** Yes, Mr. President.

**The President.** All right. Is there any objection?

**Senator Saguisag.** Mr. President.

**The President.** Senator Saguisag is recognized.

**Senator Saguisag.** Mr. President, I am not sure whether this is really an objection. I would just want something clarified first.

As I understand, on the first six lines of page 5, there is an explicit requirement about pro-



viding space or time free of charge. If we may step back to page 4, lines 9 to 14, giving space free of charge is conditioned on somebody else having been first given such space free of charge, so that there will be the right of rebuttal. We would want to know what really our intent here is. Is it a total, absolute requirement to be imposed upon media? Or, is the right to rebut, the condition appearing on page 4, the really important thing? In other words, if candidate X is criticized unfairly by candidate Y, I can see some logic in requiring the medium which allows that to be printed or aired, to give the one maligned a chance to present his side; that, in itself, presents its own set of practical problems.

But in the situation envisioned on lines 1 to 6, page 5, if all 132 senatorial candidates in the last elections had wanted to make use of all these newspapers, radio, and television stations all over the country, they would have been required to do so, free of charge. So, it seems to me that, maybe, we are better off deleting lines 1 to 6 altogether because the first version seems to be more practical. There seems to be a rationale for it.

As I see it, in the coming elections, especially in 1992, when the elections will be from the president down to the last councilor, there may be thousands of candidates who have all their visions of paradise for this country; and under this provision, if it will be required of them to do that, it seems so impractical.

Moreover, if we are speaking of a franchise or a permit, is this not going to be unconstitutional? When the newspaper agreed to the license or the permit, it was under certain conditions. Now, here we come saying that on top of everything else, for instance, we tell a company with a labor problem that it has to pay them ₱20.00 more per laborer. Now, here is another requirement. Are we being fair to the

to the media concerned which may really be finding it very hard to survive?

So, my proposal, if it is in the nature of an objection, is really to supersede the smaller objection by a bigger objection. I would like to propose that lines 1 to 6 be deleted: first, because it is impractical; second, because it would be an unfair amendment of the franchise or the permit or the license, because we are not giving the party to be affected adversely a chance to be heard. This seems to be unconstitutional.

#### SUSPENSION OF THE SESSION

**The President.** Let us have a brief suspension, if there is no objection. [*There was none* ]

*It was 5:56 p.m.*

#### RESUMPTION OF THE SESSION

*At 6:00 p.m., the session was resumed.*

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

**Senator Guingona.** Mr. President.

**The President.** Senator Guingona is recognized.

**Senator Guingona.** Senator Saguisag and I have agreed to look into the issue concerning lines 1 to 6 of page 5; and he, therefore, reserves his right to come back to this section later on, Mr. President, after a more thorough study.

**The President.** All right, So, there is a reservation with respect to lines 1 to 6 on page 5. Does the Chair understand that we will come back to this?

**Senator Guingona.** Yes, Mr. President.

**The President.** All right.

**Senator Mercado.** Mr. President.

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

**Senator Mercado.** Page 5, Mr. President.

**The President.** All right.

**Senator Mercado.** On line 29, between the words PLACES and . . .

**Senator Osmeña.** Anterior amendment, Mr. President.

**The President.** Anterior amendment. Senator Osmena is recognized.

OSMEÑA AMENDMENT

**Senator Osmeña.** With the permission of the Majority Floor Leader, if his amendment is on line 29.

The amendment that this Representation proposes to submit is: on line 28, after the word COMMISSION and before the comma, insert the phrase AND/OR NON-PARTISAN PRIVATE OR CIVIC ORGANIZATIONS WHICH THE COMMISSION MAY AUTHORIZE WHENEVER AVAILABLE.

The purpose, if I may explain, Mr. President, of this amendment is to allow private non-partisan organizations to set up billboards for use by the candidates. Because, again there is no money in the budget of the Commission on Elections for all these thousands and thousands of so-called commission billboards. And what happens in a community where there is no commission billboards? Does it mean we can not put up posters?

**Senator Guingona.** We agree to the amendment, Mr. President.

**The President.** All right. Subject to refinement and style. Is there any objection? (*Silence.*) The Chair hears none; the same is approved.

The Majority Floor Leader.

MERCADO AMENDMENT

**Senator Mercado.** Line 29, Mr. President, between the words PLACES and WITH, insert the phrase WHERE IT MAY BE READILY SEEN OR READ.

Mr. President, there are areas, I believe, where traffic is heavy, a lot of pedestrian pass by these places where these billboards being put could not be easily seen. What I am trying to say is that we must provide a place for them. Aside from the fact that they are in heavily populated areas where persons, traffic traverse, the billboards must be strategically located in such a manner that they can be seen; because they can just be put on one side, and the people passing by do not notice them.

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

**Senator Guingona.** We accept the amendment, Mr. President.

**Senator Mercado.** Thank you, Mr. President.

**The President.** All right. Is there any objection? [*Silence*] The Chair hears none; the same is approved.

On page 6, is there any proposed amendment?

**Senator Guingona.** Mr. President.

**The President.** Senator Guingona.

**Senator Guingona.** On page 6, Section 8, line 17, the entire section, Mr. President, can be considered as deleted in view of the fact that this was the same subject matter taken up in the prior bill sponsored by Senator Gonzales.

**The President.** All right. Is there any objection to the deletion of lines 17 and 18 on page 6? [*Silence*] Hearing none, the same is approved.

**Senator Osmeña.** Mr. President.

**The President.** Senator Osmena is recognized.

**Senator Osmeña.** Just to clarify, Mr. President. The deletion is for all the lines from 17 to 31 on page 6; all the lines from 1 to 30 on page 7; all the lines from 1 to 30 on page 8, and all the lines from 1 to 5 on page 9? Is that correct, Mr. President?

Senator Guingona. Yes, Mr. President.

The President. So, we will cover not only page 6 but actually all lines on page 7 and page 8.

Senator Osmeña. And the first 5 lines on page 9, because that is what this section covers, and the first five lines on page 9.

The President. Is there any objection? [*Silence*] The Chair hears none; the motion is approved.

Senator Osmeña. Anterior amendment, Mr. President.

The President. Yes.

#### OSMEÑA AMENDMENT

Senator Osmeña. On line 2 of page 6, after the word CHARGE and before comma the words IF FEASIBLE, comma, EQUALLY AND IMPARTIALLY AMONG THE CANDIDATES IN THE PROVINCE, MUNICIPALITY OR CITY.

The reason again for this amendment, Mr. President, is that there is no assurance that the Commission on Elections or a private non-partisan organization will be able to provide a space. So, if we do not put these contingencies, we are, in effect, prohibiting a candidate from putting up posters.

The President. In other words, the proposed amendment allows for greater flexibility.

Senator Osmeña. That is correct, Mr. President.

The President. What is the pleasure of the Sponsor?

Senator Guingona. We accept, Mr. President.

The President. All right. Is there any objection? [*Silence*] The Chair hears none; the same is approved.

Now, we go to page 9.

Senator Mercado. If the Chair does not mind, still on page 6.

The President. All right. We go back to page 6.

#### MERCADO AMENDMENT

Senator Mercado. On line 12, Section 93. My impression of what is mandated in this particular section is:

THE COMMISSION SHALL, UNDER SUCH REGULATIONS IT MAY PROMULGATE AFTER DUE HEARING AND SUBJECT TO THE PAYMENT BY EACH CANDIDATE OF SUCH REASONABLE FEES AS IT MAY DETERMINE, DISSEMINATE TO EACH REGISTERED VOTER ONE COPY OF EACH CANDIDATE'S POSTER AND HANDBILL DETAILING HIS BIO-DATA . . .

I would like to inquire: a poster, as differentiated from a handbill, we have one large poster. Are we speaking of one poster of each?

Senator Guingona. Maybe, a handbill would be more appropriate, Mr. President.

Senator Mercado. I would propose, Mr. President, on line 12 to delete the words POSTER AND after the word CANDIDATE'S.

The President. What is the pleasure of the Sponsor?

Senator Guingona. We accept, Mr. President.

The President. All right. Is there any objection? [*Silence*] Hearing none, the same is approved.

#### GUINGONA AMENDMENTS

Senator Guingona. Mr. President, on line 13 at the end of the word GOVERNMENT, we would like to include the words SAMPLE BALLOT. So that, the whole sentence will read: HIS BIO-DATA, QUALIFICATIONS, AND PROGRAM OF GOVERNMENT, comma, 'SAMPLE BALLOT'.

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

**Senator Guingona.** Page 9, Mr. President.

**The President.** Is there any other amendment on page 6, before we go to page 9? [Silence] All right, we go to page 9.

Is there any amendment on page 9?

**Senator Guingona.** On line 13, Mr. President, we propose to delete VARIOUS and instead place DIFFERENT.

**The President.** Before that, do we not change the numbering of this section now since we have deleted the previous numbers?

**Senator Guingona.** Yes, Mr. President. I am sorry. We will now make this SEC. 8 on line 6.

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

**Senator Guingona.** And then on line 13, Mr. President, instead of VARIOUS, we delete that and supplant it with the word DIFFERENT, so that it will read: PROOF THAT AT LEAST ONE VOTER IN DIFFERENT PRECINCTS.

**The President.** Is there any objection? [Silence] The Chair hears none; the same is approved.

Is there any other proposed amendment on page 9?

**Senator Estrada.** G. Pangulo.

**The President.** Senator Estrada is recognized.

**Senator Estrada.** G. Pangulo, gusto ko ho lamang maliwanagan tungkol sa pahina 9, sa linyang 13, bilang (2):

PROOF THAT AT LEAST ONE VOTER IN VARIOUS PRECINCTS REPRESENTING AT LEAST TWENTY PER CENT (20%) OF THE TOTAL PRECINCTS IN ANY MUNICIPALITY, HAS BEEN OFFERED, PROMISED OR GIVEN MONEY, VALUABLE CONSIDERATION OR OTHER EXPENDITURE BY

A CANDIDATE'S RELATIVES, LEADERS AND/OR SYMPATHIZERS FOR THE PURPOSE OF PROMOTING THE ELECTION OF SUCH CANDIDATE, SHALL CONSTITUTE *PRIMA FACIE* EVIDENCE AGAINST SUCH RELATIVES, . . ."

Ano ho ba itong bente porsiyentong ito?

**The President.** Sandali ho lamang. Iyong pagkakabasa ay hindi na "various precincts", kundi DIFFERENT PRECINCTS.

**Senator Estrada.** Sa bawat isang presinto ho ay pinakamarami na ang 300 botante. Ang 20 porsiyento ng 300 botante ay animnapu. Kung ang isang kandidato ay marami hong pera, kayang-kaya ninyong kumuha ng animnapung taong tetestigo para guluhin lamang ang isang kandidato.

**Senator Guingona.** Ito po ay tungkol sa conspiracy. And conspiracy, is defined as two or more persons buying or agreeing to exchange money, promise or consideration for the purpose of influencing or securing the vote. And conspiracy, Mr. President, can not be proved if there is vote-buying only in one precinct. And therefore, we have proposed that it be, at least, 20 percent of all the precincts. Hindi naman ang ibig sabihin nito, lahat ng botante sa isang presinto will be subject to having been bought — one person from every precinct representing 20 precincts will suffice, Mr. President. In one municipality, the average municipality has about 40 precincts.

**The President.** I think the point of Senator Estrada is that it may be easy to fabricate evidence against a particular candidate. Hindi ho ba iyon ang ibig sabihin ninyo?

**Senator Estrada.** Oho, G. Pangulo.

**Senator Guingona.** This is subject to investigation and hearing. And if it is fabricated evidence, this will come out in the investigation. So, this is just a measure to establish *prima facie* an existing conspiracy to buy votes, Mr. President.

