



REPUBLIC OF THE PHILIPPINES
CONGRESS OF THE PHILIPPINES
SENATE

Record of the Senate

RECORD OF THE PROCEEDINGS AND DEBATES
FIRST REGULAR SESSION

VOL. I

MANILA, PHILIPPINES

NO. 33

FRIDAY, SEPTEMBER 11, 1987

TABLE OF CONTENTS

BILL ON SECOND READING866
S. No. 38 (Repeal of Sec. 40 of Civil Service Decree)	
BILL ON SECOND READING867
S. No. 17 (System of Initiative and Referendum)	
Sponsorship by Senator Gonzales	
Interpellations by Senators Enrile, Guingona, Laurel and Mercado	
COMMITTEE MEMBERSHIP886
Committee on Local Government	

The President. Senator Guingona is recognized.

Senator Guingona. Yes, Mr. President. The proposed amendments include the repeal of Section 40 of the Civil Service Law which is the main bill under consideration. It seeks to complement the fact that we are deleting the summary procedure embodied in the Civil Service Law. It now balances that by updating and expediting, while at the same time, recognizing the basic substantial rights of respondents in the procedure of dispatching civil service complaints against civil service employees. It also adds additional grounds for complaints and it also amends the periods of appeal as previously provided in the Civil Service Law.

Since the amendments, Mr. President, are a little more extensive than originally intended, it has been suggested that the consideration of this measure be deferred until Monday to give more time to the Members to study the proposed amendments to everyone.

Senator Mercado. Mr. President.

The President. The Majority Floor Leader is recognized.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 38

Senator Mercado. I move that we suspend consideration of Senate Bill No. 38 until Monday.

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

BILL ON SECOND READING

~~Senate Bill~~ No. 17 — System of Initiative and Referendum

Senator Mercado. Mr. President, I move that we consider Senate Bill No. 17 as reported out under Committee Report No. 7.

The President. Is there any objection? (Silence) The Chair hears none, the motion is approved.

Consideration of Senate Bill No. 17 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. 17, entitled:

101
AN ACT PROVIDING FOR A SYSTEM OF INITIATIVE AND REFERENDUM, AND THE EXCEPTIONS THEREFROM, WHEREBY THE PEOPLE IN LOCAL GOVERNMENT UNITS CAN DIRECTLY PROPOSE AND ENACT RESOLUTIONS AND ORDINANCES OR APPROVE OR REJECT ANY ORDINANCE OR RESOLUTION PASSED BY THE LOCAL LEGISLATIVE BODY

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

SECTION 1. The power of the people to directly propose and enact resolutions and ordinances or approve or reject, in whole or in part, any ordinance or resolution passed by any local legislative body upon compliance with the requirements of this Act is hereby affirmed, recognized and guaranteed.

SEC. 2. (1) The power of initiative and referendum shall be exercised by the registered voters of provinces, cities, municipalities, and barangays or barrios.

(2) Initiative and referendum shall be validly initiated only upon petition therefor signed by at least ten *per centum* (10%) of the total number of registered voters of a local government unit; of which every legislative district, in case of provinces or cities with more than one legislative district, must be represented by at least three *per centum* (3%) of the registered voters thereof.

SEC. 3. (1) A group of registered voters, not less than five hundred (500) in case of

provinces and cities, one hundred (100) in case of municipalities, and fifty (50) in case of barangays or barrios, may file a petition with a local legislative body proposing the adoption or enactment, amendment or repeal, of any ordinance or resolution.

(2) If no favorable action thereon is made by the local legislative body within thirty (30) days from its presentation, the proponents may invoke the people's power of initiative and referendum giving notice thereof to the local legislative body concerned.

(3) Such proposal shall be called "proposition" and numbered serially starting from number one. The Secretary of Local Government or his designated representative shall extend assistance in the formulation of the proposition.

(4) Proponents are given ninety (90) days in case of provinces and cities, sixty (60) days in case of municipalities, and thirty (30) days in case of barangays or barrios from notice mentioned in paragraph (2) hereof to collect the required signatures. The proposition shall be in writing and every page to be signed by the voters shall contain an abstract or summary of the proposition in not more than one hundred (100) words legibly written or printed at the top thereof.

(5) The proposition shall be signed before the election registrar or his representative, and in the presence of a representative of the proponents and a representative of the local legislative body concerned, and in a public place in the province, city, municipality or barangay or barrio, as the case may be. Signature stations may be established in as many places as may be warranted.

(6) The election registrar shall verify the signatures on the basis of the registry lists of voters used in the election immediately preceding the referendum.

(7) Upon the lapse of the period herein provided, the Commission on Elections, through its office in the local government unit con-

cerned shall certify as to whether or not the required number of signatures has been obtained. Failure to obtain the required number is a defeat of the proposition.

(8) If the required number of signatures is obtained, the Commission on Elections shall then set the date for the referendum at which the proposition shall be submitted to the registered voters in the local government unit concerned for their approval or disapproval within forty-five (45) days in case of provinces and cities and thirty (30) days in case of barangays or barrios from the date of certification. The referendum shall then be held on the date set, after which the results thereof shall be certified and proclaimed by the Commission on Elections.

(9) The provisions of the Election Code and applicable laws shall apply to initiatives and referendum in a suppletory character.

(10) If the proposition is approved by a majority of the votes cast in the referendum, it shall take effect fifteen (15) days after certification by the Commission as if action thereon had been made by the local legislative body concerned. If it fails to obtain said number of votes, the proposition is considered defeated.

(11) If at anytime before the referendum is held, the local legislative body shall adopt *in toto* the proposition made, the referendum shall be cancelled. However, those against said action may, if they so desire, apply for initiative and referendum in the manner herein provided.

(12) Two or more propositions may be submitted in the same referendum.

(13) The power of initiative and referendum shall not be exercised oftener than once every year.

SEC. 4. Any local legislative body may submit to the registered voters of a province, city, municipality, or barangay or barrio, for approval or rejection any ordinance or resolution duly enacted by it. Said referendum shall be held under the control and direction of the Commission on Elections within ninety (90)

days in case of provinces and cities, sixty (60) days for municipalities, and thirty (30) days for barangays or barrios. The Commission on Elections shall certify and proclaim the results of the said referendum.

SEC. 5. Any proposition adopted and approved through the process of initiative or referendum as herein provided shall not be repealed, modified, or in any manner changed by the local legislative body concerned within three (3) years from its approval except by a vote of two-thirds of all of its members.

SEC. 6. The Commission on Elections and the Secretary of Local Government shall jointly adopt and promulgate rules and regulations to carry out the purposes of this Act.

