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Thursday, August 21, 1986

OPENING OF SESSION

At 11:28 am., the Vice-President, the Honorable Ambrosio B. Padilla, opened the session.

THE VICE-PRESIDENT: The session is called to order.

NATIONAL ANTHEM

THE VICE-PRESIDENT: Everybody will please rise to sing the National Anthem.

Everybody rose to sing the National Anthem.

THE VICE-PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Jose Luis Martin C. Gascon.

Everybody remained standing for the Prayer.

PRAYER

MR. GASCON: Pagbasa mula sa Ebanghelyo ni Juan.

Kung paanong iniibig Ako ng Ama, gayon din naman, iniibig Ko kayo; manatili kayo sa Aking pag-ibig.

Kung tinutupad ninyo ang Aking mga utos, mananatili kayo sa Aking pag-ibig; tulad Ko, tinutupad Ko ang mga utos ng Aking Ama at Ako'y nananatili sa Kanyang pag-ibig.

Sinabi Ko sa inyo ang mga bagay na ito upang makahati kayo sa kagalakan Ko at malubos ang inyong kagalakan. Ito ang Aking utos: mag-ibigan kayo gaya ng pag-ibig Ko sa inyo.

Walang pag-ibig na hihigit pa sa pag-ibig ng isang taong nag-aalay ng kanyang buhay para sa kanyang mga kaibigan.

Panginoong Mapagmahal at Mapagpalaya, turuan Mo po kaming magmahal nang lubus-lubusan; mahal in ang aming kapwa lalung-lalo na ang mga naghihirap at inaapi; mahal in ang aming mga kapatid na manggagawa, magsasaka, mangingisda, maralitang taga-lungsod, katutubo at maykapansanan.

Turuan Mo po kaming makiisa sa kanilang pagbubungkal ng matigas na lupa. Turuan Mo po kaming makiisa sa kanilang pagtibag ng batuhan. Turuan Mo po kaming sumama sa kanilang kahirapan sa ilalim ng araw at ulan, at magtiis ng hirap at gutom.

Turuan Mo po kaming tumulad sa Iyo — nakahandang hubarin ang banal naming balabal at bumaba nang tulad Mo sa maalikabok na lupa, na tanggapin na maputikan at mapunit ang aming mga damit; at salubungin Ka at sumama

sa Iyo sa pagpapawis at pagbabanat ng buto.

At, Panginoon, sa tulong ng Iyong pag-ibig at pagmamahal, iligtas Mo kami sa mga mapang-alipin. Ang pagkakapantay-pantay at katarungan ay Iyong pairalin, at mangyari nawa ang loob Mo dito sa lupa at bigyan Mo po kami ng tapang at lakas sa aming pakikibaka — pakikibakang laban sa aming pagkamakasarily upang maialay namin ng buong-buo ang aming buhay para sa kapakanan ng sambayanan.

Siya nawa.

ROLL CALL

THE VICE-PRESIDENT: The Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar Present Natividad Absent

Alonto Present[*] Nieva Absent

Aquino Present Nollado Present

Azcuna Absent 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

Brocka Absent Rigos Present

Calderon Absent Rodrigo Present

Castro de Present Romulo Absent

Colayco Present Rosales Absent

Concepcion Present Sarmiento Present

Davide Present Suarez Present

Foz Present Sumulong Present

Garcia Present[*] Tadeo Present

Gascon Present Tan Present

Guingona Present Tingson Present

Jamir Present Treñas Absent

Laurel Present Uka Present

Lerum Present[*] Villacorta Present[*]

Maambong Present[*] Villegas Present

Monsod Present

The President is on official mission.

The roll call shows 31 Members responded to the call.

THE VICE-PRESIDENT: The Chair declares the presence of a quorum.

The Floor Leader is recognized.

MR. RAMA: Mr. Vice-President, I move that we dispense with the reading of the Journal of yesterday's session.

THE VICE-PRESIDENT: Is there any objection?

MR. DE LOS REYES: Mr. Vice-President.

THE VICE-PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: Thank you, Mr. Vice-President.

There is an error on page 50, last paragraph. In the restatement of Section 4, the first "ANCESTRAL DOMAIN AND" should be deleted.

THE VICE-PRESIDENT: What does the Floor Leader say?

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

THE VICE-PRESIDENT: Commissioner Nollado is recognized.

MR. NOLLEDO: Thank you, Mr. Vice-President.

I confirm the mistake; it was a pure typographical error.

THE VICE-PRESIDENT: Is there any objection? (Silence) The Chair hears none; the correction is approved.

APPROVAL OF JOURNAL

MR. RAMA: Mr. Vice-President, I move that we approve the Journal of yesterday's session.

THE VICE-PRESIDENT: Is there any objection? (Silence) The Chair hears none; the motion is approved.

MR. RAMA: Mr. Vice-President, I move that we proceed to the Reference of Business.

THE VICE-PRESIDENT: 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 Mr. Rafael E. Evangelista, transmitting the reaction paper of the Concerned Filipino Parents to the Resolution incorporating in the Constitution an Article on Education, Science, Technology, Sports, Arts and

Culture, and requesting consideration of the views and opinions stated therein and their incorporation in the new Constitution.

(Communication No. 595 — Constitutional Commission of 1986)

To the Committee on Human Resources.

At this juncture, the Vice-President relinquished the Chair to the Honorable Francisco A. Rodrigo.

Position paper of the Scientists For Life, Inc., Philippine Chapter, signed by Mr. Rey Garcia of Everlasting Street Marcelo Green Village, Parañaque, Metro Manila, saying that there is no point of time that can be singled out as the beginning of human life, except the point of fertilization, that at that moment the conceptus is a unique and distinct individual, physically and materially different from the mother.

(Communication No. 596 — Constitutional Commission of 1986)

To the Committee on Preamble, National Territory and Declaration of Principles.

Letter from Mr. Rey S. Hilario of Basilan Street, Quezon City, urging the Constitutional Commission to make a just and proper delineation of the State's role with respect to the population issue.

(Communication No. 597 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Letter from the Honorable Justice Raul M. Gonzales of the Office of the Tanodbayan (Ombudsman), pointing out a provision in the draft Constitution which prohibits the Ombudsman, after leaving office, from being elected to any office in the Philippines within a certain period of time, saying that this provision directed solely against the Ombudsman may be likened to "class legislation," suggesting therefor that this be reconsidered and rediscussed with the view of deleting the same.

(Communication No. 598 — Constitutional Commission of 1986)

To the Committee on Accountability of Public Officers.

Letter from Mr. Virgilio Escudero of Zamboanga City, opposing the idea of Muslim autonomy, suggesting therefor that the question be asked in a referendum to be conducted in the affected areas in order to determine the voice of the majority.

(Communication No. 599 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Letter from Mr. Arturo Y. Mendoza of Ipil, Zamboanga del Sur, seeking the creation of an autonomous Christian Mindanao.

(Communication No. 600 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Letter from Mr. Ludivico D. Badoy, O.I.C. of Cotabato City, submitting a position paper regarding the issues and matters affecting local governments, requesting that the recommendations stated therein be considered favorably.

