

Consultative Commission to Propose the Revision of the 1987 Constitution
Transcript of the Proceedings
Plenary Session No. 9
Thursday, November 10, 2005

(Presiding Officer- Chairman Jose V. Abueva)

CALL TO ORDER

Chairman Jose V. Abueva called the meeting to order at 3:35 p.m.

NATIONAL ANTHEM

[Singing by the Body]

PRAYER

COMMISSIONER VILLANUEVA
Almighty God and Father of us all, hear our prayer:

That as we get to work, we may put our minds and hearts together to get our task done according to Your Will;

That we may be able to disagree without being disagreeable;

That we may differ with each other without being difficult;

That we may be honest without tension, and frank without offense.

Heavenly Father, we pray for strength so that we can face with fortitude the many challenges before us. Grant us Your Wisdom so that we may accomplish greater things for the well-being of our nation.

Empower us, we pray, so that we can meet the expectations of our people from this Commission. All this we ask in Your Almighty Name forever and ever. Amen.

PLEDGE OF NEW COMMISSIONERS

COMMISSIONER APOSTOL.
Mr. Chair, may I move now that the pledge of allegiance to the new Commissioners be conducted to be done by the Chairman.

CHAIRMAN ABUEVA.

Thank you. We would like to call our new colleagues forward for the pledge. We give them our warmest welcome.

We have David Belarmino Tirol, former Governor of Bohol, former Congressman of the Second District, and current President of the University of Bohol;

Fernando Martin Olandres Peña, President of MOF Company Subic, Inc., rank of Captain, 106th Squadron of Philippine Coast Guard;

Alipio Vittorio Ramon D. Fernandez, Vice Mayor of the City of Dagupan, Pangasinan, and President - Vice Mayors League of the Philippines;

Hon. Jesus Calisin, Vice Governor - Province of Albay.

COMMISSIONER APOSTOL.

I request everyone to stand.

NEW MEMBERS, LED BY THE CHAIRMAN

I, _____, as member of the Consultative Commission,/ created pursuant to the Executive Order No. 453-A / series of 2005/ do hereby solemnly swear/ that I shall faithfully discharge/ to the best of my ability/ this voluntary obligation of examining our present Constitution/ in consultation with various sectors of society,/ to propose changes therein / that would effectively address the political, social, and economic reforms needed by our country,/ and advance the general welfare of the Filipino people./ So help me God.

[Applause]

ROLL CALL OF MEMBERS

COMMISSIONER APOSTOL.

[Commissioners responding “PRESENT”, except when indicated here as “ABSENT”.]

1. Abarico, Angelo M. [ABSENT]
2. Abueg Jr., Alfredo E.
3. Abueva, Jose V.
4. Acevedo, Anthony Y.
5. Adamat, Ronald L.
6. Amin, Omar U. [ABSENT]
7. Angeles, Emmanuel Y.
8. Apostol Sergio, A.F.
9. Azurin, Rene B. [arrived at 4:00 p.m., after the roll call]
10. Bautista, Andres D.
11. Bello Jr., Jose C.
12. Bengzon, Ma. Romela M.
13. Bian, Joji Ilagan [arrived at 3:55 p.m., after the roll call]
14. Bondoc, Jarius Y.
15. Calisin, Jesus B.
16. Cariño, Noel M. [ABSENT]
17. Chua, Francis [ABSENT]

18. Dee, Donald G. [ABSENT]
19. Duavit, Gilberto M. [ABSENT]
20. Espina Sr., Gerardo S.
21. Fernandez, Alipio Vittorio Ramon D.
22. Garcia, Pablo P.
23. Gonzalez, Nelia T.
24. Jimeno, Rita Linda V.
25. Jurado, Gonzalo M.
26. Lambino, Raul L.
27. Laus, Liberato P.
28. Leviste Jr., Jose P. [ABSENT]
29. Lim, James Marty L. [ABSENT]
30. Lorenzana, Lito Monico C.
31. Magno, Alexander R.
32. Marohombsar, Emily M.
33. Matula, Jose Sonny G.
34. Mendoza, Democrito T.
35. Naval, David C.
36. Ortega, Victor F. [ABSENT]
37. Ortiz-Luis Jr., Sergio R.
38. Paterno, Vicente T.
39. Pedrosa, Carmen N.
40. Peña, Fernando Martin O.
41. Rodriguez, Oscar S.
42. Romualdo, Pedro P. [ABSENT]
43. Sarmiento, Mel Senen S. [arrived at 3:47 p.m., after the roll call]
44. Seno, Cecilio T.
45. Soriano, Luz Emmanuel P.
46. Tabanda, Betty Lourdes F.
47. Tendero, Efraim M. [ABSENT]
48. Teves, Rey Magno
49. Tirol, David B.
50. Varela, Miguel B.
51. Vilar, Antonio T. [ABSENT]
52. Villanueva, Jose D.
53. Yuchengco, Alfonso T. [ABSENT]

COMMISSIONER APOSTOL.

Mr. Chairman, 35 members are present while 18 members are absent. We have a quorum.

CHAIRMAN ABUEVA.

Thank you, Mr. Floor Leader.

Dear colleagues, it is my pleasure and honor to present to you one of our senior advisers, former Central Bank Governor Gabriel C. Singson. He is known to all of us, but just a few highlights of his career: He has been a career banker. He finished his law at the Ateneo, cum laude, and placed second in the bar examinations. He has a Master of Laws, and Constitutional Law is one of his specializations. He got it from the University of Michigan. We are fellow alumni with the Governor. Central Bank Governor from 1993 to 1999, before that, President of the Philippine National Bank, 1992 to 1993. He served

also at the ADB, and was first Filipino Council. He's been a professor of Law for 16 years at the Ateneo Law School. Still very active in the capital markets. My pleasure to give you Governor Singson.

SPEECH OF SENIOR ADVISER- GOVERNOR GABRIEL C. SINGSON

GOVERNOR SINGSON.

Thank you Mr. Chairman. Thank you to the Commissioners for inviting me this afternoon to give my views on certain issues. When I was told about this meeting, I did not know if I was being invited as a lawyer or as a banker. When I was Governor of Central Bank, and when I'm invited to speak before bankers and finance people, I talked more about the law related to banking, and since they did not know any better, then they accept whatever I told them as gospel truth. When I talked before a group of lawyers and very often I was invited by bank lawyers for their meetings as guest speaker, I talked more about banking and monetary policies, and they do not know any better, so they take my words as gospel truth. Now, since many of you are lawyers and many of you are also businessmen, I'll talk about both.

Well, I understand there is already consensus on the form and structure of government – parliamentary-unicameral – and I fully concur. We know all the reasons for and against. I fully concur in that consensus of going parliamentary and unicameral. And also I understand that there is consensus that after ten years, we'll go to federal type of government. Well, of course, it's good that we are thinking of ten years before we really decide and put up the framework for a Federal type of government, because this is really very complicated.

In my studies of American constitutional law, many of the problems involve conflict between states and more between the State and the Federal Government. Now in the United States of course, as you know, before the union, the states were sovereign. They were sovereign. Then they formed the union and they called themselves the United States of America, and they delegated specific powers to the Federal Government in certain areas like inter-state commerce, external relations, the military and so on. But the states retain the residual powers, so outside of those powers specified in the federal Constitution, and powers which are necessary to perform those powers, the Federal Government did not have any power. It's limited to those, it's the states. So I will not comment any further because the Chairman told me there's already consensus on this. But I have a case book on US Constitutional law, and anyone would like to take a look at it, I can lend this book to them.

Now, the Chairman said that I should speak more on the economic provisions and also on civil service. As you know I was a civil servant for more than 40 years. I have no more ambition to go back with civil service, and I think I can be very objective.

First, on the nationality provisions of the Constitution and some statutes, I think the position that we should review and lift these restrictions is well taken. You know these limitations or restrictions, these nationalization provisions in the Constitution, these are carry-over from the 1935 Constitution. This is already more than 70 years. We are now in the state of globalization. National boundaries are disappearing. We are a member of the WTO and other international organizations. Now, speaking from my own experience in the case of banking, since 1949 up to 1994, the law, the old General Banking Law,

strictly provided that no bank that is not incorporated under Philippine law can receive deposits. Now if you cannot receive deposits, you cannot be a bank. And under that law, only corporations at least 60% owned by citizens of the Philippines can organize a bank. So in effect, we prohibited foreign banks to come in. Now in 1994, we lifted or liberalized this provision so that we allowed under that law sponsored by Senator Roco, foreign banks to come in, in the form of putting up a branch or going into a joint venture, or organizing, incorporating under Philippine law. Of course, when that bill was pending in Congress, the Bankers Association of the Philippines objected very strongly because they said that they will lose their business and so on. But that did not happen at all. So their fear, their apprehensions, turned out to be baseless. Now maybe, if we lift these restrictions in the Constitution and in some statutes, we can limit it to, say, 20 years. We open up for 20 years, subject to review by Parliament after 20 years.

And also, we should also have reciprocity. There must be reciprocity as what we have in this special law which liberalized banking and opened it up to foreign banks. There is a provision on reciprocity.

Now in the case of ownership of land, well again, I think we can lift that restriction on the ownership of land, again subject to reciprocity. Now in China and some few other countries, they adopt the Regalian theory or doctrine. Under this doctrine, ownership of land continues and is retained by the State. In China, however, you can acquire a land without the title, the naked title, and enjoy that land for as long as even 50 years, 99 years. And this has been a disincentive for foreign companies to come in. So that is one observation.

On civil service, well, you know, what's happening now is that even the second and third level in the departments are political appointees. And you see, like for instance in some departments of the government, let's say the Department of Finance, the Undersecretaries are replaced every time there's a new Secretary of Finance. I think we have had about three or four Secretaries of Finance since President Gloria Macapagal-Arroyo took over. We had Secretary Romulo, si Bert was the first Secretary of Finance, then we have Camacho, Purisima, and now Gary Teves. So they keep on changing also the Undersecretaries of Finance unlike in the case of the Central Bank, for instance. All the Deputy Governors are career people, so even if the Governor is not a career man, of course better like the present Governor, like Governor Buenaventura - he was not in the Central Bank before - he didn't have so much of a problem, because he had his deputies who are career people. It takes a long time, at least one year, for anybody to familiarize himself with the operations of the Central Bank or of the Department of Finance. So it is very important that the second level should be career people, and not political appointees. In Japan, for instance, which is also a parliamentary form of government, they have a Political Vice-Minister who is a Member of Parliament, they have a Career Vice-Minister; and they have a permanent Secretary. In Japan, the civil service is very powerful, very powerful, up to the Vice-Ministers. Now, that's one observation.

Secondly, I think we should upgrade or increase the salary of our civil servants. From the President down to the Cabinet members, I think they get about P40,000 per month. You won't believe it. The salary or compensation of a bank examiner or a loan officer in DBP, in Land Bank and the Central Bank, is much higher than the compensation salary of a Cabinet member. And there are thousands of them. A Division Chief in Landbank, DBP, Central Bank, gets more than the President of the Philippines. Now, I'm not saying that the Central Bank people or Landbank people are overpaid. It's just that the others

are very much underpaid. Very, very much underpaid. So something should be done about that because that is contributing to graft and corruption in government. They cannot live on their salary.

Well, like for instance, the people in Customs, or BIR and other bureaus, cannot live on their salary so they have to depend on "under-the-table." You know in several conferences that I attended as Governor of Central Bank, in meetings with other governors in Asia, we compare compensation. So when they ask me about the compensation of Cabinet members, or members of Parliament or Congress, the Judiciary and so on, and I tell them, they get shocked. They get shocked, and then later on, they just smiled. Why did they smile? Because they said, well, I'm sure these people are getting something else "under the table." That's the conclusion, see?

So I think to reduce graft and corruption, it is very important that we give a living wage to our civil servants. You will see around Asia, the least corrupt countries in Asia are Singapore and Hong Kong. And which are the most corrupt? Well, you know which are the most corrupt. The salaries of civil servants in Singapore and Hong Kong are much better than the private sector. Now of course it will involve an increase in the budget, but I think we can trim the civil service. We have probably excess, and we should give good salaries and living wages to civil servants.

Well, I don't like to comment on the others, because I think that's outside my area. So if there are any questions, I'll be just glad to respond if I can, if I know the answer.

INTERPELLATIONS

COMMISSIONER APOSTOL.

Mr. Chair, I was about to ask the consultant if he will allow some interpellations from the Floor. If there is anybody who would like to ask questions, I think the consultant is willing to answer. So may we begin with Mrs. Pedrosa.

COMMISSIONER PEDROSA.

Thank you, Commissioner Apostol. My question is something more like, how do you think the public is going to accept these proposals for amendment? I know you are for it but among the people you have been talking to, like the businessmen, and the economists, what are their sentiments on constitutional change?

GOVERNOR SINGSON.

You mean the people? Well, I think the more educated and familiar with what's happening, they are in favor of change because they have seen, and they are seeing what is going on. Now what is important is for the people to be educated. When you talk of parliamentary form of government, I'm sure you know. But in the provinces, in the barrios and municipalities, I don't know if, say, 50% of them understand what it is all about especially when you talk of a federal form of government.

COMMISSIONER PEDROSA.

You will admit that only a few want it and then the rest will have to be led. Or are we going to wait until everybody thinks that we change the Constitution?

GOVERNOR SINGSON.

Well, when this goes to the people during the plebiscite, that is the time also for them to be educated. You will have a certain period to educate the people on what changes are being proposed, so they can intelligently accept or reject these amendments.

COMMISSIONER PEDROSA.

Thank you.

COMMISSIONER APOSTOL.

Ah, yes, Commissioner Matula...

COMMISSIONER MATULA.

Good afternoon, Sir.

COMMISSIONER APOSTOL.

Mr. Chairman, may I request that Commissioner Matula be recognized?

CHAIRMAN ABUEVA.

Commissioner Matula.

COMMISSIONER MATULA.

Thank you, Mr. Chairman. Governor, I would like to ask about this idea of liberalizing ownership of land. Can you expound further on your idea of this?

GOVERNOR SINGSON.

Liberalizing?

CHAIRMAN ABUEVA.

The Governor didn't hear your...

COMMISSIONER MATULA.

Concerning the liberalization on the ownership of land? I would like to know what is the extent of this liberalization of ownership of land...

GOVERNOR SINGSON.

I think there is already a law which allows foreigners who used to be citizens of the Philippines to own a limited parcel of land. But still, foreigners cannot—under present law, because of the Constitution. Congress cannot change that. There's a provision in the Constitution that they cannot own, I mean foreigners cannot own.

COMMISSIONER MATULA.

Does it cover agricultural lands, or only commercial or industrial lands?

GOVERNOR SINGSON.

All. Agricultural, residential, etcetera. Of course, land of public domain cannot be the subject of commerce, cannot be owned by anybody. It belongs to the State.

COMMISSIONER MATULA.

