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people, a new country united in the thought that we are building a nation with a better future for our children.

I hope that the Filipino people will take a lesson from the death of Lean Alejandro, and let us bring together in our country a united government.

Let us support President Cory Aquino in her effort to bring about justice, freedom, and democracy to our country. I think it is time for us to take a lesson from this tragedy. We can not continue going on this way.

Also, Mr. President, I want to remind the country what the Muslim people said when Senator Ninoy Aquino was brutally gunned down at the tarmac of the Manila International Airport.

We told the Filipino people in a Resolution signed by all the Muslim leaders in this country, that if the country is plunged into a fratricidal civil war, the Muslims would be forced to reassert their historical identity as a people, because the Muslims do not want to be involved in a fratricidal civil war between Filipinos.

We would like to serve notice once more that if these killings continue, we might reassert our historical role as a free people. And therefore, we might resurrect the dream of setting up an independent Mindanao Republic.

Thank you very much, Mr. President.

BILL ON SECOND READING

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

Senator Mercado. Mr. President, I move that we consider Committee Report No. 7, on Senate Bill No. 17. I believe we are in the period of *turno en contra*, debate for and against.

The President. Is it Senate Bill No. 17?

Senator Mercado. Yes, Mr. President, Senate Bill No. 17, on Committee Report No. 7.

The President. May I know at what stage?

Senator Mercado. We are in the period of *turno en contra*, Mr. President – period of debate for and against the bill. I have had no reservations for speeches against as of this moment.

The President. Is there any speech against the bill? This is the bill with respect to the system of initiative and referendum.

Senator Mercado. Mr. President, if there is no speech against, I would like to move that we close the period of debate, and proceed to the period of amendments.

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*)

It was 5:01 p.m.

RESUMPTION OF THE SESSION

At 5:16 p.m., the session was resumed.

The President. The session is resumed.

Senator Mercado. Mr. President, as there are no speeches against the bill, I move that we go to the period of amendments, and for such purpose, I request that we recognize Senator Neptali Gonzales.

The President. Is there any proposed amendment?

Senator Gonzales. Mr. President, we had incorporated in Senate Bill No. 17 the original and subsequent committee amendments. The result, Mr. President, is a substitute bill which already incorporates all the committee amendments. We have copies of this substitute bill prepared, filed with the Secretariat and distributed among all the Members of this Body. Therefore, we respectfully request that this substitute bill be the basis for the individual amendments, because all the committee amendments are already incorporated in this substitute bill.

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

Senator Tañada. Mr. President.

The President. Senator Tañada is recognized.

TANADA AMENDMENT

Senator Tañada. On page 1, Section 1, line 1, I propose that we delete the words, "The power of", and in lieu thereof, insert the words: **THERE IS HEREBY PROVIDED A SYSTEM OF INITIATIVE AND REFERENDUM WHEREBY**, so that Section 1 will read as follows:

"Section 1. *STATEMENT OF POLICY.*
THERE IS HEREBY PROVIDED A SYSTEM OF INITIATIVE AND REFERENDUM WHEREBY the people may directly propose and enact..."

and up to the end of the original.

Senator Gonzales. This is merely a matter of form, Mr. President.

Senator Tañada. We are just using the wording in the Constitution.

Senator Gonzales. But then Mr. President, my difficulty in accepting immediately that proposed amendment is that it seems that the system of initiative and referendum is provided by law. On the other hand, this is already a right or power recognized by the Constitution. It does not stem from the law. That is why we merely say that his right is hereby affirmed, recognized and guaranteed, which to me is more in keeping with both the language and the spirit of the Constitution. Because here we say, **THERE IS. . . PROVIDED**, there is herein provided, then the power comes from the Legislature; but we want to believe that this power comes directly from the Constitution. That is why we say it is affirmed; it is recognized; and it is guaranteed.