(Communication No. 601 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Communication from former MP Jeremias U. Montemayor of the Federation of Free Farmers, 41 Highland Drive, Blue Ridge, Quezon City, submitting an article that points out the disastrous consequences of the present draft on agrarian reform and requests improvement thereof.

(Communication No. 602 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Letter from Ms. Maria Carmen C. Edaual and five hundred ninety-four other students from various schools, urging the Constitutional Commission to include in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception.

(Communication No. 603 — Constitutional Commission of 1986)

To the Committee on Preamble, National Territory and Declaration of Principles.

Letter from Ms. Josephine C. Reyes, President, Philippine Association of Colleges and Universities (PACU), Room 244, Isabel Building, España St., Manila, submitting for consideration proposed amendments to the Resolution incorporating in the Constitution an Article on Education, Science, Technology, Sports, Arts and Culture, prepared by the Committee on Human Resources.

(Communication No. 604 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Communication signed by Mr. Felix K. Maramba, Jr., President of the Philippine Association of Flour Millers, Inc. and eighty-nine (89) other representatives of labor, agricultural and business sectors, and cause-oriented groups, presenting some proposals regarding industrialization and economic protectionism and expressing the hope that such proposals would be considered favorably.

(Communication No. 605 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

MR. RAMA: Mr. Presiding Officer.

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

CONSIDERATION OF PROPOSED RESOLUTION NO. 470

(Article on Local Governments)

Continuation

PERIOD OF AMENDMENTS

MR. RAMA: I move that we continue the consideration of the Article on Local Governments.

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

MR. RAMA: Mr. Presiding Officer, I ask that Commissioner Ople be recognized for a new amendment.

THE PRESIDING OFFICER (Mr. Rodrigo): Mr. Floor Leader, is this for discussion only?

MR. RAMA: According to the chairman, since this is the last provision which was discussed already, we may vote on this item alone or probably other items not affecting substantially the Article on Local Governments. With

respect to the Article on National Economy and Patrimony, it is requested by the President, Cecilia Muñoz Palma, that we do not go into voting because some of the Members of the Commission are attending the anniversary ceremonies on the death of Ninoy Aquino.

THE PRESIDING OFFICER (Mr. Rodrigo): Thank you, Mr. Floor Leader.

Commissioner Ople is recognized.

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

Yesterday afternoon, when the session was adjourned, we were at the stage of discussing a proposed amendment immediately following the sections devoted to the autonomous regions. The section reads as follows: "CONGRESS MAY PROVIDE CERTAIN FORMS OF AUTONOMY AS MAY BE APPROPRIATE TO OTHER CULTURAL COMMUNITIES WITHIN THE FRAMEWORK OF EXISTING TERRITORIAL AND POLITICAL SUBDIVISIONS, SUBJECT TO THE PROVISIONS OF THIS CONSTITUTION AND NATIONAL LAW. FOR THIS PURPOSE IT MAY CREATE A PERMANENT COMMISSION AS AN ADVISORY BODY TO THE PRESIDENT."

The proponents are Commissioners Ople, Bennagen, Azcuna, Rama, Uka, Alonto, Abubakar and Bacani.

Since that time, as the chief proponent of this amendment, I have consulted a number of Commissioners who have urged me to reformulate this amendment so that it will read: "CONGRESS MAY CREATE AN OFFICE OF TRIBAL COMMUNITIES TO ADVISE THE PRESIDENT ON POLICIES AND PROBLEMS OF CULTURAL COMMUNITIES."

Let me confess that at this point, I am agonizing over this proposed reformulation. I have in mind about 2.5 million tribal communities other than those embraced by the Muslim Autonomous Region and the Cordillera Autonomous Region; they are scattered all over the country. In Mindanao alone, there are two million of them.

I have here in my possession a learned dissertation on customary laws and land ownership among tribal Filipinos, referring precisely to the tribal communities other than those now encompassed by the two autonomous regions, a design by Father Vincent Collins, S.J., Task Force Coordinator in the Diocese of Malaybalay. I would like to call attention to the fact that there was a workshop held last March 3 and 4, 1986 at the Jesus Calls Retreat House in Philamlife, Quezon City, in which the problems of these other tribal communities, as I said, about 2.5 million all over the country but most of them located in Mindanao, were thoroughly discussed. The resolution they approved will probably be of interest to the Commission at this point. It is a very brief one, and I hope you will allow me to read it:

"Resolution"

Whereas, tribal communities have long suffered from government neglect and discrimination;

Whereas, there is a need for immediate recognition of the right of tribal communities to self-determination, ancestral domain, customary laws, equal protection of the laws and enhancement of human dignity and self-directing cultural development;

Whereas, there is a need for a distinct government body to handle purely non-Muslim tribal affairs, and this refers to two-and-a-half million people;

Whereas, President Corazon Aquino announced during her electoral campaign that her administration will allow the tribal communities to retain their ancestral lands, cultural heritage, customary laws and ancestral domain;

Now, therefore, be it resolved, as it is hereby resolved that a set of policy recommendations be formulated to meet the needs and aspirations of tribal communities;

It is also resolved that an Office of Tribal Communities be created allocating the necessary funds therefor;

It is further resolved that the attached policy recommendations be favorably considered by the appropriate government body;

And be it resolved finally that copies of this resolution be widely disseminated among tribal communities to elicit maximum participation.

Done in Quezon City, this 4th day of March, 1986.

Specifically, this resolution refers to the Banonoo of Mindoro Oriental and Mindoro Occidental; the Ati of Iloilo; the Manobo of Agusan del Norte, Agusan del Sur, Surigao del Norte, Surigao del Sur, Davao del Norte, Davao del Sur, Davao Oriental, Bukidnon, and North and South Cotabato; the Bilaans of North and South Cotabato, Davao del Sur and Sultan Kudarat; the Mandaya and Mansaka of Davao del Norte and Davao Oriental; the Tibabaon of Davao del Norte and Agusan del Sur; the Subanon of Zamboanga del Norte, Zamboanga del Sur and Misamis Occidental; the Hagonoon of Misamis Oriental, Bukidnon, Agusan del Norte and Agusan del Sur. I do not think I am obliged to repeat what I said yesterday that there are also many such tribes in the Island of Luzon including the Mangyans, most of whom are now settled in the mountains over Bulalakao in Mindoro; the Dumagats of the Sierra Madre provinces; the Baluga and Aetas of the Zambales mountains, including those in Capas and Pampanga, and many others. I understand there is a study made by the famous anthropologist Ponciano Bennagen showing that there are about 130 tribal communities all over the country.