Okay, thank you, Mr. Chairman. I understand that some proposals, particularly concerning land—seem to be limited only to commercial and industrial. And it appears that it is only about one percent of the land area covered in the Philippines. But with your

proposal, I don't have a good idea of how wide or what is the limitation of this, or how big is the land to be opened for liberalization.

GOVERNOR SINGSON.

Well, you know, you said commercial and industrial. How about residential? How about agricultural?

COMMISSIONER MATULA.

I understand that at present, the country is facing an agrarian reform problem and some factions of our citizenry are waging a revolution so that our farmers will have some parcel of land that they can own. It appears also that in a number of consultations, there is a resistance with respect to ownership of agricultural lands.

GOVERNOR SINGSON.

Well, my suggestion is that whatever a Filipino can own, a foreigner can also own—provided there is reciprocity. Of course, there are certain reservations like mining—even Filipinos cannot own. They can only explore and exploit. But they cannot acquire ownership. Then, a foreigner cannot also acquire ownership.

COMMISSIONER MATULA.

Thank you.

COMMISSIONER APOSTOL.

Mr. Chairman, may I request that Commissioner Lambino be recognized?

CHAIRMAN ABUEVA.

Commissioner Lambino, please.

COMMISSIONER LAMBINO.

Thank you, Mr. Chairman. Follow up to the line of questioning that Commissioner Matula has started. Under the present Constitution now, Mr. Chairman, only alienable lands of public domain—which refers to agricultural land—may be leased by a private corporation, and this can also be owned by individual citizens of the Philippines by purchase, homestead or patent.

May I know the opinion of the good Governor regarding these alienable lands of public domain with regards to their disposal? Are we going to open ownership of alienable lands of public domain in favor of foreigners?

GOVERNOR SINGSON.

Well, you have to make a distinction. I'm glad that you said it is in the Constitution—alienable land of the public domain. These are the patrimonial property of the State.

COMMISSIONER LAMBINO.

Yes, sir...

GOVERNOR SINGSON.

Because lands of the public domain, some are not alienable—these are properties that are for public use. So, only the patrimonial property of the State can be alienated and can be the subject of commerce. Now, with that clarification, what is the question now?

COMMISSIONER LAMBINO.

The question is that as insofar as agricultural lands owned by the State are concerned...

GOVERNOR SINGSON.

Yes?

COMMISSIONER LAMBINO.

Under the Constitution now, these can't be acquired by private corporations—only by lease, and by citizens of the Philippines—either by lease, by homestead, or by sale or purchase, or by grant. What would be your opinion regarding these agricultural lands of public domain? Are we going to open these for foreign ownership?

GOVERNOR SINGSON.

My suggestion, my theory is: Whatever is allowed to Filipinos should be allowed also to foreigners. If Filipinos can only lease, then the foreigners can only lease also. If Filipinos cannot acquire ownership, but only the usufruct of the property by way of lease, then the foreigners should not be able to acquire ownership. The foreigners should not have better rights than Filipinos in this country.

COMMISSIONER LAMBINO.

Mr. Chairman, we have a present agrarian reform program which limits ownership of agricultural lands to certain areas—three hectares, five hectares, as the case may be. Before, the agricultural lands may be given to citizens of the Philippines, by homestead or by purchase, sale, patent or grant—up to 24 hectares but has been reduced to 12 hectares—are we going to allow the foreigners also to be granted homestead for lands of public domain? If that is the case...

GOV. SINGSON.

As I said, my suggestion is: Whatever is allowed to citizens of the Philippines, you can also allow foreigners—subject to the same limitations, whatever limitations there are. Provided there is reciprocity.

COMMISSIONER LAMBINO.

Thank you, Mr. Chairman. The next question that I'm going to ask is with regards to civil service. There is a suggestion from this end that we should remove the Civil Service Commission as a constitutional commission. What would be your opinion on that proposal?

GOVERNOR SINGSON.

Well, why should you remove it?

COMMISSIONER LAMBINO.

Under the 1935 Constitution, the Civil Service Commission was not an independent constitutional body. And the experience in the past would say that we have a better civil service under the 1935 Constitution. And we have the worst civil service when it became a constitutional body.

GOVERNOR SINGSON.

Is it because of the provision of the current Constitution on civil service, or is it because of something else that we have a worse civil service system now? Well, I don't think so.

COMMISSIONER LAMBINO.

It has become worse under the present Constitution, Mr. Chairman, because as of now, questions regarding appointments—as you have mentioned regarding these undersecretaries in vital departments like the Department of Finance—some of them are political appointees and the Civil Service Commission doesn't seem to do anything to correct this because these commissioners, being constitutional officers, cannot be removed except by impeachment, do not do their job to correct this mistake, this abuse of authority by the appointing power...

GOVERNOR SINGSON.

Well, you know we have a provision or a section or a chapter in the Constitution on civil service—it is a constitutional commission, the same as the Commission on Audit (COA), the same as the COMELEC. Now, there is some perception that there was some cheating or some COMELEC commissioners did not do their job. Are we going to abolish also or take out the provision of the Constitution on the Commission of Elections? I mean...

COMMISSIONER APOSTOL.

(To Commissioner Lambino) Commissioner, your time is up. You have one more question.

COMMISSIONER LAMBINO.

Yeah. Mr. Chairman, the difference between the Commission on Elections and the Civil Service Commission is so huge. The Commission on Elections exercises both judicial and administrative powers. The Civil Service Commission does not have judicial powers. And yet the Civil Service Commission is a constitutional commission that is beyond the reach of the Executive when it is committing errors in the way it manages the civil service.

GOVERNOR SINGSON.

Well, they have, as I said, provisions in the Constitution on civil service. But aside from that, we have a Civil Service Law. Maybe we should strengthen that law. Because of its very nature, the Constitution cannot supply all the details. They can only put up the framework and the powers of the Commission.

COMMISSIONER LAMBINO.

That's correct, Mr. Chairman, but you mentioned a while ago in your speech that the Central Monetary Authority manages banking as well as our financial powers of government. They are not a constitutional commission and yet they are doing well.

GOVERNOR SINGSON.

No, I beg to disagree. There is a provision in the Constitution which says that Congress shall establish an independent monetary authority 1) which shall lay down monetary policies, 2) which shall supervise all banking institutions, and 3) which shall regulate all financial institutions. That is in the Constitution.

COMMISSIONER LAMBINO.

Yes, Mr. Chairman, we know that. But the Central Monetary Authority is not a constitutional body; it is a body that is created only by law, whereas the Civil Service Commission...

GOVERNOR SINGSON.

Yes, yes...

COMMISSIONER LAMBINO.

... is a constitutional body that cannot be abolished by Congress. That is what we are asking -- whether it would be better to make the Civil Service Commission accountable to Parliament or Congress for its failure to manage well the civil service. The Central Monetary Authority—which is not a constitutional body—is doing well...

GOVERNOR SINGSON.

Well, they can also... The fact that there is a provision in the Constitution on the Civil Service Commission should not disable or prevent Congress from what you are saying—for them to call the Commission to answer for some shortcomings. I mean, I don't see why it cannot be done.

COMMISSIONER LAMBINO.

Yeah, because Mr. Chairman...

COMMISSIONER APOSTOL.

Commissioner, Commissioner, your time is up.

COMMISSIONER LAMBINO.

Just one last point. The members of the Civil Service Commission cannot be subjected to any disciplinary measure except the removal by impeachment which is a very difficult process.

GOVERNOR SINGSON.

Well, you have to balance because they have to be independent. See?

COMMISSIONER LAMBINO.

Yeah, but the Central Monetary Authority is also an independent body but they are not removable by impeachment, Mr. Chairman.

GOVERNOR SINGSON.

(Laughter.)

The body itself is independent—it's an independent monetary authority. In fact, I have compared the provisions of statute and constitution on the central bank of other countries, and our monetary authority—the Monetary Board—is probably the most independent monetary board in the whole world.

COMMISSIONER LAMBINO.

I agree to that, Mr. Chairman, but it does not mean that one body can be as independent as the Central Monetary Authority without being a constitutional commission. Thank you.

COMMISSIONER APOSTOL.

May I interrupt? You are already arguing. So, may we go to the next interpellator? Mr. Chair, may I request that we recognize Commissioner Peña as the next interpellator?

CHAIRMAN ABUEVA.

Commissioner Peña is recognized.

COMMISSIONER PEÑA.

Thank you, Mr. Chairman. My esteemed adviser, as a businessman, I'm just probably reiterating what you said earlier. I'm just confirming. Could you give our Body basic fearless forecast if we liberalize the framework. Are we to expect some growth in our economy? We have 16-18 billion in reserves today, 4% growth, the peso at 54, the Thai baht at 48. A fearless forecast from the very outstanding and experienced gentleman as yourself, our very own type of Alan Greenspan—your assessment as to how we could figure in a liberalized future for us? Maybe we could get a better picture...

GOVERNOR SINGSON.

Well, you know, we are a capital-importing country. We have to import capital, and this capital should be in the form of foreign direct investments. Why are we a capital-importing country? Because our savings rate is one of the lowest. Why is it one of the lowest? Because our income is one of the lowest! So our savings rate is very low, and since our savings rate is very low, there is not enough money—local money—to be invested. So we need foreign direct investments to come in.

Now, what is happening now is that most of the investments coming in are what we call portfolio investments or loosely called “hot money.” This is the money that's being invested in the stock market and also in treasury bills—peso treasury bills. And since the peso has been very stable and in fact has been appreciating, you see hot money coming in the stock market.

So, if you read the *Philippine Star* everyday, you will see the stock market quotations at the end. Below, you will see the figure or the amount of foreign money—foreign buying and foreign selling. And foreign selling—the last few days or few weeks—has been always below foreign buying, which means that there is a net foreign inflow in the stock market.

Now, in 1994, '95, '96, we saw a boom in the stock market. The average volume is about 2-3 billion pesos. And I know for a fact that 75 percent of that money in the stock market, because we get a report in the Central Bank every week, is foreign. Now, in 1997 when we had the Asian crisis, this money left, that's why the market collapsed.

Now, why is it that we are now getting some portfolio investments or “hot money?” Because one reason is that the exchange rate has been stable, and in fact the peso has been appreciating.

At the start of the year, 2005, the exchange rate was P56.30. Today, it is P54.70. So, in fact, the peso has appreciated by almost two percent. Now, why is it that will encourage or attract foreign investments to the country?

Well, a foreign businessman brings in dollars—let's say one million dollars. He exchanges these dollars into pesos. Supposing at the start of the year he converted these at P56.25, so he gets P56,250,000. Now, invest that in the stock market, then he makes a profit and goes out. Now, he buys back those dollars only at P54.70. So, he makes also an exchange profit.

If, on the other hand, the exchange rate now is P57 or P58, and he has to buy back the same dollars at P58, that would be a disincentive because whatever money he made in the stock market, he will lose it in the exchange.

COMMISSIONER PEÑA.

Sir, just to follow up. So, you feel, if we liberalize the framework today, we would also see a greater FDI—foreign direct investments—and possibly an economic growth?

GOVERNOR SINGSON.

Well, that is one factor that would encourage or attract foreign direct investments. But there are other things to consider, for instance, the stability of our policies and our infrastructure. There are many factors that will attract or that will discourage foreign investments. And one of them is—if you take out the restrictions. If they are restricted, you know, any businessman when he puts money he wants to manage the business—the old taipans, there is no exception. From Lucio Tan to all of them. When they put money, they want to manage that business.

COMMISSIONER APOSTOL.

Mr. Chair, may I request that we recognize Commissioner Ortiz-Luis.

CHAIRMAN ABUEVA.

Commissioner Ortiz-Luis, please.

COMMISSIONER ORTIZ-LUIS JR..

Ah, Mr. Governor, we know of your vast experience in legal and financial so much more than the economic aspect of the Constitution, and much more than perhaps the shift to parliamentary, I think the biggest change or biggest effect will be in the federal system where we will change the economic, the judicial, the social and even political aspects of the whole country. Therefore, I think, a lot of the Members would like to hear your take on the federalism...

GOVERNOR SINGSON.

Well, as of now, I don't think it's advisable to go into it right away. I think it is good that there is consensus that we study it for 10 years. Because besides that, I think the people cannot absorb many big changes at the same time. There'll be a lot of confusion, I can assure you. So I think it is wise—as what I understood is the consensus now—to do it after 10 years, to study for 10 years.

COMMISSIONER APOSTOL.

Mr. Chair, may I request that we recognize Commissioner Varela?

CHAIRMAN ABUEVA.

Commissioner Varela is recognized...then Commissioner Paterno and Commissioner Bengzon...

COMMISSIONER VARELA.

Mr. Governor, as a follow-up to that question, you did mention earlier that there are certain difficulties foreseen in a shift to a federal system. Do you think that given the time, as you said 10 years, this initiative will work out or turn out to be a viable option for the country? Well, personally I feel that it is not only costly, but it might even divide the Filipino people considering the strong cultural preferences and parochial interests of the people. Do you think given that time, it will work out?

GOVERNOR SINGSON.

I was advised by the Chairman earlier that there is already a consensus on this and that we should not revive the issue anymore. You just have to study it very carefully, that's all I'm saying. We have to study it very carefully. Of course you have many models of the federal system of government. I am familiar with the US because I studied US Constitutional Law. I'm not familiar with all the others.

COMMISSIONER APOSTOL.

May I request that Commissioner Tabanda be recognized?

CHAIRMAN ABUEVA.

No, I recognized earlier Commissioner Paterno and then Commissioner Bengzon.

COMMISSIONER PATERNO.

Mr. Governor, there are sections of Article XII of the Constitution which mandate the creation of an independent monetary authority, that's Section 20. There is another section which mandates or which allows the creation of an independent economic planning agency (Section 9). We are wondering whether these Sections are already redundant since these agencies are already in existence.

GOVERNOR SINGSON.

Are already—?

COMMISSIONER PATERNO.

In existence.

GOVERNOR SINGSON.

The Central Monetary Authority?

COMMISSIONER PATERNO.

Yes. Would it be objected to by the Central Bank if...

GOVERNOR SINGSON.

If you remove that provision in the new constitution—the proposed constitution, then Congress or the Parliament can change the functions or even abolish that Central Monetary Authority. You know I remember, and Serge (*Apostol*) is here, when he was a member of Congress, there was a move to follow some countries where the supervision of banks is given to another body. There was that bill, and Serge was one of the authors or sponsors. And then some reporters of course asked me if this can be done by Congress. I said, "No. You cannot do that because the Constitution provides that the Central Monetary Authority--the Monetary Board--as established by Congress has the authority to supervise banks." If you remove that provision now, then the Parliament can do anything, see?

And I recall—because some of the authors of this bill were my former students in the Ateneo Law School—one of them said, "Oh, never mind Governor Singson, he only knows Negotiable Instruments Law." Because that's the law that I taught them. Serge remember?

COMMISSIONER PATERNO.

