

R.C.C. NO. 81

VOL. IV, September 12, 1986

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/1bf7ebafa468/>

Friday, September 12, 1986

OPENING OF SESSION

At 9:38 a.m., the President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

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

Everybody rose to sing the National Anthem.

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Jose E. Suarez.

Everybody remained standing for the Prayer.

PRAYER

MR. SUAREZ: Dear Lord, this morning, we pause briefly for a group picture-taking: a composite group with diverse backgrounds, disparate ideas, laboring to attain an illusive ideal: To craft, with Your Divine Guidance, a solid nationalist pro-people charter. This may be the only occasion we will ever group happily together, a fleeting moment I cherish.

Muslims, Tagalogs, Cebuanos, Ilonggos, Ilocanos, Pampangueños — Filipinos above all — pictured together, unity in diversity indeed, a bunch of Runyonesque characters I have learned to love and to respect.

Shower upon them, dear Lord, all Your blessings. Bless this law professor who yells like an excited jungleman, but whose heart is as big as the Island of Palawan. Bless this law dean, whose tongue tries to catch up with the rapidity of his brainwaves, leaving him breathless, necessitating his being rushed to the hospital for oxygen priming. Bless also this respected president of a private university, whom we had favored with fantastic tax exemptions, whose Mafia connections are belied by his soft purring voice, drawing sharp reminders from the Chair to "Speak louder, please." Bless likewise this exuberant evangelist, who gushes with joy at every approved provision, even if it is addressed against his big brothers. Bless this stern retired military officer, ideal of the position of military ombudsman to strike terror among the scoundrels and the scalawags in the army but (stricken off the Record). Bless also this declared champion of every conceivable popular cause, whose stentorian voice could be heard all the way to Malacañang where, with the reluctance of a Julius Caesar spurning the crown thrice at the Lupercal, he may finally land.

Bless the Four Horsemen of the Apocalypse — one of whom is a lovable bully who jumps at everyone approaching

the microphone, trying to gag him. Bless also the notorious Gang of Five, one of whom is a Gabriela who lashes back at everyone waving an imperialist flag.

But, dear Lord, preserve Your special blessings for this serene lady who manages crisis after crisis without a single strand falling from her well-coiffed head.

And, Lord, please do not forget to bless me too, now that I am about to enter the gates of Clark Air Base and Subic Base.

May God bless us all! Amen.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended so we can prepare for the mass we are offering for the speedy recovery of our colleague, Commissioner Rosales, and for all of us that we may enjoy good health. After the mass, we shall have a group picture-taking, and then we will resume the session.

It was 9:44 a.m.

RESUMPTION OF SESSION

At 11:38 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

ROLL CALL

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

THE SECRETARY-GENERAL, reading:

Abubakar

Present Bacani Present

Alonto Present Bengzon Present

Aquino Present Bennagen Present

Azcuna

Present Bernas Present

Rosario Braid Present Padilla Present

Calderon Present Quesada Present

Castro de

Present Rama Present

Colayco Present Regalado Present

Concepcion

Present Reyes de los Present

Davide Present Rigos Present

Foz

Present Rodrigo Present

Garcia Present Romulo Present

Gascon

Present Rosales Present

Guingona

Present Sarmiento Present

Jamir Present Suarez Present

Laurel Present Sumulong Present

Lerum Present Tadeo Present

Maambong Present Tan Present

Monsod

Present Tingson Present

Natividad Present Treñas Present

Nieva Present Uka Present

Nolledo Present Villacorta Present

Ople Present Villegas Present

The President is present.

The roll call shows 47 Members responded to the call.

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

MR. CALDERON: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

MR. CALDERON: Madam President, I move that we dispense with the reading of the Journal of yesterday's session.

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

APPROVAL OF JOURNAL

MR. CALDERON: Madam President, I move that we approve the Journal of yesterday's session.

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

MR. CALDERON: Madam President, I move that we proceed to the Reference of Business.

THE 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 Petition and Communications, the President making the corresponding references:

PETITION

Petition of the Committee on the Legislative, signed by its Chairman, the Honorable Hilario G. Davide, Jr., earnestly requesting the Constitutional Commission to vote unanimously for the reopening of Sections 5 and 11 of the Article on the Legislative Power.

(Petition No. 3 — Constitutional Commission of 1986)

To the Steering Committee.

COMMUNICATIONS

Position paper submitted by Datu Zacarias T. Cotejar and Datu Bangkal Matanog of the Cultural Communities Association of Surigao del Sur, Inc., Dapja, Cabas-an, Cantilan, Surigao del Sur, urging the Constitutional Commission to grant the Manobo Tribe of Mindanao autonomous government.

(Communication No. 853 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Letter from Mr. Pancho S. Domiar of Cotabato City, urging the Constitutional Commission to review the provisions of P.D. No. 704 because it is believed that there are provisions that make the rich richer and the poor poorer.

(Communication No. 854 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Letter from Mr. Angel V. Sanchez of San Jose, Antique, and 30 other signatories, submitting specific proposals to protect children from exploitation, white slavery and exposure to drug addiction.

(Communication No. 855 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Letter from Mr. Ramon R. Leuterio, 105 P. Cruz St., Mandaluyong, Metro Manila, expressing his views that in drafting the new Constitution, the gallery should be closed and the press should be banned to enable the Commissioners to work in privacy just like the 1787 U.S. Constitutional Convention wherein the members isolated themselves from the public to protect their integrity and reputations.

(Communication No. 856 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Mr. Benjamin C. Canlas of 5 Chaparral St., Rancho Estate II, Marikina, Metro Manila, suggesting that in the printing of money and minting of coins this motto shall be inscribed: "Ang lakas ng bayan ay galing sa Diyos."

(Communication No. 857 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Mr. Jovencio C. Bernardo of the Good Samaritan Association and 131 other signatories of Tacloban City, seeking the retention of the U.S. military bases in the Philippines.

(Communication No. 858 — Constitutional Commission of 1986)

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

Letter from Mr. Ronolfo P. Goze of Buguey, Cagayan, containing various electoral reforms for consideration by the Constitutional Commission.

(Communication No. 859 — Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

Letter from Mr. Alfonso O. Santiago of the Language Education Council of the Philippines, suggesting that the Constitution be written and promulgated in the national language.

(Communication No. 860 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Letter from Atty. Jovencio Bereber of Pres. Roxas, Capiz, submitting a number of constitutional proposals for consideration in the framing of the Constitution, notably those pertaining to declaration of principles, President and Vice-President, national legislature, national economy and transitory provisions.

(Communication No. 861 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Mr. Edgar U. Leuenberger, UP College of Pharmacy, submitting specific recommendations for inclusion in the Article on Education, Science, Technology, Sports, Arts and Culture.

(Communication No. 862 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Communication from Mr. Lunaz El Mismo of 264 N. Burlington Avenue, Los Angeles, California, submitting a number of proposals for consideration in the framing of the new Constitution, notably those pertaining to presidential and vice-presidential term of office, citizenship, national language and the U.S. military bases.

(Communication No. 863 — Constitutional Commission of 1986)

To the Steering Committee.

Communication from the officers and members of the Sangguniang Panlungsod of Batangas City, signed by its presiding officer, Casiano T. Ebora, urging the Constitutional Commission to create a Commission on National Language.

(Communication No. 864 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Communication from Mr. Rizalito P. Barrientos of 1051 Matimyas St., Sampaloc, Manila, and 59 other signatories, expressing conformity to the proposal to allow the people to cast "yes" votes for portions of the new Constitution they support and "no" votes for those they strongly dislike during the plebiscite on the draft charter.

(Communication No. 865 — Constitutional Commission of 1986)

To the Committee on Amendments and Transitory Provisions.

Letters urging the Constitutional Commission to incorporate in the Constitution a provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines, from:

(1) Pastor Alfredo K. Cudiamat
Faith Christian Church
Sta. Monica Subdivision
Dalandanan, Valenzuela, Metro Manila

(Communication No. 866 — Constitutional Commission of 1986)

(2) Polo-Obando Gospel Church, Inc.
Palasan, Valenzuela, Metro Manila

(Communication No. 867 — Constitutional Commission of 1986)

(3) Bishop Emerito P. Nacpil and Mr. Emmanuel G. Cleto
The United Methodist Church in the Philippines
900 U.N. Avenue, Manila

(Communication No. 868 — Constitutional Commission of 1986)

(4) Mr. Rolando Colangco and eight other signatories
of San Jose, Dinagat, Surigao del Norte

(Communication No. 869 — Constitutional Commission of 1986)

(5) Ms. Marianita H. Teves
Mindanao Bible Training Institute
Cantilan, Surigao del Sur

(Communication No. 870 — Constitutional Commission of 1986)

(6) Rev. Toto B. Felongco
Southern Baptist Convention
97 Cayetano Bangoy St.
P.O. Box 94, Davao City

(Communication No. 871 — Constitutional Commission of 1986)

(7) Rev. Ernesto Bullag
Panay Alliance Church
Barangay Panay, Sto. Nino
South Cotabato

(Communication No. 872 — Constitutional Commission of 1986)

(8) Rev. Fr. Francisco C. Mangubat and 11 others
Iglesia Filipina Independiente
Diocese of Agusan and Surigao
Cortes, Surigao del Sur

(Communication No. 873 — Constitutional Commission of 1986)

(9) Mr. Venancio Salcedo and 12 others
Full Gospel Fellowship Centre
Viernes Subdivision, New Carmen
Tacurong, Sultan Kudarat

(Communication No. 874 — Constitutional Commission of 1986)

(10) Ms. Rosario J. Angana and 49 others
Faith Tabernacle
Dumaguete City

(Communication No. 875 — Constitutional Commission of 1986)

(11) Mr. Roldan E. Maquiling and 20 others
The Salvation Army Ozamiz City Corps

(Communication No. 876 — Constitutional Commission of 1986)

(12) Rev. Lemuel Felicio and 96 others
Christ Faith Fellowship
Bais City

(Communication No. 877 — Constitutional Commission of 1986)

(13) Carlatan Christian and Missionary
Alliance Church of the Philippines
Carlatan, San Fernando, La Union

(Communication No. 878 — Constitutional Commission of 1986)

(14) Rev. Damaso S. Bautista and Mr. Reynaldo I. Atienza
Capitol City Baptist Church
111 West Avenue, Quezon City

(Communication No. 879 — Constitutional Commission of 1986)

(15) Ms. Norma S. Marapao
Church of the Foursquare Gospel in the Philippines
Bislig, Surigao del Sur

(Communication No. 880 — Constitutional Commission of 1986)

(16) Ms. Sarah Mendoza and 22 others
Suaran Alliance Church
North Upi, Maguindanao

(Communication No. 881 — Constitutional Commission of 1986)

To the Committee on General Provisions.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: I move that we take up for consideration this morning Proposed Resolution No. 537, prepared by

the Committee on Preamble, National Territory, and Declaration of Principles, entitled: RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON THE DECLARATION OF PRINCIPLES.

The consideration includes Proposed Resolution No. 522 by the same committee. So, for the record, we are taking up Proposed Resolution No. 537.

THE PRESIDENT: Is there any objection?

MR. SUAREZ: Parliamentary inquiry, Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Madam President.

I have with me the agenda for Session No. 81, scheduled for today, Friday, September 12, 1986, and I find that the Business for the Day is a discussion of Committee Report No. 28. However, I heard the Floor Leader saying that we are going to discuss Committee Report No. 36, which falls under the Unassigned Business because this is supposed to take precedence over Committee Report No. 31.

So, may I know, Madam President, what is the parliamentary situation in this regard?

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended for a few minutes.

It was 11:50 a.m.

RESUMPTION OF SESSION

At 11:53 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: Committee Report No. 28 or Proposed Resolution No. 522 in a partial report of Committee Report No. 36 or Proposed Resolution No. 537 is the complete report of the committee.

May I ask that the Steering Committee chairman be recognized?

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: Madam President, this has a precedent because the same thing happened with regard to the Article on Local Governments. The Committee on Local Governments had a partial report which was already calendared as the Business for the Day. Thereafter, they submitted their complete report. So, when the Local Governments Committee sponsored the article, both committee reports were taken together. This is the same case with this Article on the Declaration of Principles, Madam President. Committee Report No. 28 is a partial report which was calendared as the Business for the Day. Thereafter, when Commissioner Tingson came back, the committee met and they presented Committee Report No. 36. Therefore, these two reports should be taken together simultaneously.

THE PRESIDENT: I believe that this is more of a mistake of the Secretariat, not having transferred Proposed Resolution No. 537, together with Proposed Resolution No. 522, to the Business for the Day. Is Commissioner

Suarez satisfied?

MR. SUAREZ: Actually, we have no objection to a full-blown discussion of both Committee Report Nos. 28 and 36. However, there is a parliamentary impediment in the sense that Committee Report No. 36, if it is an error committed on the part of the Secretariat, falls under the Unassigned Business, and there is a committee report that takes precedence over Committee Report No. 36, and that is Committee Report No. 31.

So, Madam President, we might as well resolve this parliamentary situation — whether indeed we are going to discuss Committee Report No. 36, together with Committee Report No. 28, and lay aside in the meantime Committee Report No. 31, which was submitted by the Committee on General Provisions for a later deliberation.

THE PRESIDENT: What does the Steering Committee chairman say?

MR. BENGZON: As stated, Madam President, there was a precedent on this, and the body had no objections before in considering the two reports of the Committee on Local Governments, although one was calendared as the Business for the Day and the other came later.

And so, I feel that the body should have no qualms in considering Committee Report No. 28, together with Committee Report No. 36, considering that both refer to the same article and to the same subject matter.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: I join the honorable chairman of the Steering Committee for, in fact, in his scheduling of August 18, 1986, he scheduled Committee Report Nos. 28 and 36, together with the report on Family Rights and Duties. The Secretariat must have committed a typographical error in the order of the Business for the Day as stated by the Chair a while ago.

Thank you, Madam President.

THE PRESIDENT: So then the business before the body today is a joint consideration of Committee Report No. 28 and Committee Report No. 36. But the Chair would like to know from the members and the honorable chairman of the committee which particular report should be considered. Is Committee Report No. 28 already incorporated in Committee Report No. 36? If so, then Committee Report No. 36 should be the basis of our discussion.

MR. BENGZON: Yes.

MR. TINGSON: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Yes, Madam President, they are incorporated. I am speaking on behalf of our chairman who is here but who is indisposed.

MR. GARCIA: Madam President.

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: Thank you very much, Madam President.

I would like to make an inquiry to the chairman of the Steering Committee. It was our understanding during a previous caucus we had regarding the scheduling that we shall discuss the Article on the Declaration of Principles after we shall have discussed the majority of our committee reports.

I was wondering if it was decided that the article would be discussed before the Article on General Provisions.

MR. BENGZON: Madam President, may I look back to what actually happened. The first request was for the Article on the Declaration of Principles to be calendared as the last article for consideration, even later than the Transitory Provisions. And in a caucus that we had, it was agreed, based on the manifestation of the vice-chairman of the Committee on the Declaration of Principles when he said that he had spoken to the chairman, that the Article on the Declaration of Principles should not be the last but it should be discussed prior to the Transitory Provisions. And so in that caucus, Madam President, it was decided that the Article on the Declaration of Principles should not be the last and should be discussed prior to the Transitory Provisions. But it was not decided at what point before the Transitory Provisions this Article on the Declaration of Principles will be discussed.

So, the schedule was made. On August 18, 1986, the schedule was released, in which the Article on the Declaration of Principles, together with the Article on Family Rights, was to be discussed after the Article on Human Resources. Thereafter, the Article on General Provisions was scheduled and the last was the Transitory Provisions. This was released on August 18, 1986 and distributed to each Commissioner. And since then, the Order of Business had always stated that Committee Report No. 28 takes precedence over the committee report on the General Provisions without drawing any objections from anyone.

As I have already stated, we had a precedent in the past when two committee reports, one prior and one filed later, were considered together, and the prior date was the one that was chosen. That is the background, Madam President.

MR. GARCIA: Madam President, I beg to disagree. I think the records bear this out very clearly during our caucus on when we could finish the draft Constitution. It was made clear — and I think there are witnesses among us who can state very clearly — that we had decided to tackle the Article on the Declaration of Principles after the Article on General Provisions and the other articles that were then scheduled, for many reasons that were specified during that meeting.

I think if we look back at the record of that caucus, it was clear, and that is the reason I am asking since I do not recall of any other caucus that was held to reverse that original decision.

THE PRESIDENT: But may the Chair inquire if Commissioner Garcia received a copy of this memorandum from the chairman of the Steering Committee, dated August 18, 1986, which says that after the Article on Human Resources, what will be called will be the Article on the Declaration of Principles and State Policies?

MR. GARCIA: Yes, Madam President, and that is precisely my question. I was wondering where the authority came from, because it was the caucus' decision to have that precise scheduling. So how was it reversed without having passed through another discussion among the whole membership?