## SUSPENSION OF THE SESSION

**The President.** All right. Let us have a brief suspension of the session.

*It was 6:13 p.m.*

## RESUMPTION OF THE SESSION

*At 6:16 p.m., the session was resumed.*

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

**Senator Estrada.** G. Pangulo, yaman din lamang na ako ay napagpaliwanagan na ng Kgg. na Senador Guingona, ay iniurong ko na po ang aking tanong.

**The President.** Napakabait naman ninyo, napakadulas ang urungan. [*Laughter*] Thank you.

Is there any proposed amendment on page 9? Is there any other amendment on page 9?

We go to page 10. Is there any amendment on the part of the Sponsor?

## GUINGONA AMENDMENTS

**Senator Guingona.** Mr. President, just on line 7, change the small letter "(b)" to big letter (B).

**The President.** All right. Is there any objection? [*Silence*] The Chair hears none; the same is approved.

Is there any other amendment on page 9? If there is none, we go to page 10. Is there any amendment, Mr. Sponsor?

**Senator Guingona.** None, Mr. President.

**The President.** Is there any individual amendment on page 9? On page 10? On page 11?

The Sponsor has no proposed amendment on page 11.

**Senator Guingona.** None, Mr. President.

**The President.** On page 12? Is there any proposed amendment on page 12?

**Senator Guingona.** Yes, Mr. President, Section 10 of page 12 should be considered deleted in view of the fact that the subject matter is already covered by the bill of Senator Gonzales.

**The President.** The effect is we will have to adjust the numbering.

**Senator Guingona.** Yes, Mr. President.

**The President.** All right. Is there any objection? [*Silence*] The Chair hears none, the same is approved.

**Senator Guingona.** So Section 11, Mr. President, on line 29, becomes SEC. 10.

**The President.** Maybe Section 9 because we have already deleted two sections. This will be Section 9.

**Senator Guingona.** Yes, Mr. President.

**The President.** We are referring to line 29 on page 11. That will be SEC. 9. Is there any other amendment?

**Senator Guingona.** Yes, Mr. President. On line 29, the phrase "Section 52, paragraph (c) of the Omnibus Election Code shall read as follows: "Effectivity of Regulations and Orders of the Commission."

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

How about on page 13?

**The President.** I think, the numbering of the repealing clause.

**Senator Guingona.** Yes.

**The President.** That will be SEC. 10 on line 9 of page 13.

**Senator Guingona.** Yes, Mr. President.

**The President.** Is there any objection [*Silence*] The Chair hears none; the same is approved.

**Senator Enrile.** Mr. President.

**The President.** Yes.

**Senator Enrile.** Mr. President, may I request the indulgence of the Chamber for us to go back to page 3. And I would like to suggest . . . .

**The President.** Before we go there, so that we will not lose the trend, with the permission of Senator Enrile, why do we not have an effectivity clause at the end of this bill? When does this bill become effective?

**Senator Guingona.** Upon approval, Mr. President.

**The President.** All right. This bill shall be effective upon . . . .

**Senator Guingona.** Approval.

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

Now let us go to page 3.

**ENRILE AMENDMENT**

**Senator Enrile.** On page 3, Mr. President, line 5. May I propose an amendment: After the word "shall" we insert a comma and this phrase: AFTER DUE NOTICE AND HEARING WHERE ALL INTERESTED PARTIES ARE GIVEN AN EQUAL OPPORTUNITY TO BE HEARD. So that, line 5 will read:

"The Commission shall, AFTER DUE NOTICE AND HEARING WHERE ALL INTERESTED PARTIES ARE GIVEN AN EQUAL OPPORTUNITY TO BE HEARD, promulgate rules and regulations . . . ."

**Senator Guingona.** We accept the amendment.

**The President.** Is there any objection? [*Silence*] The Chair hears none; the same is approved.

Is there any other proposed amendment on any page of this bill?

**Senator Laurel.** Mr. President.

**The President.** Senator Laurel is recognized.

**LAUREL AMENDMENTS**

**Senator Laurel.** Mr. President, I would like to go back to page 3, line 8: "the campaign period to insure that equal PRINT SPACE OR TIME." I was just thinking that the word "equal" is not fair enough, because, it says here "equal PRINT SPACE". "Equal" refers to size or measurement.

That is not the important thing that should be assured, Mr. President. I think what should be assured is that print space or time is allocated equitably. Because a candidate might have equal space on the last page or at the bottom of a particular page; whereas, his opponent or rival for public office is given equal space at the middle of the page. Equal space is given, but not equity. The former would be disadvantaged in that case, Mr. President.

I was therefore thinking of an amendment on line 8 and line 9. Cross out the word "equal", — "to insure that PRINT SPACE OR TIME", and insert: "IS ALLOCATED EQUITABLY as to duration, PROMINENCE and quality." Then, I was just wondering. Would the Sponsor of this bill accept such an amendment?

**Senator Guingona.** We accept, Mr. President.

**Senator Laurel.** Thank you very much.

**The President.** Just a moment, we have not yet approved it. It has been accepted. Is there any objection? [*Silence*] The Chair hears none; the same is approved.

**Senator Laurel.** Then the same thing, Mr. President, on page 6, line 2. I will start from line 1: "THE SPACE IN SUCH BILLBOARDS SHALL BE ALLOCATED FREE OF CHARGE, EQUALLY . . ."

**The President.** Just a moment, there was a previous amendment there, IF FEASIBLE,

which was inserted at the suggestion of Senator Osmeña.

**Senator Laurel.** Instead of EQUALLY, substitute the word EQUITABLY. Because, space again is the one spoken of here. That is the subject matter. I think the word EQUITABLY conveys the meaning better for the protection of all the candidates, that space will be allocated equitably. There may also come a time, Mr. President, when on a billboard, a candidate's name or picture is placed at the bottom and that of his opponent placed on top or the middle which the people can see better. Again there is equal space but no equity or fairness. We should therefore allocate space "equitably" which means that the candidate's name or picture is placed sometime on top and sometime at the bottom of the billboards on display.

**The President.** All right.

**Senator Laurel.** That is what I mean, Mr. President, by the word EQUITABLY, instead of EQUALLY.

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

**Senator Guingona.** We accept, Mr. President.

**The President.** There are two words there, EQUITABLY and IMPARTIALLY.

**Senator Laurel.** We will keep the word IMPARTIALLY.

**The President.** Is there any objection? [*Silence*] The Chair hears none; the same is approved.

**Senator Laurel.** Thank you very much, Mr. President.

**The President.** Is there any other proposed amendment on any page of Senate Bill No. 11? [*Silence*] If there is none, the whole bill is now ready for Second Reading.

**Senator Maceda.** Mr. President, there have been so many amendments and so many respec-

tionings. May I request, since there is no urgency for this bill, that we get a new draft of the bill, as amended, before we vote on Second Reading?

**The President.** I think, that is a very fair proposal. What is the pleasure of the Sponsor?

**Senator Guingona.** We accept, Mr. President.

**The President.** All right. Senator Osmeña.

**Senator Osmeña.** Just an inquiry, Mr. President. Are we closing the period of amendments? Because logically, I would think that with the manifestation of Senator Maceda, we should take a second look at the bill, cleaned up of all the amendments.

**The President.** The Chair rules that the period of amendments has not been closed.

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

**The President.** Is there any other observation?

The Majority Floor Leader.

#### SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 11

**Senator Mercado.** Mr. President, I move that we suspend consideration of Senate Bill No. 11.

**The President.** Is there any objection? [*Silence*] The Chair hears none; the same is approved.

**Senator Mercado.** Mr. President, on a matter of personal privilege, I request that we recognize Senator Neptali Gonzales.

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

#### QUESTION OF PERSONAL PRIVILEGE OF SENATOR GONZALES

**Senator Gonzales.** Mr. President, Ladies and Gentlemen of the Senate:

I rise on a question of personal privilege. Today's issue of the *Independent*, a page-one news story captioned "Luxury Cars Customs



REPUBLIC OF THE PHILIPPINES  
CONGRESS OF THE PHILIPPINES  
SENATE

# Record of the Senate

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RECORD OF THE PROCEEDINGS AND DEBATES  
FIRST REGULAR SESSION

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VOL. I MANILA, PHILIPPINES NO. 53

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FRIDAY, OCTOBER 9, 1987

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Mr. President.

**Senator Romulo.** Thank you.

**The President.** Is there any further interpellation? [*Silence*]

**Senator Romulo.** Thank you, Mr. President.

**The President.** The Majority Floor Leader.

#### BILL ON SECOND READING

Senate Bill No. 11 – Reforms in the  
Electoral System  
(*Continuation*)

#### PERIOD OF AMENDMENTS

**Senator Mercado.** Mr. President, I move that we consider Committee Report No. 21 on Senate Bill No. 11, entitled:

AN ACT INTRODUCING REFORMS IN THE  
ELECTORAL SYSTEM BY AMENDING CER-  
TAIN SECTIONS OF THE OMNIBUS ELEC-  
TION CODE AND FOR OTHER PURPOSES

Clean copies were distributed earlier, and we are in the period of individual amendments. However, I have had no reservations as regards such, but we would like to inquire from the Body.

**Senator Guingona.** Mr. President.

**The President.** Senator Guingona is recognized.

**Senator Guingona.** Mr. President, may I ask that an individual amendment be made on line 5, page 1 which says, "elections for local officials scheduled for November 9, 1987" that the date "for November 9, 1987" be changed to JANUARY 18, 1988.

**The President.** The Gentleman is assuming that the bigger House will adopt the date that we agreed on here.

**Senator Guingona.** We assumed that, Mr. President, because we read that they had already approved the date.

**The President.** Is that already on Third Reading?

**Senator Guingona.** No, on Second Reading, I think, Mr. President. That was about a week ago, Mr. President.

**The President.** All right. Is there any objection?

**Senator Guingona.** I have one more amendment, Mr. President, on page 2.

**The President.** Why not finish with page 1? Is there any other amendment on page 1?

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

**The President.** I was just thinking a question of style on page 1, line 4, instead of "shall govern and be applicable to," why not SHALL GOVERN AND APPLY TO?

**Senator Guingona.** Yes, Mr. President.

**The President.** Does the Gentleman have any objection?

**Senator Guingona.** No objection, Mr. President.

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

On page 2, is there any amendment?

**Senator Guingona.** Page 2, Mr. President.

**The President.** On page 2. Does the Sponsor have any amendment?

**Senator Guingona.** No amendment, Mr. President.

**The President.** All right. Any individual amendment on page 2? [*Silence*] Let us go to page 3.

**Senator Guingona.** Page 3, line 21, individual amendment. After the word "quality" at the end of the sentence, add the word AND.

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

**Senator Guingona.** Page 4, Mr. President.

**The President.** Just a moment. I noticed on page 3, line 2 — just a question of style — it states here: ELECTION PROPAGANDA WHICH HAVE NOT COMPLIED WITH, and yet the preceding sentence on page 2 talks about “any poster, pamphlet” in the singular.

Should it not be WHICH HAS NOT COMPLIED WITH instead of WHICH HAVE NOT COMPLIED WITH?

**Senator Guingona.** Yes, Mr. President.

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

Any other amendment on page 3? [*Silence*] Let us move to page 4. Any amendment on page 4?

**Senator Maceda.** Mr. President.

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

**Senator Maceda.** Mr. President, I refer to lines 23 to 26: “No franchise or permit to operate a NEWSPAPER, radio or television station OR OTHER MASS MEDIA shall be granted or issued, suspended or cancelled during the election period.”

Let us suppose that during the election period a national emergency is declared. May we get this clarified in view of the discussions yesterday on the suspension of radio stations.

**Senator Guingona.** Then the Constitutional principles plus the other laws apply also, Mr. President, and there is a greater interest at stake. But, insofar as the elections for a specific period under normal conditions are concerned, this law will govern.

