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Tuesday, September 15, 1987

CONGRESS OF THE PHILIPPINES

SENATE

RECORDS AND ARCHIVES DIVISION

CP-SENATE

OPENING OF THE SESSION

1st

REGULAR SESSION

8th

C R P.

TSP
37

At 4:00 p.m., the Honorable Jovito R. Salonga, President of the Senate, called the Senate to order.

THE PRESIDENT. The Senate session is called to order.

Senator Guingona will lead us in the opening prayer.

PRAYER

SENATOR GUINGONA. Dear Lord, give us wisdom. Teach us humility. Strengthen us, to listen, to heed, to do justice, to make laws, to do good.

In You we trust, faith and freedom, now and forever.

Amen.

NOT TO BE TAKEN OUT OF THE
RECORDS AND ARCHIVES DIVISION

SENATE ARCHIVES (LRAS)

ROLL CALL

THE PRESIDENT. The Secretary will please call the roll.

THE SECRETARY.

Senator Heherson T. Alvarez	....
Senator Edgardo J. Angara	....
Senator Agapito A. Aquino	....
Senator Joseph Ejercito Estrada	....
Senator Juan Ponce Enrile	....
Senator Neptali A. Gonzales	....
Senator Teofisto T. Guingona, Jr.	....
Senator Ernesto F. Herrera	....
Senator Sotero H. Laurel	....
Senator Jose D. Lina, Jr.	....
Senator Ernesto M. Maceda	....
Senator Raul S. Manglapus	....
Senator Orlando S. Mercado	....
Senator John H. Osmeña	....
Senator Vicente T. Paterno	....
Senator Aquilino Q. Pimentel, Jr.	....
Senator Santanina T. Rasul	....
Senator Alberto G. Romulo	....
Senator Rene A.V. Saguisag	....
Senator Leticia Ramos Shahani	....
Senator Mamintal Abdul J. Tamano	....
Senator Wigberto E. Tañada	....
Senator Victor S. Ziga	....
The President	....

THE PRESIDENT. With 16 Senators present, there is a quorum.

THE JOURNAL

SENATOR MERCADO. Mr. President, I move that we dispense with the reading of the Journal of the previous session and consider the same as approved.

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

REFERENCE OF BUSINESS

THE PRESIDENT. The Secretary will now proceed with the reading of the Order of Business.

The Secretary read the following Bills and Resolutions on First Reading, the President making the corresponding references:

SENATE

MANILA

FIRST REGULAR SESSION

ORDER OF BUSINESS

Session No. 35

Tuesday, September 15, 1987

- I. PRAYER
- II. ROLL CALL
- III. READING AND APPROVAL OF THE JOURNAL OF THE PREVIOUS SESSION
- IV. REFERENCE OF BUSINESS

BILLS ON FIRST READING

S. No. 99, entitled:

"AN ACT DEMOCRATIZING ACCESS TO MASS MEDIA DURING ELECTIONS, INITIATIVES, REFERENDA OR PLEBISCITES AND FOR OTHER PURPOSES"

Introduced by Senators Pimentel, Jr., Tañada, Romulo and Lina, Jr.

TO THE COMMITTEES ON ELECTORAL REFORMS AND PEOPLE'S PARTICIPATION; AND PUBLIC INFORMATION AND MASS MEDIA

S. No. 100, entitled:

"AN ACT REQUIRING THE REGISTRATION OF AGREEMENTS ENTERED INTO BY FILIPINO PROFESSIONALS WITH FOREIGNERS OR FOREIGN FIRMS AND FOR OTHER PURPOSES"

Introduced by Senators Pimentel, Jr., Tañada, Romulo and Lina, Jr.

TO THE COMMITTEE ON CIVIL SERVICE AND GOVERNMENT REORGANIZATION AND TO THE COMMITTEE ON FOREIGN RELATIONS

S. No. 101, entitled:

"AN ACT AMENDING SECTION FORTY-TWO OF BATAS PAMBANSA BLG. 337, THE LOCAL GOVERNMENT CODE, BY REDUCING THE MINIMUM AGE OF THE DIFFERENT ELECTIVE LOCAL OFFICIALS MENTIONED THEREIN"

Introduced by Senator Lina, Jr.

TO THE COMMITTEE ON LOCAL GOVERNMENT

S. No. 102, entitled:

"AN ACT TO CODIFY AND REVISE ALL LAWS REGULATING
THE PRACTICE OF NURSING IN THE PHILIPPINES"

Introduced by Senator Alvarez

TO THE COMMITTEE ON CIVIL SERVICE AND GOVERNMENT
REORGANIZATION

RESOLUTIONS

P. S. Res. No. 24, entitled:

"RESOLUTION TO DIRECT THE COMMITTEE ON EDUCATION,
ARTS AND CULTURE AND THE COMMITTEE ON SOCIAL
JUSTICE, WELFARE AND DEVELOPMENT TO CONDUCT
A JOINT INQUIRY INTO THE WEAKNESSES OF THE
CHARACTER OF THE FILIPINO WITH A VIEW TO
STRENGTHENING THE NATION'S MORAL FIBER"

Introduced by Senators Shahani, Romulo and Maceda

TO THE COMMITTEES ON EDUCATION, ARTS AND CULTURE; AND
SOCIAL JUSTICE, WELFARE AND DEVELOPMENT

P. S. Res. No. 25, entitled:

"RESOLUTION EXPRESSING THE SENSE OF THE SENATE
ON THE NECESSITY AND URGENCY OF CONSTITUTING
AND MAKING FUNCTIONAL AND OPERATIVE THE
JUDICIAL AND BAR COUNCIL"

Introduced by Senator Tañada

TO THE COMMITTEE ON JUSTICE AND HUMAN RIGHTS

P. S. Res. No. 26, entitled:

"RESOLUTION URGING THE APPROPRIATE SENATE COMMITTEE
TO CONDUCT AN INVESTIGATION, IN AID OF LEGIS-
LATION, OF THE COMPLAINT AGAINST THE INCOM-
PETENCE, CORRUPTION, NEGLECT OF DUTIES AND
INEFFICIENCY ON THE PART OF THE MANAGEMENT
OF THE PHILIPPINE REFUGEE PROCESSING CENTER"

Introduced by Senator Maceda

TO THE COMMITTEE ON FOREIGN RELATIONS

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SENATOR MERCADO. Mr. President, to avail of the privilege hour,

I ask that we recognize Senztor Leticia Ramos Shahani.

THE PRESIDENT. Senator Shahani. ...

SENATE ARCHIVES (LRAS)

The President

... Senator Shahani.

SENATOR SHAHANI. Thank you, Mr. President.

Mr. President, I should like to take a little bit of the Senate's time this afternoon to help in the commemoration of the 50th Anniversary of the granting of the right of suffrage to Filipino women.

It will be recalled, Mr. President, that in the 1935 Constitution, the Filipino woman was not given the right to vote. And for the sake of history, may I quote Article V of the 1935 Constitution, on Suffrage, which says:

"Suffrage may be exercised by male citizens of the Philippines not otherwise disqualified by law, who are twenty-one years of age or over, and are able to read and write, and who shall have resided in the Philippines for one year and in the municipality wherein they propose to vote for at least six months preceding the election."

The National Assembly, which, by the way, Mr. President, met in this very hall, shall extend the right of suffrage to women, if, in a plebiscite which shall be held for that purpose within two years after the adoption of this Constitution, not less than 320,000 women possessing the necessary qualifications shall vote affirmatively on the question.

I inquired from ^{some} still surviving feminists as to why the 1935 Constitutional Convention did not deem it fit to give the

women the right to vote. And I was told on accurate sources that those gentlemen -- and I believe there were no women in that Constitutional Convention -- really felt that the women still were not fit to exercise the right to vote.

Some classified them with the illiterates; someone even said maybe with the imbeciles. And, well, about the right to vote, they just ^{should} follow what their husbands tell them to do because after all, that is the extent of the decision insofar as the right of suffrage is concerned. However, fortunately for this great and gallant nation, we have the band of suffragists who did fight for the women's right to vote. The women, of course, in our country, had been active since 1905. And just this afternoon, I just came from the National Federation of Women's Clubs of the Philippines, who, as one of the leading women's clubs in this country, inaugurated the 50th Anniversary of the right to vote of the Filipino women. And there, we still have living legends of our womanhood, like Senator Geronima Pecson, the first woman Senator to be elected to the Philippine Senate and who also happens to come from my province, as well as the relatives of Encarnacion Alzona and Trinidad Fernandez-Legarda.

Well, Mr. President, fortunately, the women suffragists had their allies in the Philippine Assembly. In 1936, the

Philippine Assembly passed a Bill for the holding of a
plebiscite to demand 300,000 affirmative votes from the women in favor of
suffrage. In 1937, on April 30, Plebiscite Day, 500,000
Filipino women registered and 447,725 voted in the affirmative,
thus far exceeding the required quota. On September 15,
Mr. President, fifty years ago, President Manuel L. Quezon
signed into law the Suffrage Bill in front of the leading
women leaders of the country as well as the leading legislators.
The final Bill of the National Assembly bore the names of
Assemblyman Juan Luces Luna, Agustin Kintanar, Tomas Clemente,
Camilo Osias, Emilio dela Paz and Pedro Gil.

~~On November 8.....~~

SENATOR SHAHANI... Gil. On November 8, 1937, Filipino women voted for the first time.

And so, Mr. President, I just would like to go back into a little bit of history which, I believe, is important. I think we have made large strides since 50 years ago. We now have a woman President as well as 17, I believe, women in the bigger House of Representatives and two women in the Senate. And I hope that this bit of history will inspire us to give more meaning to one of the principles stated in the 1987 Constitution, which states:

"That the state recognizes the role of women in nation building and shall ensure the fundamental equality between the law, between men and women."

And, Mr. President, although we have made great strides in many areas, the status of Filipino women in many fields has become quite precarious because of the difficult economic situation.

Certainly, the issues of prostitution, the tremendous outflow of my countrymen going out to other countries thus affecting the family life of this country and helping in the weakening of the moral fiber of our society, I believe, Mr. President, entails us to look more closely into the

status of women. And I hope that the valiant fight of the women suffrages of this country will help us in the course to bring a greater equality between our men and women for the sake of social justice and the respect of human rights.

Thank you, Mr. President.

THE PRESIDENT. Senator Rasul is recognized.

SENATE ARCHIVES (LRIS)

RASUL PRIVILEGE SPEECH
(FILIPINO WOMEN SUFFRAGISTS)

SENATOR RASUL. I rise, not just as a member of

this august Chamber, in support of what has been presented by the Distinguished Lady Senator from Pangasinan; I rise to echo, as well, the voice of generations of women who toiled and sacrificed that the Filipino woman would be recognized for what she is, a partner in nation-building. And, therefore, entitled to all the political rights accorded the Filipino men.

In recalling the beginnings of what the women suffragists have accomplished 50 years ago, I do not intend to belittle the positive contributions made by our menfolk.

Probably, history will judge us, Mr. President, for what we have accomplished here. And, therefore, I would like this humble representation to make the observation. That as Chairman of the Committee on Women and Family Relations, I would request my Colleagues in this Committee that in the future when matters concerning women are discussed, this humble representation, Mr. President, would request that the men members of that Committee attend our meetings because, Mr. President, if we recall, 50% of the Filipino voters are composed of women, and it was the

women vote that catapulted all of us to the Senate.

I think, I ^{have} made my point here, Mr. President,
thank you very much. (Applause.)

THE PRESIDENT. Senator Ziga is recognized.

*ZIGA PERSONAL PRIVILEGE SPEECH
(Filipino Women Suffragists)*

SENATOR ZIGA. Thank you, Mr. President. I also rise
in this occasion as that of the Distinguished Senator from
Pangasinan and the Distinguished Senator from Sulu ^{who} have
brought to the attention of this Body, the celebration of the
Filipino Women's Suffrage Anniversary.

Being a Member of the Committee on Women, I have always
exerted my best efforts to be interested in women. (Laughter.)