MR. BENGZON: Madam President, as I stated, in that caucus it was decided that the Article on the Declaration of Principles should not be considered after the Transitory Provisions, but before. But there was no statement or decision in the caucus as to how far before the Transitory Provisions should the Article on the Declaration of Principles be calendared. There was no decision and under the Rules, one of the functions and prerogatives of the Steering Committee is to prepare the schedule.

Apropos of that, Madam President, may I invite attention to the schedule made on July 30, 1986, released on the same date and where the Article on the Declaration of Principles was scheduled even ahead of the Articles on National Economy and on Human Resources. Thereafter, because of that desire to move back the schedule of the Article on the Declaration of Principles, there was the request to put it at the very end, which was changed

precisely in that caucus when the body decided to move it out of the end and be placed before the Article on Transitory Provisions. But there was no decision as to when before the Transitory Provisions the Article on the Declaration of Principles should be calendared.

And so, on that basis, Madam President, the Steering Committee, with me as chairman, prepared a schedule dated August 18, 1986 which was distributed on the same day, and no objections were raised.

THE PRESIDENT: The Chair resolves to inquire from the Committee on Preamble, National Territory, and Declaration of Principles. If the committee is ready to proceed with its report, then we will start; if it is not ready, then we will postpone it to some other time.

MR. TINGSON: We are very ready, Madam President, and we are eager to start with our work.

THE PRESIDENT: So, we will consider for today the committee report on the Declaration of Principles.

MR. TINGSON: Thank you, Madam President.

THE PRESIDENT: The Floor Leader is recognized.

CONSIDERATION OF PROPOSED RESOLUTION NO. 537

(Article on the Declaration of Principles)

PERIOD OF SPONSORSHIP AND DEBATE

MR. RAMA.: I move that we consider Committee Report No. 36 on Proposed Resolution No. 537 as reported out by the Committee on Preamble, National Territory, and Declaration of Principles.

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

Consideration of Proposed Resolution No. 537 is now in order. With the permission of the body, the Secretary-General will read only the title of the proposed resolution without prejudice to inserting in the Record the whole text thereof.

THE SECRETARY-GENERAL: Proposed Resolution No. 537, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON THE
DECLARATION OF PRINCIPLES.

(The following is the whole text of the substitute resolution per C.R. No. 36.)

COMMITTEE REPORT NO. 36

The Committee on Preamble, National Territory, and Declaration of Principles to which were referred
Proposed Resolution No. 3, introduced by Hon. Davide, Jr., entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON DECLARATION OF
PRINCIPLES AND STATE POLICES.

Proposed Resolution No. 41, introduced by Hon. Sarmiento, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION ENSURING THAT THE
RIGHT OF THE PEOPLE FREELY AND DIRECTLY TO PARTICIPATE AT ALL LEVELS OF
DECISION-MAKING IS RESPECTED AND PROMOTED AND THAT THE FORMATION AND

AUTONOMY OF GRASSROOTS ORGANIZATIONS AND AUTHENTIC POPULAR MOVEMENTS, WHETHER LOCAL, REGIONAL OR NATIONAL, ARE SECURED AND RECOGNIZED,

Proposed Resolution No. 42, introduced by Hon. Sarmiento, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION REQUIRING THE GOVERNMENT TO RESPECT THE RIGHTS OF ALL WORKERS AND EMPLOYEES, UNDER ANY AND ALL CIRCUMSTANCES, TO FREE ASSOCIATION AND COLLECTIVE BARGAINING AND TO ENGAGE IN CONCERTED ACTIVITIES FOR THEIR MUTUAL AID AND PROTECTION,

Proposed Resolution No. 64, introduced by Hon. Nollado, entitled:

RESOLUTION TO INCORPORATE IN THE DECLARATION OF PRINCIPLES OF THE NEW CONSTITUTION A PROVISION AGAINST POLITICAL DYNASTIES,

Proposed Resolution No. 70, introduced by Hon. Tingson, entitled:

RESOLUTION TO INCORPORATE IN THE CONSTITUTION THE PROVISION ON THE SEPARATION OF CHURCH AND STATE,

Proposed Resolution No. 86, introduced by Hon. Bengzon, Jr. entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION THE ENTIRE ARTICLE II OF THE 1973 CONSTITUTION.

Proposed Resolution No. 87, introduced by Hon. Aquino entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION PROVISIONS ON THE PROTECTION OF WOMEN'S RIGHTS,

Proposed Resolution No. 127, introduced by Hon. de los Reyes Jr., entitled:

RESOLUTION TO INCLUDE IN THE GENERAL PROVISIONS ON DECLARATION OF PRINCIPLES A PROVISION TO PREVENT THOUGHTLESS EXTRAVAGANCE AND CONSPICUOUS CONSUMPTION, PROHIBIT AND DISCOURAGE ACTIVITIES WHICH PROMOTE INDOLENCE AND ARE NON-PRODUCTIVE,

Proposed Resolution No. 172, introduced by Hon. Rigos, entitled:

RESOLUTION TO INCORPORATE IN THE DECLARATION OF PRINCIPLES AND STATE POLICIES PROVISIONS UPHOLDING THE TIME-HONORED PRINCIPLE OF THE SEPARATION OF CHURCH AND STATE,

Proposed Resolution No. 173, introduced by Hon. Rigos, entitled:

RESOLUTION TO INCORPORATE IN THE CONSTITUTION A PROVISION PROVIDING FOR THE RIGHTS OF CHILDREN,

Proposed Resolution No. 179, introduced by Hon. Rosario Braid, entitled:

RESOLUTION TO INCLUDE IN THE DECLARATION OF PRINCIPLES THE STATE'S COMMITMENT TO PROMOTE AND PROTECT THE WELFARE, RIGHTS AND INTERESTS OF WOMEN AND THE YOUTH,

Proposed Resolution No. 185, introduced by Hon. Nollado, entitled:

RESOLUTION TO INCLUDE IN THE DECLARATION OF PRINCIPLES THE FOLLOWING: "IN THE

GRANT OF RIGHTS, PRIVILEGES OR CONCESSIONS, THE STATE SHALL ADOPT THE FILIPINO-FIRST POLICY,"

Proposed Resolution No. 186, introduced by Hon. Nollado, entitled:

RESOLUTION TO INCLUDE IN THE DECLARATION OF PRINCIPLES A PROVISION THAT THE STATE RECOGNIZES THE DIGNITY OF THE HUMAN PERSONALITY AND GUARANTEES FULL RESPECT FOR HUMAN RIGHTS,

Proposed Resolution No. 187, introduced by Hon. Nollado, entitled:

RESOLUTION TO PROVIDE IN THE DECLARATION OF PRINCIPLES THAT THE STATE SHALL ESTABLISH, MAINTAIN AND ENSURE ADEQUATE SOCIAL SERVICES IN THE FIELDS OF EDUCATION, HEALTH, HOUSING, UNEMPLOYMENT, WELFARE, AND SOCIAL SECURITY IN ORDER TO ATTAIN A DECENT STANDARD OF LIVING FOR OUR PEOPLE,

Proposed Resolution No. 190, introduced by Hon. Nollado, entitled:

RESOLUTION TO INCLUDE A PROVISION IN THE DECLARATION OF PRINCIPLES THAT THE PHILIPPINES IS A REPUBLICAN AND DEMOCRATIC STATE AND THAT SOVEREIGNTY RESIDES IN THE FILIPINO PEOPLE AND ALL GOVERNMENT AUTHORITY EMANATES FROM THEM,

Proposed Resolution No. 192, introduced by Hon. Nollado, entitled:

RESOLUTION TO INCLUDE IN THE DECLARATION OF PRINCIPLES THIS PROVISION: "THE STATE RECOGNIZES THE VITAL ROLE OF THE YOUTH IN NATION-BUILDING AND SHALL FULLY PROMOTE THEIR PHYSICAL, INTELLECTUAL AND SOCIAL WELL-BEING. FOR THIS PURPOSE, THE STATE SHALL INCULCATE IN THE YOUTH DESIRABLE VALUES AND VIRTUES, NATIONALISM, PATRIOTISM, SPIRIT OF SPORTSMANSHIP AND INVOLVEMENT IN THE AFFAIRS OF THE NATION,

Proposed Resolution No. 196, introduced by Hon. Sarmiento, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION FOR THE PROTECTION OF CHILDREN AGAINST ALL FORMS OF NEGLECT, CRUELTY AND EXPLOITATION,

Proposed Resolution No. 201, introduced by Hon. Bengzon, Jr., entitled:

RESOLUTION INCORPORATING UNDER THE NEW CONSTITUTION PROVISIONS STRENGTHENING CIVILIAN SUPREMACY OVER THE MILITARY,

Proposed Resolution No. 205, introduced by Hon. Rigos, entitled:

RESOLUTION TO INCORPORATE IN THE DECLARATION OF PRINCIPLES AND STATE POLICIES A PROVISION RECOGNIZING THE RIGHT TO A HEALTHY ENVIRONMENT AND PROVIDING FOR THE PRESERVATION AND PROTECTION OF THE COUNTRY'S NATURAL RESOURCES,

Proposed Resolution No. 217, introduced by Hon. de los Reyes, Jr., entitled:

RESOLUTION PROVIDING FOR A CATEGORICAL COMMITMENT TO SECURE A BETTER MORAL ENVIRONMENT FOR OUR COUNTRY,

Proposed Resolution No. 221, introduced by Hon. Quesada, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION DECLARING THAT ENVIRONMENTAL PROTECTION AND PRESERVATION SHALL BE THE RESPONSIBILITY OF THE

STATE AND THE CITIZENS OF THE COUNTRY,

Proposed Resolution No. 231, introduced by Hon. de Castro, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION STATE POLICIES TO PREVENT THE SAD EXPERIENCES OF THE FILIPINO PEOPLE DURING THE TWENTY YEARS RULE OF THE DEPOSED REGIME,

Proposed Resolution No. 248, introduced by Hon. Rosario Braid, entitled:

RESOLUTION PROVIDING THAT THE STATE SHALL ADOPT AND IMPLEMENT AN INTEGRATED AND COORDINATED APPROACH TO DEVELOPMENTAL PLANNING COMPATIBLE WITH THE PROTECTION AND IMPROVEMENT OF THE ENVIRONMENT,

Proposed Resolution No. 249, introduced by Hon. Sarmiento, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION THAT THE STATE SHALL PROVIDE SPECIAL PROTECTION AND CARE TO MOTHERS DURING PREGNANCY AND MATERNITY,

Proposed Resolution No. 269, introduced by Hon. Tingson, entitled:

RESOLUTION PROPOSING TO INCLUDE IN THE DECLARATION OF PRINCIPLES OF THE CONSTITUTION A PROVISION ON MORAL COMMITMENT,

Proposed Resolution No. 272, introduced by Hon. Nieva, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A SEPARATE ARTICLE ON THE PROTECTION AND PROMOTION OF THE RIGHTS OF THE FAMILY,

Proposed Resolution No. 295, introduced by Hon. Villacorta, entitled:

RESOLUTION STRESSING THAT THE CONCEPT OF THE STATE INCLUDES THE PEOPLE AS THE SUPREME ELEMENT,

Proposed Resolution No. 302, introduced by Hon. Rama, entitled:

RESOLUTION TO DELETE THE PROVISION UNDER DECLARATION OF PRINCIPLES IN BOTH THE 1935 AND 1973 CONSTITUTIONS POSTULATING THAT THE "DEFENSE OF THE STATE IS THE PRIME DUTY OF THE GOVERNMENT AND PEOPLE" AND TO THIS END TO COMPEL EVERY CITIZEN TO RENDER MILITARY SERVICE — A DANGEROUS ANACHRONISM THAT SHOULD YIELD TO THE SOUNDER AND MORE RELEVANT PRIORITY THAT THE GOVERNMENT'S PRIMARY DUTY IS TO LIFT THE LIVING LEVEL OF OUR IMPOVERISHED PEOPLE AND TO DEFEND THEIR BASIC FREEDOMS,

Proposed Resolution No. 328, introduced by Hon. Aquino, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION PROVISIONS ENSURING THE MUTUAL AUTONOMY OF CHURCH AND STATE,

Proposed Resolution No. 331, introduced by Hon. Aquino, entitled:

RESOLUTION TO INCORPORATE IN THE DECLARATION OF PRINCIPLES PROVISIONS ON THE RECOGNITION AND PROTECTION OF WORKERS' RIGHT,

Proposed Resolution No. 345, introduced by Hon. Colayco, entitled:

RESOLUTION TO INCORPORATE INTO THE CONSTITUTION A PROVISION ON THE COOPERATION BETWEEN CHURCH AND STATE,

Proposed Resolution No. 372, introduced by Hon. Calderon, entitled:

RESOLUTION STATING THE DECLARATION OF PRINCIPLES WHICH SHALL GUIDE THE GOVERNMENT OF THE PHILIPPINES IN ITS RELATION WITH ITSELF, ITS CITIZENS, AND OTHER NATIONS,

Proposed Resolution No. 381, introduced by Hon. Davide, Jr., entitled:

A RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION MANDATING THE ELIMINATION OF ALL FORMS OF FOREIGN CONTROL OR DOMINATION IN THE POLITICAL, ECONOMIC, SOCIAL AND CULTURAL LIFE OF THE NATION,

Proposed Resolution No. 383, introduced by Hon. Davide, Jr., entitled:

A RESOLUTION RECOGNIZING THE RIGHT OF A CITIZEN TO REFUSE TO RENDER WAR SERVICE ON GROUNDS OF CONSCIENCE,

Proposed Resolution No. 390, introduced by Hon. Nollado, entitled:

RESOLUTION TO PROVIDE IN THE NEW CONSTITUTION THAT THE CHURCH AND THE STATE ARE INDEPENDENT OF EACH OTHER BUT MUST WORK TOGETHER HARMONIOUSLY FOR THE COMMON GOOD,

Proposed Resolution No. 393, introduced by Hon. Sarmiento, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION REQUIRING THE STATE TO PROMOTE POLITICAL PLURALISM AND PROHIBIT ALL FORMS OF DISCRIMINATION AND REPRESSION BY REASON OF POLITICAL CONVICTIONS,

Proposed Resolution No. 395, introduced by Hon. Aquino, entitled:

RESOLUTION TO INCORPORATE IN THE DECLARATION OF PRINCIPLES PROVISIONS ON THE SEPARATION OF CHURCH AND STATE,

Proposed Resolution No. 406, introduced by Hon. Rosario Braid, entitled:

RESOLUTION PROVIDING FOR A SECTION ON EDUCATION IN THE ARTICLE ON THE DECLARATION OF PRINCIPLES,

Proposed Resolution No. 407, introduced by Hon. Rosario Braid, entitled:

RESOLUTION TO INCLUDE IN THE ARTICLE ON DECLARATION OF PRINCIPLES AND STATE POLICIES A PROVISION CONSTITUTING COMMUNICATION RESOURCES AS A VITAL NATIONAL RESOURCE,

Proposed Resolution No. 424, introduced by Hon. Suarez, entitled:

RESOLUTION PROVIDING FOR CONSUMER PROTECTION IN THE NEW CONSTITUTION,

Proposed Resolution No. 430, introduced by Hon. Ople, entitled:

RESOLUTION TERMINATING THE MILITARY BASES AGREEMENT BY 1991,

Proposed Resolution No. 434, introduced by Hon. Rigos, entitled:

RESOLUTION TO INCORPORATE IN THE ARTICLE ON SOCIAL JUSTICE PROVISION PROVIDING BASIC CONSUMER RIGHTS TO ALL CITIZENS,

Proposed Resolution No. 437, introduced by Hon. Tingson, entitled:

A RESOLUTION PROPOSING FOR THE INCLUSION OF A PROVISION ON THE DECLARATION OF PRINCIPLES AND STATE POLICIES IN THE NEW CONSTITUTION,

Proposed Resolution No. 452, introduced by Hon. Gascon, entitled:

RESOLUTION FOR THE ENCOURAGEMENT AND PROMOTION OF PEOPLE'S ORGANIZATIONS,

Proposed Resolution No. 479, introduced by Hon. Rosario Braid, entitled:

RESOLUTION TO INCORPORATE IN THE DECLARATION OF PRINCIPLES THE RECOGNITION OF RURAL DEVELOPMENT AND AGRARIAN REFORM AS PRIORITIES OF THE STATE,

Proposed Resolution No. 481, introduced by Hon. Gascon, entitled:

RESOLUTION TO INCORPORATE IN THE CONSTITUTION A PROVISION RECOGNIZING THE ROLE OF THE YOUTH IN NATION-BUILDING AND GUARANTEEING THEIR REPRESENTATION IN POLICY-MAKING BODIES OF THE GOVERNMENT,

Proposed Resolution No. 489, introduced by Hon. Bacani, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION PROTECTING THE INDISSOLUBILITY OF MARRIAGE AND THE STABILITY OF THE FILIPINO FAMILY,

Proposed Resolution No. 498, introduced by Hon. Villegas, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION SECTION ONE OF THE DECLARATION OF PRINCIPLES OF THE 1973 CONSTITUTION WITH AN AMENDMENT TO QUALIFY THE ORIGIN OF THE SOVEREIGNTY OF THE PEOPLE,