Senator Tañada. I can see that, Mr. President; but at the same time, we submit that

initiative and referendum, strictly speaking, are not a power of the people but merely a system as defined in the Constitution. So, I think, for a more accurate description of the idea, anyway, this would only be using the words as appearing in the Constitution. We believe that the proposed amendment would be reasonable.

SUSPENSION OF THE SESSION.

The President. The Chair suggests that we suspend the session for a few minutes, if there is no objection. *(There was none.)*

It was 5:21 p.m.

RESUMPTION OF THE SESSION

At 5:27 p.m., the session was resumed.

The President. The session is resumed.

Senator Gonzales. Mr. President, Senator Tañada has the floor.

The President. Senator Tanada is recognized.

Senator Tañada. Mr. President, after conferring with the author of this bill, the proposed amendment would be: In Section 1, line 2, between the word "people" and the word "to", insert the words, **UNDER A SYSTEM OF INITIATIVE AND REFERENDUM.**

Senator Gonzales. Is it understood that the whole Section 1 remains as it is?

Senator Tañada. Yes, Mr. President.

Senator Gonzales. It is accepted, Mr. President.

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

Is there any proposed amendment in Section 2, Definition? *(Silence)* If there is none, we go to page 2.

Is there any proposed amendment on page 2?

Senator Enrile. Mr. President.

The President. Senator Enrile is recognized.

101 ENRILE AMENDMENT

Senator Enrile. Mr. President, in Section 3, line 10, paragraph (2), after the word "be", insert the word DEEMED.

Senator Gonzales. "... shall be DEEMED validly initiated".

Senator Enrile. And after the word "initiated", strike out "only".

Senator Gonzales. "... shall be DEEMED validly initiated upon". Is that the only amendment at this time?

Senator Enrile. Yes.

Senator Gonzales. It is accepted, Mr. President.

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

Senator Enrile. Line 17.

Senator Gonzales. An anterior amendment will be proposed by Senator Saguisag.

The President. Is there any anterior amendment?

Senator Saguisag. Mr. President.

The President. Senator Saguisag is recognized.

Senator Saguisag. Thank you, Mr. President. When I was interpellating the Gentleman from Mandaluyong, I expressed my concern about the conflict or tension between the practical convenience of administration on the one hand, and the possibility of disenfranchising voters on the other. So, I would like to propose that this should be SECTION 3 after line 16.

Senator Gonzales. Between lines 16 and 17, a new subparagraph.

Senator Saguisag. Yes, to be Section 3.

Senator Gonzales. A new paragraph which shall be paragraph 3.

The President. Just a moment. Is the proposed amendment of Senator Saguisag anterior or posterior?

Senator Gonzales. It is posterior.

The President. All right. Posterior.

Senator Saguisag. Subject to refinement, the sense of the amendment is as follows: AFTER ONE YEAR FOLLOWING THE FIRST LOCAL ELECTIONS UNDER THE NEW CONSTITUTION AS MAY BE PROVIDED BY LAW, THE COMMISSION ON ELECTIONS SHALL SET A SPECIAL REGISTRATION DAY AT LEAST THREE (3) WEEKS BEFORE A SCHEDULED REFERENDUM TO ENABLE NEW VOTERS TO REGISTER IN THE LOCALITY CONCERNED.

Senator Gonzales. Can we add INITIATIVE OR REFERENDUM ? Because upon the proposal made by Senator Maceda during his interpellation, we now actually separated the two concepts of "initiative" and "referendum".

Senator Saguisag. That would be my own preference, but I have some problems. In the referendum, as I understood it, that would refer to the casting of the ballots.

Senator Gonzales. Yes.

Senator Saguisag. So there is no problem with that. In regard to initiating it, that will refer to Section 4.

Senator Gonzales. Even the voting itself, Mr. President, is called properly as "initiative".

Senator Saguisag. Well, as long as that is the intention, I would be for inserting INITIATIVE OR between SCHEDULED and REFERENDUM.

Senator Gonzales. Yes, Sir.

