

House revives conconstituent assembly

by JESS DIAZ
Philstar.com

THE House committee on constitutional amendments voted 19-6 last May 26 to endorse a resolution urging "members of Congress" to meet as a constituent assembly (con-ass) to consider Charter change (Cha-cha) even without the participation of the Senate.

The committee, chaired by La Union Rep. Victor Ortega, took the vote after hearing the views of two widely respected constitutionalists, Fr. Joaquin Bernas and former Supreme Court justice Vicente Mendoza.

A former dean of law of Ateneo University, Fr. Bernas was a member of the 1986 Constitutional Commission that drafted the present Constitution.

Mendoza, on the other hand, now teaches constitutional law at the University of the Philippines.

Both told Ortega and his colleagues that the House cannot bypass the Senate on Cha-cha.

Their expert views, however, fell on deaf ears. Minutes after Bernas and Mendoza left the hearing room, the Ortega committee voted to recommend Resolution 1109 for discussion by the entire House.

Some of those who voted for the con-ass measure said they would oppose it when it is taken up in plenary session.

Camarines Sur Rep. Luis Villafuerte is the author of the resolution and chief advocate of Cha-cha via con-ass even without the participation of the Senate.

Last May 18, Villafuerte abandoned his advocacy and promised to oppose Nograles' Cha-cha proposal and any other suggested amendment during the 14th Congress.

Before the vote was taken on the con-ass measure, Bernas told the Ortega committee that the Cha-cha initiative of Speaker Prospero Nograles is constitutionally viable.

He said Nograles' Resolution 737 could take the legislative process route as the Speaker and Majority Leader Arthur Defensor have proposed and as contained in the rules of the chamber.

This means that after the House has approved the resolution, it should send it to the Senate for its consideration, Bernas said.

"If there is disagreement between the two chambers, you go into what you call bicameral conference. After that, the proposed amendment is submitted to the people for ratification in a plebiscite," he said.

Resolution 737 seeks to amend the economic provisions of the Constitution by allowing 100-percent foreign ownership of land and cer-

tain businesses.

Endorsed by the constitutional amendments committee, it is now up for plenary debates.

Bernas said alternatively, the House and the Senate could come together in a joint session to tackle the Nograles-proposed amendments.

"In both instances, whether they meet separately or jointly, the voting should be separate, and the vote required is three-fourths of all members of each chamber, not three-fourths of those present," he stressed.

Mendoza disagreed with Bernas that the two chambers can meet separately in tackling Cha-cha.

"They have to meet in joint session assembled, but I agree that the voting should be separate and the required vote is three-fourths of all members," he said.

Responding to questions, Bernas said unlike the 1935 Charter, the present Constitution does not require the House and the Senate to convene as a constituent assembly (con-ass) to propose amendments.

"Congress is given the discretion to do what it wants, with certain explicit and implicit limitations such as the three-fourths vote requirement, which is explicit, and the voting should be separate, which is implicit," he said.

He said the implicit separate voting limitation is based on the bicameral structure of Congress.

He pointed out that the legislature does not have to convene as a con-ass when it is proposing Charter amendments.

The moment it proposes an amendment, it is performing its "constituent power" and does not have to declare itself as a con-ass, he added.

Agreeing with the former Ateneo law dean on the voting issue, Mendoza said advocates of joint voting ignore the fact that Congress is composed of the Senate and the House of Representatives.

"Since there are only 24 senators, they will be overwhelmed by 250 members of the House if there is joint voting. The spirit of bicameralism will be lost," he said.

The legislative process route as explained by Fr. Bernas, together with its limitations, is what Speaker Nograles and Majority Leader Defensor have vowed to follow.

Nograles has vowed to pursue his Resolution 737 until the House approves it and sends it to the Senate.

He said several senators have expressed support for his proposal to relax the constitutional restriction on foreign ownership of land and business. ■

Lopez clan retains control of Meralco

by DONNABELLE GATDULA
Philstar.com



Manila Electric Co. chairman Manuel Lopez (right) joins hands with Philippine Long Distance Telephone Co. chairman Manuel Pangilinan (center) and San Miguel Corp. president Ramon Ang during the Meralco annual stockholders' meeting last May 26.

Philstar Photo by Mike Amoroso

MANUEL "Manolo" Lopez last May 26 retained his seat as chairman of the country's power utility giant Manila Electric Co. (Meralco) as the heads of its two new major investors—San Miguel Corp. (SMC)'s Ramon Ang and Philippine Long Distance Telephone Co. (PLDT)'s Manuel Pangilinan—pledged their support to the Lopez management.

