

R.C.C. NO. 104

VOL. V, October 10, 1986

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/014736d46ce0/>

Friday, October 10, 1986

OPENING OF SESSION

At 10:20 a.m., the Presiding Officer, the Honorable Efrain B. Treñas, opened the session.

THE PRESIDING OFFICER (Mr. Treñas): The session is called to order.

NATIONAL ANTHEM

THE PRESIDING OFFICER (Mr. Treñas): Everybody will please rise to sing the National Anthem.
Everybody rose to sing the National Anthem.

THE PRESIDING OFFICER (Mr. Treñas): Everybody will please remain standing for the Prayer to be led by the Honorable Edmundo B. Garcia.

Everybody remained standing for the Prayer.

PRAYER

MR. GARCIA: Isang pagbasa mula sa Aklat ng Propetang Isaiaas, Kabanata 42:16-17 at Kabanata 43:1-3:

Aakayin ko ang mga bulag,
Sa mga lansangang hindi pa nila natatahak
Yaong kadiliman sa harapan nila'y gagawing liwanag,
At papatagin ko ang baku-bakong landas;
Ang lahat ng ito'y aking gagawin.
Mabibigo at mapapahiya ang lahat ng kumikilala
At nagtitiwala sa mga diyus-diyosan . . .
Israel, ito ang sinasabi sa iyo ni Yahweh:
Huwag kang matatakot, ililigtas kita.
Tinawag kita sa iyong pangalan, ikaw ay akin.
Pag ikaw ay daraan sa karagatan, sasamahan kita;
Hindi ka madadaig ng mga suliranin.
Dumaan ka man sa apoy, di ka maaano,
Hindi ka maibubuwal ng mabibigat na pagsubok
Sapagkat akong si Yahweh ang iyong Diyos,
Ang Banal ng Israel na magliligtas sa iyo.

Panginoong Diyos, aming Ama, nawa'y Iyong kalugdan ang pagsisikap namin dito sa Komisyon, itong apat na buwan nang dumaan — hatid ay matinding paglalahok ng isip at katawan.

Gawain namin ay alay sa sambayanang Iyong hirang, natatangi sa Iyong paningin — ang bayan naming

naghihintay at nagtitiwala sa pangako ng Iyong pagpapalaya.

Aming gawain kailanma'y di sasapat sa mga pangangailangan at inaasam ng aming mga kababayan. Tulungan Ninyo po kaming ito ay ibigay at ibahagi sa kanila, nang sa gayo'y mga pagkukulang nami'y kanilang mapuno at trabaho nami'y sa kanila ay magkaroon ng katuparan.

Sapagkat ang mga linyang sulat nami'y walang saysay, kung hindi isasabuhay ng mga taong-bayan. Tanging sila ang magpapatotoo sa Iyong mithiin.

Itong mithiin, Kayo rin po, Ama, sa mga puso namin, ang nagtanim, mithiin at pangarap ng isang bukas, kung saan ang mga taong bayan ay malaya sa sariling lupa, mga Pilipinong may dangal sa harap ng mga bansa — isang bukas kung saan ang mga taong-bayan ay may pasiya sa sariling kinabukasan, at nakikinabang sa bunga at likha ng kanilang paggawa — isang bukas kung saan ang yaman ng bayan ay ibinabahagi sa lahat, kung saan ang isda at tinapay ay sama-samang ipinagpipiraso at pinagsasaluhan ng bawat isang kapwa sa pamayanan. Isang bukas kung saan ang mga tahanan ay mapayapa, ang mga tao ay nagdiriwang at ang mga bata ay nagsasayahan.

Malayo pa ang aming lalakbayin upang marating itong mithiin, alam namin. Di ba't sa bawat dulo ng daan, ay may nagbubukas na panibagong landas? Patuloy ang paglalakad at pagtitiyaga, ang pag-aarok para sa mga pangarap.

Gawain namin ay hindi nagtatapos sa bulwagang ito. Marami pa ang mga linya na kailangang isulat, mga pinto na kailangang buksan, mga pagsisikap na kailangang simulan.

At dito, Kayo po Ama ay laging kapiling namin. Tulad ng gabing nagbubukang-liwayway at laging binabati ng umaga, di nagmamaliw Inyong pag-ibig na tapat. Pagkalinga Mo'y sintatag ng bundok, di nagigiba.

Sapagkat Kayo ang tumawag at naghirang sa amin — Kayo ang nagnais na kami ay pagpalain. Pangako Mo'y Iyong tutuparin: mukha ng kalupaa'y Iyong babaguhin, katarungan at pag-ibig Iyong paiiralin. At yaong araw ay darating din, kung kailan ang bawat isa ay ituturing, kapatid at kapwa, kaakbay sa diwa at kaisa sa mithiin. Siya nawa.

ROLL CALL

Abubakar

Present ^{*} Natividad Present ^{*}

Alonto Present ^{*} Nieva Present

Aquino Present Nollado Present ^{*}

Azcuna Present ^{*} Ople Present

Bacani Present Padilla Present

Bengzon Present ^{*} Quesada Present

Bennagen Present Rama Present

Bernas Present Regalado Present

Rosario Braid Present Reyes de los Present

Calderon Present <SUP STYLE="COLOR: RGB(255, 0, 0);">*

Castro de Present Rodrigo Present

Colayco Present Romulo Present

Concepcion Present Rosales Absent

Davide Present Sarmiento Present <SUP STYLE="COLOR: RGB(255, 0, 0);">*

Foz Present Suarez Present

Garcia Present Sumulong Present

Gascon Present Tadeo Present

Guingona Present Tan Present

Jamir Present Tingson Present >

Laurel Absent Treñas Present

Lerum Present <SUP STYLE="COLOR: RGB(255, 0, 0);">*

Maambong Present <SUP STYLE="COLOR: RGB(255, 0, 0);">*

Monsod

Present Villegas Present <SUP STYLE="COLOR: RGB(255, 0, 0);">*

The President is absent.

The roll call shows 32 Members responded to the call.

THE PRESIDING OFFICER (Mr. Treñas): The Chair declares the presence of a quorum.

MR. RAMA: I move that we dispense with the reading of the Journal of yesterday's session.

THE PRESIDING OFFICER (Mr. Treñas): Is there any objection? (Silence) The Chair hears none; the motion is approved.

APPROVAL OF JOURNAL

MR. RAMA: Mr. Presiding Officer, I move that we approve the Journal of yesterday's session.

THE PRESIDING OFFICER (Mr. Treñas): Is there any objection? (Silence) The Chair hears none; the motion is approved.

MR. RAMA: Mr. Presiding Officer, I move that we proceed to the Reference of Business.

THE PRESIDING OFFICER (Mr. Treñas): Is there any objection? (Silence) The Chair hears none; the motion is approved.

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

The Secretary-General read the following Communications, the Presiding Officer making the corresponding references.

COMMUNICATIONS

Letter from Mrs. Adelaida Boiser Deuna of 15-D Libis Santolan Road, Quezon City, opposing the move to change the name of the Philippines.

(Communication No. 1087 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Letter from Mr. Patricio R. Mamot, Ministry of Political Affairs, Malacañang, urging the Constitutional Commission to return Spanish as one of the country's official languages along with Filipino and English.

(Communication No. 1088 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Letter from Mr. Fortunato U. Abat, Administrators, Philippine Veterans Affairs Office, Arroceros Street, Manila, expressing the deep gratitude of the veterans and their kin for the approval of a provision in the Article on General Provisions of the New Constitution which recognizes the patriotic services of our veterans and declares it an obligation of the State to extend to them, their widows and orphans, immediate and adequate assistance for their economic security with preference in the acquisition of land from the public domain and in the exploitation of our natural resources.

(Communication No. 1089 — Constitutional Commission of 1986)

To the Archives.

Letter from Atty. Eufracio D. Santos, Assistant Commissioner, Bureau of Internal Revenue, and three other BIR officers, seeking the conversion of the Bureau of Internal Revenue into a constitutional "Commission on Revenue" as an ultimate remedy to optimize its performance and maximize the collection of taxes.

(Communication No. 1090 — Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): The Floor Leader is recognized.

MR. RAMA: Mr. Presiding Officer, I ask that Commissioner Villacorta be recognized.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Villacorta is recognized.

MR. VILLACORTA: Mr. Presiding Officer, our attention was called about our omission of the Commission on Audit in our resolution of thanks that was approved unanimously yesterday. This was an unintentional oversight based on the assumption that the COA was part of the Secretariat.

On behalf, therefore, of the 47 signatories of that resolution, I would like to amend Resolution No. 547 to include the Commission on Audit.

Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Is there any objection?

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Guingona is recognized.

MR. GUINGONA: I would like to support the motion of Commissioner Villacorta and I would like to add that our resident auditor who is from the Commission on Audit, Atty. Jose A. David, and his staff have been working with us since June.

Thank you.

THE PRESIDING OFFICER (Mr. Treñas): What does Commissioner Villacorta say to the amendment?

MR. VILLACORTA: I affirm the supporting statement of Commissioner Guingona that the Commission on Audit has been helping us since June 2.

THE PRESIDING OFFICER (Mr. Treñas): Is there any objection? (Silence) The Chair hears none; the amendment, as proposed, is approved.

The Floor Leader is recognized.

MR. RAMA: Mr. Presiding Officer, I move that we proceed with the business of establishing the sequence of our new Constitution. We have just got an information from the printing press that they need the sequencing so that we can finish the job. For this purpose, I ask that Commissioner Guingona who is the chairman of the Committee on Sponsorship be recognized to present the sequencing of the new Constitution.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Guingona is recognized.

MR. GUINGONA: Thank you, Mr. Presiding Officer.

May the members of the committee be allowed to present this in front as in the case of the other presentations. May we also request that our committee secretary, Judge Rodriguez, be allowed to sit with us?

THE PRESIDING OFFICER (Mr. Treñas): The chairman, Commissioner Guingona, and the members of the Committee on Sponsorship are requested to sit at the front table, together with the committee secretary.

Copies of the draft proposed by the Sponsorship Committee, as I understand, have been distributed to all.

Commissioner Guingona may proceed.

MR. GUINGONA: Thank you, Mr. Presiding Officer.

May I just give a very brief remark about the work of the Sponsorship Committee. The Sponsorship Committee started its work about the middle of August, the same time that the Committee on Style started its own meetings. We have been meeting every Tuesdays and Thursdays and we also had two meetings with the Committee on Style in order to harmonize our respective versions.

Under the Rules of the Commission, Section 8, Subsection 17 of Rule 11, the following are the functions of the Sponsorship Committee: To review all matters pertaining to the formulation and final draft of the Constitution, the correction, harmonization of proposals for the purpose of avoiding inaccuracies, repetitions, and inconsistencies, and the arrangement of proposals in a logical order, but the committee has no authority to change the sense, the substance or purpose of any proposal referred to it, and the sponsorship of the final draft of the Constitution.

May I say that in one of our early meetings, the Sponsorship Committee decided that as far as corrections are

concerned, these would be the concern principally of the Committee on Style, and the role of our committee would be merely supportive. There are, however, three other functions that have been assigned to us which under the Rules have not been assigned to the Committee on Style, and they are: First, the review of repetitions, and for this purpose a subcommittee was formed with Commissioner Felicitas Aquino as chairperson and Commissioner Wilfrido Villacorta as vice-chairperson. The other function is the so-called sequencing, placing or the arrangement of proposals in a logical order which would refer not only to the articles of the draft Constitution but also to the provisions or sections in each of these articles. And as a result of this another subcommittee was formed, called Subcommittee on Rubrics, which is chaired by Commissioner Gregorio Tingson and with Commissioner Regalado Maambong as vice-chairperson. The third function would be the sponsorship of the final draft of the Constitution. In our last meeting, it was agreed upon that the sponsorship would be done of the draft for approval on Second Reading and that will be done perhaps either tomorrow or Sunday morning. We have had copies now of the sequencing of the 1935 Constitution and the 1973 Constitution, and they have just been distributed this morning for purposes of comparison.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Ople is recognized.

MR. OPLE: Thank you.

May I recall that last night before adjournment, I put forward a proposal to the Committee on Sponsorship that the sequencing of the articles be done on the basis of the general plan of a constitution. That plan simply consists of two parts, the form or the structure of the State, and second, the rights of the people relative to the powers of that State. In accordance with this principle, therefore, I am referring to this paper that has been circulated by the Sponsorship Committee presumably listing the articles in what they probably perceived was the logical order of the articles. May I suggest that the committee consider raising Article VI, Legislative Department, Article VII, Executive Department and Article VIII, Judicial Department to a third ranking in this committee listing so that it will follow Article I, National Territory and Article II, Declaration of Principles. Immediately after those two articles, then we ought to have the form or the structure of the State and the allocation of the powers of the State to the three branches — the legislative, the executive and the judiciary, after which sections pertaining to the rights of the people ought to be immediately placed. This is also the normal form for constitutions in general, and I think if we have to follow the committee's own standard of a logical sequence, we should begin with the first part, the form and structure of the State, and go on to the second part which is the rights of the people relative to the powers of the State.

May I seek the committee's consideration of this proposal?

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Just a minute. Before Commissioner Guingona proceeds, we would like to acknowledge the presence of the Grade VII students of the Colegio de San Agustin, Dasmariñas Village, as well as the second and third year high school students of Canosa School in Sta. Rosa, Laguna.

Commissioner Guingona may please proceed.

MR. GUINGONA: Before the committee makes its response, I see that the former Chief Justice might want to say something. May we request that he be recognized.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Concepcion is recognized.

MR. CONCEPCION: Thank you very much.

I feel that the suggestion of Commissioner Ople is correct. But I would wish to call the attention of the Commission to the fact that after defining the national territory making the declaration of principles, I would suggest that Article III continue to be the Bill of Rights for one single reason: In the Declaration of Principles, it states that sovereignty resides in the people and all government authority emanates from them.

It is only reasonable, I suggest, that before we proceed to the departments of the government, we proceed with the Bill of Rights because the Bill of Rights constitutes a statement of powers that are withheld from the government. Instead of discussing the government, we should first of all know the powers which the sovereign people do not want to grant to the government, and that is supposed to be in the Article on the Bill of Rights. Now, after the Bill of Rights I agree with the suggestion of Commissioner Ople.

MR. OPLE: May I reply briefly, Mr. Presiding Officer?

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Ople may now proceed.

MR. OPLE: Thank you.

I, of course, understand the very valid concern of Commissioner Concepcion that the Bill of Rights should not yield any precedence to any other article in this Constitution, but I think we are speaking of establishing a logical sequence of the articles and before we identify the rights withheld from the State, then we ought to begin with the form or structure of that State. After having established the powers through the legislative, the executive and the judiciary, then we can proceed to talk of limitations on those powers. I think that is where the Bill of Rights and the other sections dealing with the rights of the people, as limitations on the power of the State, logically arise in terms of merely establishing an order, a logical or rational order, of the articles under the Sponsorship Committee.

MR. CONCEPCION: Mr. Presiding Officer.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Guingona is recognized.

MR. GUINGONA: Just to avoid confusion, this morning we have distributed copies of the sequencing of the 1935 and the 1973 Constitutions. Copies of the sequencing for the 1986 Constitution were distributed last night. But for the benefit of the honorable Commissioners who may not have their copies with them this morning, may I be allowed to read the proposal of our Subcommittee on Rubrics after which I shall request that the chairperson of the Subcommittee on Rubrics take over on behalf of his subcommittee. As provided by the Subcommittee on Rubrics and the Committee on Sponsorship, the following will be the sequence: First, Preamble; then, Article I, Declaration of Principles; Article II, National Territory; Article III, Citizenship; Article IV, Bill of Rights; Article V, Family Rights; Article VI, Social Justice; Article VII, Education, Science and Technology, Arts, Culture and Sports; Article VIII, Suffrage; Article IX, Executive; Article X, Legislative; Article XI, Judiciary; Article XII, Local Governments; Article XIII, Constitutional Commissions; Article XIV, Accountability of Public Officers; Article XV, National Economy and Patrimony; Article XVI, General Provisions; Article XVII, Amendments or Revisions; and finally, Article XVIII, Transitory Provisions. And now, may I please request that the chairperson of the Subcommittee on Rubrics kindly take over?

MR. DE CASTRO: Mr. Presiding Officer.

MR. TINGSON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Tingson is recognized.

MR. TINGSON: After we shall have heard from Commissioner de Castro and Commissioner Romulo, we are

requesting a suspension of session, because what we have heard so far are suggestions that are very worth- while and I think we should really sit down with them.

MR. OPLE: Mr. Presiding Officer, may I just complete my statement to the committee before I retire?

MR. TINGSON: Mr. Presiding Officer, after Commissioner Ople, we suggest that we hear from Commissioners de Castro and Romulo. After that, we would like to have a suspension of session so that we could have a working draft herewith.

MR. OPLE: Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Treñas): Commissioner Ople may proceed.

MR. OPLE: The United States Constitution of 1787 is once again prominent in the thoughts of not only the United States citizens but constitution enthusiasts throughout the world because of the approaching bicentennial of that Constitution in 1987. I see that the scheme of the 1935 Constitution had adhered closely to the outline of the U. S. Constitution except for the failure to provide precedents in the sequence to the legislative, executive and judicial departments. In the U. S. Constitution, the Bill of Rights in the original version was notably absent. It was one of the reasons for a campaign against the ratification of the Constitution of the United States, and Madison and Hamilton, as an afterthought, wanted to write a Bill of Rights but it was too late to do so. Therefore, we will note that in the U.S. Constitution, the Bill of Rights consists in the form of amendments — the first amendment to the U.S. Constitution of 1791.

I would insist, Mr. Presiding Officer, that that would still be the rationale order. First, define the powers and the form or structure of the State. Second, enumerate the rights of the people relative to those parts.

Thank you very much.

MR. DE CASTRO. Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Mr. Presiding Officer.

I agree with the observation of Commissioner Concepcion on the sequencing of the articles exception one point. I am thinking of how this can be chronologically presented to the people.

First of all, it is the Preamble, our aspirations, the aspirations of the whole people Then, we talk now of Article 1, National Territory. Why? Because we are now speaking of to what country or portion or territory this fundamental law shall apply. So, we state now the country or territory to which this fundamental law shall apply. That is Article 1.

Then, we talk of the principles and the policies of this country that we have so narrated in our Article on National Territory. That becomes now Article 2.

We now talk of the people. Who are the people in this national territory? We have now a country. We have a place, we have the declaration of principles of that place. We will now talk of the people in that country. And so, it would be right that citizenship shall come in to determine who are the people entitled to live in that country, and who are the people who shall be embraced in this fundamental law. Then after that, we talk of the rights of the people there, and, therefore, come the duties and obligations of citizens. After having the territory, after having the people therein and the rights of those people, then that is the only time we shall come to the form of government. What form of government do these people like? We have the territory, the people and now, the form of government. Then comes in the suggestion of Commissioner Ople. After that, then we can go to the Article on

Suffrage, et cetera, and following all those rights.

Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Romulo is recognized.

MR. ROMULO: Mr. Presiding Officer, I wish to support Commissioner Concepcion:

First, because the Bill of Rights should be located in the place suggested by Commissioner Concepcion by tradition. Second, by virtue of its importance. Third, by virtue of our recent history. This becomes of primary concern to our citizens. So let them see it from the beginning.

Additionally, I make the same point that Commissioner de Castro does in different ways. I would say that we should begin with the components of the State, therefore, the territory and the citizens.

Thank you, Mr. Presiding Officer.

FR. BERNAS: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Bernas is recognized.

FR. BERNAS: I would like to say a few words in support of the position of Commissioner Concepcion. I believe that it is true we should arrange the articles in rational order. But there are perhaps two ways of creating a rational order. One way would be on the basis of chronological operationalization of the articles. If we base it on chronological operationalization of the articles then we could begin with the government, because it is only usually after the government has acted that the Bill of Rights becomes operational as a check on the government. So in that sense, it would be a rational order.

But there is also another way of rationalizing the order; namely, on the basis of the importance of the subjects of the article.

The two subjects are really people and government. We have repeatedly said here that this Constitution will be people-oriented. As far as we are concerned, people are more important, and the Bill of Rights speaks of protection for the people. So on the basis of that order, it should really go ahead of government.

And I would also agree with Commissioner de Castro that in the beginning of the article, we should talk of the elements of the State like the national territory. The Article on Citizenship should be there because in the Declaration of Principles, we speak of sovereignty of the people and sovereignty really resides not on all the people only but on the citizens of the Philippines. So, the Article on Citizenship should be ahead of government, because we are dealing with people when we talk of citizenship. Therefore, since Citizenship and Bill of Rights deal with people, more important than government, they should be rationally ahead of government.

THE PRESIDING OFFICER (Mr. Treñas): Are there any more speakers?

Commissioner Padilla is recognized.

MR. PADILLA: On the principle, Mr. Presiding Officer, that the State exists for the individual and not the individual for the State, I submit that after the Article on the National Territory should come the people or the individuals, and later the government. So I concur with the views of several Gentlemen, particularly Commissioners Concepcion, Romulo, Bernas and de Castro.

THE PRESIDING OFFICER (Mr. Treñas): What does the committee say?

MR. TINGSON: Mr. Presiding Officer, to expedite matters, we would ask for a suspension of session and we are

going to request those who took the floor this morning to please come to the table in front so that we could write down their proposals before we resume.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Treñas): The session is suspended.

It was 10:56 a.m.

RESUMPTION OF SESSION

At 11:11 a.m., the session was resumed

THE PRESIDING OFFICER (Mr. Treñas): The session is resumed.

MR. GUINGONA: Mr. Presiding Officer, during the suspension, there were three proposals that had been presented. I would like the chairperson of the Subcommittee on Rubrics to explain.

THE PRESIDING OFFICER (Mr. Treñas): The Commissioner may proceed.

MR. TINGSON: Mr. Presiding Officer, the three chief proponents are Commissioners Ople, Concepcion and Garcia.

We would like to hear these three Gentlemen so that we could vote from these three options that are now presented to us.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Ople may proceed.

MR. OPLE: Thank you, Mr. Presiding Officer.

I yield to no one in my respect for the Bill of Rights. But I think we are talking not of substantive priorities in the Constitution but of a logical order of presentation of the articles.

May I reiterate the fact that authorities on constitutions, as far apart as Aristotle in ancient times and Rosseau and John Stuart Mill in modern times, have held that a constitution precedes the State and that it creates or recreates the State. Therefore, it is right that we begin with the Preamble, which is a statement of aspirations. We proceed to the National Territory which defines the land, to the people in the form of the citizenship provisions and to the Declaration of Principles for the constituency principles of the State. Immediately after that, it seems to me a rational order would preclude any other arrangement. We just have to put the form and structure of the government, the legislative, the executive and the judiciary. Having stated the form of government and the powers arising therefrom and allocated to the three branches, then it is the right that we follow immediately with the Bill of Rights, which contains the rights of the people relative to these powers of the State and their defense against the abuse of the powers of the State.

I think that would be the logical order, Mr. Presiding Officer. I think if we do not put a precedence on the form of government, we might be obscuring the role of a constitution which is to create or recreate the State.

Thank you, Mr. Presiding Officer.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Guingona is recognized.

MR. GUINGONA: Before we proceed with the other proposals, may we request Commissioner Maambong to

explain the sequencing that the Committee on Rubrics has done under the chairmanship of Commissioner Tingson. He would like to say a few words about this matter of sequencing. May we request that he be recognized.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Maambong is recognized.

MR. TINGSON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Tingson is recognized.

MR. TINGSON: Mr. Presiding Officer may I just read the preference, or the option that Commissioner Ople was speaking for, joined by Commissioners de Castro and Bernas. First, we are all agreed with them, the others too, that the Preamble should be the very beginning. Then, Article I would be the National Territory; Article II — Declaration of Principles; Article III — Citizenship; Article IV — Bill of Rights; Article V — Legislative; Article VI — Executive; Article VII — Judiciary.

That is the option that Commissioners Ople, de Castro and Bernas are presenting.

MR. OPLE: Excuse me. In my case, Mr. Presiding Officer, the form of the State and the powers of the State — meaning, the legislative, executive and judiciary — precede the Bill of Rights. The Bill of Rights follows immediately the Legislative, the Executive and the Judiciary.

MR. TINGSON: That is correct, Mr. Presiding Officer. I was referring to the one that Commissioner Concepcion wanted. So in other words, Commissioner Ople wants the Bill of Rights placed after the forms of government.

MR. OPLE: Immediately after.

MR. TINGSON: Immediately after, whereas, Commissioner Concepcion would like the Bill of Rights to be immediately before.

MR. GUINGONA: Mr. Presiding Officer, may we request that Commissioner Maambong be recognized?

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Maambong is recognized.

MR. MAAMBONG: Mr. Presiding Officer, as early as August 27, 1986, the Subcommittee on Rubrics has submitted its memorandum report with the recommendation on the arrangement of the articles on the Constitution we are now framing. Actually, in the presentation of the arrangement of the articles, there was no in-depth study on this. We just presented this on the basis of the arrangement of the 1935 and the 1973 Constitutions. That is why as far as this humble Member is concerned, I am very open to suggestions. And last night, I was mulling over it. Probably, our presentation should be on the basis of the elements of the State like territory, government and people. Then, we can go on the other items of the articles of the Constitution which do not fall within any of the three elements of the State. I had a very important engagement this morning. And so, I was thinking that when I arrive, within the 30 minutes from 9:30 in the morning, we shall have finished the sequencing of these articles. But up to now we have not done so. So, we better proceed with this program now, Mr. Presiding Officer.

MR. GUINGONA: Mr. Presiding Officer, may we request that Commissioner Concepcion be recognized for his proposal?

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Concepcion is recognized.

MR. CONCEPCION: Thank you, Mr. Presiding Officer.

It seems to me that there are no questions about the top priority of Preamble. That is beyond question; neither is there with respect to the National Territory as the first text of the Constitution. Article II, Declaration of

Principles, is a statement of the objectives of the people and the government in general. I think it is proper that it should follow the Bill of Rights. I am not so sure that Citizenship should follow the Bill of Rights. I agree with the statement of Commissioner de Castro that who shall exercise the powers is the next question. The attention of the Commission to the fact that the Declaration of Principles says:

The Philippines is a republican state. Sovereignty resides in the people and all government authority emanates from them.

So before "citizens," it is "people." The Bill of Rights covers not merely citizens but all people. Due process must be given to all people, citizens or aliens alike. Then there is another more important feature.

The Constitution says that sovereignty resides in the people and all government authority emanates from them. So it is good to start from the very beginning. What authority is not given to the government? The Government is given general authority to govern but "sovereignty," which is higher than any other thing, resides in the people. So, the rights of the people must be set forth in general.