Senator Saguisag. However, this is just really an attempt on my part to compromise. My own preference would really be that, even in relation to Section 4, using INITIATIVE loosely,

I would still have hope that it would be possible to enable anyone who has come of age, anyone who has transferred to a municipality, anyone who has not been able to register before, etc. to be among those who will start gathering the 500 signatures. However, that would be very unwieldy because there is no fixed date. But on the understanding as clarified by the Gentleman from Mandaluyong, may I now read the amendment as recast.

Senator Gonzales. Please do that.

SAGUISAG AMENDMENT

105
 Senator Saguisag. AFTER ONE YEAR FOLLOWING THE FIRST LOCAL ELECTIONS UNDER THE NEW CONSTITUTION AS MAY BE PROVIDED BY LAW, THE COMMISSION ON ELECTIONS SHALL SET A SPECIAL REGISTRATION DAY AT LEAST THREE (3) WEEKS BEFORE A SCHEDULED INITIATIVE OR REFERENDUM TO ENABLE NEW VOTERS TO REGISTER IN THE LOCALITY CONCERNED.

Senator Gonzales. It is accepted, Mr. President.

Senator Saguisag. Thank you.

The President. Just a moment. The Chair suggests that instead of the new Constitution, we refer to it as the "1987 Constitution".

Senator Gonzales. The suggestion of the President is welcomed and I hope that that is also acceptable to the proponent of this amendment.

Senator Saguisag. No problem, Mr. President.

Senator Enrile. May I suggest, Mr. President, with due respect, we just call it the Constitution in order to obviate any distinction at all.

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

Senator Saguisag. Thank you.

Senator Enrile. Mr. President.

The President. Senator Enrile is recognized.

Senator Enrile. On Section 4, line 17, I move that the phrase "A group of" be deleted, and the sentence start with the words "Registered".

Senator Gonzales. "Registered voters, not less . . ." I mean continuation, with capital "R"?

Senator Enrile. Yes, with capital "R".

Senator Gonzales. Will the Gentleman kindly read now the whole part?

Senator Enrile. So that the first paragraph of the section will read: "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, may file a petition with a local legislative body proposing the adoption, enactment, repeal, or amendment, of any ordinance or resolution."

Senator Gonzales. If the amendment improves this provision, we are accepting it, Mr. President.

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 5:35 p.m.

RESUMPTION OF THE SESSION

At 5:37 p.m., the session was resumed.

The President. The session is resumed.

May we have the amendment again, please?

105 ENRILE AMENDMENTS

Senator Enrile. The amendment as proposed by this Representation, Mr. President, was for the deletion of the phrase "A group of", and the sentence will start with the word "Registered,"

by capitalizing the small "r" to capital "R". But, considering the suggestion of the Chair, I would like to withdraw that amendment, and instead suggest an amendment by deleting the phrase "A group of," and start the Section by capitalizing . . . I would suggest that the phrase "A group of registered voters," including the comma, be totally deleted, and we start the sentence by capitalizing the letter "N" on line 18 of the word "not", so that the sentence will start "Not less than five hundred (500), and insert the words "REGISTERED VOTERS" after (500) and before "in", "in case of provinces and cities, one hundred (100) in case of municipalities, and fifty (50) in case of barangays, may file a petition with a local legislative body proposing the adoption, enactment, repeal, or amendment, of any ordinance or resolution."

Senator Gonzales. It is accepted, Mr. President.

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

Senator Enrile. If there is no anterior amendment, I will go to paragraph (2) of the same page, in the same section, Mr. President.

On line 26, after the word "invoke", I move to delete the phrase "the people's", and in lieu thereof, insert the pronoun "their".

Senator Gonzales. "... may invoke 'THEIR' power of initiative". Is that right, Mr. President?

Senator Enrile. Yes.

Senator Gonzales. So the proposed amendment is on line 26, page 2. Delete the phrase "the people's," and instead substitute it with the word "THEIR".