SEC. 7. Nothing in this Act shall prevent or preclude the proper courts from declaring null and void any proposition approved pursuant to this Act for violation of the Constitution or want of capacity of the local legislative body concerned to enact the said measure.

SEC. 8. It shall be the ministerial duty of the local legislative body concerned to appropriate necessary funds for the conduct of the initiative and referendum. The National Government shall extend financial assistance to the local government units in meritorious cases so that the people's power of initiative and referendum may be exercised.

SEC. 9. This Act shall take effect upon its approval.

Senator Mercado. And for that purpose, I request that we recognize Senator Gonzales to sponsor the bill.

The President. Senator Gonzales is recognized.

SPONSORSHIP BY SENATOR GONZALES

Senator Gonzales. Mr. President, before I start my sponsorship speech, I wish to put on record that Senator Joey Lina is also one of the sponsors of this bill.

Mr. President, distinguished Colleagues: I rise to sponsor, together with Senator Aquilino Pimentel, Jr., Chairman of the Committee on Local Government, and Senator Joey Lina, Senate Bill No. 17 which is entitled:

AN ACT PROVIDING FOR A SYSTEM OF INITIATIVE AND REFERENDUM, AND THE EXCEPTIONS THEREFROM, WHEREBY THE PEOPLE IN LOCAL GOVERNMENT UNITS CAN DIRECTLY PROPOSE AND ENACT RESOLUTIONS AND ORDINANCES OR APPROVE OR REJECT ANY ORDINANCE OR RESOLUTION PASSED BY THE LOCAL LEGISLATIVE BODY

This bill, Mr. President, is an implementation of Section 32 of Article VI of the 1987 Constitution which provides:

The Congress shall, as early as possible, provide for a system of initiative and referendum, and the exceptions therefrom whereby the people can directly propose and enact laws, or approve or reject any act or law or part thereof passed by the Congress or local legislative body after the registration of a petition therefor signed by at least ten *per centum* of the total number of registered voters of which every legislative district must be represented by at least three *per centum* of the registered voters thereof.

Simply stated, Mr. President, initiative is a popular and democratic device which permits a certain percentage of the voters to put on the ballot a proposed legislation especially when the legislative body had failed or refused to act.

Referendum, on the other hand, allows the right to accept or reject legislation.

In this book *Megatrends*, John Naisbitt describes the shift of American democratic process from representative to that of participatory. With the ethic of participation, citizens, workers, and consumers act as one in getting a greater voice in government, business and the marketplace. According to Naisbitt, the building principle behind participatory

democracy is that "people whose lives are affected by a decision must be a part of the process arriving at that decision." In America, it has revolutionized local politics with the unprecedented growth in the use of *initiatives* and *referendums*.

Historically, Mr. President, referendum as a means of making government decisions or giving legitimacy to them is as old as democracy itself. It had been, however, invoked sporadically both by authoritarian regimes and democratic countries. Among democratic nations, only Switzerland has been making use of it continuously while in the United States, the State of California has popularized it. In the 1970s, interest in referendum and initiative became more pronounced.

It may be asked, why initiatives and referendums are widely used only in Switzerland and a dozen states in the American union? And the answer is that, only in these countries and places was there a long experience of people's assembly, called *Landsgemeinden* in Swiss cantons and town meetings in New England. The American frontier, because of its lack of governing bodies, resorted to assemblies.

In the Midwestern States — South Dakota, Utah, Oregon — the approach to constitutional amendments was the initiative, both for constitutional amendments or ordinary legislation. In the localities, 39 states require or allow various units to hold referendums. And they make full use of their powers. The most frequent of these are on the issue of local bonds and the raising of local taxes to expand public facilities. Others include fluoridation and housing racial discrimination.

California is one of the leading states which has made widespread use of direct legislation, particularly initiative — the right of the people to petition to place constitutional amendments and statutes directly on the ballot without re-

course to the legislature or the governor. Initiative and referendum came to California in 1911 when a three to one majority of 220,000 voters were involved. Today, it is part of its political culture.

The most popular exercise of initiative and referendum in California was on Proposition 13. This proposition which was voted on June 1978, was properly described as the Property Tax Limitation Initiative. It became popular primarily because it was hotly contested, and the fact that there were more who voted on this issue than that of the simultaneously held gubernatorial election. Because of its controversial nature, the campaign took on that of a regular political campaign. Voting intentions were clear.

Those voting "yes" focused on two main themes — "Taxes are too high" (51%) and "The time has come to cut government costs, waste and inefficiency" (46%). Comments by those voting "no" included: "Would mean too big a cutback for schools" (27%) and "Would put too many teachers, firemen, and policemen out of jobs" (19%). The proposal cut property taxes by 57%, to one per cent of the appraised value.

Aside from the tax limitation initiative, there were other controversial initiatives in California during the sixties and the seventies. These included the Senate reapportionment, the agricultural labor relations initiative, the nuclear power initiative, the tax and expenditure limitation initiative, and the death penalty initiative.

But even in America, initiative has not been used on a national level. In 1977, Senator James Abourezek (Democrat, South Dakota), introduced a bill in the Senate which proposed an amendment to the United States Constitution under which legislation on most subjects could be set before the voters by a popular petition, to be signed by a number of votes equal to three per cent of the ballots cast in most presidential elections and signed by three per cent of the

voters in at least ten different states. The bill, however, specifically exempted from action by initiative constitutional amendments, declaration of wars and calling up the militia. Any petition certified as valid by the Secretary of State would be put on the ballot at the first congressional election after the certification, and any proposal approved by a majority voting on it would become a law 30 days after election. For two years thereafter, such a law could be repealed only by a two-thirds vote of the full membership of both houses of Congress, though after that it could be repealed by an ordinary congressional majority. But the Abourezek bill never reached second base.

The 1987 Constitution extends recognition to the processes of *initiatives* and *referendum* as "tools for the new democracy" in the Philippines. Section 32 of Article VI reads as follows:

The Congress shall, as early as possible, provide for a system of initiative and referendum, and the exceptions therefrom, whereby the people can directly propose and enact laws or approve or reject any act or law or part thereof passed by the Congress or local legislative body after the registration of petition therefor signed by at least ten *per centum* of the total number of registered voters, of which every legislative district must be represented by at least three *per centum* of the registered voters thereof.

Likewise, the role and rights of people's organization have been ingrained in our fundamental law as shown in the following provisions:

Section 15 of Article XIII, provides:

The State shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means.

People's organizations are *bona fide* associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure.

Section 16 of Article XIII, provides:

The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms.