**Senator Maceda.** That is clear enough, Mr. President. Suppose there is no national emergency, but there is a station that is spewing libelous, defamatory, obscene and lewd statements against certain candidates, is Act 3845 as used by the Secretary of Transportation and

Communications superseded by this Article?

**Senator Guingona.** If there is no public peril, I think that the closure would be illegal, Mr. President.

**Senator Maceda.** I just wanted to clarify that, Mr. President. I do not know whether it is necessary to clarify it here or it is enough that it is in the Records. But this particular provision, since we are approving it now much later than these two previous Acts or provisions that have been referred to, does it not supersede those previous or those existing statutes?

**Senator Guingona.** Yes, Mr. President.

**Senator Maceda.** Would the distinguished Gentleman feel more comfortable specifying that in the law or would he rather leave it as it is? I really do not know.

**Senator Guingona.** As long as it is in the record, Mr. President, and it is clear, I think, we can leave it as is.

**The President.** But I am raising a more basic question. Do we talk about franchise or permits for newspapers? There is no franchise or permit to operate a newspaper.

**Senator Maceda.** There might be, technically speaking, permits, Mr. President, mayor's permit, according to the former Mayor of the great City of Cagayan de Oro.

**Senator Guingona.** We would like to emphasize, Mr. President, that these permits for newspapers are in no way intended to censor or to act as prior restraints to the freedom of expression.

**The President.** My fear is that the moment we put that here, it would give rise to the assumption that we need a permit or a franchise to publish a newspaper, and I am not entirely sure that that is constitutional.

**Senator Enrile.** Mr. President.

**Senator Maceda.** I yield to the Minority Floor Leader.

**The President.** The Minority Floor Leader is recognized.

**Senator Enrile.** Mr. President, during the last session where this proposed measure was discussed, I proposed the deletion of the word "newspaper", and that was approved by the Chamber.

**Senator Guingona.** In that case, Mr. President, I am sorry for the inclusion of this word "newspaper." We are willing to accept the deletion, Mr. President.

**Senator Enrile.** And then, in the course of our discussion, Mr. President, . . .

**The President.** Just a moment. Let us approve the deletion now. Delete the word "newspaper" on line 24.

**Senator Guingona.** On line 24.

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

**Senator Enrile.** And I would like to also state for the record, Mr. President, that my recollection of the discussion then was that while we agreed to include the phrase OR OTHER MASS MEDIA as part of this paragraph as it now appears on lines 24 and 25, we all agreed, and it was approved by this Chamber that the phrase OR OTHER MASS MEDIA would not include newspapers, magazines and the like.

**The President.** Would the Gentleman be satisfied by putting there a qualifying phrase: OR OTHER MASS MEDIA EXCEPT NEWSPAPERS AND PRINT MEDIA.

**Senator Enrile.** I would accept that, Mr. President. That would make it clearer and more certain.

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

**Senator Guingona.** Yes, we accept that, Mr. President.

President.

**Senator Enrile.** Thank you, Mr. President.

**The President.** All right. Is there any objection? [*Silence*] Hearing none, the same is approved.

I have an anterior amendment. On line 17 of page 4, instead of the word "its," the last word, since we are talking about contracts in plural, it should be THEIR.

**Senator Guingona.** What line, Mr. President?

**The President.** Line 17, "any person for public office shall, before THEIR implementation," since we are talking about contracts.

**Senator Guingona.** Yes, Mr. President.

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

**Senator Saguisag.** Mr. President.

**The President.** Senator Saguisag is recognized.

**Senator Saguisag.** Thank you, Mr. President. Line 20. . .

**Senator Guingona.** What page?

**Senator Saguisag.** We are still on page 4.

**Senator Guingona.** Page 4.

#### SAGUISAG AMENDMENT

**Senator Saguisag.** Line 20, for the same reason just given, it seems to me the word "it" should also be pluralized to harmonize with the antecedent. That is my proposal.

**The President.** All right. Let us dispose of that.

**Senator Saguisag.** "THEY shall."

**Senator Guingona.** We accept that, Mr. President.

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

**Senator Saguisag.** If we may step back on

line 13, I think the word "or" is not the right word. It should be FOR; "All contracts FOR advertising."

**Senator Guingona.** Yes.

**Senator Saguisag.** So may I suggest that that be corrected. "or" should be changed to read FOR.

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

**Senator Saguisag.** On line 22, Mr. President, for practical purposes and to harmonize line 22 with lines 21 to 23 of page 2, I would like to propose that between the words "the" and "political," we should insert CANDIDATE OR HIS POLITICAL PARTY.

It is not practical to expect the candidate to be signing all these documents, especially if he is moving around the country. The way it is worded on page 2 is more practical — IN EVERY CASE BEAR THE SIGNATURE OF THE CANDIDATE OR HIS DULY AUTHORIZED REPRESENTATIVE OR THE SIGNATURE OF THE AUTHORIZED REPRESENTATIVE OF THE POLITICAL PARTY.

**Senator Guingona.** We accept that, Mr. President. On line 21?

**Senator Saguisag.** Line 22.

**Senator Guingona.** If it is intended candidate, in line 21, OR HIS DULY AUTHORIZED REPRESENTATIVE.

**Senator Saguisag.** OR BY THE DULY AUTHORIZED, that is line 21. Line 22, REPRESENTATIVE OF THE POLITICAL PARTY, I would like to add REPRESENTATIVE OF THE CANDIDATE OR HIS POLITICAL PARTY, because the candidate may not have a political party.

**Senator Guingona.** We accept that, Mr. President.

**The President.** Is there any objection? [*Sil-*

*ence*] Hearing none the same is approved.

**Senator Saguisag.** Thank you, Mr. President.

**The President.** Senator Lina.

**Senator Lina.** Mr. President, the matter that I am going to bring up has already been the subject of a motion, and has been approved, deleting the word "newspaper." I am not going to ask for a reconsideration of that approved motion, Mr. President, but I would like to bring to the attention of the proponent that the intention of this particular provision, if I understand it correctly, is to prevent any group from having an undue advantage by operating a radio station or a television station, or a newspaper just for the election period.

Now, the apprehension of the Senate President is that if we include "newspaper", there will be a presumption that a franchise is needed to print a newspaper. Maybe, what is envisioned here is a business permit. In other words, the practice that we would like to stop is the proliferation of newspapers during the period of election, thereby giving parties an undue advantage over other candidates, so much so that although newspapers will have to give equal space or free of charge to candidates, a person who will be able to print a newspaper during the election period, even if he gives free of charge equal space to other candidates, can utilize that paper. He will have the entire paper for himself only during the election period. Maybe that is the intention why the newspaper is included here. As I said, I am not going to ask for a motion for reconsideration, but I am just bringing it up. I think that is the intention, Mr. President, why "newspaper" was included.

#### SUSPENSION OF THE SESSION

**The President.** Let us suspend the session for a few minutes.

*It was 12:03 p.m.*

## RESUMPTION OF THE SESSION

*At 12:05 p.m., the session was resumed.*

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

## GUINGONA AMENDMENT

**Senator Guingona.** Mr. President, before the Majority Floor Leader is recognized, may I just be allowed to transpose one paragraph on page 7.

**The President.** Yes.

**Senator Guingona.** So that when we present the same on Monday it would be a clean copy with the transposition. It does not change the paragraph's. . .

**The President.** Please proceed.

**Senator Guingona.** Thank you, Mr. President.

**Senator Mercado.** Mr. President, I move that we suspend consideration of Senate Bill No. 11 for Monday.

**The President.** But I think Senator Guingona would like to insert a small paragraph?

**Senator Guingona.** No, just transpose the paragraph on page 7, Mr. President.

**The President.** All right. Is there any objection? [*Silence*] Hearing none, the same is approved.

SUSPENSION OF CONSIDERATION OF  
SENATE BILL NO. 11

**Senator Mercado.** I move that we suspend consideration of Senate Bill No. 11 for Monday.

Before we adjourn, Mr. President, I would like to enter into the record as additional co-sponsor of Senate Resolution No. 34, entitled:

RESOLUTION EXPRESSING THE SENSE OF THE SENATE TO REQUEST HER EXCELLENCY, THE PRESIDENT OF THE PHILIPPINES, TO SUSPEND THE IMPLEMENTATION OF THE VARIOUS EXECUTIVE

ORDERS AUTHORIZING THE ON-GOING ADOPTION OF REORGANIZATION PLANS, MODULES, AND POSITION STRUCTURES PENDING REVIEW OF THE SAME BY CONGRESS,

to include the following Senators as coauthors: Senators Shahani, Maceda, Tañada, Lina, Manglapus, Alvarez, Angara, Tamano, Guingona, Enrile, and this Representation.

**The President.** That is the entire Senate. Is there any objection? [*Silence*] Hearing none, the same is approved.

## CORRECTION OF THE JOURNAL

**Senator Mercado.** Mr. President, as regards the *Journal*, Senator Tamano has some amendments.

**The President.** All right, Senator Tamano is recognized.

**Senator Tamano.** Yes, Mr. President, thank you for the reconsideration.

On page 34 of the *Journal*, on line 10, instead of "entrenchment," it is INFRINGEMENT.

**The President.** INFRINGEMENT. All right, is he moving for reconsideration?

**Senator Tamano.** I am moving for the replacement of "entrenchment" by INFRINGEMENT.

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

And let us approve the correction. Is there any objection to the correction? [*Silence*] Hearing none, the same is approved.

## SUSPENSION OF THE RULES

**Senator Pimentel.** Mr. President.

**The President.** Senator Pimentel is recognized.



REPUBLIC OF THE PHILIPPINES  
CONGRESS OF THE PHILIPPINES  
SENATE

# Record of the Senate

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FIRST REGULAR SESSION

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Thank you very much.

**The President.** Is there any speech against the bill?

*TURNO EN CONTRA*  
OF SENATOR PATERNO

**Senator Paterno.** Mr. President, I refer to the statements or reports made in the Explanatory Note by Senator Osmeña in the first bill presented on this subject. And this Explanatory Note, Mr. President, cites and recites some questions directed with respect to this particular provision of the Constitution. And as I read this, Mr. President, there was a commissioner, Commissioner Foz, who specifically proposed the amendment to delete the words "and bureaus" in Section 16 of the 1987 Constitution when it was being discussed. And my objection, is really that this House may appear as if it is trying to grab a power in the Commission on Appointments which the Constitutional Commission specifically excluded in its action on the provision from the purview of the Commission on Appointments. And I agree with Senator Romulo that this might not be a good thing to do for the image of the Senate — that we are trying to — if I might intrude on an executive privilege which has already been clarified in the debate of the Constitutional Commission on this particular provision.

Thank you, Mr. President.

**The President.** Is there any other speech in favor of the bill? [*Silence*] If there is none, I will recognize the Majority Floor Leader for whatever motion he may wish to make.

**Senator Mercado.** Mr. President, I move that we close the period of debate for and against the bill.

SUSPENSION OF THE SESSION

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

*It was 6:07 p.m.*

RESUMPTION OF THE SESSION

*At 6:33 p.m., the session was resumed.*

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

**Senator Mercado.** Mr. President.

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

**Senator Mercado.** Before we had a suspension, I had a pending motion for us to close the period of debate.

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

SUSPENSION OF CONSIDERATION OF  
SENATE BILL NO. 137

**Senator Mercado.** Mr. President, I move that we suspend consideration of Senate Bill No. 137 so that next time we will enter the period of amendments.

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

BILL ON SECOND READING

**Senate Bill No. 11 — Reform in Electoral  
System**  
*(Continuation)*

PERIOD OF AMENDMENTS

**Senator Mercado.** Mr. President, I move that we continue consideration of Senate Bill No. 11, entitled:

AN ACT INTRODUCING REFORMS INTO THE  
ELECTORAL SYSTEM.

