

# Table of Contents

## PLENARY SESSIONS

Session No.		Page
42	Wednesday, Thursday, Friday, Monday & Tuesday December 6 (pm), 7 (am & pm), 8, 11 & 12, 1995 .....	1
43	Wednesday & Friday, December 13 & 15, 1995 .....	177
44	Monday, Tuesday, Wednesday & Thursday December 18, 19, 20 & 21, 1995 .....	199
Necro	Tuesday, December 19, 1995 .....	215
45	Monday, January 22, 1996 .....	293
46	Tuesday, January 23, 1996 .....	323
47	Wednesday & Thursday, January 24 & 25, 1996 .....	351
48	Monday, January 29, 1996 .....	381
49	Tuesday, January 30, 1996 .....	399
50	Wednesday & Thursday, January 31 & February 1, 1996 .....	421
51	Monday, February 5, 1996 .....	463
52	Tuesday, February 6, 1996 .....	473
53	Wednesday & Thursday, February 7 & 8, 1996 .....	503
54	Monday, February 12, 1996 .....	547
55	Tuesday, February 13, 1996 .....	573
56	Wednesday & Thursday, February 14 & 15, 1996 .....	593
57	Monday, February 19, 1996 .....	637
58	Tuesday, February 20, 1996 .....	657
59	Wednesday & Thursday, February 21 & 22, 1996 .....	683
60	Monday, February 26, 1996 .....	725
61	Tuesday, February 27, 1996 .....	745
62	Wednesday & Thursday, February 28 & 29, 1996 .....	763
63	Monday, March 4, 1996 .....	793
64	Tuesday, March 5, 1996 .....	825
65	Wednesday & Thursday, March 6 & 7, 1996 .....	851

## RECORD OF THE SENATE

**MONDAY, DECEMBER 18, 1995**

### OPENING OF THE SESSION

*At 5:54 p.m., the President of the Senate, Hon. Neptali A. Gonzales, called the session to order.*

**The President.** The 44th session of the Senate in the First Regular Session of the Tenth Congress is hereby called to order.

Let us all stand for the prayer to be led by Sen. Edgardo J. Angara.

We shall be led in the singing of the Philippine National Anthem by the Senate Choir.

*Everybody rose for the opening prayer.*

### PRAYER

**Senator Angara.**

Dear Father,

As You have revealed to us in the Book of Life, there is a time for everything under the sun. We implore You now, to let this time that we live in, be:

a time for peace, free from crime,  
a time for comfort from affliction,  
a time for healing after conflict,  
a time for forbearance after the furies of nature,  
a time for forgiveness, both for ourselves and  
others, after a fall from Thy grace,  
a time for love, after succumbing to human failings.

And with Your wise guidance, we shall endure so that:

after the peace, shall come progress for our society;  
after the comfort, shall come zest for life and  
renewed vigor to pursue the nation's goals;  
after the healing, shall come genuine brotherhood  
in the service of the country;  
after the forbearance, shall come acceptance of  
Thy Will and the assurance that we shall, as  
always, overcome;  
after the forgiveness, shall come serenity for the soul;  
after the love, shall come inner strength to rise  
above all trials and tribulations.

All this Lord, we, Your people ask from You, in our humble struggle to refashion this Republic in Thy image.

In Jesus' Name, we pray.

Amen.

*After the prayer, everybody remained standing for the singing of the National Anthem.*

### SUSPENSION OF THE SESSION

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

*It was 5:58 p.m.*

### RESUMPTION OF THE SESSION

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

**The President.** The session is resumed. The Secretary will now call the roll.

### ROLL CALL

**The Secretary.**

Senator Heherson T. Alvarez .....	Present*
Senator Edgardo J. Angara .....	Present
Senator Anna Dominique M.L. Coseteng ..	Present
Senator Franklin M. Drilon .....	Present
Senator Juan Ponce Enrile .....	Present
Senator Marcelo B. Fernan .....	Present
Senator Juan M. Flavier .....	Present
Senator Ernesto F. Herrera .....	Present*
Senator Gregorio B. Honasan .....	Present
Senator Gloria M. Macapagal .....	Present
Senator Ernesto M. Maceda .....	Present
Senator Ramon B. Magsaysay Jr. ....	Present*
Senator Orlando S. Mercado .....	Present
Senator Blas F. Ople .....	Present
Senator Sergio R. Osmeña III .....	Present*
Senator Ramon B. Revilla .....	Present
Senator Raul S. Roco .....	Present
Senator Alberto G. Romulo .....	Present
Senator Miriam Defensor-Santiago .....	Present
Senator Leticia R. Shahani .....	Present
Senator Vicente C. Sotto III .....	Present
Senator Francisco S. Tatad .....	Present*
Senator Freddie N. Webb .....	Present*
The President .....	Present

\* Arrived after the roll call

SUSPENSION OF THE SESSION

**Senator Romulo.** Mr. President, we have a resolution that is up for consideration. But before we take up the said resolution, may I again ask for a suspension of the session.

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

*It was 6:50 p.m.*

RESUMPTION OF THE SESSION

*At 7:04 p.m., the session was resumed.*

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

**Senator Romulo.** Mr. President, there is an Additional Reference of Business. May I ask the Secretary to read it.

**The President.** The Secretary will please read the Additional Reference of Business.

SECOND ADDITIONAL  
REFERENCE OF BUSINESS

MESSAGE FROM THE  
HOUSE OF REPRESENTATIVES

**The Secretary.**

December 18, 1995

Mr. President:

I have been directed to inform the Senate that the House of Representatives on December 18, 1995, passed House Bill No. 5201, entitled

AN ACT STRENGTHENING THE CROP INSURANCE PROGRAM OF THE GOVERNMENT, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1467, AS AMENDED,

to which it requests the concurrence of the Senate.

In case of disagreement, the House of Representatives requests for a conference thereon, and accordingly has designated on even date Hon. Santiago P. Respicio, Hon. Florencio B. Abad, Hon. Leonardo Q. Montemayor, Hon. Felicito C. Payumo, Hon. Jose

T. Villarosa, Hon. Wigberto E. Tañada, and Hon. Arnulfo P. Fuentebella, as its conferees.

Very truly yours,

(Sgd.) CAMILO L. SABIO  
Secretary General

The Honorable  
NEPTALI A. GONZALES  
President of the Philippines  
M a n i l a

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

RESOLUTION

**The Secretary.** Proposed Senate Resolution No. 255, entitled

RESOLUTION EXPRESSING THE PROFOUND SYMPATHY AND SINCERE CONDOLENCE OF THE SENATE ON THE DEATH OF FORMER SENATOR OSCAR LEDESMA

Introduced by Senator Romulo.

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

COMMITTEE REPORT

**The Secretary.** Committee Report No. 44, submitted jointly by the Committees on Local Government; and Constitutional Amendments, Revision of Codes and Laws, on Senate Bill No. 1314, introduced by Senators Romulo, Maceda, Santiago, Mercado and Sotto III, entitled

AN ACT CHANGING THE DATE OF ELECTIONS FOR THE ELECTIVE OFFICIALS OF THE AUTONOMOUS REGION FOR MUSLIM MINDANAO, AMENDING FOR THE PURPOSE R.A. 7647, ENTITLED "AN ACT PROVIDING FOR THE DATE OF REGULAR ELECTIONS FOR REGIONAL GOVERNOR, REGIONAL VICE GOVERNOR AND MEMBERS OF THE REGIONAL LEGISLATIVE ASSEMBLY OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO AND FOR OTHER PURPOSES,"

recommending its approval without amendment in consolidation with Senate Bill No. 1317.

Sponsors: Senators Romulo, Maceda, Santiago, Mercado, and Sotto III

**The President.** To the Calendar for Ordinary Business.

**Senator Romulo.** Mr. President, there is a scheduled Bicameral Conference Committee on the Philippine Crop Insurance Bill. We will advise the members of the Bicameral Conference Committee the date and place of the meeting later at the end of the session. The members of the committee are: Senators Shahani, Roco, Alvarez, Flavio and Macapagal.

#### SPECIAL ORDERS

May I also move, Mr. President, that we transfer to the Calendar for Special Orders Committee Report No. 44 on Senate Bill No. 1314.

**The President.** Is there any objection? [Silence] There being none, the motion is approved.

#### RESOLUTION ON SECOND READING

##### P. S. Res. No. 255 - Expressing Sympathy and Sincere Condolence of the Senate on the Death of former Senator Oscar Ledesma

**Senator Romulo.** Mr. President, I move that we consider Proposed Senate Resolution No. 255.

**The President.** Consideration of Proposed Senate Resolution No. 255 is now in order.

With the permission of the Body, the Secretary will read only the title of the Resolution, without prejudice to inserting in the *Record* the whole text thereof.

**The Secretary.** Proposed Senate Resolution No. 255, entitled

#### RESOLUTION EXPRESSING THE PROFOUND SYMPATHY AND SINCERE CONDOLENCE OF THE SENATE ON THE DEATH OF FORMER SENATOR OSCAR LEDESMA

*The following is the full text of Proposed Senate Resolution No. 255:*

WHEREAS, the Honorable Oscar Ledesma, a former distinguished member of this august Chamber from 1957 to 1963, passed away on December 17, 1995;

WHEREAS, former Senator Ledesma started his political career in 1940 when he was appointed by the late President Quezon as Mayor of Iloilo City and during his term, he was able to improve the environs of that city, increase tax collections and provide social benefits to his constituents;

WHEREAS, in 1941, he was elected Congressman representing the second district of Iloilo City, but the war cut short his political career;

WHEREAS, as a man of high ideals, he vehemently opposed the passage of a legislative measure that granted backpay to members of Congress during the Occupation years, and when such measure was finally approved, he donated the amount due him to the Junior College of Iloilo;

WHEREAS, after his term as a reelected Congressman in 1946, he retired from politics and became a full-fledged businessman who spearheaded the rehabilitation of the sugar industry;

WHEREAS, due to his business expertise, he was appointed as Secretary of Commerce and Industry in 1954;

WHEREAS, during his term as Senator, he was Chairman of the Senate Committee on Agriculture and Natural Resources, and a member of the Senate Committees on Health, National Minorities, Public Works and Communications, Provincial and Municipal Government and Cities, Scientific Advancement, Social Justice, Community Development, Transportation and Public Service, Banks, Corporations and Franchise, Commerce and Industry, Education, Finance and Foreign Affairs, Blue Ribbon and the Commission on Elections;

WHEREAS, as Senator, he worked for the elimination of absolute divorce and for the inclusion of religious instructions in the public school curricula.

WHEREAS, his being a staunch advocate of social justice which motivated him to fight for the right to a fair living wage for the working masses, coupled with his unblemished political career and dedicated public service, is worthy to be emulated by the Filipino people;

WHEREAS, the passing away of former Senator Ledesma is a great loss not only to his family but to the

## RECORD OF THE SENATE

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**TUESDAY, DECEMBER 19, 1995**

### RESUMPTION OF THE SESSION

*At 5:54 p.m., the session was resumed with the Senate President Pro Tempore, Hon. Leticia R. Shahani, presiding.*

**The President Pro Tempore.** The session is resumed. The Majority Leader is recognized.

**Senator Romulo.** Madam President, we have Additional Reference of Business. May we ask the Secretary to read it.

**The President Pro Tempore.** The Secretary will please read the Additional Reference of Business.

### THIRD ADDITIONAL REFERENCE OF BUSINESS

#### BILLS ON FIRST READING

**The Secretary.** Senate Bill No. 1321, entitled

AN ACT PROVIDING FOR THE RECOGNITION AND PROMOTION OF YOUTH ART AND CULTURAL DEVELOPMENT, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Drilon.

**The President Pro Tempore.** Referred to the Committees on Youth and Sports Development; Education, Arts and Culture; and Finance.

**The Secretary.** Senate Bill No. 1322, entitled

AN ACT AMENDING REPUBLIC ACT NUMBERED SEVENTY ONE SIXTY (R.A. 7160) OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE, AND FOR OTHER PURPOSES

Introduced by Senator Roco.

**The President Pro Tempore.** Referred to the Committees on Local Government; and Finance.

**The Secretary.** Senate Bill No. 1323, entitled

AN ACT AMENDING THE PROVISIONS OF ARTICLES 97 AND 99, TITLE FOUR, CHAPTER TWO, OF ACT NO. 3815, AS

AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

Introduced by Senator Roco.

**The President Pro Tempore.** Referred to the Committees on Constitutional Amendments, Revision of Codes and Laws; and Justice and Human Rights.

**The Secretary.** Senate Bill No. 1324, entitled

AN ACT TO PENALIZE CERTAIN VIOLATIONS THAT ENDANGER THE SAFETY OF THE VESSEL AND ITS CARGO AND PASSENGERS

Introduced by Senator Gonzales.

**The President Pro Tempore.** Referred to the Committee on Public Services.

**The Secretary.** Senate Bill No. 1325, entitled

AN ACT PROVIDING FOR THE PAYMENT OF THIRTEENTH MONTH PENSION TO MILITARY VETERANS OR THEIR SURVIVING SPOUSE AND OTHER DEPENDENTS, FURTHER AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6948 OTHERWISE KNOWN AS AN ACT STANDARDIZING AND UPGRADING THE BENEFITS FOR MILITARY VETERANS AND THEIR DEPENDENTS

Introduced by Senator Honasan.

**The President Pro Tempore.** Referred to the Committees on National Defense and Security; and Finance.

**The Secretary.** Senate Bill No. 1326, entitled

AN ACT REGULATING THE PURCHASE OF VEHICLES BY THE VARIOUS DEPARTMENTS, BUREAUS, OFFICES, AGENCIES, AND SUBDIVISIONS OF THE GOVERNMENT INCLUDING GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS, AND FOR OTHER PURPOSES

Introduced by Senator Honasan.

**The President Pro Tempore.** Referred to the Committee on Finance.

- "4) The fourth copy, to the dominant majority party as determined by the Commission in accordance with law;
- "5) The fifth copy, to the dominant minority party as determined by the Commission in accordance with law;
- "6) The sixth copy, to a citizen's arm authorized by the Commission to conduct an unofficial count: *Provided, however,* That the accreditation of the citizens' arm shall be subject to the provisions of Section 52(k) of Batas Pambansa Blg. 881; and
- "7) The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots."

SEC. 2. *Repealing Clause.*—All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed.

SEC. 3. *Effectivity.*—This Act shall take effect immediately upon its approval.

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**BILL ON SECOND READING**  
**S. No. 1314 - Changing the Date of Elections**  
**for Elective Officials at ARMM**

**Senator Romulo.** Madam President, I move that we consider Senate Bill No. 1314 as reported out under Committee Report No. 44.

**The President Pro Tempore.** Consideration of Senate Bill No. 1314 is now in order.

With the permission of the Body, the Secretary will read only the title of the bill, without prejudice to inserting in the *Record* the whole text thereof.