Senate Bill No. 17 recognizes the initiatives and referendums are recent innovations in our political system. And recognizing that, it has adopted a cautious approach by: first, allowing them only when the local legislative body had refused to act; second, not more frequently than once a year; and, third, limiting them to the national level.

As earlier adverted to, Mr. President, even in a highly advanced country like the United States, initiative and referendum have not been attempted on a national level. Should it succeed in local government units, then the system may be extended nationally as contemplated in the Constitution. Perhaps, considering that this is merely a starter like Proposition 13 in California, what should be given initial importance is not really the substance but the process where initiatives can be the first step towards Naisbitt's "participatory democracy."

Briefly, Senate Bill No. 17 provides in Section 1 that the power of the people to directly propose and enact resolutions and ordinances or approve or reject, in whole or in part, any ordinance or resolution passed by any local legislative body upon compliance with the requirements of this Act is hereby affirmed, recognized and guaranteed.

Under Section 2, Mr. President, the power of initiative and referendum shall be exercised by the registered voters of provinces, cities, municipalities, and barangays or barrios. How do we initiate them? Under the second paragraph of Section 2, they shall be validly initiated only upon petitions therefor signed by at least ten *per centum* of the total number of registered

voters of a local government unit, of which every legislative district, in case of provinces or cities with more than one legislative district, must be represented by at least three *per centum* of the registered voters.

Now, Section 3 describes the procedure, Mr. President.

A group of registered voters, not less than 500 in case of provinces and cities, 100 in case of municipalities, and 50 in case of barangays or barrios, may file a petition with a local legislative body proposing the adoption or enactment, amendment or repeal, of any ordinance or resolution.

If no favorable action thereon is made by the local legislative body within 30 days from its presentation, the proponents may invoke the people's power of initiative and referendum giving notice thereof to the local legislative body concerned.

As this is a very cautious approach that, at any rate, if what the people would want can be done by the local legislative body, there could be no reason why resort should be made to initiatives and referendums. And then, it is only when the local legislative body refuses to move or to act upon a petition that resort to these rights may be availed of.

Then, the proposal shall be called "proposition" and numbered serially starting from number one. The Secretary of Local Government or his designated representative shall extend assistance in the formulation of the proposition.

Now, the proponents are given 90 days in case of provinces and cities, 60 days in case of municipalities and 30 days in case of barangays or barrios from the time of notice mentioned in paragraph two hereof to collect the required number of signatures. The proposition shall be in writing and every page to be signed by the voters shall contain an abstract or summary

of the proposition in not more than 100 words legibly written or printed at the top thereof. The purpose of the same is that those who would sign the petition will, at least, be informed of the substance of the proposition and that they have knowingly and intelligently signed the petition.

The proposition shall be signed before the election registrar or his representative, and in the presence of a representative of the proponents and a representative of the local legislative body concerned in a public place, in the province, city, municipality or barangay or barrio, as the case may be. Signature stations may be established in as many places as may be warranted. Now, this process, at least, ensures that there are no fictitious signatures, that the signatures must be affixed not only in a public place but in the presence of a committee which will be composed of the election registrar or his representative and a representative of the proponents, as well as of the local legislative body.

The election registrar shall verify the signatures on the basis of the registry lists of voters used in the election immediately preceding the referendum.

Upon the lapse of the period as earlier provided, the Commission on Elections, through its office in the local government unit concerned shall certify as to whether or not the required number of signatures has been obtained. Failure to obtain the required number means a defeat of the proposition.

If, on the other hand, Mr. President, the required number of signatures is obtained, the Commission on Elections shall then set the date for the referendum at which the proposition shall be submitted to the registered voters in the local government unit concerned for their approval or disapproval within 45 days in case of provinces and cities, and 30

days in case of barangays or barrios from the date of the certification. The referendum shall then be held on the date set, after which the results thereof shall be certified and proclaimed by the Commission on Elections.

The provisions of the Election Code and applicable laws shall apply to initiatives and referendums in a supplementary character.

Now, if the proposition is approved by a majority of the votes cast in the referendum, it shall take effect 15 days after certification by the Commission as if action thereon had been made by the local legislative body concerned, as well as the local executive. It simply means that the proposition will take effect as if it has been enacted by the local legislative body and approved by the local executive, whether he be the provincial governor, city or municipal mayor. Two or more propositions may be submitted in the same referendum. The power of initiative and referendum shall not be exercised more than once every year.

The purpose of this, Mr. President, is that referendum would always cost money and, as we have said, this is merely an experiment, an innovation in our political system and therefore, we should adopt a cautious approach to this. Probably, if it is demonstrated that the people's interest in the use of these tools of democracy had sufficiently increased, then there will be time when we can authorize the holding of initiatives and referendums more frequently than once every year.

Section 4, states:

Any local legislative body may submit to the registered voters of a province, city, municipality, or barangay or barrio for approval or rejection any ordinance, resolution duly enacted by it.

A local legislative body may approve a local tax ordinance, while a local tax ordinance may be made effective upon the decision of the local legislative body. But the local legislative body

may want popular support therefor and, therefore, it may throw the same to the people by means of a referendum.

Section 4 states further:

The referendum shall be held under the control and direction of the Commission on Elections within ninety (90) days in case of provinces and cities, sixty (60) days for municipalities and thirty (30) days for barangays or barrios. The Commission on Elections shall certify and proclaim the results of the said referendum.

Under Section 5:

Any proposition adopted and approved through the process of initiative or referendum as herein provided shall not be repealed, modified, or in any manner changed by the local legislative body concerned within three (3) years from its approval except by a vote of two-thirds of all of its members.

We have adopted the three-year period because beginning 1992, the term of office of local elective officials would be three years.

Now, what is the reason? The ordinance or resolution passed, is not in the nature of an irrevocable law. An amendment or repeal of the same can still be done even within that three-year period but through a qualified majority of all the members of the local legislative body, in this particular case, by a vote of two-thirds of all of its members.

What is the reason therefor, Mr. President? Because certainly, a proposition that had been approved by the direct action of the people can not simply be repealed by the local legislative body, otherwise, the proposition may be approved today and next week, the local legislative body which may have earlier acted adversely on it will be given the power to, in effect, veto that action of the people by repealing it by a simple majority vote.

Section 6 provides:

The Commission on Elections and the

Secretary of Local Government shall jointly adopt and promulgate rules and regulations to carry out the purpose of this Act.

Much as we try to foresee the problems and, therefore, provide for the details, it is just impossible for Congress to do so. And that is why we have stated the broad policies and provisions of this law leaving the details of the matters on rules and regulations to be jointly adopted by the Commission on Elections and the Secretary of Local Government.