Another further reason is that the Bill of Rights is really for the protection of individual rights and not only of citizens. Many of them are for all the inhabitants of the Philippines and a good many of the provisions, if not practically all in the Bill of Rights, are in the negative form. and we all know that things that are in the affirmative are never as positive, if I may use this expression — as strong as the negative. A young man courts a girl, he proposes to the girl and she says "I've never thought of this, you take me by surprise." That is nothing; but if she says "no," you are sunk — that is nearly. Of course, this is something in terms of levity but the negative is generally stronger.

Last but not the least, the Bill of Rights in effect says: "All government authority emanates from the people." The people is the source of the power of government. So there may be no questions. Before defining the structure of the government or the method by which the powers of government shall be exercised, it says: "These things are beyond government control. We withhold these from the government. " It is not merely a limitation upon the powers of government, it is a withholding of powers from the government. The two might seem, from the view of a number of people, the same, but they are not the same. The grant of power does not precede the withholding but the withholding is made before the authority is granted; thus, it is much more emphatic; it is much more effective and it conveys the idea that the government cannot transcend. It is not merely limitation with some courts when they say they are directory. It is just that we have no power to do this. We will have all the powers but the Bill of Rights is far apart from yours.

Thank you, Mr. Presiding Officer.

MR. REGALADO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas). Commissioner Regalado is recognized.

MR. CONCEPCION: Mr. Presiding Officer, if I may continue please. We will notice that the Declaration of Principles speaks of the Philippines being a republican state and that sovereignty resides in the people and all government authority emanates from them. The Bill of Rights refers to all the people, but not all the people can effectively enforce those rights. Hence, Citizenship may come first, then perhaps Suffrage. But then the government structure would probably be the proper sequence of the articles in the Constitution.

Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas). Commissioner Regalado is recognized.

MR. REGALADO: Mr. Presiding Officer, I rise in support of the proposal of Commissioner Concepcion because

it is really necessary to preface the provisions on the three departments of the government with a limitation of the powers that they can exercise. That is why the Bill of Rights has sometimes been referred to as the constitution of liberty, because a reading thereof already explains in advance why only so much powers are granted to the executive, legislative and judicial departments, especially so if it is contiguous or preceded also by a declaration of principles and state policies. A reading thereof in advance already sheds light into why the government, in its three departments, is only circumscribed to certain powers and some are withdrawn.

In other words, it is more explanatory right away than to put its subsequent thereto. A reading thereof would be more logical if the Bill of Rights is placed, as Commissioner Concepcion has already stated.

Thank you.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Guingona is recognized.

MR. GUINGONA: During the suspension of session, we had three proposals. Two of the proponents have already spoken. May we request that the third and last proponent, the vice-chairperson of the Sponsorship Committee, Commissioner Garcia, be recognized.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Garcia is recognized.

MR. GARCIA: Thank you, Mr. Presiding Officer.

I actually speak in support of a revised version of the committee synchronization proposal. It is, in fact, also an amplification of the views already expressed by different Commissioners starting with Commissioners Concepcion, Bernas, Regalado and de Castro.

The basic thing that we want to show is that modern constitutions capture profound social changes that take place. Here the rationale, the logic of the 1986 Constitution that we propose, is divided into two parts: one that zeroes in, emphasizes or underscores people's rights and the second is the structures of the government.

That is why the Article on the Declaration of Principles which actually contains and cedes all of the different rights — political, economic and social rights — is Number I in the order of the package of the people's rights. So, we will have, after the Article on the Declaration of Principles, the Article on the Bill of Rights; Social Justice; Education, Science and Technology, Arts, Culture and Sports; and Family Rights — containing a package which represents the totality of the rights of the people. After these, the structure follows.

How will this actually appear? This would appear as follows: Preamble, National Territory, Citizenship, Suffrage, after which comes the package of rights, starting off with the Declaration of Principles which contains all the basic rights; and then the Bill of Rights; then the political, economic, and social rights.

This, I also believe, reflects the Philippine experience in previous manifestations we have characterized as being unprecedented, and where we want to create or where the power of the people actually was able to accomplish the changing of a political landscape and the desire of a new order.

And so we feel that this will emphasize three new articles which appear for the first time in this new Constitution, such as: Social Justice; Education, Science and Technology, Arts, Culture and Sports; and Family Rights. This is the rationale for the coming together of all the rights even before we tackle the structures of the State, because the structures of the State are only there to implement, to supplement and to support the people. That was explained very well by Commissioner Concepcion when he said that sovereignty resides in the people. This is the whole rationale of the Constitution.

THE PRESIDING OFFICER (Mr. Treñas): Are there any more comments?

MR. RODRIGO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Rodrigo is recognized.

MR. GUINGONA: Yes.

My question is whether the body would like each of these proponents to read their proposals as sequenced by them, or are we already ready to vote?

MR. RODRIGO: I think those proposals have been explained twice already.

THE PRESIDING OFFICER (Mr. Treñas): Shall we proceed?

MR. OPLE: For clarity, Mr. Presiding Officer, I think the chairman of the committee should read what is Plan I. Let us detach the personalities from this. Plan I is to place the structures of government ahead of the Bill of Rights; Plan II, which is associated now with Justice Concepcion, is to put the Bill of Rights ahead of the forms of the State; and Plan III, which is associated with Commissioner Garcia, is precisely to put the Articles on the Bill of Rights, Social Justice and on Education ahead of the structures of government.

THE PRESIDING OFFICER (Mr. Treñas): Since there are three matters which will be voted upon, and so that there will be no confusion, may we have it by nominal voting?

What does the Floor Leader suggest?

MR. RAMA: That will take a long time, so we might as well just have some kind of a ballot where we can check Plan Nos. I, II and III. We should vote only for one.

MR. GUINGONA: May we read Plan I, Mr. Presiding Officer?

THE PRESIDING OFFICER (Mr. Treñas): The Commissioner may proceed.

MR. RODRIGO: In order to resolve this matter, because we are pressed for time, may I suggest a process; Let the House vote on the three.

MR. GUINGONA: Yes.

MR. RODRIGO: If any one gets one-half of the quorum plus one, then that is the one chosen by the House. But in case not one of the three gets one-half plus one of the quorum, then the last one is eliminated. We then vote on the remaining two.

MR. GUINGONA: Yes, Mr. Presiding Officer. That is exactly what we were going to propose so that we will expedite this consideration. Would the Chair like us to read again the proposals? Are they clear enough?

MR. RODRIGO: I think they are clear. So we can call them the Ople proposal, Concepcion proposal and Garcia proposal.

MR. GUINGONA: Yes.

My question is whether the body would like each of these proponents to read their proposals as sequenced by them, or are we already ready to vote?

MR. RODRIGO: I think those proposals have been explained twice already.

THE PRESIDING OFFICER (Mr. Treñas): Shall we proceed?

MR. OPLE: For clarity, Mr. Presiding Officer, I think the chairman of the committee should read what is Plan I. Let us detach the personalities from this plan. Plan I is to place the structures of government ahead of the Bill of Rights; Plan II, which is associated with Commissioner Garcia, is precisely to put Articles on the Bill of Rights, Social Justice and on Education ahead of the structures of government.

THE PRESIDING OFFICER (Mr. Treñas): Since there are three matters which will be voted upon, and so that there will be no confusion, may we have it by nominal voting?

What does the Floor Leader suggest?

MR. RAMA: That will take a long time, so we might as well just have some kind of a ballot where we can check Plan Nos. I, II and III. We should vote only for one.

MR. GUINGONA: May we read Plan I, Mr. Presiding Officer?

THE PRESIDING OFFICER (Mr. Treñas): The Commissioner may proceed.

MR. GUINGONA: All the plans are agreed as far as the Preamble is concerned.

THE PRESIDING OFFICER (Mr. Treñas): Yes.

MR. GUINGONA: So, it reads as follows:

Preamble
Article I — National Territory
Article II — Declaration of Principles
Article III — Citizenship
Article IV — Legislative
Article V — Executive
Article VI — Judiciary
Article VII — Bill of Rights
Article VIII — Family Rights
Article IX — Social Justice
Article X — Education, Science and Technology, Arts, Culture, and Sports
Article XI — Suffrage
Article XII — Local Government
Article XIII — Constitutional Commissions
Article XIV — Accountability of Public Officers
Article XV — National Economy
Article XVI — General Provisions
Article XVII — Amendments or Revisions
Article XVIII — Transitory Provisions

I will read Plan III because Plan II is not yet submitted. I will ask the vice-chairperson of our committee to read Plan III.

MR. FOZ: Mr. Presiding Officer, point of information.

THE PRESIDING OFFICER (Mr. Treñas): The Commissioner may proceed.

MR. FOZ: May we ask under what article shall we assign the set of provisions on the Commission on Human Rights?

MR. GUINGONA: That will be placed under the Article on General Provisions, because as we have indicated, it

would not be one of the constitutional commissions.

MR. FOZ: I suggest that it would be better if we put it as an adjunct to the Article on the Bill of Rights. After all, the function of the proposed Commission on Human Rights is the protection of civil and political rights.

MR. GUINGONA: Right now, we are considering the three proposals. After we have decided on one of these, then the Commissioner's suggestion will be very well taken.

MR. FOZ: Thank you.

MR. GARCIA: I would now read the third proposal.

MR. RAMA: May I ask that Commissioner Bernas be recognized.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Bernas is recognized.

FR. BERNAS: I was just trying to say that we could settle this matter by a simple raising of hands, rather than by elaborate process.

THE PRESIDING OFFICER (Mr. Treñas): So, Plan II is ready.

MR. GUINGONA: No, what will be read now by Commissioner Garcia is Plan III. Plan II is still being finalized.

MR. GARCIA: Plan III read as follows:

- Preamble
- Article I — National Territory
- Article II — Citizenship
- Article III — Suffrage
- Article IV — Declaration of Principles
- Article V — Bill of Rights
- Article VI — Social Justice
- Article VII — Education, Science and Technology Arts, Culture and Sports
- Article VIII — Family Rights
- Article IX — Executive
- Article X — Legislative
- Article XI — Judiciary
- Article XII — Local Governments
- Article XIII — Constitutional Commissions
- Article XIV — Accountability of Public Officers
- Article XV — National Economy and Patrimony
- Article XVI — General Provisions
- Article XVII — Amendments or Revisions
- Article XVIII — Transitory Provisions

MR. GUINGONA: Mr. Presiding Officer, may we request the chairperson of the Subcommittee on Rubrics to read Plan II.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Tingson may proceed.

MR. TINGSON: Plan II would be:

- Preamble
- Article I — National Territory
- Article II — General Principles

Article III — Bill of Rights
Article IV — Citizenship
Article V — Suffrage
Article VI — Legislative Department
Article VII — Executive Department
Article VIII — Judicial Department
Article IX — Impeachment
Article X — Commission on Elections
Article XI — General Auditing Office
Article XII — Civil Service
Article XIII — Education, Science and Technology, Arts, Culture and Sports
Article XIV — Family Rights
Article XV — Social Justice
Article XVI — Natural Resources and Economy
Article XVII — General Provisions
Article XVIII — Amendments or Revisions
Article IX — Transitory Provisions
Article XX — Special Provisions

THE PRESIDING OFFICER (Mr. Treñas): Every thing is clear.

MS. QUESADA: Mr. Presiding Officer.

MR. ABUBAKAR: Mr. Presiding Officer.

MR. OPLE: One correction on Plan I, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Ople may proceed.

MR. OPLE: The Article on Local Government should rise to a place immediately following the Bill of Rights. This means that the order should be: Legislative, Executive, Judiciary, Bill of Rights, then Local Government.

MS. QUESADA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Quesada is recognized.

MS. QUESADA: I want to speak in support of the proposal of Commissioner Garcia, where he lumps up all the rights of the citizens. I remember very well, when we were trying to convince the Bill of Rights Committee to include some of the social, economic and cultural rights, we were told that these would rightfully belong to another article, such as the Article on Social Justice. These social, economic and cultural rights are not self-executory unlike the political and civil rights contained in the Bill of Rights.

Nonetheless, these are rights we would like all our people to learn, and grouping all these rights is very important in the teaching of human rights in schools. It will be easier for students — elementary, high school and college — to learn what are these fundamental human rights now enshrined in the Constitution which did not appear in the 1935 or 1973 Constitution.

So, if these are all lumped together, including rights to education and family rights, then, it would be easier, instead of jumping from one article to another. Also, there would be rhyme or reason in studying human rights. Some schools may not dwell so much on the executive, judiciary and legislative departments or the constitutional commissions as these may not be relevant to some schools and would, therefore, concentrate on the teaching of human rights. So, if these rights are presented in this kind of sequencing, it would be easier to study them.

MR. ABUBAKAR: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Just a minute.

MR. QUESADA: That is only my understanding of how this proposal will eventually facilitate the teaching of the constitution, not only to law students but even to ordinary students in all levels of our educational system.

MR. MAAMBONG: Mr. Presiding Officer.

MR. ABUBAKAR: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Monsod is first, then we will hear from Commissioner Abubakar.

MR. MONSOD: I just want to support the Concepcion proposal because I have some problems with the Garcia proposal. In the Garcia proposal, we will put people's organizations, sports, arts and culture ahead of the Articles on the Legislative, the Executive and the Judiciary. We know things like health, arts and culture, cultural opportunities are good, but I do not know if that is the proper sequence. So, I just want to say that the Concepcion proposal seems to be the most reason- able approach.

MR. MAAMBONG: Mr. Presiding Officer.

MR. ABUBAKAR: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Abubakar is recognized.

MR. ABUBAKAR: There have been many debates on the floor expressing the choice as to whether the sequencing should be Plan Nos. I, II or III. In order to give each Commissioner time to look at the proposal and to help him determine whether the sequence he would prefer according to his judgment reflects very well the proper sequencing of the Constitution, I suggest that we mimeograph the three proposals. Then, we give each Commissioner a copy. We can look over and see which of the proposals, in our own thinking and in our own analysis, would have the most appropriate sequencing. It would not only be better to look at each proposal but we should know the importance of each article. Let us take as an example the Article on Human Rights. This is the most fundamental and important article of the Constitution that we are going to approve. Again, to give us an opportunity to study and reflect on, which of these three proposals has the most appropriate sequencing, we mimeograph them and give each Commissioner a copy before we vote on them. We cannot accomplish anything then. I do not think any one of us here could decipher.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Is Commissioner Abubakar finished?

MR. ABUBAKAR: Yes. Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner de Castro is recognized.

MR. DE CASTRO: To facilitate this matter, I suggest that we form a committee and whatever the committee agrees should be the one to be adopted by the body. For example, let us form a committee consisting of Commissioners Concepcion, Ople and Garcia and we can choose another Commissioner plus the chairman of the Sponsorship Committee. Whatever this committee reports, that should be accepted by the body already because it will be very, very difficult for us to talk on Plan Nos. I, II and III. I have also my reservations to put the Article on Suffrage ahead of the Bill of Rights and so on and so forth. But whatever this committee will report, let us agree here that that should be the position of the body. As I have said, I propose Commissioners Ople, Concepcion,

Garcia and the chairman of the Sponsorship Committee and another one whom we should choose as the fifth member to form the committee. Let them work and then the Commission will have to accept that.

FR. BERNAS: Mr. Presiding Officer.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Bernas is recognized.

FR. BERNAS: The proposal of Commissioner de Castro sounds to me like a motion of no confidence on our Sponsorship Committee.

MR. DE CASTRO: It is not without confidence on the Sponsorship Committee, Mr. Presiding Officer. These are the people who made proposals. That is why I will make the chairman of the Sponsorship Committee the chairman of this proposed committee. If I have no confidence on the Sponsorship Committee, why should I propose the chairman of the Sponsorship Committee to be the chairman of this proposed committee?

MR. RODRIGO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Rodrigo is recognized.

MR. RODRIGO: To simplify the voting, I think we should limit it to the principal issue. We should not include all the articles because not all the articles are involved. The only principal issue is where to place the three departments of government — legislative, executive and judiciary. Should they be in the first? The only question is: Should we place them after the Bill of Rights or before the Bill of Rights? The Ople proposal is to place them before the Bill of Rights; that is the issue there. The Concepcion proposal is to place them after the Bill of Rights. The difference between the Concepcion proposal and the Garcia proposal is that the Garcia proposal wants to place them not only after the Bill of Rights but after . . .

MR. GARCIA: The political rights and economic and social rights together.

MR. OPLE: Mr. Presiding Officer, to simplify the proceedings, may I withdraw Plan I in favor of Plan II.

MR. RODRIGO: Thank you.

THE PRESIDING OFFICER (Mr. Treñas): The request is noted.

MR. RODRIGO: Then we can vote now. We have only two choices.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Maambong is recognized.

MR. MAAMBONG: Considering that the issue is limited actually to the structures of the State and the powers and functions of government, I was intending to suggest that based on all the plans that have been given, we can put them up in sequence as far as we could, and then that would be the basis for our voting. Because right now, as pointed out by some Commissioners, it is very hard to adopt Plan I and Plan II considering that the sequencing of one article as against another does not tally with each other.

For example, based on the recommendations, it appears that we have territory, people, and government. That is the order as I see it in all the plans. So, if we start from there probably what we could vote on is: First, before we talk about territory, people, and government, we should talk about declaration of principles first. That is one issue. Now, when we talk of people, we have to consider the Articles on Citizenship, Bill of Rights, probably Suffrage and Family Rights, because they encompass people. Then we go to government which comprises the executive,

legislative, judiciary. I would, however, include in government the Article on Constitutional Commissions because as I learned from Professor Concepcion, the chief justice, the constitutional commissions actually understood to be another independent branch of government. That is as far as political right is concerned. So this is the package; the territory, the people and the government.

Some might disagree that once we put the Article on Citizenship, the Articles on Suffrage and Family Rights should not be there. So that would be the issue.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): The Floor Leader is recognized.

MR. RAMA: Commissioner Ople has simplified the issue, narrowed down the choice between the two — one of Commissioner Concepcion, Plan II, and the other of Commissioner Garcia, Plan III. Both of them are good, and we can simplify the issue by voting on the two through raising of hands.

MR. NOLLEDO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Nolleto is recognized.

MR. NOLLEDO: Thank you.

Can we not amend Plan II? I am in favor of Plan II. My only objection is that local government should really fall under judiciary, because that constitutes the basic structure, the national structure of the government.

When we talk of constitutional commissions, while they are independent offices of the government, they are only incidental to the national government. So I think the Article on Local Government should follow the Article on the Judiciary as indicated in the 1973 Constitution.

THE PRESIDING OFFICER (Mr. Treñas): What does Commissioner Concepcion say?

MR. NOLLEDO: May we know if we can amend Plan II?

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): The Floor Leader is recognized.

MR. RAMA: May I ask Commissioner Concepcion if he accepts the amendment?

MR. NOLLEDO: I am going to support Plan II if the Article on Local Government shall fall after the Article on the Judiciary.

MR. CONCEPCION: I would be in favor of putting the Article on Local Government in the groups of government. I would leave it to the discretion of the committee as to whether to put it after the judiciary or after the constitutional commissions. And perhaps, from the viewpoint of a constitutional status, the constitutional commissions should be ahead because these are government agencies of a general character. Local government is not particular and it is subordinate in many respects to the general plan of government.

THE PRESIDING OFFICER (Mr. Treñas): The Floor Leader is recognized.

MR. NOLLEDO: My understanding is that the local governments constitute the supporting structures of government. They are very important. They function continuously while the constitutional commissions, like the COMELEC, may not function continuously within a year's time. So we say, in the words of Commissioner Ople, the local governments are the infrastructures of the national government.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Maambong is recognized.

MR. MAAMBONG: I can see Commissioner Nollado's point. Since we are talking of government, actually, supervision of the local governments is on the executive can we not place it after the Executive Department because that is actually an executive function that belongs to the Executive Department?

MR. NOLLEDO: No, the local government, I understand, consists also of the executive. And the administrative will fall under the Executive and Legislative It has no regions. So I would not agree with that. Why do we not follow the 1973 Constitution and put the Article on Local Government after the Article on the Judiciary? Local Government after the Article on the Judiciary? Then there will be no more problem. I think Chief Justice Concepcion is amenable if the Sponsorship Committee will agree. I plead to the members of the Sponsorship Committee to please accept the Ople recommendation. I am just speaking on behalf of my friend, Commissioner Ople.

THE PRESIDING OFFICER (Mr. Treñas): The Floor Leader is recognized.

MR. RAMA: It seems that Commissioner Concepcion has accepted the amendment of Commissioner Nollado.

MR. NOLLEDO: Thank you very much; I also thank the Presiding Officer.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Maambong is recognized.

MR. MAAMBONG: Can we now take this up one by one so that we can save time? We have no problem on the Preamble. What would be the next?

MR. PADILLA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Padilla is recognized.

MR. PADILLA: As stated by Commissioner Rodrigo, the only issue is whether, as was simplified by the withdrawal of Plan I, the provisions on the Bill of Rights and the departments of government should come first rather than the proposal of Commissioner Garcia which is to insert ahead the new provisions. The problem is that that is the only issue, but the committee has confused it by reading the other subsequent articles. That is not the issue. Later on, we can discuss the lesser preference, we might say, of the different other articles.

MR. RODRIGO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Rodrigo is recognized.

MR. RODRIGO: That is correct. So when we vote, the only issue is where to place the three departments of government. Then after that, we leave to the committee the location of the other articles and then the committee should report after it has chosen the sequence of the other articles. If we vote now on each article, it will take us the whole day and we are running out of time.

THE PRESIDING OFFICER (Mr. Treñas): Precisely, the Commission agrees.

MR. MAAMBONG: Mr. Presiding Officer, I just want to comment.

THE PRESIDING OFFICER (Mr. Treñas): The Floor Leader is recognized.

MR. RAMA: I move for the previous question that we vote on the two plans, Plan Nos. II and III. Plan II is

presented by Commissioner Concepcion and Plan III is offered by Commissioner Garcia.

VOTING

THE PRESIDING OFFICER (Mr. Treñas): As many as are in favor of Plan II by Chief Justice Concepcion, please raise their hand. (Several Members raised their hand.)

As many as are in favor of Plan III of Commissioner Garcia, please raise their hand. (Few Members raised their hand.)

The results show 26 votes in favor of Plan II and 9 votes in favor of Plan II; so Plan II is approved.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Maambong is recognized.

MR. MAAMBONG: May I now ask the chairman on the Subcommittee on Rubrics to insert in the record the plan which we have just approved.

THE PRESIDING OFFICER (Mr. Treñas): The Commissioner may proceed.

Article I — National Territory

Article II — Declaration of Principles and State Policies

Article III — Citizenship

Article IV — Bill of Rights

Article V — Executive

Article VI — Legislative

Article VII — Judiciary

Article VIII — Local Governments.

That is our understanding.

MR. CONCEPCION: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Rodrigo is recognized.

MR. RODRIGO: Let the committee decide on the rest and submit to the body later.

MR. CONCEPCION: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Concepcion is recognized.

MR. CONCEPCION: Thank you, Mr. Presiding Officer.

I placed Bill of Rights ahead of Citizenship because the Bill of Rights applies to all people, whereas, Citizenship applies only to a bulk of the population — those who can effectively exercise certain rights in relation to the powers of government.

MR. TINGSON: So, Mr. Presiding Officer, our committee stands corrected.

MR. CONCEPCION: Thank you.

MR. TINGSON: After Declaration of Principles should be Article III-Bill of Rights.

MR. CONCEPCION: Bill of Rights.

MR. TINGSON: Then following that is Citizenship.

MR. CONCEPCION: That is right.

MR. TINGSON: Following that is Executive.

MR. CONCEPCION: No. Suffrage.

MR. TINGSON: Following that is Suffrage. Since there has been a little confusion here I think the chairman has the full list now.

MR. GUINGONA: The Chief Justice has two versions. One was given ahead and the other was revised by him. The revised version of Commissioner Concepcion reads as follows:

- Preamble
- Article I — National Territory
- Article II — Declaration of Principles and State Policies
- Article III — Bill of Rights
- Article IV — Citizenship
- Article V — Suffrage
- Article VI — Legislative
- Article VII — Judiciary

The suggestion is, we put Executive first.

MR. CONCEPCION: I am not particular about which one comes first.

MR. GUINGONA: So, the arrangement will be:

- Article VI — Executive
- Article VII — Legislative
- Article VIII — Judiciary
- Article IX — Local Governments
- Article X — Constitutional Commissions
- Article XI — Accountability of Public Officers.

And from there, it will be already taken care of per the proposal of the committee.

MR. FOZ: Mr. Presiding Officer.

MR. RODRIGO: I was informed that the printers need this decision before noon.

MR. GUINGONA. Yes, precisely.

MR. RODRIGO: And so may I move that we give a vote of confidence on the committee as to the rest of the articles.

MR. GUINGONA: Thank you.

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Foz is recognized.

MR. FOZ: Have we placed the Bill of Rights ahead of Citizenship?

MR. GUINGONA: Yes.

MR. FOZ: I think it should be the other way around.

MR. PRESIDING OFFICER (Mr. Treñas): It has been approved already.

MR. FOZ: Citizenship should be ahead of Bill of Rights.

THE PRESIDING OFFICER (Mr. Treñas): The Chair is sorry, the matter is approved already.

MR. GUINGONA: Mr. Presiding Officer, there is only one more issue that we would like to be clarified, and that is the placing of the Commission on Human Rights.

THE PRESIDING OFFICER (Mr. Treñas): There is a motion by Commissioner Rodrigo.

MR. GASCON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): What is the parliamentary situation?

MR. RODRIGO: A vote of confidence plus the positioning of the other articles to the committee.

MR. GASCON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Gascon is recognized.

MR. GASCON: I have a question on the branches of government. May I just know the reason why the Executive shall be placed before the Legislative, because in the 1935 Constitution, it has been placed before the Executive. What is the primary reason for putting the executive before the Legislative?

MR. MAAMBONG: May I reply to that, Mr. Presiding Officer. I took the advice of Commissioner Sumulong and he said: "This is a presidential form of government, and being a presidential form of government, the Executive should come first." I would like to inform the body, however, that if my memory serves me right, in the Constitution of the United States, which is also a presidential form of government, the Legislative comes first. But I thought it was a better idea as presented to me by Commissioner Sumulong.

MR. GASCON: But, Mr. Presiding Officer, the Legislative Department, if we will recall in our Declaration of Principles, says that sovereignty resides in the people; and the Legislative Department is a repository of the sovereignty of the people because of the elective representatives of government.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Ople is recognized.

MR. OPLE: I have just conferred with the author of Plan II which was approved, and he sustains my impression when I voted that, according to his scheme, Legislative should be ahead of the Executive. And I think many of us voted for Plan II on the understanding that precisely the Legislative should precede the Executive, just like in the 1935 Constitution.

Thank you, Mr. Presiding Officer.