**The Secretary.** Senate Bill No. 1314, entitled

AN ACT CHANGING THE DATE OF ELECTIONS FOR THE ELECTIVE OFFICIALS OF THE AUTONOMOUS REGION FOR MUSLIM MINDANAO AMENDING FOR THE PURPOSE R.A. 7647 ENTITLED "AN ACT PROVIDING FOR THE DATE OF REGULAR ELECTIONS FOR REGIONAL GOVERNOR, REGIONAL VICE GOVERNOR AND MEM-

BERS OF THE REGIONAL LEGISLATIVE ASSEMBLY OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO AND FOR OTHER PURPOSES"

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*The following is the full text of Senate Bill No. 1314:*

**EXPLANATORY NOTE**

At a recent meeting of the Legislative-Executive Development Advisory Council (LEDAC), the Commission on Elections through its chairman stated that it would be better prepared for the computerized election in the ARMM Region if instead of holding said election on or about March of 1996 that the electoral exercise be deferred at least six (6) months hence.

Since the computerization of future elections of which the ARMM electoral exercise is the beginning, is of vital and critical importance to clean, honest and orderly election, this bill seeks to defer said ARMM election to a latter date instead of on March 1996.

Thus the passage of this amending legislation is earnestly urged.

(Sgd.) ALBERTO G. ROMULO  
Senator

On motion of Senator Romulo, Senators Ernesto M. Maceda, Miriam D. Santiago, Orlando S. Mercado and Vicente C. Sotto III were made coauthors.

**SENATE BILL NO. 1314**

Introduced by Senators Romulo, Maceda,  
Santiago, Mercado and Sotto III

AN ACT CHANGING THE DATE OF ELECTIONS FOR THE ELECTIVE OFFICIALS OF THE AUTONOMOUS REGION FOR MUSLIM MINDANAO, AMENDING FOR THE PURPOSE R.A. 7647 ENTITLED "AN ACT PROVIDING FOR THE DATE OF REGULAR ELECTIONS FOR REGIONAL GOVERNOR, REGIONAL VICE-GOVERNOR AND MEMBERS OF THE REGIONAL LEGISLATIVE ASSEMBLY OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO, AND FOR OTHER PURPOSES"

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

SECTION 1. The regular elections, for regional governor, regional vice-governor, and members of the Regional Legislative Assembly for the Autonomous Region in Muslim Mindanao, shall be held on the second Monday (after the Muslim month of Ramadan immediately preceding the end of the term of office of such officials except the second regular election in 1993 which shall be held on the 25th of March, 1993.) OF NOVEMBER NINETEEN HUNDRED AND NINETY SIX (1996) AND ON THE SAME DAY EVERY THREE (3) YEARS THEREAFTER. THE REGIONAL GOVERNOR, VICE-GOVERNOR, AND THE MEMBERS OF THE REGIONAL LEGISLATIVE ASSEMBLY-ELECT SHALL ASSUME OFFICE AT TWELVE O' CLOCK NOON ON THE THIRTIETH DAY OF NOVEMBER NEXT FOLLOWING THEIR ELECTION: *Provided*, That [if no candidate shall have been duly elected and qualified on March 31, 1993,] the incumbent regional governor, [and] vice-governor, AND THE MEMBERS OF THE REGIONAL LEGISLATIVE ASSEMBLY WHOSE TERM WILL EXPIRE ON MARCH 31, 1996 shall continue in office in a hold-over capacity until their successors shall have duly elected and qualified, subject to Article VIII, Section 11 of Republic Act No. 6734: *Provided, further*, that while acting in a hold-over capacity, the regional governor and vice-governor shall not disburse public funds except for personnel and administrative matters, make appointments, including promotions, transfer and/or assignments of personnel and shall be subject to all the restrictions and/or prohibitions mandated by Section 261 of the Omnibus Election Code more particularly, but not limited to, paragraphs (g); (h); (k); (m); (o); (r); (u); (v); (w); and (x) of said Section."

SEC. 2. This Act shall take effect upon its approval.

Approved,

**Senator Romulo.** Madam President, may I ask that the Chair recognize the Sponsor of the bill, the Chairman of the Committee on Local Government, Sen. Vicente Sotto III, for the sponsorship.

**The President Pro Tempore.** Senator Sotto is recognized.

#### SPONSORSHIP SPEECH OF SENATOR SOTTO

**Senator Sotto.** Thank you, Madam President.

It is my privilege to report out to the Floor of the Senate Joint Committee Report No. 44 of the Committee on Local Government and the Committee on Constitutional Amendments, Revision of Codes and Laws, chaired by Senator Miriam Defensor-Santiago, which recommends the approval by this august Body of Senate Bill No. 1314, entitled

AN ACT CHANGING THE DATE OF ELECTIONS FOR THE ELECTIVE OFFICIALS OF THE AUTONOMOUS REGION FOR MUSLIM MINDANAO, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7647, ENTITLED "AN ACT PROVIDING FOR THE DATE OF REGULAR ELECTIONS FOR REGIONAL GOVERNOR, REGIONAL VICE GOVERNOR AND MEMBERS OF THE REGIONAL LEGISLATIVE ASSEMBLY OF THE AUTONOMOUS REGION OF MUSLIM MINDANAO, AND FOR OTHER PURPOSES,"

which was introduced by Senator Romulo and coauthored by Senators Maceda, Santiago, Mercado and this Representation, in consolidation with Senate Bill No. 1317, bearing the same title and authored by Senator Maceda.

It will be remembered, Madam President, that during the Ninth Congress, we enacted into law Republic Act No. 7647 which provided for the regular elections for the regional governor, regional vice governor and members of the regional legislative assembly of the Autonomous Region of Muslim Mindanao. The said law provided that the elections of the said elective officials of ARMM shall be held on the second Monday after the Muslim month of Ramadan, immediately preceding the end of the term of office of the said officials, except for the second regular elections in 1993 which was held on the 25th day of March of that year.

Under the said law, the next regular elections of the elective officials of the Autonomous Region of Muslim Mindanao will fall on the 4th day of March 1996, taking into consideration the religious observance of the Muslim month of Ramadan, which will begin with the appearance of the new moon on January 21, 1996 and end 30 days thereafter, on February 20, 1996. The start of the month of Ramadan will be dependent on whether or not the moon will make its appearance on the 21st day of January 1996.

Senate Bill No. 1314 seeks to change the date of the regular elections of the elective officials of the Autonomous Region of Muslim Mindanao as presently provided in Republic Act No. 7647, by moving the said elections to the second Monday of November 1996, and on the same day every three years thereafter, amending for said purpose Section 1 of the said law.

The provisions of Section 1 of Republic Act No. 7647 will therefore now read as follows:

**"The regular elections for the regional governor, regional vice-governor and members of the Regional Legislative Assembly for the Autonomous Region in Muslim Mindanao shall be held on the second Monday OF NOVEMBER NINETEEN HUNDRED AND NINETY SIX (1996) AND ON THE SAME DAY EVERY THREE (3) YEARS THEREAFTER. THE REGIONAL GOVERNOR, REGIONAL VICE-GOVERNOR AND MEMBERS OF THE REGIONAL LEGISLATIVE ASSEMBLY-ELECT SHALL ASSUME OFFICE AT TWELVE O'CLOCK NOON ON THE THIRTIETH DAY OF NOVEMBER NEXT FOLLOWING THEIR ELECTION."**

The content of Section 1, which are already incorporated in the law, continues:

**"Provided, that the incumbent regional governor, regional vice-governor, AND MEMBERS OF THE REGIONAL LEGISLATIVE ASSEMBLY WHOSE TERM WILL EXPIRE ON MARCH 31, 1996 shall continue in office in a hold-over capacity until their successors shall have been duly elected and qualified, subject to Article VIII, Section 11 of Republic Act 6734; Provided, further, that while acting in a hold-over capacity x x x"**

The regular ARMM election is thereby removed away from the uncertainties and variable nature of the date of the observance of the Muslim month of Ramadan, which is not on a fixed date but is dependent on the happening of celestial events over which man has no control, such as the appearance or nonappearance of the new moon.

The focus of attention of our Muslim brethren during their observance of the month of Ramadan is essentially religious and spiritual. They devote greater portion of their time on prayers than on secular and worldly affairs. Piety takes precedence over secular matters.

The close proximity of the ARMM elections to the observance of the month of Ramadan therefore greatly affects the proper exercise by our Muslim brothers of their right of suffrage and choice of their political leaders. Senate Bill No. 1314 would

distantly remove the ARMM elections from Ramadan.

The deferment of said ARMM elections will further give the Commission on Elections a wider time space within which to further fine tune its preparations for the pioneering introduction of computerized elections in the Autonomous Region of Muslim Mindanao which was chosen under Republic Act No. 8046 as the pilot test area for the use of the computer system in our elections.

It would appear that there is a felt need for the people in the area to better understand and fully comprehend the mechanics of the system of computerized elections to the end that such system will truly be a tool for the promotion of honest, clean, peaceful and orderly elections. We gathered that it is still necessary to conduct further information campaigns and educational consultations on the said computerized elections with both the politicians and voters of the area. The deferment of said ARMM elections as provided in Senate Bill No. 1314 will address this need.

More importantly, Ambassador Manuel Yan, Presidential Adviser on the Peace Process between the Philippine government and the MNLF, advised us during the public hearing that we conducted that the resetting of the ARMM elections will have favorable impact on the RP-MNLF peace talks as it will provide the parties more time and elbowroom within which to further address themselves to the remaining three contentious issues out of 123 that they have already discussed in the said peace negotiations. It will go a long way to promote the desirable atmosphere of goodwill, understanding and accommodation between the parties; and it will greatly contribute to our efforts to establish in said area the solid foundations of peace and tranquillity which, for some-time now, have eluded us.

Having said all these, I humbly solicit now the support of my Colleagues in this Chamber and formally move for the approval of Senate Bill No. 1314.

Thank you, Madam President.

**Senator Romulo.** Madam President, may I ask that the following be recognized to interpellate: first, the distinguished Minority Leader, and then Senator Tatad.

**The President Pro Tempore.** Senator Angara is recognized.

**Senator Angara.** Thank you, Madam President. Would the distinguished chairman of the Committee on Local Government yield for a few questions?



**Senator Sotto.** Most willingly, Madam President.

**Senator Angara.** Madam President, what is the reason behind choosing the second Monday of November 1996? Is there any special reason for choosing the second Monday of November 1996? Why could it not have been the second Monday of June, July or September?

**Senator Sotto.** There were a number of reasons, Madam President. One is that any time before July would be too short a time from March. We understand this was discussed also with the commissioners of the Comelec and the chairman of the Comelec, Chairman Pardo. The information campaign and the information drive that they would like to do in the region would take more time than two or three months. Postponing the elections somewhere between June and July would practically be difficult as far as the computerization by the Comelec is concerned.

If the distinguished Gentleman is asking about the election to go through in the normal way, the Comelec can conduct the elections on March 5. It is ready for that. But we are after the computerization as far as June and July are concerned.

The months of August and September were also recommended, especially in the bill of Senator Maceda, September was mentioned. But it is rainy season from July to October in the area, so that is one very difficult thing to counter.

Another reason is that November would allow the youth of the Autonomous Region of Muslim Mindanao to participate. We were informed of this not only by the elected officials who were present during the public hearings, but also the private sector, the NGOs that were represented.

Traditionally, we have always held elections in November in the past decades, Madam President. That was probably one of the reasons why the month came out in the bill of Senator Romulo and the recommendation of the different sectors that participated in the hearings.

**Senator Angara.** I will go back to this point later on, Madam President. But if the maximum participation of the students is the main reason behind the choice of the month of November, I would think that the vacation months of March, April and May would ensure maximum participation. But as I said, I will go back to this point later.

Madam President, the distinguished Sponsor mentioned three reasons for suggesting the postponement of the election.

First, the religious one, the Ramadan, and the uncertainty of

fixing the date of the election if it depends on the Ramadan. Second, the postponement would enable the Comelec to make further preparations on the computerized elections. Third, the fact that Ambassador Manuel Yan has advised that the resetting will create a favorable climate of goodwill in the government-MNLF peace talks.

The first reason, Madam President, the Ramadan, I think, is not a good reason. We debated this point when we postponed the election last time, precisely because of Ramadan. And we chose a formula that the election will be held on such a date that will not coincide with Ramadan; it will be after Ramadan. I think, using the same reason again is not convincing.

The second reason is that the Comelec needs the time for additional preparation. While that may be so, it is also not too persuasive, because the chairman himself has said that the Comelec is prepared to conduct the elections and try the computerized election even if we follow the original schedule.

I am down to the reason that the Gentleman gave, which is to foster a climate of goodwill in the government-MNLF talks. I am inclined to believe that this is the main and primary reason for the postponement. Even the President certified to the necessity of this bill, and precisely said that it is urgent, to quote: "...to foster the goodwill between the negotiating groups and forestall the breakdown of the ongoing negotiation between the government of the Republic of the Philippines and the Moro National Liberation Front." This is the certification of the President, dated December 13, 1995, read into our *Record*.

Does the Gentleman agree that that is the primary reason for postponing this election—the fact that we want to accommodate the ongoing peace talks and provide a climate of goodwill?

**Senator Sotto.** I would like to agree with the Gentleman from Quezon, Madam President. But as I said, I stand by what I said. We honestly believe that the two other reasons are equally important.

Indeed, this representation had a stand on the Ramadan issue during the time that we passed the bill in 1993. I was, in fact, not in favor of postponing the elections then because of the Ramadan issue. I tried to get myself in the Islamic law just to be able to find out more about the Ramadan.

What happened then, Madam President, to refresh our memory, was it became a very controversial issue, although we know for a fact, and the Gentleman knows for a fact that it is not

really the issue but it became controversial. As far as our brethren in Mindanao who practice Ramadan are concerned, to them it is still an issue. So, instead of dividing the resolution on this and inasmuch as there are other reasons, like, as I said, the Comelec computerization and the MNLF peace talks issue, it is the best time to address that very controversial issue, which divided not only the Senate during that time but also the people in Mindanao because there are a lot of sectors then that were in favor of elections during Ramadan.

As I mentioned during my sponsorship speech, Madam President, the Muslim month of Ramadan is not a specific date. The Ramadan starts on the day the new moon comes or rises. So it really moves.

What will happen, and we were not able to project that during the time that we passed that law, is that they computed it for 1996. For 1996, it will move back a little. The month of Ramadan, I understand from Governor Pangandaman, will be sometime in December to January. The computation again on succeeding years—if I am not mistaken, in 1999 or in 2002—is that it will move forward. So taking off that statement or that phrase from the law, “the second Monday of the Ramadan” would solve the issue of the Ramadan.

**Senator Angara.** That is the reason, Madam President—if I may interject because we may be running out of time—we cannot always make the Ramadan a reason for postponing an election, because over a span of 10 years, Ramadan can move from one month to another. If we follow that as the reason for postponing the election, then we would be postponing elections quite frequently.

So I am saying that the Ramadan issue is not the true cause for the postponement and none of the bills that the committee has considered, either the Romulo or the Maceda bill, has ever used the Ramadan as the excuse for postponement.

**Senator Sotto.** Again, just to agree with the point being raised by the Gentleman. During the public hearing, the very important issue of the peace talks and negotiations came about and there was more participation when that issue came up. Just to settle that point. If the Gentleman wants to grade the three reasons that I mentioned, and he would like to place the peace talks as the number one reason, then I will agree.