Then nothing in this Act shall prevent or preclude the proper courts from declaring null and void any proposition approved pursuant to this Act for violation of the Constitution, or want of capacity of the local legislative body concerned to enact said measure.

For example, a proposition, even if adopted by the local legislative body would be violative of any of the rights guaranteed by the Constitution, or, however well-motivated, is beyond the authority or the scope of power of the local legislative concerned. Then the same, in the exercise of the power of judicial review can be declared null and void by the courts in a proper case filed with it.

And, finally, it shall be the ministerial duty of the local legislative body concerned to appropriate the necessary funds for the conduct of the initiative and referendum. The National Government shall extend financial assistance to the local government units in meritorious cases so that the people's power of initiative and referendum may be exercised.

These, Mr. President, and my distinguished Colleagues, are the main provisions of Senate Bill No. 17, and it is our hope that after due consideration and deliberation, a favorable action by this Body will be given to it.

Thank you, Mr. President.

The President. Are there any more interpellations?

Senator Enrile. Mr. President.

The President. Senator Enrile is recognized.

Senator Enrile. Thank you, Mr. President.

I must congratulate my distinguished Colleague from Mandaluyong for his very profound presentation of this very novel issue and measure.

This humble Representation and the Opposition in this Chamber agree wholeheartedly that we must comply with this provision of the Constitution.

However, I have a few questions to ask, if my distinguished Colleague would care to answer.

Senator Gonzales. Willingly, from the distinguished Majority Floor Leader — (*correcting himself*) Minority Floor Leader. I hope the tables have not been changed in so short a period of time. (*Laughter*)

Senator Enrile. The titles are not that important.

Mr. President, we agree that we must now give meaning to this mandate of the Filipino people, and I am just wondering what areas exercisable by the Filipino people could be covered by initiative and referendum?

Is it the understanding of my distinguished Colleague, for instance, that through initiative and referendum, the people of a given locality, let us say, a province, a city or a municipality can perhaps propose the adoption of a land reform program peculiar to their locality?

Senator Gonzales. Certainly, the scope of the subject of local initiatives and referendums will be those which are within the authority or capacity of a local legislative body, let us say, the Sangguniang Panlalawigan, the Sangguniang Panlungsod or Sangguniang Pambayan or Sangguniang Barangay, to enact.

That is why, the people may want, for the reimposition of the death penalty, but a local

sanggunian has no power to do so. And so, that is beyond the power of initiative and referendum. Although initiative and referendum may also be used for that purpose in the form of a resolution recommending to the Congress that it is the sense of the people in that local legislative body that death penalty should be reimposed and, therefore, recommending to the Congress the adoption of such measure.

Senator Enrile. I raised this question, Mr. President, because reading the Constitution, especially this specific provision upon which the distinguished Gentleman from Mandaluyong anchors the present draft bill, there is no limitation on the powers that may be exercised or any proposition that may be proposed by the people through initiative and referendum. That is why, I am trying to ask the limits of power of initiative and referendum.

So, I am asking whether, let us say, the case of the City of Tangub in Misamis Occidental with a population of a little over 20,000 could adopt its own concept of land reform program through the avenue of initiative and referendum.

Senator Gonzales. Mr. President, obviously not, because the local legislative body of that city, the Sangguniang Panlungsod, has no authority to enact that ordinance. And so, the people of that city, in the exercise of the power of initiative and referendum, can not do so.

Now, what we are trying to say is, we are starting on a very novel and untried political system. That is why we are going slow on this particular matter.

So, we have provided in Section 7:

Nothing in this Act shall prevent or preclude the proper courts from declaring null and void any proposition approved pursuant to this Act for violation of the Constitution or want of capacity of the local legislative body concerned to enact the said measure.

Senator Enrile. I am happy, Mr. President, that my distinguished Colleague pointed to that provision and because of that provision, I was tempted to ask this question because it would seem the residents of a given city, province, or municipality could initiate any proposition under the power of initiative and referendum, subject to the power of the Supreme Court in a given case to decide whether they have the power or not.

Senator Gonzales. Mr. President, if that is the intention of the Gentleman from Cagayan, I think, what probably could be done here is that, when the Comprehensive Agrarian Reform Program is considered, he can suggest a provision that allows, let us say, the voters in any political subdivision by means of initiative and referendum, to adopt the land reform system that will be applicable therein, considering the peculiar circumstances and conditions obtaining in that locality.

But under this bill, there is no intention to give them the power beyond that which can be exercised by the local legislative bodies.

Senator Enrile. Mr. President, I am not trying to suggest anything. I am just testing the understanding of my distinguished Colleague as to the powers or matters that would be covered by the people of a given province, city or municipality or barangay, for that matter, through their constitutional powers to adopt measures through initiative and referendum.

The next question, Mr. President, is this: Through this initiative and referendum power of the people of a province, city, municipality or barangay, could the people adopt a system of taxation peculiar to their province, city, municipality or barangay, for instance, in the form of estate and inheritance tax, or income tax, which is uniform and equal in that province, city, municipality or barangay?

Senator Gonzales. My answer to that question, as well as to the previous question, and any other similar question on the subject matter hereafter, will be the same that the grant of authority to the local legislative body is also the parameters of the powers that the people in a local government unit can exercise through initiative and referendum. Probably later, we may find it more prudent and wise to broaden the grant of the power. But we are starting on something.

For example, when the barangay charter was started during the time of President Mag-saysay, then everybody was laughing at it at the beginning. They thought it was more of a "palabas." But when the matter was taken seriously by the people, then gradually the powers of the barangays had been broadened to the extent that later, barangays or barrios were declared by law as the basic political unit replacing the municipalities. So, I feel that we should adopt the same approach. While we are willing to recognize that, probably, there might be a greater grant of powers to the people since they are the source of sovereign powers, then a cautious start at the beginning would be more prudent and wise.

Senator Enrile. So, they can not do that. My understanding of the answer from my distinguished Colleague is that the residents of provinces, cities, municipalities and barangays can not do what I suggested.

Senator Gonzales. Yes, Mr. President. As I have said, as a starter, the power of initiative and referendum can be resorted to only if the local legislative body have refused to move. There being a petition to it and the local legislative body refused to move, while it says that it is not within our power to do so and in spite of that, the referendum had still taken place. For one reason or another, this issue was raised during the referendum campaign, it was none-

theless approved. Then, like any other ordinance, however, any citizen who is a proper party can, in a proper case, contest the validity of this proposition on the ground that it is beyond the powers of the local legislative body and, therefore, of the people through initiative and referendum to enact or adopt.

Senator Enrile. Mr. President, can they possibly adopt through initiative and referendum a proposition limiting the movement of people in their province, in their city, in their municipality within circumscribed hours?