We are in the period of amendments, and I request that we recognize Senator Guingona.

**The President.** Senator Guingona is recognized.

**Senator Guingona.** Thank you, Mr. President.

Clean copies, as agreed, have been furnished all the members, and may we go page by page for amendments. On page 1, Mr. President, we have no individual amendments.

**The President.** Are there any amendments on the part of the other Senators on page 1 of Senate Bill No. 11? Are there proposed amendments? Shall we give them enough time to go over page 1?

**Senator Guingona.** Yes, Mr. President.

**The President.** If there is no proposed amendment on page 1, we shall go to page 2.

#### GUINGONA AMENDMENTS

**Senator Guingona.** On page 2, Mr. President, individual amendment, on line 7 which says: "electoral expenditures, the Commission shall," instead of the word "shall," may we amend it to the word MAY because we recognized the fact that the resources of the Commission may be limited; and therefore, instead of the mandatory "Shall," it is to be changed to the word MAY. That is the only amendment we have as far as page 2 is concerned.

**The President.** So it shall be discretionary on the part of the Commission.

**Senator Guingona.** Yes, in accordance with resources.

**The President.** Is there any objection? [Silence] Hearing none, the same is approved. Is there any individual amendment on page 2? [Silence] If there is none, we go to page 3.

**Senator Guingona.** On page 3, Mr. President, I think Senator Angara informed us that he had an amendment. But if he has none, we would like to go to line 7, page 3 and after the words "Common Comelec billboard." we would like to insert the phrase OR COMMON POSTER AREAS.

**The President.** I have a question there. Since we say "common Comelec billboard" would it

not be superfluous to talk about "common"? Why do we not just say COMMON COMELEC BILLBOARDS AND POSTER AREAS.

**Senator Guingona.** Yes, OR POSTER AREAS. Anyway, the word "common" can define that already.

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

**Senator Guingona.** On line 14 of the same page, at the beginning of the line, instead of the word "shall" we would like to amend it to MAY for the same reason.

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

**Senator Guingona.** We have no amendment on page 4, Mr. President.

**The President.** Is there any individual amendment on page 3? [Silence] Then we go to page 4.

**Senator Guingona.** We have no individual amendment.

**Senator Laurel.** Mr. President.

**The President.** Senator Laurel is recognized.

**Senator Laurel.** On page 4, line 32, insert after the word "give" the words EQUITABLY AND IMPARTIALLY.

**Senator Guingona.** After the words?

**Senator Laurel.** "Controlled by the government, shall give," insert EQUITABLY AND IMPARTIALLY free of charge.

**Senator Guingona.** We accept the amendment, Mr. President.

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

We go to page 5.

**Senator Guingona.** On page 5, Mr. President, line 20, instead of the word SHALL, may we substitute it with the word MAY?



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

Is there any individual amendment?

**Senator Saguisag.** Mr. President.

**The President.** Senator Saguisag is recognized.

#### INQUIRY OF SENATOR SAGUISAG

**Senator Saguisag.** Thank you, Mr. President. on top of page 5 and at the bottom of page 5, there are two situations, which I would want to relate also to a situation, if we may step back to page 3. On page 3, line 17, it speaks of the sale of print space and air time in mass media. That is the subject also of Senate Bill No. 99 filed by Senators Pimentel, Tanada, Romulo, and Lina about a cut or a limit on the cost of the sale of print space and air time.

Now at the bottom of page 4 and at the top of page 5 it gives a candidate free space to rebut an attack on him. But at the bottom of page 5 it compels radio and television stations to give time free of charge. So, it seems to me this is really somewhat confusing. Are we authorizing media to sell, regulated by the Commission, or are we compelling them, in effect, to be our involuntary campaigners? Is there a problem here of involuntary servitude? Because, it seems to me in a campaign, one tries to persuade people to campaign for him. But here, he owns a permit or a license, and in the middle of the game, he is told that he is to do this because of an amendment in the permit or license.

I have an item here from the newspapers saying that there are at least 100 political parties, including Saranggola ni Pepe, Routist Party of Maharlika, Bagong Anyo ng Buhay Party, Konsensiya ng Bayan, etc. All of them may be demanding that they be given air time. So, may we know what concept are we really retaining? Are we regulating the cost, or are we compelling media to give free space?

**Senator Guingona.** This is pursuant to Section 4, Article IX of the Constitution, under the Commission on Elections. Section 4 says:

The Commission, may during the election period supervise or regulate the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media or communication or information, all grants, special privileges, or concessions granted by the Government or any subdivision, agency or instrumentality thereof, including any government-owned or controlled corporation or its subsidiary. Such supervision or regulation shall aim to ensure equal opportunity, time, and space and the right to reply, including reasonable, equal rates therefor, for public information campaigns and forums among candidates in connection with the objective of holding free, orderly, honest, peaceful, and credible elections.

This is also related to Subsection 7, Mr. President, of Section 2 which empowers the COMELEC upon the enactment by Congress of effective measures to minimize election spending, including limitation of places where propaganda materials will be posted and to prevent and penalize all forms of election frauds. So with these two provisions, Mr. President, the aim is to regulate, not to make media servants or servitudes unduly, but simply to regulate so that the ends of this electoral . . . .

**The President.** In any event I would like to ask Senator Saguisag if there is any specific amendment he would like to propose.

#### SAGUISAG AMENDMENT

**Senator Saguisag.** I would want one or the other deleted because they are contradictory, and I would want to ask the preference of the Sponsor. Are we going to sell or are we going to provide space for free? So, I would much prefer to remove this free space provision. One, it is impractical because there are too many partisan candidates; Two, it smacks of unjust

confiscation of property without due process and due compensation; Three, there is something here that sounds like involuntary servitude. If one wants to get elected, he appeals to people to campaign for him but he does not compel them to air his propaganda for free under lines 27 to 31 of page 5 and line 1 of page 6.

My own amendment is for the 27 to 31 of page 5 and if we may move ahead to complete the thought, line 1 of page 6.

**The President.** Let us confine it to lines 27 to 31 on page 5 and line 1 on page 6. It is proposed that this lines be deleted entirely. What is the pleasure of the Sponsor?

**Senator Guingona.** I have no strong feelings about it, Mr. President, except that I would like to point out that this is based on an old provision which gives COMELEC time; which free time embodied in Section 92 of the Omnibus Election Code.

#### SUSPENSION OF THE SESSION

**The President.** All right. Since the Sponsor does not feel strongly about it, I am suspending the session for a few minutes, if there is no objection. [*There was none.*]

*It was 6:46 p.m.*

#### RESUMPTION OF THE SESSION

*At 6:48 p.m., the session was resumed.*

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

**Senator Guingona.** Mr. President, Senator Saguisag has authorized this Representation to add the amendment on . . .

**The President.** Just a minute. His proposal is to delete lines 27 to 31 on page 5.

**Senator Guingona.** Yes, Mr. President.

**The President.** And I would like to find out what the compromise is.

**Senator Guingona.** The compromise, Mr. President, is to add: AFTER NOTICE AND HEARING. . .

**The President.** Where is that to be added, where is that to be inserted?

**Senator Guingona.** Maybe, at the last portion of subject to style, Mr. President, on line 1 of page 6, AFTER NOTICE AND HEARING.

**The President.** I do not understand that. Lines 29 and 30 says, "The permits the franchises are hereby amended". And then we will add there: AFTER HEARING, I do not understand that.

**Senator Saguisag.** Mr. President, maybe on line 29, instead of the word "are" at the end of the line, it should be changed to MAY, and then "hereby" in line 30 should be amended to read as BE - "MAY BE amended."

**The President.** That is for the future amendment. What is the meaning of that provision? Why do we not skip this until we can hammer out something?

**Senator Saguisag.** Yes, Mr. President.

**Senator Guingona.** Our intention, Mr. President, is that the COMELEC conducts the hearing before the start of the campaign so that the rules are already set.

**The President.** Anyway, let us skip this particular line until we can strike out a compromise.

**Senator Guingona.** Yes, Mr. President.

**Senator Saguisag.** Thank you, Mr. President.

**Senator Angara.** Mr. President.

**The President.** Senator Angara is recognized.

**Senator Angara.** Thank you, Mr. President.

If there are no Committee amendments, I would like to offer an individual amendment on line 22, page 6. Let me first explain if the

sponsor accepts it. The amendment, Mr. President, will relieve or will not oblige the COMELEC to build billboards because, as explained by the Sponsor, it will cost . . .

**The President.** Just a minute. There is Section 5 and I understand there is a proposed amendment by the Sponsor on Section 5, before we deal with Section 6.

**Senator Angara.** I will wait then, Mr. President.

**Senator Guingona.** Mr. President, on page 6, line 6, delete the words "period, initiate and," and instead insert the word TO. In other words, it will read, from page 5: The Commission shall during the campaign TO hold . . . during the campaign SHALL.

**The President.** I think what the Sponsor is trying to put across is the thought that the Commission will encourage non-political, non-partisan private or civic organizations to initiate and hold, in every province, municipality or city, public fora at which all registered candidates may personally participate—something to that effect.

**Senator Guingona.** Yes, Mr. President.

**The President.** Subject to refinement and style. Is there any objection? [*Silence*] Hearing none, the same is approved.

**Senator Angara.** Mr. President.

**The President.** Senator Angara is recognized.

#### ANGARA AMENDMENT

**Senator Angara.** Thank you, Mr. President.

My amendment is on line 22, Section 6, "Comelec Billboards." And let me just explain my amendment.

Under this original language, the COMELEC is obliged to build and install common billboards in practically every barangay in this

country — that is about 43,000 barangays — and as I understand it, the cost of one billboard is about ₱15,000. Now, my proposal will authorize the COMELEC to designate certain public places as common poster areas, without excluding the possibility of the COMELEC building common billboards, if feasible. So my proposal, Mr. President, if the Sponsor accepts it is on line 22, in lieu of the "Comelec billboards," I would suggest COMMON POSTER AREAS.

**Senator Guingona.** We accept, Mr. President.

**Senator Angara.** Thank you.

And on line 25, insert after the word "in" the words SUCH PUBLIC PLACES AS SCHOOL BUILDINGS, BARANGAY CENTERS AND THE LIKE DESIGNATED BY THE COMELEC AND WHEN FEASIBLE, COMMON BILLBOARDS. So that the line will read as follows, Mr. President: "The campaign posters and other printed election propaganda of candidates shall be posted, displayed and exhibited only in, SUCH PUBLIC PLACES AS SCHOOL BUILDINGS, BARANGAY CENTERS, AND THE LIKE DESIGNATED BY THE COMELEC AND WHEN FEASIBLE, COMMON BILLBOARDS' INSTALLED BY THE COMMISSION . . .

**Senator Guingona.** We accept, Mr. President.

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

**Senator Pimentel.** Mr. President.

**The President.** Senator Pimentel is recognized.

**Senator Pimentel.** Mr. President, my reservation has to do only with the proposal to post election propaganda on school buildings. We must all remember that the campaign period covers a definite time frame, and we are not talking only of, let us say, the eve of the voting day. We can just imagine a school building, Mr. President, being plastered all over with all kinds of election paraphernalia. Perhaps, some other

place, like a public market, instead of a school building would be a viable compromise.

**Senator Angara.** My proposal will not exclude the suggestion of Senator Pimentel, Mr. President, because as I phrased it here, SUCH PUBLIC PLACES, and when I cited schools, it is only an illustration.

**The President.** May we hear the proposed amendment of Senator Angara again?

**Senator Angara.** The proposal, Mr. President, the phrase, will be inserted between the word "in" and "common" on line 25, so that the provision will read as follows: The campaign posters and other printed election propaganda of candidates shall be posted, displayed and exhibited only in SUCH PUBLIC PLACES SUCH AS SCHOOL BUILDINGS, BARANGAY CENTERS, AND THE LIKE AS DESIGNATED BY THE COMELEC, AND WHEN FEASIBLE COMMON BILLBOARDS INSTALLED BY THE COMELEC . . .