**Senator Angara.** No, I want the Body, not just me personally, convinced that is the main reason. I want to place on record the real reason for postponing this. Because, Madam President, our action here can send mixed signals to our people in Mindanao. Therefore, we must place on record precise and clear reasons why we are postponing it.

On one hand, if we do not explain the reasons for our action, the majority Christians in Mindanao may think that we are always acceding to the demand of the MNLF which is not correct, but the perception might develop that we are doing so. On the other hand, if we do not act and consider this request, our Muslim brothers might also misinterpret it as Christians being insensitive to that plight.

It is very important, Madam President, that we put our reasons for acting one way or the other on a clear, precise basis. That is the reason I am trying to pick the real reason here. I am not trying to belittle the Ramadan issue or even the unpreparedness of the Comelec.

Let me just complete my statement. The second reason about the preparedness or unpreparedness of the Comelec is going to be the worst reason for postponing the election. That is an admission on the part of Comelec that they are not up to the job, which is not true again. No less than Chairman Pardo has said that they are quite prepared to go through with the elections. He said that publicly in Cotabato during the ARMM anniversary. Many people have heard him say that; we accepted his assurance and he repeated that during the public hearing.

I do not think that we should use the unpreparedness of the Comelec as a reason for postponing the election because without being highly too speculative, what if the Comelec says that the 1998 elections should be postponed because it is not prepared? Are we going to accept that? I am not about to accept the second reason for postponing it.

Going back to the main reason, I think that is where we can have a rational basis for debating whether it is a good justification or not. That is the only point.

Is this one of the demands of the MNLF in Jakarta or any other talks that the election in ARMM be postponed, or is this a government initiative?

**Senator Sotto.** There is no official request, Madam President. I do not know of any official request coming from the Jakarta talks on that. I cannot also say officially that this is an initiative of the government. There were a number of representations made asking for a postponement.

**Senator Angara.** Am I correct, Madam President, that this is an initiative of the government because this was officially taken up in the meeting of the LEDAC, the Legislative-Executive Development Advisory Council, and it is a request put formally to the leadership of both Houses to have this bill considered?

**Senator Sotto.** To my knowledge, Madam President, this was initiated by the Members of the House of Representatives representing the ARMM. In fact, this came about after, I understand, Congressman Datumanong was approached by a number of different sectors. This came about after consultations.

I cannot say out of my own knowledge, Madam President, whether this is an initiative of the government or of the executive department. It is not within my knowledge to say yes.

What I know of is that this was an initiative by the representatives of the House representing ARMM after consultations.

**Senator Angara.** I will accept the assurance of the Gentleman that he does not know for a fact that it was government initiative. But obviously, it must be a government initiative because the very certification of President Ramos about the necessity of passing this bill clearly spells out that reason—to foster goodwill among the negotiating groups.

But accepting the Gentleman's assurance, nonetheless, in what sense will postponing the election foster goodwill between or among the negotiating parties? If we postpone it, would it make the MNLF happy? Will it make the government satisfied, and why?

**Senator Sotto.** What we gathered from the peace negotiators during the public hearing, Madam President, was that the postponement will become imperative in enhancing the success and continuity of the peace negotiations.

We were given a backgrounder, and if I may be allowed to explain, we were also told that because of this, the rebel groups involved in the peace talks may join the election process. They believe that the scheduled 1996 ARMM polls will have a bearing on the peace process.

Ambassador Yan informed us at the close of the third round of the formal talks which was held in Jakarta from November 26 to December 1 that it would have run for almost three years. As it stands now, we understand that as of the third round, they have already agreed on and addressed 123 issues. They have agreed upon, and they went through or retired through a hierarchical system, committee system, which resulted in a consensus on a number of points.

They touched on matters that have fundamental impact on the autonomous region system, on general administration, on education and things like that. They even talked about representation in the national government, as well as structure and powers of regional legislature and Executive branch.

They have only three contentious but complicated issues to tackle. That is what they informed us. These are matters of provisional government which include the holding of a plebiscite in the area of autonomy, matters pertaining to national defense such as the integration of the MNLF forces in the AFP, and the organization of the regional security force. I think another issue is the ceasefire agreement with a network of joint ceasefire committees and establishing provincial staff committees in vital areas in Mindanao.

So when the issue of the ARMM election was discussed, I understand they agreed and believed that it would add to the success or continuity of the peace negotiation. They agreed that within the initial government, the fourth round of formal talks in Indonesia will continue or will only be held after they have come to a complete and full agreement on the remaining three contentious issues. And so they believed that the proposed postponement would give them more room and more time within which to address these few remaining issues.

**Senator Angara.** Yes. So, the third round, the Jakarta talks, was able to resolve about 120 items but left three contentious issues outstanding, namely, the establishment of a provisional government; the area of autonomy, meaning, whether the present four provinces would be expanded to 13 provinces and four cities; and the creation of a regional security force and the integration of the MNLF into that force. These are the three remaining issues.

**Senator Sotto.** Yes, Mr. President.

**Senator Angara.** It looks to me that these three remaining issues are the very heart of the dispute or disagreement between the government and the MNLF.

In what way, for instance, will the postponement of the election resolve the issue of provisional government? Because the demand, as I understand it, of the MNLF is to set up a provisional government right now over the 13 provinces and nine cities without having to have a plebiscite because they are insisting on the implementation of the Tripoli Agreement.

How will this demand for provisional government be enhanced by postponing the election, Mr. President, and the same question as to the expansion of the area of autonomy and the setting up of the regional security force?

**Senator Sotto.** The answer, Madam President, will probably be participation. I was made to believe that a postponement will give them enough time to prepare and join the election process.

**Senator Angara.** They will participate in the election of the

ARMM, Madam President, and the election of the ARMM is only in four provinces right now. Does the Gentleman think that the MNLF will agree to participate in an election in four provinces when their demand precisely is to expand the area of autonomy to 13 provinces and nine cities?

**Senator Sotto.** I really could not say, Madam President.

**Senator Angara.** So that is a highly contentious and highly speculative supposition, Madam President, that postponing it may invite their participation in the election.

**Senator Sotto.** I am not saying that postponing it may invite. What I was made to believe is that postponing it would allow them time to prepare. So, there is this intention already of joining.

**Senator Angara.** We are really presuming the intentions of the MNLF that if we postpone it, then they may at some future time, between March and November, finally decide to participate in the election. But I am saying that that is highly speculative and probably it goes against the grain of reality, given the reality now.

On the other hand, the Sponsor said it will give time to both the government and the MNLF. It will buy for them six-months time. But have we not been advised by the government that there has been a continuous build up of forces in the MNLF as well as in the MILF; that allowing so long a time for the election may precisely provide the time needed by the rebel forces, whether MNLF or MILF, to build up their forces and in the end, have a confrontation, not through ballot, but through the gun? Is that not also a possibility, Madam President, since we are already moving into the realm of speculation?

**Senator Sotto.** If we are talking of possibilities as far as that is concerned, Madam President, anything is possible. But what we can sense is a different view because of the information also that Chairman Misuari requested assistance from the Office of the Presidential Adviser on the Peace Process, as well as the Department of the Interior and Local Governments, to help him in conducting negotiations and consultations with the local officials in Mindanao—provincial, city, municipal—in order to assist him, as he was quoted to have said, “in assessing the situation and in finally coming to a decision of joining the ARMM elections.”

So it is a different viewpoint, Madam President.

**Senator Angara.** But it still remains in the realm of speculation. What I am saying, Madam President, is that postponing it for six months may give government time to entice the

MNLF to join in the election. But, on the other hand, postponing the election for six months would also enable the MNLF and—we will talk about it later—the MILF to build up their forces and prepare for an armed confrontation rather than an election.

I am saying, Madam President, that, for instance, a six-month postponement is probably too long for the purpose because then it removes the incentives to both sides to agree. It gives them more time to plot and plan against each other. As long as that long period of uncertainty hangs over everyone's head, then I think the uneasiness and restiveness in Mindanao will prevail and continue.

**Senator Sotto.** I would like to believe and concur with the distinguished Gentleman, Madam President. In fact, that is true. But there are other factors to consider, like, as I have mentioned earlier also, the rainy season, the request of the youth for their participation, the preparation of Comelec, although the distinguished Gentleman from Quezon would not want to accept those as reasons.

**Senator Angara.** I do not think Chairman Pardo, sitting next to the Sponsor, will accept that as a reason.

**Senator Sotto.** But it took them eight years, Madam President, to do the computerized voters' list. They have only eight months to computerize the whole voting process, after we approved the bill allowing them to do so. As far as the Comelec is concerned, it is also a major reason, if we really want to go into computerization by that time.

**Senator Angara.** We have dealt with that reason.

**Senator Sotto.** As to the main reason and issue that the distinguished Gentleman is mentioning, yes. But, again, that may be a presumption also, Madam President, because postponing it may presume that we will be giving them time to thresh out their differences and they may be encouraged to join the election. If they do, then it will be something really very good for the country. At least, we gave them a chance and we gave peace a chance.

**Senator Angara.** Yes, by all means, let us give peace a chance. But the little I know about negotiations, Madam President, as long as we remove that sense of urgency, then both parties will not move as eagerly, as earnestly as if there is a deadline to meet. And giving them this very easy deadline will just prolong the uneasiness and restiveness among our people and even take the momentum out of this negotiation.

**Senator Sotto.** Madam President, I would also like to throw that issue to the Body. If the Gentleman will be proposing an

amendment to that effect, I will wait for the period of amendments and I will throw it to the Body to decide whether we should postpone it that long or not.

**Senator Angara.** Thank you, Madam President.

The postponement will create goodwill between the negotiating parties—government and MNLF. Will it create goodwill among the MILF, which I understand, has now the greater number of armed persons and are now building up their own force? Would it entice the MNLF also to participate in this postponed election, Madam President?

**Senator Sotto.** Aside from allowing them to thresh out their differences also and as far as the request of the leader of the MNLF is concerned, we have been informed about it. As far as the MILF issue is concerned, we were not able to secure that.

But if we will get the sense of the people who participated in the public hearing—the different assemblymen who came from the different provinces and the representatives of different groups and the other resource persons—we can sense that there was no objection to the postponement from any of the sectors there. So if there was any coming from the MILF, I am sure they would not really care if they would continue with their violent tendencies.

**Senator Angara.** Precisely, that is the “don’t care attitude” among the MILF that could be worrisome for the future because we may have satisfied the MNLF in postponing this. As far as the MILF is concerned, that is a matter of indifference and they will continue to build up their armed forces, and in the end may make a similar demand as MNLF. So that will bring the whole process back to square one.

**Senator Sotto.** If we will look at the records, Madam President, we were informed that during the last elections in the Autonomous Region of Muslim Mindanao, the MILF did not disrupt any of the elections, the latest elections in particular. In fact, according to Comelec, they actually participated. So it is safe to presume that they will also participate.

There were a number of candidates, I understand, who were voted into office that represented them.

**Senator Angara.** Maybe so, but as we know, Madam President, the MNLF pursues the issue of autonomy whereas the MILF pursues the issue of a separate state. So they are really pursuing different ideologies.

What I am saying is that having acceded to the request of government and MNLF to get the elections postponed, we may

have achieved goodwill between the two but still have not solved the problem of the MILF, so that our problem in Mindanao will still pester us and prevail. In the end, we may have bought time but still we would not have solved the problem.

Madam President, we have been at this peace process for the past three years. For sure, there have been favorable movements. We have resolved this and that issue, but we are still stuck on the three main issues that separate both sides.

Does the distinguished Gentleman not think, Madam President, that government should rethink the whole strategy of negotiation, and perhaps, bring in a truly honest broker to actively participate in this negotiation? As long as the two parties are just the ones simply talking to each other and negotiating, I think their positions are never closer to each other today than three years ago. Whereas, if an honest third party broker can come in, an honest broker that both parties will respect and follow, does the distinguished Gentleman not think that a breakthrough in these negotiations could be possible?

We have seen the honest brokering, for instance, Madam President, of the United States in the Israeli and Arab or Palestinian dispute; we have seen the honest brokering of the United States in the former Yugoslavia dispute, and it seems it has achieved breakthroughs and those two problems are more intractable, more emotional and more deep-seated than our problem with our Muslim brothers.

So does the distinguished Gentleman not think that it is about time government rethink the whole model and framework of negotiation rather than just leave the negotiation to our retired generals who, I am sure, are quite capable? Should the government not take another look at our set of negotiators and another set of negotiating framework, and more important to me, the entry of a strong honest broker?

For instance, I can think of Indonesia being a good and honest broker for us because Indonesia has influence over the OIC; it has not only influence but we respect Indonesia. Indonesia is truly interested in maintaining regional stability in the ASEAN, and among the ASEAN countries, we are the closest in both spirit and culture to Indonesia. So, should the government not begin rethinking the whole negotiating strategy rather than get stuck in these three very difficult issues, and in the process, antagonize the Christian majority in Mindanao and yet not make the Muslim minority happy at all with these negotiations?

**Senator Sotto.** Probably, yes, Madam President, although we are now being helped also by the Organization of Islamic States. They have participated and they have been our go-betweens also.

**Senator Angara.** Yes, but not in a proactive role; they are just hosting.

**Senator Sotto.** Yes, there is no harm in probably agreeing with the observation of the Gentleman from Quezon.

**Senator Angara.** Yes, Madam President, because even now our military officials are saying that we have deployed 70 percent of our armed forces in Mindanao. I believe that is a very uncomfortable development for us because we may be creating unwittingly a climate of war preparedness in Mindanao when, precisely, we do not want to do that. We are precisely postponing the election to create goodwill rather than war hysteria. Yet, the actions of both sides—government and the MNLF and MILF—are to prepare for war. Maybe preparing for war would be the best way to achieve peace, but I think this kind of posturing will just retard the solution to the problem unless government, I submit, rethinks the whole negotiating strategy.

Let me ask one more question, Madam President, and then I will be through.

There will be a holdover of the regional governor, vice governor and members of the Regional Assembly. For the regional governor, he is prohibited from making new appointments as well as disbursing public money except for salary and other mandatory expenses. What about the Regional Assembly? What is to prevent the Regional Assembly from creating new offices, disbursing or authorizing the disbursement of public money, or just creating new offices? Because even if they authorize the disbursement, the regional governor may not allow its release. What is the restriction on the Regional Assembly?

**Senator Sotto.** As far as Senate Bill No. 1314 is concerned, it also amends Senate Bill No. 6734 by including the members of the Regional Legislative Assembly in the holdover.

**Senator Angara.** Yes, Madam President, but there is a restriction on the part of the regional governor that he cannot.

**Senator Sotto.** Yes, Madam President. They are also covered by the prohibition in the new Senate bill.

**Senator Angara.** If that is the intent, then the proviso should be amended to include the Regional Assembly because the proviso right now just covers the regional governor and vice governor. That is on page 2, line 8 of the proposed bill.

**Senator Sotto.** If the distinguished Gentleman would like to include the Legislative Assembly, this Representation will have no objection.