MR. GUINGONA: Mr. Presiding Officer, the committee has no objection to whatever the proponent, Commissioner Concepcion, would suggest.

MR. DE LOS REYES: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Concepcion is recognized.

MR. CONCEPCION: My initial plan was to put the Legislative ahead, but someone raised the question if I have any objection to putting the Executive ahead. And I said I have no particular objection but my preference really is for the Legislative to be first.

MR. GUINGONA: Therefore, Legislative will be ahead.

THE PRESIDING OFFICER (Mr. Treñas): The Chair will make a ruling on the matter.

The body was presented with the Legislative as first. The body voted on that sequencing and it was duly approved. It was only after it was approved that this matter has been brought about and I believe that since the body has already voted on the matter, with 26 votes in favor, that should be as it is, unless objections arise from the floor.

MR. RODRIGO: Mr. Presiding Officer, I voted for this formula with the majority. I move to reconsider, so that Legislative will be placed ahead of the Executive, instead of the Executive ahead of the Legislative.

MR. GUINGONA: Mr. Presiding Officer, Legislative is ahead of Executive.

MR. RODRIGO: All right. Thank you.

MR. GUINGONA: There is only one more question, Mr. Presiding Officer, and this is the placement of the section on Commission on Human Rights. There are two possible articles: one is under the Bill of Rights and the other is the General Provisions.

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Foz is recognized.

MR. FOZ: I would like to make a formal motion on that score. I would like to move that we place the provisions on Commission on Human Rights under the Article on Bill of Rights.

MR. REGALADO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Regalado is recognized.

MR. REGALADO: I am constrained to object to the proposal because the Bill of Rights is a catalogue of the rights of people as against the powers of government. If we talk about the Commission on Human Rights, that is a body enforcing the rights which is completely different. Instead I would propose as an alternative that it be placed, if there is no objection, under the Article on Accountability of Public Officers.

MR. FOZ: I accept it, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Is there any objection?

MR. RAMA: Mr. Presiding Officer, there is a pending motion by Commissioner Rodrigo that we follow Plan II and for the rest that are not yet enumerated, we give the committee a vote of confidence to make the sequencing. So may I ask for a vote on that.

THE PRESIDING OFFICER (Mr. Treñas): Yes, the Chair is aware of that but we had the comment of Commissioner Guingona wherein he would like the opinion of the body. Is that correct?

MR. GUINGONA: Yes, Mr. Presiding Officer.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Ople is recognized.

MR. OPLE: It was Commissioner Guingona of the committee who raised the question of where the Commission on Human Rights should be appropriately placed, and I think the committee accepted a proposal from Commissioner Regalado to place the Commission on Human Rights immediately after the Article on

Accountability of Public Officers. So, should we not settle that to get rid of one issue that the committee itself had raised earlier?

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Just a minute.

MR. GUINGONA: Mr. Presiding Officer, may I just clarify that the provisions on the Commission on Human Rights do not constitute an article. In other words, it is just a series of sections and our proposal was to include them under the General Provisions. But earlier Commissioner Foz stood up and said he was proposing that they be placed in the Article on the Bill of Rights, and that is why in response to that I said we were considering first the three plans and we would accept or welcome his proposal after we have made a decision on the plans which we have received.

MR. OPLE: The point is that Commissioner Foz accepted the amendment of Commissioner Regalado and the committee has accepted this proposal to put the Commission on Human Rights in the Article on Accountability of Public Officers.

MR. GUINGONA: I see.

MR. OPLE: Before we proceed to give the committee a vote of confidence to prepare the sequencing of the remaining articles, I simply ask that in the interest of expedient proceedings can we just take a vote on this so we confirm it that the Commission on Human Rights is now properly placed in the Article on Accountability of Public Officers?

MR. RAMA: The body is ready to vote.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Is there any objection?

MR. DE CASTRO: Mr. Presiding Officer.

MR. PRESIDING OFFICER (Mr. Treñas): Commissioner de Castro is recognized.

MR. DE CASTRO: I support the position of the Floor Leader that we give the Sponsorship Committee a vote of confidence on the further sequencing of the other articles, after the major articles had been approved. But since Commissioner Concepcion is the proponent of Plan II, I suggest that he be part of the committee so that the proper sequencing can be made. Right now we can dispose of this matter and let the Sponsorship Committee — and with the help of Commissioner Concepcion the proponent of Plan II — sequence all the other articles.

THE PRESIDING OFFICER (Mr. Treñas): Is there any objection insofar as the motion of Commissioner Rodrigo to give the committee authority to rearrange the other articles?

MR. TINGSON: Mr. Presiding Officer, we will be very happy to have Commissioner Concepcion work with us on this.

THE PRESIDING OFFICER (Mr. Treñas): Is there any objection? (Silence) The Chair hears none; the motion is approved.

MR. GUINGONA: Mr. Presiding Officer.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Ople is recognized.

MR. OPLE: I had a motion for the Commission to approve the placement of the Human Rights Commission in the Article on Accountability of Public Officers as accepted by the proponent and by the committee.

THE PRESIDING OFFICER (Mr. Treñas): Is there any objection? (Silence) The Chair hears none; the motion is approved.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER: Commissioner Guingona is recognized.

MR. GUINGONA: Just to clarify. I will read the parts of the sequencing that have been approved this morning, the rest to be taken care of by the Committee: Preamble: Article I — National Territory; Article II — Declaration of Principles and State Policies; Article III — Bill of Rights; Article IV — Citizenship; Article V — Suffrage; Article VI — Legislative Department; Article VII — Executive Department; Article VIII — Judiciary; Article IX — Local Governments; Article X — Constitutional Commissions; and Article XI — Accountability of Public Officers where we will include the sections on the Commission on Human Rights; the committee, with the advice of the honorable Commissioner Concepcion, will finalize from Article XII down.

THE PRESIDING OFFICER (Mr. Treñas): The committee will make their report before the session this afternoon.

MR. GUINGONA: Yes, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): The Floor Leader is recognized.

MR. RAMA: May I ask that we suspend the session until two-thirty this afternoon.

MR. BENGZON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Bengzon is recognized.

MR. BENGZON: May we just inform the body that there will be a caucus in South Caucus Rooms A and B where we will simultaneously have our lunch.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Treñas): The session is suspended until two-thirty this afternoon and we shall have a caucus at South Caucus Rooms A and B where we will also have our lunch.

It was 12:11 p.m.

RESUMPTION OF SESSION

At 3:07 p.m., the session was resumed with the Honorable Alberto M K. Jamir, presiding.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

Commissioner Rodrigo and the members of the committee are requested to please occupy the front table.

MR. RODRIGO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rodrigo is recognized.

MR. RODRIGO: May I request again that the committee secretary of the Committee on Style, Atty. Rafael de Guzman, be allowed to sit with us in the front table.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Guingona is recognized.

MR. GUINGONA: Thank you, Mr. Presiding Officer.

Before we take up this matter of style to be presented by our Committee on Style, may I manifest that during the caucus we have distributed the final draft of the articles as prepared by the committee. Commissioner Maambong has a few minor suggestions and although the Commission has already given us a vote of confidence, we would prefer to get the approval of the Commission now, after Commissioner Maambong shall have explained his minor corrections.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: Before I speak, Mr. Presiding Officer, may I ask that Vice-President Padilla be recognized.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Padilla is recognized.

MR. PADILLA: Thank you, Mr. Presiding Officer.

This morning, we approved the sequence of the articles as the Legislative, Executive, Judicial, Local Government, Constitutional Commissions and Accountability of Public Officers. I propose that the Article on the Constitutional Commissions precedes Local Government, so that after the Judiciary, we have the Constitutional Commissions, Local Government and Accountability of Public Officers. I have taken up this matter with some of the members of the committee and I do not know whether the chairman of the Committee on Local Government, Commissioner Nollado, will agree or object.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: In accordance with the request of Vice-President Padilla and I also consulted former Chief Justice Roberto Concepcion regarding the placement of Constitutional Commissions after the Judiciary, I had to ask the permission of Commissioners Nollado and Ople, who were the proponents of this sequence. Commissioners Nollado and Ople have kindly acceded to the request of Vice-President Padilla and former Chief Justice Concepcion that Constitutional Commissions should be placed after the Judiciary. Therefore, it will be so placed, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

MR. GUINGONA: Presiding Officer, with those corrections which were introduced by Commissioner Maambong, may I move for the approval of this sequencing.

MR. MAAMBONG: May I just read it so that it will be on record, Mr. Presiding Officer? So, Commissioner Padilla can also see if his suggestion is carried.

THE PRESIDING OFFICER (Mr. Jamir). Commissioner Maambong may please proceed.

MR. MAAMBONG: First, we have the Preamble.

Then,

Article I — National Territory;

Article II — Declaration of Principles and State Policies;

Article III — Bill of Rights;

Article IV — Citizenship;
Article V — Suffrage;
Article VI — instead of Legislative Department, we place The Legislative;
Article VII — instead of The Executive Department, we place here The Executive; and
Article VIII — instead of The Judicial Department, we place here The Judiciary;
Article IX — Constitutional Commissions;
Article X — Local Government;
Article XI — Accountability of Public Officers; and
Article XII — Social Justice.

MR. PADILLA: Therefore, that arrangement is agreeable, Mr. Presiding Officer, and we pray that it be accepted by the committee and the Commission.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Guingona is recognized.

MR. GUINGONA: May I request, Mr. Presiding Officer, that the whole sequencing be read so that I can present my motion for approval.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong will please proceed.

MR. MAAMBONG: Mr. Presiding Officer, after Accountability of Public Officers are National Economy and Patrimony; Social Justice; Education, Science, and Technology, Arts, Culture and Sports; Family Rights; General Provisions; Amendments and Revisions; and finally, Transitory Provisions.

MR. GUINGONA: May I now move for the approval of the sequencing as read by Commissioner Maambong.

MR. FOZ: Mr. Presiding Officer

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: May we suggest, with the permission of the chairman of the Sponsorship Committee, the addition of three words "AND HUMAN RIGHTS" in the title of Accountability of Public Officers so that the title will now read: "Accountability of Public Officers, AND HUMAN RIGHTS."

THE PRESIDING OFFICER (Mr. Jamir): What does the committee say?

MR. FOZ: We made the suggestion because the provisions on the Commission on Human Rights have been incorporated as part of this article, and if we do not mention human rights in this article, a glance at the table of contents or at the title of this Constitution will not readily yield the fact that we have established a Commission on Human Rights in this new Constitution.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Mr. Presiding Officer, I was not here this morning, I am surprised of this decision to include the Commission on Human Rights under Accountability of Public Officers. There is a very important principle involved here, Mr. Presiding Officer. Our discussions on the Accountability of Public Officers were very exhaustive, considering that that would only apply to violations of public officials. And the decision of this body was that the Human Rights Commission would also take jurisdiction over violations of human rights of other people. So it does not belong with the Accountability of Public Officers, Mr. Presiding Officer.

I would like to seek reconsideration of that because if we put it there, the inference is that the violations are only those committed by public officers. But that is not the intent of that article.

THE PRESIDING OFFICER (Mr. Jamir): Has Commissioner Guingona accepted the amendment proposed by Commissioner Foz?

MR. GUINGONA: No, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Does Commissioner Foz insist on his amendment?

MR. FOZ: Yes, I insist on the suggestion.

THE PRESIDING OFFICER (Mr. Jamir): Let us put it to a vote.

MR. MAAMBONG: Mr. Presiding Officer, may I just make a word of comment. I was the one who sequenced these articles and this morning, I was about to insist on our original recommendation that the Commission on Human Rights should be placed under the General Provisions. But it had never been thoroughly discussed. And now that it is opened up by Commissioner Monsod, this humble member of the Subcommittee on Rubrics will insist that it be placed in the provisions on General Provisions as originally introduced by the Subcommittee on Rubrics.

Thank you.

MR. PADILLA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Padilla is recognized.

MR. PADILLA: May I make a suggestion that the Commission on Human Rights be a separate article after Human Resources and before Family Rights.

MR. FOZ: I agree with the proposal, Mr. Presiding Officer.

MS. ROSARIO BRAID: Yes, Mr. Presiding Officer.

MR. GUINGONA: Mr. Presiding Officer.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Jamir): The session is suspended so we can finalize the proposal.

It was 3:17 p.m.

RESUMPTION OF SESSION

At 3:21 p. m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): The Floor Leader is recognized.

MR. RAMA: I ask that Commissioner Foz be recognized for the agreed formulation.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: Mr. Presiding Officer, may we just report to the Commission that after consultations with several Commissioners; namely, Commissioners Monsod, Azcuna and Aquino, we have agreed on this matter so that the term "HUMAN RIGHTS" will now be a part of the title of the Article on Social Justice to read: "Social Justice

and HUMAN RIGHTS."

THE PRESIDING OFFICER (Mr. Jamir): Is that accepted by the committee?

MR. GUINGONA: Yes, Mr. Presiding Officer, we accept.

THE PRESIDING OFFICER (Mr. Jamir): If that is accepted, then the motion is carried.

MR. FOZ: "HUMAN RIGHTS" finally found a home.

THE PRESIDING OFFICER (Mr. Jamir): All right, the motion is carried.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Guingona is recognized.

MR. GUINGONA: In connection with my motion to approve, may I just once more read the final formulation prior to my motion to approve?

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Guingona may proceed.

MR. GUINGONA: The final formulation will read as follows:

Preamble

Article I — National Territory

Article II — Declaration of Principles and State Policies

Article III — Bill of Rights

Article IV — Citizenship

Article V — Suffrage

Article VI — The Legislative

Article VII — The Executive

Article VIII — The Judiciary

Article IX — Constitutional Commissions

Article X — Local Government

Article XI — Accountability of Public Officers

Article XII — National Economy and Patrimony

Article XIII — Social Justice and Human Rights

Article XIV — Education, Science and Technology, Arts, Culture and Sports

Article XV — Family Rights

Article XVI — General Provisions

Article XVII — Amendments or Revisions

Article XVIII — Transitory Provisions

MR. MAAMBONG: Mr. Presiding Officer, just one minor word.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: Instead of "Constitutional Commissions," it should read "THE Constitutional Commissions."

THE PRESIDING OFFICER (Mr. Jamir): "The Constitutional Commissions."

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Guingona is recognized.

MR. GUINGONA: Thank you, Mr. Presiding Officer.

I move for the approval of this sequencing, as amended by Commissioner Maambong.

VOTING

THE PRESIDING OFFICER (Mr. Jamir): As many as are in favor of the sequencing as read, please raise their hand. (Several Members raised their hand.)

As many as are against, please raise their hand. (No Member raised his hand.)

The results show 32 votes in favor and none against; the sequencing is approved.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): The Floor Leader is recognized.

MR. RAMA: I ask that we resume consideration of the committee report of the Committee on Style. May I ask that the committee chairman be recognized.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rodrigo is recognized.

MR. RODRIGO: Mr. Presiding Officer, may I request the honorable Commissioners to again have before them two documents which are: one, entitled "1986 Constitution," based on the engrossed copy. This contains the provisions as approved by this body; and the other, "1986 Draft Constitution," as appreciated by the Committee on Style. This is the copy that contains the suggested improvements by the Committee on Style, and the changes are indicated by the words underlined. I will explain the changes as we go along.

We will now go to the Article on the Judiciary, page 10 of both documents.

MR. SARMIENTO: Mr. Presiding Officer, may I be recognized.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Sarmiento is recognized.

MR. SARMIENTO: Thank you very much.

Mr. Presiding Officer, last night this Representation made a reservation which was accepted by the honorable chairman of the Committee on Style. My reservation was with respect to Article IV of the Bill of Rights, on page 9, Section 19, paragraph 3. This was in connection with the amendment to Section 19, paragraph 3 concerning rehabilitation of victims of tortures and compensation.

I asked the honorable chairman of the committee that I be allowed to check the records and confer with the chairman of the Committee on Bill of Rights. So may I yield the floor to the honorable Commissioner Bernas to give us the intent of the body when it approved this particular provision.

Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bernas is recognized.

MR. RODRIGO: By the way, that is now subsection (4).

MR. SARMIENTO: Thank you, Mr. Presiding Officer.

FR. BERNAS: The change made last night was on the placement of the word "rehabilitation." As I recall from our discussions and when this matter was presented by the author of the resolution, which was the basis of this subsection now, "rehabilitation" was intended to cover rehabilitation not just of the victims but also of their

families. The author of the resolution on which this provision was based had in mind particularly the minor children of the victims. The proponent was aware of the psychological effects of imprisonment on the minor children of detainees.

Therefore, the rehabilitation was intended to cover not just the victims themselves but also the members of their families who may have been affected either physically or psychologically by the detention of the member of the family.

MR. RODRIGO: Therefore, Commissioner Bernas does not suggest any change in the wording.

FR. BERNAS: So we ask for the retention of the formulation as it stands in the Committee on Style's report.

MR. AZCUNA: That will read: "The law shall provide for penal and civil sanctions for violations of this section be as well as compensation and rehabilitation of victims of tortures or similar practices, and their families."

FR. BERNAS: Except for the insertion of the preposition TO — compensation TO and rehabilitation of victims of tortures or similar practices, and of their families.

MR. AZCUNA: "Compensation TO, and rehabilitation of . . ."

FR. BERNAS: I do not know whether we will put a comma (,) there.

MR. AZCUNA: There is no need. "Compensation TO and rehabilitation of victims of torture." I think it should be "torture," there is no such thing as "tortures."

FR. BERNAS: "Torture or similar practices, . . ."

MR. AZCUNA: "OR similar practices, and of their families."

FR. BERNAS: Probably "of" should be deleted.

MR. AZCUNA: Therefore, it should now read: "The law shall provide for penal and civil sanctions for violations of this section as well as compensation TO and rehabilitation of victims of torture or similar practices, and their families."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Mr. Presiding Officer, let us go back now to the Article on the Judiciary, page 10 of both documents.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Mr. Presiding Officer, yesterday I made a reservation with respect to the titles of "secretaries" as against "ministers." I am now withdrawing that, Mr. Presiding Officer, so that we can consider the entire article without any reservations.

MR. RODRIGO: Thank you.

We remember that we reopened this Article on the Judiciary, and amendments were approved by the body the day before yesterday. Copies of the approved amendments have been distributed, so we request the Members to have this two-page copy in their front.

Let us go to Section I of the Article on the Judiciary. There is no correction, except for a comma (,) after the word "enforceable " on line 6: "which are legally demandable and enforceable, and to determine whether or not there

has been a grave abuse . . .

I ask that this section, with that small correction, be approved, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: There is no change in Section 2.

Section 3 was amended completely by the body the day before yesterday, and the Members have the copy. I will give the corrections as I go along.

"Section 3. (1) The Supreme Court shall be composed of a Chief Justice and fourteen Associate Justices. It may sit en banc or in its discretion, in divisions of three, five or seven Members. Any vacancy shall be filled within ninety days from the occurrence thereof."

I suggest a comma (,) after five.

"(2) All cases involving the constitutionality of a treaty, international or executive agreement, or law, which shall be heard by the Supreme Court en banc, and all other cases which under the Rules of Court are required to be heard en banc, including those involving the constitutionality, application or operation of presidential decrees, proclamations, orders, instructions, ordinances, and other regulations, shall be decided with the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon."

I suggest a comma (,) after "application."

"(3) Cases or matters heard by a division shall be decided or resolved with the concurrence of a majority of the Members who actually took part in the deliberations of the issues in the case and voted thereon, and in no case, without the concurrence of at least three (3) of such members."

We delete the three in figure and the "m" in "members" should be capitalized.

"When the required number is not obtained, the case shall be decided en banc: provided, that no doctrine or principle of law laid down by the court in a decision rendered en banc or in division may be modified or reversed except by the court sitting en banc. "

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

MR. AZCUNA: The word "provided" should be capitalized.

MR. CONCEPCION: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Concepcion is recognized.

MR. CONCEPCION: On line 4 of subparagraph (3), "took part in the deliberations of the issues," the word "of" should be "ON the issues." MR. RODRIGO. "ON the issues."

MR. CONCEPCION: Thank you.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none, the amendment is approved.

MR. RODRIGO: There is no change in Section 7 subparagraph (2), Mr. Presiding Officer. As a matter of fact, it was restored to its original wording. Because the words "on appeal" were deleted before and restored the day before yesterday.

On page 2, Section 10, third line, after the words "lower courts," insert the word OR; and second to the last line, "members" must be capitalized.

Therefore, Section 10 will read: The Members of the Supreme Court and judges of lower courts shall hold office during good behavior until they reach the age of seventy years or become incapacitated to discharge the duties of their office. The Supreme Court en banc shall have the power to discipline judges of lower courts, OR order their dismissal by a vote of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendments are approved.

MR. RODRIGO: On Section 11, we just capitalize letter "m" in "member."

"Section 11. The conclusions of the Supreme Court in any case submitted to it for decision en banc or in division shall be reached in consultation before the case is assigned to a Member for the writing of the opinion of the Court. A certification to this effect signed by the Chief Justice shall be issued and a copy thereof attached to the record of the case and served upon the parties. Any Member who took no part, or dissented, or abstained from a decision or resolution must state the reason therefor. The same requirements shall be observed by all lower collegiate courts."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: On Section 13, there was a misprint. This body approved the deletion of the last sentence but even the second to the last sentence was deleted. And so, we have to restore that second to the last sentence which reads: "DURING THEIR CONTINUANCE IN OFFICE, THEIR SALARY SHALL NOT BE DECREASED."

Therefore, Section 13 will read: "The salary of the Chief Justice and of the Associate Justices of the Supreme Court, and of judges of lower courts shall be fixed by law. DURING THEIR CONIINUANCE IN OFFICE, THEIR SALARY SHALL NOT BE DECREASED."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: There is no correction on Section 14. So, may I ask that Section 3 be approved, Mr. Presiding Officer?'

THE PRESIDING OFFICER (Mr. Jamir). Is there any objection? (Silence) The Chair hears none; Section 3 is approved.

MR. RODRIGO: There is no change on Section 4, subparagraph (1), page 11.

MR. SUAREZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Mr. Presiding Officer. May we go to Section 13? There is a phrase here that reads: "Until the Congress shall provide otherwise, the Chief Justice shall receive an annual salary of P_____ and each Associate Justices P _____" I remember that we already approved this in the Article on Transitory Provisions.

MR. RODRIGO: That was deleted from here.

MR. SUAREZ: So, it was already deleted.

Thank you, Mr. Presiding Officer.

MR. RODRIGO: And that was the cause of the deletion of the second to the last sentence which was a mistake.

MR. SUAREZ: Thank you.

MR. RODRIGO: Section 4, subparagraph (1), no change; subparagraph (2), no change; subparagraph (3), no change.

Section 5, first paragraph, no change. Second paragraph, line 12, in the original the phrase "with respect to the lower courts" was changed. We deleted "with respect to" and used the words "FOR THE LOWER COURTS." So that it will read: "FOR THE LOWER COURTS, the President shall issue the appointments within ninety days from the submission of the list."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none: the amendment is approved.

MR. RODRIGO: Section 6, no change; subparagraph (1) no change, Section 2, no change except that the word "council" must be capitalized.

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none the amendment is approved.

MR. AZCUNA: Should "justice" on line 27 be capitalized, Mr. Presiding Officer?

MR. RODRIGO: Yes, "justice" is capitalized.

On the third line, capitalize "m" in "members."

On subparagraph (3), there is a transposition. The original reads as follows: The Clerk of the Supreme Court shall be the Secretary and shall keep a record of the proceedings of the Council. We transposed "of the Council," so that it would read: "The Clerk of the Supreme Court shall be the Secretary ex-officio of the Council and shall keep a record of its proceedings."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Subsection (4), no change except that letter "m" in "members" should be capitalized.

I do not think there is a need for its approval because that general rule was already approved by the body, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none: the amendment is approved.

MR. RODRIGO: Section 7, subparagraph (1), no change; subparagraph (2), the word "revised" was changed to "RESTORED."

MR. AZCUNA: On subparagraph (1), there is a comma (,).

MR. RODRIGO: It was "revised" then "restored," so as it is, no change.

MR. AZCUNA: On line 16, there is a comma (,) after "quo warranto."

MR. RODRIGO: Yes, a comma (,) after "quo warranto" online 16.

MR. AZCUNA: On line 20, the word "decrees" became "ORDERS." So, it would read, "ORDERS of lower courts."

MR. RODRIGO: So, "judgments, ORDERS, and decrees of lower courts."

MR. REGALADO: No, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Regalado is recognized.

MR. REGALADO: The word "decrees" should be deleted.

MR. RODRIGO: Therefore, it will read: "final judgment and orders of lower courts in . . ."

MR. REGALADO: Yes.

MR. RODRIGO: In this case we are using small letters to identify paragraphs because we have already used the numerals for the subsection.

For letters "a," "b" and "c," there are no changes, because the abolition of "death penalty" can be restored by Congress. Letter "d" originally reads, "All criminal cases in which the penalty imposed is reclusion perpetua to death . . ." was changed to "All criminal cases in which the penalty imposed is reclusion perpetua OR HIGHER. "

There is no change in letter "e." On subsection (3), line 12, we deleted the words "last longer than" and in its place we used "EXCEED." So that it will read: "Such temporary assignment shall not EXCEED six months without the consent of the judge concerned."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Number 4, no change. Number 5, just a comma (,) after "same grade" on line 22, and the "s" in procedure" was deleted so that the line reads: "Rules of Procedure."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Subparagraph (6), no change. Section 8, we removed "and/or." Instead we will use either "OR" and "AND." Therefore, Section 8 will read: "The members of the Supreme Court and of other courts established by law shall not be designated to any agency performing quasi-judicial OR administrative functions."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 9, no change. Section 10, no change.

MR. AZCUNA: Section 10, we have reworded it as amended.

MR. MAAMBONG: There are plenty of changes do we have it already?

MR. AZCUNA: Yes. We went through that already.

MR. RODRIGO; Yes, we have approved that already.

Section 11, no change.

Section 12, first and second paragraphs, no change.

Section 13 was already approved this afternoon.

Section 14, subparagraph (1), no change. On subparagraph (2), the “r” and “c” of the Rules of Court” were capitalized.

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Subsection (3) was revised.

MR. AZCUNA. Yes, this was among those that were approved already. I think this is a new section.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: We have the formulation here, Section 14 was not yet approved.

MR. AZCUNA: We approved it a while ago.

MR. MAAMBONG: Yes, but it is not yet indicated in the record. If it is already indicated in the record, then we do not have to. Actually the amendment is on Section 14, paragraph 3, and a new formulation of Section 14, paragraph 4.

MR. RODRIGO: Yes.

MR. AZCUNA: Let us just approve it.