Senator Enrile. Yes. To really reflect that what is being exercised is the power of the proponents, the power of initiative of the proponents which will, in effect, be justified by the use of the same term on page 4, paragraph (12), line 13, "power of Initiative".

The President. What is the pleasure of the Sponsor?

Senator Gonzales. It is accepted, Mr. President.

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

Senator Enrile. Thank you, Mr. President.

Senator Guingona. Mr. President.

The President. Senator Guingona is recognized.

10/91 GUNGONA AMENDMENT

Senator Guingona. I am sorry, Mr. President, this should have been anterior to the proposal of Senator Enrile. But this is just one line, so

On line 26, after the words "the proponents", we propose the amendment THROUGH THEIR AUTHORIZED REGISTERED REPRESENTATIVE, because we feel, Mr. President, that if there is no order, there may be confusion as to who really presented the initiative. And there may be divergent actions: one saying, "We no longer want this"; another saying, "We withdraw." And, therefore, there may only be confusion. So the amendment proposed —

Senator Gonzales. Just one question, Mr. President. Suppose there is no organization? That is very good when there is an organized group, but suppose there is none?

Senator Guingona. Well then, there may be a spectacle of confusion where ten people say: "We withdraw", twenty people say: "We insist", and they have to get together; after all this is people's power, and people's power implies that they should get organized, Mr. President.

Senator Gonzales. All right, so the organization or who would be the authorized representatives of the proponents will depend upon themselves.

Senator Guingona. Yes, and they must register as to who is the authorized representative.

The President. How will that amendment read now?

Senator Guingona. Line 26, Mr. President, should read: ". . . the proponents, THROUGH THEIR AUTHORIZED AND REGISTERED REPRESENTATIVE."

The President. May it not be better to say, "THROUGH THEIR DULY AUTHORIZED . . .?"

Senator Guingona. DULY AUTHORIZED AND REGISTERED, Mr. President, IN THE MUNICIPALITY OR THE PROVINCE OR THE CITY. . .

Senator Gonzales. . . AUTHORIZED AND REGISTERED REPRESENTATIVES. Is it understood, Mr. President, that the registration will be done not with the COMELEC but with the local legislative body?

Senator Guingona. With the local legislative body. For facility -

Senator Gonzales. Yes. On that understanding, Mr. President, we accept the amendment.

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

Is there any other proposed amendment on page 2? If there is none, we go to page 3.

Is there any proposed amendment on page 3?

ENRILE AMENDMENT

Senator Enrile. Page 3, Mr. President.

The President. Yes, Senator Enrile.

Senator Enrile. On line 1, I suggest that after the word "Proponents" the phrase "are given" be deleted; and in lieu thereof, the phrase SHALL HAVE be used instead.

Senator Gonzales. It is accepted, Mr. President.

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

Is there any other proposed amendment on page 3?

Senator Paterno. Mr. President.

The President. Senator Paterno is recognized.

PATERNO AMENDMENT

Senator Paterno. Mr. President, on the second to the last line of page 3, I would like to propose an insertion after "days" and before "in" - on that second to the last line - the words FROM THE DATE OF CERTIFICATION BY THE COMMISSION ON ELECTIONS AS PROVIDED IN PARAGRAPH 8 HEREOF.

The reason for this, Mr. President, is that we say "within sixty (60) days" but we do not specify the date of reckoning of those 60 days.

Senator Gonzales. May I hear again the proposed amendment?

Senator Paterno. The proposed amendment, Mr. President, is to insert between "days" and "in", on that second to the last line, the words FROM THE DATE OF CERTIFICATION BY THE COMMISSION ON ELECTIONS AS PROVIDED IN PARAGRAPH 8 HEREOF.

Senator Gonzales. It is accepted, Mr. President.

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

Is there any other amendment on page 3?

(Silence)

Let us go to page 4. Is there any proposed amendment on page 4? (Silence)

There seems to be none; we will go to page 5.

Is there any proposed amendment on page 5?

Senator Aquino. Mr. President.