THE PRESIDENT. The Chair has taken cognizance of that
fact, long, long ago.

SENATOR ZIGA. And, Mr. President, I hope the other
Members as the Distinguished Senator from Sulu, as Chairman
Senate
of the/Committee on Women, has called the attention of the
other male...

BC

SENATOR ZIGA.

has called the attention of the other male members of the Committee, that in the future they will join in this interest in affairs of women.

So, Mr. President, as the humble son of a former Senator, a Lady Senator of this country, who also put forth her contribution to the interests of our Filipino woman, I commend and congratulate our distinguished Senator from Pangasinan and our distinguished Senator from Sulu who are now in our Chamber, again probably reviving and continuing the fight for the rights of Filipino womanhood.

Mr. President, my dear Colleagues, as the humble and only child of a former woman politician in our country who started her career as a lawyer researcher in the Department of Justice, became a congresswoman of the Province of Albay, representing the Province of Albay, became a member of the Cabinet, headed the Department of Social Welfare, and then became a Senator of our Republic, I join the nation in the celebration of Woman's Suffrage Day.

So again, Mr. President, I congratulate the two women Senators of this Body.

Thank you, Mr. President.

THE PRESIDENT. Thank you.

SUSPENSION OF THE SESSION

SENATOR MERCADO. Mr. President, I move for a suspension
of the session.

THE PRESIDENT. Session is suspended for a few minutes.

It was 4:17 p.m.

SENATE ARCHIVES (LRAS)

16

PRIVILEGE SPEECH OF
SENATOR AGAPITO "BUTZ" AQUINO
ON PRIVATE ARMIES

THE UNION FOR PEACE AND PROGRESS - KILUSANG BAGONG LIPUNAN (UPP-KBL) HAS CALLED FOR THE DISMANTLING OF ALL PRIVATE ARMIES ORGANIZED TO FIGHT INSURGENTS. LIKE THE REBEL GROUP LED BY COL. GRINGO HONASAN. I WHOLEHEARTEDLY AGREE. I BELIEVE THAT PRIVATE ARMIES, ASIDE FROM BEING POTENTIAL THREATS TO HUMAN RIGHTS, CAN ONLY ESCALATE VIOLENCE IN THIS COUNTRY. AS A PRODUCT OF THE PARLIAMENT OF THE STREETS, I HAVE ALWAYS ADVOCATED ACTIVE NONVIOLENCE AS THE GUIDING PHILOSOPHY IN OUR STRUGGLE FOR SOCIAL CHANGE. I DID NOT ABANDON THIS PHILOSOPHY WHEN I ENTERED THIS FORMAL PARLIAMENT.

I WAS THEREFORE BOTH SURPRISED AND AMUSED WHEN AN AFTER-NOON TABLOID CAME OUT WITH A STORY ALLEGING THAT I ORGANIZED A CIVILIAN ARMY COMPOSED OF GRADUATES OF SEVERAL PRIVATE SCHOOLS. I FOUND IT SO HUMOROUS THAT I DIDN'T BOTHER TO REPLY.

OBVIOUSLY, FORMER SPEAKER YNIGUEZ OF THE UPP-KBL TOOK THIS STORY SERIOUSLY, MEANING HE HAS NO SENSE OF HUMOUR. I FIND THIS HARD TO BELIEVE, SINCE MANY HILARIOUS EVENTS OCCURED UNDER THE REGIME HE SERVED. IT IS ALSO IRONIC THAT PRIVATE ARMIES AND WARLORDS HAD THEIR HEYDAY DURING THE KBL ERA.

I firmly state categorically that
I DID NOT ORGANIZE A PRIVATE ARMY AND I HAVE NEVER ENTERTAINED SUCH THOUGHTS. FOR, ME PEACE IS NO LAUGHING MATTER.

pb

RESUMPTION OF THE SESSION

At 4:24 p.m., the session was resumed, with the Hon. Jovito R. Salonga, President of the Senate, presiding.

THE PRESIDENT. The session is resumed.

SENATOR MERCADO. Mr. President, I request that we recognize Senator Butz Aquino on a matter of personal privilege.

THE PRESIDENT. Senator Aquino is recognized.

SENATOR AQUINO. Mr. President, I rise on a question of personal privilege.

The Union for Peace and Progress-Kilusang Bagong Lipunan or UPP-KBL has called for the dismantling of all private armies organized to fight insurgents like the rebel group led by Col. Gringo Honasan. I wholeheartedly agree; I believe that private armies, aside from being potential threats to human rights, can only escalate violence in this country.

As a product of the parliament of the streets, I ^{have} always advocated active non-violence as the guiding philosophy in our struggle for social change. I did not abandon this philosophy when I entered this formal parliament. I was, therefore, both surprised and amused when an afternoon tabloid came out with a story alleging that I organized a civilian army, composed of graduates of several private schools. I found it so humorous; I did not bother to reply. Obviously, former Speaker Nicanor Yniguez ^{of the UPP-KBL} took the story seriously, meaning, he has no sense of humor. I find this hard to believe since many hilarious events occurred under the regime he served. It is also ironic that private armies and warlords had their heyday during the KBL era. I therefore would like to state categorically, Mr. President, that

I did not organize a private army and I have never entertained such thoughts. For me, peace is no laughing matter.

Thank you, Mr. President.

THE PRESIDENT. Thank you.

SENATOR MERCADO. Mr. President ...

SENATE ARCHIVES (LRAS)

19
BILL ON THIRD READING
(S.B NO 92 - Local Elections Reset)

SENATOR MERCADO. Mr. President, I move that we vote

on Third Reading, Senate Bill No. 92, entitled: AN ACT
RESETTING THE LOCAL ELECTIONS FROM NOVEMBER 9, 1987 TO
JANUARY 18, 1988, AMENDING FOR THIS PURPOSE EXECUTIVE ORDER
NUMBERED TWO HUNDRED AND SEVENTY. Copies of the bill were
distributed on September 11, and another copy in the orthodox
form has been distributed today. I move that we take a vote
on the said bill.

THE PRESIDENT. Nominal voting on Third Reading of
Senate Bill No. 92.

THE SECRETARY.

- Senator Heherson T. Alvarez Yes
- Senator Edgardo J. Angara Yes
- Senator Agapito A. Aquino..... Yes
- Senator Joseph Ejercito Estrada.. Yes
- Senator Juan Ponce Enrile..... Yes
- Senator Neptali A. Gonzales..... Yes
- Senator Teofisto T. Guingona, Jr.. Yes
- Senator Ernesto F. Herrera..... Yes
- Senator Sotero H. Laurel..... Yes
- Senator Jose D. Lina, Jr..... Yes
- Senator Ernesto M. Maceda..... Yes

SENATOR MACEDA. Mr. President.

THE PRESIDENT. Senator Maceda.

MACEDA EXPLANATION OF VOTE

SENATOR MACEDA. May I be allowed to explain my vote?

Senate Bill No. 92 seeks to postpone local elections from
November 9 to January 18 by amending Executive Order No. 270.
Our vote today on this bill formally confirms into the record
that Executive Order No. 270 was not properly studied and
neither proper consultation was made to make sure that November 9
was a date that was acceptable to all, especially the Commission
on Elections. Senate Bill No. 92, therefore, in effect, as far
as this Representation is concerned, is a form of formal censure

and reprimand of the Executive Department for coming out with such an executive order. But on the substantive issue, Mr. President, I would like to take note that the House Committee on Electoral Reforms has come out with a position which has sustained further my stand during the debates of this Body on this matter, together with the stands of Senator Romulo, the Gentleman from Tarlac, and the Gentleman from Pasig, Senator Saguisag...

SENATE ARCHIVES (LRAS)

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SENATOR MACEDA. . and the Gentleman from Pasig, Senator Saguisag by reporting out a Committee report that sets the date on December 14 or before the end of this calendar year.

Mr. President, approval of this Bill, to my mind, would put into serious question for the first time, officially, the credibility of no less than the President of the Republic of the Philippines, who time and again, has promised that local elections will be held this year, or a much earlier date ~~even~~ than November 9, 1987.

And so, I take the position that a no-vote on this bill by necessary implication and effect, would support and maintain the credibility of the present government in this regard.

Mr. President, approval of this bill, in effect, confirms the suspected and in many cases, the conclusive and continuing inefficiency of the Commission on Elections, who, at this point incidentally, has not had the delicadeza to submit their courtesy resignations, in the present situation where officials-- Bureau Directors, Commissioners, Assistant Secretaries-- much lower in rank than them, have submitted already

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their courtesy resignations.

Mr. President, this humble representation votes
^{LC}
^{NO} NO because I believe that local elections could be held
honestly, in an orderly and clean fashion on November 9
and to say the least, Mr. President, I would rather
have agreed with a contention and with the contention
now sustained by the House, by Committee of the House
that elections should be held this year. I express
the hope that if the majority of this Chamber votes
for January 18, (that) in the ensuing conference committee
that would come about because of
a different date by the House of Representatives, I
express the hope that we will still be able to agree
on a date much earlier than January 18 if not November 9,
to assure that our local elections are held as soon as
possible, to assure the orderly constitution of peace
and Order Council, headed by local officials to see to
it that our insurgency problems, our military rebellion
problems are given due consideration on ^{the} local level.
And most of all, Mr. President, to assure that our
development programs shall be given the leadership

BC

by people now duly elected by their constituents and, as a result of which we can go full-blast in considering the decentralization of government powers pursuant to the Local Autonomy and Decentralization provisions of the Constitution.

In view of all of that, Mr. President, I have no hesitation to vote NO on this particular Senate Bill 92.

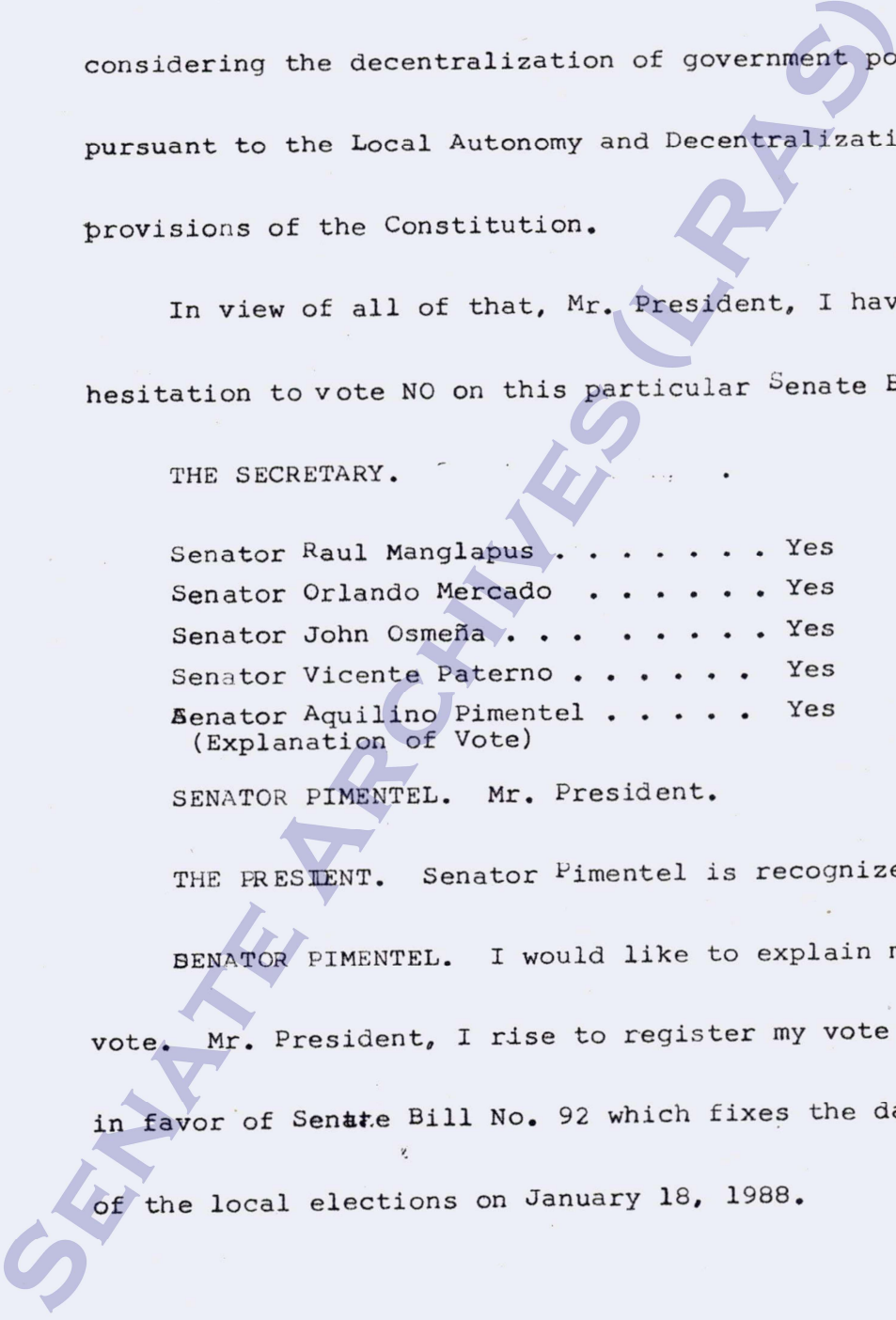
THE SECRETARY.

