



Thursday, January 18, 2018

# Senate asserting itself with its own Con-Ass

**T**HE senators of the country have decided to defend their institution from attempts to abolish it through constitutional amendment in a Constitutional Assembly (Con-Ass).

Leaders of the House of Representatives and the administration party PDP-Laban had been talking freely about setting up a federal form of government, with a unicameral legislature electing a Prime Minister to govern the country, rather than a President. In such a system, there would also be no need for a Vice President.

To achieve all this in a Constituent Assembly, administration and House leaders want a joint session voting jointly, with over 300 congressmen overwhelming the 24 senators in making all the decisions.

The Constitution of 1987, which is now in effect, indeed provides that a Con-Ass, composed of all the members of Congress, may propose amendments to the Constitution. Section 1(1) of Article XVII of the Constitution provides that any amendment or revision may be proposed by "The Congress upon a vote of three-fourths of all its Members." House leaders say this means all congressmen and senators are to meet jointly and then vote jointly.

Senators, however, point out that joint voting is not specified in the provision. As a matter of fact, in all actions of Congress, the Constitution calls for separate voting - such as in impeachment proceedings, in a declaration of war, and in the enactment of laws.

Thus Sen. Panfilo Lacson has filed Senate Resolution 580 to convene the Senate to propose constitutional amendments by three-fourths vote of all its members. He said the House may similarly meet and propose constitutional amendments by three-fourths vote. And any differences in their decisions will be settled through a bicameral conference committee.

As this is a constitutional issue, the decision will be up to the Supreme Court. But, as has been pointed out, the Constitution is not clear on whether it should be by joint or by separate voting. Very likely, therefore, the whole dispute will end up in some kind of limbo, with no nationally accepted consensus.

This is the big problem now facing administration and House leaders who had hoped to sweep through what they thought would be an easy process of adopting a new Constitution with a federal form of government.

If they had only stuck to this principal goal of federalism, they might have quite easily had their way. But they wanted to have more. They began to talk of eliminating the Senate, eliminating the Office of the Vice President, and extending their own terms during an interim period of adjustment.

The Senate is not quietly going down. Senate Minority Leader Franklin Drilon is calling for a Con-con instead of a Con-Ass to amend the Constitution. But if Con-Ass wins out, Senator Lacson's Resolution 580 calls for the Senate to convene by itself and approve its own constitutional amendments, with any differences with a House Con-Ass to be resolved by a bicameral conference committee.

Suddenly, Charter Change (Cha-cha) is no longer the "done deal" that everyone thought it would be.

§ CONSTITUTION