The President. Senator Butz Aquino is recognized.

AQUINO AMENDMENT

Senator Aquino. Mr. President, in Section 7, line 11, the exception, "... except by a vote of two-thirds (2/3) of all its members." This Representation wants to make this tougher, Mr. President.

When the people's initiative had finally decided that they want this particular law in their area, I think the Local Legislative Council should not change what the people had already approved within three years. However, if there is no change, I think this two-thirds might be too skimpy because these local bodies are usually above nine or 11. Two-thirds of nine is six, and I am afraid that originally, when somebody proposed some local laws, and they did not mind this, there were already five who did not want this to go through. So that all they have to do is get one more and they will get six; so that my proposal here is: "... except by a UNANIMOUS vote of all its members."

Senator Gonzales. Very difficult, Mr. President. Can we make it three-fourths?

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 5:47 p.m.

RESUMPTION OF THE SESSION

At 5:48 p.m., the session was resumed.

The President. The session is resumed.

I understand there is an anterior amendment being proposed by Senator Guingona.

Senator Aquino. Yes, Mr. President.

The President. Then there will be a need to withdraw, for the moment, a proposed amendment of other...

Senator Aquino. I agree to withdraw, for the moment, Mr. President.

The President. All right.

Senator Guingona. Mr. President.

The President. Senator Guingona is recognized.

GUINGONA AMENDMENT

Senator Guingona. Thank you, Mr. President.

On line 10, Section 7, on page 5, after the words "legislative body concerned" add "within SIX MONTHS FROM DATE THEREFROM AND MAY BE REPEALED, MODIFIED OR AMENDED BY THE LOCAL LEGISLATIVE BODY within three (3) years THEREAFTER by a vote of THREE-FOURTHS (3/4) of all THE members."

Senator Gonzales. Is that acceptable to Senator Aquino?

Senator Aquino. Yes, Mr. President, I think that is acceptable.

Senator Guingona. In other words, for the first six months the local legislative body can not amend, repeal, modify the action voted upon by the people; and it is only after the six-month period that they can amend, repeal, modify, but subject to the 3/4 votes. After three years, they can repeal without that required number, Mr. President.

Senator Gonzales. If that is acceptable to the original proponent of the amendment, the Committee accepts the same, Mr. President.

The President. Is that acceptable to all the Gentlemen on the floor?

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

Senator Maceda. I proposed an amendment to the amendment which I had asked already during the interpellation.

The President. Just a moment. I think, under the Rules, there can only be two amendments.

Senator Maceda. I do not know how it will be worded. But, if I may explain it. . .

The President. All right.

Senator Maceda. My point made during the interpellations was that, in the case of Barangays or Sangguniang Nasyon, the three-year period is too long. Usually, the matters that are taken up in barangay council sessions are about the school, about small fees for barangay businesses. And sometimes the circumstances change very fast within a barangay. So, three years is too long on a barangay level.

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 5:51 p.m.

RESUMPTION OF THE SESSION

At 5:53 p.m., the session was resumed.

The President. The session is resumed.

Senator Guingona. Will the Gentleman kindly propose the omnibus amendment?

10pt GUINGONA AMENDMENT

Senator Guingona. Mr. President, on line 10, page 5, SECTION 7, the proposed amendment after the phrase "legislative body concerned within", the amendment seeks to insert the words SIX MONTHS FROM THE DATE THEREFROM AND MAY BE REPEALED, MODIFIED OR AMENDED BY THE LOCAL LEGISLATIVE BODY within three (3) years THEREAFTER by a vote of THREE-FOURTHS of all its members." PROVIDED, HOWEVER, THAT IN THE CASE OF BARANGAYS THE PERIOD SHALL BE ONE (1) YEAR AFTER THE EXPIRATION OF THE FIRST SIX MONTHS.

10pt

Senator Gonzales. By a vote of?

Senator Guingona. The same vote.

Senator Gonzales. The same vote.