**Senator Angara.** At the right time, Madam President. One final question. Pardon me for going back to the question of earning goodwill by postponing it. For instance, on the expansion of the area of autonomy, how can we expand the area of autonomy from the present four provinces to 13 provinces and nine cities unless—and I have heard this said—one carves out another province from Lanao del Norte, another province out of part of Sultan Kudarat, North Cotabato, and perhaps, Maguindanao? But that will only add two more Muslim provinces to the four and that will still be short of the 13 provinces being demanded by the MNLF.

Is that a possibility? Part of the hope in this postponement is for the MNLF to agree to the creation of new provinces out of Muslim municipalities in Lanao del Norte, Sultan Kudarat, North Cotabato and probably including Basilan in the process. So, that makes for seven provinces.

Is that in the works, Madam President. Is that part of the planning in this postponement?

**Senator Sotto.** That was brought out by the chairman of the Committee on Constitutional Amendments, Revision of Codes and Laws, Senator Santiago, during the public hearings. Precisely, we were stymied by the fact that we cannot expand it at the moment.

**Senator Angara.** Precisely, Madam President, this is part of my uneasiness about this bill because we are passing a bill at the request of the government to purportedly "engender goodwill" during the peace talks, and yet we are really in the dark as to the final game plan for the government to achieve this goodwill. I do not think goodwill will be achieved by expressing the hope that three or four more provinces will be included, or something to that effect. We do not really know what is the reason for this request.

**Senator Sotto.** I can only believe, Madam President, what they have told us. And the presumption is that they have the intention of joining the elections. They have not discussed that because they would want to join the elections; they would like to expand it. So, really, we can only presume as far as that issue is concerned.

**Senator Angara.** Yes. Well, that is part of...

**Senator Santiago.** Madam President.

**Senator Sotto.** I think Senator Santiago would like to interject.

**The President Pro Tempore.** Senator Santiago is recognized.

**Senator Santiago.** Madam President, if the two Gentlemen will concede the Floor to me, I would just like to add the additional information that in the public hearing conducted jointly by our two committees more or less the same question was posed.

**Senator Angara.** With our permission, Madam President, because I have the Floor. So I will have to agree to her intervention.

**The President Pro Tempore.** Could the Chair ask the Minority Leader to yield the Floor to Senator Santiago for a few minutes?

**Senator Angara.** Gladly, Madam President.

**Senator Santiago.** Thank you. I will refer only to the journal, to the transcripts of the public hearing where a similar question was posed to the Presidential Adviser on the Peace Process, Ambassador Yan. And this was his reply: "The main agenda item of our negotiation is the implementation of the Tripoli Agreement—the full implementation of the Tripoli Agreement in letter and in spirit. And so we are really negotiating on this basis because the MNLF as well as the Organization of Islamic Conference do not recognize the present Autonomous Region of Muslim Mindanao."

And then after a few more sentences, he made this categorical statement: "And so, many of the points we are discussing are really not in accordance with the Constitution or the Organic Act."

**Senator Angara.** What is the sense of that report, Madam President?

**Senator Santiago.** I am afraid I will have to decline the function of interpretation, but the statement speaks for itself. He was replying to a question that I had posed. The question was: "Since the Constitution provides for Muslim autonomy only for those provinces that so vote in the plebiscite and only four have so voted, was this point considered by the peace panel as still negotiable since it has already been permanently provided for in the Constitution?" And his answer was: "Many of the points we are discussing are really not in accordance with the Constitution or the Organic Act."

**Senator Angara.** From that I can presume that what is being discussed during the peace talks, at least from the MNLF side, is outside the constitutional framework.

One more point and I am done, Madam President. I appreciate the efforts the Sponsor has put into this bill and the explanation he has tried to give to us to justify its passage. But

it leaves a wide area of doubt and uncertainty on a clear justification for this postponement. I think one must not readily agree to postponing elections because elections precisely are set in advance for regularity and predictability.

If we are going to agree almost with alacrity to request for postponement, for one reason or another, without a very clear and concise justification for our public, then I am afraid that the very issue of legislation would be depreciated and the very value of predictability of election will be gravely endangered.

That is the main concern that we are raising, Madam President.

Madam President, thank you very much. I thank the Sponsor for his indulgence.

**Senator Tatad.** Madam President.

**The President Pro Tempore.** Senator Tatad is recognized.

**Senator Tatad.** Thank you, Madam President. Will the distinguished Sponsor yield for a few questions?

**Senator Sotto.** Certainly, Madam President.

**Senator Tatad.** Madam President, is this a certified bill?

**Senator Sotto.** Yes, Madam President.

**Senator Tatad.** Previously, Madam President, I raised a question about the correctness of form of this certification. Under the Constitution, as reflected in our Rules, the President certifies to the necessity of the enactment of a bill to meet a public calamity or emergency.

May we know how that query has been disposed of, Madam President?

**Senator Romulo.** Madam President.

**The President Pro Tempore.** The Majority Leader is recognized.

**Senator Romulo.** Madam President, we have taken note of what our distinguished Colleague, Senator Tatad, has said. At the proper time, we will respond to his question as to the form and content of the certification.

**Senator Tatad.** I raised that question, Madam President, because in the Ninth Congress, the same question was raised several times on a number of issuances, and on each occasion,

the certification had to be revised to conform to the constitutional provision. But I will await the answer of the House at the proper time. Thank you very much, Madam President.

Madam President, is this a bill of national application?

**Senator Sotto.** Not exactly, Madam President, although it has national implications.

**Senator Tatad.** The election is to be held in the Autonomous Region of Muslim Mindanao covering a specifically defined area within the local jurisdiction of ARMM. Is this not a bill of local application?

**Senator Sotto.** More or less, Madam President. Yes, we can consider this a bill of local application.

**Senator Tatad.** It is a bill of local application. Under the Constitution, Madam President, Article VI, Section 24, says:

All appropriation, revenue or tariff bills, bills authorizing increase of the public debt, bills of local application, and private bills shall originate exclusively in the House of Representatives, but the Senate may propose or concur with amendments.

May we know if we are now discussing a bill approved by the House, or are we discussing a bill proposed by Senators in the Senate?

**Senator Sotto.** Madam President, we are discussing Senate Bill No. 1317, although the original counterpart bill of this is in the House. So, we cannot call it a counterpart bill. The original bill was filed by Congressman Datumanog a few months ago.

As I said, my answer to the query of the Gentleman first was more or less, because I was trying to recall how we discussed this in the Ninth Congress when we passed a similar bill. And we agreed, I believe, during that time. We were able to thresh out this matter when I was discussing this with Senator Guingona during that time. Because of the national impact, then it is not really exactly a bill of local application because this is an election bill.

I recall now that in the Ninth Congress, we approved the Senate bill precisely because it was an election bill and it was a bill that had national implications.

**Senator Santiago.** Madam President.

**The President Pro Tempore.** Senator Santiago wishes to be recognized. May I ask Senator Tatad whether he will yield the Floor?

**Senator Tatad.** Willingly, Madam President.

**The President Pro Tempore.** Senator Santiago is recognized.

**Senator Santiago.** Thank you. It is our contention that this is not a bill of local application and that instead, it is a bill of national application. In the context of the Constitution, Article X on Local Government, Section 15 provides:

There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.

If this is the definition of an autonomous region, then clearly by its own terms, an autonomous region is not a local government unit. Therefore, any bill that proposes to provide for an autonomous region is, by definition, a bill of national application.

**Senator Tatad.** Madam President, I will not disagree with the observation that a bill that seeks to create or provide for the creation of an autonomous region may not be considered a bill of local application because it involves carving out part of the nation. But once the autonomous region has been established, any legislation pertaining to it should now be considered a bill of local application.

**Senator Sotto.** I am sorry, Madam President. Due to the reasons already mentioned, I cannot agree with the Gentleman. This is a bill postponing elections, and that is how I look at it.

**Senator Tatad.** It is postponing a local election.

**Senator Sotto.** Again, Madam President, it is a national issue and it has national implications.

**Senator Tatad.** Local issues do have national implications. We are not referring to the implications; we are referring to the application of the law. This law will apply to a local jurisdiction; therefore, it is a bill of local application. According to practice and according to our Rules, a bill of such nature should emanate from the House. We should wait for it to be approved by the House. When it comes here, then we act on it. That has been the practice.

But if this is the new wisdom from the Committee on Local Government, it will be fruitless to debate this point. I am just raising it because it might provoke a constitutional issue.



**Senator Sotto.** The Committee on Rules would have asked that this be referred to its committee if this had been a bill of local application and if that would have been the sentiments of the Committee on Rules—the Majority Leader and the Senate.

**The President Pro Tempore.** The Chair believes that that bill was indeed referred to the Committee on Local Government.

**Senator Tatad.** Madam President, if the contention is correct—that this is a legislation that is not of local application because it refers to the postponement of elections—it should have been referred primarily to the Committee on Constitutional Amendments, Revision of Codes and Laws. The mere fact that it was referred to the Committee on Local Government is an indication that it is indeed of local application.

As I have indicated, Madam President, we cannot debate this point here. I just wanted to spread on the record my position so that if the question arose later on in a lawsuit, I would have stated my position on the matter.

**Senator Romulo.** Madam President.

**The President Pro Tempore.** The Majority Leader is recognized.

**Senator Romulo.** With the permission of the speakers on the Floor. May I state that this bill was referred jointly to both committees. In fact, the hearing was held jointly by both committees.

**Senator Tatad.** I noticed that, Madam President, except that, I also notice that the Committee on Local Government is the first committee and the Committee on Constitutional Amendments, Revision of Codes and Laws is the second committee. But may we proceed, Madam President.

I will not ask the questions that have been asked by the Minority Leader, but I will revisit the grounds touched by him.

In the course of the sponsorship speech of our distinguished friend, he said that the postponement of the elections will have favorable impact on the peace talks in Jakarta, as it will provide the parties more time and elbowroom on which to further address themselves to the remaining three contentious issues in said peace negotiations. It will go a long way to promote the desirable atmosphere of good will, understanding and accommodation between the said parties and greatly contribute to our efforts to establish in said area the solid foundations of peace and tranquility which, for sometime now, have eluded us.

The distinguished Minority Leader has indicated that the

three contentious issues that stand in the way of an agreement between the MNLF and the national government have to do with (1) the establishment of a provisional government; (2) the expansion of the area of the Autonomous Region from four to who knows how many provinces—13 perhaps; and (3) the integration of MNLF forces into the Armed Forces of the Philippines.

Madam President, how will the postponement of the elections help to resolve these issues?

**Senator Sotto.** Madam President, if they do join the elections, then they might just change their stand and might change their minds. Because of these three major issues that the Minority Leader has mentioned as very contentious, we agree. It does not mean that the government or the executive department is, more or less, acceptable to any of these terms.

We would like to believe that their joining the ARMM elections would actually make them change their minds and look at what we have—the democratic form of government—as a better alternative to what they believe in.

**Senator Tatad.** Is it being suggested by our distinguished friend that the MNLF might be persuaded to join the elections after having given up on their terms just because the elections are to be postponed until November?

**Senator Sotto.** To allow them to have more consultations with the local officials there. That was what they said—to quote Ambassador Yan quoting Mr. Misuari.

**Senator Tatad.** But the struggle has been there for years. And if the MNLF leadership had wanted to participate in the elections, they would have participated in the previous elections, and they would have arrived at a decision to participate in the March elections if indeed it was possible for them, if it is conceivable for them to participate in the elections without the government conceding the terms that have been specified. Is this not a reasonable proposition, Madam President?

**Senator Sotto.** Yes, Madam President. Although there were a number of them who joined the previous elections but not on official capacity as members of MNLF or MILF.

**Senator Tatad.** So, whom is the government trying to entice to join the ARMM elections in particular? Is it Nur Misuari, the chairman of the MNLF?

**Senator Sotto.** I understand, together with Mr. Misuari, the leadership of the rebel groups.

**Senator Tatad.** Is it not possible that Mr. Misuari is going

to insist on the three conditions previously enumerated before considering any chance of participating in the ARMM elections?

**Senator Sotto.** I will be guessing if I answer the Gentleman in the affirmative or in the negative.

**Senator Tatad.** But the distinguished Senator agrees that one of the demands of the MNLF is the establishment of a provisional government. How would this be distinguished from the present government of the ARMM?

**Senator Sotto.** I would like to believe that the executive department will not be giving in on this matter, Madam President.

**Senator Tatad.** Before we talk about the position of the executive department, may we have a distinction between the provisional government being proposed by Mr. Misuari and the existing government of the ARMM?

**Senator Sotto.** The committee did not ask the negotiators on how the MNLF would define a provisional government as far as they are concerned.

**Senator Tatad.** Why not, Madam President? Is this not germane to what is being proposed?

**Senator Sotto.** No, Madam President, because that is part of their peace talks and negotiations. It was only mentioned in our public hearing. As I mentioned earlier, this is one of the reasons why Congressman Datumanong and Senator Romulo filed this bill.

**Senator Tatad.** Madam President, the distinguished Sponsor adopted in his sponsorship speech the remarks of Ambassador Yan referring to the so-called "favorable impact" that the postponement of the elections would have on the RP-MNLF talks.

**Senator Sotto.** Yes, that is what they were told by the other panel, Madam President.

**Senator Tatad.** The point, Madam President, is that I do not believe the distinguished Sponsor adopted the remarks of the good ambassador without verifying what those remarks mean. I am trying to find out the exact meaning of these statements—the operational meaning of the statements with respect to the situation in Mindanao. And I think that is a very fair request that the Senate be furnished a precise, clear and comprehensive meaning of the statements.

**Senator Sotto.** What statements, Madam President, is the

Gentleman pertaining to? Is it the provisional government?

**Senator Tatad.** That is the beginning. The provisional government is one of the three remaining contentious issues. If we refer to the text adverted to by our distinguished Colleague from Iloilo, Ambassador Yan was saying that what is being attempted at here is a full implementation of the Tripoli Agreement which went out of the picture under the 1987 Constitution. The good ambassador was saying that many of the things being discussed here are clearly outside of the Constitution. So, I am trying to understand how a provisional government can coexist with ARMM, or whether it is going to replace ARMM and so on and so forth. That is why I would like to be enlightened by our distinguished Colleague.

**Senator Sotto.** As I said, Madam President, the committee did not look into this matter because, offhand when we were told about the three issues, their complications, and their not really being acceptable to the members of the panel or to the Executive, we did not take it upon ourselves to find out more about these issues. We took them as how they were presented to us. If that does not satisfy the distinguished Gentleman, let us be allowed to consult again the MNLF proponents because they were the ones proposing this and ask them what they mean by "provisional government."

**Senator Tatad.** Madam President, maybe it is really necessary to consult further so that there is something authoritative we can tell the Senate and our people. If the distinguished Sponsor did not refer to this particular point in his sponsorship speech, we might absolve the committee of any responsibility of trying to find out what exactly this thing means. But since the distinguished Gentleman has referred to it in his sponsorship speech, I believe it is only fair that the Senate be furnished a full statement on the meaning of what has been referred to, Madam President.

**Senator Santiago.** Madam President.

**The President Pro Tempore.** Would Senator Tatad yield for some remarks from Senator Santiago?

**Senator Tatad.** Yes, Madam President.

**The President Pro Tempore.** Senator Santiago is recognized.

**Senator Santiago.** Thank you, Madam President. In an attempt to help answer the question posed by our Colleague, may I refer once more to the transcript of the public hearing, particularly to the testimony of Ambassador Yan who was responding to a point more or less similar to the one

being made right now.