There were no fireworks at the jam-packed Meralco annual stockholders' meeting last May 26, unlike last year when it took the board more than 11 hours to adjourn the meeting.

The 2008 annual meeting of Meralco was marred by controversy when one of its directors, Government Service Insurance System (GSIS) president Winston Garcia, tried to oust Manolo Lopez from the power utility's board.

There were rumors going around before the annual meeting that the SMC group would try to wrest management control of Meralco.

But both Ang and Pangilinan told a press conference after the stockholders' meeting that they were committed to help Lopez in his efforts to bring down power rates which will redound to the benefit of its customers.

Meralco vice president and corporate marketing head Miguel Lopez described the conduct of the meeting as "very orderly and professional."

Aside from Manolo, the other members of the new board of Meralco are: Ang (vice chairman); Jose de Jesus (president and COO); Pangilinan; Napoleon Nazareno; Ray Espinosa; Estelito Mendoza; Mario Surio; Alan Ortiz; and independent directors Vicente Panlilio and former chief justice Artemio Panganiban.

Other elected corporate officers were: Simeon Ken Ferrer (corporate secretary and compliance

officer); Betty Sy (chief finance officer); Ricardo Buencamino (executive vice president and head of networks); Leonisa de la Llanza (senior vice president, head of human resources and corporate services); and Rafael Andrada (first vice president and treasurer & OIC information disclosure officer).

"The coming together of these three top business organizations (Lopez Group, SMC and PLDT) can be regarded as a momentous event in Philippine history. The proven track record of these three leading business groups, who share the same passion for quality service to customers, will definitely redound to the benefit of electricity consumers. This historic alliance is a clear manifestation that business groups can be united in the pursuit of a common goal to provide good customer service," Lopez said.

"We have utmost respect for the Lopez family and Pangilinan, so we will try to do our best to look for something to do together, and we are in support of the management of Manolo Lopez in Meralco," Ang said.

"As long as Manolo stays, our investment will stay. We are very lucky to have a chance to work with Manolo and Manny Pangilinan. Manny Pangilinan is a real gentleman. We talked for the last several months about investment in Meralco and he gave us due respect, and so we reciprocated a very nice arrangement with him, and so today the three groups are in control of Meralco."

Ang said SMC has been known for being a "straightforward" company.

"San Miguel is known to be a straightforward company. Hindi kami gagapang o mananaksak. Hindi namin gagawin yun kahit kailan. You can always remember what I said, we are here to support Manolo and MVP (Pangilinan)," the SMC chief said. ■

Palace appeals to Congress to focus on legislation

by MARVIN SY
Philstar.com

MALACAÑANG called on lawmakers last May 26 to pass at least three important bills before Congress adjourns for a month-long break next week.

Executive Secretary Eduardo Ermita said based on their status in both the House and the Senate, the bills could be passed within the short period left before the sine die adjournment of Congress on June 5.

Foremost among these bills is the proposed extension of the Comprehensive Agrarian Reform Program (CARP) with reforms.

At the Senate, the bill is in the period of amendment while at the House of Representatives it is in the period of interpellation.

President Arroyo certified the bill as urgent and has pushed for its passage on several occasions as her commitment to the country's farmers.

The bill would extend the CARP by another five years and would empower the farmer beneficiaries by making them agribusinessmen.

"Secretary Lagonera is quite optimistic that the CARP extension could be passed before adjournment," Ermita said, referring to his deputy Joaquin Lagonera who serves as head of the Presidential Legislative Liaison Office.

The Palace is also hoping to see the passage of the third amendment of the Salary Standardization Law, which would provide the country's public servants with higher wages.

In the Senate, the bill is in the stage of interpellation while in the House, it has been approved on third reading.

Ermita also cited the anti-torture bill, which has passed second reading in the Senate and third reading in the House.

He said that the bill is very close to his heart as the chairman of the Presidential Human Rights Committee.

The United Nations has also prodded the Philippine government to pass the measure as a signatory to the Convention Against Torture.

"This is important because this is one of the reasons why I went to Geneva for one week and faced the committee against torture," he said.

The fate of the bills would depend a lot on how the Senate manages its time, considering that it is now embroiled in a dispute among its members over the issue of an ethics committee probe initiated against Sen. Manuel Villar Jr.

Aside from the internal squabbles, the Senate also continues to conduct probes into various issues that also take up a lot of its time, including the sex video scandal involving an actress and a doctor.

Ermita admitted that the Palace could not get involved in the decisions of the Senate and its members.

"That's their call. The people know what they are doing so that's their responsibility to the people," he added. ■

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