- Senator Raul Manglapus Yes
- Senator Orlando Mercado Yes
- Senator John Osmeña Yes
- Senator Vicente Paterno Yes
- Senator Aquilino Pimentel Yes
- (Explanation of Vote)

SENATOR PIMENTEL. Mr. President.

THE PRESIDENT. Senator Pimentel is recognized.

SENATOR PIMENTEL. I would like to explain my vote. Mr. President, I rise to register my vote in favor of Senate Bill No. 92 which fixes the date of the local elections on January 18, 1988.



SENATOR PIMENTEL. . . which fixes the date of the local elections on January 18, 1988.

But, before I would go into the substance of my message, I would like to stress, Mr. President, that contrary to the assertion of Senator Maceda, this bill is not a censure against the actuations of Malacañang because there has been no mistake committed by Malacañang in this regard.

And, secondly, regarding the problem with the House version, this matter, the Conference Committee can very well disposed of.

And, thirdly, on the actuations of the COMELEC, Your Honor, perhaps, an exception can be cited in the case of Commissioner de la Cruz, who, not only resigned from the COMELEC, he resigned from humanity itself.

Mr. President, from the very onset of this Government even as your humble servant exercised tremendous powers of appointment over local government officials, it had always been my position that we must have local elections and soon. But between the desire and its fulfillment, Mr. President, several factors intervened to delay the holding of local elections and for valid and cogent reasons.

For example, Mr. President, soon after this Government was installed in office, we began talking about the possibility of holding local elections in June, 1986.

But the heat generated by the February, 1986 election, and the instability occasioned by the February Revolution itself, gave us pause.

Furthermore, Mr. President, our economic advisers had indicated that the economy might not be able to absorb the expected infusion of more money into the economic stream which undoubtedly, the political parties, the politicians and even the Government itself would pour out during the electoral exercise.

And so, it came to pass, Mr. President, that we were faced with the situation where the National Government, National Leadership was in the hands of the New Government, but the local officials were largely the leftovers of the past regime.

The situation was deemed extremely unsuitable for the firming up of the stability of the New Government. Hence it was decided not only to defer the holding of the local elections but to change many of the local officials as well.

The changing, Mr. President, of the local officials

was not that bad, considering that if we do not change the Mayor of San Juan, we would not have had the benefit of his presence now in this august Chamber.

The six-year term, Mr. President, of the local officials, by the way, had by that time the New Government was in place, or to be more exact by March 2, 1986, had already expired inasmuch as they had assumed office on March 3, 1980. It is true, Mr. President, that there was an amendment to the Omnibus Election Code, the law governing the term of local officials introduced by the Batasan which fixed the local elections sometime in May, 1986 and had extended the term of local officials up to June 30, 1986. The amendment, however, Mr. President, was predicated upon the holding of the local elections in May, 1986, but since the holding of local elections in May was not deemed to be in the national interest, the May elections were not held and therefore, there was no longer any legal basis for the extension of the term of the local officials to June 30, 1986.

At any rate, Mr. President, the legality of the appointments of the Officers-in-Charge of the Local Governments throughout the country had been upheld by the Supreme Court not only before but even after its revamp by the present Government

in a string of cases, and to name a few:

1. Topacio, Jr. vs. Pimentel, which was filed on
February 26, 1986;
2. Velasco vs. Pimentel, March 6, 1986;
3. Governors of the Philippines vs. Pimentel, March 7,
1986;
4. The Municipal Mayors League of the Philippines vs.
Pimentel, which was filed on March 24, 1986, and
5. Solis vs. Pimentel, et al. which was filed on
March 26, 1986.

All of which, the High Tribunal, Mr. President . . .

SENATE ARCHIVES (LRAS)

All of which, the High Tribunal, Mr. President, found to be, and I quote, "bereft of legal merit the power of the public respondent who, as Minister of Local Government, is the alter ego of the President of the Philippines to appoint officers-in-charge in lieu of the petitioners stands on firm legal ground." It is, therefore, a matter of legal and political history that the local incumbents who are now in office are appointees of the present Administration.

As appointees, Mr. President, they do not owe their mandate directly to the people they are serving but to the appointing authority.

Such being the case, the sooner the people are given the chance to elect their own local leaders, the earlier we shall have driven deeply and sunk more firmly into the soil of democracy, another one of its major political pillars, namely: the locally elected officials of the towns, cities and provinces.

We are aware, Mr. President, that Her Excellency, President Aquino had wanted to hold local elections as soon as feasible. In fact, she had wished to hold local elections

in January of 1986 on the assumption that the new Constitution would have been ratified by then. Unfortunately, the Constitutional Commission could not finish its work by that time and in fact, the new Constitution could only be ratified on February 2, 1987.

Thus, new dates for the local elections were considered even as the date for the holding of legislative elections was set for May 11, 1987. One of the proposals, Mr. President, suggested the synchronization of the legislative and local elections on May 11. But then, it was decided that it was unwise to do so considering the number of people who would be voted for in one ballot and the time that each voter on the average would consume in filling up the ballot. Hence, it was decided that the local elections will have to be held separately from the legislative elections, that is on August 24, 1987.

But as the months of June and July came to a close and as August 24 neared, it became abundantly clear that the Commission on Elections, saddled as it was, then, with

numerous controversies involving senatorial and congressional candidates could not guarantee the holding of clean, honest, and orderly elections. It was for that reason, Mr. President, that the President herself, in the exercise of extraordinary powers reset the date of the holding of local elections to November 9 hoping that the deferment would give the COMELEC ample time to prepare all that it needs to give the people clean and honest elections. Yet, Mr. President, as circumstances would have it, the Commission on Elections found itself fettered by circumstances and by events that disabled it from proceeding as planned with the holding of local elections on November 9. Chiefly, the COMELEC complained of the lateness of the delivery of the money it needed for the exercise.

In brief, Mr. President, the COMELEC, itself, had warned of the dire consequences if local elections were pushed through as scheduled by the President this year.

The COMELEC, as has been pointed out by Sen. Neptali Gonzales, Chairman of the Committee on Electoral Reforms would reluctantly proceed with the holding of the local elections this year but they could not guarantee the

holding of orderly and credible elections.

In their opinion, Mr. President, the COMELEC Commissioners would need more time to ensure clean, honest and orderly elections. January 18, in their view, would give them ample time to lay the basis for local elections that would truly reflect the will of the people.

Thus, the Bill, Mr. President, which our Committee on Local Governments, wholeheartedly endorses.

We endorse the Bill, not because it is capable of plugging all the loopholes that would enable the political scoundrels to cheat or terrorize our people in the various towns, cities and provinces but because it is the best that we can pass in the Senate considering all the constraints of time and resources that plague our attempts to perform our duties.

SENATE ARCHIVES (CRAS)

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We indorse the Bill, not because it will ensure not only the best and the brightest will be elected but because the electoral exercise will enable the people to choose their local leaders who will be our frontliners in the struggle for freedom, justice and peace in the land.

We indorse the bill, not because it will solve all the ills besetting the nation today but because it is right that the people be given a voice and vote to determine who should lead them either to progress - or to perdition as befits a truly democratic order.

By the time the elections are held on January 18 of next year, the majority of the OICs will have been in office for almost two years. The original intent of placing them in office which was to provide grass-roots support for the new Government and in the process to cut off the tentacles of the previous regime in the towns, cities and provinces has been largely achieved. And politically, the stranglehold of the minions of the past regime over the local constituencies has been broken.

Parentetically, Mr. President, it may be mentioned that no matter how history will eventually judge the performance of the OICs in office, one thing appears certain that without them in place, any of the five coup attempts against the Aquino Government in the past several months could have gained a foothold in Metro-Manila which could conceivably find

sanctuary in nation-wide discontent and, thus, place in doubt the outcome of our democratic experiment. Be that as it may, it is now, at least, possible for any man to contend for public office at the local level and have a fairly good chance of winning.

I pray, therefore, Mr. President, that when the Bill goes into effect as law, our people will take advantage of its salutary provisions and participate in the electoral process for the advancement not only their narrow, partisan or personal interests but for the promotion of the interests of the entire nation which rest upon the rockbed of democratic support, namely the people, themselves.

We hope, also, Mr. President, that our people when they exercise their right of suffrage will remember to vote for their governors and mayors and the rest of the local elective officials not on the basis of who can outbid whom in monetary terms but who will stand up for their rights when they are oppressed, who will serve them when they need service, who will articulate for them their dreams and their aspirations no matter what the cost.

After all, as a poet once said, it is "Not gold but only men who can make a nation great and strong, Men who for truth and honor's sake stand fast and suffer long. Brave men who dare while others sleep. They build a nation's pillars deep and lift it to the sky."

Thank you, Mr. President.

THE SECRETARY. Senator Rasul.

SENATOR RASUL. Yes, Mr. President.

THE SECRETARY. Senator Romulo.

ROMULO EXPLANATION OF VOTE

SENATOR ROMULO. Mr. President. As this representation had suggested during the turno en contra on September 8, that we hold the local elections this year, and this representation had proposed to hold it between the first Monday and the second Monday of this year or to be specific between December 7 and 14.

During the Period of Amendments, Mr. President, last week, this representation proposed that we pick a definite date not only between the first Monday and the second Monday of December, but a definite day, December 14. It is, therefore, with a feeling of satisfaction that the House Committee in the House of Representatives has proposed that the local elections be held December 14, which coincides with this representation's proposal during the Period of Amendment. And, Mr. President, the reason why we had proposed December 14, 1987, to hold the local elections this year, is because we feel, Mr. President, that between August 1 to December 7, or up to December 14, a total of four months and fourteen days, or 136 days, would transfer.....

Senator Romulo.

... would transpire enough, Mr. President, to reorganize, to prepare and be ready for the local elections. In fact, this Representation had even stated that even if the count started on September 1st, COMELEC will still have a total of three months and 14 days or 105 days almost equal, even more, than the period between February 2nd, the date the Constitution was ratified, and May 11, the Congressional election.

Mr. President, ample and sufficient period to reorganize, prepare and be ready for a clean, and orderly election. And the reason why this Representation had proposed that we hold the elections this year and specifically on December 14 are at least five reasons, Mr. President. First, is our word; the word that we gave to our people. In our campaign for the ratification of the Constitution, Mr. President, and during our own senatorial campaigns, we have time and again given our word and this Representation pledged that as one campaign of his/pledges, that if he is elected, that he would push for the local elections this year. And the COMELEC and the

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people remember this pledge, Mr. President, and the people believed our word.