MR. RODRIGO: Yes. And so, let us go back to Section 3 as reformulated: "Upon the expiration of the corresponding period, a certification to this effect signed by the Chief Justice or the presiding judge . . ." Should we not capitalize "presiding judge"?

MR. AZCUNA: No, there is no need.

MR. RODRIGO: All right. ". . . shall forthwith be issued and a copy thereof attached to the record of the case or matter, and served upon the parties."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

MR. AZCUNA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Azcuna is recognized.

MR. AZCUNA: There is an additional sentence which reads: "THE CERTIFICATION SHALL STATE WHY A DECISION OR RESOLUTION HAS NOT BEEN RENDERED OR ISSUED WITHIN SAID PERIOD."

MR. RODRIGO: I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 3 is approved.

MR. AZCUNA: Section 14, subparagraph (4) is an addition which we already approved and it says: "Despite the expiration of the applicable mandatory period, the court, without prejudice to such responsibility as may have been incurred in consequence thereof, shall decide or resolve the case or matters submitted thereto for determination without further delay."

MR. RODRIGO: I move for its approval.

MR. MAAMBONG: There should be a comma (,) after "determination."

MR. AZCUNA: Yes, a comma (,) after "determination. "

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 14(4) is approved.

MR. RODRIGO: On Section 15, we capitalize "j" in "judiciary" appearing in the first and second lines.

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 15 is approved.

MR. RODRIGO: Section 16, no change except also to capitalize "j" in "judiciary."

THE PRESIDING OFFICER (Mr. Jamir): The Floor Leader is recognized.

MR. RAMA: Mr. Presiding Officer. I ask that we vote on the entire Article on the Judiciary.

MR. SARMIENTO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Sarmiento is recognized.

MR. SARMIENTO: Thank you, Mr. Presiding Officer.

May I just invite the attention of the committee? The word "Judiciary" is capitalized in Section 15 and Section 7, paragraph (6). However, in the previous sections, Mr. Presiding Officer, for instance, Section 4 paragraph (3) on page 12, line 5, which says, "a Member of the judiciary," the word judiciary ' is not capitalized.

MR. RODRIGO: All right, let us capitalize that.

MR. SARMIENTO: Mr. Presiding Officer, on page 13, line 9, the word "judiciary" is not also capitalized.

MR. RODRIGO: We will capitalize that. Thank you.

MR. SARMIENTO: Thank you.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: May we just go back to Section 2, second paragraph of the Article on the Judiciary, which says "No law shall be passed reorganizing the judiciary when it undermines security of tenure."

MR. RODRIGO: This is on what page?

MR. AZCUNA: Page 10, Mr. Presiding Officer.

MR. FOZ: Could we not improve this by adding the words "OF ITS MEMBERS" after the word "tenure" to be more specific?

MR. AZCUNA: "No law shall be passed reorganizing the judiciary when it undermines the security of tenure OF ITS MEMBERS"?

Yes, it is all right.

MR. RODRIGO: "Judiciary" should be capitalized.

MR. AZCUNA: Yes, Mr. Presiding Officer.

MR. RODRIGO: I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Can we now vote on the entire article?

MR. RAMA: We should first vote on the amendment of Commissioner Foz.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

MR. AZCUNA: Yes. The word "members" should be capitalized?

MR. FOZ: Yes, "the security of tenure OF ITS MEMBERS."

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Actually, it is not necessary. What we were saying is that in reorganization, the principle of security of tenure is the one that should be underlined.

MR. RODRIGO: We capitalize it.

MR. MONSOD: It is really a surplusage but if the Commissioner wants it, it is all right.

MR. RODRIGO: I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): So what is the parliamentary situation, Mr. Floor Leader?

MR. RAMA: There is a need to approve the amendment of Commissioner Foz on Section 2.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RAMA: I move that we approve the entire Article on the Judiciary.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the motion is approved.

The Article on the Judiciary, as amended, is approved.

MR. RODRIGO: Let us go to the Article on the Legislative Department. It is on page 29.

MR. BENGZON: Mr. Presiding Officer.

MR. RAMA: May I ask that Commissioner Bengzon be recognized.

MR. BENGZON: Just for one minute interruption. This noon when we had a caucus, several Commissioners volunteered their services to help the Steering Committee and the Secretariat to proofread the Constitution.

So may I announce that those who would wish to volunteer, kindly register with Mr. Roberto Nazareno. Commissioners de Castro and Guingona have already registered. And please be at the Press Information Agency on Visayas Avenue on Monday at ten o'clock and meet us there, Mr. Nazareno and myself, at the second floor, Project Development Room. This is for the chairmen and any other Members who may wish to help us. Visayas Avenue is the street where the Ministry of Natural Resources is and it is located along Elliptical Road. This is actually the NMPC building.

Thank you.

MR. RODRIGO: Mr. Presiding Officer.

MR. RAMA: Mr. Presiding Officer, I ask that the chairman of the Style Committee be recognized.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rodrigo is recognized.

MR. RODRIGO: Let us now consider the Article on the Legislative Department. This is on page 29 of both documents. I would like to call attention to the fact that I think it was the day before yesterday when the body approved some amendments. Copies of those amendments were distributed to the Members. So the Members will please have this copy. It is entitled Article on the Legislative Department, Sections 5 and 10. We will go to these amendments as we get to the respective sections.

Section 1, no change except for the addition of the word "THE" on line 2, "THE Congress."

MR. AZCUNA: Should we change the title from "The Legislative Department" into "The Legislative" to conform with "The Executive"?

MR. RODRIGO: It should be "The Legislative." We delete "Department. "

MR. AZCUNA: Yes, Mr. Presiding Officer.

MR. RODRIGO: Section 1, "THE Congress." No need to approve that because that was already approved as a general rule.

Section 2, no change.

Section 3, no change.

MR. REGALADO: Mr. Presiding Officer.

MR. RODRIGO: Yes.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Regalado is recognized.

MR. BENGZON. Mr. Presiding Officer.

MR. REGALADO: How about the use of the word "Legislative"? That is an adjective, It is all right to say "The Executive," that could be a noun or an adjective. But when we say "The Judiciary," of course, it is a noun. When we say "The Legislative," it sounds correct but it is an adjective. We can say "THE LEGISLATURE " It would be better. Or we can say "THE LEGISLATIVE DEPARTMENT." "Executive" could be a noun or an adjective.

MR. AZCUNA: "Or "LEGISLATIVE POWER," "THE LEGISLATIVE POWER."

MR. REGALADO: Yes. But if we say "The Legislative Department," it is a dangling adjective.

MR. AZCUNA: It is a dangling adjective without anything. Unless we use an elliptical expression, it is understood "Department."

MR. REGALADO: We do not make an elliptical expression of idea, more so when a title is involved. We use it in a clause of a sentence. Why do we not say "THE LEGISLATURE"?

MR. RODRIGO: All right. Why does the Gentleman not file a motion to use "THE LEGISLATURE"?

MR. REGALADO: I propose "THE LEGISLATURE," if we do not want to use "Department."

MR. RODRIGO: I ask for a vote on that.

MR. RAMA: Before we take a vote, may I ask that Commissioner Bernas, the constitutionalist, be recognized?

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bernas is recognized.

FR. BERNAS: No, I do not see the point of the question. I do not see any word "Legislative" standing alone.

MR. AZCUNA: In the title, Mr. Presiding Officer.

FR. BERNAS: The copy I have says, "The Legislative Department."

MR. AZCUNA: We will change that precisely to conform with the title and the sequencing where we said "The Legislative" and "The Executive."

FR. BERNAS: Yes, I see.

MR. RODRIGO: "The Judiciary."

MR. AZCUNA: And it was agreed upon until Commissioner Regalado objected to the change of "The Legislative Department" to "THE LEGISLATURE."

FR. BERNAS: I would agree with Commissioner Regalado that it should be "THE LEGISLATURE."

MR. AZCUNA: "LEGISLATURE." So we will then change the title and the sequencing again?

MR. RODRIGO: Yes, "THE LEGISLATURE."

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: I would object to calling it "THE LEGISLATURE," because we embody there initiative and referendum, which is the reserved power of the people. The title could be "THE LEGISLATIVE POWER" or just "THE LEGISLATIVE."

MR. REGALADO: No. My objection to the word "Legislative" is that it is an adjective. Why do we not make it "THE EXECUTIVE DEPARTMENT" or "THE LEGISLATIVE DEPARTMENT" or "THE JUDICIAL DEPARTMENT"?

MR. DAVIDE: I would agree with the retention of the original titles: "THE LEGISLATIVE POWER," "THE EXECUTIVE POWER" and then for the Judicial Power, it could be "THE JUDICIARY."

MR. AZCUNA: So why do we not leave it as "LEGISLATIVE POWER"?

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Guingona is recognized.

MR. GUINGONA: Before the Committee on Style took over, we have read the proposed sequencing. We read the words "The Legislative," "The Executive" and "The Judiciary," and they were approved. So, if there is any change

that is desired, I suppose that the proponent should first ask for a reconsideration.

MR. REGALADO: That is what I am asking for, a reconsideration. I was not here when it was approved. But since we see that it is blatantly wrong, we cannot use an adjective as a title. I suppose it is within the power of the Commission to set aright what is definitely wrong.

MR. RODRIGO: All right.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Jamir): The session is suspended.

It was 4:00 p m

RESUMPTION OF SESSION

At 4:06 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

The Floor Leader is recognized.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR RAMA: I ask that Commissioner Regalado be recognized.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Regalado is recognized.

MR. REGALADO. Thank you, Mr. Presiding Officer.

I am forced to move for the reconsideration of the previous approval of the titles on three articles to read: "THE LEGISLATIVE DEPARTMENT," "THE EXECUTIVE DEPARTMENT" AND "THE JUDICIAL DEPARTMENT," respectively.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. PADILLA: Mr. Presiding Officer, if we use the word "DEPARTMENT" I do not think we have to have the word "THE" anymore.

MR. RAMA: I ask that Commissioner Regalado be recognized.

MR. REGALADO: The motion, Mr. Presiding Officer, does not affect the sequencing which has already been approved, just the title. And I used the article "THE" to align it with the amendment that was made to read: "THE CONSTITUTIONAL COMMISSIONS."

MR. RODRIGO: I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section I under the Legislative Department, no correction except we put "THE" before "Congress" on line 2. No need to approve that because that was approved as a general rule.

Section 2, no change.

MR. AZCUNA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Azcuna is recognized.

MR. AZCUNA: On line 1. "Legislative" should be in small letters, "legislative power."

MR. RODRIGO: Yes, small letter "l."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 2, no change; Section 3, no change; Section 4, no change. Section 5 was amended the day before yesterday by the body. Let me read Section 5, subsection (1), as approved by this body "The House of Representatives shall be composed of not more than two hundred and fifty members" — "members" here should not be capitalized.

MR. AZCUNA: Yes, it should not be capitalized

MR. RODRIGO: ". . . unless otherwise fixed by law, who shall be elected from legislative districts apportioned among the provinces, cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who, as provided by law, shall be elected through a party-list system of registered national, regional, and sectoral parties or organizations."

Subparagraph (2) reads: "The party-list representatives shall constitute twenty percent of the total number of representatives including those under the party list."

MR. AZCUNA: Mr. Presiding Officer, should it not be, "twenty per centum? "

MR. RODRIGO: "Per centum" yes. "Per centum, " is underlined. "For three consecutive terms after the ratification of this Constitution, one-half of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor peasant, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector.

"(3) Each legislative district shall comprise as far as practicable, contiguous, compact, and adjacent territory. Each city with a population of at least two hundred fifty thousand, or each province, shall have at least one representative."

Subparagraph (4) would read: "Within three days following the return of every census, the Congress shall make a reapportionment of legislative districts based on the standard provided in this section."

That is all regarding Section 5. I do not have to ask for the approval of that because that was approved by the body two days ago.

MR. OPLE: Mr. Presiding Officer, with respect to the hyphen (-), I think there are two ways of spelling "reapportionment, " like "redistribution" and "reorganization." The archaic mode is to put a hyphen (-): the modern mode is to drop the hyphen (-).

Thank you.

MR. RODRIGO: Which one do we want to use?

MR. AZCUNA: The modern one. The trend is towards dropping of hyphen (-), like "bylaws."

MR. RODRIGO: So we delete the hyphen (-). Let the Secretary-General check on that.

Sections 6, 7, 8 and 9, no change. In Section 10, we deleted "however, it." And we rearranged the sentence "It may be called to a special session at any time by the President" to read: "THE PRESIDENT MAY CALL A SPECIAL SESSION AT ANY TIME. "

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. AZCUNA: On line 27, there should be a comma (,) after "Sundays."

MR. RODRIGO: Yes, "Saturdays, Sundays, and legal holidays. "

In Section 11, the body has amendments. We will start with subsection (1), no change. On the second paragraph, lines 4 and 5, we capitalized "h" in "houses" and deleted "each" and in lieu thereof we placed "IT." So it would read: "Each House shall choose such other officers as IT may deem necessary."

I move for their approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendments are approved.

MR. RODRIGO: Subparagraph (2), no change. On subparagraph (3), the change is on line 13. We rearranged the sentence "But if the penalty is suspension this shall not exceed sixty days" to read: "A PENALTY OF SUSPENSION WHEN IMPOSED SHALL NOT EXCEED SIXTY DAYS."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bacani is recognized.

BISHOP BACANI: Should there be no comma (,) after "suspension" and after "imposed"?

MR. RODRIGO: Yes, I think so. So "A PENALTY OF SUSPENSION, WHEN IMPOSED, SHALL NOT EXCEED SIXTY DAYS."

Subparagraph (4) was amended by the body the day before yesterday. So the last sentence that was added reads: "EACH HOUSE SHALL ALSO KEEP A RECORD OF ITS PROCEEDINGS."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Perhaps we should change "Chamber" to "HOUSE." What we approved the other day was "Chamber."

MR. AZCUNA: Yes, the first line.

MR. RODRIGO: "Each House — " capital "H" and that is on the first line.

Subparagraph (5), no change.

MR. AZCUNA: Mr. Presiding Officer, there is a typographical error on line 22. "Form" should be "for" — "adjourn for more than."

MR. RODRIGO: Yes, it is a typographical error; delete letter "m" of "form."

There is no change in Section 12, except for the capitalization of letter "m" of "members."

Section 13, no change.

In Section 14 — the continuation of Section 14 — page 34, lines 1 and 2, we added the word "ALL," and capitalized "members," so it will read: "while the Congress is in session, at the call of its Chairman or a majority of ALL its Members."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 15, no change.

In Section 16, first line, we added the word "THE" after "of" to read: "The records and books of accounts of THE Congress." This was already approved as a uniform rule.

Sections 17 and 18, no change.

In Section 19, we capitalized "government" which appears twice and added on line 9, "OR ITS SUBSIDIARY" after "corporation." This is done in every other section.

I ask for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: There is a very minor correction in Section 20, last line which states "proposed legislation of which he is an author." Since this starts with "They shall notify the House concerned . . ." we changed "he is an author" to "THEY ARE AUTHORS" to harmonize it with the plural subject.

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 21, no change.

In Section 22, line 2, we changed "their" to "ITS" because the subject is an alternative: "The Senate or the House of Representatives or any of ITS respective committees."

I move for its approval.

-

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

Commissioner Regalado is recognized.

MR. REGALADO: I notice that on page 36 of the copy I have, the first line says: "The Senate or the House of the Representatives."

MR. RODRIGO: No, delete "the."

MR. REGALADO: So we delete "the."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Sections 23, 24 and 25, no change.

There is a reformulation of Section 26 by ADAN, so may we recognize Commissioner Azcuna.

MR. AZCUNA: We reformulated Section 26 to read as follows: "(1) THE CONGRESS MAY NOT INCREASE THE APPROPRIATIONS RECOMMENDED BY THE PRESIDENT FOR THE OPERATION OF THE GOVERNMENT AS SPECIFIED IN THE BUDGET. THE FORM, CONTENT, AND MANNER OF PREPARATION OF THE BUDGET SHALL BE PRESCRIBED BY LAW." We removed a portion here which has been transferred to the Executive Article.

MR. RODRIGO: I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? The Chair hears none; the amendment is approved.

MR. RODRIGO: In subparagraph (2), we just deleted "s" of the word "provisions," so it would read: "No provision or enactment shall be embraced . . ." Also, we deleted "s" in the word "appropriations" to read: "particular appropriation therein."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Subsections (3) and (4), no change.

In subsection (5), line 22, we deleted the word "and" before the words "the Speaker, so it would read. "No law shall be passed authorizing any transfer of appropriations; however, the President, the President of the Senate, the Speaker of the House of Representatives the Chief Justice . . ."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Subparagraphs (6) and (7) and Section 27, subparagraphs (1) and ('), no change.

In Section 28, subparagraph (1), we added "THE" before "Congress. This is already approved as a general rule.

Section 29, subparagraphs (1) and (2), no change.

MR. AZCUNA: On line 27, we capitalize letter "g" in "government."

MR. RODRIGO: Yes, "the Government." We do not have to ask for its approval because that is a general rule.

In subsection (3), we added 's' to the word "improvement," so it would read: "Charitable institutions, churches and parsonages or convents appurtenant thereto, mosques, non-profit cemeteries and all lands, buildings and improvements . . ."

That is a very minor amendment, but I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 4, no change.

In Section 30, subparagraph (1), we removed "s" from "appropriations."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Sarmiento is recognized.

MR. SARMIENTO: Thank you, Mr. Presiding Officer. Just to invite the attention of the committee, on line 16, page 39, remove the comma (,) after "revenue" to be consistent with line 16.

MR. RODRIGO: Yes, "revenue or tariff bill . . ."

MR. SARMIENTO: Thank you.

MR. AZCUNA: On page 40, line 7, put the word "THE" so it would read: "Members of THE Congress."

MR. RODRIGO: Yes. In Section 30, subparagraph (2), line 16, we added a comma (,) after "minister," so it would read: "support of any priest, preacher, minister, or other religious teacher." That being a general rule we have already approved, I do not have to ask for its approval.

Subparagraph (3), no change.

MR. MAAMBONG. Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: We have been discussing with Commissioners Monsod and Foz. Do we really need the word "ever" in Section 30, subparagraph (2), page 40, line 11? It seems not really good for a constitution, Mr. Presiding Officer.

MR. RODRIGO: "No public money or property shall ever be . . ."

MR. AZCUNA: "Shall be."

MR. RODRIGO: We will agree to delete "ever."

MR. MAAMBONG: Thank you.

MR. RODRIGO: So it would read: "No public money or property shall be appropriated."
I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bacani is recognized.

BISHOP BACANI: Mr. Presiding Officer, maybe if there had been commas (,) after every word before "or," there should be one after "government" and orphan age" on line 18 or 19.

MR. RODRIGO: Let me see.

MR. AZCUNA: "Orphanage" and "leprosarium," I think, should be together.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: There should be no comma (,) after "government." It is only after "orphanage."

MR. RODRIGO: Yes, "government orphanage or leprosarium." I do not have to ask for its approval. That is a general principle we already approved.

Subparagraph (3), no change.

MR. AZCUNA: Mr. Presiding Officer, if we put a comma (,) after "orphanage," that means any leprosarium, whether it is government or not.

MR. RODRIGO: That is right.

MR. AZCUNA: I think the intention is, "government" would modify "orphanage" and "leprosarium."

MR. RODRIGO: For the information of Commissioner Bacani, we remove the comma (,) so that "government" would modify both "orphanage" and "leprosarium." So there is no comma (,) after "orphanage."

MR. MAAMBONG: In Section 30, subsection (2), we notice that we have been using the words "used," "use" and use of at least three times. Can we not avoid these or change them to some words, Mr. Presiding Officer?

MR. AZCUNA: Which part?

MR. RODRIGO: Line 11, page 40: "No public money or property shall be appropriated, applied, paid, or used directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion or for the use of . . ."

What is the Commissioner's suggestion?

MR. AZCUNA: We delete "used" on line 12.

MR. RODRIGO: "No public money or property shall be appropriated, applied, or paid for the use . . ."

MR. ROMULO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Romulo is recognized.

MR. RODRIGO: ". . . indirectly for the benefit or support . . ."

MR. ROMULO: Maybe we can use "EXPENDED" instead of "used" in the first instance.

MR. RODRIGO: Yes. "Paid or expended. "

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Nolleto is recognized.

MR. NOLLETO: Mr. Presiding Officer, I think "use" is appropriate here because we do not talk of money only; we talk of property. It was used in the 1935 and the 1973 Constitutions. When we talk of "EXPENDED," generally, we talk of money.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: I suggest that we delete the phrase "the use of, benefit, or support of" on line 15.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Regalado is recognized.

MR. REGALADO: I propose, Mr. Presiding Officer, that with respect to lines 13 and 15, we retain the word "use," because "use," "benefit," and "support" are separable. Instead, I suggest that we delete on line 12 the phrase "or used" because that can already be deemed absorbed in the word "appropriated" or "applied." That is my proposal, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Will Commissioner Foz please complete his proposal.

MR. FOZ: I was saying that we can delete the phrase "the use of, benefit, or support of" on line 15 and say instead "THAT." So it would now read ". . . for THAT of . . ."

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: I propose that no change shall be made. This was the language in the 1935 and the 1973 Constitutions, and jurisprudence has been sufficiently and adequately established. Any change might disturb the

jurisprudence.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Nolleto is recognized.

MR. NOLLETO: The statements of Commissioner Davide notwithstanding. I would like that on line 13, we delete "use" so it would read: "appropriated, applied, paid, or used, directly or indirectly, for the benefit or support of any sect, church, denomination." I think there was something wrong here and the Members of the 1971 Constitutional Convention did not notice. I remember very well that one Member took note of this but he forgot to pursue in the actual proceedings of the convention. I think the word "use" on line 13 is out of place.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rama is recognized.

MR. RAMA: I think a compromise could be reached here. Instead of using the word "EXPENDED" of Commissioner Romulo which was initially accepted, we should use the word "EMPLOYED" because "EMPLOYED" can refer to money or property which was the objection of Commissioner Nolleto. So it would read: "No public money or property shall ever be appropriated, applied, paid, or EMPLOYED, directly or indirectly, for the use, benefit . . ." So we do not have necessary because we can employ property.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Jamir): The session is suspended.

It was 4:31 p.m.

RESUMPTION OF SESSION

At 4:34 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

Commissioner Rodrigo is recognized.

MR. RODRIGO: Mr. Presiding Officer, we have a new formulation. Delete the word use on line 12 and substitute it with "EMPLOYED." And on line 15, delete the words "for the use of, benefit, or support" so it would read: "No public money or property shall be appropriated, applied, paid, or EMPLOYED directly or indirectly for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion or of any priest, preacher, minister, or other religious teacher . . ."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Uka is recognized.

MR. UKA: I agree with Commissioner Rodrigo's revision. I think the word "used" is not tired yet. I think it was used by the 1973 Constitution for emphasis, but it becomes very monotonous. So the revision done by the chairman of the Style Committee is very, very stylish and very good.

MR. RODRIGO: Thank you very much.

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. AZCUNA: Mr. Presiding Officer, on line 14, a comma (,) should be placed after "religion."

MR. RODRIGO: Yes, a comma (,) after "religion."

Subparagraph (3), Sections 31 and 32, no change.

MR. RAMA: I move, Mr. Presiding Officer, that we approve the entire Article on the Legislative Department.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the motion is approved.

MR. RODRIGO: Mr. Presiding Officer, we now go to Local Government Article, General Provisions. In Section 1, there are no changes except for the addition of a comma (,) after "municipalities." But we do not have to approve that because that was already approved as a general rule.

Sections 2 and 3, no change; in Section 4, there is a comma (,) after "municipality"; in Section 5, there is a rewording of the last sentence by the ADAN Committee.

Will Commissioner Azcuna please report.

MR. AZCUNA: The whole section should read: "SEC. 5. Cities that are highly urbanized, as determined by law, and component cities whose charters prohibit their voters from voting for provincial elective officials, shall be independent of the province. THE VOTERS OF COMPONENT CITIES WITHIN A PROVINCE, WHOSE CHARTERS CONTAIN NO SUCH PROHIBITION, SHALL NOT BE DEPRIVED OF THEIR RIGHT TO VOTE FOR ELECTIVE PROVINCIAL OFFICIALS."

MR. RODRIGO: I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 6, no change; Section 7, no change except for an addition of a comma (,) after "officials." In Section 8, line 22, substitute "assigned" with the word "PRESCRIBED." So it would read: ". . . and cities and municipalities with respect to the component barangays shall ensure that the acts of their component units are within the scope of their PRESCRIBED powers and functions."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Sections 9, 10 and 11, no change. Section 12, no change except for an addition of a comma (,) after "fees" and "THE" before "Congress." But those have been already approved as a general rule.

Section 13, no change. In Section 14, lines 4 and 5, we deleted the word "their" between "including" and "sharing" and added the words "THE SAME" after "sharing." So it reads: "SEC. 14. Local governments shall be entitled to an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas, in the manner provided by law, including sharing THE SAME with the inhabitants by way of direct benefits."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: We now go to the provisions on autonomous regions: Section 15, no change except for an

addition of a comma (,) after "structures" on line 10.

MR. AZCUNA: Also a comma (,) after "cities" on line 8.

MR. RODRIGO: Yes. Section 16, no change except for an addition of a comma (,) after family" on line 23.

Second paragraph, no change except for an addition of a comma (,) after "cities" on line 4.

In Section 17, we deleted "of the Philippines," so it would read: "The President shall exercise general supervision over autonomous regions."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: We now go to the provisions on autonomous regions. Section 15, no change except for an addition of a comma (,) after "structures" on line 10.

MR. AZCUNA: Also a comma (,) after "cities" on line 8.

MR. RODRIGO: Yes. Section 16, no change except for an addition of a comma (,) after "family" on line 23.

Second paragraph, no change except for an addition of a comma (,) after "cities" on line 4.

In Section 17, we deleted "of the Philippines," so it would read: "The President shall exercise general supervision over autonomous regions."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 18, no change except for an addition of a comma (,) after "family" on line 16 and after "social" on line 18.

Section 19, no change except for an addition of a comma (,) after "supervised" on line 3.

Section 20, no change except for an addition of a comma (,) after "functions" on line 7.

Section 21, no change except for an addition of a comma (,) after "houses" on line 12.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Sarmiento is recognized.

MR. SARMIENTO: Thank you, Mr. Presiding Officer.

Before we vote on the whole article, may I invite attention of the committee to Section 11, page 44, line 13.

Mr. Presiding Officer, will it be proper to delete the word "and" after "officials" and another "and" after the word "ministries"? So it would read: "government officials, heads of ministries, other government offices and representatives."