Proposed Resolution No. 499, introduced by Hon. Villegas, entitled:

RESOLUTION TO INCORPORATE IN THE DECLARATION OF PRINCIPLES AND STATE POLICIES OF THE 1986 CONSTITUTION A STATEMENT OF THE NATIONAL PURPOSE,

Proposed Resolution No. 500, introduced by Hon. Villegas, entitled:

RESOLUTION TO INCORPORATE IN THE DECLARATION OF PRINCIPLES AND STATE POLICIES OF THE NEW CONSTITUTION A SECTION ON THE FILIPINO COMMITMENT TO PEACE, BENEVOLENCE, AND RECONCILIATION,

Proposed Resolution No. 501, introduced by Hon. Villegas, entitled:

RESOLUTION TO INCORPORATE IN THE DECLARATION OF PRINCIPLES AND STATE POLICIES OF THE NEW CONSTITUTION A SECTION PROVIDING FOR THE DEFENSE OF THE NATION,

Proposed Resolution No. 505, introduced by Hon. Villegas, entitled:

RESOLUTION TO ADOPT AS AMENDED TO FURTHER EMPHASIZE THE RIGHTS OF THE FAMILY

ARTICLE 2, SECTION 4 OF THE 1973 CONSTITUTION FOR INCORPORATION INTO THE DECLARATION OF PRINCIPLES AND STATE POLICIES OF THE NEW CONSTITUTION,

Proposed Resolution No. 506, introduced by Hon. Villegas, entitled:

RESOLUTION TO ADOPT AS AMENDED ARTICLE 2, SECTION 5 OF THE 1973 CONSTITUTION FOR INCORPORATION INTO THE DECLARATION OF PRINCIPLES AND STATE POLICIES OF THE NEW CONSTITUTION EMPHASIZING THE ROLE AND RIGHTS OF THE YOUTH,

has considered the same and has the honor to report them back to the Constitutional Commission of 1986 with the recommendation that attached Proposed Resolution No. 537 prepared by the Committee, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON THE DECLARATION OF PRINCIPLES,

be approved in substitution of Proposed Resolution Nos. 3, 41, 42, 64, 70, 86, 87, 127, 172, 173, 179, 185, 186, 187, 190, 192, 196, 201, 205, 217, 221, 231, 248, 249, 269, 272, 295, 302, 328, 331, 345, 372, 381, 383, 390, 393, 395, 406, 407, 424, 430, 434, 437, 452, 479, 481, 489, 498, 499, 500, 501, 505 and 506 with Honorable Davide, Jr., Nollado, Sarmiento, Tingson, Bengzon, Jr., Aquino, de los Reyes, Jr., Rigos, Rosario Braid, Quesada, De Castro, Nieva, Villacorta, Rama, Bacani, Colayco, Calderon, Suarez, Ople, Gascon, Villegas, Rosales, Azcuna, Foz and Garcia as authors.

(SGD.) DECOROSO R. ROSALES

Chairman

Committee on Preamble, National Territory,
and Declaration of Principles

(SGD.) GREGORIO J. TINGSON

Vice-Chairman

(SGD.) FELICITAS S. AQUINO

Vice Chairman

(SGD.) ADOLFO S. AZCUNA

Member

(SGD.) FLORANGEL ROSARIO BRAID

Member

(SGD.) CRISPINO M DE CASTRO

Member

(SGD.) VICENTE B FOZ

Member

(SGD.) EDMUNDO G GARCIA

Member

(SGD.) JOSE N NOLLEDO

Member

(SGD.) MINDA LUZ M. QUESADA

Member

(SGD.)BERNARDO M VILLEGAS

Member

(with reservations)

PROPOSED RESOLUTION NO. 537

(Substitute resolution)

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON THE
DECLARATION OF PRINCIPLES.

Resolved, as it is hereby resolved by the Constitutional Commission in session assembled, To incorporate in the new Constitution the following provision:

ARTICLE II

Declaration of Principles and State Policies

SECTION 1. The Philippines is a republican and democratic State. Sovereignty resides in the Filipino people and all government authority emanates from them and continues only with their consent.

SECTION 2. The Filipino people commit themselves to peace, equality and freedom. They renounce war as an instrument of national policy and adopt the generally accepted principles of international law as part of the laws of the land.

SECTION 3. The State shall pursue an independent course in sovereign relations and strive to promote and establish, together with other States agreeable thereto, a zone of peace, freedom and neutrality in this part of the world.

The State has the inherent right to self-determination, national independence and sovereignty. Subject to existing treaties, international or executive agreements, foreign military bases, troops or facilities shall be forbidden in any part of the Philippine territory.

SECTION 4. The Philippines is a nuclear-free country. No portion of its territory shall be used for the purpose of storing or stockpiling of nuclear weapons, devices or parts thereof.

SECTION 5. The State values the dignity of the human person, guarantees full respect for human rights and undertakes to uplift the social, economic and political condition.

SECTION 6. The prime duty of the government is to serve and protect the people. The people and the government shall defend the State and in the fulfillment of this duty all citizens may be required by law, with due regard to objections of conscience, to render personal military or civil service.

SECTION 7. The prime concern of the State is the promotion and establishment of a socio-political and economic system that will ensure the independence of the nation and aims to secure for the people the benefits of full employment, a high standard of living, equality in economic opportunities, security in old age, and other basic human rights.

SECTION 8. The State shall intensify efforts to promote social justice in the pursuit of national development objectives. To this end, Congress shall give highest priority to the enactment of measures designed to reduce economic and political inequalities, including measures to regulate the acquisition, ownership, use and disposition of property, as well as to encourage self-reliant socio-political and economic structures.

SECTION 9. The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic social institution. The State shall equally protect the life of the mother and the life of the unborn from the moment of conception. The natural right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the aid and support of the government.

SECTION 10. The State recognizes the vital role of the youth in nation-building and shall promote their physical, moral, spiritual, intellectual, and social well-being.

For this purpose, the State shall inculcate in the youth nationalism, patriotism and involvement in the affairs of the nation.

The State shall protect children from all forms of neglect, cruelty and exploitation, particularly in conditions harmful to their physical, mental or moral well-being.

SECTION 11. The State recognizes the role and participation of women in nation-building and shall ensure the right of women to equal protection with men in all spheres of economic, political, civil, social and cultural life, including family life.

SECTION 12. The State affirms the primacy of labor as a social and economic force and shall foster their welfare and protect their rights, subject to the corresponding claims of capital to reasonable growth and returns.

SECTION 13. The State shall establish, maintain, and secure adequate social services in the fields of education, health, housing, employment, welfare, and social security to guarantee the enjoyment by the people of a decent level of living and a life worthy of human dignity.

SECTION 14. The State shall promote rural development and agrarian reform as priorities, with cooperativism as its organizing principle.

SECTION 15. The State shall recognize and respect the right of indigenous cultural communities to choose their own path of development according to their political, economic, 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.

SECTION 16. The State shall encourage non-government and community-based organizations engaged in activities that promote the welfare of the nation.

SECTION 17. The State recognizes the role of health in the economic and social development of the country and, towards this end, shall protect the health of the people.

SECTION 18. The State recognizes the human right to a healthy environment and the singular demand of nature to follow its own rhythm and harmony. The State shall therefore maintain ecological balance even as it harnesses our natural resources for the common good and the sustenance of future generations.

SECTION 19. The State recognizes the role of science and technology in national development and in harnessing the full potential of the natural and human resources of the country. Towards this end, it shall promote the development of an indigenous socially responsive and nationalist-oriented scientific and technological capability.

SECTION 20. The State recognizes education and culture as priority concerns for the promotion of nationalism, cultural integration and the development of its citizens and the country.

SECTION 21. The State shall protect the right of the people to communicate and shall promote access to information to enhance social and political participation. The media and other forms of communication have a social responsibility in assisting the people to enjoy their rights and freedoms.

SECTION 22. The State shall guarantee and promote the autonomy of local government units and autonomous regions to ensure their fullest development as self-reliant communities.

SECTION 23. The State shall broaden opportunities to public office and prohibit political dynasties.

SECTION 24. The Philippines, under the conditions laid down by law, shall grant asylum to foreigners who are persecuted in their country in defense of human rights and in the liberation of their country, and they shall not be extradited.

SECTION 25. The civilian authority is at all times supreme over the military.

SECTION 26. When a long chain of government abuses and usurpations, pursuing invariably the same object contrary to the expressed will of the people, evinces a design to reduce them under absolute despotism, it is the right of the people, it is their duty, to change such government, and to provide new guards for their future security.

SECTION 27. The separation of the Church and State shall be inviolable.

PORTION FOR INCLUSION IN TRANSITORY PROVISION

Upon the expiration of the RP-US bases agreement in 1991, foreign military bases, troops and facilities, shall no longer be allowed in any part of the Philippine territory.

MR. RAMA: May I ask that the committee chairman and the committee members take their seats so we can start the period of sponsorship.

THE PRESIDENT: May we request the honorable chairman and members of the Committee on Preamble, National Territory, and Declaration of Principles to please occupy the front table.

MR. TINGSON: Madam President, we would like our official chairman, Commissioner Decoroso R. Rosales, be helped brought here to be with us.

MR. RAMA: Madam President, I ask that Commissioner Tingson be first recognized as vice-chairman.

THE PRESIDENT: Commissioner Tingson is recognized.

SPONSORSHIP SPEECH OF COMMISSIONER TINGSON

MR. TINGSON: Madam President, in deference to our official chairman, Commissioner Rosales, we did ask him to say a few words this morning but he said he would rather listen. We are grateful to Commissioner Rosales for helping us in the formulation of our committee report, in spite of the fact that most often he was absent from our deliberations because he is under the doctor's care. We hope and we pray that before long his health will be restored.

Madam President, in behalf of the committee, I wish to humbly underscore the salient features, especially the new ones, of the proposed Article on the Declaration of Principles and State Policies. The body will note that the committee's proposal consists of 27 sections.

In the 1973 Constitution, there were only 10 provisions; in the 1935 Constitution, there were only five. Is the Article on Declaration of Principles that important that it now merits many more sections? Yes, it is; our committee thinks so. In fact, the Committee on Sponsorship is formally recommending through the Subcommittee on Rubrics that the Declaration of Principles and State Policies should immediately follow the Preamble. But why? Because this particular article makes positive affirmations, asserts national intentions and unashamedly proclaims for all the world to hear what kind of a country we are grateful to God for; what nature of a government

we intend for our citizenry to support; what dimensions of power, privileges and responsibilities tax-paying citizens must be aware of, if only to remind our people that for every privilege we enjoy there perforce must be an equal and corresponding responsibility. Necessarily, therefore, declarations in this article find themselves elucidated on, explained further and made more lucid and compellingly clear in succeeding articles of our emerging fundamental law. Support for our committee's stand on this point would come from two of our legal minds in this body who have written books on constitutionalism which are widely read and authoritatively quoted: Commissioners Jose Nollado and Joaquin Bernas. In substance they maintain that the function of the Declaration of Principles and State Policies in our Constitution is a statement of the basic ideological principles that underlie the Constitution. As such, the provisions shed light on the meaning of the other provisions of the Constitution and they are a guide for all departments of the government in the implementation of the Constitution.

The inclusion, Madam President, of 17 new sections is a manifestation that in the rebirth of our nation, the Charter that accompanies it must truly be reflective of the ideals and aspirations of the Filipino people that are not only genuine but inherent in them. Aside from presenting our basic ideological principles, the same article must equally reflect all-embracing sentiments of the people in their renewed desire to achieve a society that is founded on justice, freedom, equality, love and peace.

On the concept of the State and its relation with other States, we have retained Section 1, restating our adherence to republicanism and have reinforced the same with a stronger word, "democratic," to make it consistent with what the proposed Preamble provides — that the people shall secure for them and their future the "blessings of democracy." That all government authority emanates from the people is also retained as a basic principle of republicanism. The renunciation of war is retained in Section 2; along with it is a confirmation of our adherence to international harmony and order. This is reinforced by two new sections, one on neutrality and the other declaring our country a nuclear-free territory. Another new section is Section 24, granting asylum to persecuted foreigners who are human rights and political liberation advocates.

On the responsibilities of the State to the people, both individually and collectively, we have included policies and principles on the dignity of the human person (Section 5); the duty of the government to serve and protect the people (Section 6); recognition of the sanctity of family life, the family being the basic social institution (Section 9); the vital role of the youth in nation-building (Sections 9 and 10); and the equally significant role of women (Section 11).

Section 5 affirms our deep regard for the preservation of the dignity of every individual. As such, the State should guarantee full respect for human rights and should try its best to uplift the conditions of the people. For the State to be successful in ensuring individual welfare, it should be able to effectively provide man his basic and political needs. Aside from these socio-economic and political structures, the State shall likewise ensure that every Filipino family is protected and strengthened. Here, the concept of responsible parenthood is best magnified to include the responsibility of the parents to their children. With a stronger family relationship, the Filipino society as a whole will likewise be sturdy and stable.

Section 10 on the youth is one aspect of the article that shall enshrine our highest regard for the welfare of our youth in their role as future leaders of this country. The words of Dr. Jose Rizal amplify this when he said that "The youth is the hope of the fatherland." How true his statement is. Even as we write this Constitution, we must be guided by a vision that the fundamental law we make today is more important to the generation as this will shape the destiny of the youth today, who will inevitably guide the country's path in the not-so-distant future.

On the total development of man, Section 7 clearly establishes the primary concern of the State which is the promotion and establishment of a wholesome socio-political and economic system in our society. This concept is

buttressed by Section 8 on social justice; Section 12 on the protection of labor; Section 13 on the establishment of adequate social services; Section 14 on rural development and agrarian reform; Section 15 on the rights of the indigenous cultural communities; Section 16 on welfare-oriented community organizations; Section 17 on health; Section 18 on ecological balance; Section 19 on the promotion of an indigenous socially responsible and nationalist-oriented scientific and technological capability; Section 20 on education and culture; Section 21 on public information and participation; Section 22 on local autonomy and self-reliance; Section 23 on public office; and Section 26 on the inherent right of the people to secure to themselves a democratic form of government. Two other provisions which are equally significant guiding principles of the State, especially so with the recent political developments that have drastically transformed our society, are long-established principles which are: the supremacy of civilian authority over the military (Section 25) and the separation of Church and State.

By and large, the democracies of the free world, Madam President, have kept close to the time-honored principle of the separation of Church and State. Nonetheless, we find it essential to reiterate this principle in the basic law, moving it from General Provisions in the 1973 Charter to the Declaration of Principles as also suggested in the UP draft because its absence could very well invite dire possibilities in the future. Commissioner Rosario Braid, chairman of the Committee on General Provisions, reports on this subject alone. She acknowledged receipt of over 500 letters urging our Commission not to forget to articulate in our Constitution the separation of Church and State.

Someone once said that man is precariously civilized. We are all witnesses to the kinship of Abel and Cain in each individual. And we might sometimes wonder how thin the ice of civilized life is. As late as 1960, the late President of the United States and the first Roman Catholic elected to the presidency of that country once again had to remind Americans that the principle of the separation of the Church and State exists and remains inviolable. Religion is a pervasive and overwhelming fact of our national existence. While we do not entertain the notion of ever regulating the observance of religion, let us make sure that religion, encompassing as it does large segments of our society, does not unduly influence the formulation and implementation of state policies. But how might these two distinguishable but permanent institutions live alongside each other? Shall one regulate the other? Shall the other subserve the former? Obviously, our own great minds of the past have found a solution to this, which is the reason why the separation of Church and State has long been established and enjoys its respective place in our constitutional heritage and legal jurisprudence. The formula was and always has been to put a space between Church and government, a space in respect for distance between the two. For religion, whatever it might be, to flourish in our society, it has observed this principle because the space provided for itself in the sphere of spiritual influence is wide and broad enough that it need not aspire to control the political sphere, as well as in order to fulfill itself.

Our overriding concern as a committee, therefore, can only be this: The Church or the State can destroy itself by interfering with the business of the other. The passage "Render unto Caesar the things that are Caesar's, and unto God the things that are God's" is not an idle passage in the Holy Book. It is an established principle, and violating it can only mean disaster, either for the Church or the State. To be sure, we need a government to referee our conflicting aspirations, to guide us and to give us direction. We need religion also for many reasons, but above all, to carry us above the mundane realities when the government cannot.

Madam President, as I close, the Committee on Preamble, National Territory, and Declaration of Principles is painfully aware of the fact that our report contains in Sections 3 and 4, or perhaps Sections 2 and 9, and the portion appended for inclusion in the Transitory Provisions some explosive and divisive issues. Discussions or debates on these critical issues of the day could, if not guided and controlled by reason, tolerance and compassion, tear us apart and destroy whatever friendships and fellowships we have been painstakingly building during the

past three-and-a-half months. And our country will inevitably suffer as a consequence. The Book of Proverbs has a good word for us during the next few days:

The wise man is known by his common sense,
and a pleasant teacher is the best.
Wisdom is a foundation of life to those possessing it,
but a fool's burden is his folly.
From a wise mind comes careful and persuasive speech.