The President. All right, may I get those verbs - MAY BE MODIFIED. . .

Senator Guingona. . . . MAY BE REPEALED, MODIFIED OR AMENDED. 10pt

The President. Why do we not say: . . . MAY BE AMENDED, MODIFIED OR REPEALED?

Senator Guingona. Yes, Mr. President.

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

10pt ESTRADA AMENDMENT

Senator Estrada. Mr. President.

The President. Senator Estrada is recognized.

Senator Estrada. On Section 10, page 5, line 23, I would like to propose an amendment to the word, "ministerial". It should be "MANDATORY duty of the local legislative body."

Senator Gonzales. In short, the proposed amendment seeks to delete the word "ministerial" and change it with MANDATORY to make it stronger, Mr. President.

Senator Estrada. To make it stronger.

Senator Gonzales. It is accepted, Mr. President.

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

Is there any other amendment on page 5?

The Majority Floor Leader.

APPROVAL OF SENATE BILL NO. 17 ON SECOND READING 10pt

Senator Mercado. Mr. President, I move for the approval of Senate Bill No. 17, as amended, on Second Reading.

The President. Those who are in favor of this

bill, Senate Bill No. 17, as amended, will please say *Aye*. (*Several Senators: Aye.*)

Those who are against will please say *Nay*. (*Silence*) Hearing no *Nays*, Senate Bill No. 17, as amended, is approved unanimously on Second Reading.

Senator Mercado. Mr. President, I move for the consideration of Committee Report No. 4 on Senate Bill No. 38.

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 one minute.

It was 5:57 p.m.

RESUMPTION OF THE SESSION

At 5:58 p.m., the session was resumed.

The President. The session is resumed.

CONSIDERATION OF SENATE RESOLUTION NO. 21

(Singing of the National Anthem in the Senate)

Senator Mercado. Mr. President, I withdraw the previous motion to consider Committee Report No. 4 and instead move that we consider Committee Report No. 8 on Senate Resolution No. 21:

RESOLUTION URGING THE SENATE TO ADOPT THE SINGING OF THE PHILIPPINE NATIONAL ANTHEM EVERY MONDAY BEFORE THE PRAYER AND ORDER OF BUSINESS

The following is the full text of the resolution:

WHEREAS, it has been a consistent and historical practice that all government offices and schools conduct the singing of the Philippine National Anthem every Monday before the start of their activities;

WHEREAS, this practice instills in everyone's heart and mind his loyalty and allegiance as a citizen to his flag and country;

WHEREAS, during this critical point of our history, the Senate should lead and be an example to our people by their re-dedication of their loyalty and allegiance to the Constitution and country;

WHEREAS, it is the essence of this Resolution to manifest through the mass singing of the National Anthem our being one people under one flag and a Constitution that embodies their ideals and sentiments under a regime of justice and democracy: Now, therefore, be it

Resolved by the Senate, To adopt the singing of the Philippine National Anthem every Monday before the prayer and order of business.

(Sgd.) WIGBERTO E. TAÑADA
Senator

(Sgd.) VICTOR S. ZIGA
Senator

The President. The singing of the National Anthem will be every Monday, before the Opening Prayer.

ADOPTION OF SENATE RESOLUTION NO. 21

We shall now vote on the Resolution. As many as are in favor of the Resolution will please say *Aye*. (*Several Senators: Aye*) As many as are against will please say *Nay*. (*Silence*) The Resolution is approved.

CONSIDERATION OF SENATE RESOLUTION NO. 19 (Limiting Number of Committees for Referrals)

Senator Mercado. Mr. President, I move for the consideration of Senate Resolution No. 19:

RESOLUTION LIMITING THE NUMBER OF COMMITTEES TO WHICH MATTERS MAY BE REFERRED BY AMENDING SECTION 11 OF THE RULES OF THE SENATE

SUSPENSION OF THE SESSION

Senator Mercado. I move for the suspension of the session for one minute, Mr. President.