Of course, it is understood that the Muslim cultural minorities of Mindanao and the Cordillera are the most highly organized and the most highly developed in this remarkable mosaic of 130 tribal communities. Probably, it is in recognition of that fact that they are ready for autonomy. They are ready for a measure of self-government within the wider framework of the national sovereignty and territorial integrity that this Commission saw fit to grant them autonomous status. We are not asking for the grant of similar powers of self-government to all these other tribal communities. May I point out an example. In Bulalakao, Mindoro, there are about 600 Mangyan families. Right now, they are already incorporated into that existing subdivision of the Municipality of Bulalakao. They have a barangay captain who is usually invited to come down when there is a meeting of barangay captains. But the Mangyans under this proposal will not be an autonomous area rising to the same level of legal self-sufficiency as the autonomous regions of the Cordilleras and Muslim Mindanao. What is merely meant by this is that if Congress desires to do so, they may, without even vesting a juridical entity in that settlement of Mangyans, explicitly recognize their right to their own traditional political system with the equivalent of a datu as the head. As we all know, even without a law, this is exactly what happens. They have a recognized leadership; they have customary laws; they have their own modes of settling their own community disputes. I see no reason why, as I said, without vesting any juristic personality in such a settlement by law, their own customary laws may not be sanctioned; their centuries-old manner of selecting their chiefs may not be sanctioned. We are really speaking of as many conditions and levels of development as there may be tribal communities other than the two autonomous regions. In many cases, this will involve only 60 to 100 families.

Commissioner Suarez and I were exchanging notes concerning the Baluga tribe in Pampanga, very near Clark Air Base; and we all know that they are the scavengers in that target range of the U.S. Air Force. They are not organized right now, according to native law and tradition. They are part of the existing political subdivision in Angeles City. But under this permission being granted to Congress, perhaps Congress may enact a law that for this type or category of 60 families of the Baluga somewhere in the outskirts of Angeles City, there will be a

recognition of their customary laws. Perhaps, the Office of Tribal Communities proposed here can codify all of these custom laws just like the government has done in the case of the tribal custom law and traditions of the Muslims in Mindanao, now all embodied in a very handsome and impressive Code of Muslim Law, so that we do not lose the native heritage of these various tribes.

There is a very high content of equity and justice in this proposal, Mr. Presiding Officer. These were the people ahead of us in colonizing this archipelago now known as the Republic of the Philippines. They were ahead of the Malays in coming to this country. However, our ancestors, just like the white men that landed in Plymouth in the 16th century, asserted a more vigorous culture and domination; therefore, these tribes were all driven up the hills. These are the hill people of our country. A very few of them are in the lowland and whether it is Luzon, Visayas or Mindanao, the superior culture and force of our Malay ancestors drove them up the mountains. Do we begrudge them this small reparation? After granting autonomy to the better, more highly organized and better developed tribes of Mindanao and the Cordilleras, we now put them in constitutional limbo? We are merely suggesting that Congress be given the permission to extend various forms of political, cultural and legal accommodation to all of these tribes. They pose no harm whatsoever to the stability and integrity of this country. The Committee may say that it is no longer possible to accommodate this amendment. However, if we change it according to their advice to merely the creation of an office and eliminate the principle of granting certain forms of autonomy, it becomes even more vague and more flexible as may be appropriate to other cultural communities within, not outside, the framework of the existing territorial and political subdivisions. But the Committee may agree to accept it. I am willing to lose this on the floor, Mr. Presiding Officer.

MR. DAVIDE: Mr. Presiding Officer.

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

MR. DAVIDE: Will the distinguished proponent yield to some questions?

THE PRESIDING OFFICER (Mr. Rodrigo): The proponent may yield, if he so desires.

MR. DAVIDE: The Gentleman, therefore, did not accept the Committee's compromised proposal?

MR. OPLE: I would rather lose the amendment on the floor than reduce this principle of the entitlement to some form of recognition of the other tribal communities to the level of the creation of a mere office.

MR. DAVIDE: In other words, the Gentleman will insist on his proposal which states: "CONGRESS MAY PROVIDE CERTAIN FORMS OF AUTONOMY AS MAY BE APPROPRIATE TO OTHER CULTURAL COMMUNITIES WITHIN THE FRAMEWORK OF EXISTING TERRITORIAL AND POLITICAL SUBDIVISIONS, SUBJECT TO THE PROVISIONS OF THIS CONSTITUTION AND NATIONAL LAW. FOR THIS PURPOSE, IT MAY CREATE A PERMANENT COMMISSION AS AN ADVISORY BODY TO THE PRESIDENT."

MR. OPLE: The Congress may create an office of tribal communities.

MR. DAVIDE: When the Gentleman says ". . . WITHIN THE FRAMEWORK OF EXISTING TERRITORIAL AND POLITICAL SUBDIVISIONS," he refers, of course, to cities, provinces, municipalities and barrios?

MR. OPLE: Yes, their jurisdictions are undisturbed.

MR. DAVIDE: Since it is within the particular framework of these political and territorial subdivisions, that autonomy to a cultural community can be given to a cultural community within a barrio itself.

MR. OPLE: It can be a sitio of 20 families.

MR. DAVIDE: Yes. For instance, a given barangay may consist of three sitios with a total population of 600. Let us assume that in one of the sitios, there are only two families of a cultural community. Would that particular sitio, therefore, be constituted as a local governmental unit for this cultural community?

MR. OPLE: Two families, Mr. Presiding Officer, would be most unlikely. I think the example will be much more realistic and concrete if it contemplates 20 families. May I suggest a concrete example. In Norzagaray, Bulacan, which is at the foot hills of the Sierra Madre, there are Dumagats of probably about 50 families in that specific locality. They live by harvesting rattan and selling this in the lowlands. They can form a sitio and their tribal customs and customary law can be recognized without distributing the integrity of the jurisdiction of the Mayor of Norzagaray and the Governor of Bulacan. It is as simple as that.

MR. DAVIDE: Yes, but is the Gentleman aware of the fact that before we had a Commission on National Integration? And later, we had this sort of a body attending to the welfare and affairs of the tribal communities.

MR. OPLE: Yes, we now reject the philosophy of integration.

MR. DAVIDE: We can reject the philosophy of integration, but under the Gentleman's proposal, there will be a permanent commission which shall serve merely as an advisory body to the President. In other words, the existing mechanism of the executive branch of the government attending to the needs of the tribal communities will now be constitutionalized under the Gentleman's proposal.

MR. OPLE: It is an office of tribal communities, as suggested by the representatives of all of these non-Muslim tribes that met on March 4-6 in the Jesus Calls Retreat House in Quezon City.

MR. DAVIDE: That office could only be a ministry in the executive branch of the government.

MR. OPLE: I do not know if it is a ministry.

MR. DAVIDE: But could it be a ministry in the executive branch of the government?

MR. BENNAGEN: Mr. Presiding Officer.

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

MR. BENNAGEN: May I shed some background information on this debate. Actually the proposal to create an office, perhaps a ministry or a Commission for tribal communities is because of a desire of those non-Muslims to have a separate ministry from the Office of Muslim Affairs. Their experience is that in those instances, like in the Commission on National Integration and in this present Office of Muslim Affairs and Cultural Communities (OMACC), the limitations of budget and personnel militate against the equitable treatment of all the other tribal communities to include the Muslims and the Igorots. So, they want now a separate office, whether a ministry or a commission.