Let us remember that we can intellectually disagree without being disagreeable. We have enshrined the word "love" in our Preamble; years from now we will be more grateful than we are today that our Commission had the vision, the wisdom, nay, the divisive life, I would dare say, in our decision to enrich our Charter with such a collective prayer using the word "love." Let us observe it during the next few days.

For love is giving with no thought of getting. It is tenderness enfolding with strength to protect. It is forgiveness without further thought of the thing forgiven. It is understanding of the thing forgiven. It is understanding of human weakness with knowledge of the true man shining through. It is quiet in the midst of turmoil. It is trust in God with no thought of self. It is the refusal to see anything but good in our fellowmen. It is the voice that says "no" to our brother though "yes" might be more conveniently and easily said. It is resistance to the world's lust and greed and fame and popularity, thus becoming a positive law of annihilation to error. Love, the one thing no one can take from us; the one thing we can give constantly and become increasingly rich in the giving. Love can take no offense for it cannot know that which it does not of itself conceive. It cannot hurt or be hurt for it is the purest reflection of God. It is the one eternal indestructible force for good. Love, it is the will of God, preparing, planning, proposing, always what is best for all His universe.

Maraming salamat po. Thank you very much, Madam President.

THE PRESIDENT: The Floor Leader is recognized.

SUSPENSION OF SESSION

MR. RAMA: There is a request here, Madam President, that we suspend the session because one of the sponsorship speakers has to go to the hospital to attend to his ailing father. So, I move, Madam President, that we suspend the session until after lunch.

THE PRESIDENT: The session is suspended until two-thirty this afternoon.

It was 12:22 p.m.

RESUMPTION OF SESSION

At 2:45 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

The honorable chairman and members of the Committee on the Declaration of Principles will please occupy the front seats.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

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

THE PRESIDENT: Commissioner Nollado is recognized.

SPONSORSHIP SPEECH OF COMMISSIONER NOLLEDO

MR. NOLLEDO: Thank you, Madam President.

Madam President and my dear colleagues in the Constitutional Commission, as a member of the family of nations, our country and people pretend to have independence. We thought that with the declaration of independence on July 4, 1946, our leaders could really chart the destiny of our nation freed from foreign interference. To my mind, our independence has been illusory and has remained an unfulfilled dream.

Since 1946, Madam President, we have been too dependent on the United States whose military bases in our country have spawned irritations in many aspects and have generated bitterness among and protest from right-thinking Filipinos who aspire for real national independence. Our country has become a virtual satellite of the United States whose yearly aid is too little in exchange for our almost total subservience to U.S. policies and interests. With the adoption of neutrality and neutralism in the form of nonalignment by the Philippines, we shall be emancipating ourselves from the parental authority of Mother America.

Madam President, our committee recommends the adoption by our country of neutrality and neutralism. In its legal sense, neutrality is the legal status arising from the abstention of a state from all participation in war between other states, the maintenance of an attitude of impartiality toward the belligerents and the recognition by the belligerents of this abstention and impartiality. Neutralism, Madam President, on the other hand, is neutrality basically in time of peace. In international politics, neutralism is the policy of nonalignment with major power blocs pursued in the post-World War II period by countries like India, Burma, Kenya and Yugoslavia. It is not being isolationist because these nations, Madam President, seek cooperation in economic, social and nonpolitical affairs with other nations of the world. Neutralism also followed from the policy of avoidance of entangling alliances advocated for the United States by Presidents Washington and Jefferson and pursued during the European wars between France and Great Britain. It is a policy necessary to preserve the nation's independence and to serve the national interests. Neutralism, however, Madam President, enables countries to get much-needed economic assistance from both power blocs, the United States and Russia. It avoids a form of dependence on one power bloc.

The declaration of neutrality and nonalignment directed against all power blocs necessarily results in the prohibition of foreign bases in our country.

Much has been said about the American bases in our country, Madam President. However, I would like to state that the existence of American bases in our country is an infringement on our sovereignty, as well as jurisdiction. It has made our country and our leaders subservient to American policies and interests. It contradicts the rule of self-determination guaranteed by the United Nations Charter because, in effect, it constitutes intervention in our domestic affairs. It violates the rule of disarmament sought for by the United Nations. It diminishes our national dignity and honor. It promotes immoralities of all sorts and constitutes an affront to the intelligence of the Filipinos because of the one-sided provisions of the RP-US Bases Agreement as it was foisted upon and squeezed from us at a time when our leaders, faced with the urgent need to rehabilitate our country in view of widespread devastation wrought by World War II, had no choice but to succumb to the onerous terms of the agreement.

The existence of the American bases, Madam President, is a continuing threat to and constitutes an undue influence upon the leaders of our country. It has been a truism that a Filipino political leader, to enjoy support whether openly or clandestinely by the United States of America, must agree with the maintenance of American bases in our country.

Only a leader willing to be an American tool in this respect will get aid from the U.S. including the U.S.-dominated World Bank, as well as the International Monetary Fund. It is a well-known fact that the United States supported the repressive and most corrupt regime of Ferdinand Marcos. It is said that President Nixon cooperated and facilitated the declaration of martial law in our country. President Ford continued to support the pro-Marcos policy. President Carter tolerated the Marcos dictatorship and Henry Kissinger openly supported the deposed dictator. President Reagan affectionately, intimately and closely supported the Marcos administration. All these were possible because Mr. Marcos, a close American ally and who allegedly fought side by side with the Americans in fighting the Japanese enemies during World War II, was an ardent supporter of the American bases. The cosmetic moves of Mr. Marcos to have Filipino commanders in American bases and to require these bases to fly the Filipino flag do not, in any way, lessen the validity of the arguments against the American bases.

The Marcos regime has wrought great havoc to our country. It has intensified insurgency and is guilty of rampant violations of human rights and injustices that it has committed. It has brought about economic turmoil. It has institutionalized widespread graft and corruption in all levels of government and it has bled the National Treasury, resulting in great financial hemorrhage of our country. Therefore, the United States, because of the American bases, has become particeps criminis in the grand design of Mr. Marcos to devastate our country. Because of this American participation in this devilish design, I ask President Corazon Aquino to claim from the United States reparations, similar to the war damages payment from the United States and Japan after World War II, to the tune of at least \$5 billion or more, if we are to believe, as we have no reason not to believe Senator Jovito R. Salonga, that this was the amount stolen by Mr. Marcos and his cronies from the Filipino people.

I subscribe to the view, Madam President, of Senator Jose W. Diokno that the RP-US Bases Agreement is null and void for being violative of the 1935 Constitution, which included the Tydings-McDuffie Act as an ordinance thereof and which was ratified by our people in a plebiscite. The Tydings-McDuffie Act called upon the U.S. President to enter into negotiations with foreign powers for conclusion of a treaty leading to the perpetual neutralization of the Republic of the Philippines. But the US-Japanese war, Madam President, prevented the implementation of this provision when President Franklin Delano Roosevelt signed on June 29, 1944 US Congress Joint Resolution No. 93 which authorized the President of the United States to negotiate with the President of the Philippine Commonwealth for the retention or acquisition of bases in the Philippines for the mutual protection of the two countries. This was approved by the Philippine Congress on July 28, 1945 but was never submitted to a plebiscite. Therefore, Resolution No. 93 could not have superseded the Tydings-McDuffie Act. The RP-US Bases Agreement, Madam President, with its disadvantageous terms was entered into when the Filipinos could not muster the national will to oppose the same. The claim of Ambassador Emmanuel Pelaez that the Philippines is now estopped to raise the invalidity of said agreement does not hold water because of a basic and settled rule, applicable not only in civil and commercial law but also in political law, that the State is not estopped by the illegal acts of its officers. Prescription — it is a settled rule — does not lie against the State.

Madam President, in our consultations, a great number of people, especially the students in different parts of the country who will inherit the country from us, are against the existence of American bases in the Philippines. Their highly justified plea should not fall unto deaf ears, lest the future generation will judge us harshly.

Lastly, Madam President, borrowing the words of Mayor Arsenio H. Lacson, and I quote:

I am not anti-American; I am not anti-alien; I am just pro-Filipino. God bless and save the Philippines.

Thank you, Madam President. (Applause)

MR. RAMA: Madam President, I ask that Commissioner Rodrigo be recognized.

THE PRESIDENT: Commissioner Rodrigo is recognized.

The Chair requests our guests in the gallery to please refrain from making any outward manifestation of either approval or disapproval of any speech being made here in the session hall.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

TURNO EN CONTRA OF COMMISSIONER RODRIGO

MR. RODRIGO: Madam President, the issue on the American bases in the Philippines is of utmost interest to our people so permit me to discuss this issue.

Madam President, the way to start a discussion is to pinpoint the subject and define the issues. What is the subject of our discussion? What are the issues? What are the points of disagreement and of agreement?

The principal subject of our discussion involves the following provisions found in Committee Report No. 36 of the Committee on Preamble, National Territory, and Declaration of Principles, and I quote:

SECTION 3. The State shall pursue an independent course in sovereign relations and strive to promote and establish, together with other States agreeable thereto, a zone of peace, freedom and neutrality in this part of the world.

The State has the inherent right to self-determination, national independence and sovereignty. Subject to existing treaties, international or executive agreements, foreign military bases, troops or facilities shall be forbidden in any part of the Philippine territory.

The other section, denominated "PORTION FOR INCLUSION IN TRANSITORY PROVISION," reads, and I quote:

Upon the expiration of the RP-US Bases Agreement in 1991, foreign military bases, troops and facilities shall no longer be allowed in any part of the Philippine territory.

These are the provisions at issue, Madam President. Let me define my stand.

My stand is that these provisions should not be incorporated in the Constitution we are drafting. This is my principal, if not my sole, disagreement with those who propose these provisions. I stand on the proposition that the decision on whether to continue or discontinue the existence of foreign military bases in the Philippines is best left to the government. We should not tie the hands of the government, particularly the executive, by means of inflexible constitutional mandates.

Let me add: This would also be my stand even if the proposed provisions were for continuance or extension, instead of termination, of U.S. military bases in our country. I would likewise oppose such proposal.

Madam President, I repeat that this matter should be entrusted to the government to decide on on the basis of changing events, changing needs and changing circumstances of the times.

Before presenting my arguments, Madam President, in support of this stand, let me first lay down the points on which I agree with the committee report.

First, I agree with the report that our action on foreign military bases, troops or facilities in the Philippines shall be subject to existing treaties, international or executive agreements.

Second, I agree with the clear averment in the report that the Philippines should honor and respect the RP-US

Bases Agreement until its expiry date in 1991. There is, therefore, no disagreement in allowing U.S. military bases to remain in the Philippines until 1991. Even the committee advocates that. This is not a disputed issue.

But should the bases be allowed to remain beyond 1991? That is the issue.

What is my stand on this? I do not say "Yes"; I do not say "No." What I say is: Let our government decide on this at the proper time. And let us not manacle its hand by means of a constitutional fiat.

In this connection, permit me to underscore the proviso in the committee report itself to the effect that our action on this matter, and I quote: "shall be subject to existing treaties, existing international or executive agreements."

I call attention to a provision of the RP-US Bases Agreement, as amended by the Marcos-Mondale Joint Statement on May 4, 1978 and implemented by the Romulo-Murphy Exchange of Notes on January 7, 1979, which stipulates a periodic review and reassessment of the agreement every fifth year. Said provision reads, and I quote:

In every fifth anniversary year from the date of the amendments and until the termination of the agreement, there shall be begun and completed a complete and thorough review and reassessment of the agreement, including its objectives, its provisions and its duration, and the manner of implementation to assure that the agreement continue to serve the mutual interests of both parties.

The first renegotiation, Madam President, under said provision was done in 1973. The next renegotiation is scheduled in 1988 or, at the latest, 1989.

If, as the committee report says, we should comply with our existing treaties, international or executive agreements, then we should comply with that reassessment and renegotiation. We should not render futile and useless the stipulated renegotiation in 1988 or 1989 by foreclosing, by means of this Constitution, the possibility of extending the period of the bases treaty beyond 1991.

Let me submit additional reasons why this highly controversial bases issue should be kept out of the Constitution.

1. It is premature at this time to make a firm decision on whether or not to extend the RP-US Bases Agreement beyond 1991. Madam President, many things can happen; many things can change — things we cannot foresee now — between now and the year of renegotiation, which can materially affect our decision on this matter.
2. Since both sides are agreed on allowing the bases to remain until 1991 and since the committee itself says we should allow the bases to remain until 1991, why not allow the renegotiation to proceed as scheduled in 1988? Why block it now?

MR. SUAREZ: Madam President.

MR. RODRIGO: Let me finish first before I yield to any interpellation.

MR. SUAREZ: No, it is not an interpellation. Madam President, may I be recognized?

MR. RODRIGO: Madam President, I am in the midst of my speech.

THE PRESIDENT: Will Commissioner Suarez please allow Commissioner Rodrigo to finish first and then we will recognize him.

MR. SUAREZ: Parliamentary inquiry, Madam President, which, I think, is very prejudicial in character.

THE PRESIDENT: May the Chair know what is the parliamentary inquiry of Commissioner Suarez?

MR. SUAREZ: We have no intention to cramp the style of the distinguished colleague, but we have been listening

with great courtesy to his dissertations and we are under the impression, Madam President, that this is the period for the sponsorship speeches, not for the discussions pro or en contra. The dissertation made by the distinguished colleague is practically a repudiation of the committee recommendation. May I suggest that our Floor Leader, with due respect to him, follow the parliamentary rules because our impression, Madam President, is that indeed this is the time for sponsorship and all of these sponsorship speeches should emanate from the members of the committee. Then for those who want to speak in favor, we certainly would have no objection. But let us play the game as it should be played, Madam President. May I appeal to the Floor Leader to abide by the Rules so that there will be no misunderstanding regarding this matter.

Thank you, Madam President.

MR. RAMA: Madam President, the idea here is to have an orderly pro and con debate. This is general debate. We are in the period of general debate.

THE PRESIDENT: Yes, Mr. Floor Leader. I have to support the statement of Commissioner Suarez because we have just started the sponsorship of the committee report, and I understand there are several members of the committee who are expecting to make their statements on the different issues contained in the report. Aside from the bases, there are other matters that have to be explained but maybe the Floor Leader was not made to understand that there are other speakers who are ready to make statements.

MR. RAMA: Madam President, may I inform the Chair that before I called on Commissioner Rodrigo, I asked Commissioners Suarez, Quesada and Azcuna whether or not they are agreeable to a pro and con discussion, and they were agreeable so I proceeded to call on Commissioner Rodrigo. But if that is what they want, then we will proceed with the sponsorship speech of everybody in the committee who would like to sponsor the report.

MR. RODRIGO: Madam President, I am more than halfway through with my remarks.

THE PRESIDENT: In as far as Commissioner Rodrigo has already started his remarks we will let him finish his dissertation.

MR. TINGSON: The committee agrees with the President. We would like Commissioner Rodrigo to finish first, then we will have Commissioners Azcuna and Garcia and other members of the committee who will speak later on.

THE PRESIDENT: Commissioner Rodrigo will please proceed.

MR. RODRIGO: Madam President, I go to my second reason for my stand that this provision should not be incorporated in the Constitution.

Let me repeat: Since both sides are agreed on allowing the bases to remain until 1991 — even the committee says so in its report — then why not allow the scheduled renegotiation to proceed, as scheduled, in 1988 or 1989? Why should we block it now? Why not give that renegotiation a chance? Who knows how our people would react to the renegotiated terms of the treaty? It is most probable that the amount of rental would be substantially increased; that the bases area would be significantly reduced; that Philippine sovereignty within the bases will be greatly enhanced; that conditions for Filipino laborers in the bases would be better protected; and that other problems, like criminal jurisdiction, customs rules, et cetera, would be better defined in our favor. I am sure that quite a number of our people would want to see and weigh beforehand those renegotiated terms before they form their judgment on whether to extend or terminate the bases agreement in 1991. Why deprive our people of that opportunity, Madam President? Why should we 47 appointive Commissioners be in such an uncalled-for hurry and haste to foreclose all options to our people for a renegotiation?

3. Let us recognize the fact that the President of the Philippines is in a much better position than we to judge this most important issue. The President is the Commander-in-Chief of our Armed Forces and is in control of all departments, bureaus and offices of our government. She has control over all embassies and consulates all over the world; hence, the President is better acquainted with all the facts which should be considered and weighed before arriving at a correct decision. It is not prudent for us to preempt, tie the hands and deprive the President of room to negotiate and maneuver.

4. I am of the firm belief that after the renegotiation is accomplished in 1988 or 1989, the draft of the renegotiated treaty should be submitted to our people in a national referendum or plebiscite for approval or disapproval. This proposal has been publicly announced by no less than Vice-President Salvador Laurel. Thus, there will be a thorough nationwide discussion of the pros and cons of this specific issue. Our people will be amply informed and they will be able to vote with full cognizance of facts and consequences.

5. It would be unfair to our electorate if this highly controversial provision is incorporated in the Constitution and submitted to a vote of our people in a plebiscite, together with the whole Constitution.