**Senator Pimentel.** Mr. President, may I just explain the point?

**The President.** Senator Pimentel is recognized.

**Senator Pimentel.** If I am not mistaken, the giving of election propaganda within 30 meters or something like that from a polling place, which is usually inside a school building, would, in effect, be violated by this provision well ahead of time. So if Senator Angara will agree, perhaps, it is better that we delete completely the reference to the school building.

**Senator Angara.** I am amenable, Mr. President, to accommodate the point of Senator Pimentel that we will exclude as illustration school buildings. So that, the phrase would be SUCH PUBLIC PLACES AS PUBLIC MARKETS, BARANGAY CENTERS, AND THE LIKE.

**The President.** Is that acceptable?

All right. Is there any objection? [*Silence*] Hearing none, the same is approved. Always subject to refinement and style.

**Senator Angara.** On line 32, Mr. President, between the words "such" and "billboards," insert the phrase COMMON POSTER AREAS OR; so that the sentence will read: "The space in such, COMMON POSTER AREAS OR, billboards shall be allocated" et cetera.

**Senator Guingona.** We accept, Mr. President.

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

**Senator Angara.** Thank you, Mr. President.

**The President.** On page 7, is there any proposed amendment?

**Senator Maceda.** Mr. President.

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

**Senator Maceda.** Mr. President, I am sorry if I have to propose this, but would the Gentleman be amenable to deleting Section 93 as presented altogether?

The implication of this, Mr. President, is, if one is a candidate for senator and there are 15 million voters, the COMELEC may have to require him to give them 15 million copies of his bio-data, his program of government and sample ballots, and the COMELEC will mail them all for him. Whether the Post Office will accept it, free of charge or not, is really beside the point. But this is, I think a very impracticable provision. I did not even mail or provide propaganda to every single voter in the last election.

#### SUSPENSION OF THE SESSION

**The President.** Let us suspend the session for a few minutes, if there is no objection. [*There was none.*]

*It was 7:00 p.m.*

#### RESUMPTION OF THE SESSION

*At 7:01 p.m., the session was resumed.*

**The President.** The session is resumed.  
Senator Maceda is recognized.

#### MACEDA AMENDMENT

**Senator Maceda.** Mr. President, this is a very good idea whose time has not yet come. [Laughter] In view thereof, I move that we delete this whole Section altogether.

**Senator Guingona.** I reluctantly agree, Mr. President.

**Senator Maceda.** Thank you.

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

Is there any other proposed amendment?

**The President.** On page 7, with respect to conspiracy to bribe voters. Is there any proposed amendment?

**Senator Pimentel.** Mr. President.

**The President.** Senator Pimentel is recognized.

#### PIMENTEL AMENDMENT

**Senator Pimentel.** I refer to line 29 of page 7, Mr. President, but for purposes of clarity, I wish to read from line 27 which says, "The presentation of a complaint supported by affidavits of witnesses attesting to an admission by voters to the affiants of the . . ."

In effect, Mr. President, the affiants will execute an affidavit that so and so told them that they were bribed: And apparently, the intention here is to hold that sufficient to start prosecution for conspiracy to bribe voters.

We may be starting a very dangerous trend here, Mr. President. Perhaps, it is better if we insist that affiants swear to a fact of their own knowledge rather than facts related to them by other persons.

Would the Sponsor perhaps consider an amendment to that effect?

**Senator Guingona.** Yes, the deletion perhaps of "voters."

**Senator Pimentel.** Yes, "AN ADMISSION BY THE AFFIANTS. Wait a minute . . . AFFIDAVITS OF WITNESSES."

**The President.** But actually, the Gentleman is already on page 8.

**Senator Pimentel.** He is on page 8, I am still on page 7. He is a fast jumper, Mr. President.

**The President.** There are two versions here.

**Senator Pimentel.** Yes, two versions.

**Senator Guingona.** On page 7, Mr. President, the Gentleman is asking for the deletion on line 29, after the word "Admission". . .

**Senator Pimentel.** Yes, the entire line 29 can be deleted and, therefore, the whole sentence will read from line 27: THE PRESENTATION OF A COMPLAINT SUPPORTED BY AFFIDAVITS OF WITNESSES ATTESTING TO, perhaps, THE OFFER OR PROMISE, . . . So deletion of line 29 is from AN up to OF.

**The President.** Will he kindly read the entire paragraph?

**Senator Pimentel.** Yes. Senator Angara has even better suggestion, Mr. President, which I will read, No. 2,

**The President.** All right.

**Senator Pimentel.** (2) THE PRESENTATION OF A COMPLAINT SUPPORTED BY AFFIDAVITS OF COMPLAINING WITNESSES OF THE OFFER OR PROMISE BY, OR OF THE VOTER'S ACCEPTANCE OF MONEY OR OTHER CONSIDERATION FROM THE RELATIVES, LEADERS OR SYMPATHIZERS OF A CANDIDATE SHALL BE SUFFICIENT BASIS FOR AN INVESTIGATION TO BE IMMEDIATELY CONDUCTED BY THE COMMISSION, DIRECTLY OR THROUGH ITS AUTHORIZED LEGAL OFFICERS, UNDER SECTION 68 OR SECTION 265 OF THIS CODE. Really.

Mr. President, there is no need for it; I mean, it is already a sufficient basis. If there is a direct complaint by witnesses attesting to an offer to bribe, in law, that is already sufficient to start prosecution.

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

**Senator Guingona.** We accept that amendment if that is the proposal.

**The President.** All right. It is accepted. Is there any objection? [*Silence*] Hearing none, the same is approved. Page 9.

**Senator Guingona.** Still on page 8, Mr. President.

**The President.** Still on page 8. All right.

**Senator Angara.** Just for clarity, Mr. President. I notice that on line 9, there is a reference to municipality; but on line 19, the referenee now is to both municipality and province. I think there must be some mistake or an omission here.

**Senator Guingona.** This refers to an electoral unit. So it should read: MUNICIPALITY, CITY OR PROVINCE.

**The President.** What is the specific proposal?

**Senator Angara.** My proposal, Mr. President, is that on line 9, after the word MUNICIPALITY, insert CITY OR PROVINCE.

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

**Senator Angara.** And similarly, on line 19, after the word "Municipality." insert the word CITY OR PROVINCE.

#### INQUIRY FROM THE CHAIR

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

Is there any specific proposal with respect to *prima facie* evidence of conspiracy? Conspiracy is very difficult to prove in the law of

evidence. Is there any specific proposal on this paragraph? Conspiracy exists when there is an agreement to commit a crime. Is there any agreement here under subsection (3) on which there can be *prima facie* evidence?

**Senator Guingona.** There is, Mr. President.

**The President.** I can understand a *prima facie* presumption, but a *prima facie* evidence is a little too heavy for me.

**Senator Guingona.** There is, in Article XXII, under Election Offenses, Section 261, Prohibited Acts, Mr. President, subsection (b) conspiracy to bribe voters:

Two or more persons, whether candidates or not, who come to an agreement concerning the commission of any violation of paragraph (a)

and paragraph (a) refers to vote-buying and vote-selling,

... of this section and decide to commit it.

That is the definition of "conspiracy", Mr. President.

**The President.** I understand.

**Sen. Guingona.** Since "conspiracy" is very hard to prove, and since in many of these election offenses it is not the candidate who buys votes directly, but he utilizes others—his leaders, his symphatizers—to buy the votes for him, we have proposed this provision. So that if there is evidence of conspiracy in 20 per cent of the different precincts in a certain electoral unit, then there will be a *prima facie* case, Mr. President.

**The President.** All right. If there is no specific proposal on that paragraph we can move on. Senator Pimentel is recognized.

**Senator Pimentel.** Can we call for a one-minute suspension of the session, Mr. President?

#### SUSPENSION OF THE SESSION

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

It was 7:12 p.m.

#### RESUMPTION OF THE SESSION

At 7:15 p.m., the session was resumed.

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

Senator Guingona is recognized.

#### GUINGONA AMENDMENT

**Senator Guingona.** Considering the reservations of some, including that of the distinguished President of the Senate, no less, we are willing to change this *prima facie* to PRESUMPTION, Mr. President.

**The President.** All right. So instead of "Prima Facie Evidence" it will be just a PRESUMPTION of conspiracy.

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

**Senator Guingona.** Page 9, Mr. President.

**Senator Angara.** Mr. President.

**The President.** Senator Angara is recognized.

#### ANGARA AMENDMENT

**Senator Angara.** This is a matter of semantics, Mr. President. Line 31, page 9, instead of the word "PUNISHABLE" may I suggest that we use the word LIABLE because we are not talking of penalty but of liability. So that the line shall read: SHALL ALL BE LIABLE AS PRINCIPALS.

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

Is there any other amendment on page 9?

Let us move to page 10. Is there any proposed amendment?

**Senator Pimentel.** Mr. President.

**The President.** Senator Pimentel is recognized.

#### INQUIRY OF SENATOR PIMENTEL (Right to Refuse a Question)

**Senator Pimentel.** This is just a point of inquiry, Mr. President, on page 9 regarding the prohibition of any witness from availing himself of the constitutional provision of his right to refuse a question, to refuse to answer a question on the ground that it may incriminate him.

Is it the position of the Sponsor that we can do this legally without infringing upon that constitutional provision, Mr. President?

**Senator Guingona.** No, Mr. President, this is clearly spelled out in each case. There are three instances: first, where a witness is forced to testify; second, where a witness testifies voluntarily; and, where his testimony is solicited. In all instances, he is given immunity. In case of the occasion when he is forced to testify, and he invokes it, he is given the immunity, except that he is not exempt from perjury or falsification. So he is amply protected, Mr. President.

**The President.** All right, is there any other specific proposal?

On page 11? Is there any specific proposal?

**Senator Tañada.** Mr. President.

**Senator Laurel.** Mr. President.

**The President.** Senator Tañada is first recognized. And then, Senator Laurel.

#### TAÑADA AMENDMENT

**Senator Tañada.** On page 11, line 1; after the word "waived" and before the word "his" I propose that we add UNDER OATH.

**The President.** "Unless said person has waived UNDER OATH his status." What is the pleasure of the Sponsor?

**Senator Guingona.** Accepted, Mr. President.

**The President.** All right, it is accepted. Is there any objection? [*Silence*] Hearing none, the same is approved.

Senator Laurel is recognized.

Senator Tañada. And on line 4, Mr. President.

The President. Yes.

Senator Tañada. After the word "laws" change the period to a comma and add the following words: FURNISHING THE COMMISSION ON ELECTIONS OR ITS AUTHORIZED REPRESENTATIVE WITH A SIGNED COPY OF SUCH WAIVER UPON FILING OF HIS CERTIFICATE OF CANDIDACY.

The President. What is the pleasure of the Sponsor?

Senator Guingona. No objection, Mr. President.

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

Senator Laurel is recognized.

#### LAUREL AMENDMENT

Senator Laurel. Mr. President, referring to the same line on page 11, line 1, I do not know if Senator Tañada would agree to a further change of this—the wording of his amendment.

I was thinking that instead of the word "waived," a better word would be RENOUNCED, it is more positive and add, EFFECTIVITY. So it will read: unless said person has 'RENOUNCED EFFECTIVITY.'

Senator Tañada. I would have no objection to that.

The President. So how will it read now?