MR. DAVIDE: That is exactly my thrust because I really believe that this could be a matter within the competence of the executive. It is not necessary for Congress to enact a law or even to constitutionally mandate Congress to enact a law creating this particular office. I would prefer to make it flexible; that is, this particular matter should be left completely to the executive branch of the government.

The executive branch of the government can create an entirely different or separate office for the tribal communities alone so that they will not be together with the Muslim communities. I think that is what the tribal communities demanded. It is not just autonomy or the extension of the concept of autonomy but a separate body to exclusively take care of their affairs and interest and the promotion of their welfare.

MR. ABUBAKAR: Mr. Presiding Officer, may I have the floor.

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

MR. ABUBAKAR: Thank you.

There seems to be quite a not complete comprehension of the objective or goal of Commissioner Ople as well as what is in the minds of most of the Commissioners concerning these tribal groups. If I understood Commissioner Ople very well, I believe that his concern is not so much the creation of a separate political unit for this group, as they are already embraced within the political unit of the municipality, the barrio, or the province spread out all over the archipelago. One can probably count tribal families of 30 to 40 persons in Bukidnon, another tribe in Agusan, or in the other provinces of Luzon.

I admire the concern of Commissioner Ople with these tribal groups. They are the original inhabitants of the Philippines before the flow of Malayan immigration into this country. We must not forsake them, and so must not every Filipino concerned about what will happen to them.

If I understood him again correctly, he is not advocating local political autonomy; am I right?

MR. OPLE: Yes, except in the sense that there must be recognition of their right to their ancestral domain, customary law and the modes of dispute settlement under that law.

MR. ABUBAKAR: I think the Constitutional Commission could provide a separate article on this with the understanding that they constitute part of the political unit which they are inhabiting. But an office is the one advocated by Commissioner Ople to take care of the welfare, the interest, probably the health and the progress of these communities.

MR. OPLE: With the permission of Commissioner Abubakar, may I also point out that according to the Commission's consensus already recorded in our proceedings, one cannot create an autonomous region without amending the Constitution, following the adoption of this Constitution, where probably the power of initiative we vested in the people in the article on the amendment of the Constitution can be invoked if there is a sizeable confederation of such tribal communities in Mindanao sharing border areas among a number of provinces now.

But that is not contemplated in this section, Mr. Presiding Officer. If the Tirurays, for example, who are quite numerous and the Manobos who are their neighbors decide 50 years from now to apply for a regional status, the Constitution will have to be amended before Congress can grant them autonomous status. That is the principal safeguard that this section, which looks after the interests of non-Muslim tribal communities, will not lead to a proliferation of claims for autonomous status in the future, Mr. Presiding Officer.

MR. ABUBAKAR: Mr. Presiding Officer, we are concerned with the tribal communities that are not on the level of the Tausugs and the Maranaws in Cotabato. If I must remind the body, long before the Spaniards came, Sulu was already an independent sultanate. That is why there is a struggle for local autonomy and for a sharing of whatever political power the national government has on the part of Sulu, Maguindanao and probably Lanao. There were already existing sultanates, existing rulers, existing practices of law.

MR. OPLE: Yes, when Manila was merely a backwater.

MR. ABUBAKAR: Yes, that is correct. So, I would agree with the Gentleman that we have not only a moral but even a historical or legal obligation to take care of these other non-Christian tribes who are now Muslims. In the previous years when the American regime was first established, several offices were created to take care of the different tribal regions. Among these, if I remember very well, was the Bureau of Non-Christian Tribes which took care of the non-Christian tribes not only in the Mountain Province, in Luzon and in the Visayas but also in Mindanao.

MR. OPLE: An ancestor of Commissioner Guingona was the chairman of that bureau at one time.

MR. ABUBAKAR: Yes, that is correct. Mr. Teofisto Guingona. My compliments.

I totally agree with Commissioner Ople because this is where justice, where fairness and our ability to adjust to the realities that we must not forsake the people who may not be with us are concerned.

I agree with Commissioner Ople, and I second his proposal that an independent, separate office be created to take care of the different tribal groups, develop them into a community of useful Filipino citizens, raise their standard of living and provide the basic services like education and health that government is supposed to give them. It is only fair to them and it is in our conscience that we must do this.

I am happy to note that the former Minister of Labor is aware of the existing situation. I would like to appeal to the Chamber from our heart, from our mind and from our own blood because they are also Filipinos. As a matter of fact, they are more entitled than many of us because we are immigrants. These people are the original occupants of the Philippines.

Therefore, I share the observation of Commissioner Ople that we should incorporate it in the Constitution so that acceding to them certain concession and rights, that by history and tradition are theirs, would not be the object of a political football.

Thank you.

MR. OPLE: I want to thank Commissioner Abubakar for doing his share of the work because he is one of the coauthors of this amendment.

MR. RAMA: Mr. Presiding Officer, before we take a vote, there are two more registered speakers. May I ask that Commissioner Tingson be recognized.

MR. TINGSON: Mr. Presiding Officer, may I propound two or three questions to the Honorable Ople?

MR. OPLE: Very gladly, Mr. Presiding Officer.

MR. TINGSON: The Commissioner mentioned the Atis of Iloilo. He did not mention Negros, but they are also in my province of Negros.

MR. OPLE: Yes, they are on the Kanlaon slopes.

MR. TINGSON: That is right. Is the Gentleman aware that these Ati tribes are fast vanishing and that whoever is left of them is now being integrated into the milieu of our society in Iloilo and in Negros, so much so that quite a number of them are now graduates of our schools there? It seems to me that creating this particular office is sort of counterproductive to their being assimilated into the stream of our society.

MR. OPLE: Yes, there is no incompatibility between recognizing the right of this indigenous tribe in Negros Occidental to their ancestral domains and the recognition of their tribal ancestral law with the other objective of giving them unimpeded access to economic and career opportunities outside the tribe.

As a matter of fact, the literature of mankind is full of moving episodes. When the member of a tribe who went to the big city succeeds and prospers, he decides to return to the bosom of his own tribe and people so that he can share his success with them. So, there is no necessary inconsistency in giving dignity to the history and tribal customs of an indigenous minority and allowing them full access to the opportunities that the macro-economy should provide to every Filipino, regardless of whether he is of tribal origin or not.

MR. TINGSON: In our Order of Business today, our Secretary-General read a letter from a certain Mr. Arturo

Mendoza of Ipil, Zamboanga del Sur, seeking the creation of an autonomous Christian Mindanao.

Whether he was really sincere about this proposal, I do not know. But it seems to me that now that the Gentleman wants to constitutionalize this office, there might be interminable cases of request like this autonomous Christian Mindanao. Whatever he meant about this, I do not know. But does not the Gentleman think he would be contributing towards requests like this from all over our country?