Second, Mr. President, it is important that all political acts related to election be completed this year. For the local OIC's have sat too long without a mandate and the people no longer wish to suffer them gladly any longer. But in fairness to the OIC's, they themselves are impatiently straining at the list. All elective officials, therefore, particularly the appointed OIC's in elective position must seek and win; and without further delay at the earliest opportunity, the mandate and thrust of the people.

Thirdly, we felt, Mr. President, that with such a mandate and thrust won through the electoral process, the programs and plans of government can be better enunciated and articulated to our people by the newly elected officials, and thus generate more deeper, popular and public support.

This is the political consensus and stability, Mr. President, that we need to rally and unite our people, particularly in this critical days and during this trying times.

Fourth, the delay in the local elections which have been moved and postponed so many times has already delayed and

installed many government programs including vital infrastructure programs and works which are basic and essential to our economic recovery program.

In fact, Mr. President, contained in the national and local budget for 1988 are essential infrastructure and public work projects that must commence on January 1, 1988, if we are to accelerate our recovery and growth.

If we delay the local election to January 18, 1988, what with the processes and the time required thereafter, we may suffer at least two to three months further delay in our economic recovery program, perhaps, more in installing and completing the critical infrastructure indispensable to our recovery and growth. This we cannot afford, Mr. President.

And fifth, with electoral activities concluded in 1987 and with the mandate of the people behind our leaders, we can devote full time from the 1st day of January 1988 and onwards, all our energies, resources and talents to resolve our nations' social and economic programs.

Thus, Mr. President, by clearing the deck in 1987, so to speak, and starting with a clean slate in 1988, our nation can then move forward, united, one and inseparable to pursue our common national goal.

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And, therefore, Mr. President, I had proposed that we hold the election this year, and we hold it on December 14.

In view of that, therefore, my vote on the Senate Bill No. 92 is "no".

Thank you, Mr. President.

THE SECRETARY.

Senator Saguisag

SENATOR SAGUISAG. Mr. President...

SENATE ARCHIVES (LRAS)

SAGUISAG EXPLANATION OF VOTE

SENATOR SAGUISAG. Mr. President, I would like to explain my vote, if I may.

I most respectfully vote no on grounds of: 1. Credibility; 2. Stability; and 3. Institutional integrity of the Commission on Elections and of the Congress.

1. Credibility. The commitment to hold the elections this year is a solemn one. We should not go back on it. ^{If} /We are not credible, we are nothing. If we lose our credibility, what else is there? We made a promise. Our words should be our bond, as a general proposition. I find no compelling reason to depart from this principle. The people want an election as soon as possible, and, apparently, even some candidates. Thus we see, that during the last meeting of the Metro Manila Council of Mayors they, and I am quoting from a news item:

"... adopted a resolution for Congress to reconsider its stand on the January 18 local elections, proposing elections for November or December." Evening Star, September 11, 1987, p. 8, col. 4.

2. Stability. Since last year, we have been told that the OIC situation is one cause of perceived instability. That being so, we must normalize the political process as soon as possible. We should do it within the year so we can start 1988 right.

3. (a) COMELEC's integrity. To move the election to January 18, 1988--as preferred by the majority here, by Malacanang, and the COMELEC--will present its own set of problems. Many matters requiring quick and immediate resolution will be overtaken by the expiration of the terms of the incumbent Commissioners on February 2, 1988.

I realize that most problems may be resolved at the local level. Still, I foresee a lot of matters being referred to the COMELEC. It will be swamped with same. A number of these problems will be left hanging in February, 1988 when its members step down. There will be a dangerous hiatus. There will be pre-proclamation controversies, petitions to change boards of canvassers, people-power activities and rallies, etc. Even if we are able to replace the Commissioners now, assuming that the resignation epidemic reaches the COMELEC, I raise the spectre of inexperience, on which I will presently have more to say.

To await the appointment and confirmation of a new set of Commissioners after February 2, 1988 will take a long time. And here I take note of the observation of the distinguished Gentleman from Cagayan de Oro that, the other day, one member of the Commission left us for a better place where there are no privilege speeches, interpellations, walkouts, etc. But I do not think that that really affects the integrity or the validity of the position I advanced here.

I certainly do not agree that we should wait for the reorganization of the COMELEC to have an opposition representative in it. We should go back to the pre-martial law days when the COMELEC was non-partisan. When Mr. Marcos was about to fade, he had to lure the opposition to join the 1984 polls by naming an "oppositionist" to the COMELEC; that aberration was necessary during an abnormal period with a COMELEC encumbered by its below-zero credibility. It should not be repeated. We have too much "adhocacy" when we should take the long view and rebuild institutions.

Else, we might as well argue that since many electoral cases go to the Supreme Court, we should not hold any election before opposition Justices

are named to the Supreme Court.

I believe that the present COMELEC, by and large, can be trusted. No credibly one has/ [redacted] charged them with dishonesty, but only perhaps with possible inexperience and conceivable incompetence. Maybe, they committed errors of the mind, but not of the heart. To get new people would mean that they would be without the competence that can only come with experience; this, the incumbents now have. It should not be rashly thrown away.

The new appointees will have to go through what the incumbents did, a learning process and experience, a crash course, when they had to handle too much, too soon, with a registration, a plebiscite and an election within a span of a few months. No matter how good the new appointees are, having inexperienced Commissioners will be like a second marriage; ...

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Senator Saguisag

... like a second marriage; it will represent the triumph of hope over experience. We cannot afford to trifle with another learning-on-the-job experiment. Speaking for myself, I think I am^a better Senator today than I was last July 27, precisely because of the little experience that I have gained.

3) (b) Our own integrity

I go on record that a workable compromise date is December 14, 1987, the middle ground between the position of those who propose November 9, 1987, on the one hand, and the Comelec, the Palace, and the proponents of Senate Bill No. 92, on the other.

I cannot be for November 9. Today is September 15.

There is just no time now, as a practical matter. The House has yet to act on this measure.

I cannot be for January 18, 1988, either. Now we have this golden opportunity to show the people that not only do we exist, but we are as bright as, if not indeed, brighter than, any other star in the constitutional constellation. Subtly, and non-confrontationally, choosing December 14, would be a

symbolic, historic gesture.

It will signal to the people that really we have a Congress in place and that the Palace now has to share the power - and glory of success; at the same time, and perhaps more importantly, the burden - and blame of failure. If an aggressive sector cannot now get in law what it wants, it will be mainly because of us, and nobody else.

December 14 is not the Palace's preference; choosing that date will show that we now make the laws and that the Executive is back to its old role of merely executing of what we, the true lawmakers and policymakers, would like it to do. We no longer have the Cabinet government that we had between February 25, 1986 and July 27, 1987. Precisely because there is a Congress, the revamp of the Cabinet should not now cause that much tension and anxiety. It merely implements our wishes, such as our choice of when an important event as an election will be held. The Executive choice of November 9 or January 18 is not written in granite. Yes, the new Congress is in business, and is here to stay.

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Contrary to what some critics of the Palace say, we do not have to look elsewhere for directions. We can, and are obligated to, provide these, considering the status of an emasculated, or, to be more precise, a defeminated presidency.

If this country sinks, the fault, dear Colleagues, will lie not in our stars - or elsewhere, but in ourselves here. What the Palace has done, we can undo, and we can tell it what to do, by law, and sweep away all opposition.

Now, for the second prayer of the day, we humbly kneel in prayer, in awe of our new responsibilities, that the Good Lord will always point to us the fixed star of what is good for the country, that we may never lose our way.

Thank you, Mr. President, for the patience with which my remarks have been received.

THE SECRETARY. Senator Shahani.

SENATOR SHAHANI. Yes.

THE SECRETARY. Senator Tamano.

SENATOR TAMANO. TAMANO EXPLANATION OF VOTE

SENATOR TAMANO. Mr. President, I would like to make an explanation of my vote particularly in the light of the news item which appeared in the newspapers today that the House of Representatives, our co-equal and coordinate body, has decided on December 14 as the date for the holding of the local elections.

I want to take the occasion, Mr. President, to counsel and request the Conference Committee that will be constituted because of the difference in the dates to agree to December 14. December 14 would make good the commitment of the Administration to hold elections this year.

Furthermore, Mr. President, I find it specious and unacceptable the intimation of COMELEC that they cannot hold a credible election earlier than January 18. I stand corrected on the denomination of the principle that work expands according to the time available (this is Parkinson's Law), but the fact, Mr. President, is that the COMELEC is a continuing body. It has been organized since many years ago and it has election registrars in all parts of the country and all election

paraphernalia are in place. I also cannot accept the COMELEC's explanation that they cannot be ready in a short time because that would mean an admission that their Planning Division is not functioning and I think, Mr. President, that it has been planning for the election since sometime ago.

I therefore want to register a vehement and resounding no as far as Senate Bill No. 92 is concerned.

Thank you, Mr. President.

THE SECRETARY. Senator Tañada.

SENATOR TANADA. Yes.

~~THE~~ SECRETARY. Senator Ziga.

SENATOR ZIGA. Yes.

THE SECRETARY. The Senate President.

THE PRESIDENT. Yes.

The result of the nominal voting is as follows: Yes - 18; No - 4; Abstain - Zero. Senate Bill No. 92 is therefore approved on Third Reading.

(Ad lause)

BILL ON SECOND READING
S. B. 17
(CONTINUATION)

SENATOR MERCADO. Mr. President, I move for the consideration of Senate Bill No. 17, 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
 ORGINANCES OR APPROVE OR REJECT ANY ORDINANCE OR RESOLUTION PASSED
 BY THE LOCAL LEGISLATIVE BODY." I request that w e recognize
 Senator Gonzales.

SUSPENSION OF THE SESSION

THE PRESIDENT. Why don't we suspend the session for a few minutes
 to give all members an opportunity to read the bill again, if there is
 no objection? (There was none.)

It was 5:08 p.m.

SENATE ARCHIVES (LRAS)

RESUMPTION OF SESSION

At 5:24 p.m. the session was resumed with the Honorable Jovito R. Salonga, Senate President, Presiding.

THE PRESIDENT. The session is resumed.

Senator Gonzales is recognized.

SENATOR GONZALES. This is still a period of interpellations, Your Honor. I think, the Senator from Manila...

SENATE ARCHIVES (LRAS)

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SENATOR GONZALES.

from Manila and Laguna and Ilocos Sur has manifested a desire to interpellate this Sponsor; and, therefore, Your Honor, we are available for that purpose.

THE PRESIDENT. Senator Maceda is recognized.

SENATOR MACEDA. Mr. President, will the distinguished Sponsor yield to some clarificatory questions?

SENATOR GONZALES. Gladly, to my distinguished Colleague.

SENATOR MACEDA. Mr. President, I have no objection in principle to the bill. I would just like to clarify certain matters so I can be guided to come to a complete understanding of the bill.

Mr. President, the bill clearly speaks of initiative and referendum — initiative or referendum, depending on how you like it — for the local level. Isn't it correct, Sir, that the Constitution actually speaks of three levels: under Section 2 and Section 4 of Article XVII — constitutional amendment by initiative; under Section 1 of Article VI — legislative power through initiative and referendum; and then, as cited by the proposed bill, under Section 32 of Article VI — on the local level.

May I know, Gentleman from Mandaluyong, whether you have

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under study personally or in the Committee, other proposed bills that will implement the other provisions on constitutional amendment by initiative and amendment of the statutory acts through initiative and referendum?

SENATOR GONZALES. Insofar as the Committee ~~and~~ Electoral Reforms and People's Participation ^{is concerned} other than Senate Bill No. 17, there has been no other bill. And, insofar as implementing the ~~the~~ constitutional provisions regarding the system of initiative and referendum.

SENATOR MACEDA. Yes. May I, therefore, know if there is a specific reason other than practicality why the distinguished sponsor decided for the moment to ^{limit} ~~leave it to~~ himself ^{to} the matter of initiative and referendum on the local scale?

