

Charter change may be an impossible dream

by JESS DIAZ
Philstar.com

AFTER showing determination to lead in efforts to change the Charter through a Senate-less constituent assembly (con-ass), Speaker Prospero Nograles now admits that Cha-cha may be an impossible dream.

"Cha-cha may or may never happen at all," he told reporters over the weekend before leaving for Australia for a short official visit.

He said he was not optimistic about getting the required number of votes to railroad Cha-cha through a con-ass without the participation of the Senate.

"We may never get the three-fourths vote. This is three-fourths vote not only of all members of the House of Representatives but of the House and the Senate," he said.

Nograles was referring to a constitutional provision requiring a three-fourths majority vote from all members of the legislature on proposals by Congress to amend the Charter.

By the Speaker's calculation, they need 220 House members to approve any Cha-cha proposal. That number represents three-fourths

of the combined membership of the House (268) and the Senate (24).

"We may never get 220 to propose any amendment," he said.

That is assuming that a House-only con-ass is a constitutional way of proposing amendments.

Congressmen-lawyers as well as constitutional experts, including former Ateneo law dean Fr. Joaquin Bernas, maintained that the vote needed for any Cha-cha proposal is three-fourths of all members of the House and three-fourths of all members of the Senate.

The two chambers should vote separately and not jointly, Congress being a bicameral body, they argue.

Even if a miracle happens and Nograles is able to muster 220 votes, the next hurdle would be the Supreme Court, where senators

and other concerned citizens have vowed to question the constitutionality of a Senate-less con-ass.

Agusan del Sur Rep. Rodolfo Plaza, who belongs to the Nationalist People's Coalition (NPC), is also convinced that Cha-cha proponents may never get 220 votes.

He said the merged Lakas-Kampi has only 160 to 165 members.

"Other than this number, they can only get a sprinkling of sympathizers from party-list representatives and members of smaller political groups," he said.

He added that NPC members have agreed to boycott a Senate-less con-ass if it pushes through.

Members of the Nacionalista Party and the Liberal Party, the two oldest political groups in the country, have made a similar commit-

ment to stay away from a House-only con-ass.

NPC, NP and LP have about 60 members.

Plaza said congressmen should now forget about Cha-cha and con-ass and focus on the fast-approaching May 2010 elections for President Arroyo's successor and other officials.

Mrs. Arroyo admitted in Tokyo on Tuesday that she wanted Cha-cha for political and economic reforms, but that "we are not out to scrap the (May 2010) elections."

She did not specify what those reforms would be, but they are believed to include a shift to the parliamentary system and the abolition of restrictions on foreign ownership of land and certain businesses—changes that her House allies led by Nograles are advocating. ■

Enrile: No constituent assembly at SONA

by CHRISTINE AVEÑADO
Inquirer.net



Sen. Pres. Juan Ponce Enrile

SENATE President Juan Ponce Enrile has vowed to make sure senators are out of the Batasang Pambansa in Quezon City should the House try to convene a constituent assembly after President Gloria Macapagal-Arroyo's State of the Nation (SONA) address on July 27.

"If they will try to convene Con-ass [constituent assembly], I will immediately adjourn the session of the Senate," Enrile said, noting that such a move by the House would be "illegal" and "unconstitutional."

Saying he knew his "parliamentary rules," Enrile said that before the convening of the joint session of Congress on the afternoon of July 27, the Senate and the House of Representatives

would convene separately early in the day to pass a resolution "calling for a joint session of Congress."

"And we state the purpose [in the calling for a joint session of Congress]—to hear the SONA message of the President," Enrile said, adding, "We will just hear the President's SONA and there will be no more agenda."

Enrile was reacting to state-

ments made earlier by some congressman that the House would convene a constituent assembly, even without the senators, after Arroyo's SONA presentation on July 27.

Senators have passed unanimously a resolution deeming the House bid to amend the Constitution without the Senate through a constituent assembly as unconstitutional.

They have also pledged not to participate in a constituent assembly process premised on the

two houses of Congress voting as one body, which would marginalize the 24 senators in terms of

voting power and in effect, allow the House to hold con-ass even without the Senate's consent. ■

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