Senator Gonzales. Mr. President, I would say that under normal circumstances or ordinary conditions that would come probably close to a violation of the people's right to travel, of liberty protected by due process.

Senator Enrile. Would they be able perhaps, Mr. President, to impose a provincial, city, municipal or a barangay residence tax through initiative and referendum?

Senator Gonzales. Under existing laws, they can not do so because the power is denied to the local legislative bodies.

Senator Enrile. How about establishing their own type of *ronda* system in their provinces, cities, municipalities and barangays? Can they make a provision such as that through initiative and referendum?

Senator Gonzales. Did I hear their own *ronda* system?

Senator Enrile. Yes, *ronda* system.

Senator Gonzales. I believe that even under existing laws, the municipal council or the sangunian can do so, requiring certain number of days, and to assist the law enforcement officers in the apprehension of malefactors and law-breakers. And I recall, Mr. President, that the validity of the said ordinance was upheld in the case of *U.S. versus Pompeia*.

Senator Enrile. Can they, therefore, Mr. President, provide their own militia through initiative and referendum — a provincial, city, municipal or a barangay militia — to this new power that we are granting to our people by way of initiative and referendum?

Senator Gonzales. The power to create and organize a police, a militia or a paramilitary unit is an exercise of sovereign power which a local government unit can not exercise unless there is an expressed grant of the power.

Senator Enrile. But I understand, Mr. President, in our Constitution, the Philippines is a republican state, sovereignty resides in the people, and all government authority emanates from them.

Senator Gonzales. Yes, Mr. President, but the same Constitution also provides how that sovereign power is to be exercised. And with the people themselves so provided, then it means that in the exercise of these sovereign powers, they have imposed the manner in which those powers are to be exercised.

Senator Enrile. Mr. President, could the power through initiative and referendum be a basis to authorize the people in a province, city, municipality or barangay, to reduce real estate tax paid by them under existing tax laws, which they consider to be very burdensome?

Senator Gonzales. I think, there is a grant of taxing power to local government units. And, in fact, we now have to change our former view that there is no inherent power of taxation to local government units since the Constitution itself provides that the local government units may levy taxes and create their own sources of revenues subject to such limitations as may be provided by law.

In short, that is already a grant of the taxing power to local government units. Therefore, the local tax code should be viewed not as a grant of the taxing power — because the taxing

power is already granted by the Constitution to local government units — but merely as limitations in the exercise thereof. Therefore, subject to the limitations provided in the local tax code as well as other pertinent laws, the taxing power can be exercised to the hilt by local government units.

Senator Enrile. Mr. President, for instance, in the field of business, could the people in a given province, city or municipality, limit the participation of certain persons belonging to certain ethnic groups in the economic life of a given province, city, municipality or barangay through initiative and referendum?

Senator Gonzales. No, Mr. President, because that will be *ultra vires*. It will not be within the powers of a local government unit to enact, besides, to my mind, it would be violative of certain basic guarantees in the Constitution, like the right to the equal protection of laws, and also the due process clause of the Constitution.

Senator Enrile. Would they be in a position, Mr. President, for instance, especially provinces, cities, municipalities or barangays bordering on our coastlines, to limit the types of fishermen that would exploit the fishing resources in their surrounding coastal lines through initiative and referendum?

Senator Gonzales. What would be the basis of the classification, Mr. President? Because the Gentleman's questions contemplates a measure that allows some and prohibits others and, therefore, normally, the assault on it would be that it would be a class legislation. And the only way to save it from any constitutional infirmity is to determine whether or not the classification is reasonable. And for the classification to be reasonable, then it must be first, based upon substantial distinctions which make real differences; second, that the classification is germane to the purpose of the law; third,

that it is not limited to existing conditions only; and, finally, it is applicable to all or to all of a class.

Senator Enrile. Mr. President, could they possibly pass, through initiative and referendum, a proposition prohibiting, for instance, fish corals or trawlers fishing within so many miles from shoreline?

Senator Gonzales. There is a fishery law that actually regulates fishing within municipal waters, but I do not have the ready answer as to whether or not there is a grant or conferment of that power to the local legislative bodies. And so, as in previous questions, my answer will always be, whether or not the same is within the powers of a local government unit to enact.

Senator Enrile. So, in short, Mr. President, this proposed measure, granting initiative and referendum to our people is limited to what is now granted to local governments which is to enact or exercise through their legislative assemblies.

Senator Gonzales. Yes. As a beginner, Mr. President, that is correct. That is why, we have even said that the people can resort to initiative and referendum, only when the local legislative body has refused to move.

Senator Enrile. Thank you, Mr. President.

My other question is this: I noticed that there is no penalty provided in this proposed measure in those cases where the exercise of initiative and referendum by the people would be thwarted by influential persons in the community, especially the ruling political leadership, in the event that their prerogatives would be affected by the exercise of initiative and referendum. May I know from the distinguished Gentleman why such a consideration was not taken in the drafting of the bill?

Senator Gonzales. Yes, Mr. President, be-

cause we thought that there are already penal sanctions since initiative and referendum shall be governed by the provisions of the Election Code. Most of the violations in the conduct of initiative and referendum would be already covered by the penal provisions of the Omnibus Election Code and other election laws. But I see the Gentleman's point, Mr. President. This is entirely something, with respect to officials or individuals who obstruct, impede, or even prevent the exercise of the people's right of initiative and referendum and, therefore, at the proper time, I would welcome an amendment to that effect, because I feel that it would improve the bill.

Senator Enrile. Mr. President, I would like to call the attention of my distinguished Colleague who is sponsoring this bill, about the disparities of population in various provinces, cities, and municipalities in the land. For instance, in the case of Batanes with a voting population of 7,000, Batanes would require 500 initial signers for a petition so that the Gentleman could exercise this prerogative for the people of Batanes. And yet, for a municipality like Makati, with about almost 300,000 voting population, it will only need 100 signatures to initiate a proposition. Was this ever considered in the drafting of this measure, Mr. President?

Senator Gonzales. We have adopted a uniform rule for provinces, cities, and municipalities. We feel that 500 is a fairly substantial number to show that there is already a respectable initial support for the proposition.

Senator Enrile. Would it not be better, perhaps, Mr. President, to base the percentage of the number by population rather than by political subdivision, given the fact that there are great disparities in the population of the provinces, cities, and municipalities in the land?

Senator Gonzales. I would have no ob-

jection to that. What is important to me, Mr. President, is to put the system already in effect as mandated by the Constitution. How we will go to the details that will enter into that, I have an open mind. I feel that any suggestion from any Member of this Body that would improve and strengthen this bill would, at the proper time, be welcomed.