Ambassador Yan said: "This proposed postponement will give us more and more room, more time within which to address these few remaining issues. In the meantime, Chairman Misuari requested assistance from the Office of the Peace Process Adviser as well as the Interior and Local Government Office to help him in conducting further negotiations with local officials in Mindanao, provincial, city and municipal officials in some vital provinces, in order to further assist him in assessing the situation and finally coming to a decision on our proposal to him to consider running for this ARMM elections."

So, apparently, it will help the peace talks if the government could convince Mr. Misuari to stand for election during this forthcoming ARMM exercise. This was the reason for the request for postponement.

**Senator Tatad.** Thank you for that, Madam President. Perhaps we can move on. In the course of the previous interpellation, reference was made to the Tripoli Agreement. Again, this has a very important bearing on the subject at hand.

May we ask our distinguished Colleague to spread on the record his understanding of the Tripoli Agreement, whether it is still in effect or not.

**Senator Sotto.** Madam President, there were a number of items or issues that incorporate the Tripoli Agreement. Only a mention of one was made during the hearing and that was the agreement then to create the autonomous region consisting of 13 provinces which, to our knowledge, only four agreed to join. That is only one of the items that was mentioned in the Tripoli Agreement. I have no knowledge of the text of some of the other issues there.

So if the Gentleman would like to find out more about the Tripoli Agreement, then I will have to ask for a suspension.

**The President Pro Tempore.** If I interpret Senator Tatad rightly, I think what he is asking is, since the Tripoli Agreement during the Marcos administration and with the advent of the Aquino administration and the 1987 Constitution, the Autonomous Region of Muslim Mindanao has been formed by a referendum.

I believe this is the thrust of Senator Tatad's query if I interpret him correctly.

**Senator Tatad.** The Chair is correct in her interpretation of the thrust of my statement. The Tripoli Agreement was negotiated in 1976. It was subjected to a plebiscite and the

proposal to create an autonomous region of 13 provinces and cities within this area did not materialize.

Subsequently, the 1987 Constitution came into being, replacing the old Constitution. Under the new Constitution, there is a provision creating an Autonomous Region for Muslim Mindanao and this was the subject of an enabling law for autonomous region. And then again, this was subjected to a plebiscite, and a minority of the areas that participated in the plebiscite voted for the establishment of an autonomous region.

I maintained at the beginning that in view of the fact that it was only a minority that voted for the establishment of an autonomous region, there should have been no autonomous region at all. But the Supreme Court, in a ruling penned by Justice Irene Cortez, creatively interpreted it to mean that the minority could create an autonomous region. And so we have this autonomous region based on what I believe was an erroneous decision. But as we know, the Supreme Court is right even when it is wrong.

Having said all that, I just wanted to refer to the Tripoli Agreement because it seems to be the basic document being referred to in the peace talks whose chances we would like to enhance by postponing the ARMM elections.

So it would be interesting to find out what is the view of the committee chairman on this very important issue. Because I believe that we cannot enact a law postponing elections in ARMM unless we take into consideration the broader framework of autonomy in Muslim Mindanao.

**Senator Sotto.** There are other factors, Madam President, that we have to consider. We should not confine ourselves to the contentions of the rebels. As I said, there are two other major issues that compel us to postpone the elections.

May I refer the Gentleman to the other chairman.

**The President Pro Tempore.** Senator Santiago is recognized.

**Senator Santiago.** If I have the indulgence of the two Gentlemen on the Floor, I will again refer to the transcript of the public hearing, with Mr. Yan testifying, to quote: "The main agenda item of our negotiations is the implementation of the Tripoli Agreement."

Thus, we can see the peace panel and therefore the executive branch of government believes that at this time the Tripoli Agreement is still valid and effective.

The personal belief of the chairman of the Committee on Constitutional Amendments, Revision of Codes and Laws is that the Tripoli Agreement has been superseded by the 1987 Constitution.

We would like to clarify, as the highlight of our response to this interpellation, that if these two committees which held a joint hearing have decided to recommend approval of the bill, it was on the basis of the principle of administrative law, the principle of primary jurisdiction.

Since it is Comelec which has primary jurisdiction over election matters, and since the request has been endorsed and strongly supported by the Comelec chairman who is personally present in the session Floor today, we have referred to him as the chairman of a constitutional agency and we have accepted his primary jurisdiction. In other words, he has assessment of the situation.

We have not intended to take into consideration the agenda being pursued by the peace panel. That will explain why we are not prepared to discuss the points now being taken up by the peace panel with the other negotiating party.

**Senator Tatad.** Thank you, Madam President. We appreciate the remarks of our distinguished chairman of the Constitutional Amendments, Revision of Codes and Laws, except for the fact that while the Comelec has made some statements concerning its difficulties in meeting the deadline if the elections were held on March 4, 1996, he has also subsequently made other statements, previously quoted by the distinguished Minority Leader, that they would be in a position to comply with the requirements of the election law if we decide that the elections be held on March 4.

Additionally, Madam President, while the explanatory note of the bill refers purely to the electoral difficulties, the administrative difficulties being incurred by the Comelec, the certification whose correctness we have previously questioned does not even speak of the difficulties of the Comelec. It speaks of the goodwill that is to be fostered with the MNLF.

While I understand fully the position of the distinguished Chairperson, because she had no way of anticipating the language of the certification, it is now very clear that the whole thing has evolved to such a point where we must confess to a certain degree of confusion.

**Senator Santiago.** Ginang Pangulo, kung papayagan sana ako ng aking katunggali na magsalita sa wikang Filipino. Ang tunay na dahilan ay nakiusap ang tagapangulo ng Comelec na bigyan sila ng sapat pang panahon. Kung бага sa atin, kaya nila, pero gipit sila sa panahon kaya sila ay nakikiusap.

**Senator Tatad.** Maraming salamat po. Gusto ko lamang ipahayag, Ginang Pangulo, na hindi ako tumututol sa hinihiling ng ating pamahalaan na ipagpaliban muna ang halalan kung kinakailangan. Ang nais ko lamang ay malaman ng taumbayan ang buong katotohanan. Sapagkat kung gagamitin ang Comelec na kublihan ng mga taong may ibang hangarin, sa palagay ko mapupulaan tayo ng ating mga kababayan. Gusto ko lamang sabihin ang tunay na mga dahilan at katwiran kung bakit hinihingi ng Komite ang postponement o pagpapaliban ng halalan na nakatakdang ganapin sa ika-4 ng Marso.

Maraming salamat po.

**Senator Sotto.** Madam President, just to belabor that point which I mentioned earlier. One of the major factors is the computerization. We believe in the integrity of the Comelec, and the officials have placed on record that if they want the elections to continue or to push through on March 4, they can but it will not be computerized. That is one of the main reasons. Not only the Comelec, there is also a need for the people to further know the mechanics of computerized elections.

In the public hearing, it was also mentioned by Governor Pangandaman. Hindi lamang iyong mga taong dapat matuto kung paano ang computerized elections. Ang mga kandidato mismo ay kailangan ding matuto. Kaya hindi sila tumututol sa postponement.

Anyway, Madam President, we have already expressed all this in the interpellation that preceded this. Thank you.

**Senator Romulo.** Madam President, I move that we close the period of interpellations.

**The President Pro Tempore.** Is there any objection to the motion? [*Silence*] There being none, the motion is approved.

**Senator Romulo.** I move that we consider the committee amendments.

**Senator Sotto.** Madam President, there are no committee amendments.

#### SUSPENSION OF THE SESSION

**Senator Romulo.** Madam President, may I ask for a one-minute suspension of the session.

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

*It was 7:35 p.m.*

# RESUMPTION OF THE SESSION

*At 7:39 p.m., the session was resumed with the Hon. Orlando S. Mercado presiding.*

**The Presiding Officer** [Senator Mercado]. The session is resumed.

**Senator Romulo.** Mr. President, we are now in the period of individual amendments. I ask that the distinguished Minority Leader be recognized.

**The Presiding Officer** [Senator Mercado]. The Minority Leader is recognized for his individual amendments.

## ANGARA AMENDMENTS

**Senator Angara.** Thank you, Mr. President. On page 1, line 11, in lieu of the word "November", substitute it with SEPTEMBER.

**The Presiding Officer** [Senator Mercado]. What does the Sponsor say?

**Senator Sotto.** It is accepted, Mr. President.

**The Presiding Officer** [Senator Mercado]. Is there any objection? [Silence] There being none, the amendment is approved. Are there any other amendments on page 1? [Silence] All right, page 2.

**Senator Angara.** On page 2, line 8, after the word "vice-governor", insert the phrase AS WELL AS THE REGIONAL LEGISLATIVE ASSEMBLY.

**The Presiding Officer** [Senator Mercado]. What does the Sponsor say?

**Senator Sotto.** It is accepted, Mr. President.

**The Presiding Officer** [Senator Mercado]. Is there any objection? [Silence] There being none, the amendment is approved.

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

**The Presiding Officer** [Senator Mercado]. Are there any other individual amendments? [Silence]

**Senator Romulo.** Mr. President, I move that we close the period of amendments.

**The Presiding Officer** [Senator Mercado]. Is there any objection?

**Senator Angara.** Mr. President.

**The Presiding Officer** [Senator Mercado]. The Minority Leader is recognized.

## PARLIAMENTARY INQUIRY OF SENATOR ANGARA (Whether the Provision of RA 7647 re Copies to be Printed, Still Remain)

**Senator Angara.** Thank you, Mr. President. Before closing the period of amendments, just a parliamentary inquiry because it is important to this election, too:

In the law that postponed the election in 1993, Republic Act No. 7647, the law provides that seven copies be prepared of the election return and the seven beneficiaries of those copies are enumerated in the law.

Would this provision still remain or will it now be the new law specifying the beneficiaries of the election returns? Because we just approved the conference committee of this new law.

**Senator Sotto.** We understand that it will be the amended version that will be...

**Senator Angara.** That means the new law that we are passing.

**Senator Sotto.** Yes, Mr. President.

**Senator Angara.** Just for the record, I will get a copy of that.

In other words, Mr. President, as provided by the new law amending Section 27 of Republic Act No. 7166, which reads—I have to read this for the record to avoid any misunderstanding.

*Section 27. Number of Copies of Election Returns and their Distribution.* — The Board of Election Inspectors shall prepare in handwriting the election returns in their respective polling places, in the number of copies herein provided and in the form to be prescribed and provided by the Commission.

The copies of the election returns shall be distributed as follows:

- a) In the election of President, Vice President, Senators, and Members of the House of Representatives.

- (1) The first copy shall be delivered to the city or municipal board of canvassers;
- (2) the second copy, to the Congress, directed to the President of the Senate;
- (3) the third copy to the Commission;
- (4) the fourth copy, to the dominant majority party;
- (5) the fifth copy, to the dominant minority party;
- (6) the sixth, to a citizen's arm authorized by the Commission to conduct an unofficial count, et cetera;
- (7) the seventh, to be deposited inside the compartment of the ballot box for valid ballots.

And in the election of local officials, the same.

Would this new rule now be followed, Mr. President?

**Senator Sotto.** Yes. According to Chairman Pardo of the Comelec, it is the one that will be followed.

**Senator Angara.** Thank you very much, Mr. President.

**The Presiding Officer [Senator Mercado].** In any event, as the Minority Leader has amended line 11 from "November" to SEPTEMBER, we would have to amend line 17 as well. So may we make this an omnibus amendment, just for the record?

**Senator Sotto.** Yes, Mr. President.

**The Presiding Officer [Senator Mercado].** Are there any objections to this omnibus amendment? *[Silence]* There being none, the amendment is approved.

We have reopened the period of individual amendments. Are there any other individual amendments on either page of Senate Bill No. 1314? *[Silence]* There being none, we close the period of amendments.

#### APPROVAL OF S. NO. 1314 ON SECOND READING, AS AMENDED

**Senator Romulo.** Mr. President, I move that we vote on Senate Bill No. 1314, as amended, on Second Reading.

**The Presiding Officer [Senator Mercado].** We shall now vote on the bill, as amended, on Second Reading.

As many as are in favor of the bill, as amended, please say *Aye*. *[Several Senators: Aye]* As many as are against, please say *Nay*. *[Silence]*

Senate Bill No. 1314, as amended, is approved on Second Reading.

#### SUSPENSION OF THE SESSION

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

**The Presiding Officer [Senator Mercado].** The session is suspended until four o'clock tomorrow afternoon, if there is no objection. *[There was none.]*

*It was 7:46 p.m.*

## RECORD OF THE SENATE

**WEDNESDAY, DECEMBER 20, 1995**

### RESUMPTION OF THE SESSION

*At 4:58 p.m., the session was resumed with the Senate President, Hon. Neptali A. Gonzales, presiding.*

**The President.** The session is resumed. The Majority Leader is recognized.

### MANIFESTATION OF SENATOR ROMULO (Change of Schedule of the Bicameral Conference)

**Senator Romulo.** Mr. President, may I make an announcement. The chairman of the Committee on Finance wishes to advise all the members of the Senate panel that the Bicameral Conference this evening has been deferred to 10:00 a.m. tomorrow at the same place. The reason for this is that there are still many paperworks that have to be performed by the LBRMO.

May I restate it, instead of this evening at 6:30, as originally announced, the Bicameral Conference Committee panels will meet tomorrow at ten o'clock at the same place.

**The President.** The Secretary will please read the Fourth Additional Reference of Business.

### FOURTH ADDITIONAL REFERENCE OF BUSINESS

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

**The Secretary.**

December 13, 1995

**Mr. President:**

I have been directed to inform the Senate that the House of Representatives on December 12, 1995 passed House Bill No. 4525, entitled

**AN ACT PROVIDING FOR THE UNIFORM COMPOSITION OF THE GOVERNING BOARDS OF CHARTERED STATE UNIVERSITIES AND COLLEGES, AND FOR OTHER PURPOSES,**

to which it requests the concurrence of the Senate.

In case of disagreement, the House of Representatives requests for a conference on the disagreeing votes on said House bill, and accordingly has desig-

nated on December 12, 1995 Hon. Salvador H. Escudero III, Hon. Carlos M. Padilla, Hon. Pedro P. Romualdo, Hon. Bellaflor J. Angara-Castillo, Hon. Jeremias Z. Zapata, Hon. Carmencita O. Reyes and Hon. Elias B. Lopez as its conferees.