Okay. So I take it that your answer is -- it would be better to leave that provision in the new constitution?

GOVERNOR SINGSON.

Yes, yes.

COMMISSIONER PATERNO.

Thank you.

COMMISSIONER APOSTOL.

Mr. Chair, may I request that we recognize Commissioner Tabanda?

COMMISSIONER TABANDA.

Thank you, Mr. Chairman. I have three very short questions, Mr. Governor. The first one is: Would the lifting of restrictions of ownership of agricultural lands have any effect on the Comprehensive Agrarian Reform Law? Will it now be considered as irrelevant or a thing of the past?

Then the second question is: What is your view on ancestral land? Would you consider it as part of the areas to be opened up to foreign ownership and investments? And the third question is on a major issue in the Philippines today, is with regards to foreign loans. Section 21 provides that foreign loans may only be incurred in accordance with law and the regulation of the monetary authority. My question is: Can you give any suggestion on whether we need to make it more difficult or to put more restrictions on obtaining foreign loans so as to be able to reduce the deficit of the government with regards to the payment of these foreign loans?

So these are my three very short and simple questions.

GOVERNOR SINGSON.

I will answer the last one first. When the 1987 Constitution was being drafted, the original provision of that section states that the government can borrow, can obtain foreign loans only with the prior approval of Congress. I was invited. I was then Senior Deputy Governor of Central Bank to give my views. I said, if you require the approval of Congress before the government can borrow and obtain foreign loan, by the time that approval is given, the loan is gone. Because the offer is good only for at most one week. For instance, if the government now issues bonds, the pricing is fixed in one hour, and that's it. See? Situations change, and the rates change every week, or even everyday. And this is where I'm very familiar with, that's what I'm doing now. Bonds, whether ROPs meaning Republic of the Philippines, or bonds issued by the Russian government, or Russian corporation, or Brazilian etc.—their prices change everyday.

So if you require prior approval, and of course if you get that approval, it will be under specific terms and conditions. What will be the maturity, what will be the interest, etc. and how much? By the time you get that approval, it's no longer relevant. So, I suggested that it should only be the approval of the Monetary Board, and that is what appears now in the Constitution.

Now, on this issue of agricultural lands, what I have been saying all the time is that if the ownership of land by citizens of the Philippines is restricted by certain laws like the

agrarian laws, then that should be observed also even if that land is owned by non-citizens of the Philippines. I'm just saying that they should be treated similarly.

COMMISSIONER TABANDA.

Will it not affect the agrarian reform?

GOVERNOR SINGSON.

It will not. It will not affect agrarian reform. How will it affect agrarian reform when you submit tracts of land and it is tenanted? If a foreigner is the owner of such tract of land, and it is subject to land reform, then it can be the subject of land reform, as if it is owned by citizens of the Philippines.

COMMISSIONER TABANDA.

Then would you favor restrictions in terms of area of ownership of agricultural lands?

GOVERNOR SINGSON.

What will be the rational—what will be that area?

COMMISSIONER TABANDA.

Like under the present agrarian reform, five hectares, seven hectares...

GOVERNOR SINGSON.

Because you probably need big lands to develop economically.

COMMISSIONER TABANDA.

And the last is on ancestral lands sir.

GOVERNOR SINGSON.

What are these ancestral lands? I am not so familiar with ancestral lands.

COMMISSIONER ORTEGA.

Lands reserved for the cultural minorities.

GOVERNOR SINGSON.

Well, the same, the same. Cultural minorities? The same...

COMMISSIONER ORTEGA.

Indigenous peoples.

GOVERNOR SINGSON.

If the citizens of the Philippines cannot acquire, then the foreigners should not be able to acquire.

COMMISSIONER TABANDA.

Thank you.

COMMISSIONER APOSTOL.

Mr. Chair, may I request that Commissioner Bengzon be recognized?

COMMISSIONER ORTEGA.

Commissioner Bengzon is recognized.

COMMISSIONER BENGZON.

Good afternoon, Governor. My question is really about liberalization of economic policy basically hinging on two major items: ownership of land, and the development and utilization of natural resources. In our consultations in the Visayas and in Mindanao, opening of foreign ownership of land is a very emotional issue. And surprisingly, not coming from oligarchs, not coming from big landowners but coming from farmers themselves. And also in utilization and exploration of natural resources, there seem to be very strong sentiment against opening it to foreign ownership. In fact, my colleague was just telling me in Davao, they were even adamant to say that they have money for exploration and development—and a day after, Mt. Diwalwal accident happened.

In our consultation, even in Cebu, a very progressive city, we could say on land ownership, half is in favor of liberalizing and half is not. We would like to seek your counsel and your comment—supposing that in the event the results of our consultation would prove that the representatives of the people that we have consulted with are really against liberalization of ownership of land and exploration of natural resources.

We are faced with three options to my mind. 1) Be apparent and put forth in the draft constitution thinking that this is good for the people, good for the country because it would put in more foreign direct investments or, 2) go with the populist vote—the results of our consultation would, let's say, prove that our people really are not yet ready for liberalization or, 3) just take all the economic policies that hinder global competitiveness out of the Constitution and just leave it to policy. What do you think?

GOVERNOR SINGSON.

Well, as you said, it is a very emotional issue. But I'm not talking from emotions. I'm talking of what is good for the country, for the economic growth of the country. Let's take for example, exploitation of our natural resources. Just be specific—mining. It requires big capital to explore mining. But what's the use of these mines if they are there, not brought up? That's why what you said is correct. These are very emotional issues, especially ownership of land. But I'm thinking of what is good for the economy of the country. So, we talk in different terms.

That is why these things would be submitted to the people in a plebiscite, and let them reject or approve. Congress, or our Body here, does not have the final say. We still have to submit it to the people, and we have time to explain. The advocates of these amendments will have the time to explain to the people why they are proposing these amendments.

COMMISSIONER APOSTOL.

Mr. Chair, we have no more interpellators.

COMMISSIONER ORTEGA.

In that case, Chairman Abueva would like to have one question. So, Chairman Abueva is recognized.

CHAIRMAN ABUEVA.

Governor Singson, as you well know, in the United States the General Accounting Office, which is the equivalent of our COA, is not a constitutional body. And in fact it is regarded as an arm of the US Congress in its oversight of the bureaucracy. Would that

experience be valid, relevant to us, if we were to, let us say, make the COA not a constitutional commission but just an agency and particularly as an arm of the Parliament in its oversight of the bureaucracy?

GOVERNOR SINGSON.

Well, I think the fact that they have a good accounting system in the United States because they do not have such office in the Constitution. I don't think that is the reason. There is no cause and effect relationship there. Precisely, the reason for all of these, is to ensure the independence of these constitutional bodies—COMELEC, Civil Service Commission, and the COA. That's the purpose of putting these as constitutional commissions in the Constitution. Basically, the primary purpose is to ensure or to promote their independence.

Of course, even if you are supposed to be independent, if you appoint people there who are not so independent, then you don't accomplish the objective. But you do not become independent just because it is in the Constitution.

CHAIRMAN ABUEVA.

Colleagues, I'm sure you will join me in thanking our Senior Adviser, Governor Gabriel Singson, for a very enlightening dialogue with him.

Thank you so much, Governor.

(applause.)

GOVERNOR SINGSON.

Thank you very much, Mr. Chairman and the Commissioners. I enjoyed the afternoon talking with you, and I don't mind being invited again.

(applause.)

CHAIRMAN ABUEVA.

I extended on all your behalf similar invitation to President Fidel Ramos and to former Prime Minister Cesar Virata, but neither of them could be available today. I think Mr. Virata said he would be available December 1st. And former Justice Feliciano also is not available. So we are especially appreciative that you are available, Governor Singson. Thank you again.

GOVERNOR SINGSON.

May I give a short story before I leave?

There is this very successful businessman, already retired—very successful, he became very rich. And a young reporter asked him, "What is the reason behind your success as a businessman?" And he said, "I make good decisions." Then this very persistent young reporter again asked him, "How did you develop the ability to arrive at good decisions?" Then this businessman said, "I'll answer your question with just one word: Experience." And again, this young reporter is still persistent and said, "How did you acquire the experience to arrive at good decisions?" The old man, retired businessman, was getting impatient. And he said, "That will be your last question and I will not answer any more question. But I will answer your question with just two words." He said, "Bad decisions." That's how he acquired the experience to make good decisions. Thank you very much.

(Laughter and applause.)

COMMISSIONER APOSTOL.
Mr. Chair, may I request for a two-minute recess?

SUSPENSION OF SESSION

CHAIRMAN ABUEVA.
Two minutes recess.

It was 4:47 p.m.

RESUMPTION OF SESSION

At 4:57 p.m., the session resumed

COMMISSIONER APOSTOL.
I move that we defer consideration of Item 7.

CHAIRMAN ABUEVA.
No objection to that? We'll defer consideration of the draft minutes of October 20.

COMMISSIONER APOSTOL.
I move that we consider now the Business of the Day. First on the proposals.

- A. Proposed Article on Political Parties sponsored by Chairman Jose V. Abueva. I move that this matter be referred to the Committee on Suffrage.
- B. Proposed Bill of Duties and Obligations sponsored again by Chairman Jose V. Abueva. I move that this matter be referred to the Committee on Declaration of Principles and Preamble.
- C. Proposal to amend Section 1, Article VIII on the Judiciary of the 1987 Constitution filed by Commissioner Raul L. Lambino. I move that this be referred to the Committee on Judiciary.
- D. Proposal to amend Section 4 of Article VIII on the Judiciary of the 1987 Constitution again by Commissioner Raul L. Lambino. I move that this matter be referred to the Committee on Judiciary.
- E. Proposal to amend Section 7 Article VIII on Judiciary of the 1987 Constitution again filed by Commissioner Raul L. Lambino. I move that this be referred to the Committee on Judiciary.

CHAIRMAN ABUEVA.
So referred.

COMMISSIONER APOSTOL.
May we go now to item 8.2, Chairman's Report on the Multi-Sectoral Regional Consultations in the Visayas, Palawan, and Mindanao. I move that we recognize the Chairman.

CHAIRMAN ABUEVA.

Thank you. Since I have a written report, I don't want to read that to you. But I would like to call on the team leaders, if they wish to make some supplementary report. Team A was led by Commissioner Leviste but he is not here. Team B was led by Commissioner Joji Bian. Is there anything you would like to add, Commissioner Bian? Do you wish to supplement my report?

COMMISSIONER BIAN.

Thank you, Mr. Chair. For Team B, aside from Cebu, we were assigned to visit the cities of Iloilo which is in Region 6, and then Davao --- Region 11, which covers the ARMM and Central Mindanao. So in Iloilo, there were 16 of us in the team. In Iloilo we divided ourselves into three teams, three workshops. The first one was [on] parliamentary. And then the second tackled federalism, the form and the structure. And the third was on patrimony and economic reforms. We divided ourselves among the three workshops.

In the Committee on the Form of Government, it's already here on the report of Chairman Abueva, there was really an overwhelming desire to change the form of government, to shift to parliamentary. Also we saw the same passion on the Structure of Government-- shift to a federal structure of government. In fact, we gave the people of Iloilo a little background. But then that wasn't really needed because many of them are very much familiar already on how a federal structure of government would work.

We encountered some resistance in the Workshop on National Patrimony and Economic Reforms. We had the sense that majority of those who attended were really owners of big lands and so we have seen a rather very strong emotional attachment to their lands. So despite the fact that the Committee members really gave very comprehensive explanation of why there is a recommendation to go for full liberalization--because of the entry of capital, entry of technology, etc -- it seems that it was very hard to remove that emotional attachment to their lands.

In terms of utilities and advertisement and ownership of educational institutions, they were not also open to full liberalization. They would like to retain the 60-40 ownership. When we moved on to Davao, it was a little different because it was a mixed group. We had both a very strong representation from the IPs and a very strong representation from the Muslims.

We didn't have much difficulty in the Committee on the Form of Government, the shift from the presidential to the parliamentary. They were more passionate than the people of Iloilo. The sense of the majority of the participants was, again, to shift from presidential to parliamentary, and overwhelming -- since Davao has really done the advocacy more than 10 to 15 years ago -- overwhelming desire to start federalism as soon as possible.

I belonged to that Workshop on Economic Reforms [and] National Patrimony. I and Commissioner Paterno have seen an even greater passion to holding on to their lands. The Muslims and the IPs overpowered the business sector there. We have seen that, for them, land is life and without the land they seem to have lost their lives. In fact, I tried playing the devil's advocate. I was telling them, you know, let's talk about natural resources. Exploration in mining, as what Commissioner Bengzon said earlier, would entail so much. Do you have the capital to be able to do that? And they shouted at us, "Yes, we have the money. Yes we have the capital. We understand how expensive and

how much money we need to explore and to develop.” So, Commissioner Ting and I just looked at them because we could not argue with that kind of passion. In fact we even reduced the leasing of the land. They don’t want 25 years, they want shorter. So, in the same manner also, on ownership of public utilities, media, educational institutions, they were not agreeing to fully opening it up to foreign ownership. Thank you, Mr. Chairman.

CHAIRMAN ABUEVA.

Thank you, Commissioner Bian. For Team C, may we hear from Commissioner Rita Jimeno?

COMMISSIONER JIMENO.

Mr. Chairman, I led Team C only as far as Cebu is concerned. My co-team leader, Commissioner Mel Senen Sarmiento led the team in Tacloban and in Cagayan de Oro. As far as Cebu is concerned, the report of the Chairman contains everything that has transpired. Basically, the people of Cebu favored the shift from a presidential to the parliamentary system, unicameral; and favored likewise the shift to a federal system. The economic provisions were likewise generally favored. They generally favored liberalization. So I would like to turn over the floor now to Commissioner Mel Senen Sarmiento for what transpired in Tacloban and in Cagayan de Oro.

COMMISSIONER SARMIENTO.

Going to Tacloban, we had to take the 6 o’clock trip. From Cebu to Ormoc, it’s a 2-hour trip via the SuperCat. And on the way to Tacloban, we were informed that our flight to Cagayan de Oro the following day has been cancelled. So that was a big predicament on the part of Team C. In Tacloban City, the comment was the venue. Yes, the venue was okay, it’s a government-owned convention area but it’s quite far from the poblacion of Tacloban City. That was the comment I heard from the people. But in relation to the form [of government], majority is in favor of a shift to a parliamentary form of government. As to the structure, likewise they are in favor of a shift to a federal form of government. On the economic provisions of the Constitution, similar comment as that of the report of Commissioner Bian. Agricultural and industrial lands, they are very much for it. But when it comes to agricultural lands, it’s a very controversial issue.