Senator Enrile. My other question, Mr. President, is this: I notice that there is no recording system provided in this draft bill with respect to propositions approved and disapproved. Would my distinguished Colleague from Mandaluyong, perhaps, give an explanation or explain the reason for this?

Senator Gonzales. Because any proposition approved is already, in effect, an ordinance or a resolution. That is why, they are required to be numbered serially and, there must be a recording of the same, purely as a clerical or an administrative matter which I thought could be covered by the rules and regulations that may be promulgated by the Secretary of Local Government.

Senator Enrile. Thank you, Mr. President. I am satisfied with the answers of my distinguished Colleague.

Senator Guingona. Mr. President.

The President. Senator Guingona is recognized.

Senator Guingona. Mr. President.

Senator Gonzales. Yes, Mr. President. I am not the President, but I am willing to answer any question from the distinguished Senator.

Senator Guingona. Thank you, Mr. President.

Under the Constitution, on Local Government, Article X mandates a Local Government Code that should be enacted, and this Local Government Code shall provide for a more responsive and accountable local government. Then, there should be instituted a system of

decentralization with effective mechanisms of recall, initiative, and referendum, et cetera, allocating, for example, to the different local government units the powers, responsibilities, and resources, for the qualification and appointment of officials removable therefrom, et cetera. Did the distinguished Sponsor of this measure consider having his as a separate piece of legislation, and later on, incorporating the same to the Local Government Code? Or, did he believe that we should first await the spelling out of the decentralization process so that it can be with the mandate contained in Section 3?

Senator Gonzales. Yes, Mr. President. While there is a mandate for the Congress to enact a local government code, there is equally a more specific mandate for it to enact the same as early as possible. Congress shall, as early as possible, provide for a system of initiative and referendum. I have received a copy of the proposed Local Government Code, and I noticed that there is not with a sense of pride to say that if this bill is enacted into law, it is definitely better than the system of initiative and referendum as provided for in the Local Government Code. Now, whether or not this will later be incorporated as it should be in the proposed Local Government Code which will be submitted later — and only Heaven knows when Congress can enact it — then that is entirely a different matter.

Senator Guingona. If the distinguished Gentleman says that this is better than the initiative and referendum provisions in the Local Government Code, I certainly believe him, Mr. President. My only concern is that the questions propounded by the distinguished Gentleman from Cagayan "Norte" or province, as distinguished from the "Golden" Cagayan of the South, were questions, if I recall, that border on the powers of the local governments, cities, municipalities or barangays. And I was just thinking, Mr. President, that many of these

powers would already be spelled out in the decentralization or in the Local Government Code; and I imagine it would provide the necessity of saying that that can be done or this can not be done, because this is national or this is local. Therefore, I was just thinking that although we would have to wait for the Local Government Code, perhaps, the powers of the decentralization could already be more or less spelled out.

Senator Gonzales. First, as I have said, Mr. President, and I am saying for the nth time, that we are introducing a novel and new system in politics. We have to adopt first a cautious approach. We feel that it is prudent and wise at this point in time, to limit these powers that may be the subject of initiatives and referendum to those exercisable or within the authority of the local government units. Now, if changes or the powers are expanded correspondingly with decentralization under the Local Government Code, there is really no inconsistency because those enlarged and broadened powers can be exercised by the people through initiative and referendum. So, in reality, there is no inconsistency between these two measures.

Senator Guingona. Mr. President, may we ask the Gentleman; for example, in Marawi where the power distribution operated from the Maria Cristina Falls comes from the local government of Marawi City enact or make a proposition that 10 percent of the revenues from the power generated be given to it as beneficiary of the source from the Maria Cristina Falls?

Senator Gonzales. I feel that under our present setup, that is now the subject of a national legislation; and, therefore, absent any express grant of that power to the local government units, the same can not be done by the people through initiative and referendum but the people can, nevertheless, voice out

through a resolution in the former proposition recommending or urging that particular measure to the National Government. And probably here in Congress, we can consider a law of such a magnitude and scope, but I would rather have a specific law or a specific bill on that measure to appreciate the feelings of the people who are residing in the places which constitute the source of indigenous energy. Sometimes, they are required to pay a rate higher than those in other places. But I think that ought to be the subject of a separate legislation.

Senator Guingona. Because, Mr. President, the Constitution itself provides that local governments shall be entitled to an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas.

Senator Gonzales. But then, the determination of what is that equitable share will still have to be determined by legislation, therefore, if a legislation to that effect is enacted and that power is now given to the local governments, then the people through initiative and referendum can implement it.

Senator Guingona. But, Mr. President, since this is already a constitutional mandate and we recognize decentralization and the power of the local governments to also implement the constitutional mandate — it does not say by law nationally, it can be by law locally — then perhaps, the citizens within the regions may invoke this constitutional provision.

Senator Gonzales. But, I think, that is a matter of national concern, and ought to be the subject of a national legislation first. But, if we go to the logic of that proposition, then the people in an area may say, "We will pay one percent only." Naturally, they will always have to exempt themselves from the payment of any energy, the source of which is indigenous to them. That is the difficulty here, the absence

of any national legislation that would at least define the guidelines.

Senator Guingona. That is why, Mr. President, we were concerned that, perhaps, it would have been better if we have the powers of the local governments defined in a decentralization.

Senator Gonzales. That can be done, Mr. President. There is no reason why the Congress can not do it. But what I am saying is, probably that ought to be the subject of a separate legislation; but it should never be a bar to the authority of this Congress to implement the constitutional mandate for Congress to provide as early as possible, a system of initiative and referendum.

Senator Guingona. Pending the enactment of a decentralization bill, would the distinguished Gentleman say that the proposed measure if adopted, can be implemented?

Senator Gonzales. Yes, Mr. President. There is no reason why it can not be implemented as soon as it is approved, and I can not see any reason why we should wait for the enactment of a local government code.

Senator Guingona. Is the Gentleman saying that the residual powers of the government is lodged in the National Government?

Senator Gonzales. No, what I am saying is I do not want to go into that kind of debate again because we will have to adopt certain theories whether local governments are governments of limited powers or whether they have certain inherent powers: I think, for purposes of this bill, a debate on that matter will not serve any purpose.

Senator Guingona. We are getting clarifications, Mr. President, because there may be substantial difficulties in knowing what can be initiated, and what can be the subject of referendum unless we know the parameters.

Senator Gonzales. I think, the parameters

have already been defined. Time and again, I said: "The powers that may be exercised under the law by local government units are those which can be exercised by the people through the power of initiative and referendum" whatever those powers, are Mr. President.