MR. RODRIGO: We have no objection to that. So delete "and" after "officials" and instead place a comma (,) and after "ministries" put also a comma (,). So it would read: "The President shall provide for regional development councils or other similar bodies composed of local government officials, heads of ministries, other government offices and representatives . . ."

MR. SARMIENTO: One last point, Mr. Presiding Officer. Instead of "ministries," I think it should be "DEPARTMENTS" as suggested by Commissioner Rama.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: I think we should retain the word "and" after "ministries" because "heads" applies to both ministries and government offices.

MR. RODRIGO: Yes, I think that should be retained. I was going to comment on that.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: Mr. Presiding Officer, "heads of ministries" here can have only one meaning; these are members of the Cabinet. I do not think it was contemplated that members of the Cabinet should sit in the regional development councils.

We probably referring to the heads of the regional offices of these ministries?

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: May I answer, Mr. Presiding Officer, because I think I was one of the original proponents.

I think Commissioner Ople is correct. We are referring here to heads ministers within the regions.

MR. OPLE: Yes, but the way it is worded, there can be no equivocation about this. It means that heads of ministries or members of the Cabinet are constitutionally designated as members of the regional development councils.

MR. AZCUNA: Mr. Presiding Officer, there is a provision on line 15 which says "within the regions." Although it is too far away, maybe it should be closer.

MR. OPLE: Yes, I think it is too distant.

SUSPENSION OF SESSION

MR. RODRIGO: May I ask for a suspension.

THE PRESIDING OFFICER (Mr. Jamir) — The session is suspended.

It was 4:44 p.m.

RESUMPTION OF SESSION

At 4:48 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

MR. RAMA: I ask that the committee chairman be recognized.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rodrigo is recognized.

MR. RODRIGO: May I ask in turn that Commissioner Azcuna be recognized.

MR. AZCUNA: Mr. Presiding Officer, Section 11 now reads as follows: "The President shall provide for regional development councils or other similar bodies composed of local government officials, REGIONAL heads of DEPARTMENTS and other government offices and representatives

So we put a comma (,) after "officials" on line 13; delete "and" and put "REGIONAL" before "heads"; and change "ministries" to "DEPARTMENTS."

MR. RODRIGO: I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. AZCUNA: On page 45, line 8, delete the word "and" between "cities" and "municipalities."

MR. RODRIGO: I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RAMA: Mr. Presiding Officer, I move that we vote on the entire Article on Local Government.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

MR. AZCUNA: Mr. Presiding Officer, just a moment. On autonomous regions, Commissioner Alonto invited our attention on page 45, line 6, which says: "There shall be created autonomous regions for Muslim Mindanao and for the Cordilleras . . ." He wants to change X "for" to "IN," so "IN Muslim Mindanao and IN the Cordilleras. "

MR. RODRIGO: So it would read: "There shall be created autonomous regions IN Muslim Mindanao and IN the Cordilleras . . ."

MR. AZCUNA: What does Commissioner Nollado say?

MR. NOLLEDO: It is accepted.

MR. RODRIGO: I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: We go to the provisions on the constitutional commissions, Common Provisions. In Section 1, after "Constitutional Commissions," we placed a comma (,) and the phrase "WHICH SHALL BE INDEPENDENT" and comma (,), so that the sentence would read: The Constitutional Commissions, WHICH SHALL BE INDEPENDENT, shall be the Civil Service Commissions, the Commissions on elections, and the Commissions on Audit."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: We now proceed to Section 2 regarding salaries.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: I believe that Section 2 should be realigned with the Judiciary Article because this is one of those areas where we put in the Transitory Provisions the starting salary. I think the provision is similar to the Judiciary Article:

The law shall provide for the salary of the Chairman and the Commissioners which shall not be decreased during their tenure.

MR. RODRIGO: Will the Commissioner please reword it.

MR. MONSOD: We have it in the Legislative Article, Mr. Presiding Officer I am just suggesting that we follow the same wording in the Legislative Article.

MR. RODRIGO: What page is that?

MR. AZCUNA: Section 13, page 13, in the Judiciary Article not Legislative Article.

MR. RODRIGO: Will the Commissioner please read it.

MR. AZCUNA: Yes, this is Section 13 of the Judiciary Article which says:

The salary of the Chief Justice and of the Associate Justices of the Supreme Court, and of judges of lower courts shall be fixed by law. During their continuance in office, their salary shall not be decreased.

So we should say: "THE SALARY OF THE CHAIRMAN AND THE COMMISSIONERS SHALL BE FIXED BY LAW AND SHALL NOT BE DECREASED DURING THEIR TENURE."

MR. MONSOD: Yes, that is the reformulation.

MR. RODRIGO: I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: In Section 3, we deleted "or" and placed a period (.) after employment and added a phrase. Then on lines 12 and 13, we substituted "or" with "NOR SHALL" and on line 15, we added "AGENCIES" and a comma (.). So it reads: "No Member of a Constitutional Commission shall, during his tenure, hold any other office or employment. NEITHER SHALL HE engage in the practice of any profession or in the active management or control of any business which in any way may be affected by the functions of his office, nor shall he be financially interested, directly or indirectly, in any contract with, or in any franchise AGENCIES."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 4, no change.

Section 5, no change except that we underline "certiorari." So that this will be italicized in the printing.

Section 6, no change except for an addition of a comma (,) after "increase" on line 15.

Section 7, no change.

In Section 8, we added "S" to "Commission" so that it reads: "The Constitutional Commissions shall appoint their officials and employees in accordance with law."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: I am sorry, I was away when the committee started to present the provisions on the constitutional commissions. But I would like to find out about Section 1. Obviously, there was a change here. The original provision speaks of the independent constitutional commissions, et cetera, but now it has been recast to read: "The Constitutional Commissions, which shall be independent, etcetera."

I fully agree with the change for the record, but on Section 4, the provision uses the word "Commissions" two times, and it is a very short provision or sentence. Perhaps for the second "Commissions" we can use "THEM. "

THE PRESIDING OFFICER (Mr. Jamir): What does the committee say?

MR. AZCUNA: Can we use "THEM" for inanimate objects?

MR. RODRIGO: How about "THE COMMISSIONS SHALL ENJOY FISCAL AUTONOMY, WHOSE APPROVED ANNUAL APPROPRIATIONS SHALL BE AUTOMATICALLY AND REGULARLY RELEASED." Just one sentence.

MR. FOZ: But there is a suggestion here from Commissioner Monsod that the second sentence should read as follows: "THEIR APPROVED ANNUAL APPROPRIATIONS SHALL BE AUTOMATICALLY AND REGULARLY RELEASED," to simplify the second sentence.

MR. RODRIGO: So we delete "for the Commissions" so that Section 4 will now read: "THE COMMISSIONS SHALL ENJOY FISCAL AUTONOMY. THEIR APPROVED ANNUAL APPROPRIATIONS SHALL BE AUTOMATICALLY AND REGULARLY RELEASED."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rama is recognized.

MR. RAMA: Section I says: The Constitutional Commissions, which shall be independent, shall be the Civil Service Commission . . ." So to avoid the cacophony to which Vice-President Padilla does not like, I suggest that we change the second "shall be" to "ARE." So it would read: The Constitutional Commissions, which shall be independent, are the Civil Service Commission, the Commission on Elections, and the Commission on Audit."

MR. RODRIGO; I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Jamir): Before we proceed further, it is almost five o'clock, and I wish to call the body from labor to refreshment.

The session is suspended.

It was 4:59 p.m.

RESUMPTION OF SESSION

At 5:20 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

MR. RODRIGO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rodrigo is recognized.

MR. RODRIGO: We are now on Section 5, page 49. Section 5, no change. Section 6, no change except for an addition of a comma (,) after the word "increase" on line 15. Section 7, no change. Section 8, no change except for the addition of "S" to "Commission," "Constitutional Commissions."

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Jamir): The session is suspended.

It was 5:21 p.m.

RESUMPTION OF SESSION

At 5:22 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

MR. RODRIGO: We are through with the Common Provisions, Mr. Presiding Officer, under "CONSTITUTIONAL COMMISSIONS."

MR. RAMA: The entire Article on Common Provisions?

MR. RODRIGO: This is letter "A" under "CONSTITUTIONAL COMMISSIONS." The charter is constitutional commissions, but some Commissioners suggest that we finish first the whole article. So we go to letter "B." "THE CIVIL SERVICE COMMISSION."

Section I, subparagraph (1), no change except for an addition of a comma (,) after "instrumentalities" on line 2.

Subsection (2), the only change is the addition of a comma (,) after "practicable" on line 7.

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: We notice that there is a substantial change here on line 7. The word "OFFICES" is a substitute for the previous word "positions" and I would say that it does not reflect the meaning we intended when we discussed this during the plenary sessions.

MR. RODRIGO: The original was "those." It reads: "Appointments in the Civil Service shall be made only according to merit and fitness to be determined, as far as practicable, and except to those which are policy-determining, primarily confidential, or highly technical, by competitive examination." We changed "those" to "OFFICES. "

MR. AZCUNA: So the Commissioner wants to use the word "positions"?

MR. FOZ: I want "positions" to be reinstated.

MR. AZCUNA: It was not there before.

MR. RODRIGO: It was not there before.

MR. AZCUNA: It was "except to those." So let us change it.

MR. FOZ: "Except to those."

MR. RODRIGO: Yes, "and except to those which are policy-determining. "

MR. FOZ: What is the antecedent of "those"?

MR. AZCUNA: There is none that is why we put "OFFICES."

MR. RODRIGO: That is how it appears so we had to change "those" to "OFFICES."

MR. FOZ: If we use "OFFICES," we might convey a different meaning because the ordinary meaning of "office" is a cluster of positions.

MR. RODRIGO: Does the Commissioner want to change it?

MR. AZCUNA: We agree. It should be "POSITIONS."

MR. RODRIGO: "POSITIONS."

MR. FOZ: So I suggest that we go back to "POSITIONS. "

MR. RODRIGO: Not go back, because "POSITIONS" was not there. So the motion should be to change "OFFICES" or "those" to "POSITIONS."

MR. FOZ: Yes, to "POSITIONS. "

MR. RODRIGO: I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Subsection (3), no change. In subsection (4), page 50, line 13, we deleted "and other" and placed "OR." So it would read: "No officer or employee in the Civil Service shall engage, directly or indirectly, in any electioneering OR partisan political activity. "

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

Subsection (5), no change.

Section 2, subsection (1).

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: Is it possible at this stage to make transpositions of sections in this subarticle, Civil Service Commission?

For instance, Mr. Presiding Officer, instead of this provision covered by Section 1(5), I am suggesting that Section 8 which states: "The right to self-organization shall not be denied to government employees" be transposed as paragraph (5) of Section 1. The reason is that I would like to emphasize this provision of Section 8 on the right to self-organization of government employees. So, as suggested, it will now be paragraph (5) of Section 1 of the Civil Service Commission provisions because as it is now positioned, it is buried. It is almost at the tail end of the subarticle on Civil Service Commission. And I suggest that we emphasize it by giving it a position of importance in the sequence of provisions.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Mr. Presiding Officer.

I heard the Honorable Rodrigo, in connection with line 14, saying "political activity" instead of "political campaign."

MR. AZCUNA: No, it is "campaign." We just substituted "and" with "OR."

MR. RODRIGO: ". . . in any electioneering OR partisan political campaign."

MR. SUAREZ: Not "political activity"?

MR. RODRIGO: No, "political campaign."

MR. SUAREZ: Thank you.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: I would like to support the proposal of Commissioner Foz for a transposition of Section 8, so that it ceases to be a section and becomes merely a subparagraph of Section 1. I think this will strengthen the whole article when Section 8 is transposed to Section 1 as merely a part thereof.

The Commissioner is proposing this to be Section 1(5), so that the protection for temporary employees becomes Section 1(6).

Thank you.

MR. FOZ: May I explain this a little.

We will notice that the first paragraph of Section 1 speaks of the broad classification of the civil service. Then the second paragraph speaks of the merit system. The third paragraph speaks of the security of tenure and the fourth paragraph has to do with the political neutrality of civil service. So it is only in keeping with the importance of this Section 1 that such an important right of government employees to organize or to self-organization be aligned under this section.

MR. RODRIGO: You want it to be Section 1(5)?

MR. FOZ: Yes, Section 1(5) and the present Section 1(5) is made subparagraph (6).

MR. RODRIGO: I am sorry Commissioner Guingona is not here because this is more on the jurisdiction of the Sponsorship Committee.

The Commissioner is here now. This is more on the realm of his committee.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Guingona is recognized.

MR. GUINGONA: If it is within the realm of the Sponsorship Committee, maybe we can take it up when our committee takes the floor.

MR. RODRIGO: I think we are in a hurry because of the printing.

THE PRESIDING OFFICER (Mr. Jamir): We are now at it. We might as well take it up.

MR. GUINGONA: I do not know whether I could speak for the members of the committee, but I have no

objection. I agree to the proposal. But the other members are not around.

MR. RODRIGO: No, Commissioner Garcia is here.

MR. GUINGONA: Could the Chair give us a minute of suspension. Anyway, the suggestion is to let the Commission decide. We have no objection. I, personally, have no objection.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: To avoid repetition of all these, why do we not let the Sponsorship and the Style Committees sponsor the draft Constitution to expedite the proceedings. I do understand that after the sponsorship by the Style Committee, we still go through again from page 1.

MR. GUINGONA: Not on the matter of correction, Mr. Presiding Officer.

MR. DE CASTRO: So I think it will be much easier for us, since we are working on time constraint, to let the Style and the Sponsorship Committees sit down in front so we can finish this at the same time.

MR. GUINGONA: Mr. Presiding Officer, may I be recognized?

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Guingona is recognized.

MR. GUINGONA: As I mentioned this morning, we have decided that as far as corrections are this is what we are doing now. It would be the primary of concern of the Committee on Style, and we would only be supporting. We have three other functions which are not assigned to the Committee on Style, for example, sequencing. So after they are through, the Sponsorship Committee will present to the body its recommendations with respect to sequencing and repetitions.

MR. DE CASTRO: Mr. Presiding Officer, we have still 60 pages to go through with the Style Committee, and tomorrow is already Saturday. Why can we not do this at the same time so that when we finish it, we do not go back to the sponsorship?

MR. RODRIGO: That is why we are going to vote on this now.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro has one more minute.

MR. GUINGONA: Mr. Presiding Officer, with regard to this particular provision, I have manifested on behalf of the Sponsorship Committee that we have no objection. We suggest that the Presiding Officer take a vote with regard to the proposal.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: As the one directly in charge of sequencing, I have no objection to this, and I would like this to be resolved now because we will go on overtime to finish our sequencing report and finish the draft.

MR. RODRIGO: So the motion is to transpose Section 8 to Section 1 and make it subparagraph (5) and subparagraph (5) of Section 1 becomes subparagraph (6).

MR. FOZ: That is right, Mr. Presiding Officer.

MR. RODRIGO: I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 2, subparagraph (1), no change; subparagraph (2), no change except on line 7, we deleted a portion so that it reads: ". . . shall be only for the unexpired term."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 3, no change except for an addition of a comma (,) after "Commission" on line 10. Section 4, no change.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: If the committee will kindly open on page 99, second paragraph of Section 3, General Provisions, we are supposed to transpose the second paragraph of Section 3 of General Provisions to Section 4. I have prepared it here. The original Section 4 reads:

No elective official shall be eligible for appointment or designation in any capacity to any public office or position during his tenure.

Second paragraph of Section 3, General Provisions, would read: "Unless required by law or by the primary functions of his position, no appointive official shall hold any other office or employment in the government or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries."

MR. RODRIGO: It is noted here, second paragraph of Section 4, Article on Civil Service. So we agree to that but we should put a comma (,) after "agency." Is this a second paragraph or just a continuation?

MR. MAAMBONG: It would be a second paragraph because the first paragraph speaks of elective officials. Second paragraph also speaks of elective officials.

MR. SUAREZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Suarez is recognized.

MR. SUAREZ: May I call the attention of the Honorable Maambong to the footnote which says: "For transposition to Section 7," not to Section 4.

MR. MAAMBONG: No, Mr. Presiding Officer. If the Commissioner will notice, the second paragraph is supposed to be transposed to Section 4; the first paragraph is not going to be transposed to Section 4 but to Section 7. It is not exactly a transposition. It will be an intercalation of the words "or direct" and "except pensions or gratuities." So the second paragraph of Section 3, General Provisions, will be transposed in toto while the first paragraph of Section 3 will be intercalated in Section 7. But we are not yet in Section 7, Mr. Presiding Officer.

MR. SUAREZ: So effectively, Section 3 of the General Provisions will disappear.

MR. MAAMBONG: Yes.

MR. SUAREZ: Thank you.

MR. RODRIGO: Let me repeat that. Section 4 reads: "No elective official shall be eligible for appointment or designation in any capacity to any public office or position during his tenure."

"Unless required by law or by the primary functions of the position, no appointive official shall hold any other office or employment in the government or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 5, no change except for the addition of "THEIR SUBSIDIARIES."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: Mr. Presiding Officer, what is the antecedent of "THEIR SUBSIDIARIES"? I see that this is in the singular.

MR. RODRIGO: Yes, ". . . be appointed to any office in the government or any government-owned or controlled corporations or any of ITS . . ."

MR. AZCUNA: It should be "ITS."

MR. OPLE: It should be "ITS," unless we want to pluralize government corporations.

MR. RODRIGO: I think we should pluralize that.

MR. OPLE: Yes. Thank you.

MR. RODRIGO: "Or any government-owned or controlled corporations or any of their subsidiaries." It is better.

MR. AZCUNA: But "any" is singular. "Any government-owned or controlled corporation."

Can we not just delete "any"? "Or government-owned"? But on line 25, we have "any," so it has to be singular.

MR. RODRIGO: "Any government-owned or controlled corporation or any of ITS . . ." It must be "ITS."

MR. AZCUNA: Yes, it should be "ITS."

MR. RODRIGO: "ITS subsidiaries."

I move for the approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 6, no change.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: We have conferred with Commissioner Azcuna about Section 6 and we have decided that it has no place in this provision. It refers to the Armed Forces and if the committee will open on page 102, there is a provision in the Armed Forces where this will be fittingly inserted. That is the provision on Section 12. It starts on page 101, and Commissioner Azcuna and I have decided, in view of the authority granted to us by the Committees on Style and Sponsorship, to insert this particular Section 6 as subparagraph (4) of Section 12 of the

Armed Forces in the General Provisions.

MR. RODRIGO: So subparagraph (4) becomes subparagraph (5).

MR. MAAMBONG: Subparagraph (4) will become subparagraph (5), subparagraph (5) will become sub-paragraph (6) and subparagraph (6) will become sub-paragraph (7).

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: May I know the understanding between Commissioners Azcuna and Maambong. This was not referred to me.

MR. MAAMBONG: I referred this to Commissioner de Castro and he said he is going to study it.

MR. DE CASTRO: Yes, but we have not agreed on the proper section, the proper paragraph.

SUSPENSION OF SESSION

MR. RODRIGO: Mr. Presiding Officer, may I ask for a suspension of the session.

THE PRESIDING OFFICER (Mr. Jamir): The session is suspended.

It was 5:40 p.m.

RESUMPTION OF SESSION

At 5:42 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: After our conference with Commissioner de Castro, he agreed to the transposition. So Section 6 will be taken from this Civil Service Commission provision and it will be transposed as Section 12(4) of General Provisions. And accordingly, the succeeding Sections 4, 5 and 6 will be renumbered as 5, 6 and 7 when we reach General Provisions.

MR. RODRIGO: So the remaining sections are as follows: Section 7 will be Section 6 and Section 8 will be Section 7.

MR. MAAMBONG: We do not have to do that because we will get lost in our computer section. What I am suggesting is, first, we will change this "Armed Forces" to small letters, as suggested by Commissioner Azcuna, before we transpose it. And in place of Section 6, we have a provision from General Provisions which is actually Section 14. If we will go over page 102, we have a provision in Section 14 of General Provisions which properly belongs to the Civil Service Commission. Commissioner Azcuna and I have gone over this. It refers to oath or affirmation of all public officers and employees to uphold and defend the Constitution. We would rather that we transpose this Section 14 of General Provisions to the vacant Section 6 so that Section 6 would now read: "All public officers and employees shall take an oath or affirmation to uphold and defend this Constitution." This provision should properly be in the Civil Service Commission.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: May we amend the Commissioner's amendment to the effect that the same Section 14 under the General Provisions be transferred to the Civil Service Commission provisions not as Section 6 but as Section 4.

We will notice that this provision speaks of taking an oath, the requirement that all public officers and employees must take an oath or affirmation to uphold and defend the Constitution.

I suggest that this be placed on top of the other provisions which are prohibitions. This should occupy a higher level than mere prohibitions about being appointed, et cetera.

MR. MAAMBONG: Actually, the Commissioner is thinking ahead of me. In the sequencing report, it is actually Section 4. The Commissioner hit the nail right on the head. It will be Section 4.

MR. FOZ: Thank you, Mr. Presiding Officer.

MR. MAAMBONG: May we move for their approval.

MR. RODRIGO: I move for their approval Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the transposition and renumbering are approved.

MR. RODRIGO: We now proceed to Section 7.

MR. MAAMBONG: Mr. Presiding Officer, in line with the transposition of Section 3 of the General Provisions which we have mentioned earlier, Section 7 will be amended this wise: After the word "additional" on line 7, we place a comma (,); we delete the word "or"; after the word "double" on the same line, we add the words "OR INDIRECT"; after the word "compensation," we place a comma (,) and then insert "EXCEPT PENSIONS OR GRATUITIES" and a comma (,). So the whole section would now read: "No elective or appointive public officer or employee shall receive additional, double, OR INDIRECT compensation, EXCEPT PENSIONS OR GRATUITIES, unless specifically authorized by law, nor accept without the consent of the Congress, any present, emolument, office or title of any kind from any foreign government."

Finally, upon amendment of Commissioner Davide which has been approved on the floor, after the word "government," insert the words "OR ANY OF ITS AGENCIES."

MR. RODRIGO: Will the Commissioner please read the whole section.

MR. MAAMBONG: "No elective or appointive public officer or employee shall receive additional, double, OR INDIRECT compensation, EXCEPT PENSIONS OR GRATUITIES, unless specifically authorized by law, nor accept without the consent of the Congress, any present, emolument, office, or title of any kind from any foreign government OR ANY OF ITS AGENCIES."

MR. RODRIGO: I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. MAAMBONG: With the approval of this, Mr. Presiding Officer, Section 3 of the General Provisions will be out of existence.

Thank you.

THE PRESIDING OFFICER (Mr. Jamir): Is Commissioner Foz seeking recognition?

MR. FOZ: Another transposition, if you will allow, Mr. Presiding Officer. The last section, Section 9, in the

subarticle on Civil Service Commission has to do with the mandate to Congress to standardize compensation of government officials and employees. I propose that this be transferred to the new Section 5 which will follow that provision on the taking of oath or affirmation by public officers and employees, which we took from the General Provisions to be transferred to the Civil Service Commission provisions as Section 4. So that Section 9 will now become Section 5. I would like the committee to approve the transposition.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: I have here the sequencing report which we will distribute tomorrow. The suggestion of Commissioner Foz that Section 9 should be Section 5 is, in fact, already in Section 5 of our sequencing report. I think he is reading my mind again.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: I heard Commissioner Maambong state that Section 3, page 99 on the General Provisions, will be transposed to Section 7, but Section 7, as read, does not include the exceptions on pensions or gratuities.

MR. BENGZON: That is why we reformulated it to include them.

MR. AZCUNA: It was reformulated to include them already.

MR. DE CASTRO: Will the Commissioner please read it again.

MR. AZCUNA: I will read it as reformulated: "No elective or appointive public officer or employee shall receive additional, double, OR INDIRECT compensation, EXCEPT PENSIONS OR GRATUITIES, unless specifically authorized by law, nor accept without the consent of the Congress, any present, emolument, office, or title of any kind from any foreign government OR ANY OF ITS AGENCIES."

SUSPENSION OF SESSION

MR. AZCUNA: Could we ask for a suspension, Mr. Presiding Officer, while we thresh this out?

THE PRESIDING OFFICER (Mr. Jamir): The session is suspended.

It was 5:53 p.m.

RESUMPTION OF SESSION

At 5:57 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

Commissioner Azcuna is recognized.

MR. AZCUNA: Section 7 on page 52 is now reworded as follows: No elective or appointive public officer or employee shall receive additional, double, OR INDIRECT compensation, unless specifically authorized by law, nor accept without the consent of the Congress, any present, emolument, office, or title of any kind from any foreign government OR ANY OF ITS AGENCIES. PENSIONS OR GRATUITIES SHALL NOT BE CONSIDERED AS ADDITIONAL, DOUBLE, OR INDIRECT COMPENSATION."

MR. MAAMBONG: We have no objection to that, Mr. Presiding Officer.

MR. RODRIGO: I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

MR. ROMULO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Romulo is recognized.

MR. ROMULO: I do not think we need "any of" after "any foreign government OR."

MR. AZCUNA: "Any kind from any foreign government OR ITS AGENCIES."

MR. RODRIGO: I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 9 will become Section 8 because Section 8 was transposed. Then the ADAN Committee added on line 16 the words "WITH ORIGINAL CHARTERS," and we changed "positions concerned" to "THEIR positions" So it would read: "The Congress shall provide for the standardization of compensation of government officials and employees, including those in government-owned or controlled corporations, WITH ORIGINAL CHARTERS, taking into account the nature of the responsibilities pertaining to, and the qualifications required for THEIR positions."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: As we manifested earlier, it is a very minor matter. Could we just leave the number of sections alone. Otherwise, we will be having a hard time in the sequencing. Anyway, it will be sequenced.

MR. RODRIGO: So it may remain Section 9, but we have no Section 8 now.

MR. MAAMBONG: That is all right.

MR. RODRIGO: We come to the Commission on Elections.

MR. AZCUNA: Just a moment. May I ask whether Commissioner Maambong is going to transfer the provision on loan to page 52?

MR. MAAMBONG: The prohibited loan of the President, Vice-President and the Members of Congress and others?

MR. AZCUNA: Yes, the Commissioner was planning to transfer that to Civil Service Commission.

MR. MAAMBONG: Yes, originally I had a plan to transfer that to Civil Service Commission but I understand that it was not acceptable to the Commissioner because he said that covers so many people such as Members of Congress, members of the Supreme Court and others.

MR. AZCUNA: No, its transfer to the Executive Article was not acceptable to me, but I thought we would transfer it to Civil Service Commission.

MR. MAAMBONG: Commissioner Monsod would like to comment on that before we do anything.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Mr. Presiding Officer, I do not think it belongs in the Civil Service Commission because there

are many noncivil service officers there covered by that section.