MR. OPLE: Not at all. An autonomous Christian Mindanao partakes precisely of this fantastic imagination that we owe to Mr. Reuben Canoy and those who supported his independent Republic of Mindanao sometime ago. What we are dealing with here are fairly small tribes. A Christian Mindanao forms part of the dominant national community on complete parity with respect to the political, economic and cultural advantages that are mutually shared by the dominant national community. The reason this Commission has considered granting a certain measure of self-determination to Muslim Mindanao and to the Cordilleras is precisely the recognition that they do not belong to the dominant national community, that probably they should enjoy this measure of legal self-sufficiency, meaning self-government, so that they will flourish politically, economically and culturally. Then perhaps after a certain period of time when they will have matched the dominant national community, they may consider that having achieved complete parity and equality with the rest of the nation, they probably might want to give up their own autonomous region in favor of joining the national mainstream. I am not going to put a date to that kind of evolution, but I am not foreclosing the possibility that they will evolve precisely in that way. But the concern here is not the bigger and more politically, more representative and more powerful tribes. We are talking of lesser tribes numbering about two-and-a-half million people all over the country, other than the Cordillera people, other than the Muslim people in Mindanao. I am not saying that by omitting all mention of them in this article, we have failed to round the sense of the provisions on the autonomous regions in the Article on Local Governments. We are consigning them to a constitutional limbo from which it is necessary to rescue them now through this section.

MR. TINGSON: Mr. Presiding Officer, one more question, if the proponent does not mind.

The Gentleman is a prominent member of the past administration and there were slogans of the past administration in Tagalog or in the national language that I liked such as "Sa kaunlaran ng bayan, disiplina ang kailangan." But the one that is apropos to our debate here today is "Isang Bansa, Isang Diwa," Being prominent in the past administration, I would not be surprised if the Gentleman has a hand in formulating this slogan. I am a little concerned, but would the Gentleman kindly tell us exactly what the slogan means? Would the minority groups be able to comprehend it and will they be able to get into the stream of the thinking of "Isang Bansa, Isang Diwa" with this proposal of the Gentleman?

MR. OPLE: Mr. Presiding Officer, a Filipino Muslim or a Cordillera tribal member should not be regarded as being inferior in his sense of patriotism and nationalism. When we speak of "Isang Bansa, Isang Diwa," we are not talking of reducing to one uniform mass the cultures of our country. That slogan, if the Gentleman agrees with it, is better served when there is a complete mosaic of cultures in our country so that the national culture is enriched from all sources. And there should be no demand for uniformity in order to say that we have risen to the level of "Isang Diwa, Isang Bansa."

MR. TINGSON: I thank the Gentleman for answering my question.

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

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

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

I view with admiration the Gentleman's elevation from the champion of local government to a new champion of these tribal communities. I thank him for his concern for the two-and-a-half million members of the tribal communities. However, I can detect that he is still agonizing about the reappraisal of the impact of his proposed provision. His concern as a constitution-maker is colliding with his personal concern for these two-and-a-half million members of the tribal communities.

MR. OPLE: I have already harmonized these conflicting claims in this section, Mr. Presiding Officer.

MR. SUAREZ: Do I take it, therefore, that he is prepared to eliminate sentence one and concentrate only on sentence two?

MR. OPLE: No, I have come to the realization that this proposed new section embodies the minimum approach for social justice for our tribal minorities outside the Muslim and the Cordillera regions. Therefore, I would like to adhere to the entire section as now proposed.

THE PRESIDING OFFICER (Mr. Rodrigo): May the Chair intervene, with the permission of the two Gentlemen?

I have just received a sheet of paper, and I think copies of this were distributed to all the Commissioners. It is a proposed amendment to the Article on Local Governments whose proponents are Commissioners Ople, Bennagen, Azcuna, Rama, Uka, Alonto, Abubakar and Bacani. The proposed amendment reads: "SECTION ____.
CONGRESS MAY CREATE AN OFFICE OF TRIBAL COMMUNITIES TO ADVISE THE PRESIDENT ON POLICY PROBLEMS AFFECTING CULTURAL MINORITIES."

The first sentence has been eliminated.

I think we need a clarification on this because this was evidently distributed to all the Members. Is that correct?

MR. OPLE: Yes, Mr. Presiding Officer. May I give the clarification.

THE PRESIDING OFFICER (Mr. Rodrigo): Yes, the Gentleman may proceed.

MR. OPLE: This was the result of a consultation with some Members of the Commission and of the committee who told me that in its present form, they would continue to have misgivings about supporting this section. However, if it was confined to the creation of an office of tribal minorities to take care of the problems for these other cultural communities, then they would support it.

May I inform the Presiding Officer that, as I have just said in response to a question from Commissioner Suarez, I am adhering to the earlier version.

THE PRESIDING OFFICER (Mr. Rodrigo): The name of Commissioner Ople appears on this sheet as the first proponent. The Chair would like to know if he has agreed.

MR. OPLE: No, I have not agreed.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Rodrigo): The Chair suspends the session.

It was 12:23 p.m.

RESUMPTION OF SESSION

At 12:29 p.m., the session was resumed.

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

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

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

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

During the suspension of the session, we discussed the parliamentary situation. It was suggested that the entire section presented by the Honorable Ople be submitted to the body for voting, and in the event that said section would not be accepted by the body, then voting would be held on the additional proposal which is limited to the second sentence of the original Ople proposal. The section reads as follows: "CONGRESS MAY CREATE AN OFFICE OF TRIBAL COMMUNITIES TO ADVISE THE PRESIDENT ON POLICY PROBLEMS AFFECTING CULTURAL MINORITIES." So, our respectful suggestion is that we vote first on the Ople amendment and proposal.

MR. SARMIENTO: Mr. Presiding Officer.

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

MR. SARMIENTO: To avoid confusion, may we be clarified as to what is really the Ople amendment? Yesterday we were furnished a copy captioned "All Other Cultural Communities" consisting of eight lines, Mr. Presiding Officer. This morning we were furnished a copy of another amendment consisting of three lines. Which one is the Ople amendment?

MR. OPLE: May I answer that, Mr. Presiding Officer?

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

MR. OPLE: May I read the text of this amendment in its final form. There is a subheading, "All Other Cultural Communities," on top of the section. Then Section 9 reads: "CONGRESS MAY PROVIDE CERTAIN FORMS OF AUTONOMY AS MAY BE APPROPRIATE TO OTHER CULTURAL COMMUNITIES WITHIN THE FRAMEWORK OF EXISTING TERRITORIAL AND POLITICAL SUBDIVISIONS SUBJECT TO THE PROVISIONS OF THIS CONSTITUTION AND NATIONAL LAW. CONGRESS MAY CREATE AN OFFICE OF TRIBAL COMMUNITIES TO ADVISE THE PRESIDENT ON POLICIES AFFECTING CULTURAL MINORITIES."

MR. SARMIENTO: I thank Commissioner Ople for the clarification.

MR. RAMA: May I ask that we take a vote on that amendment, Mr. Presiding Officer?

VOTING

THE PRESIDING OFFICER (Mr. Rodrigo): As many as are in favor of the proposed amendment, please raise their hand. (Few Members raised their hand.)

As many as are against, please raise their hand. (Several Members raised their hand.)

The results show 12 votes in favor and 20 against; the amendment is lost.

MR. BENNAGEN: Mr. Presiding Officer.