Senator Laurel. So, line 1 will read: "unless said person has RENOUNCED EFFECTIVELY. No more "oath" or "waived"—"his status as a permanent resident or immigrant of a foreign country in accordance with." And insert after "with" the words IN ACCORDANCE WITH ITS LAWS; meaning, the laws of the foreign

country—he must effectively have renounced his status in accordance with the laws of that foreign country of which he is a resident—AND WITH THE ELECTION LAWS OF THE PHILIPPINES.

In other words, my point, Mr. President, is, one might just waive, but he still remains a citizen or a resident of that country.

The President. That is very well taken, under the Hague Convention.

Senator Laurel. Yes, Mr. President. So I was just wondering whether the Sponsor and the Senator who proposed his amendments would agree to this further change.

Senator Tañada. No objection.

Senator Guingona. We agree, Mr. President.

The President. Is there any objection? [Silence] All right, hearing none, the same is approved.

Senator Laurel. Thank you.

The President. Is there any other proposal on page 11?

We go to page 12. Is there any proposed amendment on page 12? Is there any proposed amendment? [Silence]

If there is none, perhaps we can get a clean copy of this for tomorrow's session. Is that possible?

Senator Guingona. Yes, Mr. President.

The President. All right.

#### SUSPENSION OF CONSIDERATION OF SENATE BILL NO 11

Senator Mercado. Mr. President, I move that we suspend consideration of Senate Bill No. 11.

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





REPUBLIC OF THE PHILIPPINES  
CONGRESS OF THE PHILIPPINES  
SENATE

# Record of the Senate

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TUESDAY, OCTOBER 13, 1987

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COMMITTEE REPORTS

The Secretary. Committee Report No. 37, submitted by the Committee on Constitutional Amendments, Revision of Codes and Laws, on Senate Bill No. 22, introduced by Senator Mercado, entitled:

AN ACT INCREASING THE PENALTY FOR SUBSTITUTING AND ALTERING MARKS, TRADE-NAMES, OR SERVICE MARKS, AMENDING FOR THE PURPOSE, ARTICLE ONE HUNDRED EIGHTY-EIGHT OF ACT NUMBERED THIRTY-EIGHT HUNDRED FIFTEEN OTHERWISE KNOWN AS THE REVISED PENAL CODE,

recommending its approval with amendments.

Sponsor: Senator Mercado.

The President. Referred to the Calendar for Ordinary Business.

The Secretary. Committee Report No. 38, submitted by the Committee on Civil Service and Government Reorganization, on Senate Bill No. 104, introduced by Senators Salonga, Mercado, Guingona, Jr. and Saguisag, entitled:

AN ACT TO ESTABLISH ETHICAL STANDARDS FOR ALL PUBLIC OFFICERS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF,

recommending approval of the amendment by substitution.

Sponsors: Senators Salonga, Mercado, Guingona, Jr. and Saguisag.

The President. Referred to the Calendar for Ordinary Business.

The Secretary. Committee Report No. 39, jointly submitted by the Committee on National Defense and Security and the Committee on Local Government, on Senate Bill No. 2, introduced by Senators Maceda and Mercado, entitled:

AN ACT TO GRANT SPECIAL COMPENSATION TO THE FAMILY OF ANY POLICE OR MILI-

TARY OFFICER SLAIN WHILE ON DUTY, recommending its approval with amendments.

Sponsors: Senators Maceda and Mercado.

The President. Referred to the Calendar for Ordinary Business.

Senator Mercado. Mr. President.

The President. The Majority Floor Leader is recognized.

BILL ON THIRD READING  
Senate Bill No. 113 – Additional Rules  
Governing the First Local Elections

Senator Mercado. Mr. President, I move that we vote on Third Reading on Senate Bill No. 113. Printed copies of this bill were distributed to all Members of the Senate on October 8, 1987.

The President. Voting on Third Reading on Senate Bill No. 113 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. 113, entitled:  
AN ACT PROVIDING FOR ADDITIONAL RULES GOVERNING THE CONDUCT OF THE FIRST LOCAL ELECTIONS AFTER THE ADOPTION OF THE CONSTITUTION.

The President. The Senate will now proceed to vote on the bill. The Secretary will please read the roll.

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

Yes – 21

Senator Alvarez	Senator Lina
Senator Angara	Senator Maceda
Senator Aquino	Senator Mercado
Senator Enrile	Senator Paterno
Senator Estrada	Senator Pimentel
Senator Gonzales	Senator Rasul
Senator Guingona	Senator Romulo
Senator Herrera	Senator Saguisag

Senator Salonga  
 Senator Shahani  
 Senator Tamano

Senator Tafiada  
 Senator Ziga

No - 0

Abstention - 0

RESULT OF THE VOTING

The President. With 21 votes in favor, no abstention and none against, Senate Bill No. 113 is approved on Third Reading.

Senator Romulo. Mr. President.

The President. Senator Romulo is recognized.

Senator Romulo. Mr. President, if it is not asking too much, will it be possible that, before a bill is voted upon and on the day that that bill is considered, we be furnished copies on our desks?

Thank you, Mr. President.

BILL ON SECOND READING

Senate Bill No. 11 - Reforms in the  
 Electoral System  
 (Continuation)

Senator Mercado. Mr. President, I move that we consider Committee Report No. 21 on Senate Bill No. 11, entitled:

AN ACT INTRODUCING REFORMS IN THE ELECTORAL SYSTEM BY AMENDING CERTAIN SECTIONS OF THE OMNIBUS ELECTION CODE AND FOR OTHER PURPOSES.

Clean copies have been distributed, and we are still in the period of amendments, Mr. President.

Mr. President, I move that we recognize Senator Guingona.

The President. Senator Guingona is recognized.

Senator Guingona. Mr. President, we distributed the clean copies. If we recall, the old Section 7, last night was deleted, Mr. President,

and this afternoon I submitted to Senator Maceda, who was the proponent for the deletion, a possible compromise. And I think Senator Maceda has accepted the same.

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

MACEDA AMENDMENT

Senator Maceda. Mr. President, it is quite difficult to say no to the Senate President Pro Tempore, especially when he is my fraternity brother and much older than me in the profession. And because of the more important fact that the proposed amendment is an idea whose time can be accepted at this particular time, I will read the same at the request of the Sponsor:

SECTION 93. REGULATION AND SUPERVISION BY THE COMELEC OF THE DISSEMINATION OF THE CANDIDATE'S SAMPLE BALLOTS AND OTHER BASIC ELECTION PROPAGANDA. THE COMELEC AFTER DUE NOTICE AND HEARING WHERE ALL INTERESTED PARTIES ARE GIVEN EQUAL OPPORTUNITY TO BE HEARD SHALL, WITH THE HELP OF THE CANDIDATES OR THEIR DULY AUTHORIZED REPRESENTATIVES, DEVISE WAYS AND MEANS TO ENABLE IT TO PROPERLY REGULATE AND SUPERVISE THE DISSEMINATION TO THE REGISTERED VOTERS OF THE APPROPRIATE ELECTORAL DISTRICTS WHERE THE CANDIDATES ARE RUNNING FOR PUBLIC OFFICE, THEIR SAMPLE BALLOTS, HANDBILLS, AND OTHER BASIC ELECTION PROPAGANDA.

That is the proposed amendment, Mr. President. The justification, as stated here, is in the last elections for Members of the House of Representatives, so many of the sample ballots of the candidates were distributed all over the province and in wrong districts. So many were also simply just thrown away near the precincts by children who were giving the same to voters going to the precincts to vote. So many were

also simply thrown away by the voters who have already made up their minds on the way to the voting precincts. A spectacle such as this could be avoided by this proposed provision. The COMELEC can ask the candidates or their duly authorized representatives to help in devising ways and means of disseminating their basic election propaganda. This way we could avoid unnecessary waste in election spending. So the proposed section, Mr. President, does not in any way expose the candidates to unreasonable financial expenditures. And since it is intended precisely to avoid unnecessary waste in election spending and because of the notice and hearing requirements, I, therefore, propose this as an amendment to take the place of the original Section 93, which we have already deleted.

**The President.** The Chair would like to know on what page this will appear.

**Senator Maceda.** This will appear, Mr. President, on page 7, instead of Section 7, as it is in the clean copy. It will be Section 7, as read by the distinguished Senator, and Section 7 on line 5 will now become Section 8.

**The President.** Is there any objection to the proposed amendment on page 7, beginning line 5?

**Senator Guingona.** Well, beginning line 5, Mr. President . . .

**The President.** Yes. May we ask Senator Maceda to restate that amendment?

**Senator Maceda.** Gladly, Mr. President.

SECTION 93. REGULATION AND SUPERVISION BY THE COMELEC OF THE DISSEMINATION OF THE CANDIDATE'S SAMPLE BALLOTS AND OTHER BASIC ELECTION PROPAGANDA. — THE COMELEC, AFTER DUE NOTICE AND HEARING WHERE ALL INTERESTED PARTIES ARE GIVEN EQUAL OPPORTUNITY TO BE HEARD SHALL, WITH THE HELP OF THE CANDIDATES OR THEIR DULY AUTHO-

RIZED REPRESENTATIVES, DEVISE WAYS AND MEANS TO ENABLE IT TO PROPERLY REGULATE AND SUPERVISE THE DISSEMINATION TO THE REGISTERED VOTERS OF THE APPROPRIATE ELECTORAL DISTRICTS WHERE THE CANDIDATES ARE RUNNING FOR PUBLIC OFFICE, THEIR SAMPLE BALLOTS, HANDBILLS, AND OTHER BASIC ELECTION PROPAGANDA."

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

**Senator Guingona.** We have no other amendments, Mr. President.

**The President.** All right. Before we vote on Senate Bill No. 11 on Second Reading, shall we go over it page by page? They have clean copies, I suppose.

**Senator Guingona.** Yes, Mr. President.

**The President.** On page 1, is there any amendment? [Silence.]

**On page 2, any proposed amendment?**

**Senator Gonzales.** Mr. President.

**The President.** Senator Gonzales.

**Senator Gonzales.** Insofar as page 1, line 6, between "election" and "to," can we insert the two words "AND PLEBISCITES" so that it would read: "to all subsequent elections 'AND PLEBISCITES' to be held thereafter."

**The President.** May I know the pleasure of the Sponsor?

**Senator Guingona.** We accept, Mr. President.

**The President.** All right. Is there any objection? [Silence] Hearing none, the same is approved.

**On page 2, is there any proposed amendments?** [Silence.]

**On page 3, is there any proposed amendments?** [Silence.]

**On page 4, is there any proposed amendments?** [Silence.]

On page 5, is there any proposed amendments? (*Silence.*)

On page 6, is there any proposed amendments?

Senator Estrada. Mr. President.

The President. Senator Estrada is recognized.

Senator Estrada. Dito po sa pahina 6, numero 23, "DISPLAYED AND EXHIBITED ONLY IN SUCH PUBLIC PLACES AS PUBLIC MARKETS," Ginoong Pangulo, marami sa ating mga pamilihang-bayan ang naka-lease sa private. Paano kung hindi pumayag iyong may-ari kung sakaling ito ay pribadong palengke? At kung sakaling iyong kandidato noong may-ari ng pribadong palengke ay kamag-anak noong kandidato?

The President. I suppose that is directed to the Sponsor.

Senator Guingona. Ito po ay magiging subject to hearing with due notice. Kaya kung private place iyon at kamag-anak noong may-ari sa palagay ko ay hindi ilalagay sa iskwelahang iyon.

Senator Estrada. Hindi po ba maaaring ilagay dito ang "PRIVATE OR PUBLIC"?

Senator Guingona. I personally do not mind, Mr. President, except that that amendment particularly was proposed by Senator Angara. Perhaps, we should request Senator Angara's views on the matter.

The President. Senator Angara is recognized.

Senator Angara. Mr. President, thank you.

The purpose of this is to authorize the COMELEC to designate buildings of public character because if the COMELEC designated a private building, then the owner might rightfully refuse to have his private building become the common poster area. So it has to be a public building, Mr. President.