The proposed Constitution will be submitted, for ratification or rejection, as a whole document. Hence, voters who might want to vote against these particular provisions would be placed in the vexing predicament of having to vote against the whole Constitution, if they want to reject these particular provisions. Also, there are voters who might be so rapidly opposed to these provisions that they may just vote "no" to the whole Constitution even if the rest of it is acceptable to them.

This is not fair, Madam President. This would place many voters in the plebiscite in a predicament of "damned if you do, and damned if you don't."

6. Some people have asked me: "Is it not possible then to segregate the provisions on the bases from the body of the whole Constitution, so that in the same plebiscite, the voters can vote on said provisions separately from the whole Constitution?" My answer is: "It can legally be done, but it would be a departure from the normal practice."

Besides, Madam President, even if it can be done, it should not be done because it is undesirable. Why? First, because, as I have said, it is premature now to submit this issue to our people before the renegotiated terms have been agreed upon and made known to our people. Second, this highly sensitive and controversial issue cannot be amply discussed and understood by our people, if submitted to them simultaneously with the whole Constitution, because then this issue will be buried under a multitude of other controversial issues involved in the whole Constitution, like bicameralism vs. unicameralism; unitary vs. federal and presidential vs. parliamentary form of government; the abolition of the death penalty; adoption of sectoral and party list system of voting; introduction of the system of recall, initiative and referendum; expansion of agrarian and urban land reform; Filipinization and protectionism in our economy; protection of the unborn child from the moment of conception and many other controversial issues.

Hence, it is most unwise to insist that this issue be voted upon by our people simultaneously, although separately, with the whole body of our Constitution.

For these reasons, Madam President, it is my well-considered stand that we should not incorporate these provisions in the Constitution we are drafting.

At the opportune moment, I will move for their deletion.

Thank you, Madam President.

MR. RAMA: Madam President, I ask that Commissioner Azcuna be recognized.

THE PRESIDENT: Commissioner Azcuna is recognized.

SPONSORSHIP SPEECH OF COMMISSIONER AZCUNA

MR. AZCUNA: Thank you, Madam President.

I am speaking on behalf of the committee, Madam President, particularly with reference to the provision in the Article on the Declaration of Principles, Section 4, which reads:

The Philippines is a nuclear-free country. No portion of its territory shall be used for the purpose of storing or stockpiling of nuclear weapons, devices or parts thereof.

Madam President, the proposal to incorporate in our very Constitution a provision declaring the Philippines as a nuclear weapons-free territory is not too radical as it might seem. It is the culmination, I believe, of modern trends in international law, as well as of modern political democracies, which has been noted by academic writers as a restructuring of the international order or R.I.O. This restructuring has been going on and has found its effects not only in the realm of economics and in the social dimensions of society, but also in the field of nuclear weapons.

I do not have to elaborate, Madam President, the enormous destructive capacity of nuclear weapons, particularly, because Asia has had the distinct misfortune of being the only place in the world where nuclear weapons were dropped and exploded during war. It was not too long ago that Asia and the world commemorated that fateful event. Since the dropping of atomic bombs in Japan towards the end of World War II, the technology of nuclear weapons has multiplied tremendously such that the weapons dropped in Japan are only used as trigger devices for the weapons of today. Those bombs were merely atomic bombs. The bombs of today are hydrogen bombs. Those bombs merely used fission as a principle. The bombs of today use fusion, the very power of the sun — fusion of nuclear particles, releasing tremendous energy.

An explosion of a nuclear bomb, Madam President, is considered an uncontrolled nuclear reaction. That is the definition of a nuclear explosion. What we seek to prevent from happening within our land is the occurrence of an uncontrolled nuclear reaction. Why put it in the Constitution? Why not leave it to the President, why not leave it to the Senate, to deal with these matters? Madam President, we are here framing a constitution. We are here in that part of the Constitution which we call the Article on the Declaration of Principles. We say that the Constitution is a reflection of the aspirations and the ideals, and even the fears, of our people. Then why be silent about this?

Madam President, this is at the heart of the aspirations, fears and ideals of the Filipino people. It behooves us to state, if we must have a declaration of principles, the principle that the Philippines should be free from this nightmare of nuclear weapons. It is a global aberration, Madam President, which we hope mankind will be able to reverse — the invention of nuclear weapons. It is unfortunate that the tremendous energy that lies in nuclear reaction was first used for destructive purposes. But the fact remains that the nuclear genie has been let out of the bottle, and man has since then been trying to put him back. It is within our golden opportunity, Madam President, to take the first initial steps along with our neighboring states all over the world to put that nuclear genie back into the bottle. The United Nations together with other countries, other states in Latin America, the Middle East and the South Pacific have all been through the past decade taking steps towards the declaration of nuclear weapons-free zones all over the world, region by region, so that time will come, hopefully in a not-too-distant future and hopefully not too late, that the whole world will then become a nuclear weapons-free zone.

As early as February 14, 1967, the states of Latin America already adopted the Treaty of Tlatelolco in Mexico, which declared South America as a nuclear weapons-free zone. Nearer here at home, on August 6, 1985, the states of South Pacific led by New Zealand, Fiji, Vanuatu and other states in the South Pacific converged to endorse the

proposed Treaty of Rarotonga which seeks to declare the South Pacific a nuclear weapons-free zone. We are, in fact, not the leaders. It is our turn to declare this part of the world, or at least, this country of ours, a nuclear weapons-free zone.

We say, Madam President, that we will protect the arts; we will protect the culture of the Filipinos; we will protect our language. We have to protect the poor, the underprivileged, the undernourished and the disadvantaged. We have to protect the Filipino people. And yet, we do not want to state in our Constitution that we will ban nuclear weapons, the most single potent danger to all these. It is to me, Madam President, a defiance of logic. It reminds me of the parody of the policy of an administration in a cartoon in an American newspaper where the leader declares: "We have no money for roads; we have no money for schools; we have no money for farms; we do not even have money for industries. We cannot budget these things. But we have money for defense in order to defend the farms, the schools, the roads and the industries that we do not have money for." That, to me, is similar to our policy of saying: "We will protect the arts; we will protect our language; we will protect our culture." And yet, we do not say in the very Article on the Declaration of Principles that we will protect our people from the specter of nuclear weapons that threatens to wipe out all arts, all languages, all cultures.

It is, therefore, the proposal of this committee that in the very Article on the Declaration of Principles of our Constitution, we state this, at least, as a principle, not something absolute nor 100 percent without exception. We are talking of a principle that no portion of Philippine territory should be used for the purpose of storing or stockpiling nuclear weapons, devices or parts thereof.

Madam President, it may be questioned: Is this not going to be academic if there are U.S. bases in the Philippines? We will notice, Madam President, that the provision on nuclear weapons-free declaration is separated from the section on the U.S. bases, because the committee feels that this can stand independently from whether or not U.S. bases will be allowed to continue in the Philippines.

Why do we say this? To start with, Madam President, we can have U.S. bases without nuclear weapons. These U.S. bases did not have nuclear weapons in 1935 or in 1902 when they started. They have been here since 1902. If we give them 10 years extension, they will be here for a hundred years.

So at the time they started, they did not have nuclear weapons. Do they have nuclear weapons now? We do not know. The United States has adopted the policy of neither confirming nor admitting whether or not they have nuclear weapons in their bases around the world. So if we enter into a new treaty with the United States, it can very possibly provide one — that they will not have nuclear weapons stationed therein. It is not necessarily a position which the United States is unwilling to take. The United States has taken that position in its treaty with Spain. Its treaty with Spain bans the storage of nuclear weapons in Spanish soil. So why should we be given less?

The United States, likewise, does not really stockpile all of its weapons in one place; they have so many bases all over the world. It is a known fact that their ICBMs are in Guam; they are not here. What probably they would have here would be nuclear weapons carried by the naval ships. I would like to bring to the Commission's attention, Madam President, that the terms of the proposed Treaty of Rarotonga do not forbid major powers, within the context of a nuclear weapons-free zone, from carrying nuclear weapons on vessels. It is left to each participating state to adopt a policy whether or not to allow a foreign power to carry nuclear weapons on its ship while passing through its territory.

So this is not absolute. This is not an absolutist position; it is a statement of principle. And I believe, Madam President, that it is something we cannot, in the context of present realities, close our eyes to. It is the movement of the world. All over the world, there is a very strong demand to put this genie back into the bottle. We cannot close our eyes to that; we have to take the first step, and it is within our golden opportunity to do so.

Madam President, according to Henry Kissinger, the world today is faced with a situation where there are two fully armed combatants armed to the teeth but both blindfolded. However, each thinks the other is not blindfolded; that it is only he who is blindfolded. They both know that they are both armed to the teeth with all imaginable weapons. However, there is the feeling, the conviction, of one or both of them that one is blindfolded while the other is not. That is the kind of scenario we have, and we can just imagine what kind of fight they are going to have.

It is in this sense that we want the world to be freed from thermonuclear destruction. If we can limit the weapons that these two armed combatants have to nonnuclear weapons and to those that are not apocalyptic weapons of mass destruction, then perhaps the world can survive. We are talking of survival, Madam President.

The nuclear weapons according to Mr. Jonathan Schell in his book, *The Fate of the Earth*, threaten culture and art because they threaten generations, and art is the communication between generations. Also, Mr. Schell says that when you destroy generations themselves, then you destroy the communication between generations, which is art. So the greatest threat to art today is nuclear weapons.

It is, therefore, in this context, Madam President, that on behalf of the committee, I earnestly plead that we adopt the concept of heritage of mankind — that we have not merely inherited the world from our fathers; we have borrowed it from our children; that this fragile world of ours is for us to take care; that it will last not only for our children but also for their children.

I will now read, Madam President, the letter of a nine-year old student whose vision of the Philippines is spelled out in a short essay. She says: "I wish and hope for a Philippines where the grass is green; where no one is poor; where the roads are paved; where there are no posters on the walls; where there are no buses and jeepneys that dirty the air. I wish for a Philippines where no one is hungry," and she goes on and on. This vision of a Philippines is typical vision of a little child.

Are we going to have a future for her? That future is uncertain. In the words of President Kennedy and I quote:

Only when our arms are sufficient, beyond doubt, can we be certain, beyond doubt, that they will never be employed.

I regret, Madam President, to say that unfortunately, today not even the United States can say that its arms are sufficient beyond doubt. That ideal, apparently, can no longer be attained by any power. As each progress in destructive capabilities is achieved, the next threshold is just around the corner. So when will it end?

It is, therefore, our sincere plea that we take this small step in declaring as a principle, just as a principle, that we seek our country to be free of nuclear weapons and that, as much as possible, we do not allow our soil to be used to stockpile nuclear weapons. We do it for our people, for our children and for the future that otherwise would not be.

Thank you, Madam President.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: Madam President, I would like to ask the committee who is the next speaker among its members.

MR. TINGSON: Commissioner Garcia is the next speaker.

THE PRESIDENT: Commissioner Garcia is recognized.

SPONSORSHIP SPEECH OF COMMISSIONER GARCIA

MR. GARCIA: Thank you, Madam President.

I would like to speak on behalf of the committee to defend the second paragraph of Section 3, which states:

The State has the inherent right to self-determination, national independence and sovereignty. Subject to existing treaties, international or executive agreements, foreign military bases, troops or facilities shall be forbidden in any part of the Philippine territory.

This section has a companion provision for inclusion in the Transitory Provisions, which reads:

Upon the expiration of the RP-US Bases Agreement in 1991, foreign military bases, troops and facilities shall no longer be allowed in any part of the Philippine territory.

There are three major reasons why we are against the presence of foreign military bases in our land: 1) our national survival, the security and safety of our people, 2) our national sovereignty, and 3) our unique Filipino contribution to world peace and disarmament in this part of the world.

I realize that the arguments are complex and I will not be able to discuss all of these in the time I am allotted this afternoon, but I will just deal with the salient points. Hopefully, during the rest of our period of debate, we can tackle some of the other points that are part of this entire argument.

In a letter to the committee which summarized the points he raised during the public hearings held at the old Congress building on July 4, 1986, Senator Lorenzo Tañada stated:

That the bases no longer serve the national interest should be clear to anyone who keeps himself well-informed of current affairs. Far from defending us — for until now there is no defense against nuclear missiles and we have no foreign enemies — they would pull us into the arena of nuclear conflict in the event of war between the United States and Soviet Russia. Because of their nuclear capability and the actual existence of nuclear weapons in the bases, we have become real targets for attack by any power at war with America, whether or not we ourselves are at war with that power.

Any country's foreign policy must proceed from the paramount national interest. More paramount than any other national interest are the safety of our people and our survival as a nation. The bases, instead of guarding that safety and security, are now a threat to our survival. This fact can no longer be disputed. Protestations about the need for us to contribute our "bit" to the strategic defense of "freedom and democracy" are now empty and meaningless because for 14 years our own country lived under a dictatorship and was not free nor democratic, and this was with the full sanction and actual encouragement of the government of the United States. This was possible not despite but because of the existence of those bases and the rights granted to the U.S. under the Bases Agreement. The argument invoking the overall strategy of freedom's defense the world over is a false and hypocritical argument, for it is the strategic defense and global hegemony of the United States which these bases are all about, not our protection.

It is also our firm position that the Military Bases Agreement, ab initio, from the beginning, was basically flawed and, therefore, null and void and no renegotiations since then have been able to rescue that agreement from that fatal, historical aberration. Allow me to recount in brief the history of that original sin called "The Military Bases Agreement."

On January 17, 1933, the U.S. Congress passed the Hare-Hawes-Cutting Bill, which provided for a 10-year transition period towards Philippine independence and gave the U.S. President the authority to retain military and naval bases in the Philippines after independence.

On October 17, 1933, the Philippine legislature rejected the Hare-Hawes-Cutting Bill by concurrent Resolution No. 46 because, among other reasons, "the military, naval and other reservations provided in said acts are inconsistent with our independence, violate national dignity and are subject to misunderstanding."

Thus, in 1933, President Quezon was mandated to head another Philippine independence mission to the United States for more favorable terms from Washington. In his memoirs, President Quezon recalled that "President Roosevelt agreed . . . that the maintenance of American military reservations after independence would make . . . independence a farce."

Therefore, on March 24, 1934 and May 1, 1934, the Tydings-McDuffie Law was approved by the United States President and the Philippine Congress, respectively. It was virtually a restatement of the Hare-Hawes-Cutting Bill except for the "retention of bases and other reservations" which was reworded into "retention of naval reservations and fueling stations," and only for a period of two years after the grant of Philippine independence.

Section 10 (8) of the argument provided that the U.S. President was authorized to renegotiate with the Philippine government and to settle all matters concerning the naval bases not later than this period. It also provided in Section 11 for the "perpetual neutralization of the Philippine Islands, if and when Philippine independence shall have been achieved." The 1935 Constitutional Convention incorporated all the provisions of the Philippine Independence Act or the Tydings-McDuffie Law in the 1935 Constitution which was approved by the people. Therefore, the Tydings-McDuffie Law bound the Filipino people and the U.S. government and became part of the Philippine Constitution. There could be no change without the consent of the Filipino people. In fact a 1939 plebiscite was held for simply minor amendments.

World War II broke out and due to American presence, the Philippines became a prime target for Japanese aerial bombardment. Quezon requested Roosevelt to immediately grant Philippine independence and declare its neutral status and appealed to Roosevelt a second time as a last-ditch effort to spare the Philippines from greater devastation. Quezon demanded the withdrawal of all U.S. bases from the country. Roosevelt flatly rejected Quezon's pleas.

On June 29, 1944, the U.S. Congress passed Resolution No. 93 which authorized the U.S. President — after negotiations with the Philippine Commonwealth President — to retain or acquire military bases here. In effect, this conveniently amended the Tydings-McDuffie Law, or worse, reenacted provisions of the Hare-Hawes-Cutting Bill which the Philippine legislature rejected. The U.S. imposed its will. Quezon had no choice but to accede.

On May 14, 1945, after Osmeña had succeeded Quezon as President, Osmeña and Truman signed an agreement allowing the retention and acquisition of military and naval bases in 19 provinces.

On July 28, 1945, the Philippine Congress approved Joint Resolution No. 4, authorizing the Commonwealth President to negotiate with the U.S. President on military bases. Its aim ostensibly was to ensure the territorial integrity of the Philippines, the mutual protection of the Philippines and the U.S., and the maintenance and protection of peace in the Pacific. Neither Resolution No. 93 nor Resolution No. 4 was ever submitted to the Filipino people for approval.

In a very interesting sidelight, allow me to read a letter which was sent to us very recently. It is a copy of a letter found by a researcher by the name of Stephen Shalom. It is a 1945 letter from General Douglas MacArthur to President Manuel Roxas which the researcher found in the MacArthur Memorial Library in Norfolk, Virginia. In the letter, MacArthur responds to Roxas' complaints about the excessive nature of U.S. government's demands regarding military bases in the Philippines. In fact, the Pentagon wanted army bases in Metropolitan Manila. "If agreement cannot be reached," writes MacArthur, "neutralization of the Philippines might be considered since

there is really no military threat to the future security of your land."