Senator Guingona. May we go to specifics, Mr. President, in Section 3, letter c, line 26: May we know how the verification of the signatures on the basis of the registry list of voters will be made?

Senator Gonzales. If necessary, they can resort to fingerprint examinations. They can make housechecks or personal checks. These are matters of details which can be taken care of by the rules and regulations to be issued by the Commission on Elections and the Department of Local Government, Mr. President.

Senator Guingona. Would the distinguished Gentleman consider a shorter period than three years for a proposition that is approved, not to be repealed?

Senator Gonzales. Mr. President, there is really no prohibition against repeal or amendment within the three-year period. What we are merely saying is that, within the three-year period, it can not be amended or modified except by a qualified majority of two-thirds vote of all the members. And I am thinking that we use three years, not arbitrarily, but because that is the term of office of a local legislative body.

So, what we are afraid of is: Here is a group of 500 people urging the local Sanggunian to adopt an ordinance, and the same is not acted upon by the local legislative body for whatever reason. And so, the people had resorted to the initiative and referendum. And it was approved therein. Unless we provide for a period like this, the same local legislative body now whose opinion is adverse, can really defeat the will of the voters as expressed in the referen-

dum by immediately repealing the same. That is why we are giving that period of their term.

Senator Guingona. Can a national law amend the same?

Senator Gonzales. Yes. Any ordinance for that matter may even be amended, repealed, or modified by a national law.

Senator Guingona. Even in the autonomous regions, Mr. President?

Senator Gonzales. I would say, as a general proposition, yes, because I think it is axiomatic that local ordinances are always subject to law.

Senator Guingona. Again, Mr. President, is the form of the referendum open?

Senator Gonzales. The same as any election, Mr. President.

Senator Guingona. Is it subject to yes or no only?

Senator Gonzales. It depends. That is why we have given here a duty. We have imposed upon the Secretary of Local Government the duty of giving assistance to the proponents as to how to formulate the proposition.

Senator Guingona. Have the examples of the United States more clearly explained because we do not like the referendum of the past from our own experience?

Senator Gonzales. Yes. What actually happens here is, if it be an ordinance, then there is an ordinance; the substance of the same will now be written on top of the paper on which the signature is to be the abstract of the same, with a copy always attached. Then, probably, the voting will be yes or no, with a space for comments. And that is what happened in the various propositions in the State of California.

Senator Guingona. Will it be questions like, "Do you like the New Society?"

Senator Gonzales. Mr. President, we are trying to put up a new tool of democracy, and

let us try to work sincerely for the purpose of . . .

Senator Guingona. Precisely.

Senator Gonzales. . . . strengthening it; and, I hope that while that was an experience of the past, we will not allow it to become a nightmare that always follows us completely, and put us in a state of paralysis, preventing us from putting into motion something that we feel is essentially beneficial.

Senator Guingona. So, it is not limited to just —

Senator Gonzales. No, Mr. President.

Senator Laurel. Mr. President.

The President. Senator Laurel is recognized.

Senator Laurel. Mr. President, this Representation would just like to ask the Senator from Mandaluyong a few questions.

Senator Gonzales. Gladly, to the Gentleman from Batangas.

Senator Laurel. Thank you.

Senator Gonzales. I do not know the province of Mrs. Laurel.

Senator Laurel. No domestic problems.

The Gentleman stated, in the course of this constructive speech, that his bill . . .

Senator Gonzales. And of Senators Romulo, Ziga and of course, the members of both committees.

Senator Laurel. Well, all the coauthors, of course. Initiative and referendum is a new tool of democracy, is that correct?

Senator Gonzales. At least, here in our political system.

Senator Laurel. For which reason, the Gentleman stated that we should approach with caution the problem of granting the different agencies of the local government the power to initiate bills or laws, and to approve or dis-

approve resolutions and acts passed by the local legislative bodies, is that correct?

Senator Gonzales. That is correct, Mr. President.

Senator Laurel. And he made that statement because he was considering probably not only the stage of our culture, particularly in the provinces, but also the domestic situation obtaining in the different local regions and provinces in the country.

Senator Gonzales. Yes, And more than that, we would want to grant to the people the power to be part of any decision of government that would affect them.

Senator Laurel. And also, as raised by the Minority Floor Leader, he stated that he would welcome later amendments to be presented by the distinguished Senator.

Senator Gonzales. Not only by the distinguished Minority Floor Leader, but by any other Member of this Body.

Senator Laurel. Because a local government code has yet to be passed which would define and clarify the powers of local governments, is that correct?

Senator Gonzales. There is an existing Local Government Code . . .

Senator Laurel. Yes, to be clarified and probably to be amended.

Senator Gonzales. . . . and what the Department of Local Government has done is to propose a new Local Government Code, I think copies of which have been furnished to the Members of this Body.

Senator Laurel. I see. And that is the reason, Mr. President, why the Gentleman also said that this is experimental, is that correct?

Senator Gonzales. Well, any law, for that matter, is an experiment, as much of the new things in time are an experiment.

Senator Laurel. And, as a matter of fact, on page 2 of Committee Report No. 7, it is stated here, and I quote:

Even in a highly advanced country like the United States, initiative and referendum have not been attempted on the national level.

Senator Gonzales. That is correct, Mr. President.

Senator Laurel. And, so much that there are right now, a number of states in the Federal Union of the United States which have adopted initiative and referendum as an institution of the system of popular government. Is that correct?

Senator Gonzales. That is correct, Mr. President, but not all American states have adopted it.

Senator Laurel. I see. I would like to ask then, Mr. President: Why are we here presenting a bill of national scope and application? Although limited to local governments, why is its application nationwide to start with? Is this experimental?

Senator Gonzales. Because, the political structure of the Philippines is different from that of the United States. The United States has a federal system of political structure. Each system is under the principle of state rights and has its own powers, which can not be interfered with by the Federal Government. But ours is unitary.

Senator Laurel. But still, Mr. President, the difference between our system of government and that of the United States, would not militate against the Government's idea that we should approach the problem with caution and that this bill should be experimental.

Senator Gonzales. Experimental, in the sense that this is the first time that this will be adopted. But on the other hand, it is a compliance with the constitutional mandate.

Senator Laurel. That is correct, but still to be approached, Mr. President, with caution, and as an experiment, which means that we should start on a limited scale by confining the bill as an experiment to a particular area in the country. Shall we say, we should start with Makati or, San Juan, Quezon City or even with Manila?

Senator Gonzales. May I, however, suggest, first, it would be very, very difficult to establish a property for classifying local government units for this purpose of referendum. And, probably, others who are not granted the same may say, why? Do they not think that we are already educationally, culturally, and politically aware that we are denied this power granted to other municipalities?