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

MR. BENNAGEN: Now that the Ople amendment is lost, I hope it will not be understood by anyone that we have forsaken the other cultural minorities. As a matter of fact, there is a proposed section in the Article on the Declaration of Principles which was originally envisioned to take care of these cultural communities to include even those from the Cordilleras and Mindanao. Since we have already approved the provisions granting autonomy status for both the Cordilleras and Muslim Mindanao, may I suggest in due time when we discuss the Article on the Declaration of Principles that we will take the Ople amendment into consideration to strengthen that provision in the Article on the Declaration of Principles to specifically take into account these cultural communities not within the two autonomous regions. In addition, we also have a provision in the Article on National Economy and Patrimony to take care of ancestral lands and customary laws.

I understand there is another proposal coming from Commissioner Sarmiento for the Article on General Provisions that will take care of an office precisely to look into the concerns of cultural communities outside of the two autonomous regions.

MR. OPLE: Mr. Presiding Officer.

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

MR. OPLE: I just want to acknowledge my glorious defeat in association with the other proponents. I want to put their names on record: Commissioner Bennagen, Azcuna, Rama, Uka, Alonto, Abubakar, Bacani, Suarez and Guingona.

Thank you.

MR. TINGSON: Mr. Presiding Officer.

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

MR. TINGSON: That particular section that Commissioner Bennagen referred to a while ago is Section 15 of our proposed Article on the Declaration of Principles. It states:

The State shall recognize and respect the rights of indigenous cultural communities to choose their own path of development according to their political, economical and cultural characteristics within the framework of national unity. The State shall eradicate all forms of discrimination against indigenous cultural communities and shall promote mutual respect and understanding between them and the rest of the Filipino people.

MR. RAMA: Thank you.

Mr. Presiding Officer, I ask that Commissioner Suarez be recognized to propose some amendments.

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

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

In view of the rejection of the original proposal of the Honorable Ople, and with his indulgence, may I pick up the last sentence of his proposal invoking the grandfather doctrine.

MR. OPLE: I give my most enthusiastic permission and indorsement, Mr. Presiding Officer.

MR. SUAREZ: I thank the Honorable Ople.

I propose that Section 9 would read: "CONGRESS MAY CREATE AN OFFICE OF TRIBAL COMMUNITIES TO ADVISE THE PRESIDENT ON POLICIES AFFECTING CULTURAL MINORITIES."

MR. SARMIENTO: Mr. Presiding Officer.

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

MR. SARMIENTO: Will the honorable Commissioner Suarez yield to an amendment by transposition because I have a similar proposal for inclusion in the Article on General Provisions. Will the honorable Commissioner gladly accommodate the transposition of this section to the Article on General Provisions?

MR. SUAREZ: I have no objection to that provided that the matter be submitted for resolution today, Mr. Presiding Officer.

MR. BENNAGEN: Yes.

MR. SUAREZ: So, if it is approved by the body, we would have no objection to its transposition to the Article on General Provisions?

MR. RAMA: What does the committee say?

MR. BENNAGEN: Mr. Presiding Officer, we will submit it to the body. But before we do that, may I propose the following amendment: "CONGRESS MAY CREATE AN OFFICE OF TRIBAL COMMUNITIES COMPOSED OF MEMBERS FROM THE INDIGENOUS COMMUNITIES APPOINTED BY THE PRESIDENT FROM A LIST PREPARED BY THE INDIGENOUS COMMUNITIES THEMSELVES." The idea is that since there are already professionals as well as non-professionals who are concerned with their own indigenous communities, there are enough individuals who can come from the various indigenous communities to compose this advisory body. In the spirit of full equality and nondiscriminatory practice on this principle, they want to compose this advisory body.

THE PRESIDING OFFICER (Mr. Rodrigo): This is in the nature of an amendment to the amendment. What does the proponent say?

MR. SUAREZ: Mr. Presiding Officer, the contemplation here is that the Office of Tribal Communities would be only advisory in character. In other words, its composition would be dependent exclusively on the executive since it is only a part of the executive department. So, we would rather that we leave the composition, the number, and the membership of that advisory committee in the hands of the President.

THE PRESIDING OFFICER (Mr. Rodrigo): In short, the proponent does not accept the amendment to his amendment.

MR. SUAREZ: That is right, Mr. Presiding Officer.

MR. BENGZON: Mr. Presiding Officer.

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

MR. BENGZON: May I raise a point of order. The point of order is that the issue before the body is whether or not we are going to transfer this particular concept in the Article on General Provisions. So, we should not really be discussing the merits of the amendment. We should discuss that at the time when we discuss the Article on General Provisions.

So, I now call for a vote on whether or not we should transpose this particular concept to the Article on General Provisions.

THE PRESIDING OFFICER (Mr. Rodrigo): Will the Gentleman please restate the motion.

MR. BENGZON: I move that whatever concept is carried by the amendment of Commissioner Suarez be discussed and transposed when we debate on the Article on General Provisions.

THE PRESIDING OFFICER (Mr. Rodrigo): Which means we will not discuss it nor vote on it now?

MR. BENGZON: Yes, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Is the body ready to vote?

MR. OPLE: Inquiry, Mr. Presiding Officer.

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

MR. OPLE: I thought Commissioner Suarez made it very clear that the issue he is submitting to a vote is precisely this second sentence of the rejected amendment without prejudice to its transposition to the Article on General Provisions, as suggested by Commissioner Sarmiento. So, we are voting on the amendment on its merits, subject to transposition later to the Article on General Provisions.

MR. BENGZON: But this Representation made a suggestion to Commissioner Suarez to which he agreed. I would like to call upon him now to confirm that the merits of his amendment be discussed when we get into the Article on General Provisions.

SUSPENSION OF SESSION

MR. SUAREZ: May we ask for a suspension of the session.

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

It was 12:41 p.m.

RESUMPTION OF SESSION

At 12:43 p.m., the session was resumed.

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

Commissioner Bengzon is recognized.

MR. BENGZON: After conferring with the rest of the Commissioners, it has been agreed that this particular concept as well as the amendment of Commissioner Suarez be referred to the Committee on General Provisions with urgent favorable recommendation.

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

As a consequence, we do not discuss the concept now; is that correct?

MR. BENGZON: Yes, Mr. Presiding Officer. That is the end of the discussion.

THE PRESIDING OFFICER (Mr. Rodrigo): We will no longer discuss this proposed amendment; it will be referred to the Committee on General Provisions. So, we can now vote on the whole article.

MR. RAMA: Mr. Presiding Officer, I will ask the committee chairman.

THE PRESIDING OFFICER (Mr. Rodrigo): What is the pleasure of Commissioner Davide?

MR. DAVIDE: I have one last section to be proposed which we have forgotten and I think the committee will accept this. It will read as follows: "LOCAL GOVERNMENTS AND AUTONOMOUS REGIONS SHALL STRICTLY OBSERVE THE RULE ON TAXATION PRESCRIBED IN PARAGRAPH (1) OF SECTION 29 OF THE ARTICLE ON LEGISLATIVE POWER."

THE PRESIDING OFFICER (Mr. Rodrigo): What section would that be?

