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BILL ON SECOND READING

Senate Bill No. 17 – System of Initiative
and Referendum
(Continuation)

Senator Mercado. Mr. President, I move that we consider Senate Bill No. 17. We are in the period of interpellations. It was Senator Gonzales who has the floor when we left yesterday. I move that he be recognized.

The President. Senator Gonzales is recognized.

Are there any interpellations?

Senator Saguisag. Mr. President.

The President. Senator Saguisag is recognized.

Senator Saguisag. Thank you, Mr. President.

Will the distinguished Gentleman from Mandaluyong yield to a few questions?

Senator Gonzales. Gladly, to the Gentleman from Pasig and many other places.

Senator Saguisag. In the Committee Report, I said that I agreed with the concept, but I had reservations in relation to what I wrote down as Sections 1 and 3. That was a slip of the pen, a so-called *lapsus calami* which I would like to correct now. I had really meant Section 2(1) and Section 3(1).

On that page, the words "registered voters" appear in Section 2(1), Section 2(2), and Section 3(1). I have no problem with the use of "registered voters" in Section 2(2) which merely reproduces what appears in Section 32, Article VI of the Constitution, which means ten per cent of the total number of registered voters. In determining the ten percent, we have to relate it to a fixed frame of reference.

In regard, however, to Section 2(1) and Section 3(1), when registered voters refer to people who would make use of this prerogative, I have this concern whether this bill may be subject to some constitutional challenge on the ground that there may be an unequal-protection-

of-the-law problem.

We all know, but I am subject to correction here, that we have no system now of continuing registration. So that if this bill is passed and is availed of, let us say, four years from now, my eldest child who is now 14 years old will be enfranchised along with many others. The way the law is phrased, my son, along with many others who may be of his age, four years from now, or those who may not be able to register soon because they are out of town or sick, may not be able to make use of this right.

And I was wondering, whether in the period of amendments, the Gentleman from Mandaluyong would consider – instead of using the term "registered voters," substituting it with the term "qualified voters" in the sense that it appears, for instance, in Senate Bill No. 92, on page 2, line 30 and on page 3, lines 7, 14, 17 and 24. Because in my view, this can really result in unconstitutional disenfranchisement.

Senator Gonzales. Mr. President, insofar as those who would sign the petition, there ought to be a basis. There is reference in the bill to the registry list used in the election immediately preceding. Because without that, Mr. President, it would be very, very difficult. If we will use "qualified voters," then there will again be a determination of the proponents and a representative of the local legislative body, whether the one who signs is a qualified voter or not. Because, one may be a qualified voter without being a registered voter.

I understand, Mr. President, and please correct me if I am wrong, that a qualified voter is one who possesses all the qualifications for the exercise of the right of suffrage and does not suffer from any of the disqualifications. On the other hand, a registered voter is not only a qualified voter, but his name appears in the registry list.

We want a definite frame of reference, so,

“registered voters” would refer to those whose names appear in the registry list of voters. So that this broad, whose duty is merely to take the signature, will not have the quasi-judicial authority of still determining whether the one who signs is a qualified voter or not.

Senator Saguisag. So, the tension or conflict here is between the practical convenience of administration and the denial of a right guaranteed under Article V, Section 1 of the Constitution. As I said, my son, as a typical example, will be of age nine years from now. No one in the neighborhood may really question his qualifications. It seems to me that we should address our attention and energy towards solving that problem. Maybe, there can be some kind of registration, just to enable qualified people to vote.

Let us visualize a case. In X town, there may be 100,000 voters now. In a year's time, maybe, two or three or four years from now, there would be a rise in population. This could be due to migration. It could be because people who come back from abroad or who will settle in that town for any number of reasons. Now, these people may even be the leading members of the community, but they may be denied the right to take part if they cannot register because of the practical inconvenience that has been identified by the Gentleman. I may share that view. But what I am really concerned about is that in case a voter challenges this, this may be nullified by the Supreme Court because we prefer convenience to the enjoyment of a very valuable right.

Senator Gonzales. Even in elections, there may be qualified voters, who, for one reason or another, have failed to register and so, they cannot vote since a condition precedent to voting is that one must be a registered voter. Nothing is heard about a challenge from these people that they are denied the equal protection of the laws, because the opportunity to register

is granted to everyone. Nobody is prevented from registering.

Senator Saguisag. I can see a case where, for instance, an energetic group of young people who have just turned 18 or 19 may, in fact, gather all the signatures that we want because, sometimes, they are more committed and more concerned than their busy elders, and the Constitution speaks of people, not of registered voters.

We need registered voters for determining the base. But as to who should exercise this right, we should make every effort to see to it that every qualified citizen is able to do so. It would be anomalous if here, as in the hypothetical case I cited, we may have 100,000 voters today and the 10,000 to 20,000 new voters two or three years from now would get together, they expend energy and attention to get 10,000 or 20,000 signatures, and then they are told: “No matter how much work you unregistered voters have put into this, the law is the law, *dura lex, sed lex.*”

I really am bothered by this constitutional concern in that concrete factual setting. Their inability to register is something that clearly is not their fault; and they are the ones who are most interested in using this very interesting innovation.

Senator Gonzales. Yes, I am merely telling the Gentleman the rationale for this provision in the bill; and I think, without prejudice to anyone submitting the amendments at the proper time, I would expect that that would be one of the amendments that would come from the Gentleman from Pasig.

Senator Saguisag. Yes, because as I have said, the conflict here is between convenience and disenfranchisement.

Thank you very much.

The President. Is there any other interpellation?

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SUSPENSION OF CONSIDERATION OF
SENATE BILL NO. 17

Senator Mercado. Mr. President, I move that we close the period of interpellations, and that we suspend the consideration of this particular bill.

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

SUSPENSION OF THE SESSION

Senator Mercado. Mr. President, I move that we suspend the session.

The President. Is there any objection? *(Silence)* There being none, the session is suspended for a few minutes.

It was 4:35 p.m.

RESUMPTION OF THE SESSION

At 4:45 p.m., the session was resumed.

The President. The session is resumed.

COMMITTEE MEMBERSHIP

Senator Mercado. Mr. President, on a matter concerning the committees, I would like to submit the name of Senator Leticia Ramos-Shahani as an additional Member of the Committee on Local Government.

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)* The Chair hears none; the session is adjourned until four o'clock tomorrow afternoon.

It was 4:46 p.m.