Very truly yours,

(Sgd.) CAMILO L. SABIO  
Secretary General

The Honorable  
NEPTALI A. GONZALES  
President of the Senate  
M a n i l a

**The President.** Referred to the Committees on Education, Arts and Culture; and Rules.

**The Secretary.**

December 14, 1995

**Mr. President:**

I have been directed to inform the Senate that should there be disagreeing votes on House Bill No. 3690, entitled

**AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY-ONE, NINETEEN HUNDRED AND NINETY SIX, AND FOR OTHER PURPOSES,**

which was passed by the House of Representatives on October 5, 1995, the House of Representatives on December 13, 1995 requests a conference with the Senate and has designated Congressman Rolando R. Andaya, Congressman Raul A. Daza, Congressman Hernando B. Perez, Congressman Rodolfo B. Albano, Congressman Feliciano R. Belmonte, Jr., Congressman Eric D. Singson, Congressman Eduardo R. Gullas, Congressman Antonio M. Diaz, Congressman Leandro B. Verceles, Jr., Congressman Amadeo R. Perez, Jr., Congresswoman Thelma Z. Almario, Congressman John H. R. Osmeña, Congressman Renato P. Dragon, Congressman Salvador H. Escudero III, Congressman Jose V. Yap, Congressman Edcel C. Lagman, Congressman Emigdio S. Tanjuatco, Jr., Congressman

RESOLUTION URGING AN EXTENSIVE AND EXHAUSTIVE INQUIRY, IN AID OF LEGISLATION, INTO THE SEAWORTHINESS AND SAFETY OF ALL INTERISLAND PASSENGER SHIPS, BOATS, AND FERRIES, TO DETERMINE ONCE AND FOR ALL THE PERSONS AND/OR PUBLIC OFFICERS LIABLE FOR RECURRING SEA TRAGEDIES AND TO PREVENT FUTURE MISHAPS THROUGH STRICT ENFORCEMENT OF UPDATED SAFETY MEASURES AND REGULATIONS

Introduced by Senator Webb.

**The President.** Referred to the Committee on Public Services.

**The Secretary.** Proposed Senate Resolution No. 257, entitled \_\_\_\_\_

RESOLUTION DIRECTING THE COMMITTEE ON FOREIGN RELATIONS AND THE COMMITTEE ON LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED ARROGANT ACTS OF THE PHILIPPINE CONSUL AND OTHER CONSULAR OFFICIALS IN HONG KONG, COMMITTED AGAINST THE FILIPINO OVERSEAS CONTRACT WORKERS THEREIN WITH THE END IN VIEW OF RECOMMENDING APPROPRIATE REMEDIAL OR LEGISLATIVE MEASURES OR SUCH OTHER APPROPRIATE RECOMMENDATIONS OR ALL

Introduced by Senator Maceda.

**The President.** Referred to the Committees on Foreign Relations; and Labor, Employment and Human Resources Development.

**BILL ON THIRD READING**  
**S. No. 1314 - Changing the Date of Election**  
**for Elective Officials of ARMM**

**Senator Romulo.** Mr. President, I move that we now consider on Third Reading Senate Bill No. 1314. But before the Secretary reads the title of the bill, may I ask that the certification of the President be read first.

**The Secretary.**

December 13, 1995

Honorable Neptali A. Gonzales  
Senate President  
Manila

Pursuant to Section 26 (2) of Article VI of the Constitution, I hereby certify to the necessity of the immediate enactment of Senate Bill No. 1314, entitled

AN ACT CHANGING THE DATE OF ELECTIONS FOR THE ELECTIVE OFFICIALS OF THE AUTONOMOUS REGION FOR MUSLIM MINDANAO, AMENDING FOR THE PURPOSE R.A. 7647 ENTITLED "AN ACT PROVIDING FOR THE DATE OF REGULAR ELECTIONS FOR THE REGIONAL GOVERNOR, REGIONAL VICE-GOVERNOR AND MEMBERS OF THE REGIONAL LEGISLATIVE ASSEMBLY OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO, AND FOR OTHER PURPOSES."

to meet the public emergency arising from possible election-related problems due to lack of preparations on the part of the Commission on Elections for the computerization of the elections for the Autonomous Region for Muslim MINDANAO as called for under Republic Act No. 8046.

Best regards.

(Sgd.) FIDEL V. RAMOS

**Senator Romulo.** Mr. President, I move that we now vote on Third Reading on Senate Bill No. 1314. Printed copies of the bill were distributed to all the members of the Senate last December 20, 1995.

**The President.** Voting on Third Reading on Senate Bill No. 1314 is now in order. The Secretary will please read only the title of the bill, if there is no objection. [*There was none.*]

**The Secretary.** Senate Bill No. 1314, entitled

AN ACT CHANGING THE DATE OF ELECTIONS FOR THE ELECTIVE OFFICIALS OF THE AUTONOMOUS REGION FOR MUSLIM MINDANAO, AMENDING FOR THE PURPOSE R.A. 7647 ENTITLED "AN ACT PROVIDING FOR THE DATE OF REGULAR ELECTIONS



FOR REGIONAL GOVERNOR, REGIONAL VICE- GOVERNOR AND MEMBERS OF THE REGIONAL LEGISLATIVE ASSEMBLY OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO, AND FOR OTHER PURPOSES"

**The President.** The Senate will now proceed to vote on the bill. The Secretary will please call the roll.

*The Secretary called the roll and the result of the voting was as follows:*

**YES - 17**

Senator Alvarez	Senator Maceda
Senator Angara	Senator Magsaysay
Senator Coseteng	Senator Mercado
Senator Drilon	Senator Revilla
Senator Fernan	Senator Romulo
Senator Flavier	Senator Shahani *
Senator Herrera	Senator Sotto
Senator Honasan	The President
Senator Macapagal *	

**NO - 1**

Senator Roco \*

**ABSTENTION - 1**

Senator Tatad

#### RESULT OF THE VOTING

**The President.** With 17 affirmative votes, one negative vote and one abstention, Senate Bill No.1314 is hereby approved on Third Reading.

#### EXPLANATION OF VOTE OF SENATOR SHAHANI

**Senator Shahani.** Mr. President, I am voting for the postponement of the ARMM elections with the understanding that this is basically a Comelec bill and that it will help in the computerization of our electoral system. As for the political implications concerned, that is, the role of the MNLF, the peace process and other political implications related to the ARMM elections, I reserve my right to pronounce myself further on this more controversial issues.

I would like to place on record, Mr. President, that my vote on this bill reflects my concern for the need to computerize our

\* With explanation of vote

electoral system. I would like also to dissociate my vote at this time from the other important processes going on in the peace negotiations.

Thank you, Mr President.

#### EXPLANATION OF VOTE OF SENATOR ROCO

**Senator Roco.** Mr. President, I wish to cast a negative vote on the bill for the following reasons: I do not quite believe that this mention of the computerization is a valid reason for amending a law and for extending the terms effectively of people who were elected with a definite term. It seems to make us accept that extending terms of office can be managed under certain circumstances.

If the real reason is that Comelec is not ready to implement the election, then that is more reason we should not have approved this.

I understand that our political reasons are connected with the peace process. Because of the nature of political reasons, I will not identify the details of why I disagree. Suffice it to say that, considering the historical precedence, I do not quite believe that we can have peace by appeasement and by constantly yielding and bending respect for the rule of law which the approval of this bill will effectively effect, Mr. President.

So I vote *No*, Mr. President. I hope that this particular reading of the situation and of the facts, I am proven wrong by the events because, certainly, if I am proven right, I think all of us will be most unhappy.

Thank you, Mr. President.

**Senator Tatad.** Mr. President, may I know how my vote was registered?

**The President.** Senator Tatad is recognized.

#### EXPLANATION OF VOTE OF SENATOR TATAD

**Senator Tatad.** May I explain my vote very briefly, Mr. President.

Mr. President, I am gratified that in response to a query I posed during the interpellation, the certification of this bill has been modified to reflect what is originally stated in the explanatory note of the bill that the postponement is being sought solely to enable the Commission on Elections to comply with the requirements of computerization. I believe it is important that what is said in the explanatory note of the bill coincide with what

the President says in certifying the necessity of enacting a particular bill. That has been complied with, and I am very pleased about that.

But, Mr. President, we cannot overlook the fact that in the course of the interpellations, certain statements have been read into the *Record* to say that one of the reasons for the postponement—if not the major reason for the postponement—has to do with the effort to persuade the MNLF to participate in the elections and that this participation is contingent on the acceptance of certain terms being imposed by the MNLF, namely, the establishment of a provisional government, the expansion of the area of the present autonomous region from four provinces to possibly 13, and the integration of the MNLF forces into the Armed Forces of the Philippines.

Mr. President, I find it unfortunate that our chief negotiator in Jakarta has allowed himself to be quoted in our official record as saying that many of the issues that have come up during the Jakarta talks are clearly outside the purview of the Constitution.

Mr. President, that, to me, is most unfortunate because if the Constitution is being set aside to try to achieve a very important objective, then I do not know what the basis of all these official activities is.

In the light of this, Mr. President, while I would like to support the request that adequate time be given to the Comelec to comply with the requirements of computerization, I find myself inhibited in fully supporting this measure by the statements that have been made by Ambassador Yan on the Jakarta talks. For this reason, I abstain.

Thank you very much.

**The Secretary.** Senator Macapagal.

**Senator Macapagal.** Mr. President, may I know how my vote is recorded?

**The President.** It is in the affirmative.

#### EXPLANATION OF VOTE OF SENATOR MACAPAGAL

**Senator Macapagal.** Mr. President, may I say a few things to elaborate my vote.

Mr. President, I have no illusion that we are postponing the ARMM elections because of computerization. In fact, we should not make it a precedent that when Comelec is not ready, we will postpone the elections. We must set elections and then Comelec must prepare for those days.

Because certain statements about the peace process have already been read into the *Records* of the Senate deliberations, therefore, we do not violate any security precautions by advertising to the peace process.

I believe that if we want a peace process to regain some of the lost chances for success, we must stop internationalizing the process, and we must stop holding talks outside of the Philippines. We are already, by postponing the elections, giving in to something that we should not give into.

I hope that by the Senate agreeing to this wish of the Executive in the spirit of bipartisan efforts to achieve lasting peace in our country, we will also be heard with regard to this very important significance of holding talks outside the country.

Mr. President, while I maintain my affirmative vote, I would like to take this opportunity to urge that henceforth, all talks should be within the territory of the Philippines.

Thank you.

**The Secretary.** Senator Magsaysay.

**Senator Magsaysay.** I vote in the affirmative, Mr. President.

**The Secretary.** Senator Alvarez.

**Senator Alvarez.** My vote is *Yes* to this very timely legislation responsive to both the political and the electoral reforms needed for the region to stabilize it.

#### CONFERENCE COMMITTEE ON S. NO. 1314/H. NO. 5585 (On Changing the Date of Election for Elective Officials of ARMM)

**Senator Romulo.** Mr. President, may I move that the following Senators be designated to the Senate panel in the Bicameral Conference Committee on the disagreeing provisions of the House and the Senate versions on this bill: Senators Sotto, Flavio and Fernan.

**The President.** Is there any objection to this motion? [Silence] There being none, the motion is approved.

**Senator Romulo.** Mr. President, the chairman has advised this Representation that the Bicameral Conference Committee will be held this evening at seven o'clock at the Senators' Lounge, Manila Hotel, where both Senate and House panels will meet.

## RECORD OF THE SENATE

**THURSDAY, DECEMBER 21, 1995**

### RESUMPTION OF THE SESSION

*At 6:56 p.m., the session was resumed with the Hon. Neptali A. Gonzales presiding.*

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

### CONFERENCE COMMITTEE REPORT ON H. NO. 5585/S. NO. 1314 (On Changing the Date of Elections for Officials of the ARMM)

**Senator Romulo.** Mr. President, the Conference Committee Report on the disagreeing provisions of House Bill No. 5585 and Senate Bill No. 1314, which is "An Act Changing the Date of Elections for the Elective Officials of the Autonomous Region for Muslim Mindanao, Amending for the Purpose R. A. 7647," has been filed with the Office of the Secretary. The majority of the conferees in both the House of Representatives and the Senate have signed the report recommending the approval of the Conference Committee Report.

To render a fuller account, may I ask that the Chairman of the Senate panel, Sen. Vicente C. Sotto III, be recognized.

**The President.** Senator Sotto is recognized.

**Senator Sotto.** Thank you.

**Mr. President,** distinguished Colleagues: It is my privilege to present today before this Chamber for its approval the Bicameral Conference Committee Report on the disagreeing provisions of Senate Bill No. 1314 and House Bill No. 5585 pertaining to the change of the date of elections for the elective officials of the Autonomous Region for Muslim Mindanao, amending for the purpose Section 1 of Republic Act No. 7647.

At the outset, the two panels identified the following issues that had to be resolved and reconciled: First, the date of the postponement of the scheduled elections in 1996; fixing the date of the subsequent ARMM elections, particularly the elections beginning in 1999; the contentious issue on the scenario after the expiration of the terms of office of the officials on March 31, 1996; and the restrictions on the powers of the officials acting on a holdover capacity during the interim period.

**Mr. President,** after a lengthy and candid discussion of these issues, the two panels were able to reconcile the disagreeing provisions of the two bills and were able to come up with a reconciled version, the major points of which are as follows:

First, as to the date of postponement of the elections, the Senate and House panels agreed to adopt the Senate version holding the ARMM elections on the second Monday of September, specifically September 9, 1996.

On the second issue, however, the two panels adopted the House version returning the date of all subsequent elections beginning 1999 to the month of March in order to harmonize it with Republic Act No. 6734, the Organic Act of the Autonomous Region for Muslim Mindanao which mandates that the terms of office of ARMM elected officials begin at noon on the 31st day of March next following their election.

On the third issue, the Conferees agreed to adopt the Senate version where the incumbent officials shall continue to hold office after March 31, 1996 in a holdover capacity until their successors shall have been duly elected and qualified. However, an amendment was accepted by adding the clause: **UNLESS THEY FILE THEIR CERTIFICATES OF CANDIDACY FOR ANY ELECTIVE POSITION THEREIN, IN WHICH CASE, THEY SHALL *IPSO FACTO* BE CONSIDERED RESIGNED FROM THEIR OFFICE.**

This last amendment was put forth and accepted by the members of both panels upon the urgings of the three Muslim congressmen who explained that allowing incumbents to hold office well into the campaign period may cause tension because of the perceived unfair advantage of the incumbents in the community, considering the substantial length of the holdover period involved, which is six months.

Lastly, both panels agreed to allow the officials acting during the interim period to disburse public funds upon the urgings again of the three Muslim congressmen who feared that the development of the area may be affected since the period covered by the restriction is of considerable length.

Finally, before we end this Bicameral Conference Committee Report, Mr. President, this Representation would like to assure this Body that the Senate panel tried its best to perform the difficult task of reconciling these two very different bills, keeping in mind the concerns raised by our Colleagues in the Chamber, but at the same time keeping an open mind and listening to the concerns of the people in the ARMM as voiced by their representatives, Congressmen Datumanong, Malindog and Jaffa who are members of the House panel.

In view of the foregoing reasons, we urge our Colleagues to approve this Bicameral Conference Committee Report for the people of Mindanao.

Thank you, Mr. President.

## RECORD OF THE SENATE

**THURSDAY, DECEMBER 21, 1995**

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To render a fuller account, may I ask that the Chairman of the Senate panel, Sen. Vicente C. Sotto III, be recognized.

**The President.** Senator Sotto is recognized.

**Senator Sotto.** Thank you.

**Mr. President,** distinguished Colleagues: It is my privilege to present today before this Chamber for its approval the Bicameral Conference Committee Report on the disagreeing provisions of Senate Bill No. 1314 and House Bill No. 5585 pertaining to the change of the date of elections for the elective officials of the Autonomous Region for Muslim Mindanao, amending for the purpose Section 1 of Republic Act No. 7647.

