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Thursday, September 11, 1986

CALL TO ORDER

At 9:59 a.m., the President of the Constitutional Commission, the Honorable Cecilia Muñoz Palma, called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Cirilo A. Rigos, to wit:

Most merciful God, for the beauty of this day we give Thee thanks. For the love in our hearts, the peace in our souls, the serenity of our spirits, the strength of our bodies, and the many tokens of Thy goodness, we give Thee thanks.

Help us today to obey the leading of Thy Spirit, that we may continue to work with a sense of mission, and pursue our mission with a sense of duty.

Grant us wisdom and courage for the living of these days. As we deal with one another, make us channels of Thy grace.

Clothe us with humility, and save us from the folly of seeking recognition for every little thing we do. Inspire us to give the best that we can, even though we may not be credited for it.

And to Thy name we ascribe all glory and majesty, dominion and power, through Jesus Christ our Lord.

Amen.

ROLL CALL

Upon direction of the Chair, the Secretary-General of the Commission called the Roll and the following Members responded:

Alonto, A. D.

Foz, V. B.

Bacani T. C.

Gascon, J. L. M. C.

Bengzon, J. F. S.

Guingona, S. V. C.

Bennagen, P. L.

Jamir, A. M. K.

Bernas, J. G.

Laurel, J. B.

Rosario Braid, F.

Maambong, R. E.

Calderon, J. D.

Monsod, C. S.

De Castro, C. M.

Nieva, M. T. F.

Colayco, J. C.

Nolledo, J. N.

Concepcion, R. R.

Padilla, A. B.

Davide, H. G.

Muñoz Palma, C.

Quesada, M. L. M.

Suarez, J. E.

Rama, N. G.

Sumulong, L. M.

Regalado, F. D.

Tan, C.

De los Reyes, R. F.

Tingson, G. J.

Rigos, C. A.

Uka, L. L.

Rodrigo, F. A.

Villacorta, W. V.

Romulo, R. J.

Villegas, B. M.

With 36 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.

Abubakar, Y. R.

Ople, B. F.

Aquino, F. S.

Sarmiento, R. V.

Azcuna, A. S.

Tadeo, J. S. L.

Garcia, E. G.

Treñas, E. B.

Natividad, T. C.

P.M.

Lerum, E. R.

Mr. Rosales was sick.

READING AND APPROVAL OF THE JOURNAL

On motion of Mr. Calderon, there being no objection, the reading of the Journal of the previous session was dispensed with and the said Journal was approved by the Body.

REFERENCE OF BUSINESS

On motion of Mr. Calderon, there being no objection, the Body proceeded to the Reference of Business.

REFERRAL TO COMMITTEES OF A MOTION AND COMMUNICATIONS

Upon direction of the Chair, the Secretary-General read the titles of the following Motion and Communications which were, in turn, referred by the Chair to the Committees hereunder indicated:

Motion No. 3 — Constitutional Commission of 1986

MOTION REQUESTING THE SECRETARIAT TO COMPILE, IN CHRONOLOGICAL ORDER, THE INVOCATIONS OF COMMISSIONERS AND TO PUBLISH THEM IN BOOK FORM WITH THE TITLE "THE LIVING GOD AND THE COMMISSION"

Presented by Honorable Davide, Jr.

TO THE STEERING COMMITTEE

COMMUNICATIONS

Communication No. 827 — Constitutional Commission of 1986

Communication from officers and members of the Bicol Brigade, Kapatiran ng mga Kawal na Manunulat sa Pilipino, Fishermen, Farmers and Sailors Association of the Philippines, Inc., Cultural Communities Association of Surigao del Sur, and People's Tri-Media Foundation, all of Surigao del Sur, submitting various

proposals on the development of Filipino culture

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 828 — Constitutional Commission of 1986

Letter from four hundred (400) officers/members of the Subic Market Vendors Association, Subic, Zambales, seeking the retention of the U.S. military bases in the Philippines

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

Communication No. 829 — Constitutional Commission of 1986

Letter from Mr. Federico C. Cipriano of Sumagui Bansud, Mindoro Oriental, transmitting a copy of a proposal from three hundred ninety-one (391) signatories all from Mindoro Oriental suggesting that the Constitution be written and promulgated in Tagalog

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 830 — Constitutional Commission of 1986

Communication from one hundred forty-nine signatories all of Cebu and Mandaue City, seeking inclusion of the following provision in the Constitution: "The right of a citizen to keep and bear arms shall be recognized, and in consonance therewith, a well-regulated citizen's militia may be formed for the security of the State, life, liberty and property of persons."

TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL RIGHTS AND OBLIGATIONS AND HUMAN RIGHTS

Communication No. 831 — Constitutional Commission of 1986

Letter from Mr. Cesar V. Canchela of the United Architects of the Philippines, CCP, Roxas Blvd., Manila, submitting a joint resolution seeking utilization of the services of qualified Filipino technological professionals and consultants on government projects funded by the Philippine government and/or by foreign loans and grants

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

Communication No. 832 — Constitutional Commission of 1986

Letter from Mr. Manuel C. Calumpit of St. Louis School, Solano, Nueva Vizcaya, submitting for consideration by the Constitutional Commission various proposals on the accountability of public officers

TO THE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS

Communication No. 833 — Constitutional Commission of 1986

Letter from Mr. Dennis G. dela Torre, Acting Chairman, Movement for the Abolition or Reorientation of C.M.T. (MARC) suggesting, among others, that the term "civil service" in Section 6 of Proposed Resolution No. 537 under Committee Report No. 36 be changed to "civic service"

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

Communication No. 834 — Constitutional Commission of 1986

Communication from Mr. Antonio L. Cantero, Chairman, Filipino Advertising Agencies for Filipinization, of

269 EDSA corner Connecticut, Greenhills, Mandaluyong, Metro Manila, recommending that the ownership and management of mass media, including advertising agencies, should be limited to Filipino citizens or to corporations wholly owned and managed by such citizens

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 835 — Constitutional Commission of 1986

Telegram from thirteen (13) officers of the Association of Philippine Physicians in America, Inc., seeking inclusion in the Constitution of a provision that would make a natural-born citizen of the Philippines who has lost his/her Philippine citizenship a transferee of private lands

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 836 — Constitutional Commission of 1986

Letter from Mr. Edilberto F. Laput of 48-F 20th Avenue, Cubao, Quezon City, transmitting a copy of an Article: "Christian Communism: Solution for Poverty" with the hope that the ideas contained therein may find a place in the Constitution

TO THE STEERING COMMITTEE

Communication No. 837 — Constitutional Commission of 1986

Letter from Mr. Isidro A. Mutia of 2318 Lopez Jaena Street, Pagadian City, suggesting that the "Teaching of the Holy Bible" be required in public and private schools from Grade I to college

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 838 — Constitutional Commission of 1986

Communication from ninety-five members of Davao City Association of Teachers, Parents and Students, Davao City, suggesting to the Constitutional Commission the inclusion of Spanish as one of the official languages

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 839 — Constitutional Commission of 1986

Communication from the Executive Board of the Philippine Social Science Council, Inc., endorsing a proposal to adopt a two-thirds (2/3) to one-third (1/3) ratio of ownership of public utility firms in favor of Filipinos

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 840 — Constitutional Commission of 1986

Letter from one hundred fifty-one signatories of the Philippine Women's University, College of Education Alumnae Association, Taft Ave., Manila, suggesting that free education be extended to the high school level

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 841 — Constitutional Commission of 1986

Communication from Ms. Marie Kletke, 904 N. Avalon Blvd., Wilmington, California 90744, suggesting a provision granting proprietary rights to overseas Filipinos, who are natural-born Filipinos, including those who may have acquired foreign citizenship

TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL RIGHTS AND

OBLIGATIONS AND HUMAN RIGHTS

Communications Nos. 842, 843, 844, 845, 846, 847, 848, 849, 850, 851 and 852 — Constitutional Commission of 1986

Letters seeking to incorporate in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception, from:

- Dr. Julieta Lorenzo of 67 West Capitol Drive, Barrio Kapitolyo, Pasig, and seven hundred thirty-three others
- Mr. Elpidio C. Ocampo of San Francisco del Monte, Quezon City, and four hundred fifteen other concerned citizens
- One thousand seven concerned citizens of varying backgrounds and occupations with their respective addresses
- Five hundred seven concerned citizens of varying backgrounds and occupations from Quezon City and Caloocan City
- One hundred sixty-seven signatories most of whom are employees of the Commission on Audit
- Mr. Bienvenido V. Santos
Apo Street, Quezon City
- Mr. Filemon F. del Prado
Ford St., Filinvest Homes South
Biñan, Laguna
- Ms. Carmelita M. Lara
447 Gen. Lim St. Little Baguio,
San Juan, Metro Manila
- Ms. Aida T. Acena
327 Gen. Vicente Lim St. Little Baguio,
San Juan, Metro Manila
- Mr. Gary Garcia
82 Scout Gandia
Quezon City
- Ms. Delia A. Caninel
75 Scout Lozano
Quezon City

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES
UNFINISHED BUSINESS: COMMITTEE REPORT NO. 29 ON PROPOSED RESOLUTION ON THE
ARTICLE ON EDUCATION, SCIENCE, TECHNOLOGY, ARTS AND CULTURE

On motion of Mr. Rama, there being no objection, the Body resumed consideration, on Second Reading, of the Proposed Resolution on the Article on Education, Science, Technology, Arts and Culture (Committee Report No. 29), entitled:

Resolution to incorporate in the Constitution an Article on Education, Science, Technology, Arts and Culture.