The President. How about markets which are used by the public, although privately owned? I think that is the thrust of the question of Senator Estrada.

Senator Estrada. Yes, Mr. President.

The President. Well, privately owned, but publicly used. Is that not the thrust?

Senator Angara. Public market used by private operators.

Senator Estrada. That is right, Mr. President.

Senator Angara. So, that is still a public building.

Senator Estrada. But during the tenure of the contract that is considered as private.

#### SUSPENSION OF THE SESSION

The President. Why do we not suspend the session for a few minutes, if there is no objection? [*There was none.*]

The session is suspended for a few minutes.

*It was 4:26 p.m.*

#### RESUMPTION OF THE SESSION

*At 4:28 p.m., the session was resumed.*

The President. The session is resumed. May I know what will happen to the public and private markets?

#### AMENDMENTS

Senator Angara. Mr. President, per our consensus, we would like to delete the word "PUBLIC" on line 23, such that the phrase will read: "IN SUCH PUBLIC PLACES AS MARKETS," we delete the word "PUBLIC" before "MARKET."

The President. Is that agreeable to Senator Estrada?

Senator Estrada. Opo, G. Pangulo.

The President. How about the Sponsor?

Senator Guingona. Yes, Mr. President.

**The President.** All right. Delete the word "PUBLIC" on line 23, page 6. Is there any objection? [*Silence*] Hearing none, the same is approved. Page 7.

**Senator Guingona.** On page 7, Mr. President, we just have the amendment of Senator Maceda.

**The President.** And that has been approved?

**Senator Guingona.** Yes, Mr. President.

**The President.** The number will have to be changed, on line 5, it will be numbered "SEC. 8."

**Senator Guingona.** Yes, Mr. President.

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

Page 8. Is there any proposed amendment? Senator Angara is recognized.

**Senator Angara.** This actually is not an amendment, Mr. President, but just perhaps a misprint, because as I understand it last night, we agreed on the floor after a debate that the proof shall no longer become *prima facie* evidence but will become a disputable presumption, and the Sponsor has accepted that.

**The President.** Yes.

**Senator Angara.** So I move, Mr. President, that on line 2, we delete the full phrase "*PRIMA FACIE* EVIDENCE AGAINST SUCH RELATIVES, LEADERS OR SYMPATHIZERS," and in lieu thereof, insert the phrase "A PRESUMPTION."

**The President.** "A DISPUTABLE PRESUMPTION."

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

**Senator Guingona.** Mr. President, just for clarity: "A DISPUTABLE PRESUMPTION OF A CONSPIRACY," under this paragraph.

**The President.** Yes. Is there any other proposed amendment on page 8?

**Senator Guingona.** Also on line 10, Mr. President, instead of just "A PRESUMPTION," "A DISPUTABLE PRESUMPTION OF CONSPIRACY."

**The President.** All right. Is there any objection? [*Silence*] Hearing none, the same is approved.

Page 9. Is there any proposed amendment? [*Silence*] If there is none, we go to page 10. Is there any proposed amendment on page 10? [*Silence.*]

Page 11. Is there any proposed amendment?

I suppose the numbering on line 22 will have to change. Instead of "SEC. 8" it will be "SEC. 9."

**Senator Guingona.** Yes, Mr. President.

**The President.** All right. So on line 22 of page 11, instead of "SEC. 8" it will be "SEC. 9."

Senator Laurel is recognized.

**Senator Laurel.** May we go back, Mr. President, to page 10?

**The President.** All right.

#### LAUREL AMENDMENT

**Senator Laurel.** I was the sponsor of an amendment to an amendment last night. Line 27, page 10, after "LAWS OF THE PHILIPPINES," cross out "the residence requirement provided for in the election laws". There is no reason for that whole phrase, Mr. President. So the sentence will read, starting from line 20:

"Any person who is a permanent resident of or an immigrant to a foreign country shall not be qualified to run for any elective office under this Code, unless said person has RENOUNCED EFFECTIVELY his status as a permanent resident or immigrant of a foreign country in accordance with ITS LAWS AND WITH THE ELECTION LAWS OF THE PHILIPPINES, FURNISHING THE COMMISSION ON ELECTIONS. . ."

It makes no sense, Mr. President, if we were not to delete that.

**The President.** The Chair would like to ask: Why not "in accordance with ITS LAWS AND WITH THE LAWS OF THE PHILIPPINES"? They need not be "ELECTION" laws.

**Senator Laurel.** Agreeable, Mr. President.

**The President.** All right. What is the pleasure of the Sponsor?

**Senator Guingona.** Yes, Mr. President.

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

So we strike out the words "the residence requirement provided for in the election laws" found on lines 27 and 28.

All right, we go to page 11. Any proposed amendment? I suppose we will have to change the numbering again on line 22.

**Senator Guingona.** Yes, Mr. President.

**The President.** It will be "SEC. 9" instead of "SEC. 8." Is there any objection? [*Silence*] Hearing none, the same is approved.

Is there any further amendment on page 11? On page 12, is there any proposed amendment?

**Senator Guingona.** Just the numbering, Mr. President.

**The President.** On what line?

**Senator Guingona.** On line 11, Section 10, and on line 16, "SEC. 11."

**The President.** Is there any objection to the numbering? [*Silence*] Hearing none, the same is approved.

#### APPROVAL OF SENATE BILL NO. 11 ON SECOND READING

**Senator Mercado.** Mr. President, if there are no other amendments, I move that we approve Senate Bill No. 11, as amended, on Second Reading.

1506

**The President.** The Senate will 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. 11, as amended, is approved on Second Reading.

#### BILL ON SECOND READING Senate Bill No. 139 – Ethical Standards for Public Officers

**Senator Mercado.** Mr. President, I move that we consider Senate Bill No. 139.

In this connection, I move that, together with Committee Report No. 32, we jointly consider Committee Report No. 34, submitted by the Committee on Ethics and Privileges; and Committee Report No. 38, submitted by the Committee on Civil Service and Government Reorganization, considering that the said Committees recommended that Senate Bill No. 139 be approved in substitution of Senate Bill No. 3 and Senate Bill No. 104.

**The President.** Consideration of Senate Bill No. 139 is now in order. The Secretary will please read the title only of the bill, without prejudice to inserting in the *Record* the whole text thereof.

**The Secretary.** Senate Bill No. 139, entitled:  
AN ACT ESTABLISHING ETHICAL STANDARDS  
FOR ALL PUBLIC OFFICERS AND PROVID-  
ING PENALTIES FOR VIOLATIONS THERE-  
OF

[*The following is the whole text of the bill.*]

*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 "Ethical Standards for Public Officers Act."



REPUBLIC OF THE PHILIPPINES  
CONGRESS OF THE PHILIPPINES  
SENATE

# Record of the Senate

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claim the privilege hour in order to give the widest publicity to the incident that happened last Thursday, October 15. It may be that there are some Members of the Senate whose names are also being used by some unscrupulous persons before the American embassy or some other offices. Let this be a notice to the American Embassy and to all other Government offices whether foreign or our own, and the general public to scrutinize personally any solicitation or request for favors in behalf of certain individuals under the signature of any high Government official. It could be fake as it happened in my case.

May I ask, Mr. President, that we set an example by having the person who tried to use my name prosecuted. May I ask also, Mr. President, that this incident which I have previously endorsed to the Sergeant-at-Arms of the Senate be forwarded to the National Bureau of Investigation so that the persons responsible can be prosecuted, and it may set fear in the heart of any person intending to do so.

Thank you, Mr. President.

The President. Thank you.

**BILL ON THIRD READING**  
**Senate Bill No. 11 – Reforms in the**  
**Electoral System**

**Senator Mercado.** Mr. President, I move that we vote on Third Reading on Senate Bill No. 11. Copies of the bill have been distributed to all the Members of the Senate on October 15, 1987.

**The President.** Voting on Third Reading on Senate Bill No. 11 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. 11, entitled:

AN ACT INTRODUCING REFORMS IN THE  
ELECTORAL SYSTEMS BY AMENDING  
CERTAIN SECTIONS OF THE OMNIBUS

**ELECTION CODE AND FOR OTHER PURPOSES.**

**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 – 19

Senator Alvarez	Senator Pimentel
Senator Angara	Senator Rasul
Senator Enrile	Senator Romulo
Senator Estrada	Senator Saguisag
Senator Gonzales	Senator Salonga
Senator Guingona	Senator Shahani
Senator Herrera	Senator Tamano
Senator Maceda	Senator Tañada
Senator Mercado	Senator Ziga
Senator Paterno	

No – None

Abstention - None

**The President.** With 19 affirmative votes, no negative vote, and no abstention, Senate Bill No. 11 is approved on Third Reading.

**BILL ON SECOND READING**  
**Senate Bill No. 137 – Confirmation of**  
**Presidential Appointments**  
*(Continuation)*

**PERIOD OF AMENDMENTS**

**Senator Mercado.** Mr. President, I move that we consider Senate Bill No. 137, entitled:

AN ACT PROVIDING FOR THE CONFIRMATION BY THE COMMISSION ON APPOINTMENTS OF ALL APPOINTMENTS MADE BY THE PRESIDENT OF THE PHILIPPINES.

**Senator Mercado.** We are in the period of amendments, Mr. President. Senator Romulo was proposing his amendment, and I move that we recognize Senator Maceda.

**Senator Maceda.** Mr. President, for purposes of clarity, the latest copy that was distributed



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two points. First, on the Blue Ribbon Committee Report which was approved last week by the Senate.

May we request that the Body approve the official communique to the pertinent offices concerned so that the same recommendations embodied in the report can be implemented. Perhaps a letter from the Senate President with the consent of the entire Body will suffice, Mr. President.

**The President.** That will be done with the help of the Chairman.

**Senator Guingona.** Thank you. The second point, Mr. President, is that Senate Bill No. 11 on electoral reforms seems to have been approved by the other House and without amendments, I understand. And I would like to request the Chairman of the Conference Committee to make a manifestation, Mr. President, so that we can be guided that Senate Bill No. 11 has now been approved and can become law upon approval.

May I request, Mr. President, that Senator Pimentel be recognized. He is the Chairman of the Conference Committee which undertook that conference with the other House, Mr. President.

**The President.** Senator Pimentel.

**Senator Pimentel.** Thank you very much, Mr. President.

The Conference Committee members of the Senate, Mr. President, met with our House counterparts the other night to discuss Senate Bill No. 11 and Senate Bill No. 113 which the House incorporated in one bill, which is House Bill No. 4046. However, Mr. President, because there are a number of disagreeing provisions which can hardly be reconciled before the adjournment of both Houses, we had consultations with our House counterparts and they agreed, Mr. President, to separate the two bills and to accept *in toto* without amendments Senate Bill

No. 11, which is an act introducing reforms in the electoral system by amending certain sections of the Omnibus Election Code and for other purposes.

So, Mr. President, the situation, as it stands now, is that Senate Bill No. 11 has been accepted without modification by the House of Representatives, while Senate Bill No. 113 still stands pending modifications by the House and, in fact, they are requesting that a conference be held tomorrow, Mr. President, because at this point, they have already adjourned in the House of Representatives. Therefore, they are requesting a conference on Senate Bill No. 113 tomorrow but not Senate Bill No. 11, which they have already accepted without any modification. Although we have no document at hand to show that we have confirmed the said stand of the House, Mr. President, and I think the Majority Floor Leader can also attest to that insofar as Senate Bill No. 11 is concerned.

**The President.** What is the action sought from this Body this afternoon?

**Senator Pimentel.** The President Pro Tempore will answer that, Mr. President.

**Senator Guingona.** Since the other House has accepted Senate Bill No. 11 without amendments, in effect, they have accepted the same, Mr. President, and it will become law upon approval and publication.