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Finally, before we end this Bicameral Conference Committee Report, Mr. President, this Representation would like to assure this Body that the Senate panel tried its best to perform the difficult task of reconciling these two very different bills, keeping in mind the concerns raised by our Colleagues in the Chamber, but at the same time keeping an open mind and listening to the concerns of the people in the ARMM as voiced by their representatives, Congressmen Datumanong, Malindog and Jaffa who are members of the House panel.

In view of the foregoing reasons, we urge our Colleagues to approve this Bicameral Conference Committee Report for the people of Mindanao.

Thank you, Mr. President.

**Senator Angara.** Mr. President.

**The President.** The Minority Leader is recognized.

**Senator Angara.** Thank you. Mr. President, will the distinguished Sponsor answer a few questions?

**Senator Sotto.** Yes, Mr. President.

**Senator Angara.** Under the proviso here, there will be a holdover position unless one files his certificate of candidacy. Suppose the incumbent regional governor, Governor Pangandaman, files his certificate of candidacy for the same position while Vice Governor Tan did not file his certificate of candidacy, under this provision, Governor Pangandaman would have been considered *ipso facto* resigned.

Am I correct in assuming that Vice Governor Tan would now assume the position of regional vice governor by virtue of the law on public officers that the vice governor will succeed when the regional governor position is rendered vacant?

**Senator Sotto.** Yes, Mr. President. If Vice Governor Tan will not run for any elective position in the said election.

**Senator Angara.** Suppose a regional assemblyman files his certificate of candidacy, will he be considered, under this provision, *ipso facto* resigned and his position will be succeeded by whom, Mr. President?

**Senator Sotto.** There is no provision on this, Mr. President. We believe that there is no need to replace any member of the Legislative Assembly of the ARMM during the campaign period.

**Senator Angara.** So that the position of that regional assemblyman who filed his certificate of candidacy will remain vacant during the 45-day period preceding the election.

**Senator Sotto.** Yes, Mr. President, because we do not envision a legislative body made up of appointed officials or holdover officials.

**Senator Angara.** It is all right then that no one will be appointed regional assemblyman. So it is possible that more than half of the regional assembly would be vacant as a result of more than half filing the certificate of candidacy for reelection or for some other position. That is a possibility.

**Senator Sotto.** Yes, Mr. President, that is a possibility.

**Senator Angara.** Mr. President, why is it that we did not

follow here the usual ordinary rule in the law on public officers that an incumbent keeps his position despite his having filed a certificate of candidacy for the same position? Why are we now depriving the incumbent of his position if he is only seeking the same position?

**Senator Sotto.** Mr. President, basically, we follow that rule in law, because the elective official who files his certificate of candidacy still has his term until way beyond the campaign period and way beyond the elections. That is the normal course.

In this case, as of March 31, 1996, the governor and the other elected officials should no longer be regular elected officials. They will be acting in a holdover capacity.

In other words, the principle now that is being followed, and the contention that the House panel gave us, is that there is already a precedent under Republic Act No. 6636, which is an election law.

If I may be allowed to read into the *Record*. Section 1 of Republic Act No. 6636 states that "All local officials, whether elected, acting or officers-in-charge shall be deemed automatically resigned from their positions effective upon the filing of their certificates of candidacy for any local position."

Following this basic principle, Mr. President, in the 1987 elections, when there were OICs in the different local government units in the country, all of these OICs were deemed resigned following a rule that they were merely OICs and not elected officials.

**Senator Angara.** Mr. President, the Gentleman and I know that the ordinary regular rule is that the incumbent continues in office if he is filing only for the same position.

The Gentleman and I know that the regular basic rule is that if the election has to be moved and postponed, then the holdover rule is the ordinary accepted rule. The exception is what the Gentleman is citing now, Republic Act No. 6636, which is made especially for the 1988 elections because we wanted to synchronize the election.

I think that is one of the reasons why this unusual rule was adopted. But the regular rule, the basic rule is the one that we incorporated in the law amending or postponing the 1993 elections in the ARMM.

If the secretariat can provide us a copy of that law—the law that postponed the elections in 1993—the rule there was that there will be a holdover. Because that is the regular rule in the election law. What the Gentleman is citing—Republic Act No.

6636—is a special law made especially for the circumstances of the 1988 election.

The fact that in 1987, all positions were declared vacant was by virtue of the so-called Freedom Constitution. It was again under unusual circumstances. So again, why did we not follow the regular rule here of holdover? Why are we now depriving the incumbent of his right to continue if he is only seeking reelection?

**Senator Sotto.** Mr. President, I am sorry if I was not clear on what I said earlier. The regular rule applies to any elective official who files his certificate of candidacy within his term. The ARMM election postponement is very specific about the expiration of the terms of these elective officials. So the regular rule does not apply.

**Senator Angara.** That is exactly what I am disputing, Mr. President, that the rule for a postponed election is precisely a holdover rule, not an OIC situation, which this proviso is now in effect introducing.

What I am saying is that we follow the holdover rule because that is the fairer rule. We allow people who, in the first place, have been elected by the people to continue holding office instead of imposing new people or people who have never been elected by their constituents as new governors or new vice governors. That is the philosophy behind that.

I do not accept that this is the regular rule. This is the exception to the rule. We must have a special reason for adopting the exceptional rule and departing from the regular rule. And I am asking for that exceptional reason.

**Senator Sotto.** Mr. President, undue advantage is very one good reason. But if we are talking of exceptions...

**Senator Angara.** Mr. President.

**Senator Sotto.** Let me continue, Mr. President.

**Senator Angara.** I am sorry.

**Senator Sotto.** If we are talking of exceptions, the ARMM has always been an exception, Mr. President. All the elections that were conducted in the ARMM were exceptions. That is the only place in the country that the votes are not counted in the precincts. They are not even counted in the municipalities; they are counted in the provinces. These are exceptions. The ARMM elections have always been filled with exceptions. I do not see any reason why another exception, if the Gentleman will consider this as an exception, should be considered as such.

**Senator Angara.** Mr. President, that is a very dangerous statement to say. In the counting of votes, we allow the counting in one polling place to preserve peace because there are areas where counting in the polling places would not be possible. That is not unusual because even in other places, pooling together voting precincts and counting them in one precinct is allowed.

What I am saying is that, even in ARMM, the regular rules of succession and of election are regularly followed. We ought not to depart from that because it gives rise to the suspicion that we are favoring one group. The worst thing for us to do about this election is to insinuate or suggest to the constituencies that will be affected by this that we are giving an unfair advantage to one group over another which we are not, I hope. That is why we are insisting that we follow the regular rule rather than an exception to this holdover provision.

Mr. President, may I have a copy of that.

**Senator Sotto.** Mr. President, we are not favoring a group here, if the Gentleman would like to call it an exception; we are favoring peace. Because all the elected officials who came to our public hearings, and even those who we talked to after the hearings, are in favor of any provision, whether it be holdover, whether it be OIC, as long as, they said, it will finally provide peace and harmony in Mindanao.

The congressmen, if I may quote them, even said last night that they were all willing to give not only their limbs but their lives just to be able to finally secure peace in Mindanao. They find that this piece of legislation that we are talking about now will go a long way in fostering peace and harmony in Mindanao.

**Senator Angara.** Mr. President, peace and harmony can be achieved only if the rules are fair and are seen to be fair. Even last night, while we were debating on this, there were several regional assemblymen present in the gallery who made Representations with some of us and who strongly recommended that we do not agree to an OIC situation. And here we are already agreeing to an OIC situation.

We can easily see, Mr. President, that appointing an OIC will give undue advantage to whoever the government would want to favor. Because one can appoint people of his choice within the most critical time of the election, 45 days before the election.

So, talking of advantage, I think it is better that we preserve the incumbency or the continuance of the incumbent because, after all, they have been voted by the people. Why should we give unfair advantage to newly appointed officials who have

never been elected to that position in the first place?

We are talking here of fairness. We cannot achieve peace and harmony if the rules themselves are seen to be unfair. That is the point, Mr. President.

**Senator Sotto.** Mr. President, I do not see any advantage, as far as the elections are concerned if there is an OIC appointed, because the OIC cannot run.

**Senator Angara.** Mr. President, I think one need not be a politician to understand that one who is in control of the office will have tremendous influence over the voters and even over the result of the voting.

**Senator Sotto.** The Gentleman from Quezon has been mentioning the word "fairness." This is the same thing that the people of Mindanao have always been crying for in the past years. They have always cried for fairness. And to them, this is fair. Shall we not give it to them? After all these years, they are the ones crying that we have never been fair to them, not even in this Hall. That is what they have been crying for all throughout these years.

**Senator Angara.** Mr. President, we are not relying on the vague general claims of some people in Mindanao. We are relying on the Representation made to us only last night by people who are going to be directly affected by this OIC rule.

So, we are not going to accept that general and vague assurance that the people of Mindanao would welcome this OIC situation that we are now about to pass as a matter of rule in this election.

**Senator Sotto.** Mr. President, this is again also a presumption as far as we are concerned, because the governor, for all we know, might not run. Therefore, he will be in a holdover capacity until September 9 or until the official shall have been duly elected and qualified.

**Senator Angara.** What is the point then of having this rule inserted? As I understand it from the conferees, the reason this provision was inserted is to allow for the possibility of Nur Misuari wanting to be the OIC before the election. Why then?

**Senator Sotto.** I am sorry, Mr. President. During the official discussion of the Bicameral Conference Committee, that was not mentioned.

**Senator Angara.** Yes, officially. But unofficially, everybody knows that is the reason why the House contingent is insisting on this OIC situation. I think we ought not to close our

eyes also to that reality because we are here trying to fashion a law for real people and a real situation.

#### SUSPENSION OF THE SESSION

May I have a one-minute recess, Mr. President, just to wait for the bill that we are looking for?

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

*It was 7:20 p.m.*

#### RESUMPTION OF THE SESSION

*At 7:52 p.m., the session was resumed.*

**The President.** The session is resumed. Senator Angara is recognized.

**Senator Angara.** Mr. President, I now have a copy of Republic Act No. 7647 which postponed the ARMM election in 1993. As I was saying, the rule that we adopted in that election is the holdover rule rather than the OIC rule, just to complete the record.

Mr. President, in the Gentleman's recollection, was it the intent of the Conference Committee to exclude the possibility of the regular practice in an election wherein an incumbent seeking reelection does not lose his incumbency by the simple fact that he is running for reelection?

**Senator Sotto.** Mr. President, there was a lengthy discussion on this matter. The only time that we were able to arrive at a consensus was when Senator Fernan offered an amendment that will reconcile both versions.

So, if the Senate President will allow, and with the permission of the Gentleman, may I yield the Floor to Senator Fernan to give us a backgrounder on this provision, Mr. President.

**The President.** Yes. With the permission of the two Gentlemen on the Floor, Senator Fernan is recognized.

**Senator Fernan.** Thank you, Mr. President, and with the permission of the Gentleman from Aurora, Quezon.

**Senator Angara.** Yes, certainly, Mr. President.

**Senator Fernan.** To my recollection, during the bicameral conference last night to discuss the Conference Committee Report, I noticed that the House position compared to the Senate

position differed on four issues. Anyway, the three issues were resolved to the satisfaction of all parties concerned. So, we will limit ourselves to just one issue, and that is what happens to the members of the Regional Legislative Assembly, as well as the other officers—I am referring to the regional governor, the vice governor and the speaker—after March 31, 1996.

The position taken by the House was that they should *ipso facto* cease to hold office and that would give rise to the vacancies which have to be filled up. On the other hand, the version of the Senate provided for a continuance in office of the incumbents in a holdover capacity, and we were sort of stymied on this particular issue.

Later, in the course of our discussion, we came up with a proposal that the House panel accept the holdover position that we have taken. They suggested that we include a provision to read as follows: "The incumbents shall continue in a holdover capacity until their successor shall have been duly elected and qualified unless they file their certificates of candidacy."

When it reached that point, they wanted to qualify "for the same or other position". In which case, they shall *ipso facto* be considered resigned from their office.

As I recall, Mr. President, there was no agreement on the part of the Senate panel that it would be specified in the text of the bill that the position should be the same position. Instead, I made a proposal that they file their certificates of candidacy for any elective position therein. In the absence of any explicit statement and any categorical statement in the bill, it is my understanding that the elective position referred to therein is the position other than the one held by the incumbent. That is my observation, Mr. President.

Thank you.

**Senator Angara.** Mr. President, will the Gentleman yield for a few questions to clarify what he just said?

**Senator Fernan.** Yes, gladly.

**Senator Angara.** The distinguished Senator said that the House panel wanted to qualify the phrase, and I quote: "...unless they file their certificate of candidacy for any elective position, whether for the same or another position."

**Senator Fernan.** Yes, that is correct.

**Senator Angara.** And that the Senate panel rejected that qualification "for the same or another position" because the Senate contingent wanted the regular ordinary rule to be applied.

**Senator Fernan.** That is correct, Mr. President, and that is the reason why I insisted on the phraseology "for any elective position therein."

**Senator Angara.** And the ordinary regular rule in election is that one loses his incumbency only if he seeks another position. So that if he files a certificate of candidacy for the same position, then he continues to be an incumbent.

**Senator Fernan.** That is the understanding, Mr. President, because of the absence of any categorical statement in the text of the law that one is considered resigned if he runs for the same position.

**Senator Angara.** And the Senate contingent's position was, in effect, accepted by the Conference Committee.

**Senator Fernan.** Yes, because there was no insistence anymore on the part of the House panel that the phrase "different or the same position" be included in the text. But they accepted the phraseology that I proposed, to the effect "that a certificate of candidacy for any elective position therein without any specification".

**Senator Angara.** Thank you. Mr. President, does the chairman of the Committee accept the interpretation given to us by the distinguished Gentleman from Cebu?

**Senator Sotto.** Yes, Mr. President. That was the discussion.

**Senator Angara.** And is that interpretation not also consistent with the position taken by us here in the Senate and the position that the Gentleman has taken and committed to the Majority Leader as well as to this Representation before the Bicameral Conference Committee?

**Senator Sotto.** Yes. As a matter of fact, Mr. President, that was what I mentioned in my speech when I reported out the Committee Report. That was the position of the Senate.

**Senator Angara.** So that this interpretation is consistent with the Senate position, and one can say that the Conference Committee, meaning both Houses, have accepted this interpretation?

**Senator Sotto.** Yes, Mr. President. It was described accurately by Senator Fernan.

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

**The President.** The Chair saw Senator Tatad trying to



claim the Floor before. Is he pursuing his intent?

**Senator Tatad.** Mr. President, I had wanted to ask some questions, but I believe my questions have been adequately covered. But just for emphasis, may I put one or two questions?

**The President.** Senator Tatad is recognized.

**Senator Tatad.** Under the interpretation given to us by the distinguished Gentleman from Cebu, does it mean then that if the regional governor runs for the same office, he is not *ipso facto* considered resigned from office?

#### SUSPENSION OF THE SESSION

**Senator Sotto.** Mr. President, may I ask for a one-minute suspension of the session.

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

*It was 8:02 p.m.*

#### RESUMPTION OF THE SESSION

*At 8:04 p.m., the session was resumed.*

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

**Senator Sotto.** Mr. President, the question of the Gentleman, I understand, has been answered by Senator Fernan when he narrated what transpired during the Conference Committee.