Allow me to read pertinent parts of the copy of the letter written by MacArthur to President Roxas. He says:

The question of bases is not in my hands. Washington has handled it from the beginning, and the decisions are made there, not here. The three departments — State, War, and Navy — are all involved and the American Ambassador and the Commanding General in Manila merely act as agents under the directives promulgated from the United States.

. . . The question of foreign bases in any free country is a touchy subject at best and it can be accepted as axiomatic and immutable that the country of domicile must have the final word as to their acceptability. If agreement on basic principles and sites cannot be mutually attained for the Philippines, a possible alternate solution might be the neutralization of the islands. This was discussed by me with Quezon on several occasions, and I think it really represented his truest thought on the matter.

This letter is dated October 29, 1946. And then here is one of his last sentences:

With the menace of Japan now eliminated, there is really no military threat to the future security of your land.

Future reports in the U.S. Congress in fact echo MacArthur's point that there is no immediate military threat to the Philippines, thus questioning the very validity of the argumentation regarding the alleged reasons why the bases were first established in this country.

There are successive numbers of resolutions in public hearings before the Senate and the House Foreign Relations Committee, which perhaps later on I can pass on to the Members of the Commission, that state from different authoritative sources, as from U.S. defense people, the same assessment: That there is no immediate military threat. The dates I remember offhand are: 1956, 1959, 1963, 1969, 1972, 1979 and 1983, all of them discussing the same lines that MacArthur had first enunciated.

On March 14, 1947, the Military Bases Agreement was entered into which violated the Philippine Independence Act and the Tydings-McDuffie Law which was part of the Constitution. This was a drastic change without the approval of the Filipino people, i.e., without a plebiscite. Consequently, it was an agreement that, ab initio, was null and void.

At the same time, we must take note that the early stage of negotiations must have settled the military bases question more than a year before the proclamation of independence. These negotiations were undertaken by the Philippine Commonwealth with all the infirmities of its legal personality as defined by the Tydings-McDuffie Law. Negotiations even took place in Washington and were conducted there by the Commonwealth government in exile, a government which literally subsisted on the benevolence of the Truman administration which added to the fact that legally the Commonwealth was a dependent State of the United States.

As early as April 1945, the U.S. Secretary of State, George Marshall, obtained an assurance from President Sergio Osmeña, as head of the Philippine government in exile, that he, Osmeña, would agree to U.S. proposals regarding military bases in the Philippines after the war.

On May 14, 1945, he signed with President Truman a secret preliminary statement of general principles pertaining to U.S. bases in the Philippines, incorporating all the provisions of a draft drawn in the U.S. War Department. The Military Bases Agreement, therefore, was a *fait accompli* long before it was formally concluded in 1947.

Even after renegotiations in 1956, again in 1976, the 1979 amendments and lately, more recently, the 1983 negotiations, Filipino Ambassador to the United States, Emmanuel Pelaez, concludes: "It is apparent that serious attempts have been made over the last 38 years to purge from the 1947 Military Bases Agreement the rights of

extraterritoriality." Although much progress has been made, this is not enough. The bases continue to be American under the control and sovereignty of the United States.

Let me conclude by saying that the Constitution is a document of an eminently sovereign character, and the bases issue touches the very heart of our national sovereignty. We cannot shirk from our historic responsibility as a sovereign body drafting an equally sovereign charter.

There are many more arguments and thoughts I could share with the body. But for the meantime, let me share with you two letters we have received on this question on why we must tackle the bases issue bravely and fairly in our sovereign Constitution.

One of them reads:

Let us not forget that through the years of martial rule, the U.S. bases in the Philippines were precisely used by the U.S. government as justification for wholesale support to the Marcos dictatorship. Indeed, as long as we harbor these bases in the Philippine territory, the U.S. shall always interfere in our internal affairs. Senator W. L. Fullbright, during the hearings on the bases issue, put this very succinctly when he said, "We will always resist any serious changes in political and social structures of the Philippine government which is very likely to be, in the long run, a detriment to the people of the Philippines."

Not only are these foreign bases reason and instrument for foreign intervention in our country, they are above anything else a threat to our very survival as a people. Because they are a "major storage point for tactical nuclear weapons in the Western Pacific," and because they are a target of nuclear attack by enemies of the U.S. who may not be our enemies, the threat of nuclear annihilation hangs like a sword above our heads.

In the same way, therefore, that we see the need for specific provisions in preventing the restoration of dictatorship in our land, our bitter experience of hosting these bases likewise compels us to enshrine specific provisions in the Constitution banning from Philippine territory foreign military bases in order to protect our sovereignty and survival.

Finally, from the same letter I quoted earlier from Senator Lorenzo Tañada, he said:

. . . it is erroneous to claim that incorporating in the Constitution the bases prohibition or any "restrictive element" relative to foreign policy has not been the practice in the past. The paramount interests of our country should always be openly and plainly stated in our fundamental law to serve as a guide and determinant of our policy and to shield and strengthen our policy-makers when they deal with representatives of superpowers who do suffer from a tendency to bully their way into getting what they want from the representatives of weaker and smaller countries.

The primordial principle that foreign policy should have these constraints built into the constitution is in fact implied in the 1935 and the 1973 Constitutions where we provided in the Declaration of Principles that we renounce war as an instrument of foreign policy. This definitely was a "restrictive element" but nobody is seriously objecting to its continued inclusion in the new Constitution. Likewise, the ordinance appended to the 1935 Constitution provided what were in effect restrictive elements on our foreign policy.

Today, new conditions have drastically changed the nature of war and the use of the bases. Nuclear weapons have also altered the character of those bases and from a seeming usefulness and advantage before, they have become a threat and a danger. The bases may bring monetary benefits to a few thousand Filipinos but they pose the real risk of death and destruction for millions and millions of Filipinos.

Let me end where I began. We are against the presence of foreign military bases in our land: 1) for reasons of national survival and the security and safety of our people; 2) for reasons of national sovereignty; 3) and finally, as our unique Filipino contribution to world peace and disarmament in this part of the world.

We have had a unique popular revolution in February 1986, basically political, largely peaceful. It is unedited, unfinished. We have the unique opportunity of sharing this rare Filipino experience and advancing the frontiers of world peace and disarmament in this part of the world. It will be done sooner or later but the sooner the better. Let us be part of a Filipino tomorrow, today.

Thank you.

MR. RAMA: Madam President, the next speaker from the committee according to the vice-chairman is Commissioner de Castro. I ask that he be recognized.

MR. TINGSON: Madam President, we would like to state here that our committee was divided on Sections 3 and 4. We have heard thus far one side of the controversy as it were, but Commissioner de Castro belongs to the minority of this particular committee report and he represents now the voice of the minority.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: If that is so, I would raise a point of order. It would not be proper for a member of the committee at this stage of the sponsorship to sponsor a minority view. That should only be considered as a speech in opposition. So that could be taken up during the turno en contra, not during the period of sponsorship.

RULING OF THE CHAIR

THE PRESIDENT: The Chair will recognize Commissioner de Castro inasmuch as there are two views and, therefore, the two views should be represented to the body before any debate shall ensue over this committee report.

Commissioner de Castro is recognized.

SPONSORSHIP SPEECH OF COMMISSIONER DE CASTRO

MR. DE CASTRO: Thank you, Madam President.

I am a member of the committee and I speak for the minority in the committee.

Madam President, may I request the kind indulgence and patience of the Chair and my honorable colleagues in the discussions and debates on so vital an issue as the U.S. military bases. We may be quite lengthy in the presentation of our cause, but please allow us because any decision that we may make at this time may be the very life of our country whom we so dearly love and for whom we are prepared to sacrifice ourselves.

Madam President, my honorable colleagues in this august body, I rise to seek the deletion of the proposed Section 3(1) which states that the State shall pursue a zone of peace, freedom and neutrality, and Section 3(2) on the dismantling of the U.S. military bases and Section 4 which states that the Philippines is a nuclear-free country from the Article on Preamble, National Territory, and Declaration of Principles.

I am seeking the deletion of these sections, Madam President, not because I am in favor of retaining the military bases in our country, nor am I in favor of dismantling the same, but because I sincerely and honestly believe that the 47 of us here do not have the necessary information, nor the knowledge, nor the expertise to make a decision on these vital issues. I believe that these very important subject matters should be addressed to the executive and the legislative which have the necessary time from now up to 1991 when the agreement on the U.S. bases shall terminate and can avail of the expert advice of those knowledgeable on strategy, nuclear weapons, neutrality laws

and agreements, nonalignments and other matters vital to the issues involved. They can study the same in depth and in such comprehensiveness that they will be in a better position to make an intelligent decision. It will be too presumptuous for us to preempt the executive and the legislative since even our people, based on our public hearings and the many communications we received, are also divided on these issues. From my limited knowledge of the issues affecting the U.S. military bases, Madam President, allow me to make this humble submission — the strategic importance of the Philippines.

The Philippines is located at strategic crossroads between the Pacific Ocean on the east and the South China Sea on the west. It is close to the Asian mainland, easily accessible to the Asian countries, and faces three critical naval features which may be called "choke points"; namely, the Straits of Malacca, Sunda and Lombok, which lead to the Indian Ocean, the Middle East, Europe, Australia and Africa. About one-half of Asia's oil supplies and four-fifths of its strategic materials pass through these choke points. In the case of Japan, about 92 percent of its oil supply has to cross the China Sea. From the Philippines, the U.S. naval and air forces can effectively protect regional air and sea-lanes leading to and from these choke points and nearby areas.

The two most important U.S. military facilities in the Philippines are the Clark Air Base and the Subic Naval Base. The Clark Air Base facilities permit constant surveillance of the choke points and areas around them, serve as a striking point of strategic airlifts into the Indian Ocean, and can handle large-scale aircraft deployments from the United States in case of emergency. The U.S. facilities at Subic Naval Base are the primary port, training area, and logistic support and maintenance base of the U.S. Seventh Fleet which operates in the Western Pacific and the Indian Ocean. The military significance of the U.S. facilities in Clark and Subic should be viewed in relation to the fact that the Russians have taken over the former U.S. military facilities at Cam Ranh Bay, just days apart after the U.S. evacuated the same. Cam Ranh Bay is about 700 miles or one hour's flying time west of the Philippines. The U.S. facilities in Cam Ranh Bay have been converted into a Soviet military base which maintains support facilities for submarines, surface ships and aircrafts, and supports the largest concentration of Soviet naval forces routinely deployed outside the Soviet Union.

The U.S. military facilities in the Philippines are considered to be the centerpiece of American military strategy in Southeast Asia. These military facilities, Clark Air Base and the Subic Naval Base, support U.S. air and naval operations in the Pacific, South China Sea and Indian Ocean, and offset the expanding Soviet military presence at Cam Ranh Bay and elsewhere in the Pacific.

From the viewpoint of Philippine interest, the U.S. facilities in Clark and Subic provide a deterrent and defense against external threat to our country, save our country from large amounts of military expense and enable our country to concentrate its limited resources on economic development.

History records the strategic value of the Philippines in relation to East and Southeast Asia during World War II. The first landing of the Japanese forces was in the Philippines — one in Lingayen Gulf and the other one was somewhere in Quezon Province, after neutralizing the U.S. naval forces in Pearl Harbor. The intent was to occupy Thailand, Burma, Southeast Asia, using the Philippines as a stepping stone to these areas.

I point this out, Madam President, to show the strategic importance of the Philippines, that the dismantling of the military bases is not an assurance that another power shall not be enticed to occupy such military bases or establish one in our country, especially in the light of the comments of Messrs. Alexei Drovkov and Victor Gochakov, both members of the presidium of the Soviet Socialist Republics and recent visitors of this Constitutional Commission, who, in the words of columnist Jesus Bigornia in the Manila Times issue of August 18, 1986, said and I quote: "Scuttle the American military bases. If you don't, the Soviet Union will rain nuclear death on the Philippines."

These statements, to my humble understanding, are too naive, if not a direct threat to the sensibilities of the Filipino people. Nevertheless, I leave these statements to the wisdom of this honorable body.

Recently, 15 statesmen and scholars from the Philippines, United States, Japan, Korea and Taiwan convened in Manila between August 12-14, 1986 under the auspices of the International Security Council to consider, and I quote, "the Philippines and the security of South China Sea Region." The conferees, expressing their concern with the expanding influence of the Soviet Union in the region and the consequent threat to the security of the sea-lanes critical to the economies of the non-Communist states of Asia, issued the following statements reflecting the consensus of the conference, and I quote:

The unremitting build-up of Soviet military capabilities in East Asia over the past two decades threatens to create a strategic instability that has ominous implications for all the nations of the region. Out of what was once a little more than a coastal defense force, Moscow's Pacific Fleet now constitutes the single largest component of the Soviet Navy.

The Soviet Far Eastern Air Force has been enhanced with assets capable of threatening the sea-lanes throughout the entire western Pacific and Southeast Asia. Soviet missiles in Northeast Asia cannot only target objectives in North America now, but those as far south as the Philippines as well. Moreover, Soviet forces have succeeded in gaining access to basing facilities in Southeast Asia that afford them immediate reach over those sea passages critical to the economic survival of Japan, the Republic of Korea and the Republic of China in Taiwan.

The military development in East Asia appears to constitute part of a long-term program of aggressive expansion on the part of the Soviet Union. The Kremlin is determined that the Soviet Union shall become the dominant Asian power. In order to accomplish that, Moscow must neutralize Japan and the newly industrialized nations of Northeast Asia. One way of accomplishing that is by deploying its capabilities along vital supply routes that thread through the choke points located at the entrance and exit of the waters of the South China Sea.

As I said before, Madam President, about 92 percent of Japan's oil supply passes through these choke points to China Sea. If these choke points are closed or controlled by a superpower, Japan's oil supply will have to travel halfway around the world. Eventually, Japan's economy has to fall on its knees to the power that controls said choke points and Japan is a power recognized in East Asia.

ZONE OF PEACE, FREEDOM AND NEUTRALITY

Section 3(1) of our Proposed Declaration of Principles mandates the State to, and I quote: "promote and establish, together with other States agreeable thereto, a zone of peace, freedom and neutrality."

This position would indeed be the best for every nation in this world — if it can be enforced. Who would not like to live in a zone of peace, of freedom and of neutrality?

Historical experiences, however, show that such a declaration of neutrality is just a beautiful dream.

Napoleon Bonaparte regarded neutrality as, and I quote: "a word without meaning" and deliberately violated it. In 1830 and again in 1848, neutrality was constantly violated during foreign revolutions. Neutrality was again violated during the Franco-Prussian War of 1870; during the First World War in 1914 and the Second World War in 1939. During the Second World War, documents show that Hitler envisioned the possibility of attacking France via Switzerland. Swiss neutrality was not a barrier to Hitler's ambitions. But Switzerland was strongly defended. Hitler then estimated that it would cost him dearly to pass through Switzerland and so he made a detour through another neutral country — Belgium. The neutrality of Belgium was never respected and it was violated because

Belgium failed to provide a strong defense to maintain its neutrality.

The great American General, Douglas MacArthur, said about war, and I quote: "There is no substitute for victory," meaning, that if victory can be attained by passing through neutral countries, the neutrality of those countries shall not be a substitute for victory.

One of the essential elements for a State to maintain the inviolability of its territory and airspace is a strong military defense. Failure to provide this strong military defense shall give an irresistible temptation for a superpower to occupy our country on the pretext that this superpower is invited by a political faction in the name of the people of this country (and there are many such factions masquerading today); or the obligation of the invader to deliver the country from its own poverty or backwardness (as what the Japanese alleged when they invaded the Philippines during World War II); or the desire to save it from the imperialists, et cetera (the common term used by the rallyists against the United States).

From the standpoint of national security, the consequences of removing the U.S. bases could be worst. The Military Bases Agreement is part of two other agreements with the United States — the Mutual Defense Treaty and the Military Assistance Program. Despite our repeated protestations of self-reliance, the Armed Forces of the Philippines is wholly dependent on American military assistance. At this point in time, the most we can produce on our own are ammunitions for small arms. The abrogation of the Military Bases Agreement would, of necessity, terminate the Mutual Defense Treaty and the Military Assistance Program. This would place our Armed Forces in an untenable position, faced as it is with a serious domestic problem — the insurgency — and the additional responsibility of defense, if we choose to declare neutrality, to maintain the inviolability of our territory to include defense of our air space.

DECLARATION OF NUCLEAR-FREE ZONE

The Philippines as nuclear-free zone is indeed a beautiful dream especially at this age of nuclear weapons.

May I ask: What would be the binding effect and practicality of such a declaration? Unless all nuclear weapons are destroyed from the face of the earth, Madam President, no nation can escape the terrible effects of a nuclear war which respects no national boundaries. The Chernobyl incident is of recent experience. A leak from its nuclear deposits caused alarm all over Europe and its radiation was recorded even in the Philippines. We can just imagine if there will be an exchange of nuclear weapons among the superpowers.