SENATOR GONZALES. I think, I have pointed out that the system of initiative and referendum is something new; it is novel, it is an innovation in our political system. And therefore, while we believe in the reasons for their incorporation in the Constitution, we should approach this cautiously; ~~and~~ that is why, we did make mention that we are starting on the local level. And depending upon the degree of our experience, then, probably, we ~~may~~ even attempt at a national level.

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SM (solis)

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5:20pm

I think I did point out in my constructive speech that even in a highly advanced country like the United States, the system of initiative and referendum has not been attempted on the national level. There was, in fact, a bill that was presented that

SENATE ARCHIVES (LRAS)

SENATOR GONZALES.

~~not~~ presented that would allow initiatives and referendum on the national level but it never reached first base; it was even defeated ^{right} in the very committee, Your Honor.

SENATOR MACEDA. Well, I understand the distinguished ^{Gentleman's} explanation. My point only, Mr. President ~~and~~ and of course, it is the prerogative of the Gentleman from Mandaluyong to present the bill in its present form ~~is~~ is since we are mandated to implement also related sections of the Constitution, I thought that he might have presented a bill which would be all-encompassing to cover a matter of constitutional amendment by initiative or legislative power through initiative and referendum. Of course, anybody, including this Representation, could have presented it. In fact, I was thinking of presenting such a bill by substitution, ^{but} ~~but~~ ^{considering} ~~that~~ ^{that} unless the Gentleman from Pasig and Mauban objects to such a procedure, ^{have} I deferred taking that step for purposes of unity and reconciliation, so to speak.

SENATOR GONZALES. Is it because both of you voted ^{No} to Senate Bill No. 177

SENATOR MACEDA. Yes, in view of his statement today where he does recognize the separate personality of the Senate and he has called on the Executive Department to recognize our separate personality and independence. This is a historic day for me.

SENATOR GONZALES. Who ~~has~~ convinced who, Your Honor?

SENATOR MACEDA. I did not convince him, Your Honor. Probably, he has been enlightened because of the projected departure of his friend,

the Executive Secretary, from Malacañang, (Laughter.)

SENATOR GONZALES. Well, at least, great minds, this time, run along the same channel.

SENATOR MACEDA. Well, going back to the bill at hand, Mr. President, I think the Gentleman from Mandaluyong is aware, and it is so made in his proposed bill, that there are two types of law-making power that we are referring to here: (1) ~~is~~ by initiative; and (2) ~~is~~ by referendum. Don't you think, Gentleman from Mandaluyong, that, for purposes of clarity, ~~the~~ we should not mix them up in all the different provisions?

As a matter of fact, probably, in the beginning of the bill, we should have a definition of terms as to what is "initiative" and as to what is "referendum."

SENATOR GONZALES. Your Honor, actually, ^{they} are really interrelated matters because initiative would also include, as a component thereof, referendum. Now, on the other hand, the local legislative body may also want to submit, either for approval or enactment or effectivity, an ordinance that it has enacted. It may want to be assured of popular support therefor and therefore, it ^{would now} utilize referendum as a means therefor. So, actually, the two are really intimately connected with each other, Your Honor. And it is no accident that they are embraced in the same provision which, in this particular case, is Section 32 of Article VI, ~~and~~ ^{the} Constitution speaks of them as a system of initiative and referendum.

SENATOR MACEDA. I agree with that, Your Honor. However, as I said, just for purposes of clarity, and ~~for purposes of~~.

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SENATOR MACEDA.

for purposes of style, probably, since for a lot of people, as you have said, this is the first time that they will come across this modification or this innovation. I think, as you were trying to say, the power of initiative, of course, is the power to propose ordinances or amendments thereto; while the power of referendum is the power to approve ordinances or parts thereof which have already been acted upon the local legislative body. As I will, probably, be able to point out in two or three sections down the line, there are certain sections that really apply to one but not the other. So, I was just wondering. As I said, I will not really belabor the matter at this point, but at the appropriate time. It might be better really to define these two terms separately and then act on them separately because they are two distinct acts.

SENATOR GONZALES. Insofar as the proposal of the Gentleman to have a section embracing definitions, ^{is concerned} I have no basic disagreement with that; I feel he can even improve the bill.

SENATOR MACEDA. Thank you, Gentleman from Mandaluyong. If we could go now to specific provisions under Section 1, it is my understanding, Your Honor, that the term "resolutions" has an entirely different meaning in law, especially when it refers, let us say, to resolutions of the legislative body such as ours. And, really, as far as local governments are concerned, the term that we are really concerned with is the term "ordinances". Would you be willing to delete, at the proper time, all references to "resolutions"?

SENATOR GONZALES. We include resolutions because one of the conferred powers upon the local legislative body is the enactment, not

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only
of ordinances, but also of resolutions. In fact, even the revised
Administrative Code and the Local Government Code now speak both of
resolutions and ordinances. Sometimes, the law would provide for
resolutions authorizing the expenditures of public funds. You know,
it is a matter of form. The technical definition of ordinances and
resolutions are not really followed by local legislative bodies. And that
is why we cannot really omit resolutions much as we wish to follow
the technical distinctions between mere resolutions and ordinances.

SENATOR MACEDA. Now, with regard to Section 2, this is just a very
minor but important technical matter. There is a reference to barangays
and barrios. You are aware, of course, Gentleman from Mandaluyong,
that, as far as the Constitution is concerned, the official term used—and
this was the subject of debate, as a matter of fact, was "barangay." And,
of course, barangay was not really created by Mr. Marcos but ^{goes} ~~traces~~ back
to the Cabeza de Barangays in olden times. So, at the proper time, would
you be willing to limit it to the term "barangays" since that is the
official term now used in the Constitution?

SENATOR GONZALES. Well, Your Honor, at this point, I would say that
we will consider in due time the proposed amendment.

SENATOR MACEDA. In Section 3, Your Honor, you have adopted this
procedure of indicating that the initiation process may be made by ~~not~~
~~less than 500 registered voters for provinces and cities; not less than~~
100 for municipalities...

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SENATOR MACEDA . . . not less than 500 registered voters for provinces and cities, not less than ~~one~~ 100 for municipalities, and not less than 50 for ~~Zarangays~~ ~~Zarangsays~~. Would you consider studying whether, it might be better to go by percentage, using by analogy the Constitutional provision on constitutional amendment by initiative?

SENATOR GONZALES. Well, Your Honor, the distinguished Minority Floor Leader ~~has~~ suggested that, in the course of his questionings to this Sponsor. And, if we can strike a figure that would not make it so prohibitive, so large, merely for purposes of initiating what we now call 'initiative,' the Committee will certainly consider the same.

SENATOR MACEDA. On page 2, starting from sub-paragraph 3 on line 7 up to sub-paragraph 10 on the next page, this indeed contains good procedural points for which we commend the Gentleman from Mandaluyong. But, as could be seen from here, the gathering of signatures and the whole procedure could be rather involved. Is it really the intention of the Gentleman to be so specific, or would he rather leave this to the rule-making power of the COMELEC and the Department of Local Governments?

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SENATOR GONZALES. I think, although you call it procedural, it is something substantive. I think, it would have a greater weight and a greater recognition of the Peoples' Power, if we ourselves in the legislature enact it.

At any rate, there are other details which may be covered by rules and regulations. But insofar as this matter which we deem to be vital or essential in the process, I think it is better for us to enact the same, rather than delegate that authority to, let us say, the Department of Local Governments, or to the Commission on Elections.

SENATOR MACEDA. On page 3, Your Honor, sub-section 11, the second sentence is a little confusing to me. Will you kindly explain to me the import of the second sentence?

SENATOR GONZALES. Yes, because we have said here: →

if at any time before the referendum is held, the local legislative body shall adopt en toto the proposition made, then the referendum shall be cancelled. Because there is no sense in going through this referendum if, after all, the local legislative body has already enacted it.

On the other hand, there may be people who may be against the said proposition now, an ordinance or a resolution, whichever it may be. So, those who are against the same should be afforded

also to apply to the system of initiative and referendum.

That is why we say; ^h however, those against said action may, if they so desire, apply for initiative and referendum in the manner herein provided. That is the essence of the first sentence, Your Honor.

SENATOR MACEDA. Yes, Your Honor, this is one of those provisions where I believe that the second sentence technically refers to a request for referendum, and it is not really technically a matter of initiative.

SENATOR GONZALES. No, because the referendum by itself should really come from the local legislative body. When it is the people who themselves initiate, then we say it is initiative. But, then, when a local legislative body would want to submit to the people, let us say, the approval of an ordinance passed by it, then ^{we} ~~you~~ ^{as} hold referendum for that purpose. In this particular case, the local legislative body will not call a referendum, because it has already adopted the proposition by enacting the corresponding ordinance that would embody it.

SENATOR MACEDA. Yes, exactly, Your Honor. This is one of those cases, where, if you say that they should apply to amend it, that is initiative. But, if you say that they want to bring to the public the rejection by the . . .

by the local legislative body, that is, maybe, in effect referendum, but I think, in this particular point, exactly, that is what I was trying to point out, ^{earlier,} We may be mixing initiative and referendum.

SENATOR GONZALES. Those against, Your Honor, will have to go to the same process of initiative and referendum. So, they will still make the proposal to the local legislative body to repeal it.

SENATOR MACEDA. Just like initiative.

SENATOR GONZALES. It is like any other initiative.

BENATOR MACEDA. Right.

SENATOR GONZALES. Then, if ^{it} understandably, the local legislative body will not do so, ~~so~~ they can now go to signature-gathering.

SENATOR MACEDA. Yes, exactly. When it comes from the people, that is initiative, that is my understanding.

SENATOR GONZALES. Yes.

SENATOR MACEDA. But if the local legislative body or ~~the~~ in case of the other provisions, if the Congress would bring it to the people for a vote, that is referendum.

that is referendum.

SENATOR GONZALES. Yes, Basically, yes, Your Honor.

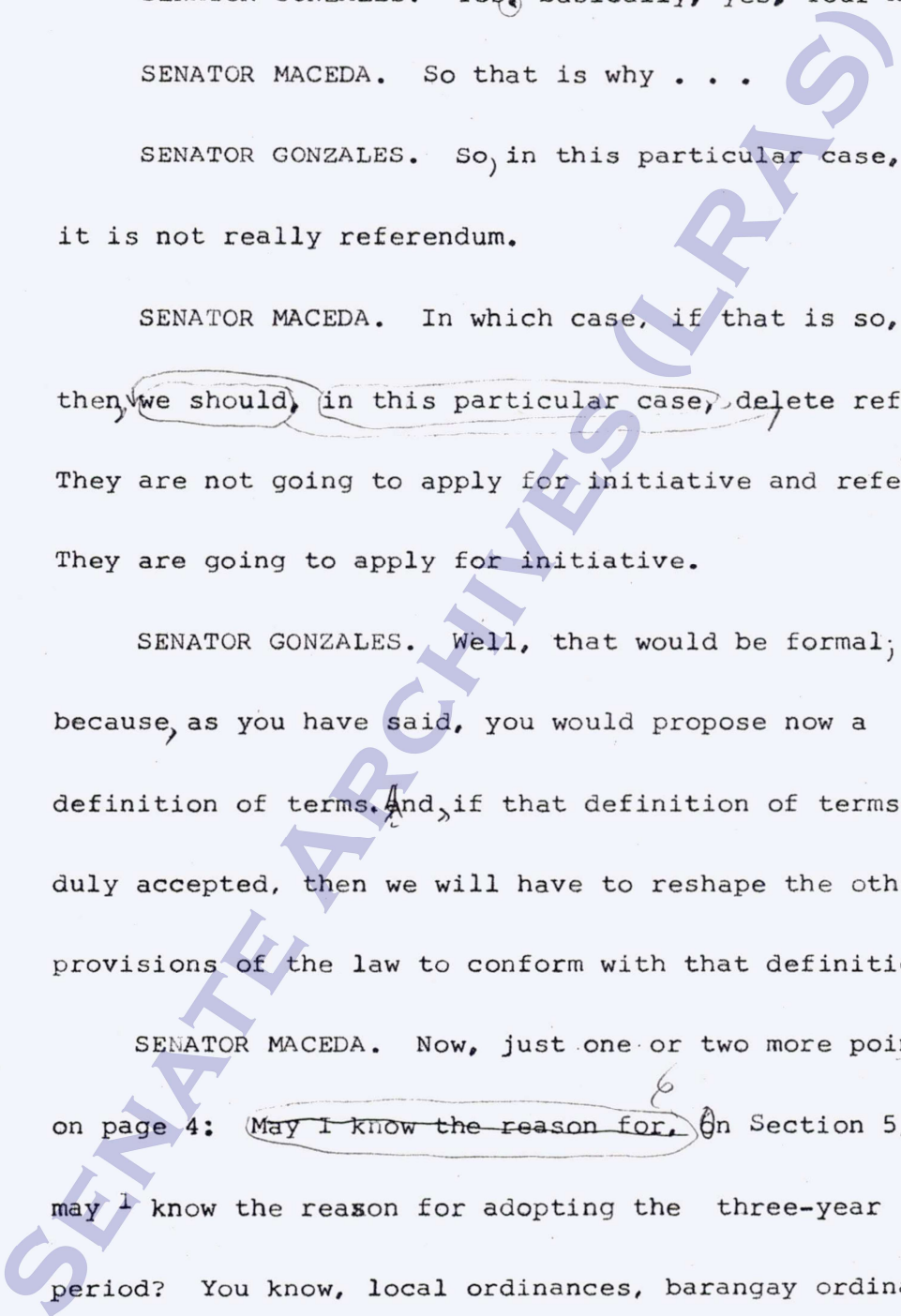
SENATOR MACEDA. So that is why . . .