**Senator Tatad.** I will accept that answer, Mr. President. Just one more small question. May the distinguished Sponsor tell us whether the Commission on Election is fully aware of the intent of the provision as interpreted by the distinguished Gentleman from Cebu?

**Senator Sotto.** They were present during the conference, Mr. President.

**Senator Tatad.** Thank you very much, Mr. President.

**Senator Drilon.** Mr. President.

**The President.** Senator Drilon is recognized.

**Senator Drilon.** Thank you, Mr. President. The questions we had in mind were all clarified during the interpellations made by the Gentlemen from Quezon and Catanduanes. But I want to make it of record that when the Senate bill was being presented

for Third Reading, we were in receipt of a petition from the Regional Legislative Assembly precisely on the issue of whether or not there is merit in the provision that the members of the Regional Legislative Assembly and the other officials of the ARMM should continue in a holdover capacity pending the election.

Mr. President, let me read for the record this petition of the assemblymen of the Regional Legislative Assembly dated December 1995. It reads:

Dear Senator Drilon:

In connection with the bills filed to postpone the March 4, 1996 election in the Autonomous Region in Muslim Mindanao, we, the Members of the Regional Legislative Assembly, want to put on record our comments for your consideration and appropriate action.

The March 4, 1996 election is an event very dear to our heart. It is our reelection bid that will steer our political career either to success or oblivion, and we want our people and history to judge us on that day on the basis of our performance.

Frankly, we have been preparing for that historic day, the March 4, 1996 election. However, the unfolding of this new development i.e., filing of three bills which are certified by the President as urgent, has certainly jeopardized our preparations and goal to the extent that our people may not be given the opportunity to judge us completely is unacceptable and absolutely unfair. Be that as it may, we have agreed to support the postponement of the election to give more time to the GRP-MNLF negotiation to settle the remaining issues and to afford extra time to the Comelec to put in place its computerized system of election.

As originally conceived, the bill filed in the Lower House provides for a holdover capacity to the elected incumbent officials of the ARMM when their term expires on March 31, 1996. For personal interest, some members of the Lower House are seeking to amend this particular bill by deleting the holdover provision and substituting it with "By Appointment" provision upon the expiration of the term of the incumbent elected officials on March 31, 1996. Such kind of gesture by our distinguished Members of the Lower House saddened us very much for they have chosen their personal interest to prevail over the interest of our people. The amendment will un-

doubtedly trample upon the mandate of the people who elected us and disregard the general principle on holdover.

We strongly feel that the holdover provision should be applied to the incumbent elected ARMM officials for the following reasons:

1. The incumbent ARMM officials were elected by the people. As between an elected official and a mere appointee, the former has a preferred right to the position, the term of which has been extended because he enjoys the mandate of the people.
2. The Constitution explicitly enumerates the officers who may be subjected to appointment by the President, an elective officer is not one of them.
3. To protect the interests of the incumbents who are not with the party in power.
4. To protect the confusion and disruption of legislative work, considering that the extension of term is only for a short period of time during which the appointees have not yet familiarized themselves with the job; and
- 5) To better serve the interest of the people who will be adversely affected by the political instability that will be caused by the squabbling for appointments and the fact that the appointees are beholden to the appointing authority.

Therefore, we respectfully request you to consider the sentiments and comments for we hold you as the last straw in our struggle for justice and fairness.

Thank you.

Sincerely,

(Sgd.) The Speaker

(Sgd.) Speaker Pro Tempore

(Sgd.) Majority Floor Leader

(Sgd.) Asst. Majority Floor Leader

(Sgd.) Minority Floor Leader

and 11 other assemblymen signed this petition, Mr. President.

We do hope that with the clarification as to the intent of the provision which is now incorporated in the committee report, the wishes and the desire of the duly elected assemblymen of the Regional Legislative Assembly will be realized through the interpretation made by the distinguished Gentleman from Cebu, and which, I would like to reconfirm, the chairman of the Committee on Local Governments and the Chair of the Senate contingent agrees with.

Senator Sotto. Yes, Mr. President.

Senator Drilon. Thank you, Mr. President.

#### APPROVAL OF CONFERENCE COMMITTEE REPORT ON S. NO. 1314/H. NO. 5585

Senator Romulo. Mr. President, I ask that we approve and vote on the Conference Committee Report.

The President. Is there any objection to the approval of the Conference Committee Report on the disagreeing provisions of House Bill No. 5585 and Senate Bill No. 1314 as submitted and explained by the chairman of the Senate panel to the said Conference Committee? [Silence] There being none, the said Conference Committee Report is hereby approved.

*The following is the full text of the Conference Committee Report:*

#### CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of House Bill No 5585, entitled

AN ACT CHANGING THE DATE OF ELECTIONS FOR THE ELECTIVE OFFICIALS OF THE AUTONOMOUS REGION FOR MUSLIM MINDANAO, AMENDING FOR THE PURPOSE SECTION ONE OF REPUBLIC ACT NUMBERED SEVENTY-SIX HUNDRED AND FORTY-SEVEN ENTITLED "AN ACT PROVIDING FOR THE DATE OF REGULAR ELECTIONS FOR REGIONAL GOVERNOR, REGIONAL VICE GOVERNOR AND MEMBERS OF THE REGIONAL LEGISLATIVE ASSEMBLY OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO, AND FOR OTHER PURPOSES"

and Senate Bill No. 1314, entitled

AN ACT CHANGING THE DATE OF ELECTIONS FOR THE ELECTIVE OFFICIALS OF THE AUTONOMOUS REGION FOR MUSLIM MINDANAO, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7647 ENTITLED "AN ACT PROVIDING FOR THE DATE OF REGULAR ELECTIONS FOR REGIONAL GOVERNOR, REGIONAL VICE GOVERNOR AND MEMBERS OF THE REGIONAL LEGISLATIVE ASSEMBLY OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO, AND FOR OTHER PURPOSES,"

having met, after full and free conference, have agreed to recommend and do hereby recommend to their respective Houses that House Bill No. 5585, in consolidation with Senate Bill No. 1314, be approved in accordance with the attached copy of the bill as consolidated and approved by the conferees.

Approved,

*CONFEREES ON THE PART OF THE SENATE*

(Sgd.) HON. VICENTE C. SOTTO III

(Sgd.) HON. JUAN M. FLAVIER

(Sgd.) HON. MARCELO B. FERNAN

*CONFEREES ON THE PART OF  
HOUSE OF REPRESENTATIVES*

(Sgd.) HON. EMIGDIO S. TANJUATCO, JR.

(Sgd.) HON. ALFREDO AMOR E. ABUEG, JR.

(Sgd.) HON. SERGIO A.F. APOSTOL

(Sgd.) HON. ANTONIO H. CERILLES

(Sgd.) HON. NUR G. JAAFAR

(Sgd.) HON. SIMEON A. DATUMANONG

(Sgd.) HON. PANGALIAN M. BALINDONG

AN ACT CHANGING THE DATE OF ELECTIONS FOR THE ELECTIVE OFFICIALS OF THE AUTONOMOUS REGION FOR MUSLIM

MINDANAO, AMENDING FOR THE PURPOSE SECTION ONE OF REPUBLIC ACT NUMBERED SEVENTY-SIX HUNDRED AND FORTY SEVEN ENTITLED "AN ACT PROVIDING FOR THE DATE OF REGULAR ELECTIONS FOR REGIONAL GOVERNOR, REGIONAL VICE GOVERNOR AND MEMBERS OF THE REGIONAL LEGISLATIVE ASSEMBLY OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO, AND FOR OTHER PURPOSES"

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

SECTION 1. Section 1 Republic Act No. 7647 is hereby amended to read as follows: "SECTION 1. The regular elections for regular governor, regional vice governor and members of the Regional Legislative Assembly of the Autonomous Region in Muslim Mindanao, shall be held on the second Monday of March 1993 and every three (3) years thereafter. Their terms of office shall commence at noon of the thirty-first of March next following their election and shall expire at noon of the thirty-first of March three years thereafter pursuant to Republic Act numbered six thousand seven hundred thirty-four, otherwise known as the Organic Act for the Autonomous Region in Muslim Mindanao. However, for the year nineteen hundred and ninety-six, the elections for regional governor, regional vice governor and members of the regional legislative assembly shall be held on September 9, 1996. The regional governor, regional vice governor and the members of the regional legislative assembly elected in nineteen hundred and ninety-six shall assume office at twelve o'clock noon on the thirtieth day of September next following their election: *Provided*, That the incumbent regional governor, regional vice governor and the member of the regional legislative assembly shall continue in office in a hold-over capacity until their successors shall have been duly elected and qualified unless they file their certificates of candidacy for any elective position therein, in which case, they shall *ipso facto* be considered resigned from their office; *Provided, further*, That while acting in a hold-over or appointive capacity, the regional governor and vice governor shall not make appointments, including promotions, transfer and/or assignments of personnel and shall be subject to all the restrictions and/or prohibitions mandated by Section 261 of the Omnibus Election Code more particularly, but not limited to, paragraphs (g); (h); (k); (m); (o); (r); (u); (v); (w); and (x) of said section."

Mr. President:

I have been directed to inform the Senate that the House of Representatives on December 18, 1995 designated Congressman Margarito B. Teves vice Congressman Jose T. Villarosa as member of the Conference Committee on the part of the House on House Bill No. 5201, entitled

**AN ACT STRENGTHENING THE CROP INSURANCE PROGRAM OF THE GOVERNMENT, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1467, AS AMENDED.**

Very truly yours,

(Sgd.) CAMILO L. SABIO  
Secretary General

The President. To the Archives.

The Secretary.

December 19, 1995

The Honorable  
NEPTALI A. GONZALES  
President of the Senate  
M a n i l a

Mr. President:

I have been directed to inform the Senate that the House of Representatives approved on December 18, 1995 the Conference Committee Report on the disagreeing provisions of House Joint Resolution No. 2, entitled

**JOINT RESOLUTION CREATING AN AGRICULTURAL COMMISSION TO REVIEW AND ASSESS THE STATE OF PHILIPPINE AGRICULTURE, PARTICULARLY IN THE LIGHT OF THE RATIFICATION OF THE GENERAL AGREEMENT OF TARIFFS AND TRADE (GATT) AND THE IMPLEMENTATION OF THE COMPREHENSIVE AGRARIAN REFORM PROGRAM, AND RECOMMEND POLICY, INSTITUTIONAL AND INFRASTRUCTURAL MEASURES TO ENSURE THE DEVELOPMENT AND MODERNIZATION OF THE SECTOR, PARTICULARLY OF THE SMALL FARMERS, AND APPROPRIATING**

**FUNDS THEREFOR**

and Senate Joint Resolution No. 1, entitled

**JOINT RESOLUTION CREATING A CONGRESSIONAL COMMISSION TO REVIEW AND ASSESS PHILIPPINE AGRICULTURE.**

Very truly yours,

(Sgd.) CAMILO L. SABIO  
Secretary General

The President. To the Archives.

The Secretary.

December 19, 1995

The Honorable  
NEPTALI A. GONZALES  
President of the Senate  
M a n i l a

Mr. President:

I have been directed to inform the Senate that the House of Representatives approved on December 18, 1995 the Conference Committee Report on the disagreeing provisions of House Bill No. 2648, entitled

**AN ACT AMENDING SECTION 1 OF REPUBLIC ACT NO. 8045, ENTITLED AN ACT AMENDING SECTION 27 OF REPUBLIC ACT NO. 7166, ENTITLED "AN ACT PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS AND FOR ELECTORAL REFORMS, AUTHORIZING APPROPRIATIONS THEREFOR, AND FOR OTHER PURPOSES"**

and Senate Bill No. 1067, entitled

**AN ACT AMENDING SECTION 27 OF REPUBLIC ACT NO. 7166, AS AMENDED BY REPUBLIC ACT NO. 8045, ENTITLED "AN ACT PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS AND FOR ELECTORAL REFORMS, AUTHORIZING APPROPRIATIONS THEREFOR, AND FOR OTHER PURPOSES."**

PROVIDING FOR THE DATE OF REGULAR ELECTIONS FOR REGIONAL GOVERNOR, REGIONAL VICE GOVERNOR AND MEMBERS OF THE REGIONAL LEGISLATIVE ASSEMBLY OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO, AND FOR OTHER PURPOSES,"

to which it requests the concurrence of the Senate.

In case of disagreement, the House of Representatives requests for a conference thereon, and accordingly has designated on even date Hon. Emigdio S. Tanjuatco Jr., Hon. Alfredo Amor E. Abueg Jr., Hon. Nur G. Jaafar, Hon. Simeon A. Datumanong, Hon. Pangalian M. Balindong, Hon. Sergio A. F. Apostol, Hon. Antonio H. Cerilles and Hon. Elias B. Lopez as its conferees.

Very truly yours,

(Sgd.) CAMILO L. SABIO  
Secretary General

The Honorable  
NEPTALI A. GONZALES  
President of the Senate  
M a n i l a

The President. To the Archives.

The Secretary.

December 21, 1995

The Honorable  
NEPTALI A. GONZALES  
President of the Senate  
M a n i l a

Mr. President:

I have been directed to inform the Senate that the House of Representatives approved on December 21, 1995 the Conference Committee Report on the disagreeing votes of House Bill No. 3690, entitled

AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY-ONE NINETEEN HUNDRED AND NINETY-SIX,

AND FOR OTHER PURPOSES.

Very truly yours,

(Sgd.) CAMILO L. SABIO  
Secretary General

The President. To the Archives.

The Secretary.

December 22, 1995

The Honorable  
NEPTALI A. GONZALES  
President of the Senate  
M a n i l a

Mr. President:

I have been directed to inform the Senate that the House of Representatives approved on December 21, 1995 the Conference Committee Report on the disagreeing provisions of House Bill No. 5585, entitled

AN ACT CHANGING THE DATE OF ELECTIONS FOR THE ELECTIVE OFFICIALS OF THE AUTONOMOUS REGION FOR MUSLIM MINDANAO, AMENDING FOR THE PURPOSE SECTION ONE OF REPUBLIC ACT NUMBERED SEVENTY-SIX HUNDRED AND FORTY-SEVEN, ENTITLED "AN ACT PROVIDING FOR THE DATE OF REGULAR ELECTIONS FOR REGIONAL GOVERNOR, REGIONAL VICE GOVERNOR AND MEMBERS OF THE REGIONAL LEGISLATIVE ASSEMBLY OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO, AND FOR OTHER PURPOSES"

and Senate Bill No. 1314, entitled

AN ACT CHANGING THE DATE OF ELECTIONS FOR THE ELECTIVE OFFICIALS OF THE AUTONOMOUS REGION FOR MUSLIM MINDANAO, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7647, ENTITLED "AN ACT PROVIDING FOR THE DATE OF REGULAR ELECTIONS FOR REGIONAL GOVERNOR, REGIONAL VICE GOVERNOR AND MEMBERS OF THE REGIONAL LEGISLATIVE ASSEMBLY OF THE AUTONOMOUS