On our way back to Cebu, on the very same day, we took the trip from Ormoc to Cebu. We requested TransAsia, a boat leaving for Cagayan de Oro which was supposed to leave at 7:00 in the evening. We requested for the possibility of that ship to wait for us for a few minutes, for a few hours. An hour and a half to be exact. We made it on time to Cebu but they left already (laughter from the Body). That was a big problem on our part because if the members would have to go to Manila, a good number of our members might not go to Cagayan de Oro anymore. That would leave Commissioner Bello alone in that consultation in Cagayan de Oro (laughter from the Body). Fortunate enough, the PMS was able to look for ways for us to go to Cagayan even on the following day. Nag-eroplano na po kami diretso from Cebu to Cagayan de Oro.

And in that consultation there, it was well attended but the issue was the venue again. Medyo sosyal daw. The Pryce Hotel is quite far from the poblacion area. That was, again, the comment of the people who attended. There was one media person who was saying that we already had a prepared position. We told them, it’s not. But if we’re going to present to you a product with nothing to talk about, then what’s to talk about? So it’s just like putting Coke there, then there’s nothing to talk about. But if we say, “Pepsi is

better than Coke”, then you start debating on something. So we had to explain it to them. It was very emotional there, especially the Structure Committee.

As we all know, Gov. Romualdo is against a shift to a federal form of government. Pinagtulungan siya dun (laughter from the Body). Medyo natakot siya nang kaunti, medyo galit ata yung mga tao dun, medyo emotional masyado. They were demanding for a shift to a federal form of government. It was attended by the indigenous peoples group, the Muslims and the Christians, and a good number of city mayors and governors. But on that very day, fortunately, PAL, as they say “Plane Always Late”, (laughter from the Body) arrived late, so the rest of the team was able to catch up with the flight on that very afternoon. So they made it back to Manila on the very same day.

CHAIRMAN ABUEVA.

Thank You. Yes, Commissioner Tabanda.

COMMISSIONER TABANDA.

Mr. Chair, we have been instructed by our Chair through text message to make the report for Team A .

CHARIMAN ABUEVA.

Please.

COMMISSIONER TABANDA.

I will not report for Cebu because, I think, it is contained in your report. But I would like to turn over the microphone to the leader in the Zamboanga consultation, which I think is very important because it's a little different from all the other consultations. So I now turn over the microphone to Commissioner Lambino.

CHAIRMAN ABUEVA.

Commissioner Lambino.

COMMISSIONER LAMBINO.

Thank you, Commissioner Tabanda. Thank you, Mr. Chairman. Well, the statement of Commissioner Tabanda is quite true and that may be the reason why in this report that I am reading now, it doesn't embody Zamboanga City, the preferences for regional representation, the major issues of charter change. Well, I was cautioned by Commissioner Jurado here not to use the word “hostile environment”. But actually that was the situation when we arrived in Zamboanga City. The Mayor and the members of the Sangguniang Panlungsod, well, most of them are, are members of the opposition party. When they ran in the last election, they were candidates running under the opposition party. But, Mr. Chairman, we are glad to report that we had a wonderful reception. The hospitality was great, by the Mayor as well as the members of the Sangguniang Panlungsod, as well as the Vive-Mayor.

During the consultation, however, we were not able to have a vote as to what form of government or structure of republic will have to be preferred by the people. We decided not to press on that issue anymore, considering that we can feel from the people who were in attendance in that consultation that most of them don't favor federalism the way that it is being proposed, more particularly if Zamboanga would be included as part of the ARMM. The consultation began and was finished quite well, and the Mayor, together with Commissioner Matula and myself, had an extended consultation after the formal

consultation. He told us his sentiments about what is happening in Mindanao and Zamboanga. He was very categorical about agricultural lands. He said, "The problem, really, is not the ownership of agricultural land. It's about the limitation of the area that can be owned. Nobody is going to invest in agricultural land if people will only be allowed to have 5 hectares or 7 hectares." So he was very vocal about that. But, be that as it may, with regards to the economic provisions handled by Commissioner Matula, they are in favor of immediate liberalization of the natural resources and even ownership in the mass media, in the advertising, school institutions. But in so far, however, again, with the ownership of agricultural land, that is also another very, very emotional issue to them.

So, Mr. Chairman, we had such a wonderful experience in Zamboanga despite the environment that we had initially. In fact, the Minority Leader of the House of Representatives was there. He was having lunch with the Mayor and the other officials of the City Government. The program started late because we were waiting for the Mayor, so I had to go down and fetch him. And after he saw me there, the good Congressman said jokingly, "How can we still attack the ConCom when you are already a part of that?" So, the consultation ended well, Mr. Chairman. Commissioner Tabanda, Commissioner Jurado, Commissioner Matula, Commissioner Naval, Commissioner Mendoza, Commissioner Abueg, and Commissioner Amin -- they were all there and we had a wonderful experience in Zamboanga but we had a much, much better experience in Palawan and I am asking Commissioner Abueg to report on what transpired there.

CHAIRMAN ABUEVA.

Commissioner Abueg, would you kindly report.

COMMISSIONER ABUEG.

Thank you, Mr. Chairman. The highlight of the consultation in Palawan is such that the Consultative Commission to propose revision to the 1987 Constitution, conducted a regional consultation at Puerto Princesa City on October 28 at the Legend Hotel. The consultation commenced at 9:30 in the morning and was attended by Palawan Governor Joel Reyes, the Vice-Governor David Ponce de Leon, Congressmen Antonio Alvarez and Abraham Mitra, among other local government officials. Eight of the members of Team Alpha of the Consultative Commission were present during the said activity. More than 200 participants attended the consultation.

Governor Reyes delivered the welcome remarks. In his welcome remarks, he conveyed his appreciation to the Commission in choosing Palawan as the venue for the regional consultations for MIMAROPA. He also noted that the consultation will be a venue for the Commissioners to hear different justifications for supporting the Palawan Statehood Movement, and that the people of Palawan were hoping that these are taken into consideration by the Commission when they come up with their recommendation to the President.

After the welcome remarks, the members of the Consultative Commission were introduced by this representation. And explained and made an overview of Executive Order 453. Palawan Congressmen Alvarez and Mitra gave their statements of support for the Constitutional Commission. Congressman Alvarez noted that his political party, KAMPI, will wait for ConCom's recommendation before the big debate in Congress starts. He also enjoined the Commission to come up with safeguards so that recommendations will be effected. Congressman Mitra, for his part, expressed the desire

that the in-depth study of the Commission shall be able to transcend political boundaries and that it will be the instrument that will bind the Filipino people. Mr. Alex Marcaida of the Palawan Council for Sustainable Development introduced the workshop participants and stakeholders in the consultation. The participants represented the following sectors: LGUs of Palawan and Mindoro, the academe, business sector, the youth, media, civic organizations, Jaycees, religious sector. By the way, the consultation opened with an ecumenical prayer by a Catholic priest, a Baptist pastor and a Muslim Imam. There were also representatives of the Integrated Bar of the Philippines-Palawan Chapter, senior citizens, Convenors of Palawan State Movements, market vendor associations, NGOs, government sector, police and military.

After the introduction of workshop participants, former DND Undersecretary Lulu Ilustre provided the workshop mechanics. The workshop groups were as follows: Form of Government facilitated by Commissioners David Naval and Democrito Mendoza, Structure of the Republic facilitated by Commissioner Sonny Matula, National Economy and Patrimony facilitated by Commissioners Jurado and Sergio Ortiz-Luis, and General Provisions, issues of National Territory, Suffrage and Electoral Reforms, Judiciary, Political Party facilitated by Commissioners Omar Amin and Raul Lambino.

The workshop results were presented in Plenary as follows. On the Form of Government, 28 participants were in favor of charter change, 11 participants were against charter change, 33 favored a parliamentary form of government, 7 favored a presidential form of government. If the form of government is parliamentary, 32 favored a unicameral system, 6 favored a bicameral system. All participants manifested their preference to have a federal structure of government. There was also an overwhelming sentiment from Palawan not to be made part of Region VI. For the structure of the Republic, the participants favored a shift from the unitary system to a federal system, from a presidential government to a parliamentary government with certain changes in the judiciary and electoral system.

The participants favored shifting to a federal autonomous form of government and recommended that the federal structure be as follows: the structure of the government shall be unicameral parliamentary headed by the Prime Minister as the head of the government and a President as chief of state. The state autonomous region or assemblies shall also be a unicameral parliament with the State Governor and the State Vice-Governor to be elected by the members of the State Assembly. Barangay units shall be maintained as the lowest form of government of the local government units. Mayors and Barangay Captains shall be elected directly by their respective electorates. The participants also recommended that the composition of the states, as proposed under the Abueva Plan, and the autonomous plan must be further reviewed and studied to arrive at a better basis in the formation of regional groupings to ensure an economically viable state.

On National Economy and Patrimony, the participants raised their concerns on the deprivation of share of the local government in Palawan in the national wealth by the national government such as the shares in taxes of Malampaya Oil and Malampaya Natural Gas, Fisheries, Rio Tuba Nickel Mining Corporation. The participants clamored for the enforcement of Republic Act 7611 in Palawan. This is a unique law for Palawan alone which empowers the people of Palawan to think, plan, and execute programs for sustainable development under a strategic environmental plan, and that all plans of government agencies, whether national or local, should align their programs with the

strategic environmental plan of Palawan. They also cited the territorial jurisdiction of Malampaya as claimed by the national government as outside Palawan. The participants raised the need to embed infrastructure and agricultural development in foreign mining investments.

On General Provisions, National Territory, Suffrage and Electoral Reforms, Judiciary, Political Party. On National Territory, the following proposals were raised: amend the Constitution to include off-shore areas such as island arcs and its micro-continent in the Southwestern Philippines and all territories belonging to the Philippines. Revive Sabah claim.

On Suffrage and Electoral Reforms, the following proposals were raised: No religious sect shall endorse political candidates during elections. There should be a provision on failure to vote. Right to suffrage shall also be an obligation and should be made mandatory with penalty provisions. On electoral reforms, the following were proposed, among others: The line that separates Church from State should be clarified. Educational qualification of political candidates should be added to existing qualifications. Due to the time constraint, there was only a very short open forum conducted after the presentation of the workshop.

Mr. Chairman, as a whole, the sentiment of the people of Palawan is embodied in Resolution No. 6227-05 or sixty two thousand twenty seven, series of 2005 entitled, "A Resolution Expressing Full Support of the Province of Palawan to the Parliamentary-Federal Form of Government and Urging the Members of the Consultative Commission to Adopt and Propose to Congress the Creation of a Federal State of Palawan." This was adopted by the Provincial Board of Palawan on October 14, 2005, which I'm turning over to the Chairman to form part and be inserted in the Minutes of today's session. Thank you, Mr. Chairman.

CHAIRMAN ABUEVA.

Thank you very much for that full report. May I just say, to end the report on our regional consultations in Visayas, Palawan and Mindanao, that it was salutary that we started the consultations in Cebu with a full debate, a debate before the media, expressing both sides of each major issue. And then we followed, even in the workshops, to have both sides of every major issue presented. I think that evoked and stimulated the discussion and, I think, belied the accusation that we are a "rubber stamp" Consultative Commission. Although I heard a few, just a few remarks, "Eh bakit nag-dedebate pa kayo? What is your proposal?" But I think, in general, it was good that we presented both sides of every issue. We should be thanking all our generous and gracious hosts for their welcome, hospitality, and support given to all of us.

COMMISSIONER ORTEGA.

Mr. Chairman, at this juncture may I suggest that we pass a resolution of thanks to all our hosts in the different places that we visited, and that copies of these resolutions be sent to them, including Zamboanga.

CHAIRMAN ABUEVA.

No objections? Carried. There should also be a resolution thanking the organizers of these consultations -- the local organizers, mainly those who belong to the Regional Development Council, the NEDA in the regions, also PMS, and not the least, our own PMS secretariat who served the consultations very, very well indeed.

COMMISSIONER APOSTOL.

Mr. Chair, I move that the form or format of the resolutions should be drafted by the author, the one who proposed this resolution in the person of the Vice Chairman.

COMMISSIONER ORTEGA.

The secretariat will prepare it. (Laughter from the Body)

COMMISSIONER SARMIENTO.

Mr. Chairman, I would just like to thank the Commissioners who facilitated our consultations in Tacloban and in Cagayan de Oro. For the Structure, Commissioner Pedro Romualdo and Commissioner Bello. For the Economic Provisions, Commissioner Levi Laus and Commissioner Efraim Tendero. And for the Form, Commissioner Angeles and Commissioner Oscar Rodriguez. I would like to thank them for facilitating things during these consultations. Thank you.

CHAIRMAN ABUEVA.

Yes, we should thank all the leaders of the various teams and those who chaired the workshops amongst us.

COMMISSIONER APOSTOL.

Mr. Acting Chairman.

COMMISSIONER ORTEGA.

Commissioner Paterno has his hand raised.

COMMISSIONER PATERNO.

Thank you, Mr. Chairman. I only have one suggestion, Mr. Chairman, and that is perhaps the composition of the people who participated in the consultation could've been better structured. In the case of Davao, we had a preponderance of miners and Bayan Muna which had already a preconceived position on the topic which was not tempered by people, or more affluent members of the community. Perhaps the structure of the participation might be looked into and suggested to the organizers. Thank you, Mr. Chairman.

CHAIRMAN ABUEVA.

In addition, we learned from the first set of consultations about documentation, reporting, and all that. That was a good experience. We'll do it even better when we do our consultations in Metro Manila and the rest of Luzon.

We'd like to go to the next item, which is our CONCOM Calendar from today to December 15, 2005. We have to manage the very limited time that we have. You have a calendar distributed. We'd like to go over this and then we'll end with our Secretary General reporting on the next set of consultations. Let us be conscious of the few weeks, one, two three, four or five weeks remaining, especially because some time will be taken up by consultations. So I know that you have the sense of urgency, the various committees have the sense of urgency. But I invite the committee chairmen to calendar or schedule their various meetings and to also help manage the plenaries and scheduling the committee reports for plenary discussion. Yes, Commissioner Azurin.

COMMISSIONER AZURIN.

Mr. Chairman, on that note, I'd just like to inform the Body that there will be a committee meeting of the Committee on Form of Government on Tuesday at 3 p.m. here. That's the 15th. Tuesday, 3 p.m. the 15th, here.

CHAIRMAN ABUEVA.

May we hear from other committee chairmen?

COMMISSIONER JIMENO.

Mr. Chairman, the Committee on Judiciary will meet on Tuesday as well, at 2 p.m..

CHAIRMAN ABUEVA.

Judiciary at 2 p.m.

COMMISSIONER JIMENO.

On Tuesday.

CHAIRMAN ABUEVA.

Tuesday the 15th. Any other chairman?

COMMISSIONER BIAN.

Mr. Chairman, the Committee on Civil Service and Public Accountability, on the 16th, Wednesday, 11 o'clock.

CHAIRMAN ABUEVA.

The 16th, Civil Service, 11 a.m.. Commissioner Seno.

COMMISSIONER SENO.

10 o'clock, Wednesday, Suffrage, Electoral Reforms, Political Party Reforms.