**The President.** Probably, what we will need there is an official statement from the House saying that they have accepted Senate Bill No. 11 without any amendment.

**Senator Guingona.** Yes, Mr. President.

**The President.** And that will not need any affirmative action on the part of this Body.

**Senator Guingona.** No more.

#### ADJOURNMENT OF THE SESSION

**The President.** The Majority Floor Leader.



REPUBLIC OF THE PHILIPPINES  
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House of Representatives, the majority of the Members of each Chamber, meeting separately, have expressed their desire to meet in session of Congress on December 28, 1987 to consider urgent legislation: Now, therefore, be it

*Resolved by the Senate,* That the Congress of the Philippines meet in session at four o'clock in the afternoon of December 28, 1987 to consider bills on tariff and electoral reforms and, possibly, other urgent legislation.

Adopted,

JOVITO R. SALONGA  
*President of the Senate*

ERIBERTO M. BERNAL  
*Secretary of the Senate*

Senator Mercado. Mr. President, I move for the adoption of Senate Resolution No. 80.

The President. Is there any objection?

Senator Maceda. Mr. President, for reasons already stated in my question of privilege, I object to the Resolution and if the majority is voting in favor, I just want to register a negative vote.

The President. Are there any other objections?

Senator Enrile. Mr. President.

The President. The Minority Floor Leader.

Senator Enrile. Mr. President, in view of my position expressed in the caucus and also my belief that there is a flaw in what is being done today, I would like to register an abstention.

Senator Saguisag. Mr. President.

The President. Senator Saguisag is recognized.

Senator Saguisag. I also respectfully abstain, some of the reasons are already part of the *Record*.

Thank you.

The President. Is there any other remark?

Senator Osmeña. Mr. President.

The President. Senator Osmeña is recognized.

Senator Osmeña. Mr. President, I would like to make of record the reservation that I voiced in our caucus this morning and this afternoon.

I feel that when we adjourned on December 18, we adjourned in the sense that the word "adjournment" is understood and this Body can only be called back to session in accordance with the Constitution by the President of the Philippines in a call for a special session. Mr. President, that we are in a process of establishing a new democratic government. Whatever we do becomes precedent for successive Congresses and will be used to justify their actuation. Therefore, we bear a greater responsibility that would otherwise be borne by all succeeding Congresses. That is my reservation, Mr. President.

#### ADOPTION OF SENATE RESOLUTION NO. 80

(Congress to Meet on December 28, 1987)

The President. Those who are in favor of the Resolution, please raise your right hands. [*Several Senators raised their right hands.*] Those who are against the Resolution, please do the same. [*Only Senator Maceda raised his right hand.*]

Proposed Senate Resolution No. 80 is approved.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 11, SENATE BILL NO. 113 AND HOUSE BILL NO. 4046 — (Electoral System Reforms)

Senator Mercado. Mr. President, I move that we consider Conference Committee Report on Senate Bill No. 11 entitled

AN ACT INTRODUCING REFORMS IN THE

ELECTORAL SYSTEM BY AMENDING CERTAIN SECTIONS OF THE OMNIBUS ELECTION CODE AND FOR OTHER PURPOSES;

Senate Bill No. 113 entitled

AN ACT PROVIDING FOR ADDITIONAL RULES GOVERNING THE CONDUCT OF THE FIRST LOCAL ELECTIONS AFTER THE ADOPTION OF THE CONSTITUTION;

and House Bill No. 4046 entitled

AN ACT INTRODUCING ADDITIONAL REFORMS IN THE ELECTORAL SYSTEM AND FOR OTHER PURPOSES.

I move that we recognize Senator Pimentel to sponsor the report.

**The President.** The Senate will now consider the Conference Committee Report on Senate Bill No. 11, Senate Bill No. 113 & House Bill No. 4046. The Sponsor of the Report, Senator Pimentel, is recognized.

**Senator Pimentel.** Thank you very much, Mr. President. Your committees, Mr. President, the Committee on Electoral Reforms, as well as the Committee on Local Government, respectfully submit the Conference Committee Report in behalf of the conferees on the part of the Senate, who met with our counterparts — the conferees on the part of the House of Representatives and we have the honor of requesting that the Conference Report on Senate Bill No. 11 and Senate Bill No. 113 as consolidated in House Bill No. 4046 be adopted and approved by this Body, Mr. President.

I would like to make of record that before he left — Senator Gonzales had indicated that we should go along with even the version of the House if only to save the bill, Mr. President.

**The President.** Will the Gentleman kindly inform us of the highlights of this Conference Committee Report?

**Senator Pimentel.** Mr. President, one of

the controversial points which was embodied in House Bill No. 4046 was the sentence that would have qualified the voters of certain component cities, like Mandaue, Ormoc, Oroquieta, Dagupan and San Carlos City of Pangasinan. However, the House of Representatives to the Conference Committee, Mr. President, had agreed that the said provision be deleted from the final version.

And the House conferees also, agreed that the Senate version which required that the names of all registered candidates be immediately followed by the nickname or the stage name shall also be printed in the election returns and the tally sheets as provided for in the Senate version be adopted, Mr. President.

And the House conferees also agreed to delete lines 18 up to 24 on page 5, Mr. President, of the approved version, as well as an insertion of a phrase "in addition to the preliminary acts before the voting as enumerated in Section 191 of Batas Pambansa Bilang 881" on page 11, line 11 of our version, Mr. President.

The only other amendment, Mr. President, involves the capitalization of "t" in the phrase starting with the word "the" before the word "Chairman." That is the only modification there, Mr. President.

**The President.** All right. Are there any questions, any remarks? Is there any objection to the approval of the Conference Committee Report as submitted by Senator Pimentel? Is there any objection? Senator Enrile is recognized.

**Senator Enrile.** Mr. President, consistent with my position, I would like to abstain.

**The President.** All right. Is there any other remark? Senator Saguisag, then Senator Osmeña.

**Senator Saguisag.** For the same reason that I abstained earlier, may I again so abstain, Mr. President.

The President. Senator Osmeña.

Senator Osmeña. Mr. President, I voted for Senate Bill Nos. 11 and 113. I am fully supportive of the provisions of these acts. Actually, these two pieces of legislation were initiated in the Senate and approved by the Senate in August. Unfortunately, the Speaker of the House is now posturing to make it appear that it is the Senate that is not living up to its responsibilities in enacting electoral reforms which is far from the truth, Mr. President.

Nevertheless, Mr. President, because of the position we have taken that the session we are now holding is being held with a cloud of legality, I think we have only to be consistent. Therefore, my support, notwithstanding, I would prefer to abstain from voting on this report.

The President. Senator Maceda.

Senator Maceda. Abstention, Mr. President.

The President. Is there any other objection? Senator Rasul.

Senator Rasul. Thank you, Mr. President. I would like to put on record that this is the first time I have seen this Conference Committee Report. And if we had the time, I would have wanted to make amendments, particularly on Section 3. I would like to raise a point of inquiry, Mr. President. I think it is too late to make any amendments and, therefore, I would like to abstain.

Thank you, Mr. President.

The President. Senator Guingona.

Senator Guingona. Mr. President, I just would like to place on record that these two Senate bills now embodied in House Bill No. 4046 were essentially Senate Bill Nos. 11 and 113.

Senate Bill No. 11, Mr. President, was sent to the House after its approval here on July 28,

1987. It was approved on Third Reading in the House only last October 19, and the conference committee was scheduled on December 16, 1987. The Conference Report, after initial conference, was submitted to us on December 28.

On the other hand, Mr. President, Senate Bill No. 113 was sent to the House after its approval here on September 24, 1987. They approved the bill on Third Reading only last October 13. Again, the conference was slated on December 16, 1987. And the final Conference Committee Report was submitted to us only on December 28.

For all the imperfections that may still be embodied here, it is still essentially Senate Bill Nos. 11 and 113. Therefore, we vote *Yes*, Mr. President.

The President. The Chair takes notice of the fact that this Conference Committee Report bears the signatures of Senators Pimentel; Guingona, who is the principal Author of Senate Bill No. 11; Tañada; and Enrile.

#### APPROVAL OF THE CONFERENCE COMMITTEE REPORT

The Senate will now vote on the Conference Committee Report. As many as are in favor of the Report will please say *Aye*. [*Several Senators: Aye*]. As many as are against please say *Nay*. [*Silence*] The Conference Committee Report is approved.

[*The following is the whole text of the Conference Committee Report.*]

#### CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of Senate Bill No. 11 entitled

AN ACT INTRODUCING REFORMS IN THE ELECTORAL SYSTEM BY AMENDING CERTAIN SECTIONS OF THE OMNIBUS ELECTION CODE AND FOR OTHER PURPOSES,

Senate Bill No. 113 entitled

AN ACT PROVIDING FOR ADDITIONAL RULES GOVERNING THE CONDUCT OF THE FIRST LOCAL ELECTIONS AFTER THE ADOPTION OF THE CONSTITUTION.

and House Bill No. 4046 entitled

AN ACT INTRODUCING ADDITIONAL REFORMS IN THE ELECTORAL SYSTEM AND FOR OTHER PURPOSES,

having met, after full and free conference, have agreed to recommend as they do hereby recommend to their respective Houses the following:

That House Bill No. 4046 which consolidated Senate Bill Nos. 11, 113 and various House Bills, be approved with the following amendments:

1. On page 2, line 12 after the period, delete the sentence [The qualified voters of the Cities of Mandaue, Ormoc, Oroquieta, Dagupan and San Carlos (Pangasinan), however, shall henceforth be entitled to vote for elective provincial officials of the province where it is a part and that any of such voters can be a candidate for any elective provincial office thereof.];

2. On page 3, after line 16, insert the paragraph:

THE NAMES OF ALL REGISTERED CANDIDATES IMMEDIATELY FOLLOWED BY THE NICKNAME OR STAGENAME SHALL ALSO BE PRINTED IN THE ELECTION RETURNS AND TALLY SHEETS.

3. On page 5, line 18 replace the colon with a period and delete the subsequent clause beginning with "Provided" until the "elected" on line 24, inclusive;

4. On page 11, line 11, between the dash and "The," insert the phrase: IN ADDITION TO THE PRELIMINARY ACTS BEFORE THE VOTING AS ENUMERATED IN SECTION 191, OF BATAS PAMBANSA BLG. 881.

On the same line, change "T" of "The" before "chairman" to "t."

CONFEREES ON THE PART OF THE HOUSE OF REPRESENTATIVES

1. Hon. Antonio V. Cuenco
2. Hon. Francisco S. Sumulong, Sr.
3. Hon. Magdaleno M. Palacol
4. Hon. Ciriaco R. Alfeloro
5. Hon. Victor F. Ortega

CONFEREES ON THE PART OF THE SENATE

1. Hon. Neptali A. Gonzales
2. Hon. Aquilino Q. Pimentel, Jr.
3. Hon. Teofisto T. Guingona, Jr.
4. Hon. Wigberto E. Tañada
5. Hon. Juan Ponce Enrile

REFERENCE OF BUSINESS

Senator Mercado. Mr. President, may we request the Secretary to read the Reference of Business.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Secretary. Communication from the Secretary of the House of Representatives, informing the Senate that on December 17, 1987 the House of Representatives approved the Conference Committee Report on the disagreeing provisions of Senate Bill No. 137 entitled

AN ACT PROVIDING FOR THE CONFIRMATION BY THE COMMISSION ON APPOINTMENT OF ALL APPOINTMENTS MADE BY THE PRESIDENT OF THE PHILIPPINES,

and House Bill No. 2740 entitled

AN ACT PROVIDING FOR THE CONFIRMATION BY THE COMMISSION ON APPOINTMENTS OF ALL APPOINTMENTS MADE BY THE PRESIDENT OF THE PHILIPPINES.