MR. AZCUNA: All right.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: Mr. Presiding Officer, the last provision speaks of "standardization of compensation." I do not think there should be a comma (,) after "corporations."

MR. AZCUNA: Which one is this?

MR. FOZ: "Corporations with original charters."

MR. AZCUNA: Yes, there is no comma (,).

MR. RODRIGO: We now proceed to letter "C," Commission on Elections. In Section 1, the only change is the deletion of the words an independent." We just say: "There shall be A Commission on Elections," the reason being that in the general Common Provisions, all these constitutional commissions are already classified as independent. Then the other change is the deletion of the numerals in parentheses () after "six" and "ten." That is all.

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objections? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: In subparagraph (2), the only corrections are the deletion of the numerals in parentheses () which is already approved as a general rule and the deletion on line 16 of "portion of the," so it would read: "shall be only for the unexpired term."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 2, first sentence, no change; subparagraph (1), we changed the order. We transposed "recalls" to the end, so it reads: "the conduct of elections, plebiscites, initiatives, referenda, and recalls."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: In Section 2, may I ask Commissioner Azcuna to report this for the ADAN Committee.

MR. AZCUNA: We reworded the latter portion of this subsection to read: "TO EXERCISE EXCLUSIVE ORIGINAL JURISDICTION OVER ALL CONTESTS RELATING TO THE ELECTIONS, RETURNS, AND QUALIFICATIONS OF ALL ELECTIVE REGIONAL, PROVINCIAL, AND CITY OFFICIALS, AND APPELLATE JURISDICTION OVER ALL CONTESTS INVOLVING ELECTIVE MUNICIPAL OFFICIALS DECIDED BY TRIAL COURTS OF GENERAL JURISDICTION, OR INVOLVING ELECTIVE BARANGAY OFFICIALS DECIDED BY TRIAL COURTS OF LIMITED JURISDICTIONS" and we added a semicolon (;).

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: I would like to add to this paragraph another paragraph by transferring Section 11 as the second paragraph, because it is intimately connected to this provision. Section 11 reads:

Decisions, final orders or rulings of the Commission on Elections contests involving elective municipal and barangay offices shall be final, executory, and not appealable.

It is very clear that this Section 11 should be transferred to be the provisions immediately after this paragraph (2) because of its intimacy with that preceding paragraph.

THE PRESIDING OFFICER (Mr. Jamir): What does the committee say?

MR. RODRIGO: Mr. Presiding Officer, may I make a suggestion.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rodrigo is recognized.

MR. RODRIGO: Since this is the function of the Sponsorship Committee, why do we not just go ahead with the phraseology now. Anyway, the Sponsorship Committee will report starting tomorrow; so let us finish with the phraseology now and then these transpositions can be taken up when the Sponsorship Committee reports.

MR. FOZ: I submit, Mr. Presiding Officer.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: That is really my concern. We will go back again. So let us finish this now.

MR. RODRIGO: But the Sponsorship Committee will also report.

MR. DE CASTRO: If we finish this now, we do not have to repeat the process tomorrow.

MR. RODRIGO: The Sponsorship Committee will meet and report. As a matter of fact, Commissioner Guingona asks for three sessions to make his report.

MR. DE CASTRO: Three sessions and we have only Saturday. On Sunday, we will sign.

MR. BENGZON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bengzon is recognized.

MR. BENGZON: I share the concern of Commissioner de Castro. That is precisely why I have always pleaded with the Members of this Commission to stay as late as possible, so that we can finish. We must remember that the Sponsorship Committee still has to have its own time although it may not necessarily be three sessions. And in addition to that, we still have to discuss and debate upon the ordinance to the Constitution with respect to the redistricting. And then we still have a few loose ends — Second Reading and Third Reading on certain articles. Originally, the Sponsorship and the Style Committees were given three days, which is actually six sessions — October 9, 10 and 11. But we are up October 9; we only actually started the report of the Committee on Style late yesterday afternoon, so they lost two-thirds of the day.

MR. RODRIGO: I lost the whole morning.

MR. BENGZON: Yes. So I was pleading that we should really work overtime so that we could catch up with the schedule. So the Sponsorship and the Style Committees could really have the time that was really allotted to them. Otherwise, we will have to move back and consume the whole day of Saturday, until the evening. There is no other way.

MR. RODRIGO: So may I suggest that we concentrate first on the style. I think we can finish tonight if there are no transpositions. Anyway, the Sponsorship Committee will have its time to present its report. Is that all right?

MR. MAAMBONG: Mr. Presiding Officer, may I be recognized.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: We have actually solved the problem of Commissioner Foz. I pointed out that in the sequencing report that we have, Section 7 on election cases will be the first provision, then his Section 11, which refers actually to election cases, will follow. That will be the sequence. So we have no problem on that.

Thank you.

MR. RODRIGO: All right. So that can be taken up tomorrow when the Sponsorship Committee reports.

Subparagraph (3), no change.

In subparagraph (4), we added "HONEST," deleted "and" and inserted "AND CREDIBLE" before "elections."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Subparagraph (5), no change except for the addition of commas (.). Then in the next paragraph, I notice that there are transpositions. Will the ADAN Committee please report.

MR. AZCUNA: Section 5 would read: "Register, after sufficient publication, political parties, organizations, or coalitions, which in addition to other requirements, must present their platform or program of government and accredit citizens' arms of the COMMISSION ON ELECTIONS. Religious denominations and sects shall not be registered. Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government shall likewise be refused registration.

"Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections constitute an act of interference in national affairs, and, when accepted shall be an additional ground for the cancellation of their registration with the Commission, in addition to other penalties that may be prescribed by law."

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: To be consistent with our previous approved sections and subsections, will the Commissioner not put "(a)" before the first paragraph and "(b)" before the second paragraph?

MR. RODRIGO: But this is a consecutive number. Before, that is paragraph (4), so this becomes paragraph (5). Where will the Commissioner place them?

MR. DE CASTRO: Subparagraph (5), "5" enclosed in parentheses () then small "a" enclosed in parentheses () before "register" and small "b" enclosed in parentheses () before "financial."

MR. RODRIGO: I agree.

I move for its approval.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: Mr. Presiding Officer, I refer to subparagraph (5), page 54, lines 16 to 19. There seems to be an awkward construction here. It says that the COMELEC must: "Register, after sufficient publication, political parties, organizations, or coalitions, which in addition to other requirements, must present their platform or program of government and accredit citizens' arms of the COMMISSION ON ELECTIONS." This leaves room for the interpretation that it is the political parties that will accredit the citizens' arms of the COMELEC. Will we be putting a comma (,) after "government"?

MR. AZCUNA: Yes, we are about to do that, Mr. Presiding Officer.

MR. OPLE: May I also call attention to the format used by the committee with respect to this entire article: "Section 2. The Commission on Elections shall exercise the following powers and functions" and a colon (:). And then it proceeds to use the semicolon (;) to break the paragraphs which is all right until we get to Section 5. And then it has to use two sentences. And, of course, the first sentence is to indicate the break and it uses a period (.). In the second sentence, it uses a semicolon (;). This is repeated in some other subsequent sections. The alternative is to do away with the semicolon (;) altogether and just use period (.). But on the other hand, will it look sufficiently technical and formal for the taste of the committee?

I hope I have conveyed my meaning. An example is subparagraph (5); we have two sentences, beginning with "Register." And then it finishes the sentence with a period (.). It follows with a second sentence which must end in a semicolon (;). This problem can be repeated elsewhere in the draft Constitution.

To what extent will it offend the formal sensibilities of the committee? In this enumeration of the functions of the COMELEC or where this same problem reappears in other articles, can we not just do away with the semicolon (;) and use the period (.)? Will it be more helpful that way? It prevents such clumsy constructions as in subparagraph (5).

MR. AZCUNA: I think we should do that when the enumerations are long and when there are sentences within subparagraphs.

MR. OPLE: Yes, I thank Commissioner Azcuna for that. He has a very reliable ear for this sort of thing.

Thank you, Mr. Presiding Officer.

MR. RODRIGO: So on line 7, after jurisdiction," substitute the semicolon (;) with a period ().

MR. AZCUNA: In all enumerations.

MR. RODRIGO: Wines 11 and 15. After "registration," put a period (.) and after "law," put also a period (.).

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: May we advert to this paragraph which speaks of financial contributions from foreign governments. On line 27, page 54, I suggest that we delete the word "an" and pluralize "act" to read "actS."

MR. AZCUNA: "Constitutes actS of . . ."

MR. FOZ: The reason is that we speak of financial contributions. Each contribution is an act or separate offense.

MR. AZCUNA: And since we end the enumerations in subparagraph (8), line 18, page 55, in periods (.), I suggest

that after "decision" we put a period (.), then capitalize "a" of "and" and add a comma (,) after it.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Mr. Presiding Officer, the subject matter is financial contributions. And contributions are not an act. The giving of contributions is an act. So maybe we should just say "financial contributions. . . related to elections constitute interference in national affairs . . ." We delete the words "an act of."

MR. AZCUNA: All right.

MR. RODRIGO: Delete the comma (,) after "national

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there an objection? (Silence) The Chair hears none; the amendment is approved.

Commissioner Rosario Braid is recognized.

MR. RODRIGO: Just a minute. So the words "an act of" are deleted so it would read: "or candidates related to elections constitute interference in national affairs."

MR. SUAREZ: Mr. Presiding Officer, after the word "accepted," we put a comma (,).

MR. AZCUNA: Can we not delete the comma (,) after "national affairs"?

MR. RODRIGO: Delete the comma (,) after "national affairs."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: In paragraph (6), we changed "on" to "UPON" and deleted of the voters in." We deleted also 'from the registry of voters, ' so it reads: "UPON a verified complaint, or on its own initiative, file petitions in court for inclusion or exclusion of voters; investigate and . . . '

MR. NOLLEDO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Nolleto is recognized.

MR. NOLLEDO: May I please interfere. Would it not be better if we say: File, UPON a verified complaint or on its own initiative, petitions in court for inclusion or exclusion . . ." The reason is that we always begin with "recommend," "submit, et cetera. So why do we not begin with "file" to make it symmetrical?

MR. RODRIGO: So, File, UPON a verified complaint, or on its own initiative, petitions in court for inclusion or exclusion of voters; investigate and, where appropriate, prosecute cases of violations of election laws, including acts or omissions constituting election frauds, offenses, and malpractices.

I move for its approval.

MR. NOLLEDO: Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR RODRIGO: We now proceed to subsection (7).

Commissioner Rosario Braid wants to be recognized.

MS. ROSARIO BRAID: Mr. Presiding Officer, on lines 13 and 14, we referred to "frauds, offenses, malpractices, nuisance candidacies" as acts. "Nuisance candidacies" are not an act, so I wonder whether we can put before that the words "FILING OF," because the rest are acts, except for these. So if we add "FILING OF," it becomes an act.

MR. RODRIGO: So it would read: "to prevent and penalize all forms of election frauds, offenses, malpractices, FILING OF nuisance "candidacies."

MS. ROSARIO BRAID: Yes, Mr. Presiding Officer.

MR. AZCUNA: The verb is not only "prevent" but also "penalize." And what we may be penalizing is not merely the filing but even the whole act of being a candidate, the activities of the campaign.

MS. ROSARIO BRAID: But it is "acts" that the Commissioner has to take out. Maybe if we take that out, it will be relevant, I mean if we have a period (.) after "candidacies," because "acts" define all the categories.

MR. AZCUNA: These are all nouns — "frauds, offenses, malpractices." These are not acts.

MS. ROSARIO BRAID: But it says "or other similar acts." "Malpractices" are acts and so are "offense, frauds."

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: I just want to say that a "nuisance candidacy" is also an act because we are all referring here to engaging in fraud, criminal offenses and nuisance candidacy. So I think the enumeration is correct, Mr. Presiding Officer.

MR. NOLLEDO: Mr. Presiding Officer, may I be recognized.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Nolleddo is recognized.

MR. NOLLEDO: Thank you, Mr. Presiding Officer.

I think subsection (7) is very defective. I am also a member of the committee and I would like to reformulate if the chairman and the members of the committee would care to listen. If I were to reword subsection (7), I would do it this way: "PREVENT AND PENALIZE ELECTION FRAUDS, OFFENSES, MALPRACTICES, NUISANCE CANDIDACIES OR OTHER SIMILAR ACTS AS WELL AS RECOMMEND TO THE CONGRESS EFFECTIVE MEASURES TO MINIMIZE ELECTIONS SPENDING INCLUDING LIMITATIONS OF PLACES WHERE PROPAGANDA MATERIALS SHALL BE POSTED."

THE PRESIDING OFFICER (Mr. Jamir): What does the committee say?

MR. RODRIGO: It seems it might change the substance because the way it is here, even to prevent and penalize is limited to recommending to Congress.

MR. NOLLEDO: No, we are emphasizing pursuant to the objective of Commissioner Rosario Braid. We are emphasizing the prevention and imposition of penalties on election fraud, et cetera, and then the second part is merely to recommend to the Congress other effective measures. That is the meaning.

MR. RODRIGO: But the idea is to recommend to Congress all that follows.

MR. AZCUNA: No, it should be, "recommend to Congress effective measures to PREVENT AND PENALIZE ALL FORMS OF ELECTION FRAUDS, OFFENSES, MALPRACTICES, NUISANCE CANDIDACIES" and so

on.

MR. NOLLEDO: I got the Commissioner's point. In other words, the two go hand in hand.

MR. AZCUNA: Yes.

MR. NOLLEDO: It should be Congress by law.

MR. AZCUNA: Yes, it is not the COMELEC that will penalize or prevent, but it will recommend to Congress effective measures to prevent and penalize frauds, et cetera.

MR. NOLLEDO: Thank you, Mr. Presiding Officer. I yield to Commissioner Suarez.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Suarez is recognized.

MR. SUAREZ: I think the stand of the committee is correct but may I suggest that on line 11 after the word "spending," we put a comma (,): spending, including limitations of places . . ."

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: To avoid the difficulty in connection with the amendment presented by Commissioner Rosario Braid, we can already remove the last phrase "all other similar acts" and we put "AND" after malpractices so that the phrase or the clause would now read: "TO PREVENT AND PENALIZE ALL FORMS OF ELECTION FRAUDS, OFFENSES, MALPRACTICES, AND NUISANCE CANDIDACIES. " I think that is broad enough to cover all concealable election frauds or offenses.

MR. AZCUNA: And a period (.) after "candidacies."

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: I think the committee is right when it says "or other similar acts" because we cannot foresee. Alam natin na ang Pilipino ay magaling umimbento. Sasabihin niya na bawal pala ang fraud, offenses at nuisance candidacies, kaya mag-iisip siya ng iba. So it will be much better if we put "or other similar acts." I think the committee is correct.

THE PRESIDING OFFICER (Mr. Jamir): What does the committee say?

MR. AZCUNA: Maybe we can use another qualifying term instead of "act or other similar evils."

MR. ROMULO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Romulo is recognized.

MR. ROMULO: I think it is all right to delete that phrase since this is only a recommendation of Congress. Congress itself can expand that.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Another possibility is to put "NUISANCE CANDIDACIES" after "PENALIZE": "NUISANCE CANDIDACIES, AND ALL FORMS OF ELECTION FRAUDS and other similar acts." So we will not get bothered about the last phrase. So we put it ahead of the others. That is one way of dealing with it.

MR. RODRIGO: Anyway, we have agreed to delete "all other similar acts."

MR. AZCUNA: Yes, we just delete that phrase.

MR. RODRIGO: So this would read: "Recommend to the Congress effective measures to minimize election spending, including limitations of places where propaganda materials shall be posted, and to PREVENT AND PENALIZE ALL FORMS OF ELECTION FRAUDS, OFFENSES, MALPRACTICES, AND NUISANCE CANDIDACIES."

MR. RODRIGO: I move for the approval of Section 7.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 7 is approved.

MR. RODRIGO: We now go to subparagraph (8).

Commissioner Aquino is recognized.

MS. AQUINO: Mr. Presiding Officer, I propose a transposition of the clause "or the imposition of any other" on lines 16 and 17, such that the sentence would now read: "Recommend to the President the removal of any officer or employee it has deputized, or the imposition of any other disciplinary action for violation or disregard of, or disobedience to its directive order decision."

MR. RODRIGO: I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none: the amendment is approved.

MR. RODRIGO: In subsection (9), we just change the order or the sequence.

MR. DE LOS REYES: Mr. Presiding Officer

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de los Reyes is recognized.

MR. DE LOS REYES: In subsection (9), I propose to delete on line 20 the words "and manner" and "each," so that it would read: Submit to the President and the Congress a comprehensive report on the conduct of electionS, plebisciteS, initiativeS, referendA, or recallS." This is to align with Section 2(1).

MR. RODRIGO: So if we remove each," we make "election" plural.

MR. DE LOS REYES: Yes, conduct of electionS, plebisciteS, initiativeS, referendA, or recallS."

MR. RODRIGO: "InitiativeS, referendA, or recallS."

MR. DE LOS REYES: I remove the phrase "and manner" because that is already embraced in "conduct. "

MR. RODRIGO: Yes. "Submit to the President and the Congress a comprehensive report on the conduct of electionS, plebisciteS, initiativeS, referendA, or recallS."

MR. AZCUNA: Please delete number "21" after "elections."

MR. RODRIGO: No, it is line 21.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: I just want to make sure that the word "recall" admits of a plural form in the manner used here. It does.

MS. ROSARIO BRAID: I raised the same question whether "recall" needs an "s." I thought it can stand on its

own without an "s."

MR. RODRIGO: "Referenda or recall"?

MR. OPLE: "Recalls" offends my ear but if there is legal usage of this form, I will not stand in the way.

MR. RODRIGO: Why do we not retain "each," "Conduct of each election," to avoid that? "Each election, plebiscite, initiative, REFERENDUM, or recall."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 3 is reworded by the ADAN Committee.

MS. AQUINO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Aquino is recognized.

MS. AQUINO: I propose to recast Section 3 by transposing the last clause, such that the sentence would read: "Except for those registered under the party list system provided for in this Constitution, no votes cast in favor of a political party, organization or coalition shall be valid."

MR. ROMULO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Romulo is recognized.

MR. ROMULO: Did the Commissioner change "referenda" to "REFERENDUM"?

MR. RODRIGO: Yes.

MR. ROMULO: Thank you.

MR. AZCUNA: We accept the proposal of Commissioner Aquino.

MS. ROSARIO BRAID: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Did we say "recall" instead of "recalls"?

MR. AZCUNA: Yes, we put that all in the singular.

MS. ROSARIO BRAID: But on page 53, line 23, we use "recalls" and maybe we make it consistent.

MR. RODRIGO: Maybe, we could say: "Enforce and administer all laws and regulations relative to the conduct of EVERY election. . . .?"

MS. ROSARIO BRAID: Yes.

MR. RODRIGO: That is number (1) — "of every election, plebiscite, initiative, REFERENDUM and recall."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Romulo is recognized.

MR. ROMULO: Maybe instead of "EVERY" we use the article "AN." "of AN election . . ."

MR. RODRIGO: "Of the conduct of an election."

MR. AZCUNA: Page 53, line 99: "relative to the conduct of AN election, plebiscite, initiative, REFERENDUM and recall" and a period (.) after "recall."

MR. RODRIGO: I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: I also move for the approval of Section 3 as reworded.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 3 as reworded is approved.

MR. RODRIGO: Section 4. Commissioner Azcuna will please proceed.

MR. AZCUNA: Section 4 is a short section: "A free and open party system shall be allowed to evolve, subject only to the provisions of this article."

MR. RODRIGO: We deleted "according to the free choice of the people."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: Are we now in Section 4?

MR. RODRIGO: Yes.

MR. FOZ: But again my suggestion is to make some transpositions. And I think the proper time would be tomorrow.

Thank you.

MR. RODRIGO: So the wording now is: "A free and open party system shall be allowed to evolve, subject only to the provisions of this article."

I move for its approval, Mr. Presiding Officer.

MR. PADILLA: Mr. Presiding Officer, this is with regard to Section 3, as amended by Commissioner Aquino, which starts with the second sentence: "Except for those registered under the party-list system as provided in this Constitution." Then it says, "No votes . . ." Should it not be "THE votes cast in favor of a political party, organization, or coalition shall not be valid"? It is a little awkward to put "no votes" in the middle of the sentence.

MR. AZCUNA: "THE votes cast in favor of a political party, organization, or coalition shall not be valid."

MR. RODRIGO: What does Commissioner Aquino say?

MS. AQUINO: I accept that, Mr. Presiding Officer.

MR. PADILLA: Thank you.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: With respect to Section 4, the committee then decided to leave out the phrase: "A free and open party system shall be allowed to evolve according to the free choice of the people, subject only to the provisions of this article."

MR. RODRIGO: Why did we delete?

MR. AZCUNA: I do not recall.

MR. RODRIGO: I do not know. I do not remember why that was deleted.

MR. AZCUNA: We deleted it. We changed "should" to "SHALL."

MR. OPLE: May I move to reinstate it.

MR. RODRIGO: The Commissioner will please do it.

MR. OPLE: I think it gives the proper tone intended for this section. It would read: "A free and open party system shall be allowed to evolve according to the free choice of the people, subject only to the provisions of this article." And may I know the Committee's view whether "article" here should be capitalized.

MR. AZCUNA: Yes, it should be capitalized.

MR. OPLE: Thank you.

MR. RODRIGO: I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: I am a little uncomfortable about the phrase "shall not be valid." Can we find another word, like "shall be INVALIDATED"?

MR. AZCUNA: "Shall be INVALID"?

MS. ROSARIO BRAID: "Shall be INVALID" or "shall be INVALIDATED."

MR. RODRIGO: Is that Section 3?

MS. ROSARIO BRAID: Section 4, Mr. Presiding Officer.

MR. AZCUNA: On line 23, page 55, change "shall not be valid" to "shall be INVALID." So Section 4 would now read: "Except for those registered under the party-list system as provided in this Constitution, the votes cast in favor of a political party, organization, or coalition shall be INVALID."

The votes cast shall be invalid; it has to be cast for an individual, not for a party or coalition.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: Has Section 4 been put to a vote?

MR. FOZ: Antecedent matter, Mr. Presiding Officer. May we go to Section 3 first?

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz will please proceed.

MR. FOZ: I think there is a little vagueness here as to the antecedent of the word "those," because it is very far. If we say "a political party," it is so far from its antecedent. The idea should be as near as possible. That is a difficulty.

MR. AZCUNA: I was about to say that we throw it to the Committee on Style.

THE PRESIDING OFFICER (Mr. Jamir): And we are.

MR. AZCUNA: I forgot we are now. How does the Commissioner suggest it?

MR. RODRIGO: We will restore the original.

MR. AZCUNA: We restore the original.

MR. RODRIGO: "No votes cast in favor of a political party, organization, or coalition shall be valid, except for those registered under the party-list system as provided in this Constitution."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: We now proceed to Section 4.

MR. OPLE: Mr. Presiding Officer, I want to seek a vote on Section 4.

MR. RODRIGO: I move for the approval of Section 4.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 4 is approved.

Commissioner Maambong is recognized.

MR. MAAMBONG: I just want to find out whether the formulation of Section 4 would now read: "A free and open party system shall be allowed to evolve according to the free choice of the people, subject only to the provisions of this article."

MR. RODRIGO: Yes.

MR. MAAMBONG: Thank you.

MR. BENGZON: "According to the free choice of the people." That is the original.

MR. AZCUNA: Yes, that is the original.

MR. RODRIGO: Section 5, no correction.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Nieva is recognized.

MR. NIEVA: Section 5 provides that bona fide candidates for any public office shall be free from any from of harassment an discrimination. From whom are the candidates free?

MR. RODRIGO: From anybody.

MR. NIEVA: From anybody.

MR. MONSOD: From any source.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Why do we not say "PROTECTED" instead of "free"?

MR. RODRIGO: Yes, so that it becomes an obligation of the government.

MR. MONSOD: Yes.

MR. RODRIGO: So "PROTECTED" instead of "free."

THE PRESIDING OFFICER (Mr. Jamir): Is Commissioner Monsod through?

MR. MONSOD: Yes, for that section, Mr. Presiding Officer.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: With respect to Commissioner Monsod's proposal, I really would prefer the present formulation meaning: a bona fide candidate shall be free of any form of harassment and discrimination in the sense that this is also, I think, a mandate not only to the government but to all the parties involved including the members of communities to respect this policy of freedom from harassment and discrimination. It is broader and, more or less, it does not explicitly oblige the State to extend protection. Maybe a private citizens' arm, like the NAMFREL, can help report such harassment and intimidation. But State protection, I think, is different from what is contemplated here. It is a broader mandate.

MR. MONSOD: I believe this covers two things. One is that the government shall not harass or discriminate against candidates and second, if there is anybody harassing them, then they can invoke government protection.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Mr. Presiding Officer, is the intent of this something like freedom from harassment? Is that what it means? The intent really is freedom from harassment or discrimination.

MR. OPLE: Yes. Freedom from harassment is also preventive. That means that it anticipates situations that can be prevented. So that protection is the cure but an ounce of prevention is better than a pound of cure.

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: May we remind the body that this is a reenactment of an existing provision in our 1973 Constitution. This was a provision inserted in the group of provisions by the 1971 Constitution of which Commissioner Nollado was a member.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Jamir): The session is suspended.

It was 6:48 p.m.

RESUMPTION OF SESSION

At 6:49 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

MR. NOLLEDO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Nollado is recognized.

MR. RODRIGO: I think Commissioner Monsod is going to withdraw.

MR. NOLLEDO: I understand that Commissioner Monsod is willing to withdraw his amendment because I think the change of the word "free" to „protected.. is substantial in nature. When we talk of "free," as indicated by Commissioner Ople, it means freedom from harassment and discrimination. Mr. Catan and I were the authors of that provision in the 1973 Constitution. I think "free" is broader than "PROTECTED."

THE PRESIDING OFFICER (Mr. Jamir): What does Commissioner Monsod say?

MR. MONSOD: I submit, Mr. Presiding Officer.

MR. AZCUNA: So we go back to "free."

MR. MONSOD: I submit to the retention of the word "free."

MR. AZCUNA: So we retain the word "free."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Sarmiento is recognized.

MR. SARMIENTO: Thank you, Mr. Presiding Officer.

May I address this question to the committee. Does the committee not think we have to underscore the words "bona fide" like "habeas corpus"? that. All of those are Latin words.

MR. AZCUNA: I was about to say that.

MR. SARMIENTO: Thank you.

MR. RODRIGO: So this will be italicized.

MR. AZCUNA: Yes, it is underscored in the original.