CHAIRMAN ABUEVA.

That is Wednesday, the 16th, 10 o'clock, Suffrage, Electoral Reforms and Political Party Reforms. Any others?

COMMISSIONER TABANDA.

Mr. Chairman, may I raise a procedural matter?

CHAIRMAN ABUEVA.

Yes Commissioner Tabanda.

COMMISSIONER TABANDA.

In the Committee on Suffrage, when we were meeting, I think that there are certain provisions which we were talking about which will depend on the form of government and the structure of government. For example, political parties whether it's multi-system, two-party, and all that. So, I don't know how it's supposed to be done. Could we possibly be all talking of the same form of government? Like, for example, if it is parliamentary, should it mean that in all the committees we will have as the frame of mind the parliamentary system so that all the provisions in that particular committee will be aligned to the parliamentary system? In the same way, for example, they are speaking of federalism. Because it cannot be helped that in several committees you have to have a

frame of reference of structure of government and form of government. So I do not know what the Chair would say about this matter.

CHAIRMAN ABUEVA.

Well, it would be advisable to put in now the details. For example, on Form of Government which has a firm consensus, I take we'll be going in that direction. So that can inform the discussions of the other relevant committees. Now, on the Structure of the Republic, the work should proceed also there so that it can also inform the discussion of other relevant committees.

COMMISSIONER BONDOC.

Mr. Chairman, additional procedural matters. Can we also ask the Committee on Form of Government to also make their draft transitory provisions so that the Committee on Transitory Provisions, Constitutional Amendments, and General Provisions will not be second-guessing them?

CHAIRMAN ABUEVA.

Yes, we urge these two committees, particularly Form of Government and Structure of the Republic, to formulate their own proposals for the transition to guide the Committee on Transitory Provisions.

COMMISSIONER SENO.

I think in so far as the work of our committee is concerned -- the Committee on Suffrage, Electoral and Political Party Reforms, I'm just wondering whether there would be some sort of misdirection or confusion if we gear our work towards a certain form of government to really relate our work.

CHAIRMAN ABUEVA.

Yes, Commissioner Tabanda expressed that point. But, of course, whatever form of government, whatever structure of the republic, we need functional political parties and electoral reforms.

COMMISSIONER VILLANUEVA.

Mr. Chairman, I think it would be a mistake to presume that we are going to work only or to have a reference only on one form of government. I honestly think that we can conduct intelligent discussions on certain provisions, for instance, on the electoral reform, political parties, and suffrage to which I also belong, in the sense that one who proposes a change can always take into consideration the possibility that it might be presidential or parliamentary, whichever. And I don't think that's really going to be a difficulty. But it's going to be, I think, a mistake if the Committees start working on the presumption that it's going to be a federal form of government. Because I understand some still believe we can still discuss and propose changes in the presidential form of government. So I really don't think we should use it as a reference.

CHAIRMAN ABUEVA.

Well, having outlined the general features of the form of government and the structure of government, the Committees will still have to present a detailed text of the nature of the parliamentary reform that is being proposed. So all of the autonomous regions and federal structures proposed. We are all moving together and, fortunately, there is multiple membership. Several of us belong to a number of these committees. So it

should not be too difficult to relate ideas in one committee to the ideas of the other relevant committees. Yes, Commissioner Azurin.

COMMISSIONER AZURIN.

Just to support the statement of Commissioner Villanueva. In fact, the committee meeting on Tuesday on Form of Government, part of the agenda would be to discuss modifications to the presidential system that might address some of the concerns. So I think that is not an issue we should close at this point. As Commissioner Villanueva said, the members of the other committees could perhaps work this out, that it should not be difficult to work around the fact that the matter of form and structure may still be finally decided at a later date.

CHAIRMAN ABUEVA.

Not too much later. We have to work in stride now.

COMMISSIONER PATERNO.

Thank you, Mr. Chairman. One question which might affect how we present the issues in the Luzon consultations is -- When it comes to plebiscite, will the approval of the amendments or the approval of the Constitution be considered on a per issue basis or as a whole? In other words, is it a package that has to be approved or can this be broken into different parcels for approval?

CHAIRMAN ABUEVA.

We have not looked into that. If we go by historical experience, what was presented in the plebiscite of 1935 and in 1972 were whole constitutions, new constitutions. They were not amendments or revisions. It was only in 1940 when we changed from the unicameral Philippine assembly to the bicameral congress and when we allowed two terms for the President, instead of one, and in 1946 on parity amendments. These were the only two times when they were just amendments. So we have no experience in a revision. So this is an open issue that we should look into. Yes, Commissioner Garcia?

COMMISSIONER GARCIA.

Mr. Chairman, there was a time in the history of this country when amendments were presented by the number. That was during Martial Law. Amendment number one, number two, number three, number six. And there was one amendment I remember that was rejected, but the other amendments were approved. So in that proposed amendments, the people were asked item by item or number by number. But in the proposed revisions that we are asked to present, because of the interrelation between one article and another, it is difficult that we itemize the amendments. It must be either a yes or no.

COMMISSIONER ADAMAT.

I think it's quite premature for us to discuss whether we submit this on a subject per subject basis or as a whole because it's beyond our mandate. It is Congress who will determine that issue, Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, I think that is a very valid consideration, that in effect it is really Congress, assuming there would be a Constituent Assembly, that will really propose the amendments to the people in a plebiscite. So maybe we should not be too preoccupied with that. We have enough to concentrate on. Yes, Commissioner Bondoc.

COMMISSIONER BONDOC.

Mr. Chairman, are we still on the topic of ConCom Calendar? In that case, may I ask what is meant by final editing and production?

CHAIRMAN ABUEVA.

Yes, well, we hope that in the final stretch, the last five days, we'll really be at that stage. The Committee on Style will really be working very hard on that -- the printing and the copy editing and all that. That is what it means.

COMMISSIONER BONDOC.

In that case, this is when the Committee on Style goes into action, Mr. Chairman?

CHAIRMAN ABUEVA.

Does its concluding work. All along they will also be processing the text that they receive.

COMMISSIONER BONDOC.

Just two points about this because I am the co-chair of the Committee on Style. Before Chairman Duavit, left, he asked me to stress that we will need a week to work on the final draft and then we will need one final plenary session to have it approved.

CHAIRMAN ABUEVA.

It looks like you won't have a week. You will have four days, and then the Plenary. I think that the work on December 14 should be the Plenary. There are evenings of course. Yes, Commissioner Bello.

COMMISSIONER BELLO.

Are we still on the calendar? We would like to inform the members of the Committee on Constitutional Commission, Transitory Provisions, General Provisions and Amendments, to have a meeting on Monday, the 14th at De La Salle-FEU, Ayala, 25th floor, RCBC - Tower I. We are encouraging all the members to join us there, from 3 to 5 in the afternoon. And with the announcement that the other committees are encouraged to submit their proposed general provisions and transitory provisions, we will welcome that in the committee because this will be a herculean job for our group. I'm sure that this will be a controversial and participatory debate.

CHAIRMAN ABUEVA.

Can you restate the name of the Committee?

COMMISSIONER BELLO.

The Committee on Constitutional Commissions, General Provisions, Amendments, and Transitory Provisions. Yes. The venue is at De La Salle-FEU, Ayala, 25th floor, RCBC Tower I. We will be there from 3 in the afternoon to 5.

CHAIRMAN ABUEVA.

Commissioner Jimeno.

COMMISSIONER JIMENO.

Mr. Chairman, I would like to announce a change in the schedule of the meeting of the Committee on Judiciary to give way to the Committee on Form. We're going to have our

meeting still on Tuesday still, but 12 to 3pm, November 15. We'll serve lunch here at the Executive Room of Innotech. Thank you, Mr. Chairman. Instead of 2 o'clock it will be 12 noon on Nov. 15, Mr. Chairman. I would like to inform all the Committee members to take note of this.

CHAIRMAN ABUEVA.

Thank you. Commissioner Lambino.

COMMISSIONER LAMBINO.

Mr. Chairman, just a clarification for Commissioner Bello. What would be the agenda of the Constitutional Commission? What would be the agenda on Monday of the Committee?

COMMISSIONER BELLO.

The agenda will be the three areas: the Constitutional Commissions, General Provisions and Transitory Provisions if there are already inputs.

COMMISSIONER LAMBINO.

Specifically on Constitutional Commissions, I understand that the Committee on Electoral Reforms is also discussing provisions regarding the Commission on Elections. Would it be better to hold the joint committee hearing with the Committee on Electoral Reforms pertaining to matters about the electoral reforms?

COMMISSIONER BELLO.

Maybe we will just call the names. I participated in the Committee on Suffrage and Commission on Elections and the inputs there are really very relevant to the Committee on Constitutional Commissions.

COMMISSIONER LAMBINO.

I think Commissioner Naval who is the vice-chair of the Committee on Electoral Reforms can respond to that.

COMMISSIONER BELLO.

We will coordinate with the Committee Chair.

COMMISSIONER VILLANUEVA.

Mr. Chairman.

COMMISSIONER ORTEGA.

Yes, Commissioner Villanueva.

COMMISSIONER VILLANUEVA.

Looking at the calendar, may I suggest that on the 13th a final draft be submitted in Plenary session? Because even the presentation of a final draft may entail some changes. So that would now give them one day, December 14, to correct whatever has been corrected in the Plenary session. So that by the 15th, it is ready for submission. It is not advisable to submit it without first submitting it in final draft to the Commission.

CHAIRMAN ORTEGA.

Yes, I think it's okay. The final draft will be submitted on the 13th and distributed to all the Commissioners prior to the plenary on the 14th for approval thereof.

COMMISSIONER VILLANUEVA.

And that corrections will now be made on December 14, incorporating the changes presented in the plenary for submission to the ConCom. But this now brings us to the question of Commissioner Bondoc.

COMMISSIONER BONDOC.

I would like to appeal the decision of the Chair. I pointed out earlier that our Chairman on the Committee on Style requested seven days to do our work and then to be given a chance to present our work in Plenary. But the 14th was declared plenary day so instead of us having five days, nabawasan pa, naging four days.

CHAIRMAN ABUEVA.

Let's see if we can move back. So why not give the Committee on Style the 13th, the 12th, the 11th, the 10th, and the 9th, at least one more day.

COMMISSIONER BONDOC.

Mr. Chairman, there was a proposal earlier to move the plenary to the 13th so that if there will be any more revisions, we will give the Secretariat a whole day, the 14th, to do the revisions so that the 15th will be free for the submission of the ConCom report. So can we move the start of the final editing and production to December 8, Mr. Chairman?

CHAIRMAN ABUEVA.

Final editing starts on the 8th.

COMMISSIONER VILLANUEVA.

Mr. Chairman, this means that all committees must have submitted their resolutions for final approval prior to that date.

CHAIRMAN ABUEVA.

Yes, that's the assumption. So what is on the 13th now? I just want to double-check.

COMMISSIONER VILLANUEVA.

Submission of final drafts.

COMMISSIONER ORTEGA.

So we also have to move back the date of Commissioner Villanueva, that the members of the Commission be given a copy of the final draft a day before, on the 12th. 13th kanina eh. We have to move it back one day.

CHAIRMAN ABUEVA.

Now this is really the moment of truth. Please take note of these dates for the committee work and the plenary review and the adoption of the committee reports. Now, is it reasonable, the week of the 21st of November, we're saying here that we're going to have our consultations in the afternoon and have committee meetings in the morning? On the 21st and 22nd.

COMMISSIONER VILLANUEVA.

I think those dates were reserved for Manila.

CHAIRMAN ABUEVA.

Not only Manila. The Secretary General will explain that. Please, there is a question here about the consultations in Metro Manila.

COMMISSIONER LORENZANA.

This has been looked into by our team also in Manila, Luzon and other areas which need to be hit within the next two weeks. So it's very hard to change day to day because we have to work out the complete plan with the RDCs, the hotels, etc. But these are some of the specifics.

Number one, we have a special team to Bacolod. A special team to Bacolod is going there either 18th or 19th. They can decide whether they stay overnight. If they stay overnight, stay overnight, or if you want to come back that same afternoon, you can. I call this the team Romela. This is going to be headed by Romela Bengzon. So if anything happens there, she's responsible (laughter from the Body). The following will be part of team Romela: Andy Bautista, Commissioner Calisin, Commissioner Donald Dee, Commissioner Duavit, Commissioner Fernandez, Commissioner James Marty Lim, Commissioner Magno, Commissioner Fernando Peña, Commissioner Emmanuel Luz Soriano, Commissioner Tirol, Commissioner Varela, Commissioner Jose B. Villanueva, and Commissioner Al Yuchengco. This will be the group that will go to Bacolod in the morning of the 18th or 19th. That will be worked out by your team leader. Congressman Marañon is very happy to have this team. In fact they will foot part of the bill.

COMMISSIONER PEDROSA.

I just received word that the Manila consultations will begin, and it's already agreed with the mayors, from 9 a.m. to 4 p.m., following the format of the Visayan and Mindanao consultations, which means that plenary 3 pm. to 8 p.m. is out.

CHAIRMAN ABUEVA.

What date?

COMMISSIONER PEDROSA.

The schedule, the calendar.

CHAIRMAN ABUEVA.

Yes, what date?

COMMISSIONER PEDROSA.

Twenty-three to 25 nakalagay dito Plenary.

COMMISSIONER LORENZANA.

Kaya nga kaya nga hintayin mo muna ako. Hindi pa ko tapos. That's what we are talking about. Bacolod first on the 18th.

COMMISSIONER PEDROSA.

Eh pano natatakot sila that it will be in conflict with the schedule of the mayors.

COMMISSIONER LORENZANA.

Hindi nga 18 muna ito, November 18. Bacolod pa ito. Next week pa yung sa Metro Manila.

COMMISSIONER PEDROSA.

Okay, okay.

COMMISSIONER LORENZANA.

Di pa tayo nakaabot dyan. Okay. Now after the 18th, we still have two days to rest. So, we go back to your problem now, Madam Pedrosa. Anyway, that will have to be decided by the team leader, si Mela.

COMMISSIONER CALISIN.

Mr. Chairman...

CHAIRMAN ABUEVA.

Yes...

COMMISSIONER CALISIN.

We discussed in the ULAP experiences during the consultations that in some areas we consulted, where ConCom went for consultations, the groups used to contradict themselves, each other. So I suggest we consider the groupings as to whether these people we assign in certain areas of consultation are really willing to deliver the purpose of the ConCom rather than contradict its purpose.

COMMISSIONER LORENZANA.

The reason for this really is, number 1, we are trying to encourage those people who did not attend the nationwide consultation last time to be present.

COMMISSIONER CALISIN.

I mean, your Honor...

COMMISSIONER LORENZANA.

And number two, we are encouraging the new ones, specially the four of you, to have a taste of the nationwide consultation. So we are having six plus four of you to be there...

COMMISSIONER CALISIN.