MR. DAVIDE: That would be the last section of the Article on Local Governments.

MR. NOLLEDO: May we hear it again, Mr. Presiding Officer.

MR. DAVIDE: The last section would read as follows: "LOCAL GOVERNMENTS AND AUTONOMOUS REGIONS SHALL STRICTLY OBSERVE THE RULE ON TAXATION PRESCRIBED IN PARAGRAPH (1) OF SECTION 29 OF THE ARTICLE ON LEGISLATIVE POWER."

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

MR. NOLLEDO: Mr. Presiding Officer, the committee regrets that it cannot accept the amendment.

MR. DAVIDE: Mr. Presiding Officer, I will read the particular rule. This is Section 29 of the Article on the Legislative: "The rule of taxation shall be uniform and equitable." That is the rule. If we will not make this applicable to the local governments and to the autonomous regions, I would submit that the local governmental units as well as the autonomous regions can provide for taxation which might not be uniform nor equitable.

MR. NOLLEDO: The Gentleman will notice that in the discussion of the committee with the Members of the Constitutional Commission, it was emphasized that the requirement that all taxes, fees and charges shall be uniform is an inherent limitation.

MR. DAVIDE: That is why a clear incorporation of the proposal is necessary because the provision on the Article on the Legislative applies to Congress. We want that rule which is applicable to Congress to be applicable also specifically to the local governmental units as well as the autonomous regions.

MR. NOLLEDO: Will the Gentleman be amenable if we express the intent of the committee and also the intent of the Commission that all taxes imposed by local governments shall be uniform in accordance with the rule in the Article on the Legislative? Will that suffice?

MR. DAVIDE: It might suffice if that would be the thinking of the entire Commission.

MR. NOLLEDO: I think it is the thinking of the entire Commission.

MR. DAVIDE: So shall we submit the amendment to a vote that in the matter of taxation of local governments and autonomous regions, the said units must strictly observe the rule on taxation prescribed in the Article on the Legislative?

MR. NOLLEDO: I would like to clarify the rule that it must be uniform within each governmental unit.

MR. DAVIDE: Precisely, that is why we should apply the rule on taxation within each particular jurisdiction — autonomous regions, within the region; local governmental unit, within their respective territorial jurisdiction.

MR. NOLLEDO: Personally, if the Gentleman does not mind, I teach the subject of taxation and that is a settled limitation in every republican or democratic government.

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

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

MS. AQUINO: Mr. Presiding Officer, I submit that the proposal of Commissioner Davide is surplusage and is, therefore, unnecessary because it has been conceded that the legislative authority being vested now in the autonomous regions is just a derivative power coming from the legislative authority of Congress.

MR. DAVIDE: If that proposal is the sense of the Commission, I would have no objection really not to incorporate this. But let it be understood that that is the meaning, that is the significance, that is how it should be interpreted when that particular rule is made applicable to the local governmental units and the autonomous regions.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: I would like to call the attention of Commissioner Davide to the first part of Section 4 which says: "Within its territorial jurisdiction and subject to the provisions of this Constitution and national laws."

The portion the Gentleman referred to regarding the legislative department that taxation should be uniform is part of the Constitution. That is precisely inserted by the honorable committee in order to exercise some form of limitation on the powers of the autonomous regions. And I think this is very proper so that the fear of Commissioner Davide does not have to be that way.

MR. DAVIDE: May I comment on that. Section 4 will apply only to the autonomous regions, but not to the local governments.

MR. RAMA: Mr. Presiding Officer.

MR. OPLE: Mr. Presiding Officer, on the same subject.

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

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

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

FR. BERNAS: I would also say that the proposed amendment is really not necessary because the sense of the proposed amendment is sufficiently covered by the equal protection clause of the Bill of Rights, which governs all local governments.

MR. RAMA: Mr. Presiding Officer, I understand that Commissioner Davide has withdrawn that amendment.

THE PRESIDING OFFICER (Mr. Rodrigo): The amendment is withdrawn.

MR. DAVIDE: Mr. Presiding Officer, with all the inputs contributed, the interpretations being very clear that that particular rule will be followed by the local government units and the autonomous regions, I am withdrawing.

MR. OPLE: Before Commissioner Davide withdraws his amendment, may I be recognized.

THE PRESIDING OFFICER (Mr. Rodrigo): He has already withdrawn the amendment.

MR. OPLE: I just want to remind the committee that in a previous interpellation yesterday — or was it the day before — the chairman of the committee agreed to entertain an amendment that would make this uniform taxation standard for local governments explicit in this article. Earlier, maybe Chairman Nollado will recall that in the debates concerning the Article on the Legislative, I proposed a sentence to make the uniform standards of taxation applicable to local governments. But the committee said, "Why do we not relocate that amendment to the Article on Local Governments? It would be more appropriate." The reason I feel that the withdrawal of the amendment of

Commissioner Davide was unseasonable and unwarranted is that there is a lot of confusion in the local governments right now concerning the uniformity rule. I think Commissioner Bernas must be aware that there are cases in the Supreme Court proliferating precisely because in many local governments, because of lack of experience with uniform standards in taxes, the error of ignoring or disregarding or cavalierly treating the sanctity of the uniformity rule is committed. So in the interest of eliminating all of this confusion once and for all, why can we not state it in the form of a brief sentence?

MR. NOLLEDO: Mr. Presiding Officer, there was a promise indeed by the committee that we would entertain an amendment to that effect from Commissioner Ople, if the amendment of Commissioner Padilla would not be accepted and approved. But Commissioner Padilla inserted the term "subject to limitations" and so the committee withdraws the promise. The "limitations" will take care of it. Besides, I emphasized that "limitations" may include settled limitations.

I would like Commissioner Ople to know that even under P.D. No. 231, which is the Local Tax Code, as amended by P.D. No. 426, there are provisions requiring local government units to observe the rule on uniformity. I am not aware of serious cases violating this rule because I teach the subject of taxation. There are only two or three cases and they were decided by the Supreme Court in favor of local government units.

MR. OPLE: I will not thank the Committee for reneging on its pledge, but I am satisfied with the answer.

MR. NOLLEDO: I thank Commissioner Ople.

MR. RAMA: Mr. Presiding Officer.

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

MR. RAMA: The parliamentary situation calls for a closure of the period of amendments. So, I move that we close the period of amendments on the Article on Local Governments.

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

MR. RAMA: Mr. Presiding Officer, I move that we vote on the whole article unless the chairman would ask for clean copies.

MR. NOLLEDO: The chairman has no objection to the motion because at any rate, all provisions have been read before the Members of the Commission. In order to accelerate the proceedings, I hope no Member of the Commission will object to that reasonable motion.

MR. RAMA: With that clarification, Mr. Presiding Officer, I move that we vote on the whole Article on Local Governments.

MR. SARMIENTO: Mr. Presiding Officer.

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

MR. SARMIENTO: May I object, Mr. Presiding Officer, to the motion because just a few minutes ago, Commissioner de los Reyes noticed an error in the Journal. So, it is possible that there are also errors which we have not observed. So I move that we be furnished a clean copy.