SENATOR GONZALES. So, in this particular case, it is not really referendum.

SENATOR MACEDA. In which case, if that is so, then, we should, in this particular case, delete referendum. They are not going to apply for initiative and referendum. They are going to apply for initiative.

SENATOR GONZALES. Well, that would be formal; because, as you have said, you would propose now a definition of terms. And, if that definition of terms is duly accepted, then we will have to reshape the other provisions of the law to conform with that definition.

SENATOR MACEDA. Now, just one or two more points on page 4: May I know the reason for, On Section 5, may I know the reason for adopting the three-year period? You know, local ordinances, barangay ordinances are such that conditions can change in a much shorter



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period. The three-year period is very common if it were, let us say, statutes; but I was wondering if there was any specific reason for the adoption of the three years. Instead of two, instead of one, or whatever.

SENATOR GONZALES. Because we are avoiding here a situation where a local legislative body ~~who~~ has made an adverse decision beforehand. That is why, the ^{who} people/had to apply for initiative will be given an opportunity to repeal immediately a proposition that has ~~be~~ been initiated and approved by the people. And I think, certainly, a proposition that has been approved through initiative, being a direct action of the people, should be given a greater weight than an ordinance that has been enacted merely by the people's representative, and, as much as possible, the three years, Your Honor, is made to conform with the terms of office of the local legislative bodies, starting with 1992. That is the reason therefor. But, I hope, Your Honor will appreciate, while we are not closing the door to any repeal or amendment of that proposition, once it is adopted, ~~yet~~ we are merely requiring a qualified majority

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in order to do so, and it is only limited to the period of three years.

SENATOR MACEDA. Well, maybe what we can do here, Your Honor, is review this matter to have ~~at~~ probably, a different rule for provinces and cities and even municipalities, and maybe, a different rule for barangays. I understand the explanation, but I could perceive or speculate on certain cases where in a barangay situation, you know, there could be such an immediate change, whether it is by a natural calamity or by ^{an}insurgency of by ^{an}evacuation, or by what not, where, you know, three years might be too long.

SENATOR GONZALES. Well, this is not something handed down from Mount Sinai, Your Honor, and so, therefore, we are willing to listen to or discuss any proposed amendment on this matter.

SENATOR MACEDA.

SENATOR MACEDA. May I know whether Mt. Sinai is in Egypt, Israel, or is it in J. P. Laurel Street?

SENATOR GONZALES. Well, according to the Chairman of the Committee on Local Governments, it is situated in Cotabato. (Laughter.)

SENATOR MACEDA. I see. Is it not in Cagayan de Oro, Your Honor?

SENATOR GONZALES. Well, there is always a particular bias of this Body in favor of Cagayan de Oro City.

SENATOR MACEDA. And Cagayan also for that matter, I think.

SENATOR GONZALES. Yes. That is why, they are the only two places, I mean, most frequently said and heard in this Body. (Laughter.)

SENATOR MACEDA. All right, Your Honor. My last point, and I wish to thank you for your patience: You are very patient this afternoon, I notice. (Laughter.)

SENATOR GONZALES. I am very patient, Your Honor, because, according to the Majority Floor Leader, we have nothing else to do. You know, whenever this Body has nothing else to do, they always call upon me to do the

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dirty job. (Laughter)

SENATOR MACEDA. The Majority Floor Leader, Your Honor, probably means that he has nothing else to do here; or after the session, not today, anyway. (Laughter)

Under Section 5, again, this is another of those provisions where there is a tendency to be confusing because there is, as I said, a distinction between initiative and referendum. As a specific example, how can you repeal an ordinance that is already disapproved in a referendum? Again, this is one of those provisions where we have to distinguish between initiative and referendum, Your Honor. ~~Again, I wish~~

SENATOR GONZALES. We have heard what the observation is, but I am waiting for a question, Your Honor. I just merely take it as an expression of a view and, certainly, we have heard it, and we will give due consideration to it, allied with other matters that Your Honor had pointed out previously.

SENATOR MACEDA. Well, I wish to thank the Gentleman, again, Mr. President, for his patience, and any time

he tells me that a proposal is handed down from Mr. Sinai,

I will defer to his proposal without any question.

Thank you, Mr. President.

SENATOR ENRILE.

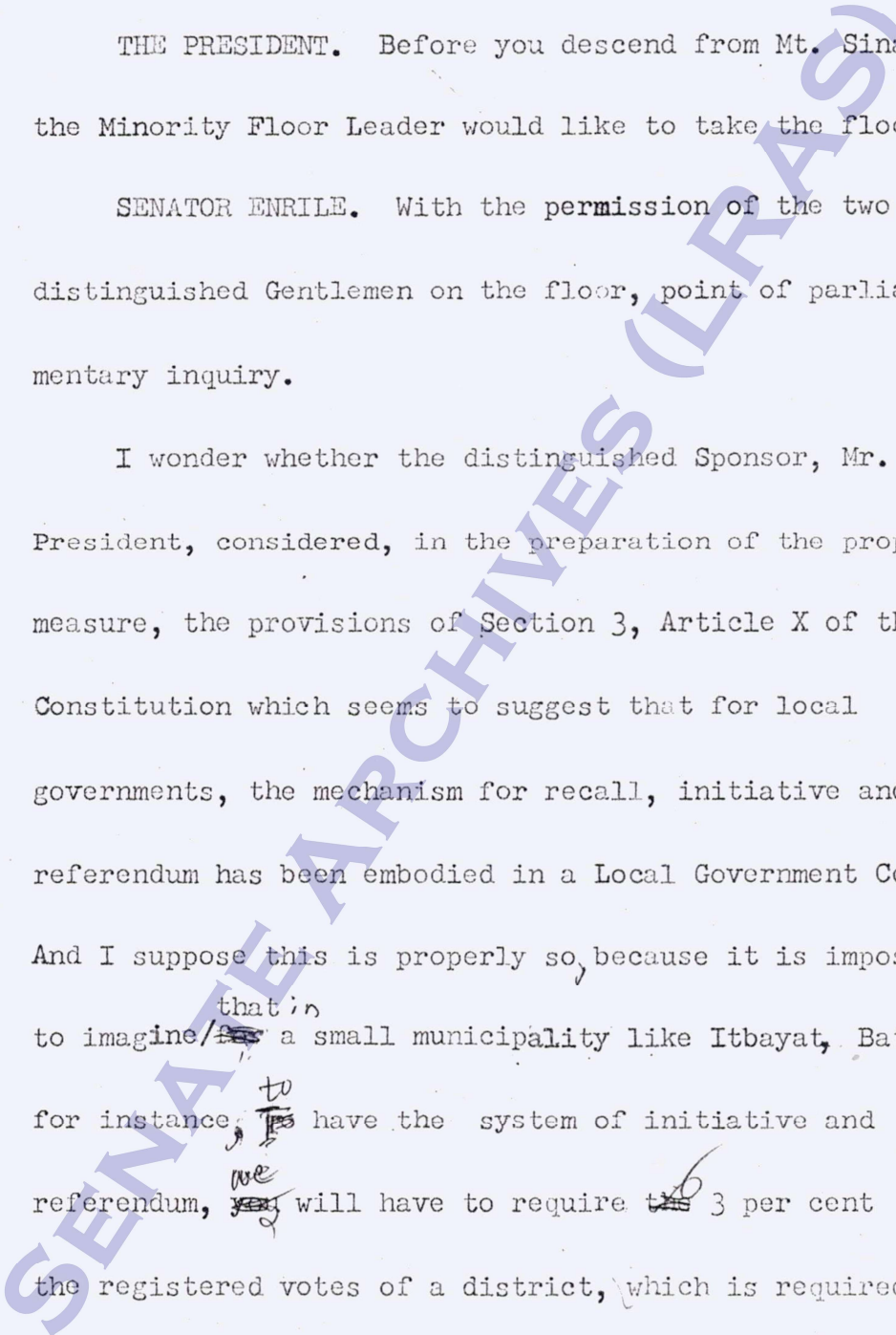
SENATE ARCHIVES (LRAS)

SENATOR ENRILE. Mr. President.

THE PRESIDENT. Before you descend from Mt. Sinai, the Minority Floor Leader would like to take the floor.

SENATOR ENRILE. With the permission of the two distinguished Gentlemen on the floor, point of parliamentary inquiry.

I wonder whether the distinguished Sponsor, Mr. President, considered, in the preparation of the proposed measure, the provisions of Section 3, Article X of the Constitution which seems to suggest that for local governments, the mechanism for recall, initiative and referendum has been embodied in a Local Government Code. And I suppose this is properly so, because it is impossible to imagine ^{that in} ~~as~~ a small municipality like Itbayat, Batanes, for instance, ^{to} ~~is~~ have the system of initiative and referendum, ^{we} ~~you~~ will have to require ^{to} ~~the~~ 3 per cent of the registered votes of a district, which is required under Section 32 of Article VI of the Constitution, under which the distinguished Gentleman has been making his argumentation in favor of his proposed measure.



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SENATOR GONZALES. Well, Your Honor, insofar as the percentage of votes ^{is concerned} required, that is mandated in Section 32 of Article VI. Now, of course, that would apply to a situation where there are provinces with more than one legislative district. Certainly, it cannot apply to those provinces which comprise a single legislative district. I think ^{of} the Constitution is reasonable, and it should always be subjected to a reasonable interpretation.

SENATOR ENRILE. The reason why I raised the point, Mr. President, was because ^{of} the way I understand Section 32. This provision requires Congress to provide the system of initiative and referendum where the people can directly propose and enact laws ^{or} the other power given is to approve or reject any act, or law or part thereof, passed by Congress or ^{by three} local government. ^{Now, I think,} the contemplated intention of this provision is for the initiative and referendum mentioned here ^{to apply} ^{applies} to the people at large of the nation, or, for that matter, of a fairly large political subdivision of the land, because then it justifies the requirement that you must get ^{10 per cent} ten percent of the registered voters in the geographical area covered by the initiative or referendum, plus ³ three percent of the registered voters of any district embraced therein. But when it

concerns a municipality or a barangay...

SENATOR GONZALES. Ten percent, Your Honor.

SENATOR ENRILE. Then, I believe that will have to be treated differently, and that must be covered and treated under Section 3 of Article X of the Constitution, which is actually the provision bearing on local governments, for otherwise, you run into the absurd situation where in a small town, for instance, ~~of let us say~~, Taguig or Pateros in our Metropolitan area, where it is a part of one district, ~~you~~^{we} will require ³ three percent of the entire district to be able to deal with an ordinance passed by the Municipal Council of Pateros.