I mean another thing, your Honor. I mean, there are members of the ConCom assigned to consultation areas, who are delivering the message contradictory to the purpose.

COMMISSIONER LORENZANA.

That is going to be handled later on. We're going to fix that issue. Right now I'm just talking about the schedule. These are some of the things that the Chairman will explain. Schedule muna tayo, no? Going back to the provincial...we don't have much time because we're going to have dinner, then we'll go home. So tingnan muna natin dito sa Manila. Sa Manila, the whole week from November 21.

COMMISSIONER APOSTOL.

Mr. Chairman may I interrupt? Item 10 is proposed consultations in Metro Manila and Luzon. Let's consider this immediately so that we would not be going back to this item.

COMMISSIONER LORENZANA.

Exactly! That is why I am trying to finish this. So ganito --sa Metro Manila, this is Monday 21 to Saturday 26. Tentative ito. The leader of this group is fixed already. But the

schedule is tentative. The head of this is the Vice Chairman for Metro Manila, si Madam Pedrosa. She will more or less handle the operations there together with our staff, the PMS, and together with Commissioner Villanueva. They will be handling the operations for Metro Manila. These are the tentative schedule, okay? Monday, the 21st and Tuesday the 22nd...the nationwide consultation will be in CCP, I understand, Commissioner Villanueva? At the City Hall of Manila, Bulwagang Katipunan. They are going to produce close to about 1,000 members of the barangay. Basta sa Metro Manila ito, 2 days ito, 21 and 22.

Now, on November 23 we have consultation also. (Informal group discussions going on) Can we have one meeting? Can I ask the Commissioners to only have one meeting so we will understand this? Mahirap naman na magtatanong na naman kayo mamaya sa akin, and I cannot answer all...

SUSPENSION OF SESSION

COMMISSIONER APOSTOL.

Mr. Chair, I call for a 2-minute recess because nobody is listening.

CHAIRMAN ABUEVA.

Two-minute recess!

It was 6:08 p.m.

RESUMPTION OF SESSION

CHAIRMAN ABUEVA.

The session is resumed.

The session resumed at 6:21p.m.

COMMISSIONER APOSTOL.

I move that we consider Items 8.4 and 8.5 to finish this one then we go back to the calendar. I move that we consider Resolution No.4 on the Provisions of National Patrimony and Economic Reforms sponsored by its committee, and may I move that we recognize Commissioner Vicente Paterno.

CHAIRMAN ABUEVA.

Chairman Paterno, please.

COMMISSIONER PATERNO.

Thank you Mr. Chairman. It might be recalled that the Committee on National Patrimony and Economic Reforms presented a matrix of the amendments that the Committee had agreed upon for the approval of the Plenary. However, the Floor Leader ruled that time that this could not be considered without a resolution accompanying it. We are therefore taking the opportunity at this Plenary to present the resolution with the accompanying matrix for the Plenary's approval. We have used the matrix as talking points in our presentation at the consultations. And we intend to use the same matrix for the consultations in Luzon. But we would be more comfortable if the Plenary formally approves the matrix accompanying the resolution and the resolution itself. Thank you Mr. Chairman.

COMMISSIONER APOSTOL.

So, Mr. Chairman, I move that we approve the resolution of the Committee on National Patrimony and Economic Reforms together with the matrix as Annex A to the resolution.

COMMISSIONER TABANDA.

May we raise a point of order, Mr. Chairman?

CHAIRMAN ABUEVA.

Point of order.

COMMISSIONER TABANDA.

May we ask that the matrix be taken on a provision by provision basis? Because there are certain points we would like to make clarifications about. I personally am not ready to vote as a whole for approval of everything in the matrix.

COMMISSIONER PATERNO.

May I make a clarification, Mr. Chairman? The matrix is to be used merely as talking points so that we may begin discussion on these various provisions. The Committee is fully agreeable to making amendments in the provisions that we propose in the matrix depending on the result of the consultations. We are fully cognizant that the Constitution must be acceptable to the people. And it is not right for us to insist on anything here that people will seriously object to. And this is the purpose of the consultation. I just wanted to make that clarification, Mr. Chairman. Because the Committee is not taking a hard and fast attitude on the matrix. It is meant as talking points for discussion. Thank you, Mr. Chairman.

COMMISSIONER TABANDA.

So, Mr. Chairman, may I just pursue the point. So it would mean that if we vote for approval, it is merely for the principle of liberalization, but not necessarily agreeing to everything in this matrix.

COMMISSIONER PATERNO.

That's very clear to us, Mr. Chairman.

COMMISSIONER APOSTOL.

That's the purpose, I mean the philosophy of the Committee. They are saying that the resolution be approved but the matrix should be attached to it. However, the matrix is for purposes merely as guideline in the consultation of the public.

CHAIRMAN ABUEVA.

Yes. In our experience in the south, there's so many provisions involved in the topic we call the relaxation or liberalization of the citizenship or nationality requirements that unless we are guided by a matrix and so on, it will be very difficult to pursue the discussion. So this is for consultation purposes. Is there any objection to that? Is there none?

COMMISSIONER TABANDA.

We abstain, Mr. Chairman, because unless we will propose an amendment to the proposed resolution particularly on the motion. May we introduce amendment here?

CHAIRMAN ABUEVA.
Right here? Now?

COMMISSIONER TABANDA.
I do not know what is the...

COMMISSIONER APOSTOL.
Well, let's listen to your motion...proposed amendments.

COMMISSIONER TABANDA.
Are we allowed to make amendments now?

COMMISSIONER APOSTOL.
Sure.

COMMISSIONER TAMABANDA.
May I propose, Mr. Chairman, that the Committee report be amended such that reference to the matrix "as reflected in the matrix attached hereto and made an integral part hereof" be deleted from this resolution. But we simply approve the recommendation of the liberalization of the citizenship requirement and foreign equity restrictions...just that. We delete the matrix.

COMMISSIONER BENGZON.
I object.

COMMISSIONER APOSTOL.
May I request the Sponsor to make a comment on that motion?

COMMISSIONER PATERNO.
Thank you, Mr. Chairman. I wonder, Mr. Chairman, whether you want the Plenary to debate the matter. If it should be decided that the amendment must be made before the matrix can be approved, what do we use for the consultations? Secondly, should an amendment not first be referred to the committee before it can be approved by the Plenary? May I propose that the proponent of an amendment consider the second whereas of the resolution which reads as follows, "Whereas before the foregoing motion was approved by the Committee, a motion for clarification was made, seconded and approved, that said recommendation is made merely as talking points for the consultations scheduled on the 24th to the 28th of October 2005 and is subject to the outcome of said consultations". Perhaps the time to make proposals for amendments should be after the consultations and not before. We are not asking the Committee to approve the amendments. We are merely asking the Committee to approve the matrix as talking points.

CHAIRMAN ABUEVA.
Is that agreeable to you Commissioner Tabanda?

COMMISSIONER TABANDA.
Well, Mr. Chairman, if that is the point, then what the Committee is merely asking us is to approve the use of the matrix as talking points, then I do not think we will object to that because there is no point in objecting. But if the Committee is asking us to approve the recommendation of the liberalization as a principle then that is another matter.

CHAIRMAN ABUEVA.
Commissioner Paterno, what do you say to that?

COMMISSIONER PATERNO.
That is really the purpose -- for the Committee to approve the matrix as talking points, not as amendments that will be approved by the Plenary as such.

CHAIRMAN ABUEVA.
I suppose that in presenting that during the consultations, it will be clearly explained that these are just talking points in order to evoke the comments and views of the participants.

COMMISSIONER PATERNO.
That has been our procedure, Mr. Chairman. Our procedure was to present the proposal and then ask for a discussion. We did not say you could not insist on these proposals.

CHAIRMAN ABUEVA.
And yes, and then there is a free discussion and debate anyway during the consultations.

COMMISSIONER PATERNO.
Yes, Mr. Chairman.

CHAIRMAN ABUEVA.
Any questions? Commissioner Azurin?

COMMISSIONER AZURIN.
I am just wondering, because the position contained in this resolution is the position that was voted upon and agreed in the committee level. So, I'm just wondering why this committee position is not being presented to the Plenary for approval by the Plenary? Now the clarification is being made that these are just the talking points. But in the committee, we agreed that this was the position of the Committee. Now whether the Plenary accepts it or not is another matter. But certainly I think the Committee should present this for approval by the Plenary.

COMMISSIONER PATERNO.
Mr. Chairman, the matrix is being presented as talking points. Not for approval of the Plenary.

COMMISSIONER AZURIN.
Why not? That's my question.

COMMISSIONER PATERNO.
Why not? Because we do not want to excite debate in the Plenary on this. Because...

CHAIRMAN ABUEVA.
We are not yet at the point where we want approval or amendments by the Plenary.

COMMISSIONER PATERNO.
We need inputs of the people. We are not the ones who are going to approve the Constitution.

COMMISSIONER AZURIN.

Agreed. Agreed. Why don't we adopt the formula that we did in the case of the form of government which was preliminary approval subject to consultation. But certainly I think the position of the Committee should be validated and approved by the Plenary as a preliminary position of the ConCom subject to consultations.

CHAIRMAN ABUEVA.

I think that is a good modification -- to clearly say that it is preliminary position.

COMMISSIONER PATERNO.

Mr. Chairman, are we going to ask for a preliminary approval by the Plenary?

CHAIRMAN ABUEVA.

That what is being used is based on preliminary approval not by the Committee but by the Body as a whole. Yes, Commissioner Bondoc.

COMMISSIONER BONDOC.

This is just an inquiry. Following the exchange of ideas, Mr. Chairman, if we will approve any committee report, even if only preliminarily, then maybe we should re-table the discussion on the structure of the republic as well, which was not voted upon, even only for purposes of discussion.

COMMISSIONER PATERNO.

I yield to Commissioner Bengzon.

COMMISSIONER BENGZON.

Just a backgrounder, Mr. Chairman, on this. I think it was the prerogative of the Chair, Chairman Paterno, which was also debated upon in the committee whether to really make a preliminary stand or not. And what happened in the committee level was that we decided that we will not make a preliminary stand. We are only using these as talking points because we still have to wait for the inputs or the results of the consultation. So I think each committee, at the prerogative of the Chair, should be given the leeway how to present its own position Mr. Chairman. And that is exactly what we did and that was already used in Cebu. So we're actually just doing this for form. If the Committee on Form of Government wants to have a preliminary stand, which it did, we do not have any quarrel with that. But if in the Committee Patrimony and National Economic Reforms the Chair has made a stand on that and we voted on it, so that's what we're putting forth in Plenary.

COMMISSIONER TABANDA.

Mr. Chair, may I say something.

CHAIRMAN ABUEVA.

Commissioner Tabanda...

SUSPENSION OF SESSION

COMMISSIONER APOSTOL.

Mr. Chairman may I request for a two-minute recess for consultation?

CHAIRMAN ABUEVA.
Recess. Two minutes for consultation.

It was 6:36 p.m.

RESUMPTION OF SESSION

The session resumed at 6:50 p.m.

CHAIRMAN ABUEVA.
We resume our session, please. I'd like to call on Commissioner Paterno. Commissioner Paterno, can you enlighten us again on the *modus vivendi* that we have agreed upon?

COMMISSIONER PATERNO.
Thank you, Mr. Chairman. We have clarified that the objection of Commissioner Tabanda was based on the thought that the matrix itself would be distributed for discussion at the consultations. That is not our intention, necessarily. What we would want to do is to present issues rather than draft provisions for discussion. And if anyone would want to amend the resolution to make that explicit, that the matrix shall not be presented at the consultations so that people will not get the wrong impression that this is a set stand of the Commission, we would be very agreeable Mr. Chairman.

CHAIRMAN ABUEVA.
With that clarification, it means that no copy whatsoever will be distributed to the participants, much less the media about this one. This should not be distributed to them, but instead summarized statements about the issue, particular issues, and the options available. Would that be agreeable?

COMMISSIONER RODRIGUEZ.
Mr. Chairman, if that is the case, if may I be allowed -- there is the penultimate paragraph, the last whereas should not be here anymore because we will not be using the matrix as drafted as the basis of the consultation as per statement of the Chairman. And following his statement that he is waiting for an amendment of the resolution as presented, then I will second the motion of Commissioner Tabanda that we remove this paragraph anymore. So that it will be...

COMMISSIONER APOSTOL.
Mr. Chairman, I have the motion. There was a proposed amendment to my motion. So I said, "Let me listen to your motion." If we are now modifying the motion, what is now your proposed amendment?

CHAIRMAN ABUEVA.
Commissioner Tabanda.

COMMISSIONER TABANDA.
My proposed amendment is that the whereas...the resolatory portion shall read...this is my proposal "Now, therefore, be it resolved as it is hereby resolved, that as the preliminary stand of the ConCom prior to consultation and subject to the results thereof, the recommendation of the liberalization of the citizenship requirement and foreign equity restrictions and other relevant amendments to Sections 2 to 22 of Article XII of the 1987 Constitution be submitted for approval in the Plenary session." We remove the

phrase “as reflected in the matrix attached herewith and made an integral part” because as clarified by Commissioner Paterno that matrix is merely a talking point statement.

COMMISSIONER APOSTOL.

Let’s clear this one. The resolution says “as reflected in the matrix attached hereto.” This is what you want amended or deleted.

COMMISSIONER TABANDA.

Deleted, that is my proposal.

COMMISSIONER PATERNO.

Accepted, Mr. Chairman.

COMMISSIONER APOSTOL.

May I know if the sponsor will accept the amendment.

CHAIRMAN ABUEVA.

Yes, he accepted.

COMMISSIONER APOSTOL.

So I accept the amendment.

COMMISSIONER LAMBINO.

Another amendment, Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, another amendment.

COMMISSIONER LAMBINO.

Considering that the amendment in the resolatory portion has already been accepted, may I propose that the clause “whereas it was agreed that a matrix be made reflecting its recommendations” also be deleted?

CHAIRMAN ABUEVA.

Can you restate that, it was not very clear, please?

COMMISSIONER LAMBINO.

The 4th whereas clause Mr. Chairman. “Whereas it was agreed that a matrix be made reflecting its recommendations” be deleted.

CHAIRMAN ABUEVA.

Is that acceptable to...

COMMISSIONER APOSTOL.

I will have to ask the Sponsor if he agrees, the Chairman of the Committee.

COMMISSIONER PATERNO.

The 4th whereas...may we know why that would be necessary?

COMMISSIONER LAMBINO.

Because, Mr. Chairman, the Committee Chairperson accepted the amendment of Commissioner Tabanda referring to the resolutive portion, the phrase “as reflected in the matrix attached herewith and made an integral part thereof” has been deleted. Then I don’t see any need for the 4th whereas clause in this proposed resolution. So that’s the reason Mr. Chairman.

COMMISSIONER PATERNO.

May I seek the opinion of the legal counsel of the Committee, Atty. Bengzon.

COMMISSIONER BENGZON.