MR. RODRIGO: Section 6 is reworded by the ADAN Committee.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: I would like to make an amendment in Section 6. I think we should retain the plural, "political parties, or organizations or coalitions registered under the party-list system. My reason is this: The way we have it now, it seems that we are referring to political parties, or organizations, or coalitions registered under the party-list system; whereas, there may be political parties not registered under the party-list system, which are not also entitled to membership in the Board of Election Inspectors- It is a very important point, Mr. Presiding Officer, because even those political parties which do not register under the party-list system are not allowed membership in the Board of Election Inspectors. The way we have it here, it seems we are only excluding those who are registered under the party-list system.

MR. AZCUNA: Precisely, we are about to correct this, Mr. Presiding Officer. I thank the Commissioner for that correction. That is the intention — all political parties, not only those under the party-list system, are not to have representation in the voters' registration boards. So it would now read: "POLITICAL PARTIES, OR ORGANIZATIONS OR COALITIONS REGISTERED UNDER THE PARTY-LIST SYSTEM, SHALL NOT BE REPRESENTED IN THE VOTERS' REGISTRATION BOARDS, BOARD OF ELECTION INSPECTORS, BOARD OF CANVASSERS, OR OTHER SIMILAR BODIES. HOWEVER, THEY SHALL BE ENTITLED TO APPOINT POLL WATCHERS IN ACCORDANCE WITH LAW."

MR. RODRIGO: That is right.

MR. MONSOD: And there should be no comma (,) after "organizations" on the first line.

MR. AZCUNA: Yes.

MR. MONSOD: Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bengzon is recognized.

MR. BENGZON: Is "organization" plural?

MR. RODRIGO: Yes, "organizations or coalitions."

MR. BENGZON: Mr. Presiding Officer, I am acting as the Floor Leader now. I am just standing here so I will be ready.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: Section 6, line 5, states: "political party, organization or coalition." There is something clumsy about saying "political party."

MR. RODRIGO: "Political parties."

MR. OPLE: Has this been amended?

MR. RODRIGO: Yes.

MR. OPLE: Thank you, I am not up-to-date.

MR. BENGZON: So it is plural.

MR. RODRIGO: I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 7, no change except for the deletion of "s" in "procedure"-"rules of procedure" instead of "rules of procedures."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: In Section 8, we just inserted a comma (,) between "corporation" and "or its subsidiary."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. AZCUNA: We also added "CREDIBLE."

MR. RODRIGO: Yes, on page 57, line 4, the word "CREDIBLE" — "and CREDIBLE elections."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 9, no change. Section 10, only the addition of commas (,). Section 11, no change except for the addition of commas (,).

In Section 12, we change again the order of "plebiscites, initiatives, referenda, and recalls."

MR. AZCUNA: Here, we use the plural. It is all right.

MR. BENGZON: So we take all of those out?

MR. AZCUNA: No, that is all right. I think "to defray the expenses for holding regular and special . . ." is all right. It should be in plural.

MR. RODRIGO: I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: We are now in the Commission on Audit. Section I, subparagraph (1), we have only added commas (,) so no change. Subparagraph (2), no change. Section 2(1), only the addition of commas (,).

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ This is with regard to Section 2(1). I would like to call attention to a communication we sent to the Committee on Sponsorship as far back as August 25, 1986. This has to do with a proposal for harmonization of Section 2 on the Commission on Audit. I would like Commissioner Monsod to take over.

THE PRESIDING OFFICER(Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Mr. Presiding Officer, in the Civil Service Commission provision, we made a distinction between government-owned and controlled corporations with original charters and those that are organized under the Corporation Law. As a matter of fact, just a few minutes ago, we made that change in the Civil Service where we added in Section 9 the words "WITH ORIGINAL CHARTERS."

To follow through on that kind of distinction, we inserted the words "GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS" under Section 2(1) of the Commission on Audit. Meaning, that government-owned and controlled corporations with original charters should be treated differently from other corporations and the Commission on Audit would have both pre-audit and post-audit authority over them. Whereas, in other corporations, it would only be on a post-audit basis. We are merely continuing the distinction between the two types because it is only correct that government corporations with original charters — NAWASA, National Power Corporation, NDC and so on — that are performing government services should be subject to both pre-audit and post-audit; whereas, those that are under the Corporation Law — National Steel, PHILPHOS and so on — would only be on a post-audit basis.

MR. RODRIGO: So what is the wording now?

MR. MONSOD: We distributed, Mr. Presiding Officer, a sheet of paper where the proposed amendment is underlined .

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you.

If we will make any amendment now outside the original report, this will partake the nature of a motion for reconsideration and a suspension of the Rules, because the original here is only post-audit and we would like to include pre-audit. To me, that is an amendment to the original section which we approved already. If we will

propose that, it will be in the nature of a motion for reconsideration which will need a suspension of the Rules.

MR. MONSOD: Mr. Presiding Officer, in Section 9 we limited the standardization of compensation of government officials only to government-owned and controlled corporations with original charter. Otherwise, without inserting that word "WITH ORIGINAL CHARTER" which we approved earlier, it would cover government corporations that are organized under the Corporation Law. So we did make a distinction on Section 9 which we were saying is the same distinction we are making in this section.

MR. DE CASTRO: I am not objecting, Mr. Presiding Officer, to the amendment that the Commissioner may like to put. I am only objecting to the fact that such a proposal is tantamount to an amendment and, therefore, a motion for reconsideration resulting to the suspension of the Rules.

MR. MONSOD: Mr. Presiding Officer, if that is needed, although we do not think it is needed because this is a change that harmonizes it with the two sections in the Civil Service Commission, then we submit to the ruling of the Chair. We feel that it is not necessary because we did the same thing — make that distinction in Section 9.

SUSPENSION OF SESSION

MR. RODRIGO: May I ask for a suspension, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): The session is suspended.

It was 7:01 p.m.

RESUMPTION OF SESSION

At 7:05 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session s resumed.

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: May I ask the committee whether it will accept this harmonization correction which is similar to the correction made in Section 9. So that the distinction is made between corporations with original charter and those without original charter.

THE PRESIDING OFFICER (Mr. Jamir): What does the committee say?

MR. AZCUNA: The committee accepts.

MR. RODRIGO: I move for its approval.

MR. OPLE: Mr. Presiding Officer, I would like to support the Monsod proposal. It does not involve any substantive change: it is a question of symmetry. So I think we should support him.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: So Section 2, paragraphs 1 and 2, is approved.

Section 3 no change except for an addition of a comma (,).

MR. AZCUNA: I notice something in Section 3 — there is no line number. It says: "The Commission shall submit

to the President and the Congress, within the time fixed by law, an annual report covering the financial condition and operation of the government, its subdivisions, agencies and instrumentalities, including government-owned or controlled corporations, and such non-governmental entities subject to its audit." "Such non-governmental entities subject to its audit" does not sound right to me. It should be "AND non-governmental entities subject to its audit."

MR. RODRIGO: So we delete "such."

MR. AZCUNA: Yes, delete "such."

MR. RODRIGO: I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 5.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Just a minor thing. May I just go back to page 90 where it says: "Commission may adopt such measures including temporary or special pre-audit." There should be a comma (,) there.

MR. AZCUNA: What line?

MR. MONSOD: Page 90, sixth line from the top, after the word "measures" which is underlined.

MR. AZCUNA: What page?

MR. MONSOD: Page 50. I am talking about the paper that we distributed. Let me refer to the Commissioner's section. Sorry, page 59, Mr. Presiding Officer.

MR. RODRIGO: "No law shall be passed . . ."

MR. MONSOD: ". . . measures, including temporary or special pre-audit." After "pre-audit," we add a comma (,) because "including temporary or pre-audit" is just a phrase there.

MR. AZCUNA: So on the sixth line from the top, page 59, we put a comma (,) after "pre-audit."

MR. MONSOD: Yes, Mr. Presiding Officer.

MR. DE LOS REYES: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de los Reyes is recognized.

MR. DE LOS REYES: To be consistent with our procedure that we do not use the words "provided, however," on page 90, after the word "equity," put a period (.) and then delete the whole phrase "provided, however, that." So that we will begin with "Where the internal control system of the audited agencies is inadequate . . ."

MR. REODRIGO: Very good, thank you.

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: Before we approve, may we do a little transposition which is very simple. Section 3 should become Section 4 and Section 4 should be Section 3. This is to emphasize the intent against the passage of any law that would exempt any government entity from the audit jurisdiction of the COA. After all, the original Section 3 is only about submission by the COA of a report to the President.

MR. OPLE: May I support this proposal, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: I think Commissioner Foz is right that Section 4 should become Section 3 and Section 3 should become Section 4. Section 4 is only a reporting requirement.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: Again I must say that Commissioner Foz must be reading the mind of the subcommittee on sequencing because we have already sequenced it as Section 3.

MR. OPLE: Mr. Presiding Officer, this is with respect temporary to Section 3 before I leave this paragraph.

MR. RODRIGO: The new Section 3?.

MR. OPLE: The old Section 3, just a transposition. Normally when efficiency and effectiveness are mentioned in management literature, effectiveness is ahead of efficiency. Can we effect that minor transposition so that it would read: "measures necessary to improve their effectiveness and efficiency."

MR. RODRIGO: I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. DE LOS REYES: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de los Reyes is recognized.

MR. DE LOS REYES: Upon representation of Commissioner Monsod, he suggests that in Section 2, page 90, line 4, before the word "where" we put the word "HOWEVER," so it would read: "HOWEVER, where the internal control system of the audited agencies is inadequate . . ."

MR. RODRIGO: I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. AZCUNA: May we go to Section 1, page 58, where it says: There shall be an independent Commission on Audit." It should be: "There shall be a Commission on Audit" because we have already removed "independent."

MR. RODRIGO: Yes, "There shall be a Commission on Audit."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Mr. Presiding Officer, that is the end of the chapter on constitutional commissions.

I move for the approval of the whole article.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the whole article is approved.

MR. BENGZON: May we now proceed to the Article on Human Rights.

MR. RODRIGO: Yes, we are now in the Commission on Human Rights. Section 1, no change except for the capitalization of “m” in “Members” and “b” in “Bar,” “members of the Bar.”

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: I do not think we should capitalize “members,” we may capitalize “bar” not “members” because it is a general term.

MR. AZCUNA: Yes.

MR. RODRIGO: All right, “members of the Bar.” We capitalize only “bar.”

MR. AZCUNA: That is right.

MR. FOZ: I think when we refer to “members of the Commission,” the word “member” should be capitalized.

MR. AZCUNA: Yes, it is.

MR. FOZ: It is not capitalized here.

MR. RODRIGO: “Chairman and four Members,” it is capitalized.

MR. AZCUNA: Yes.

MR. RODRIGO: So on line 6, “members” should be capitalized — “Members of the Commission.”

MR. FOZ: Thank you.

MR. RODRIGO: I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): commissioner Foz is recognized.

MR. FOZ: Going over the whole set of provisions on the Commission on Human Rights, I do not see any provision about salaries of the members.

MR. RODRIGO: Congress would provide for their salaries.

MR. FOZ: In other words, they are not covered by what we have provided in the Transitory Provisions for members of the constitutional commissions.

MR. RODRIGO: No.

MR. FOZ: They are not on the same level?

MR. RODRIGO: No.

MR. BENZON: There is a suggestion here from Commissioner Davide to add on line 5, after “term,” the phrase “OF OFFICE.”

MR. RODRIGO: “The term OF OFFICE.”

MR. BENGZON: That is all, Mr. Presiding Officer.

MR. RODRIGO: I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: I move for the approval of Section 1.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 1 is approved.

MR. RODRIGO: In Section 2 our only change is on line 20. We delete "in the Philippines" and just leave "in accordance with the Rules of Court" in "in accordance with the Rules of Court in the Philippines."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: Mr. Presiding Officer, I wonder if the Sponsorship Committee has any views concerning the possible relocation of the paragraph on lines 10 to 12 of page 60 which reads: "Until this Commission is constituted, the existing Presidential Committee on Human Rights shall continue to exercise its present functions and powers" to the Transitory Provisions.

Will the Sponsorship Committee be able to reply to this question?

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Guingona is recognized.

MR. GUINGONA: Mr. Presiding Officer, we manifested to some other Commissioners that we would be welcoming proposals for transposition tomorrow, but if the honorable Commissioner would like to present his proposal now, and if the Chair does not object, then perhaps the body can vote on it.

MR. OPLE: We can vote on it on principle just to keep within the exhortation of the chairman of the Style Committee and leave it to the Sponsorship Committee to make the arrangements with the Transitory Provisions Committee, Mr. Presiding Officer.

MR. GUINGONA: So, may we have the Commissioner's proposal again, Mr. Presiding Officer.

MR. RODRIGO: Lines 10 to 12 which read: "Until this Commission is constituted, the existing Presidential Committee on Human Rights shall continue to exercise its present functions and powers" will be transposed to the Transitory Provisions.

MR. GUINGONA: We have no objection.

MR. FOZ: Mr. Presiding Officer.

MR. RODRIGO: Subject to the vote tomorrow.

MR. GUINGONA: Subject to the vote of the Members of the Commission.

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: I do not think this should be transferred.

MR. RODRIGO: Let us not debate on this anymore. So, if there will be any objection, may I request that the debate be held tomorrow?

MR. FOZ: Thank you.

MR. RODRIGO: Section 2, except for the deletion of "in the Philippines" in "in accordance with the Rules of Court in the Philippines."

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: There are several paragraphs in Section 1. How does the Commissioner propose to put any identification of these subparagraphs? Will it be Section 1, subparagraph (1), subparagraph (2), subparagraph (3) or how?

MR. RODRIGO: There are some paragraphs without any number.

MR. DE CASTRO: Then we are not consistent.

MR. AZCUNA: If it is not an enumeration, we usually do not number.

MR. RODRIGO: It is not an enumeration.

MR. AZCUNA: Unless the ideas are so interlinked.

MR. RODRIGO: All right.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: On page 61, line 18, there is mention of ministry. I suggest that we change this to "DEPARTMENT" to be consistent.

MR. AZCUNA: With a small letter "d."

MR. RODRIGO: With a small letter "d"-"department."

MR. AZCUNA: All right. I have many corrections here, Mr. Presiding Officer. On line 9, "THE Congress."

MR. RODRIGO: "THE Congress."

MR. AZCUNA: On line 7, "Monitor THE Philippine Government's," with a capital "g."

MR. RODRIGO: Capital "g."

MR. AZCUNA: "Monitor THE Philippine Government's."

MR. BENGZON: What line is that?

MR. AZCUNA: Line 12. Monitor THE Philippine Government's compliance." Government" with a capital "g" and then I would like to ask the Commission whether on line 4 — "visitorial powers" — what we intended is "visitorial" or "visitatorial". "Visitorial power" is the power to summon records. Maybe the Chief Justice can help on this. It seems it is to visit jails, prisons and detention facilities.

MR. SARMIENTO: The Commissioner is correct. That was the intention of Commissioner Natividad — to visit jails — that is "visitatorial."

MR. AZCUNA: It should be "visitatorial"; not "visitorial."

MR. SARMIENTO: Yes, Mr. Presiding Officer.

MR. BENGZON: What line is that?

MR. AZCUNA: Line 4. "Exercise visitatorial powers." "Visitorial" is the power of the SEC to look into records of corporations. If it is to visit places, it is "visitatorial," and I think it is to visit the jails rather than to summon their records.

MR. RODRIGO: All right. I move for the approval of Section 2, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 2 is approved.

MR. RODRIGO: Section 3, no change.

MR. AZCUNA: "THE Congress."

MR. RODRIGO: "THE Congress." So, that is the last on the Article on Human Rights.

THE PRESIDING OFFICER (Mr. Jamir): The Floor Leader is recognized.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: Commissioner Foz commented on the lack of the necessary provision for the salary of the Human Rights Commissioners and members. I do not know how it can be solved, but something is missing in Human Rights Article It has something missing in it.

MR. RODRIGO: I think it is left to Congress

MR. BENGZON: Mr. Presiding Officer.

MR. DE CASTRO: It is not stated that it is left to Congress.

MR. BENGZON: Lines 10 to 12 state that: "Until the Commission is constituted, the existing Presidential Committee on Human Rights shall continue to exercise its present functions and powers," And so, the people who constitute this PCHR, I understand, are drawing compensation. Although there is nothing here with respect to their salaries, they come under the general concept that Congress is going to provide for their salaries. There is no need to worry about it. On that basis, may I now request that the Article on Human Rights be approved?

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the Article on Human Rights is approved.

MR. BENGZON: May we move to the Article on the Accountability of Public Officers?

MR. RODRIGO: Accountability of Public Officers. Section 1, no change except a comma (,) after "justice" on line 4.

MS. NIEVA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Nieva is recognized.

MS. NIEVA: Did we finish all the provisions?

MR. AZCUNA: What page?

MS. NIEVA: Number 6 of the provisions.

MR. AZCUNA: Page 61.

MS. NIEVA: No, page 59. I have page 59.

MR. BENGZON: What page?

MS. NIEVA: Sixty-one in a different paper but anyway, it is the sixth.

MR. RODRIGO: Number 6. "Recommend to the Congress effective measures to promote human rights and for compensation." Is there not some verb missing there? ". . . to promote human rights and TO PROVIDE for compensation"?

MR. BENGZON: Compensation to victim?

MS. NIEVA: ". . . to promote human rights and for compensation." Should we put a verb there like: ". . . to promote human rights and TO PROVIDE for compensation to victims or their families"?

MR. RODRIGO: ". . . and TO PROVIDE for compensation."

MS. NIEVA: Yes.

MR. AZCUNA: It should be: ". . . recommend to the Congress effective measures to promote human rights and TO PROVIDE for compensation to victims of violations of human rights and their families."

MS. NIEVA: Yes.

MR. RODRIGO: I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 1 is approved.

MR. RODRIGO: So, we go back now to Accountability of Public Officers. Section 1, no change except for a comma (,), and that is a general rule.

Section 2.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de los Reyes is recognized.

MR. DE LOS REYES: May I suggest on line 10.

MR. RODRIGO: What line?

MR. DE LOS REYES: Ten of Section 2.

MR. BENGZON: We are not yet in that section.

MR. RODRIGO: Yes.

MR. AZCUNA: In what section are we now?

MR. RODRIGO: Section 2.

MR. DE LOS REYES: Section 2, yes.

MR. RODRIGO: We just added "the" on line 6 — "THE Members." "The Vice-President, the Members of the Supreme Court, THE Members of the. . . and then a comma (,). That is all.

MR. DE LOS REYES: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de los Reyes is recognized.

MR. DE LOS REYES: My suggestion is that after "bribery" it be followed with "graft and corruption or betrayal of public trust" and then last is "other high crimes." Because graft and corruption is akin to the crime of bribery. So, it will read: "Treason, bribery, graft and corruption or betrayal of public trust and other high crimes."

MR. RODRIGO: So, transposition.

MR. DE LOS REYES: Yes, Mr. Presiding Officer.

MR. RODRIGO: No objection I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

Commissioner Monsod is recognized.

MR. MONSOD: I just wanted to ask if "constitution" should be capitalized.

MR. OPLE: That was what I rose for. Should the letter "c" in "constitution" be capitalized everytime it is mentioned?

MR. AZCUNA: Yes, it should be.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Nolleto is recognized.

MR. NOLLEDO: Where do the words "betrayal of public trust appear"? I would like to ask the Chairman of the committee please.

MR. RODRIGO: How is that?

MR. NOLLEDO: Where do the words "betrayal of public trust" appear as amended by Commissioner de los Reyes?

MR. RODRIGO: Please, Commissioner de los Reyes?

MR. AZCUNA: It will appear: "violation of the constitution, treason, bribery, graft and corruption or betrayal of public trust and other high crimes."

MR. NOLLEDO: Mr. Presiding Officer, I beg to disagree, because when we talk of "betrayal of public trust" as revealed in the discussion, the words "betrayal of public trust" need not involve a crime. So, when we put "other high crimes" after "betrayal of public trust," then, we do not reflect the sentiments of the body. So, I suggest we put "other high crimes or betrayal of public trust."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de los Reyes is recognized.

MR. DE LOS REYES: I accept the amendment to the amendment.

MR. NOLLEDO: Thank you, Mr. Presiding Officer.

MR. RODRIGO: I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Section 2 is approved.

MR. RODRIGO: Section 3, subparagraph (1), no change.

Subparagraph (2), very minor changes. We deleted "of its Members" and we inserted "OF THE HOUSE OF REPRESENTATIVES." So it reads: "A verified complaint for impeachment may be filed by any of its Members . . ."

MR. BENGZON: "By any Member."

MR. RODRIGO: It used to be "of any of its Members" and we changed it to "may be filed BY ANY MEMBER OF THE HOUSE OF REPRESENTATIVES." And then, on line 18, we deleted "of the House" and we said, "upon a resolution of endorsement BY ANY MEMBER THEREOF" to avoid repeating "House of Representatives." Then, on line 22 "members" was capitalized. And on page 63, we deleted "from the Committee." So, it reads: "by the House within ten session days from receipt thereof from the Committee." We put a period (.) after "thereof." So, it will read: ". . . within ten session days from receipt thereof."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 3, subparagraphs (1) and (2), is approved.

MR. RODRIGO: Subparagraph (3). We inserted "FAVORABLE" and added a comma (,) on line 5 — "affirm a favorable resolution."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 3, subparagraph (3) is approved.

MR. RODRIGO: Line 4, no change except for a comma (,).

Subparagraph (5), no change.

Subparagraph (6). we inserted the words "AND DECIDE" on line 14. So, it will read: "The Senate shall have the sole power to try AND DECIDE all cases of impeachment."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there an objection? (Silence) The Chair hears none; Section 3, line 4, subparagraphs (5) and (6), is approved.

MR. RODRIGO: subparagraph (7), no change, except for the deletion of the word 'the ' between "than" and "removal" on line 21, so it will read: ". . . shall not extend further than removal from office," instead of "further than the removal."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Section 3, subparagraph 7 is approved.

MR. RODRIGO: Subparagraph (8), no change.

Section 4, no change.

Section 5, we inserted EXISTING on line 4, before "Tanodbayan," and we deleted "presently existing." It used to be: "The Tanodbayan presently existing." Instead of that, we say: "EXISTING Tanodbayan shall hereafter be known as," then we inserted "THE OFFICE OF THE SPECIAL PROSECUTOR."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 5 is approved.

MR. RODRIGO: Section 6, no change.

Section 7, no change. In Section 8, line 22, we deleted "s" from "appointments" to read: "at the time of their appointment," and we changed "with" to "OF" to read: "at least forty years old, OF recognized probity," instead of "with recognized probity."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 8, line 22 is approved.

MR. BENGZON: On line 25, we underlined "immediately."

MR. RODRIGO: Yes, on line 25, we deleted "next" and placed "IMMEDIATELY" to read: "and must not have been a candidate for any elective office in the IMMEDIATELY preceding election," instead of "in the next preceding election."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 8, line 25 is approved.

MR. RODRIGO: On page 65, second paragraph, we deleted the numbers in the blank because these were not yet sure at that time. So, they remain blank.

Section 9, no change.

Section 10, we inserted "RESPECTIVELY" after "members." And then we capitalized "constitutional commissions" and deleted "respectively." So it will read: "The Ombudsman and his Deputies shall have the rank of Chairman and Members, RESPECTIVELY, of the Constitutional Commissions, et cetera."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 10 is approved.

MR. RODRIGO: "Chairman" should be capitalized.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bennagen is recognized.

MR. BENNAGEN: Are we now in Section 12, Mr. Presiding Officer?

MR. RODRIGO: Section 11. Section 11, no change, except for commas (,).

Section 12.

MR. BENNAGEN: Section 12. I note that for Section 12, we add "DUTIES" to "powers and functions," but in the Commission on Human Rights and on the Commission on Elections, reference is made only to "powers and functions." And then in the enumeration for the Ombudsman's powers, functions and duties, we start with the preposition "to." It is part of the verb but not on the Commission on Human Rights as well as on the is on Commission on Elections. May I know why?

MR. RODRIGO: We did not change this.

MR. BENNAGEN: Yes, but what I am saying is . . .

MR. RODRIGO: In the first sentence — "The Office of the Ombudsman shall have the following powers, functions" — the only thing we did there was to add a comma (,) and "DUTIES" after "functions." This is as it was approved. On Number 1, we did not change it either.

MR. BENNAGEN: Yes. I just want to find out whether for consistency, "DUTIES" may be deleted or added in the other commissions, or whether "TO" may be added in the others or deleted in this particular section.

MR. AZCUNA: He is asking that for uniformity.

MR. BENNAGEN: Page 53 is for the Commission on Elections and then page 60 is for the Commission on Human Rights.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: In the matter of the Commission on Audit, we also provided for "DUTIES."

MR. BENNAGEN: But we do not have "DUTIES" for the two — Commission on Human Rights and Commission on Elections.

MR. OPLE: I do recall that I introduced the word "DUTIES" in the case of the Commission on Audit so that it is really the authority and the duty, and so I am not surprised that in this section "DUTIES" also appears. But I do not know if this is within the competence of the Style Committee to do now. For alignment and symmetry, the Commissioner can be liberal about it or he can choose to be strict.

MR. BENNAGEN: I am just making those observations.

MR. RODRIGO: All right, thank you.

Section 12, as I said, has no change except for commas (,).

MR. BENNAGEN: Subsection (7).

MR. RODRIGO: Just a minute. Subparagraph (1).

MR. BENNAGEN: The last paragraph of that section is on page 66.

MR. RODRIGO: So, subparagraph (1), no change except for commas (,).

In subparagraph 2, line 5, we deleted "of him" in "required of him" to read: "to perform and expedite any act or duty required by law or to stop, prevent and correct any abuse or impropriety in the performance of duties" and we deleted "including any violation of civil, political or human rights."

MR. BENNAGEN: Subsection (7).

MR. RODRIGO: Wait a minute. So, I move for the approval of subparagraph (2).

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; subparagraph (2) is approved.

MR. RODRIGO: Subparagraph (3), no change except that instead of the phrase "see to the" we used the word "ENSURE" and substituted "of the directive" with "THEREWITH." So, it reads: "Suspension, demotion, fine,

censure, or prosecution and to ENSURE compliance THEREWITH "

We move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; subparagraph (3) is approved.

MR. RODRIGO: Subparagraph (4), no change except for commas (,) and on line 61 we added the word "TO" before "report" to read: "and TO report any irregularity to the Commission."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; subparagraph (4) is approved.

MR. RODRIGO: In subparagraph (5), line 19, we deleted "to" and instead placed the word "IN" — "Information necessary IN the discharge of its responsibilities" instead of "to the discharge of its responsibilities."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; subparagraph (5) is approved.

MR. RODRIGO: Subparagraph (6), no change.

Subparagraph (7) no change.

Subparagraph (8), no change.

Section 13.

MR. BENNAGEN: Mr. Presiding Officer, I think subsection (7) should be rearranged.