THE STRUGGLE BETWEEN TWO SUPERPOWERS

During the last several years, there has been a continuing global struggle between the so-called communist or socialist countries led by Soviet Russia on the one hand and the countries comprising the so-called "Free World" led by the United States, on the other.

In Southeast Asia, there are two opposing powerful naval and aircraft bases, just 700 miles apart from each other — the Soviet Cam Ranh Base in Vietnam and the American Subic-Clark Base complex in the Philippines. The United States has a mutual defense treaty and maintains military personnel and facilities in South Korea, while Russia maintains a friendship treaty and mutual assistance agreement with North Korea. Australia has military troops in Malaysia and New Zealand and has a mutual defense treaty with those two countries, plus Singapore and Great Britain; while Russia and Vietnam maintain military personnel in, and are trying to completely dominate, Kampuchea.

In the Pacific region, east of the Philippines, the United States, Australia and New Zealand used to have a mutual defense treaty called ANZUS. The United States maintains military facilities in Australia but the communists in

Australia, following the pattern of political infiltration through trade unions — which has worked successfully in New Zealand and in many other countries in the world, the Philippines not excepted — are busy at work to alienate Australia from the United States and bring it closer to the Soviet Union. Meantime, the Russians have obtained fishing rights in a number of Pacific Islands which, if we are to follow past precedents, are usually followed by acquisition of naval facilities, landing rights for commercial and, eventually, military aircraft. The Russians are also trying to get docking facilities in Australia.

Twelve other nations of the world; namely, Portugal, Great Britain, the Netherlands, Belgium, West Germany, Spain, Italy, Greece, Turkey, Iceland, Japan and South Korea have mutual defense treaties with, and military facilities and/or troops of, the United States. On the other hand, Russia has mutual defense treaties or friendship treaties with, and military bases or facilities and/or troops in, North Korea, Vietnam, Poland, East Germany, Czechoslovakia, Hungary, Romania, Bulgaria, Cuba, Syria, South Yemen and other countries.

All the foregoing goes to show, Madam President, that there is practically no corner of the world that is free from the global struggle between these two powers. The Philippines is right in the middle of this struggle. Not only that, the Philippines has until now cast its lot with the free world and the United States.

The above narrations and observations, Madam President, are just the tip of the iceberg, so to speak, on so vital an issue as the U.S. military bases in the Philippines.

The executive and eventually the legislative, I am sure, have more expertise, information and advice on the subject. But before we finally leave the whole issue to the executive and the legislative, allow me to make some humble advice, based on my observation and experience on the issue:

1. A committee should now be formed composed of persons knowledgeable on the issues involved. There should be a plan both on the strategic and tactical, the economic and political stability. The people must be informed and their minds must be prepared for the moment of truth when they will have to make a definite stand on the military bases issue consistent with their security and well-being;
2. One year before the termination of the bases agreement or sometime in 1990, the United States must be informed that we are terminating the agreement. Let the issue of renewal of the agreement come from them;
3. If and when the United States decides to renew the bases agreement, then let us sit with them as equals and face the issue decidedly, truthfully and frankly, always having in mind what is good for the country and the Filipino people;
4. The payments for the bases in our country must be in the form of rents, and I repeat, rents, and not in the form of assistance or aid, taking into consideration the rentals of U.S. bases in other countries such as Spain, \$415 million a year; Greece, \$501 million; Turkey, \$938 million only for a listening post which can occupy no more than five hectares; Egypt, \$1.75 billion only for landing rights; Israel, \$1.4 billion only for landing rights compared with only \$900 million for a five-year period for the Philippines.

These our committee must take into grave consideration.

Madam President, I hope I have made my position clear. Let us leave the issues to the executive and the legislative. We suggest to these branches of our government to make a thorough and complete study before we decide for our country and our people, and finally, let not our emotions be the basis of our decision because according to Commissioner Azcuna, and I join him, the survival of future generations rests on these issues.

Thank you, Madam President.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: May I make a parliamentary inquiry?

THE PRESIDENT: Yes, the Commissioner may.

MR. SARMIENTO: Some of us are at a loss because of a seeming parliamentary malady or irregularity. We have resolved that the members of the committee should deliver their sponsorship speeches and, thereafter, for the Commissioners to interpellate and then participate in debates. But what we have, Madam President, is another scenario. The Commissioners are introducing amendments by deletion and making some suggestions. So, may we be guided, Madam President, because I learned from the chairman of the committee that there are two other speakers on different topics. One will be speaking on the right of the unborn from the moment of conception and another speaker on another controversial issue. What will prevent other Commissioners from speaking against their propositions?

MR. TINGSON: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: The speaker who has just ended his speech, Commissioner de Castro, is considered one of the sponsoring speakers. He might have said something different from the others, but he is a member of the committee, and his speech is one of the sponsorship speeches.

Madam President, after this, we have only one more speaker on my agenda here, and that would be Commissioner Villegas speaking on Section 9.

MR. SARMIENTO: While it is true, Madam President, that the General is a member of the committee, I am disturbed by his statements. He is now moving for deletion and making some suggestions to the committee.

THE PRESIDENT: We have to listen to these speeches with some amount of understanding. We have also listened to the speeches of the others who spoke for the U.S. bases and other issues. So I suppose we have to understand that there are manners of projecting a certain issue. If Commissioner de Castro made, as you say, a mistake in opening his statement with a motion to delete, I think we should just discard that or rather, listen to it with some amount of understanding. That is what is required of us here. We are here to listen patiently to all these issues. We have not raised a voice against anyone that has spoken so far. So what I am asking from our colleagues is just to give each and every one the same amount of understanding, candor and sincerity to all the other speakers who will follow. I understand that Commissioner Villegas will speak on another issue covered by the committee report. After Commissioner Villegas, is there any other speaker from the committee?

MR. TINGSON: Madam President, Commissioner Nollado will speak very briefly on Section 9, after Commissioner Villegas. I am sorry, I have the name of Commissioner Quesada and I did not know that she was going to speak. So, we will have Commissioner Quesada after Commissioner Nollado.

THE PRESIDENT: Yes, because after Commissioner Villegas, the Chair was intending to call a suspension of the session, unless Commissioner Nollado would ask that he be allowed to speak before the suspension of the session. So we will hear Commissioner Villegas.

SR. TAN: Madam President, may I just ask something?

THE PRESIDENT: Commissioner Tan is recognized.

SR. TAN: Just to get it straight because we said "sponsorship." Are we to understand, therefore, that sponsorship could also mean "nonsponsorship"? That is the understanding. That is all right as long as we all understand that to

be. Then my other point is: It would be good if we were told now what would be the procedure because this time, we are really making a procedure which we never followed. The Floor Leader should tell us how we should proceed because our procedure now is completely new. Then we will all try to understand each other.

THE PRESIDENT: All right. If I may explain, the procedure now is that we are giving the committee members the opportunity to express different views on certain topics or issues covered by the committee report. It is, I would say, unfortunate that there are divergent views on certain subjects. So we have to listen to this as part of the report of the committee. I think there is truth to that. We should not hide anything, the majority, the minority or whatever it is; we should hear all sides of the questions.

MR. TINGSON: Madam President.

THE PRESIDENT: The chairman, Commissioner Tingson, is recognized.

MR. TINGSON: Before Commissioner Villegas speaks, may I just attempt to put back some smile on our faces by saying that there are just as much excitement in other sections of our committee report as there are on the military bases issue. So, Section 9 states:

The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic social institution. The State shall equally protect the life of the mother and the life of the unborn from the moment of conception. The natural right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the aid and support of the government.

Madam President, I ask that Commissioner Villegas, a member of the committee, be recognized to speak on this provision.

THE PRESIDENT: Commissioner Villegas is recognized.

SPONSORSHIP SPEECH OF COMMISSIONER VILLEGAS

MR. VILLEGAS: Madam President, I would like to speak in favor, especially of the second sentence in Section 9 which mandates the State to equally protect the life of the mother and the life of the unborn from the moment of conception.

Commissioner Azcuna and others have talked about the possible annihilation of the world by a nuclear holocaust. May I remind the body that according to the U.N. Demographic Yearbook, every single year 50 million babies, unborn in the wombs of their mothers, are being killed. In the United States alone, every year 2 million unborn babies, some of them in their 8th month, are killed, prompting some pro-life Americans to refer to the American holocaust as paling in insignificance in relation to the monstrosity of Hitler against the Jews.

Madam President, although our good chairman has said that we should bring smiles back to all of us, it is very difficult for me not to be emotional about this holocaust. I will try as much as possible to stick to a very logical analysis of the problem at hand.

In the debates conducted on Section 1 of the Bill of Rights, various legal arguments were raised against the inclusion of the right to life of the fertilized ovum. And just to paraphrase Commissioner Villacorta, in legal necromancy, all types of legal refinements are cited to question the right to life of the fertilized ovum. Among other things, the question of personality of the unborn child from the moment of conception was raised.

I propose to review this issue in a logical manner. The first question that needs to be answered is: Is the fertilized ovum alive? Biology categorically says yes, the fertilized ovum is alive. First of all, like all living organisms, it takes in nutrients which it processes by itself. It begins doing this upon fertilization. Secondly, as it takes in these

nutrients, it grows from within. Thirdly, it multiplies itself at a geometric rate in the continuous process of cell division. All these processes are vital signs of life. Therefore, there is no question that biologically the fertilized ovum has life.

The second question: Is it human? Genetics gives an equally categorical "yes." At the moment of conception, the nuclei of the ovum and the sperm rupture. As this happens 23 chromosomes from the ovum combine with 23 chromosomes of the sperm to form a total of 46 chromosomes. A chromosome count of 46 is found only — and I repeat, only — in human cells. Therefore, the fertilized ovum is human.

Since these questions have been answered affirmatively, we must conclude that if the fertilized ovum is both alive and human, then, as night follows day, it must be human life. Its nature is human.

Medical science, in the field of human reproduction and genetics, has so advanced that the question of when human life begins is already settled. It is not a debatable issue as far as medical science is concerned. There are no two ways about this. Human life begins at conception.

The controversy arises from the third question. This is where legal necromancy comes in — the legal necromancy that has opened the floodgates for 50 million abortions that are being committed on innocent lives year in and year out. Is this fertilized ovum a person? It seems to me that the true answer to this question lies not in physical or legal science, for the simple reason that there is no physical evidence of personality yet. The answer lies in the science of moral ethics which defines a person as an individual substance of a rational nature.

May I remind all that in the Constitution when we talk about the Declaration of Principles, we are talking mostly of principles that we borrow from the science of ethics which is speculative science. Precisely, the basic law is superior to legislation. Ethics is the source of the majority of these principles that we are declaring in the Article on the Declaration of Principles.

While it is true that no unicellular human being actually performs rational acts, it does not follow that its nature is not rational since, as we have said, it has all the primordial essential properties of humanity. Which is why there is absolutely no statistical probability that the fertilized ovum of a human mother will ever, ever turn into a frog as someone in this body facetiously remarked.

It would be most unfortunate, Madam President, if the law and the fundamental law at that were to be divorced from ethics — from ethical principles. And while it is true that the manifestations of essential personality are in real potency in the early stages of pregnancy, there would be no such real potency if essential personality were absent from the very beginning. This, to my mind, explains the difficulty of law to grasp the inalienable right to life of the human being upon conception.

Legal science often fails to transcend itself and establish itself upon the reality of life. Granted, however, that the ethical notion of personality is unacceptable to the legal mind; granted that the lawyers refuse to give the fertilized ovum its legal personality, from the foregoing evidence provided by empirical sciences — biology, genetics — and in the absence of proof that the human organism from the moment of conception is not a person, the law must presume that it is, or take the awesome risk of injustice to unduly terminate an innocent human life, which is far too great to take.

Let us remember that we are drafting here a fundamental law which enumerates basic and inalienable rights. And in so doing, we must not be constrained by inferior laws, particularly if they are effective or open to amendment or repeal or beset with internal contradictions. For example, let me mention how ridiculous American jurisprudence is in this regard. In the United States, the unborn child has the right to inheritance and damages while yet unborn; to get a blood transfusion over his mother's objection; to have a guardian appointed and other

rights of citizenship. But in the United States, it does not have the most basic right of all, which is the right to life.

That is why, as was reported in a medical journal, *The California Medicine*, which interestingly is a journal known for its pro-abortion stand, there is this following condemnation of American morality which says:

Since the old ethics has not yet been fully displaced, it has been necessary to separate the idea of abortion from the idea of killing which continues to be socially abhorrent. The result has been a curious avoidance of the scientific fact which everyone really knows — that human life begins at conception and this continues whether intra- or extra-uterine until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices. It is suggested that the schizophrenic sort of subterfuge is necessary because while a new ethic is being accepted, the old one has not yet been rejected. So schizophrenia is the characteristic of American jurisprudence on this issue. Beyond these legal technicalities that we must regard as secondary, other arguments, arguments of principle and of pragmatism have also been raised. The so-called hard-case arguments which are always the key to open the floodgates to millions of abortions, the alleged conflict of rights between fetus and mother, the economic arguments favoring the option to abort, all have been put forward.

Madam President, let me dwell on these hard cases because once and for all, we give answers to the hard-case arguments. There are those who say that the possibility of abortion should be allowed for certain hard cases such as in pregnancies resulting from rape or incest. Should we not be open to abortion in these exceptional cases for reasons of compassion for the women? No. The main reasons why we should say "no" are: (1) a wrong cannot be righted by another wrong; (2) no one should be deprived of human life without due process and we have established scientifically that from the moment of conception, the fertilized ovum already has life; and (3) a fetus, just like any human, must be presumed innocent unless proven guilty. It is quite obvious that the fetus has done no wrong. Its only wrong is to be an unwanted baby. Besides, laws that would legalize exceptions would be prejudicial to the common good. As the proverb says, "hard cases make bad laws." What is the danger in allowing exceptions in hard cases? The danger is that any exception made in legislation and in courts of law creates a precedent, a leak in the dike that can turn the exception for a few into the rule for all. This has happened in England, in the United States and in other so-called advanced countries.

Let me just cite some very glaring statistics. After the notorious *Roe v. Wade* decision of the U.S. Supreme Court on January 22, 1973, these are the statistics on abortion: Before that date, illegal abortions in the United States numbered 100,000 a year; immediately after, in 1972 when the decision was made, there were 586,000 abortions; then in 1973, that increased by 27 percent or 745,400 abortions; and another 20 percent increase in 1974 or 900,000 abortions. And as I reported today, there are more than 2,000,000 abortions in the U.S. So clearly, the floodgates have been opened.

Now, how frequently can pregnancy result from rape, this so-called hard case? Are there statistics available on this? Cases of pregnancy resulting from rape are extremely rare. In the United States, rough calculation showed that the chances of conception by rape is 22 for every 3.5 million fertile women or .006 percent probability. In Czechoslovakia, out of 86 thousand successive abortions, 63 were claimed to be caused by rape or .07 percent probability.

Why is it difficult to enforce a law that exempts women pregnant from rape or incest from anti-abortion laws? What is meant by this difficulty of proving rape? Rape is a difficult crime to establish mainly because of the reluctance of rape victims to report immediately. It is even more difficult to prove that a pregnancy is the result of rape, especially if the woman is married or known to have an active sex life. Allowing abortion for rape or incest or any other hard case for that matter invites a flood of bogus hard-case abortions. What about mental health?

What if the mother is mentally ill? Can her baby not be aborted? The mental illness of a pregnant woman is no valid reason for legal abortion. A mother's mental illness does not necessarily cause the same mental illness in the fetus. The problem, therefore, is not the pregnancy but how the child will be nourished and reared after birth. The solution lies in social services, and we have devoted a lot of time to making sure that this just and humane society that we are trying to establish will be giving social services to all without exception, especially the underprivileged. And the most underprivileged of them all is the unborn child who cannot even scream or run away or do anything to protect himself. It is also worth noting that abortion itself has been found to be a cause of mental disturbance. Instead of being a solution to an unwanted pregnancy, it has even resulted in stress, anxiety and guilt that follows normally after committing a crime. And I really have found one of the arguments being propounded by those who object to this and who say: "Why criminalize a situation that already has brought so much anguish on the woman." That is a very amusing argument. Precisely, the anguish is there because whether she likes it or not natural law has implanted it deep within her. She knows she has committed a crime. And it is not a matter of criminalizing something which is not a crime. Her psychological trauma proceeds from the fact that she knows she has been a criminal. What if it is discovered that the baby is deformed or disabled? Would it not be better to spare it from living as a cripple by aborting it? No. Behind this course of action are a racist philosophy and the pleasure principle. It is logical for the philosophy of pleasure to conclude that persons who cannot enjoy life must not be allowed to live. This will eventually lead to an obsession with racial purity, no different from the Hitlerian mania for the purity of the Aryan race. Death is never a solution to the problems of life. The humane solutions to disabilities of some lie in the social and loving concern and abilities of the more fortunate.