Yes, if you accept the deletion of the phrase in the dispositive portion that states “as reflected in the matrix attached herewith and made an integral part hereof,” well, I guess it stands to reason that the 4th whereas should be deleted as well.

COMMISSIONER TABANDA.

Mr. Chairman, may we offer a compromise? I think it may be possible to put the entire paragraph and just re-word it a little as a second resolutive portion, so that we will not do away completely with the work of the Committee. So if I may suggest to Commissioner Paterno as Chair that there can be a second resolutive portion stating that “Resolved further that the matrix as prepared by the Committee be used as talking points for the consultations.”

COMMISSIONER APOSTOL.

May I know if the movant to the second motion to amend is amenable?

COMMISSIONER LAMBINO.

Mr. Chairman, if the proponent is asking for the deletion of the phrase in the resolutive portion is now reconsidering her previous motion to delete and making a second resolutive portion there, then I’m going to withdraw my proposed amendment because the need to reflect this so-called matrix in the whereas would be necessary if there is a second resolutive portion.

COMMISSIONER TABANDA.

Mr. Chairman, may I explain? In that case, the intention of the Committee that it will merely be talking points which will not necessarily reflect the sentiments of the Commission, as a whole, will now be very clear -- that it is merely a set of talking points.

COMMISSIONER APOSTOL.

You will agree Commissioner Tabanda that the fourth paragraph will be transposed to the dispositive portion and say that the matrix be considered as the talking points.

COMMISSIONER TABANDA.

Talking points only, which is what Commissioner Paterno said it really should be.

COMMISSIONER APOSTOL.

Accepted.

COMMISSIONER TABANDA.

Not a statement or stand of the Commission.

COMMISSIONER PATERNO.

Upon the recommendation of our legal luminary, Mr. Chairman, we accept the deletion of the 4th whereas.

CHAIRMAN ABUEVA.

So shall we approve the resolution now as amended? No objections?

COMMISSIONER RODRIGUEZ.

A little clarification Mr. Chairman.

COMMISSIONER BONDOC.

Can we hear it again?

COMMISSIONER RODRIGUEZ.

Yes we want to be clarified on that.

CHAIRMAN ABUEVA.

Restate it now...

COMMISSIONER APOSTOL.

Dispositive portion – “Now, therefore, be it resolved as it is hereby resolved...and so on...and then...other relevant amendments to Sections 2 to 22, Article XII of the 1987 Constitution be submitted for approval in the plenary session to be held on October 20, 2005;

“Resolved further, as it is hereby resolved, that the matrix be utilized as the talking points in the consultations.”

COMMISSIONER BONDOC.

Subject to style.

CHAIRMAN ABUEVA.

Is that agreeable now to all? Okay. No objections? So now that's approved as amended.

GUIDELINES ON STYLE

COMMISSIONER APOSTOL.

So Mr. Chair may we go to item 8.5 proposed Guidelines on Style in amending the 1987 Constitution by the Committee on Style. May I request that we recognize Commissioner Bondoc?

CHAIRMAN ABUEVA.

Commissioner Bondoc is recognized.

COMMISSIONER BONDOC.

The Secretariat distributed earlier proposed Guidelines on Style, which the Committee approved earlier this afternoon, and is suggesting that the Plenary also approve this for purposes of making their drafts. The guidelines, 1 to 15, are simple. Actually they're just clarifications – pointers on writing style, pointers for instance on brevity and the avoidance of usage of archaic words like “thereinafter”. We just want to propose that

these guidelines –I hope the Commissioners have read it – be approved by Plenary and be adopted by Committees.

COMMISSIONER RODRIGUEZ.

Seconded.

CHAIRMAN ABUEVA.

No objections? Yes, Commissioner Tabanda?

COMMISSIONER TABANDA.

I am sorry but I would just like to raise a point, particularly on Guideline No. 14. Guideline No. 14 says, "... Previously contentious issues may no longer be current today." I beg the indulgence of the Committee, but I think this now goes into substantive matters which may not necessarily be the province of style. Would the Committee on Style be the one to determine what is a contentious issue, whether it is still current or not?

COMMISSIONER BONDOC.

No, Commissioner, we will not be the one to determine that. Substantive issues shall be taken up in plenary as was mentioned in an earlier guideline.

COMMISSIONER TABANDA.

Because it says here, for example, the provisions on women.

COMMISSIONER BONDOC.

Yes, it says, "For example," *por ejemplo*. It was used only as an example.

COMMISSIONER TABANDA.

But what is the guideline then – that previously contentious issues may no longer be current today? So what is the Committee on Style going to do? Determine whether it is still...?

COMMISSIONER BONDOC.

No, we are recommending that the various Committees apply this already, that the various Committees discuss the substantive issues and not leave it to the Committee on Style.

COMMISSIONER TABANDA.

But do we have assurance that if a committee decides that it is included in its committee report, in other words the committee decides it is a substantive issue – that this will not be deleted by the Committee on Style, if the Committee on Style thinks that it is no longer a contentious issue?

COMMISSIONER BONDOC.

Certainly. In fact, Madam Commissioner, earlier when we were discussing the ConCom calendar, I mentioned that we want a final plenary for the approval of our product.

COMMISSIONER TABANDA.

In other words, Mr. Chairman, these are guidelines which will not only be applicable to the Committee on Style but in fact is serving as an advisory to all the other committees.

COMMISSIONER BONDOC.
Yes.

COMMISSIONER TABANDA.
Is that the way it is going to be taken?

COMMISSIONER BONDOC.
Opo.

COMMISSIONER APOSTOL.
The intention is to lighten their work.

[Laughter]

COMMISSIONER BONDOC.
Not only that. We cannot be second-guessing the discussions of all the committees, and that's the reason why we decided to circulate the guidelines.

COMMISSIONER TABANDA.
Because I think it's very obvious why I'm reacting to this, because we want to make sure that women issues will still be in the Constitution.

COMMISSIONER BONDOC.
And yes, we know that will still be subject to the discussion of the proper committee.

CHAIRMAN ABUEVA.
And the word here is "may". This is really still permissive, it is not absolute.

COMMISSIONER BONDOC.
In fact one of the members of the Committee on Style earlier pointed out this may not be the right example to give because this might pose a contentious issue in the Plenary. *Nagkatotoo po. Nagdilang anghel yung Commissioner na 'yon.*

CHAIRMAN ABUEVA.
Any other observation? Yes?

COMMISSIONER CALISIN.
Mr. Chairman, I participated also this afternoon in the deliberation of the Committee on Style, although as an observer not member. That was also my question, in order that it will be very clear. And that is also in consonance with the reaction of Commissioner Tabanda, that it be ensured that the Committee on Style should not delve on the substance but rather only on phraseology, construction, wordings, etc. That is the job of the Committee on Style – never to deal or to alter the substance of a provision dealt with in the committee. So that is the assurance.

COMMISSIONER ABUEG.
Mr. Chairman.

CHAIRMAN ABUEVA.
Further clarification... yes? Commissioner Abueg.

COMMISSIONER ABUEG.

My understanding is such that after the Committee on Style has completed its work, it will still be submitted to the Plenary for final approval, which is the third reading process.

CHAIRMAN ABUEVA.

Yes, that's understood, yes.

COMMISSIONER BONDOC.

One last point, Mr. Chairman. The Guidelines having been approved, we are also suggesting if the Committees could present final reports in matrix format and with the covering executive report by the chairmen, so that there will be uniformity.

CHAIRMAN ABUEVA.

Please, all committee chairmen particularly, take note of that suggestion, using a matrix and...

COMMISSIONER BONDOC.

With the covering executive report.

CHAIRMAN ABUEVA.

With the covering executive report.

COMMISSIONER BONDOC.

The matrix would consist of three columns: the draft of the present Constitution; the proposed amendment, deletion, revision or rewording; and the reasons or comments

CHAIRMAN ABUEVA.

The justifications....

COMMISSIONER BONDOC.

The justifications or annotations.

COMMISSIONER APOSTOL.

Mr. Chairman, I want to present a motion to approve this so we can finish this. I move that we approve the proposed Guidelines on Style in Amending the 1987 Constitution.

COMMISSIONER ORTEGA.

Second.

CHAIRMAN ABUEVA.

No objections? Then it's approved.

COMMISSIONER APOSTOL.

Mr. Chair, we go back to the calendar where Commissioner Lorenzana can talk again.

COMMISSIONER LORENZANA.

Very good, very good. Because I am about to finish this. To continue, I just want everybody to understand that the Metro Manila consultation is very important. By Monday, 21st and 22nd, the consultation will be in Metro Manila under the sponsorship of Mayor Atienza, and of course we have also Commissioner Villanueva.

On the 23rd, we have Caloocan, Pasig, Taguig, Pateros, Mandaluyong, Makati, and San Juan under the sponsorship of Commissioner Toti Cariño who has promised to take care of everything including lunch and *bahala na*. So Toti Cariño, take a bow, sir.

[Applause]

COMMISSIONER MAROHOMBSAR.
Where will it be? Where will it be?

COMMISSIONER LORENZANA.
We also have a special Makati meeting of businessmen to be handled also by Señor Dee, Señor Jun Ortiz and Señor Varela and Señor Francis Chua who is also going to take care of everything. This is on the 22nd. They will pay for everything.

COMMISSIONER APOSTOL.
Commissioner Yuchengco will not take care of anything?

COMMISSIONER LORENZANA.
No, Yuchengco will take care of everything by himself.

[Laughter]

COMMISSIONER ADAMAT.
Yung 23rd, yun yung Pasay? Pateros?

COMMISSIONER LORENZANA.
We will give you all of these later on. I will just give you a general idea of where *para ma-block off na ninyo ang inyong mga* schedule.

For Group 3 under Mayor Enrico Echeverri, we don't have any sponsor yet. If anyone in the Commission would like to sponsor, please raise your right hand. No sponsor, okay. This is for Caloocan City, Malabon, Navotas and Valenzuela City. We will look for...

COMMISSIONER PEDROSA.
Yung kay Echevarria si Toti rin.

COMMISSIONER LORENZANA.
Oo, I was informed again Commissioner Toti Cariño is going to sponsor this. Why don't we just ask Toti Cariño to sponsor everything here?

(Laughter)

COMMISSIONER LAMBINO.
Clarification Mr. Chairman. Will Commissioner Cariño take care of lunch or...

COMMISSIONER LORENZANA.
The cities covered on the 24th are – Caloocan, Navotas, and Valenzuela City, also under the auspices of Commissioner Cariño and Mayor Enrico Echeverri. On November 25, Mayor Florencio Bernabe will handle Muntinlupa City, Paranaque, Las Piñas, and Pasay City. I don't know who will take care of this but we are still negotiating.

COMMISSIONER APOSTOL.
Bunye! Perhaps he can take care of it.

COMMISSIONER LORENZANA.
You are volunteering Bunye?

Group 4 is going to be Mayor Feliciano Belmonte of Quezon City and Marikina City. They will handle everything also. This is on the 26th. They are going to have this, I think, somewhere in Quezon City. They will invite the Marikina people... *saan daw?* City Hall.

Now the important thing is that Señora Pedrosa will be looking into all these memberships because you will notice that we have committee meetings. Those who do not have committee meetings will be assigned by Commissioner Pedrosa. *Kung may plenary*, then let's give the problem to Pedrosa to solve.

COMMISSIONER BONDOC.
Mr. Secretary General, can we have a copy of the schedules?

COMMISSIONER LORENZANA.
Yes, we will give you a copy. *I-finalize muna natin kaya mabuti nakalagay na doon na* someone will take care of lunch... we will give it to you. This is tentative but almost final.

Now, On the 28th to December 3, this is the more important thing also because this will go to Region 1, 2, 3, 4 and Bicol area. Okay I will give you the regions so you will know.

COMMISSIONER SARMIENTO.
Mr. Chairman, for Muntinlupa, lunch for how many people?

COMMISSIONER LORENZANA.
Who's asking this?

COMMISSIONER SARMIENTO.
We'll try to get in touch with Mayor Bernabe.

COMMISSIONER LORENZANA.
Ah, Muntinlupa... *hindi mo pa alam kung ilan*. Muntinlupa, including Parañaque. But Senen, if you want to sponsor part of the lunch, I want to say you're welcome.

COMMISSIONER SARMIENTO.
No, we'll try to get in touch with Mayor Jun Bernabe.

COMMISSIONER LORENZANA.
Good, good, good. *Kunan mo agad ng promise yang mga 'yan at baka makawala pa 'yan*.

Okay, now we have divided all of us for the Luzon trip including Bicol. We have divided ourselves into 5 teams. We are 55 *na eh*, which is much better, which is to say we have four teams *pero* we have a fifth special team. *Pero sige lang*, easy *na 'yan* to work out.

Now Team A, we will be in Vigan and Dagupan, and then overnight *sana* at San Fernando City upon the invitation of our Vice Chairman, except we may have to redo this because *mahirap yung* overnight *wala naman tayong makikita dun, eh*.

COMMISSIONER ABUEG.
Still the same composition?

COMMISSIONER LORENZANA.
Hindi na, we are going to change this because this time we are going to concentrate on... the Ilocanos will be in Regions 1 and 2.

So for Region I, they will take a plane to Laoag International Airport, and there is going to be no long trip. We have arranged for a plane. Team 1 will handle Ilocos Norte, Ilocos Sur, La Union, Abra and also Benguet, Mountain Province, Baguio City, and Pangasinan in Dagupan City.

Now Team B – not the old Team B, another group *ito*. Team B will handle Batanes, Cagayan, Isabela, Nueva Vizcaya, Santiago, Quirino, Ifugao, Kalinga Apayao. *Dito ito sa* Tuguegarao City. We will have a plane going to Tuguegarao. So this should be assigned to Team 2. They will stay there overnight for two nights at Tuguegarao and come back to Manila after two nights.

The 3rd Team will be Mindoro, Marinduque, Romblon, Batangas and Batangas City. The consultation will be in Batangas City. Now there is a twist here, because this is only two hours' ride from Manila. This team will also be the one to handle Central Luzon, which means Aurora, Tarlac, Pampanga, Nueva Ecija, etc. *doon sa* Clark Field Economic Zone. They will stay there overnight also. In Zambales, including Zambales Olongapo City.

So Batangas *tapos direktso*, two hours *lang eh, sa* Clark.

And Team D, these are the people who will go to Camarines Norte and Camarines Sur. This will be a group that will fly by PAL to Naga City the first day, on November 30, and then sleep overnight in Naga and then go to Legaspi the next day for consultation also. And from Legaspi back to Manila.

We should all be back in Manila by December 3 after which we are going to have committee hearings and Plenary, etc.

We will give you the final schedule and the final listing. Also there is a special consultation in Laguna. This will be handled by Nelia Gonzalez. She has already picked out her team. This one will also handle the Southern Tagalog part *sa* UP Los Baños. So this is a special team. *Umaga lang ito* then they will be back in the afternoon.