MR. NOLLEDO: Mr. Presiding Officer, may I inform Commissioner Sarmiento that in the past, even after the Second Reading we made corrections before we would proceed to the Third Reading. I hope Commissioner Sarmiento will withdraw his objection.

MR. SARMIENTO: Subject to corrections and with that manifestation, I humbly yield to my master.

MR. NOLLEDO: I thank the honorable Commissioner.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG. I do not object to the motion, but it is my understanding that in the presentation of the Article on Local Governments, the sections should be numbered consecutively up to the last?

MR. NOLLEDO. Yes.

MR. MAAMBONG: I notice that we have a separate numbering in the draft. For example, in the provisions for the autonomous regions, we start with Section 1.

MR. NOLLEDO: Yes, Mr. Presiding Officer, they will be numbered consecutively.

MR. MAAMBONG: Thank you.

MR. RAMA: Mr. Presiding Officer, I reiterate the motion to vote.

FR. BERNAS: Mr. Presiding Officer, just two clarificatory questions before we vote.

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

FR. BERNAS: I have gone over the minutes, the Journal, and I have asked myself a question: Does what we have approved say that we are allowing only two autonomous regions? I heard two conflicting answers. I found conflicting answers in the Journal. Could we settle that before we vote? Are we allowing only two, or are we allowing more than two autonomous regions?

MR. NOLLEDO: The committee has made a categorical statement that the committee adheres to the decision of the Constitutional Commission that only two autonomous regions shall be recognized: namely, Muslim Mindanao and the Cordilleras. If there should be any other aggrupation that would seek autonomy in the same manner that Muslim Mindanao and the Cordilleras are granted autonomy, that aggrupation should seek a constitutional amendment.

FR. BERNAS: I thank the Commissioner.

The second question is: Did we settle the matter of representation in the House of Representatives for the metropolitan units or is it something to be considered later?

MR. NOLLEDO: No, that will be decided by the Committee on the Legislative. I think there are no provisions here that will hinder any decision on the part of that committee.

FR. BERNAS: Thank you, Mr. Presiding Officer.

MR. GASCON: Mr. Presiding Officer.

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

MR. GASCON: I recall that we agreed that we will only provide for autonomous region for the Cordilleras and Muslim Mindanao. But I remember during the interpellations, we mentioned that there are already two autonomous regions in Muslim Mindanao at present.

MR. NOLLEDO: When we talk of Muslim Mindanao, we are talking collectively.

MR. GASCON: That is right. So, it is possible that there would be more than two autonomous regions.

MR. NOLLEDO: Within Muslim Mindanao.

MR. GASCON: Within Muslim Mindanao and within the Cordilleras.

MR. NOLLEDO: Within Mindanao — the Gentleman is right.

MR. GASCON: That is the clarification of Commissioner Bernas, I believe. So, which is which?

MR. NOLLEDO: No, the Cordilleras will be one autonomous region, and with respect to Muslim Mindanao as contemplated by the Ople resolution, there should only be one in the entire Muslim Mindanao.

MR. OPLE: There should only be one for Muslim Mindanao; not two, but one. Even in the case of the so-called two autonomous regions now in Mindanao, I think Commissioner Nolleto will bear this out. There is a Lupong Tagapagpaganap imposed upon both, so that in effect, there is only one authority for the two autonomous regions. So, it can be classified right now as just one autonomous region.

FR. BERNAS: I asked this because of the response precisely of Commissioner Alonto that there could be two autonomous regions in Mindanao. So I wanted the issue settled clearly before we vote. Will it be one autonomous region in Mindanao or are two autonomous regions in Mindanao possible?

MR. NOLLEDO: I will tell the Gentleman frankly that within the committee, the members do not agree. I feel that Congress should be given the leeway to determine whether there should be only one autonomous region in Muslim Mindanao or two or three.

MR. OPLE: Since the committee is here, Mr. Presiding Officer, can we settle this now?

MR. NOLLEDO: Yes.

MR. OPLE: I urge that the committee adopt the position of one of the proponents that only one autonomous region for Mindanao is contemplated in this article.

MR. NOLLEDO: We submit this to the body for decision.

MR. ABUBAKAR: Mr. Presiding Officer.

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

MR. ABUBAKAR: I would like to inform the body that there is now operating an autonomous region for Southern Mindanao which, as I stated in my previous interpellations, is composed of the Provinces of Tawi-Tawi, Sulu, Zamboanga del Norte, Zamboanga del Sur, the City of Zamboanga.

Mr. Presiding Officer, I move for a suspension of the session.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Rodrigo): The session is suspended for a few minutes.

It was 1:01 p.m.

RESUMPTION OF SESSION

At 1:05 p.m., the session was resumed.

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

The Floor Leader is recognized.

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

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

FR. BERNAS: I will repeat the question and address it to the committee. Are we allowing only one autonomous region in Muslim Mindanao?

MR. NOLLEDO: The final and categorical answer is "yes."

FR. BERNAS: Is that, therefore, the intent of our article?

MR. NOLLEDO: Yes.

MR. RAMA: Under that clarification, Mr. Presiding Officer, the body is now ready to vote on the whole article.

THE PRESIDING OFFICER (Mr. Rodrigo): The previous motion is to vote on Second Reading?

MR. DE CASTRO: Mr. Presiding Officer, subject to correction when we get the clean copy.

THE PRESIDING OFFICER (Mr. Rodrigo): Yes.

MR. NOLLEDO: Corrections as to clerical errors.

MR. BENNAGEN: Yes.

MR. RAMA: Yes, before the Third Reading.

MR. DE CASTRO: Not only for clerical errors because we do not have the clean copy here. We will vote on Second Reading subject to correction when we get the clean copy.

MR. RAMA: That is the understanding.

MR. NOLLEDO: Mr. Presiding Officer, I think the word "correction" should refer only to an instance where what is written there does not reflect what has been truly agreed upon in the committee.

MR. RAMA: That is corrected. Now the body is ready to vote.

APPROVAL OF PROPOSED RESOLUTION NO. 470 ON SECOND READING (Article on Local Governments)

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

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

As many as are abstaining, please raise their hand. (One Member raised his hand.)

The results show 30 votes in favor, none against and 1 abstention.

Proposed Resolution No. 470, the Article on Local Governments, is approved on Second Reading.

MR. RAMA: Before adjournment, I ask that Commissioner Bengzon be recognized for some announcements.

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

MR. BENGZON: Mr. Presiding Officer, I would like to announce that tomorrow we are going to go back to the Article on National Economy and Patrimony. If there is a sufficient number of Members tomorrow, we can

already vote on Third Reading on the Article on the Executive as well as the Article on Social Justice.

THE PRESIDING OFFICER (Mr. Rodrigo): That is noted.

ADJOURNMENT OF SESSION

MR. RAMA: Mr. Presiding Officer, I move for adjournment of the session until tomorrow at nine-thirty in the morning.

THE PRESIDING OFFICER (Mr. Rodrigo): The session is adjourned until tomorrow at nine-thirty in the morning.

It was 1:08 p.m.

[*] Appeared after the roll call

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