SENATOR GONZALES. Can I answer that, Your Honor.

SENATOR ENRILE. I think, it will be an absurd situation especially if you deal with the small barangay of Pateros.

SENATOR GONZALES. When the Constituion in Section 32 of Article VI, the latter part thereof....

SENATOR ENRILE. I just raised this parliamentary inquiry Mr. President, for information.

SENATOR GONZALES. ^{yes.} ~~Yeah.~~ We have ^{or} long debate on this particular matter. I think the question was ^{asked} ~~done~~ by the Senate President Pro Tempore

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on this particular matter, Your Honor; and I think, the records of our proceedings will show that this has been the subject of a very lengthy debate.

THE PRESIDENT. Is there any other interpellation?

SENATOR AQUINO. Mr. President.

SENATOR SHAHANI. (Raising her right hand.)

THE PRESIDENT. Senator Aquino is recognized after whom we shall call on Senator Shahani.

SENATOR AQUINO. May I ask the Gentleman from Mandaluyong two questions, Mr. President?

SENATOR GONZALES. I would appreciate those two questions, Your Honor.

SENATE ARCHIVES (LRAS)

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SENATOR AQUINO. Thank you. On page 3, Your Honor, line 28 and 29: "Two or more propositions may be submitted in the same referendum." I am bothered by the "more". What do you mean by "two or more"? Can you ask ⁵⁰fifty questions in one referendum?

SENATOR GONZALES. Your Honor, there may be two or more initiatives; there may be two or more propositions; and certainly, submitting them at the same time would definitely be better than submitting them separately. For one thing, all of these will cost money, and the local legislative body would then bear the expenses of initiative and referendum. So, as practised in many other countries, two or more propositions are submitted in the same initiative or referendum, Your Honor.

SENATOR AQUINO. Yes, Your Honor. But will it not be better to put a limit to the number of points to be raised in one referendum?

SENATOR GONZALES. Let the people already be the judge of that particular matter.

SENATOR AQUINO. In other words, there is no limit? ^{Is} That is your proposal?

SENATOR GONZALES. Yes, Your Honor, but we are trusting the good sense of our people to determine.....

Senator Gonzales.

but we are trusting the good sense of our people to determine the number of propositions to be submitted.

SENATOR AQUINO. Thank you.

The Second question, Your Honor, is on Section 5 of page 4. It says here that, "any proposition adopted, approved, through the process of initiative or referendum provided shall not be repealed, modified in any manner within three years except by a vote of two-thirds of all its members." You are referring to these "members" of the local legislative bodies, is this correct?

SENATOR GONZALES. Yes, Your Honor, that is correct.

SENATOR AQUINO. Now, it is possible, Your Honor, that because of the citizens' initiative, and after due consultation with the local legislative body, and assuming they refuse to move on this particular issue, they decide to initiate this initiative, and it is possible that this initiative might be approved by the people. But by doing so, they have already antagonized the local legislative members. And when that happens, if they are antagonized, all they have to do is get

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two-thirds of their members and ^{there is} probably a collegial body; and repeal what has already been approved. In other words, I am afraid, Your Honor, that these two-thirds of all its members that can repeal whatever initiative was presented, can thwart the will of the community.

SENATOR GONZALES. Your Honor, that is the very evil to which this provision is directed. And that ordinarily, an ordinance or resolution can be repealed by the affirmative vote of a majority of all the members of ^a local legislative body. That is why, we are making it more difficult--that is two-thirds. At the same time, we are not also foreclosing or taking away absolutely from the local legislative body the power to repeal the same or to modify or amend it. But then, within the three-year period, we are saying that it can do so, but by a qualified majority; not by a simple majority, but by a qualified majority which, in this particular case, is two-thirds of all the members of that body. Because, otherwise, it would be ~~also~~, at least, ~~for a period~~ in the nature of irrepealable ordinance. And, we always frown upon an ordinance that is irrepealable even for a shorter period of time.

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SENATOR AQUINO. You see, Your Honor, practically speaking, let/say, take a province, like Tarlac. There are eight members of the Sangguniang Panlalawigan, and then, maybe, the Vice Governor is included, so that/makes nine. Two-thirds of them is six. And, originally, maybe, five were against whatever this initiative ~~is~~. That is why, they did not decide to pass a/local law on this. So, all they have to do is get one more, and if ~~this is approved~~ ^{they succeed} (to get six or two-thirds) by the people by getting one more, they can repeal the will of the people.

SENATOR GONZALES. If Your Honor please, the members of the local legislative body are advised already that the people are behind this measure. And, therefore, that is, in itself, the limitation against any capricious or arbitrary exercise of the power of repeal by a local legislative body. You know that you are actually thwarting, in your own words, the will of the people, and these are elective officials. Certainly, they have to think seven-fold before they take an action that is politically foolhardy, Your Honor.

SENATOR AQUINO. So, what I was thinking, Your Honor, is actually ^{to} make it stiffer. If the people have passed an

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initiative like this, and as much as possible this should be tried out for at least three years, it can only be repealed by the unanimous decision of the local legislative body.

SENATOR GONZALES. We will consider it because you must have heard the opinion of Senator Maceda on this particular point. He feels...

SENATE ARCHIVES (CRAG)

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Senator Gonzales.

At point. He feels that three years is quite too long, because conditions may actually warrant the repeal of the same. So, our job here is to make a delicate balancing of this apparently conflicting interest, Your Honor. That is our job as legislators.

SENATOR AQUINO. So, maybe, in the period of amendments, Your Honor, we can probably submit a stiffer repealing clause, making it unanimous for all the local legislative bodies to repeal what has already been passed by initiative.

SENATOR GONZALES. We will be happy to listen to these proposed amendments, Your Honor.

SENATOR AQUINO. Thank you, Your Honor.

SENATOR SHAHANI.

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SENATOR SHAHANI. Mr. President.

THE PRESIDENT. Senator Shahani is recognized.

SENATOR SHAHANI. Thank you, Mr. President.

Will the Gentleman from Mandaluyong entertain some questions?

SENATOR GONZALES. Gladly, to the distinguished, ^{the} not Gentle^{man} lady but the Senator from Pangasinan.

SENATOR SHAHANI. First of all, I should like to say that I am happy that the Senate has addressed itself to the question of strengthening the democratic process at the grassroots level, through initiative and referendum, which is really one of the ideals^{also} of the EDSA Revolution, as well as ^{those of} many of the sectoral groups ^{which} who brought the Aquino Government into power. And I would like to assure, Mr. President, Senator Gonzales that, in principle, I am a supporter of the principle which is at stake. However, I would like to raise some questions.

In his introductory statement, Mr. President, Senator Gonzales ~~has~~ cited the cases of countries like the United States, California, and Switzerland, where this practice has had some success. But these countries--the U.S., for instance, California in particular, and Switzerland--are really full-blown democracies. In other words, each person, more or less, knows what he is responsible for, what ^{is} the democratic process ^{is} about.

Now, I think what concerns me in this country, at this moment, is that we are a very divided country. There are so many factions existing. And as we face the local elections, for instance, even in my own province--in my own region--there are now ~~so~~ many candidates for mayor from UNIDO, PDP-LABAN, and the Liberal Party, etc. And it would be a huge problem of just how we shall be able to handle this political process when the local election time comes.

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And I am sure Your Honor knows how partisan issues can be at the local level.

Does Your Honor really envisage, realistically speaking--and I would say "realistically speaking"--that we are ready, at this stage, after having been under ~~martial law~~ ^{that} for 14 years, and now, ^{into} we are going ~~to~~ the exercise of the local elections, that we can, in an objective and unemotional manner, go into this process of initiative and referendum without exacerbating and without reenforcing the factionalism which, I think, already we are anticipating at the local level? I am not really belittling the capacity of our people for the democratic process. But, I think, we have to expect that, psychologically, although in principle ^{it may} this looks good on paper, ^{May} I inquire from the distinguished Senator from Mandaluyong, Mr. President, whether he really ^{believes} that the country is ready for this kind/participatory democracy?

SENATOR GONZALES. I believe that we have got to start somewhere. ^{No. 1} ~~one~~

the question of efficacy of the system of initiative and referendum is a matter already decided by the Filipino people when they ratified the 1987 Constitution, which contains, among others...

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Senator Gonzales

•• which contains, among others, Section 32 of Article VI. It says: "The Congress shall, as early as possible, provide for a system of initiative and referendum," therefore, this is not the time to debate on whether or not the system of initiative and referendum is efficacious because that is only a matter mandated by the Constitution itself.

No. 2, it is a part of the political education of our people. It is a part of the political learning process. I have ^{had} the occasion to advert to, in answer to some of the questions. Let us take, for example, the Barangay Charter or the Barrio Charter at that time. At the time it was initiated, sabi, palabas lamang ito ni Presidente. Nobody really took seriously the Barrio Charter; and yet, it was later found out that the people took to it like ducks would to water. That is why, we have several legislations that actually broaden the powers of the barangays to such an extent that we experience a very radical change in our political system; because whereas, before, the municipalities were the basic political units, barangays are now the basic political units. And so, we say that this is part of the learning process.

No. 3, that is why we have a very, very modest start. We are starting it only on the local level, and only to matters which are within the legal competence of a local legislative body to enact. As I have said, this is merely a beginning. This is merely a starter. And, therefore, for these reasons, I sincerely believe that putting it there does not mean that the people will lose it. But then, to those who feel, who have acquired the awareness and already achieved that degree of political maturity has^{ve} something to resort to, in order that the people will be given an opportunity to participate directly in the enactment or repeal of any local legislation that affects them, or in the approval or rejection of any ordinance already approved by a local legislative body.

SENATOR SHAHANI. I wonder whether the distinguished Senator from Mandaluyong could think of ^{introducing} ~~maybe putting~~ some safeguards in order to do away with ^{like} the traditional practices of vote buying ^{and} or terrorism, ~~etc.~~, which ~~I think~~, would be involved in a process of this kind.

SENATOR GONZALES. Probably, the fears of her Honor are over ~~extended because~~ this is not really an election. Probably, in a recall, yes, because personalities are involved; but not in initiative and referendum.

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SENATOR SHAHANI. ~~Perhaps~~, I would also like to reiterate ^{that} Your Honor has answered this question already. This was raised by Senator Laurel; but I also would like to raise it, because, I think, I have seen it at work. For instance, the grip of this government does not really run throughout the entire Republic. ~~I mean~~, ^T there are places where the NPAs are ~~in control~~ or even some bandits are in control; ~~F~~ for instance, in the town of Bugallon, Pangasinan, the NPAs just came down and occupied the municipal hall for two hours and nobody stopped them. They were there, and then they left.

SENATOR GONZALES. Yes, Your Honor.

SENATOR SHAHANI. And this kind of ^{usurpation} ~~usurping~~ of legitimate authority, ~~I think~~, takes place quite often. Maybe, we do not feel it here in Manila, Mr. President, but these are the realities in outlying provinces. ~~I think~~, I do not feel too comfortable that a bill like this takes no cognizance of ^{the condition} ~~issues~~ of peace and order in many parts of our country and ^{where the processes of} ~~where there might be~~ problems, ~~and issues like~~ initiative and referendum would take place.

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SENATOR GONZALES. I think, the situation that Your Honor has pointed out is rather the exception, than the rule. At any rate, as I said, recall is more confrontational because it is a system by which the people could directly remove a local elective official; and yet, that is already a part of the local government code. But initiative and referendum is something that is legislative and is limited merely to what the Sangunian Bayan whoever is in control of the same can legally do. And yet, we have not allowed the condition of law and order to deter the implementation of the constitutional requirement that the local government should embrace a system of recall. I mean if we are to do that, govern our laws by exceptional conditions or circumstances, probably, we may not be able to enact a legislation that is national in scope because the possibility of disruption which Your Honor has pointed out would always be there in any kind of legislation which is of general application.