COMMISSIONER APOSTOL.
For information. I would suggest you reverse the process in Naga and Legaspi because it's hard to get out of Legaspi in the afternoon.

COMMISSIONER LORENZANA.
Okay, let's look into that. *Yung sa eroplano*, okay, we will consider that, Madam.

COMMISSIONER BENGZON.

I just received a text from PMS-Iloilo and Bacolod which says that, as per Governor of Negros Occidental, November 18 trip to Bacolod is in conflict with the opening of their ASEAN Games. They said that they will just probably submit their position papers. So I guess the trip to Bacolod is postponed. Thank you.

COMMISSIONER LORENZANA.

Okay, so it's good. So that is much better, so we can pull out the team and then we can put them there. Okay, it's good. *Siguro ayaw lang gumastos yung governor dun.*

COMMISSIONER ADAMAT.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, Commissioner Adamat.

COMMISSIONER ADAMAT.

I would just like to manifest on record that there is a parallel consultation also of indigenous peoples on the 24th to 26th, and I have also gotten in touch already with some of the Commissioners to attend on the 24th morning... somewhere here in Manila. I talked to some of the Commissioners already who are going to be speakers.

COMMISSIONER LORENZANA.

Okay, can you coordinate also with Señor. Pedrosa please, because *sa Manila ito*, so *yung mga tao na i-assign nya baka magkabuhol-buhol*. Just coordinate with her.

COMMISSIONER ADAMAT.

Yes, I will do that. I will do that.

COMMISSIONER SARMIENTO.

Mr. Chairman, in the consultation, one feedback that we got was that the RDC staff was not able to provide copies of the present Constitution. For example, for National Economy and Patrimony, it's pages 43 to 48. It would be better for us to at least, as they group themselves, provide them with a copy of the present Constitution, on Form, on Structure...

COMMISSIONER LORENZANA.

Okay, we will have the Secretariat do that. So *meron pa tayong* unfinished business....Mr. Chairman, we still have some unfinished business and this is the request of our Consul which is very important. Please listen very strictly because we will only say this once.

CHAIRMAN ABUEVA.

Before we tackle this, it's a little sensitive issue, I would like to inform all of you...

COMMISSIONER LORENZANA

Can we please have just one meeting here? *Dito muna tayo*, Señora Pedrosa please! Señor Adamat! *Kailangan lang tayo dito! Pwede muna bumalik dito* because we're still having one meeting here. We cannot allow two or more meetings here. Please.

CHAIRMAN ABUEVA.

I want you to know that we have 25 copies of the documentation of our regional consultations in the South, Cebu, Visayas, Mindanao and Palawan. I didn't have enough copies done for everybody because it is so voluminous. This is for your reference, the detailed comments of participants. So we have a compilation. I will give all the committee chairmen copies, and then there are extra copies for reference in the Secretariat. But we cannot... we're trying to save on paper.

COMMISSIONER CALISIN.

If there is difficulty or shortage of supply of papers, we can just put them in CDs and provide us with a CD, it's cheaper and we will just have it printed on our own. So a CD for each or put it in the e-mail and we'll print it in our offices.

CHAIRMAN ABUEVA.

Secretariat, please note that.

COMMISSIONER LORENZANA.

Please, *pwede* e-mail *na lang*.

COMMISSIONER CALISIN.

Thank you.

COMMISSIONER APOSTOL.

Mr. Chairman, we go to the plenary discussion summing up by the Chairman.

CHAIRMAN ABUEVA.

No, before that... I'm looking for the document with clippings put together...here. And a number of our colleagues had expressed concern about this particular column of Neal H. Cruz of Philippine Daily Inquirer, October 26, where a colleague of ours is quoted as saying that we are "no more than a rubber stamp Commission," our colleague said, "with former UP Pres. Jose Abueva, Chair of the Commission, as the biggest stamp of them all." And before that, he is also quoted as saying, "there is a very flawed procedure when we decide even before we can consult the people. The better process would be to consult the people first, then come up with a decision."

So these comments became the object of news items in other papers, saying we are bogged by the image of being a rubber stamp. So a number of us here had expressed concern about remarks of this sort, which tend to undermine our image and our role in the process. And so I was particularly asked to call this to the attention of the whole Commission, that I think we should avoid remarks especially when there are media and other people listening. When it's just really among us, these things of course are permissible. So I just want to perform my duty of responding to several colleagues who have asked me to call this to the attention of the Body

The other thing is that once we really take a position on major issues, and by that I mean approved in Plenary, then there is the issue of -- should those who are against what was approved in Plenary in any of these issues, in all of these issues, still freely talk against this position of the Commission outside our premises, our meeting place?

So these two things: One is just an appeal to all of us to avoid making remarks that are rather derogatory of the Commission as a whole. As you know, charter change is a very

politicized process, and when our country is polarized, there are many who want to take advantage of any remarks, especially coming from among us, to deride the Commission. And it would be hurting us and it would hurt the role we are trying to play for the good of the country.

And the second one is still into the future. In about three weeks' time, once we have taken a clear position, approved in Plenary the various texts of our proposals and therefore the substance of these proposals, when we reach that time, there is such a principle that we all abide by majority rule, by the action of the whole Body. In which case, taking issue or openly speaking against the Commission's overall position may not be ethical. I don't know, I'm raising the issue.

This does not, however, stifle our individual human and civil rights to speak out in more intimate circles, but not publicly perhaps. I open this to discussion if you wish.

COMMISSIONER BONDOC.

Just two points about what you said: to be careful in the presence of the media. I'm a journalist and I want to take issue with that. And about Commissioners who may have been outvoted in committee or in Plenary still stating their position, I don't think there is any problem with that, commissioners sticking to their guns, so to speak. Commissioners speaking before the media or even not before the media, should simply probably abide by the prayer of Commissioner Villanueva earlier today, that we can disagree but not necessarily have to be disagreeable.

CHAIRMAN ABUEVA.

We're saying you don't call names.

COMMISSIONER BONDOC.

Yeah. We have to realize that this is serious business we're doing. We're looking into the future. We're doing this not for our generation, probably, but for future generations. Fifty years from now, 100 years from now, our work can still be studied based on transcripts and minutes. And we would not want our grandchildren to be reading stuff like, "Oh, this is a rubber stamp of Malacañang of that time" when in fact, I for one can say that I have been advocating parliamentary for 15 years and federal for 10 years, Malacañang has been advocating it for the past two years. Doesn't that make Malacañang my rubber stamp? What I'm simply saying is maybe we just need to be careful with our words, and to be able to disagree in an agreeable manner. Thank you, sir.

CHAIRMAN ABUEVA.

Very well taken, and thank you for that.

COMMISSIONER AZURIN.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, Commissioner Azurin.

COMMISSIONER AZURIN.

On the first point, may I also suggest that the Chairman possibly refrain from using words like "consensus" when expressing a position of the ConCom because this tends to promote the idea that this is a rubber stamp. I've heard you on several occasions say

there is a consensus, so if the idea is to avoid this impression, then let us avoid the use of such word. That is just a suggestion.

CHAIRMAN ABUEVA.

But when in fact there is a consensus, I will say so.

COMMISSIONER AZURIN.

That “the majority voted, for example, in favor of...” But a consensus implies that there is a consensual opinion, that everybody is of... Well, by all means, Mr. Chairman, you can use it. I’m just suggesting that since you bring up the matter of people getting the impression of the Commission being a rubber stamp, then perhaps we can be careful also of language that tends to promote that opinion. That’s just a suggestion.

On the second matter of individual members speaking their minds, I certainly agree with Commissioner Bondoc that there should be no such restriction for as long as the individual member specifically states that he is expressing his opinion and not the opinion of the majority. In fact, since I am a very strong opponent of parliamentarism and federalism, when I’m interviewed I say so, I specifically state that this is my position and that the majority has voted, in the case of the parliamentary, in favor of parliamentary. This is my position. And I don’t think there should be any restriction on such a position.

CHAIRMAN ABUEVA.

I did not suggest that there is a restriction. As a matter of fact, I carefully prefaced my remarks that we do not stifle our human rights, our civil rights.

COMMISSIONER AZURIN .

Since you brought up the issue for discussion, I’m expressing what I think should be the position on that matter. You brought it up for discussion and I’m simply saying that I think our position on that matter should be what I said.

COMMISSIONER PEDROSA.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, Commissioner Pedrosa, and then Commissioner Paterno and then Commissioner Garcia please, after that.

COMMISSIONER PEDROSA.

I want to take up that point because you have to take it in the context of what the reports have been. It’s not that you have your own opinion, and it’s not because there has been a consensus. The problem is when you say something as if you were projecting your views to the media to show a group that is quarrelling with each other. Because we are a Body. So after the vote is done, of course you are perfectly free to say “I disagreed with that,” but to say that “Oh yes, you know, federalism is awful, parliamentarism is awful, etc.”...

COMMISSIONER AZURIN.

But I think it is awful.

COMMISSIONER PEDROSA.

Well, it's different. Well, you can say what you want, but I mean to say that after we have voted, you shouldn't go to media to say that, I mean, as the stand of the group. Say that that's your stand.

COMMISSIONER AZURIN.

People should be free to express their stand, clarifying that this is their personal stand and saying that the group voted this way but this is my stand.

COMMISSIONER APOSTOL.

Mr. Chair, may I butt in again just to finish the calendar before we discuss again? (Laughter) We have two more items. The other one, which we deferred....

CHAIRMAN ABUEVA.

Where is the calendar?

COMMISSIONER APOSTOL.

About the Minutes of October 20, 2005. I mean the agenda. I move that we approve the Minutes of Oct. 20, 2005.

VOICES.

Second the motion.

COMMISSIONER APOSTOL.

The other one is about the discussion summing up. Can we go back to the discussion of what the Chairman has said? Everybody's trying to react.

CHAIRMAN ABUEVA.

Should we resume that? Because I want everybody to be satisfied that we have all expressed ourselves on this. Yes.

COMMISSIONER APOSTOL.

Mr. Chairman, I forgot. May we commend Commissioner Francis Chua for donating 500 reams of paper but he delivered only 200 today. (Laughter) That's it, Mr. Chairman.

CHAIRMAN ABUEVA.

I recognized two other commissioners, Commissioner Paterno and Commissioner Garcia.

COMMISSIONER GARCIA.

Regarding the first point, did we perhaps check with the gentleman concerned whether the statements alluded to him really came from him?

CHAIRMAN ABUEVA.

Yes, that's a very good point. If he were here, of course, we would do that. But we'll still ask him. Thank you.

COMMISSIONER GARCIA.

Regarding the second point, Mr. Chairman, I don't think there is anything wrong if a Commissioner would continue to express and defend what he believes. There is a saying attributed to Voltaire that runs like this: "I may disagree with what you say, but I

will defend to the death your right to say it.” Besides, Mr. Chairman, for a colleague who was defeated in the voting to say outside what he believes and which is known to be rejected by the Commission as a whole is a sign of humility because he’s admitting his defeat.

And also, Mr. Chair, we have been saying all along that we are not a rubber stamp of Malacañang, and as proof of this, I think the Chairman pointed out that in our discussions we disagree with each other openly, passionately. Now, to dispel the charge that we are a rubber stamp of Malacañang, if we are prevented from saying or expressing what we believe after the voting here, then we will be a rubber stamp twice: rubber stamp of Malacañang and rubber stamp of the Commission. So I believe, Mr. Chairman, there is nothing wrong with expression of, say, dissent or disagreement with what has been voted already by the Commission.

CHAIRMAN ABUEVA.

You’re certainly right as long as no derogatory remarks are added to that.

COMMISSIONER PATERNO.

Mr. Chairman, I think I believe that you’re being far too kind to the gentleman who made the remark that we are a rubber stamp to the media. I would like this Commission to know, and I will tell that person frontally, that I regard it as a slur on my person. And if he says something like that again, he is giving me license to destroy his own reputation. Thank you, Mr. Chairman.

[Applause]

CHAIRMAN ABUEVA.

But as Commissioner Garcia said, we will verify whether in fact he said all those remarks.

COMMISSIONER LAMBINO.

Mr. Chairman.

CHAIRMAN ABUEVA.

Sr. Soriano *muna*.

COMMISSIONER SORIANO.

I just wanted to say, Mr. Chairman, that I think we have to be discreet. We owe that to one another. I mean in making remarks, I think certain discretion is expected of the Commissioners.

CHAIRMAN ABUEVA.

Commissioner Lambino.

COMMISSIONER LAMBINO.

When I accepted the invitation of the President to be member of this Commission, I didn’t know where that invitation had come from but I talked to the Speaker and he asked me if I could help in the drafting of the Constitution. I said I may not be acceptable to Malacañang because in the last election, I campaigned hard for FPJ. I defended the votes for FPJ in many precincts and boards of canvasses in the country, and even in

Congress. That's why I was one of the five so-called "noted" lawyers in the national canvass.

I am here and I will never be a rubber stamp of Malacañang or the President. I'm going to say this now. If there is an attempt by this Commission to shorten the term of office of the present President today, I am going to object to that because that would be a violation of the so-called contract of sovereign entered into by an elective official to the people who have elected her or him. That's the reason why, even if I did not vote for this President, even if I did not defend this President in the last canvassing, for all legal intents and purposes, she's entitled to sit and continue as President until 2010, and I will not be a rubber stamp of the President or Malacañang in saying this. Thank you, Mr. Chair.

COMMISSIONER RODRIGUEZ.
Mr. Chairman.

CHAIRMAN ABUEVA.
Yes, Commissioner Rodriguez.

APPROVAL OF THE OCTOBER 20 MINUTES AS AMENDED

COMMISSIONER RODRIGUEZ.
Before we finally approve the Minutes of October 20 session, so it will not appear awkward that the Chairman was sponsoring a Resolution at the same time debating with the members, may we just put on record, or a little amendment in the Minutes – not out of ego on my part but just to straighten the records and to avoid any awkward situation appearing on official records that the Chairman was sponsoring and at the same time debating – that this Representation was the one acting chairman at the time? Can we reflect that?

CHAIRMAN ABUEVA.
We accept that.

COMMISSIONER RODRIGUEZ.
Thank you.

COMMISSIONER APOSTOL.
I already moved to approve, but anyway I will move again. I move that we approve the Minutes of October 20, 2005, as amended.

COMMISSIONER BONDOC.
I second again.

CHAIRMAN ABUEVA.
Approved.

COMMISSIONER BONDOC.
Motion to adjourn.

COMMISSIONER APOSTOL.

Mr. Chair, you are supposed to sum up the Plenary discussion, but I think you've summed up already.

CHAIRMAN ABUEVA.

I don't think it's necessary to sum it up. I think everyone has summed it up in his mind.

ADJOURNMENT OF SESSION

COMMISSIONER APOSTOL.

I move to adjourn.

CHAIRMAN ABUEVA.

Any objection? There being none, we adjourn.

It was 7:47 pm.