What if the woman cannot afford to raise another child decently because of poverty? Would it not be better to allow her to kill the baby instead of letting it live a miserable life and adding to the burden of the rest of the family? To use poverty as a reason for the legalization of abortion would be tantamount to saying that only the rich have a right to life. This is a gross violation of justice. The problem of the poor woman is that she is poor; not that she is pregnant. We would be escaping from the root causes if we resort to abortion as a solution. We must rather solve the real problem and leave the innocent baby alone. Again, the solution lies in social services and equitable distribution of wealth, concerns of private individuals and of the government. And in this regard, let me say that I would also be against any provision in the Constitution we are writing which would give a mandate to the State to determine a so-called "optimum population" of the country, giving the State the power to be God as you have been reading in some materials distributed. The conventional wisdom right now is that the most effective solution to the population problem is economic development and social justice. If we address the root causes of economic under-development and social injustice, the population problem solves itself. This has been shown by hundreds of countries that have developed ahead.

What if a doctor has to choose between the life of the child and the life of the mother? Will the doctor be guilty of murder if the life of the child is lost? The doctor is morally obliged always to try to save both lives. However, he can act in favor of one when it is medically impossible to save both, provided that no direct harm is intended to the other. If the above principles are observed, the loss of the child's life is not intentional and, therefore, unavoidable. Hence, the doctor would not be guilty of abortion or murder.

I am sure Commissioner Nollado can give the jurisprudence on this case, the application of the moral principle called the principle of double effect. In a medical operation performed on the mother, the indirect sacrifice of the child's life is not murder because there is no direct intention to kill the child. The direct intention is to operate on the mother and, therefore, there is no dilemma. And let me say that medical science has progressed so much that those situations are very few and far between. If we can produce babies in test tubes I can assure you that those so-called dilemma situations are very rare, and if they should occur there is a moral principle, the principle of double effect, that can be applied.

What would you say are the solutions to these hard cases? The most radical solution to these hard cases would be a caring and loving society that would provide services to support both the woman and the child physically and psychologically. This is the pro-life solution. The abortion solution, on the other hand, not only kills the fetus but also kills any care and love that society could have offered the aggrieved mother.

Implicit in all these arguments is the petition for the Constitution, the arguments against Section 9, requiring the State to equally protect the life of the mother and the life of the unborn from the moment of conception. These arguments want the Constitution to be open to the possibility of legalized abortion. The arguments have been put on record for the reference of future legislation and jurisprudence. There is reason to fear that the Constitutional Commission itself shall be used to buttress the inevitable campaign for legalized abortion in the Philippines, unless we explicitly provide the phrase "from the moment of conception." Let us not fall into the trap and just say we will protect the unborn. That is a trap. If life is not protected at the beginning, there is absolutely no reason to protect it at any other period. Let us not kid ourselves about this possibility. We, as a nation in economic crisis and with a large population, are very vulnerable to the temptation to legalize abortion. There are lessons we must learn from other countries. Must we be blind to the experience on abortion of the so-called developed countries? Let us be assured that the International Parenthood Federation is not about to relax until abortion is made legal in the Philippines.

May I call to mind, Madam President, Proposed Resolution No. 175 of which I am a proponent together with Commissioners Quesada, Sarmiento, Bengzon, Colayco and Romulo. In this resolution we insisted precisely on a balanced regard for the right to life of the pregnant woman together with that of the child itself.

The formulation in Section 9 of the proposed Declaration of Principles is, to my understanding, adequate and proper. It gives due regard to the right to life of the mother in case of ectopic pregnancies — pregnancies where the fertilized ovum is implanted in some other places except the uterus — and so-called medical dilemmas. At the same time, it restrains a discontented woman from killing her unfortunately unwanted child which, although currently depending upon her, is really a distinct and separate human being. So, this argument of a few women that they should have the right to do whatever they please with their body is completely irrelevant. The fertilized ovum is already a separate body. It is no longer the body of the woman.

What is being affirmed in this formulation is the moral right as well as the constitutional right of the unborn child to life. If this should entail the granting of presumptive personality to the unborn beginning at the moment of the conception, then so be it. This is one for the lawyers to work out. This right would include basic primate prenatal care it can only receive if the care and attention due to the mother is also provided. Respect for the rights of the woman with child and respect for the rights of the child in her womb are by nature intimately linked such that any deliberate harm that should come upon one will doubtless effect a corresponding harm to the other. Conflict of rights is fictitious. If the woman has her basic rights and the unborn child's right to life is also recognized, would this not result in a conflict of rights? The conflict is only apparent. It is easily resolved by applying the following principle: When two rights come in conflict, the more basic right and/or the right concerning the graver matter takes precedence over rights involving the less basic or less serious matter. It is clear that the right to life is more basic than the right to privacy or any other posterior rights. Therefore, since removal of the fetus would most certainly result in a violation of its right to life, the woman has no right to evict the temporary resident of her private womb. Moreover, if a mother can kill her own child, what is there to prevent us from killing each other? Madam President and my fellow Commissioners, it is said that the law is hard but, nevertheless, is law? *dura lex sed lex*. But even more demanding is life, *dura vita sed vita*. Let us bear in mind that law is for the sake of life. The law must come from life and not vice versa. The views I express here transcend religious differences. As I have declared in another occasion, this is not a Roman Catholic position. Since time immemorial, even before

Christianity was brought to our soil, as you very well know, our ancestors referred to the baby in the womb of the mother as tao — siya'y nagdadalang-tao. Ang dinadala ay tao; hindi halaman, hindi hayop, hindi palaka — tao.

Madam President, let me also quote from a non-Christian in our Commission. In a public hearing, the honorable Commissioner Uka said the following: "As a Muslim, I believe in the Ten Commandments, and one of the Ten Commandments is "Thou shalt not kill." From the time of conception, there is already life. Now if you put down that life, there is already killing, a violation of one of the Ten Commandments. The overwhelming majority of Filipinos agree with Commissioner Uka that we should support Section 9. We have received up to now more than 50,000 signatures from all over the Philippines, from individuals belonging to all walks of life. I do not think there is any other issue in which we have been bombarded with more numerous signatures. Let us, therefore, listen to all of them and mandate that the State should equally protect the life of the mother and the unborn from the moment of conception.

Thank you, Madam President.

MR. TINGSON: Madam President, Commissioner Nollado would rather speak his brief piece after our recess.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended for a few minutes.

It was 5:04 p.m.

RESUMPTION OF SESSION

At 5:45 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

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

THE PRESIDENT: Commissioner Nollado is recognized.

MR. NOLLEDO: Thank you, Madam President.

I would like to speak very briefly in support of the second sentence in Section 9 of the report of our committee.

Madam President, the first Commissioner to speak in support of this provision was Commissioner Joaquin Bernas, when the Committee on the Bill of Rights, headed by Commissioner Jose B. Laurel, made its report before the Constitutional Commission.

Apropos of this provision, Madam President, I would like to say that the unborn from the time of conception has life. It is human and it possesses presumptive personality.

Pursuant to Article 40 of the Civil Code of the Philippines, the conceived child shall be considered born for all purposes favorable to it as long as it be born normally later. Thus, under our laws, Madam President, a conceived child can accept a donation; it can inherit.

Under the Doctrine of Presumptive Personality, Madam President, it is my firm belief that protecting the unborn from the time of conception is giving meaning and substance to the constitutional declaration that the State

recognizes the dignity of the human personality, and to the constitutional injunction that in educating the youth, our curriculum should include love of humanity.

This Commission values human life when it also decided to abolish the death penalty. If an erring adult should be protected against destruction by abolition of the death penalty, how much more a helpless and highly innocent human being in the womb of the mother?

Killing the fetus, while categorized as abortion in our Revised Penal Code, is plain murder because of its inability to defend itself. Let the unborn, Madam President, the unborn which is a cherished, precious and loving gift from God, enjoy constitutional protection in a Christian country like ours.

Thank you, Madam President.

MR. RAMA: Madam President, I ask that Commissioner Monsod be recognized for a reservation on the Article on Human Resources.

MR. MONSOD: Madam President, we have been waiting for a clean copy of the Article on Human Resources. We still do not have it and I just wanted to make a reservation that upon seeing it, we might want to propose some clarifications, consolidations or amendments. Since we do not have a copy, I do not want to be precluded on a technicality, Madam President.

THE PRESIDENT: Let that reservation be recorded.

MR. RAMA: Madam President, I ask that Commissioner Quesada be recognized.

THE PRESIDENT: Commissioner Quesada is recognized.

MR. TINGSON: Madam President, our committee member, Commissioner Quesada, is speaking not only on a particular section but this time on the concept of sovereignty found not only in Section 1, which states:

The Philippines is a republican and democratic State. Sovereignty resides in the Filipino people and all government authority emanates from them and continues only with their consent.

So, Madam President, she is speaking on the concept of sovereignty.

THE PRESIDENT: Commissioner Quesada is recognized.

SPONSORSHIP SPEECH OF COMMISSIONER QUESADA

MS. QUESADA: Thank you, Madam President.

Actually, the inspiration to talk about sovereignty is to reflect back on our Preamble and not just on the first section of our Article on the Declaration of Principles. We did say in our Preamble:

We, the sovereign Filipino people, imploring the aid of Almighty God in order to build a just and humane society and establish a Government that shall embody our ideals and aspirations, promote the common good, conserve and develop our patrimony, and secure to ourselves and our posterity the blessings of independence and democracy under the rule of law and a regime of truth, justice, freedom, love, equality and peace . . .

Reflecting on our Preamble, I would just like to ask whether in fact the provisions that we have drafted so far truly reflect that we are a sovereign Filipino people.

Earlier today, we heard of a position that would try to delete two provisions that we are attempting to enshrine in our Constitution. I believe that this is a very rare opportunity for this constituent body to prove that we are indeed a sovereign Filipino people. For what is sovereignty? Sovereignty is an inalienable right of an independent

country. It is a prerequisite for a country to exercise its statehood without which a nation cannot be considered a State, much less an independent one. A sovereign country is one that exercises full control and governance over all its territory and over the affairs within that territory, moving towards a direction that is in fulfillment of the needs and aspirations of the vast majority of the people rather than towards a direction chartered by an alien power. A State that does not command dominion over every inch of its territory is certainly not a sovereign state.

There are degrees of sovereignty. Either a state is sovereign or it is not; neither is there such a thing as a shadow of sovereignty. When we talk about the foreign bases and review the historical facts, we note that indeed sovereignty is not exercised by the Filipinos. For example, in a discussion paper presented by Mr. Gerardo G. Valero, the grandson of Commissioner Concepcion, it is reported that: 1) foreign bases as understood in the Philippine context do not exist in countries like Spain, Greece or Turkey, because here in the Philippines, the U.S. bases are extraterritorial enclaves, little Americas where Philippine laws do not apply; 2) Philippine criminal jurisprudence cannot be enforced unless the U.S. base commander chooses to cooperate; 3) Philippine currency is not accepted in the bases and Filipinos cannot enter there; 4) Filipinos cannot explore and exploit the natural resources in the bases; 5) all information produced by the installations including raw data shall be shared by both governments.

In both the 1935 and 1973 Constitutions and even in the proposed Article II of the new charter, it is declared that sovereignty resides in the people and all government authority emanates from them. If this is so, then only the people themselves must decide on matters that concern their sovereignty. Sovereignty, therefore, cannot be a matter of legislation nor can it be an executive prerogative. Its very essence does not allow it. However, sovereignty can be waived by the people. They can, for instance, relinquish their sovereign rights over a fraction or a part of their national territory if they may so decide. But this must be done only through an exercise that would assert their sovereign will as a people. In short, the people can decide to waive their sovereignty as an act of sovereign will.

We, therefore, beg of all of you and we have been begging all these weeks and months to prove that we are indeed a sovereign people. Let us become a constituent assembly with plenary powers to discuss the breadth and scope of our sovereignty and decide all issues on questions relevant to sovereignty. It includes such issues as those proposed in our article — the issue of neutrality, nonalignment, a nuclear-free Philippines and "no" to foreign military bases in our shores.

Thank you, Madam President.

MR. TINGSON: Madam President, another committee member, Commissioner Rosario Braid, would like to speak briefly on the social aspects of the military bases; that would be Sections 3 and 4.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

SPONSORSHIP SPEECH OF COMMISSIONER ROSARIO BRAID

MS. ROSARIO BRAID: Madam President, many of us have read the articles of Father Shay Cullen, the Colomban priest who runs a drug treatment center in Subic Bay. This is the same Irish priest who exposed child prostitution some few years ago where he revealed children from 9 to 14 years old have been involved in this oldest profession.

Olongapo is a city of 255,000 people whose livelihood and economic survival are based on sex for sale. There are 16,000 women registered with the social hygiene clinics. There are 500 clubs, bars, hotels, Turkish baths and massage parlors. Of the more than 20,000 prostitutes, more than 9,000 are registered, 8,000 are unlicensed and 3,000 are part-time prostitutes. The rest of the population are in support services of this profession, renting

apartments to sailors so they could have a place to meet with their girlfriends. Some of the policemen cooperate by keeping the streets safe for the sailors. Some of the members of the legal profession even service quarrels with sailors when they get into trouble.

In Angeles City, near Clark Air Base, there are 450 hotels, cabarets, disco joints, bars and cocktail lounges which employ over 7,000 hospitality girls. Many children in these cities grow up virtually on their own in the streets and it is inevitable that a significant number of them will eventually turn to prostitution. Two villages, named Macapagal and Marcos, live on American garbage. These villages are adjacent to Clark Air Base. Many of the residents are tribal Filipinos, the so-called Aetas or Negritos. They are scavengers and live by scavenging scrap metal obtained from the dump. However, since they are regarded as security risk, they are treated like basketballs and forced to move from one end of the base to another by base officials. I have personally interviewed these Aetas when they were being resettled way back during the Sacobia Development Program of the past administration. I talked to them again during a recent public hearing with cultural communities and their plight had not changed. The Philippine Labor Code developed under the Marcos regime contains some of Asia's most repressive anti-worker provisions. Nonetheless, the U.S. military has insisted on introducing even stricter labor regulations. About 15,000 of 18,000 employees in Clark are contract workers who have no security. Workers are treated as no-class citizens, often insulted and sometimes treated like dogs.

Finally, in the name of sovereignty and pride, we should abrogate the bases agreement in 1991.

During the last nonalignment meeting in Harare, the Philippines was given only an observer's status because of the bases, although we have been knocking constantly on the door of the Non-Alignment Conference. I was in Sri Lanka in 1975 when our own Philippine group, to their embarrassment, were late because they had a difficult time getting an observer's status. They attended the conference as guests. Our other ASEAN neighbors had no difficulty in being granted membership and permanent observer's status and yet the Philippines has always been excluded. If we would like to move away from our perception of the North as our primary reference group and look at the ASEAN region as our principal reference group, we should start to show now that we are truly a sovereign state.

Thank you, Madam President.

MR. TINGSON: Madam President, I would like to tell the Floor Leader that this afternoon, we do not have any more sponsorship speeches from the committee members. However, Commissioner Aquino, who is a member of our committee, would like to speak tomorrow morning. Her father, I think, is sick, and so she is not able to do it today.

THE PRESIDENT: What else do we have for this afternoon, Mr. Floor Leader?

MR. RAMA: Madam President, the Vice-President would like to speak on Section 9.

MR. PADILLA: Madam President, after the sponsorship speech of Commissioner Villegas on Section 9, I wanted to state that I fully concur with his views in support of Section 9 on the right of the unborn from conception. I found his exposition to be logical, not necessarily creative, much less critical, but logical. Madam President, I would like to state that the Revised Penal Code does not only penalize infanticide but it has various provisions penalizing abortion; Article 256, intentional abortion; Article 257, unintentional abortion; Article 258, abortion practiced by the woman herself or by her parents; and Article 259, abortion practiced by a physician or midwife and dispensing of abortives.

However, I believe the intention of the proponents of Section 9 is not only to affirm this punitive provision in the Penal Code but to make clear that it is a fundamental right that deserves to be mentioned in the Constitution.

Thank you, Madam President.

MR. RAMA: Madam President, I ask that Commissioner Guingona be recognized.

THE PRESIDENT: What period are we in now?

MR. RAMA: We are still in the period of sponsorship and debate.

MR. SARMIENTO: Madam President, again may we be clarified because Commissioner Aquino is reserving her sponsorship speech. May we know if that period has been terminated?

THE PRESIDENT: The Chair understands that Commissioner Aquino will still continue. Perhaps we can have the interpellation tomorrow after the sponsorship speech of Commissioner Aquino. What is the opinion of the committee?

MR. TINGSON: We would like to give our committee members, Madam President, an opportunity to express themselves. I have just talked with Commissioner Aquino and she said she was just going to submit her speech. Madam President, may we please hear from Commissioner Aquino?

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended for a few minutes.

It was 6:02 p.m.

RESUMPTION OF SESSION

At 6:10 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

The Floor Leader is recognized.

MR. RAMA: Madam President, as suggested by the President and the committee, the discussion on the military bases will go on tomorrow.

In the meantime, I move for adjournment until tomorrow at nine o'clock in the morning.

ADJOURNMENT OF SESSION

THE PRESIDENT: We will take up Sections 1, 2 and 3.

The session is adjourned until tomorrow at nine o'clock in the morning.

It was 6:10 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.