SENATOR SHAHANI. Well, Mr. President, as I have said, I sympathize with the general intent of the bill, but I still perhaps would like to see a recognition of the actual realities existing in this country ^{and} which by the way are not just exceptions. Thank you, Mr. President.

SENATOR HERRERA. Mr. President.

THE PRESIDENT. Senator Herrera is recognized.

SENATOR HERRERA. Thank you, Mr. President.

I have some few questions, if the gentleman from Mandaluyong would be obliged to answer questions.

SENATOR GONZALES. It is a privilege, Your Honor.

SENATOR HERRERA. Well, at the outset, I would like to say that the proposal of the gentleman from Mandaluyong is not only very novel, but would really strengthen the democratic processes that we have. So, in principle, like my distinguished colleague, Senator Shahani, I am also for the measure. However, I have some few questions, and my first question is this; May I know if Your Honor has made a study or consultation with the Commission on Elections as to the cost of ~~the~~ conducting a referendum?

SENATOR GONZALES. Well, we have asked for the comments or the position of the COMELEC with respect to this bill. We furnished them a copy of the same and we received a reply that they welcome it as a means of strengthening participatory democracy in our country. But no mention has been made regarding the cost. It proposed merely certain formal amendments to this bill; and here, to avoid the necessity of securing a certification of availability of funds, Section 8 says 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. Now, on the other hand, the national government shall extend financial assistance to local government units in meritorious cases so that the people's power of initiative and referendum may be exercised.

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SENATOR HERRERA. May I bring to the attention of Your Honor that in the proposed bill the initiative and referendum may be conducted once a year. Now I am anticipating that if 5^{percent} of the number of provinces that we have will conduct referendum at least once a year, this will entail substantial costs. Now consider the municipalities, say, 5^{per cent} of the present number of municipalities that we have and also the barangays, this will involved several millions. That is why, I am asking the question whether Your Honor or the Committee has made consultations or has made a study as to the economic justification.

SENATE ARCHIVES (LRAS)

SENATOR HERRERA.

... justification of this very nubile and very important proposal.

SENATOR GONZALES. I have been informed by the distinguished Senator from Tarlac that it would cost P2000 per precinct. I think, Your Honor, that the people themselves would realize whether or not they will resort to this measure. Probably they may not. They may be able to influence the local legislative body and, therefore, obviate the necessity of recouring to or applying for initiative and referendum. I think there is a higher principle involved here. When it involves an exercise by the people of a right or a power to participate in the making of a decision that affects their lives, then, I think we should not make any premium insofar as the amount to be spent therefor is concerned. I think, we should be willing to pay the cost of democratic processes.

SENATOR HERRERA. Precisely, I am asking this question, Your Honor, because we might approve the bill, and then later we cannot implement this because we do not have the money and, therefore, will be creating false hopes and creating resentment among our people. That is why I feel that there should be a serious study as to the cost of conducting initiative or referendum.

SENATOR GONZALES. That is why, Your Honor, we have limited initiative and referendum to only once a year. That is the very purpose because we know that this will cost money, Your Honor. Let us not underestimate our people.

I think when the people themselves really want something to be done which is their will, ~~I think~~, the resources will be available for that purpose, Your Honor.

SENATOR HERRERA. But, Your Honor, even with that provision of allowing only the holding of ^a referendum once a year, please bear in mind that any average-sized province, ~~you~~ will have maybe about 30 municipalities, ^{so} ~~you~~ ^{we} will have 30 referendums in the municipality if each municipality will opt to have a referendum, plus, of course, the province, if the province will opt to have a referendum, ^{and} then, consider the barangay. So, even if it is ^{only} once a year, ~~it is not really that~~, I mean in terms of cost, it is not really that small amount.

SENATOR GONZALES. That will be in theory, Your Honor, because it is not easy, No. 1, how do ^{we} ~~you~~ initiate it? ^{we} ~~you~~ do not immediately resort to initiative. They can request the local legislative body to enact it. Now, only when the local legislative body have ^{we} ~~you~~ refused to act or refused to move, then can ^{we} ~~you~~ resort to it. Then, ^{we} ~~you~~ have the problem of signature-covering. All of these things are not very, very easy to do. The danger is that the law may be ~~there~~, and yet the people have no interest whatsoever in utilizing it. That is what I am afraid, ^{of} Your Honor, not because of the political exercise.

SENATOR HERRERA. But Your Honor would agree that there should be a study in the cost of this, because of the amount that may entail as far as

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holding a referendum ^{is concerned.}

SENATOR GONZALES. To me, Your Honor, I think the cost is merely secondary because what is important to me is the process itself. As I have said in my sponsorship speech, probably at the beginning, what is more important is the process than the substance, because this is really something that we must develop as a new tool of democracy in our country and we must put the bill, Your Honor.

SENATOR HERRERA. Well, as I have said, earlier, I would like to reassure you that, in principle, I will support the bill, Your Honor. Now, the other question is, whether ^{we} ~~you~~ have a study as to the administrative requirements in conducting this referendum or initiative especially if we have to consider the fact that our present Commission on Elections is almost inept and incompetent.

SENATOR GONZALES. Well, I would not be so harsh in my judgment of the Commission on Elections. In fact, ...

Senator Gonzales

...In fact, I am one of those ^{who are} very critical, but when it was ^{had been} explained to us in detail what the Commission on Elections has done and what it has been trying to do during the 18 months of this Administration, then I ^{began to} realize that, sometimes, we pass judgment too harshly and too prematurely. ~~On~~ On the other hand, I have seen the proposed Local Government Code, read it, and there is indeed a very short article on initiative and referendum giving to the Commission on Elections the power to promulgate rules and regulations to carry ^{it} out. And I say that, to me, that is an abdication of what we in the Senate can do. ~~And~~ That is why, there is no hesitation on my part when, in answer to the same question by the Senate President Pro Tempore, I say and I can guarantee that this Bill is better than the system of initiative and referendum as proposed by the Department of Local Governments.

SENATOR HERRERA. Well, my question, Your Honor, is whether there is a study or consultation with the Commission on Elections regarding the administrative requirements in the implementation of this, in the event that we have to adopt this.

SENATOR GONZALES. Yes, we did as I have said, Your Honor, that the Commission has expressed agreement with this Bill and has suggested some formal amendments which will come out during the period of amendments, Your Honor.

SENATOR HERRERA. Well, thank you, Mr. President. And thank you, Gentleman from Mandaluyong.

SENATOR GUINGONA. Mr. President.

THE PRESIDENT. Yes.

SENATOR GUINGONA. Parliamentary inquiry.

In view of the fact that the Government Code also requires that recall, initiative and referendum be included, may we know from the Committee of Local Governments whether they are already

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formulating such a code and when ^{will} such a code, if ever, ~~will~~ be presented before the Body?

SUSPENSION OF THE SESSION

SENATOR MERCADO. Mr. President, I move that we suspend the session for a minute.

THE PRESIDENT. ^{The} Session is suspended for a few minutes, if there is no objection. ~~There~~ ^(there was none?)
It was 6:27 p.m.

RESUMPTION OF THE SESSION

At 6:29 p.m., the session was resumed, with the Honorable Joaquin Salonga, President of the senate, presiding.

THE PRESIDENT. Session is resumed.

SENATOR MERCADO. Mr. President, I ask that Senator Rasul be recognized.

THE PRESIDENT. The point of parliamentary inquiry has been withdrawn, and I will recognize at this juncture Senator Rasul.

SENATE ARCHIVES (LRAS)

SENATOR RASUL. Thank you, Mr. President.

Will the Distinguished Senator from Mandaluyong care to answer a few questions?

SENATOR GONZALES. I do care, Your Honor.

SENATOR RASUL. First of all, I would like, Your Honor, to know that I fully support the idea of initiative and referendum because the acts of initiative and referendum proposed by your bill are consistent with "People's Power" to which this government subscribes. Moreover, it is consistent with the New Constitution's provision enjoining Congress to provide a system of initiative and referendum as early as possible.

The success of initiative in countries, like in California, is well known where: Proposition 13, which subsequently reduced when Real Property Taxation was approved.

Initiative and referendum will operationalize the concept of "people power" because the power of legislation is not left solely to the elected local councils. If the bill is passed, people will have recourse in proposing projects and policies which the legislative is unable or

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is reluctant to act upon.

Furthermore, the bills provides or enacts safeguards against the abuse of initiative which a minimum is required. And then, initiative or referendum cannot be held more than once a year, and, it can be done only when the local legislative Body refuses to act,

Furthermore, the court interpretation is also allowed in Section 7. However, the successful operationalization of initiative and referendum require a number of things.

First, there should be adequate information to the electorate whether through media or other means, to enable them to make meaningful decisions;

Second, there is need for the presence of enlightened leadership among the population; and,

Third, there should be a political climate conducive to communication between the political leadership and the people.

My questions, Your Honor, concern implementation or operationalization of the concept.

How can the concept operate in an area where illiteracy is high? That is the first question. Your Honor, I would

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like to ask, Your Honor.

SENATOR GONZALES. Your Honor, I think it is for those who are politically aware to lead. I do not suppose there is any part in the Philippines where illiteracy is the rule rather than the exception.

And, at any rate, Your Honor, we can educate even the illiterates who, after all, are not even barred from voting. Because the literacy tests have been removed as a qualification ⁱⁿ the exercise of the right of suffrage. And there is where the good Samaritan ^{is} in the Filipino spirit, which must come out into the focus.

They might be illiterate in the sense that they cannot read and write; but certainly, we might be surprised, ~~that we~~ might be underestimating too much the native intelligence of our people, even if they be illiterate, Your Honor.

SENATOR RASUL. That is very true, Your Honor, the innate intelligence of the citizen is there. But if he cannot read and write, how will he be informed about the issues?

And my second question, Your Honor, has something to do ^{with it.} It is compounded by the existence of a high level of illiteracy. It is a well-known fact that, in many areas of

our country, warlordism prevail.

Now, how can the idea work in an area where decisions are made by a few who control not only political power but also fire power.

SENATOR GONZALES. Precisely, that is why we are affording the people. Now, they may fail. All right. But then they have, at least, a means. They know that they have a means within their power to break this stronger horn which actually is easier exercise when you elect only a few members of a Local Legislative Body, and, therefore, susceptible to dictation...

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SENATOR GONZALES.

2 legislative body, and, therefore, susceptible to dictation whether for political or economic reasons.

Actually, we are giving hope to our people in a situation where for years they have become the victims of political warlords and otherwise.

SENATOR RASUL. Your Honor, I was wondering about propositions, because propositions have to be discussed by the electorate.

SENATOR GONZALES. Yes, yes.

SENATOR RASUL. How can propositions be discussed intelligently in areas where people are geographically isolated and there is difficulty of transportation and communication?

SENATOR GONZALES. If Your Honor, please, this is an initiative by a substantial number of people. And, therefore, they will take it upon themselves first, to get the required number of signatures. All right. And after the required number of signatures are had, then they have to campaign for the proposition. And all of these would involve educating the electorate; all of them, the literates and the illiterates as well.

SENATOR RASUL. Well, Your Honor, I fully subscribe to the idea; it is just the implementation that, you know, ~~that~~....

SENATOR GONZALES. Oh, it will not be easy; it promises no bed of roses. But then in the end, Your Honor, I think our people shall overcome.

SENATOR RASUL. Thank you, Your Honor.

THE PRESIDENT. Any further interpolation? (Silence.)

The Majority Floor Leader.

SENATOR MERCADO. Mr. President, I move that we suspend consideration of Senate Bill No.

THE PRESIDENT. Any objection? (Silence.) Hearing none, the same is approved.

ADJOURNMENT OF THE SESSION

SENATOR MERCADO. ~~And~~ Mr. President, I move that we adjourn the session till four o'clock tomorrow afternoon.

THE PRESIDENT. Session is adjourned until four o'clock tomorrow afternoon.

It was 6:37 p.m.

SENATE ARCHIVES (LRAS)

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