Second, the fact that we provide for a system of initiative and referendum does not mean that the people will already exercise it. There are so many requirements here in the exercise of the same. But then, let it not be said that we are denying these rights to certain people in our country just because they have not attained a degree of progress, of education or whatever it is, than those attained by their more fortunate countrymen?

Senator Laurel. I understand, Mr. President, the position of the Sponsor of the bill when he stated that, ideally, this bill should be applied nationally.

But since he has stated that this is a new tool of democracy, we do not know for certain how it will work, in the light of the conditions and circumstances obtaining in the country today. I think it is well-known that there are some parts of the country virtually in the hands of the insurgents. To enact a law like this, and to give the entire country — all facilities — the power of initiative and referendum is fraught, to my mind, with dangers and consequences we would not welcome. In other words, this

bill, if applied to places under the control or influence of the NPAs would somehow legitimize their actions and in fact lead to the strengthening of their hold over in said regions and finally, to the dismemberment of the country.

Senator Gonzales. The Gentleman is carrying too far the reach and possibilities of initiative and referendum; because, as I said, the powers that the people can exercise are those which are limited to the local governments themselves.

Senator Laurel. Yes, Mr. President, but although limited to powers given them under the Local Government Code, they may go beyond them and, in such cases, a two-thirds vote is required in order to override or repeal whatever acts they might have passed.

Senator Gonzales. Yes, Mr. President. But then, on the assumption that the proposition *ultra vires*, then, it can be declared null and void.

Senator Laurel. But still, that is after the act; it is a *fait accompli*; it is something that has already been done.

Senator Gonzales. But that is inherent in the system. I would not want to deny a tool of democracy to any segment of our people, Mr. President.

Senator Laurel. Well, at any rate, Mr. President, what I was merely suggesting is that, if this is admittedly an experiment, why not confine the experiment to a smaller part of the country? As a matter of fact, the difference between the system of the United States and that of the Philippines is not really relevant because we still have the power to enact a law that would confine the application of this bill to a particular region, in view of the fact that this, admittedly, is an experimental program.

Senator Gonzales. Mr. President, I have to be convinced of the reasons because it is indeed

very, very dangerous for us to withhold a right granted to some Filipinos, because those who may not exercise the right feel that they are regarded as second-class or as third class citizens in our country for purposes of exercising political rights.

Senator Laurel. That is why, we said, Mr. President, that this would be merely an experiment. We want to find out how it will work. In the meantime, we can start to enact a new Local Government Code.

Senator Gonzales. Mr. President, I think I have answered that question already.

Senator Laurel. Thank you, Mr. President.

Senator Mercado. Mr. President.

The President. The Majority Floor Leader is recognized.

Senator Mercado. Could I ask the Sponsor of the bill a few questions?

Senator Gonzales. I thought the Majority Floor Leader has risen to ask for the suspension of the consideration of this until Monday.

But willingly, Mr. President.

Senator Mercado. Considering that it is lunch time already, I shall make myself very, very brief.

Senator Gonzales. Thank you, Mr. President.

Senator Mercado. I am in agreement with this bill that the Gentleman is proposing, Mr. President, in compliance with the constitutional provision for us to provide a system by which the people will have a voice other than the legislators that they elected. Reading his bill and listening to this explanation, I have noted something I would like to bring up. I understand that as he has stated, for the nth time that this is something new, a novelty, and as such experimental, thus we have to proceed cautiously. However, in Section 13 of . . .

Senator Gonzales. There is no Section 13,

Mr. President.

Senator Mercado. No, no. I am sorry, in Section 3, rather. My eyes have just failed me.

Senator Gonzales. He is too young for the . . . *(Laughter.)*

Senator Mercado. He speaks of the use of such power and initiative and referendum to be limited to once a year.

Senator Gonzales. Yes, Mr. President. That is line 30 and line 31, on page. 3.

Senator Mercado. I agree with the Gentleman's caveat that this is experimental and can not be used as often as may be necessary because of such nature. However, I am bothered by the act that the initiatives can not be programmed; the needs of the people can not be predicted. And that if, let us say, they have instituted a referendum or an initiative and an action as regards a particular question which they felt was of primordial importance. Later on, if events proved that there is still something that is of greater importance, they shall be limited in exercising the same right by this particular provision which bans them from utilizing the initiative more than once a year.

Senator Gonzales. Mr. President, in most of the States where they have systems of initiative and referendum, they take place only once every two years. Because they always hold their referendum simultaneously with an election. The idea is really to save expenses, since most of the elections there take place only at intervals of two years.

This one year is more often than what is usually done. But as I have said, I have an open mind about this. What is more important to me is to institute the system.

Senator Mercado. I agree, but the United States is a politically stable nation. In our country, we are going through political changes that are very swift and, sometimes, they even

challenge the very existence of our Republic in a democratic system. There might be instances when we have to utilize such initiative and might be stopped by this particular provision.

Would the Gentleman be open to suggestions during the period of amendments where we might allow such things to transpire more than once a year as long as there would be a greater number of voters who would be required to spur the initiative?

Senator Gonzales. When the period of amendments comes, I will be very happy to listen to that amendment, Mr. President.

Senator Mercado. Thank you very much. That was the only point I wanted to raise, 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 12:03 p.m.

RESUMPTION OF THE SESSION

At 12:06 p.m., the session was resumed.

The President. The session is resumed.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 17

Senator Mercado. Mr. President, I move that we suspend consideration of Senate Bill No. 17 until Monday.

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

Senator Mercado. Mr. President, I move that as regard Senate Bill No. 97 which is,

AN ACT CREATING THE MINDANAO DEVELOPMENT CORPORATION AND ABOLISHING THE SOUTHERN PHILIPPINE DEVELOPMENT ADMINISTRATION DESCRIBING ITS POWERS, FUNCTIONS AND DUTIES AUTHORIZING THE APPROPRIATIONS OF FUNDS THEREFOR AND FOR OTHER PURPOSES,

aside from the main author, Senator Tamano, we add the names of Senator Santanina Rasul and Senator Aquilino Pimentel, Jr., as coauthors.

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

COMMITTEE MEMBERSHIP

Senator Mercado. As regards the Committee on Local Government, Mr. President, I move that we include Senator Jose D. Lina, Jr. as Member of the said Committee at the instance of the Chairman, Senator Pimentel.

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 Monday at four o'clock in the afternoon.

The President. Is there any objection? *(Silence)* The session is adjourned until Monday at four o'clock in the afternoon.

It was 12:08 p.m.