MR. RODRIGO: Subsection (7) reads:

To determine and make recommendation for the observance of high standards of ethics and efficiency to eliminate the root causes of inefficiency, red tape, mismanagement, fraud, and corruption in the government.

MR. BENNAGEN: I recall very well that in the recess or in the break during the adoption of this, there was an agreement that it should be subjected to stylistic change, because I think there is some syntactical problem here. And the proposed rearrangement — it is just a rearrangement — would read as follows: "TO DETERMINE THE ROOT CAUSES OF INEFFICIENCY, RED TAPE, MISMANAGEMENT, FRAUD AND CORRUPTION IN GOVERNMENT AND TO MAKE RECOMMENDATIONS FOR THEIR ELIMINATION AND THE OBSERVANCE OF HIGH STANDARDS OF ETHICS AND EFFICIENCY."

MR. RODRIGO: Will the Commissioner please read it again? I will have no objection to that.

MR. BENNAGEN: "TO DETERMINE THE ROOT CAUSES OF INEFFICIENCY, RED TAPE, MISMANAGEMENT, FRAUD AND CORRUPTION GOVERNMENT AND TO MAKE RECOMMENDATIONS FOR THEIR ELIMINATION AND THE OBSERVANCE OF HIGH STANDARDS OF ETHICS AND EFFICIENCY."

MR. RODRIGO: Is there no comma (,) after "elimination"? I think there should be a comma (,) after "elimination" — "ELIMINATION, AND THE OBSERVANCE."

MR. BENNAGEN: Yes.

MR. RODRIGO: Commissioner Azcuna, is that all right?

MR. AZCUNA: Yes, that is all right.

MR. RODRIGO: I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

MR. OPLE: Just a minute.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: Will Commissioner Bennagen agree to just use "CAUSES" — "TO DETERMINE THE CAUSES" — instead of "ROOT CAUSES"?

MR. AZCUNA: It is there in the original.

MR. BENNAGEN: That is the original.

MR. BENGZON: That is the original.

MR. OPLE: Does "root causes" sound journalistic rather than constitutional?

MR. BENNAGEN: This was co-authored by Commissioners de Castro and Natividad, and we agreed also.

MR. OPLE: Can the Commissioner not agree to the deletion of "ROOT"?

MR. BENNAGEN: I am sure that Commissioner de Castro will complain that this will be reopening the reconsideration of this section.

MR. OPLE: No because the sense is preserved. So, it is a matter of style really. I mean a good editor would settle for "CAUSES."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: I just want to mention that I believe the Commissioner has already made the same correction in the sponsorship, so, maybe we can just take cognizance of that. But my question is on page 65, line 5. What do we put in those blanks?

MR. AZCUNA: I think "Article on the Judiciary and Disqualifications and Prohibitions of the Supreme Court Justices."

MR. MONSOD: But the intent here is in the Judiciary, the provisions on the Judiciary, Mr. Presiding Officer.

MR. AZCUNA: Yes, that is right.

MR. MONSOD: The disqualifications and prohibitions.

MR. AZCUNA: Of the Supreme Court and judges of the lower courts.

MR. DE LOS REYES: No.

MR. RODRIGO: What we deleted here is Article XII, Section 3.

MR. AZCUNA: During their tenure. He is talking of the prohibitions of the Ombudsman — disqualifications.

MR. DE LOS REYES: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de los Reyes is recognized.

MR. DE LOS REYES: That provision corresponds to the common provision on the disqualification of members of the constitutional commissions.

MR. MONSOD: On constitutional commissions.

MR. DE LOS REYES: Yes, Mr. Presiding Officer. No member of the constitutional commissions shall, during his tenure, hold any other office or employment, neither shall he engage in the practice of any profession, and so on and so forth.

MR. MONSOD: So, we can put that now? We can fill in the blank now?

MR. DE LOS REYES: Article XII, Section 3.

MR. AZCUNA. Of course, that can be changed by the Subcommittee on Rubrics.

MR. MONSOD. Yes, thank you.

MR. AZCUNA: Finally, Mr. Presiding Officer, in line with the observation of Commissioner Bennagen, I think we should remove "To" in all these enumerations as we did before. Instead of "To investigate," say "Investigate" with a capital "I"; change "To direct" to "Direct."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: On line 25, Mr. Presiding Officer.

MR. RODRIGO: Wait a minute, there is a suggestion.

MR. AZCUNA: I just want to point out first that we remove "to" beginning with page 65, line 23 and capitalize "i."

MR. RODRIGO: Yes. "The Office of the Ombudsman shall have the following powers, functions, and duties:"

MR. AZCUNA: "Investigate on its own. . ."

MR. RODRIGO: Eliminate "To" and then capitalize "i."

MR. AZCUNA: Yes. Then on No. 2, remove "to."

MR. RODRIGO: Remove "To" and capitalize "d."

MR. AZCUNA: All right. Line 8, remove "To" and capitalize "d." On line 9, remove "to" at the end of the line. And also on line 11, remove "to"—"and ensure compliance therewith."

On line 13, remove "to."

MR. DE LOS REYES. Mr. Presiding Officer.

THE PRESIDING OFFICER: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: With respect to No. 4, lines 12 to 17, I was about to suggest that we place the words "DIRECT THE OFFICER CONCERNED" first, because we always begin with "Direct" or "Request."

MR. AZCUNA: All right.

MR. DE LOS REYES: In this particular No. 4, we begin with "in any appropriate case." I think we can place the words "In any appropriate case" after "appropriate action" on line 17.

MR. AZCUNA: So, it will read: "DIRECT THE OFFICER CONCERNED to furnish it with copies of documents

relating to contracts," et cetera.

MR. DE LOS REYES: “. . . and report any irregularity to the Commission on Audit for appropriate action in any appropriate case, and subject to such limitations as may be provided by law.

MR. RODRIGO: “. . ., to furnish it with copies."

THE PRESIDING OFFICER (Mr. Jamir): Is that all right?

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. RODRIGO: Is that all right, Commissioner Azcuna?

MR. BENGZON: How does the whole thing read now?

MR. DE CASTRO: I would request to go back to page 65, line 3.

MR. RODRIGO: Let us finish this first.

MR. AZCUNA: Commissioner de Castro, we will just finish this. Should we remove "to report" on line 16?

MR. DE LOS REYES: Yes.

MR. AZCUNA: “. . . and report any irregularity . . . in any appropriate case."

MR. RODRIGO: Line 18.

MR. AZCUNA: “. . . in any appropriate case and subject to such limitations as may be provided by law." That comes at the end.

MR. DE LOS REYES: So that there will be uniformity.

MR. AZCUNA: Yes. On line 18, delete "To" and capitalize letter "r." On line 21, delete "To" and letter "p" should be capitalized.

MR. BENGZON: Line 12?

MR. AZCUNA: Line 23.

MR. BENGZON: I asked the Commissioner to read it.

MR. RODRIGO: Remove "To" and capitalize letter “d.”

MR. AZCUNA: Yes, capital "D" and "Make recommendations," not "to make recommendations."

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. BENGZON: Excuse me, Mr. Presiding Officer.

MR. AZCUNA: We will just finish.

On page 67, first line, remove “To” and capitalize “p.”

MR. BENGZON. Mr. Presiding Officer

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: Mr. Presiding Officer, on page 65, line 3, did I hear that the article referred to is the Judicial Department?

MR. AZCUNA: No, it is the Constitutional Commissions.

MR. DE CASTRO: If it is the Constitutional Commissions, it is not Article XII; it is Article IX.

MR. RODRIGO: That is why we deleted Article XII.

MR. DE CASTRO: I see. Thank you.

MR. RODRIGO: Because we did not know yet.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: Mr. Presiding Officer, with respect to line 25, on page 66, subparagraph (7), may I report that earlier I had the concurrence of Commissioners de Castro and Bennagen to delete the word "root" immediately before "causes of inefficiency, red tape, et . . ." so that it will remain "causes" without the word "root." Thus, it reads: "determine the causes of in- efficiency, . . ."

MR. RODRIGO: May I move for its approval, Mr. Presiding Officer?

MR. OPLE: Thank you.

MR. BENGZON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bengzon is recognized.

MR. BENGZON. May we request Commissioner Azcuna to read that subparagraph (4) again on line 12 of page 66? We did not know where they placed the first phrase.

MR. AZCUNA: Subparagraph (4) states: "Direct the officer concerned, in any appropriate case, and subject to such limitations as may be provided by law, furnish it with copies of documents relating to contracts or transactions entered into by his office involving the disbursement or use of public funds or properties, and report any irregularity to the Commission on Audit for appropriate action.

MR. BENGZON: Thank you.

THE PRESIDING OFFICER (Mr. Jamir): Is Commissioner Nieva seeking recognition?

MS. NIEVA: It is corrected already.

MR. RODRIGO: Mr. Presiding Officer, I move for the approval of the deletion of the word "To."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection'? (Silence) The Chair hears none: the amendment is approved.

MR. BENGZON: Section 13.

MR. RODRIGO: On Section 13.

MR. AZCUNA: Could we just capitalize "government" on line 26 of page 66 — ". . . corruption in the Government"?

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none: the amendment

is approved.

MR. RODRIGO: Now, Section 13. These were formerly Sections 17 and 18. They were transposed. So, in Section 13, we just deleted "Tanodbayan" and instead we placed "THE OFFICIALS AND EMPLOYEES OF THE OFFICE OF THE OMBUDSMAN." Also we added the word "THE" before "Civil Service Law" and a comma (,).

MR. OPLE: Mr. Presiding Officer, should we not capitalize "deputies" to be consistent?

MR. AZCUNA: Yes.

MR. OPLE: Thank you.

MR. RODRIGO: I move for the approval of Section 13.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 13 is approved.

MR. RODRIGO: "The officials and employees of the office of the Ombudsman other than the Deputies, shall be appointed by the Tanodbayan according to THE to Civil Service Law."

MR. AZCUNA: Could we make that "shall be appointed by the OMBUDSMAN"?

MR. RODRIGO: "... by the OMBUDSMAN."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: I am on Section 14. Are we finished with Section 13, Mr. Presiding Officer? I think it has been approved already.

MR. RODRIGO: We are now in Section 14.

MR. MONSOD: Yes. In Section 14, I just want to insert after "automatically" on line 9: "AND REGULARLY RELEASED" in order to align it with all the provisions on fiscal autonomy. It will now read: "Shall be automatically AND REGULARLY RELEASED." I believe that is the wording in all the other sections.

MR. RODRIGO: In Section 14, in "the Office of the Ombudsman or Tanodbayan," we removed "or Tanodbayan — "The Office of the Ombudsman shall enjoy fiscal autonomy." Instead of the approval," we change that to "EACH APPROVED" to read: "EACH APPROVED annual appropriation shall be automatically AND REGULARLY RELEASED."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Do we need "APPROVED" before "appropriation"?

MR. MONSOD: Mr. Presiding Officer, I believe I can answer. That is the phrase that we use throughout the entire Constitution on offices — judiciary, constitutional commissions. Commission on Human Rights. We use exactly the same phrase Mr. Presiding Officer.

MR. RODRIGO: I move for the approval of Section 14.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none, Section 14 is approved.

MR. RODRIGO: In Section 15, we inserted: "FROM THEM OR FROM THEIR NOMINEES OR TRANSFEREES" and we deleted "co-principals, accomplices or accessories or to prosecute offenses in

connection therewith." So, Section 15 reads: "The right of the State to recover properties unlawfully acquired by public officials or employees, FROM THEM OR FROM THEIR NOMINEES OR TRANSFEREES shall not be barred by prescription, laches, or estoppel.

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 15, nothing except commas (,), capitalization of "m" in "members," insertion of "THE" before Congress and the substitution of "OR" for "and."

MR. BENGZON: Line 20.

MR. RODRIGO. On line 20, the phrase "THEY HAVE" was substituted for "he has" to read: ". . . or entity to which THEY HAVE controlling interest . . ." and "his" before "tenure" was substituted with "THEIR" to read: ". . . during THEIR tenure."

I move for the approval of Section 15.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 15, as amended, is approved.

MR. AZCUNA: Mr. Presiding Officer, could we just go back to Section 13? There should be a comma (,) on line 5 after "Ombudsman" to read: ". . . officials and employees of the Office of the Ombudsman, other than the Deputies."

MR. RODRIGO: All right.

MR. AZCUNA: And on line 12, there should be a comma (,) after "TRANSFEREES," so that it will read: ". . . NOMINEES OR TRANSFEREES, . . ."

MR. RODRIGO: All right.

MR. DE LOS REYES: Mr. Presiding Officer.

THE PRESIDING OFFICER: (Mr. Jamir): Commissioner de los Reyes is recognized.

MR. DE LOS REYES: May I just be clarified? What is the meaning of "nominees" in this paragraph?

MR. AZCUNA: "Nominees" are those who are placed as owners of the properties but they are merely dummies.

MR. DE LOS REYES: In other words, the dummies.

MR. AZCUNA: The dummies, yes.

MR. DE LOS REYES: But the transferees need not be the dummies, but may be true transferees.

MR. AZCUNA: No.

MR. DE LOS REYES: Real transferees.

MR. AZCUNA: Yes, that is right.

MR. OPLE: "Nominees" are not exactly dummies.

MR. AZCUNA. Not exactly, yes. They may employ dummies.

MR. NOLLEDO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Nolleddo is recognized.

MR. NOLLEDO: May I volunteer some information? When we talk of "nominees" we also talk of trustees.

MR. AZCUNA: Yes, trustees.

MR. NOLLEDO: They are usually in the form of trustees. They hold bearers' certificates for example.

MR. AZCUNA: They are naked owners.

MR. NOLLEDO: They are not exactly dummies.

MR. AZCUNA: Make it "owners."

MR. RODRIGO: Section 17.

MR. DAVIDE: Mr. Presiding Officer, Section 16, page 19. I propose to delete the word "or" after "Commissions and substitute it with a comma (,).

MR. AZCUNA: That is right.

MR. BENGZON: What page is that?

MR. AZCUNA: Page 67.

MR. RODRIGO: "The Constitutional Commissions, the Ombudsman, or to any firm or entity to which they have controlling interest . . ."

MR. RODRIGO: I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 16 is approved.

MR. RODRIGO: Section 17, line 2, instead of the word "to" substitute this with "OF." So, instead of "assumption to office," it should be "assumption OF office required by law." Instead of "make a declaration under oath," we change this to "SUBMIT a declaration under oath of his assets, et cetera." "Networth" should be one word instead of two words. And we added "THE" to members of the Cabinet."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: I believe in financial statements; "networth" is two words.

MR. AZCUNA: "Net worth"?

MR. BENGZON: Yes.

MR. MONSOD: Yes. In accounting, this is two words.

MR. RODRIGO: So, we restore it to two words. Thank you.

MR. AZCUNA: Should there be a comma (,) after "liabilities" on line 3?

MR. RODRIGO: Line 3, yes, after "assets, liabilities, and net worth." We added "THE" before "members of the Cabinet" and deleted "members of." So, it will read: "THE members of the Cabinet, the Congress." Instead of repeating "members of" we use a comma (,) to read: ", the Supreme Court." And then, we also deleted "members of the Constitutional Commissions."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Nieva is recognized.

MS. NIEVA: After this, may I go back to Section 15?

MR. REGALADO: Just a minute. We transpose "armed forces."

MR. AZCUNA: Should we capitalize "armed forces"?

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: To be consistent, I think the committee has always used the "armed forces" in lower case.

MR. AZCUNA: Yes, I think it should be in lower case.

MR. OPLE: I just have one question concerning general or flag rank. I do recall I was the principal author of this section and Commissioner de Castro, at that time, introduced this phrase "general or flag rank." Is this not redundant — "and officers of the armed forces with flag rank,"? Does that not include the generals?

MR. DE CASTRO: No, because when we talk of the Air Force and the Army, they are called generals. But in the Navy, it is commodore which is the equivalent of a brigadier general and he has a flag, so much so that they are distinguished by the statement "flag rank." Even in our association, Association of Generals and Flag Officers, it means that the flag officers refer to the Navy.

MR. OPLE: I am satisfied.

Thank you, Mr. Presiding Officer.

MR. RODRIGO: I move for the approval of Section 17.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Section 17 is approved.

MR. RODRIGO: There is no change in Section 18.

MR. DAVIDE: May I propose some amendments in Section 18.

THE PRESIDING OFFICER (Mr. Jamir) : The Chair would like to call the body from labor to refreshment and we will suspend the session.

MR. DAVIDE: Section 18.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: Before "Constitution," I propose to change "its" to "THIS" and the "a" before "public" should be "ANY." So it will read: "Public officers and employees owe the State and THIS Constitution allegiance at all times and ANY public officer or employee who seeks to change his citizenship or acquire the status of an immigrant of another country during his tenure shall be dealt with by law."

MR. OPLE: I support the amendment, Mr. Presiding Officer.

MR. RODRIGO: I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 18 is approved.

MR. BENGZON: Mr. Presiding Officer, may I move that we vote on the entire Article on the Accountability of Public Officers.

MS. NIEVA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Nieva is recognized.

MS. NIEVA: In Section 15, I was wondering if we could do some transposition. Would this be a better flow of the whole section — ". . . the right of the State to recover from public officials or employees, or from their nominees or transferees properties unlawfully acquired by them shall not be barred by prescription, laches or estoppel"? I seem to find this phrasing of "the right of the State to recover properties unlawfully acquired by public officials or employees, from them or from their nominees or transferees" a little awkward, and I thought this transposition would be a much smoother flow of the section.

MR. RODRIGO: Will the Commissioner kindly repeat?

MS. NIEVA: ". . . the right of the State to recover from public officials or employees, or from their nominees or transferees properties unlawfully acquired by them shall not be barred by prescription, laches or estoppel."

MR. AZCUNA: Yes. ". . . the right of the State to recover from public officials or employees, . . ."

MS. NIEVA: ". . . or from their nominees or transferees . . ."

MR. AZCUNA: ". . . properties unlawfully acquired shall not be barren by prescription, laches . . ."

MR. NOLLEDO: It should be "by them."

MR. AZCUNA: We delete "by them."

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: I would object to that because "from them" would then refer not only to public officials or employees but also to nominees and transferees.

MS. NIEVA: I thought that was the idea — bought from their nominees or transferees.

MR. MONSOD: No, the properties are unlawfully acquired only by public officials.

MR. AZCUNA: Yes, that is the problem.

MR. NOLLEDO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Nolleddo is recognized.

MR. NOLLEDO: If we will adopt the amendment of Commissioner Nieva, "unlawfully acquired" may refer to nominees or transferees.

MR. BENGZON: Yes.

MR. NOLLEDO: We are actually using "unlawfully acquired" as applying to public officials or employees from the beginning and that "nominees or transferees" shall be bound by the right of the State to recover the said properties which were really unlawfully acquired by public officials or employees. I am supposed to be the author of this provision and it was amended by Commissioners Davide and Padilla.

MR. MONSOD: I suggest we stay with the original.

MR. BENGZON: Yes.

MR. NOLLEDO: I support the stand of Commissioner Monsod.

MR. BENGZON: May I move that we approve the Article on Accountability of Public Officers.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the Article on Accountability of Public Officers is approved.

MR. BENGZON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. BENGZON: There are only three more short articles which are Amendments or Revisions, Family Rights and General Provisions. The rest are long.

MR. FOZ: Mr. Presiding Officer.

MR. BENGZON: I mentioned this because it is already 8:04 p.m. and I was going to move that we suspend and have dinner and come back because there are only three short articles that we can dispose of this evening before we adjourn for tomorrow.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: Before we suspend the session, may I make a manifestation which I forgot to do during our review of the provisions on the Commission on Audit. May I be allowed to make a very brief statement?

THE PRESIDING OFFICER (Mr. Jamir): The Commissioner will please proceed.

MR. FOZ: This has to do with the qualifications of the members of the Commission on Audit. Among others, the qualifications provided for by Section 1 is that "They must be Members of the Philippine Bar — I am quoting from the provision — "who have been engaged in the practice of law for at least ten years."

To avoid any misunderstanding which would result in excluding members of the Bar who are now employed in the COA or Commission on Audit, we would like to make the clarification that this provision on qualifications regarding members of the Bar does not necessarily refer or involve actual practice of law outside the COA. We have to interpret this to mean that as long as the lawyers who are employed in the COA are using their legal knowledge or legal talent in their respective work within COA, then they are qualified to be considered for appointment as members or commissioners, even chairman, of the Commission on Audit.

This has been discussed by the Committee on Constitutional Commissions and Agencies and we deem it important to take it up on the floor so that this interpretation may be made available whenever this provision on the qualifications as regards members of the Philippine Bar engaging in the practice of law for at least ten years is taken up.

MR. OPLE: Will Commissioner Foz yield to just one question .

MR. FOZ: Yes, Mr. Presiding Officer.

MR. OPLE: Is he, in effect, saying that service in the COA by a lawyer is equivalent to the requirement of a law practice that is set forth in the Article on the Commission on Audit?

MR. FOZ: We must consider the fact that the work of COA, although it is auditing, will necessarily involve legal work; it will involve legal work. And, therefore, lawyers who are employed in COA now would have the necessary qualifications in accordance with the provision on qualifications under our provisions on the Commission on Audit. And, therefore, the answer is yes.

MR. OPLE: Yes. So that the construction given to this is that this is equivalent to the practice of law.

MR. FOZ: Yes, Mr. Presiding Officer.

MR. OPLE: Thank you.

MR. BENGZON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bengzon is recognized.

MR. BENGZON: Commissioner de Castro called my attention to a valid point. There were short articles that I mentioned: Amendments or Revisions, Family Rights and General Provisions. Commissioner de Castro, however, called my attention to the fact that we have not yet had any Third Reading on Family Rights and on General Provisions. And then, since the Article on Amendments or Revisions is only four sections, and I do not see much work of the Style Committee here, Commissioner de Castro suggested that we get through with this after we can adjourn until tomorrow.

If that is the pleasure of the body, I move that we now proceed to the Article on Amendments or Revisions on page 91.

MS. ROSARIO BRAID: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Did I hear that we are going to work on General Provisions tonight?

MR. BENGZON: No.

MS. ROSARIO BRAID: We have not passed it on Second Reading.

MR. BENGZON: That is right. That is why we are going to do it tomorrow.

MR. AZCUNA: We will work only on Amendments or Revisions now.

MR. RODRIGO: Amendments or Revisions, all right.

MR. BENGZON: Page 91.

MR. RODRIGO: So, Amendments or Revisions. In Section 1, line 2, we just added "PROPOSED BY."

MR. AZCUNA: "PROPOSED" with a "d."

MR. RODRIGO: "Be PROPOSED BY" — with a "d": ". . . any amendment to, or revision of, this Constitution may be PROPOSED BY" and then a colon (:). So subparagraph (a) will be subparagraphs (1) and (2).

MR. AZCUNA: Yes, subparagraphs (1) and (2) now.

MR. RODRIGO: Instead of (a) it should be (b).

MR. AZCUNA: Yes.

MR. RODRIGO: So we make it subparagraph (1) and subparagraph (2). We delete "by."

So, "Any amendment to, or revision of, this Constitution may be PROPOSED BY: The Congress or constitutional convention."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

Commissioner de Castro is recognized.

MR. DE CASTRO: Is there a "d" on "propose"?

MR. RODRIGO: Yes, there is a "d." I put that already.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none: Section 1 is approved.

MR. RODRIGO: Section 2, no change except that we change "per cent" to "PER CENTUM" and "therein" to "THEREOF": "Legislative district must be represented by at least three PER CENTUM of the registered voters." I think "THEREIN" is more appropriate than "thereof. I am sorry.

On line 24, delete "by law." Instead of "The Congress shall by law provide, " change this to "The Congress shall provide for the implementation . . ."

I move for its approval.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: To more closely reflect the intent of Section 2, may I just suggest that we add to "Amendments" "OR REVISIONS OF" to read: "Amendments OR REVISIONS OF this Constitution."

MR. AZCUNA: I think it was not allowed to revise the Constitution by initiative.

MR. OPLE: How is that again?

MR. AZCUNA. It was not our intention to allow a revision of the Constitution by initiative but merely by amendments.

MR. BENGZON: Only by amendments.

MR. AZCUNA: I remember that was taken on the floor.

MR. RODRIGO: Yes, just amendments.

MR. OPLE: On the floor?

MR. AZCUNA: Yes.

MR. OPLE: I happen to be the principal author of this section; but I was not aware of this decision on the floor.

MR. AZCUNA: That is my recollection; somebody suggested that.

MR. OPLE: Thank you.

MR. BENGZON: May we now approve Section 2.

MR. RODRIGO: Yes, I move for the approval of this section.

THE PRESIDING OFFICER (Mr. Jamir): Is there an objection? (Silence) The Chair hears none; Section 2 is approved.

MR. RODRIGO: On Section 3, instead of saying "submit the question calling such a convention to the

electorate," we say submit TO the ELECTORATE THE QUESTION OF CALLING SUCH A CONVENTION."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Section 3 is approved.

MR. RODRIGO: Section 4: "Any amendment to, or revision of this Constitution under Section 1." We deleted subparagraphs (a) and (b) of Section 1.

MR. AZCUNA: No comma (,) after "1."

MR. RODRIGO: No comma (,) — Section 1 hereof" and then on line 4, we say "not earlier than sixty days NOR later" instead of "not earlier than sixty days and not later."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. AZCUNA: There should be a comma (,) after "of" in "revision of" on line 20: "Any amendment to, or revision of, this Constitution under Section 1 hereof . . ."

MR. RODRIGO: On the line "Amendment under. . .," we added "SECTION 2 HEREOF." And then "and not" was changed to "NOR."

MR. BENGZON: Line 23.

MR. RODRIGO: And then on the line "certification of the Commission on Elections," we changed "of" to "BY" such that it reads: "Certification BY the Commission on Elections."

I move for their approval.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: For purposes of symmetry, may I propose that on page 92, instead of "Amendment under" it should be "ANY amendment under . . ."

MR. AZCUNA: All right.

MR. RODRIGO: "ANY amendment under . . ."

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none: Section 4 is approved.

MR. BENGZON: Mr. Presiding Officer, may I move that we approve the entire Article on Amendments or Revisions.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the Article on Amendments or Revisions is approved.

MR. BENGZON: Mr. Presiding Officer, there is dinner prepared by Madam President for us. May I move for adjournment until tomorrow at nine o'clock in the morning.

In the meantime, in order that the dinner will not go to waste because it has already been paid for, we invite the Members of the Commission to partake of the dinner.

ADJOURNMENT OF SESSION

THE PRESIDING OFFICER (Mr. Jamir): The session is adjourned until tomorrow at nine o' clock in the morning.

It was 8:15 p.m.

[*] Appeared after the roll call.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.