Thereupon, the Chair recognized the Chairman and members of the Committee on Human Resources.

REMARKS OF MRS. QUESADA

Mrs. Quesada, upon leave of the Chair, spoke of the importance of science and technology to national development. She stated that science and technology have become strategic factors in the well-being and progress of developing nations and that the Philippines, in the analysis of the science and technology community, is lagging 100 years behind. The section, she noted, would address the inadequacies of the past years by giving stress to science and technology.

She observed that the Malolos Constitution did not mention science and technology and that the 1935 Constitution first provided for science and technology as major concerns of the State in Section 4, Article XIV, to wit:

"The State shall promote scientific research and invention. Arts and letters shall be under its patronage. The exclusive right to writings and inventions shall be secured to authors and inventors for a limited period."

This provision was strengthened in the 1973 Constitution in Section 9, Article XV, to wit:

1)

The State shall promote scientific research and invention. The advancement of science and technology shall have priority in the national development.

2)

Filipino culture shall be preserved for national identity. Arts and letters shall be under the patronage of the State.

3)

The exclusive right to inventions, writings and artistic creation shall be secured to inventors, authors and artists for a limited period. Scholarships; grants-in-aid, or other forms of incentive shall be provided for specially-gifted citizens.

Mrs. Quesada underscored the need to retain the promotion and advancement aspects of scientific research and invention stressed in both Constitutions although other aspects should likewise be stressed such as policy and innovation process. She also cited the need to provide for other activities, services, education and training, introduction of results of research into the economy and other areas, dissemination of scientific and technological knowledge, application to national development and social progress, protection of rights to invention and scientific discoveries and recognition and reward for scientific and technological achievements.

To ensure the integration of science and technology into national development, Mrs. Quesada mentioned that there are two important considerations which must be embodied in the provision, specifically: 1) The State should promote other kinds of technological capacities in addition to research and development capabilities. Technological capacity, she noted, should be developed as broadly and as deeply as possible; 2) The State must see to it that the whole Filipino people are imbued with scientific outlook as an integral part of culture. She added that it must be recognized that the scientific method is one of the keys which will unlock the creative and productive potential of the people.

Mr. Villacorta informed that Mrs. Quesada is Chairman of the Subcommittee on Science and Technology with Mr. Bennagen and Mrs. Rosario Braid as members.

Thereafter, upon direction of the Chair, Mr. Villacorta stated Section 1, to wit:

SCIENCE AND TECHNOLOGY ARE ESSENTIAL FOR ECONOMIC GROWTH AND NATIONAL DEVELOPMENT. THE STATE SHALL GIVE HIGHEST PRIORITY TO RESEARCH AND

DEVELOPMENT, INVENTION, INNOVATION AND THEIR UTILIZATION; AND TO SCIENCE AND TECHNOLOGY EDUCATION TRAINING AND SERVICES. THE STATE SHALL SUPPORT THE DEVELOPMENT OF INDIGENOUS, APPROPRIATE AND INDEPENDENT SCIENTIFIC AND TECHNOLOGICAL CAPABILITIES AND THE APPLICATION OF THESE TO THE NATION'S PRODUCTIVE SYSTEMS FOR SELF-RELIANT AND SUSTAINABLE PROGRESS IN THE SERVICE OF THE PEOPLE.

REMARKS OF MR. GUINGONA

Mr. Guingona restated the last sentence of Section 1 and thereafter informed that the proposed Section 19 of Committee Report No. 36 on the Declaration of Principles, which recognizes the role of science, provides:

Towards this end, it shall promote the development of an indigenous, socially responsive and nationalist-oriented scientific and technological capability.

He stated that the Subcommittee had accepted his proposal to retain the last sentence in Section 1 without prejudice to the Body's decision to approve later on Section 19 of Committee Report No. 36 in which case the last sentence could be taken out of Section 1 to avoid repetition.

REMARKS OF MRS. ROSARIO BRAID

Additionally, Mrs. Rosario Braid stated that the country's allocation for research and development is only 2% of the GNP which is the lowest in the whole ASEAN region while allocation for research and development in developed countries is anywhere between 2 to 5%. She noted that the United Nations has strongly recommended that developing countries allocate at least 1% of GNP to research and development.

At this juncture, Mr. Rama requested that only one or two Members of the Committee should speak to facilitate the proceedings.

INQUIRY OF MR. DAVIDE

On the last sentence of Section 1, Mr. Davide inquired whether the concepts "indigenous, appropriate and independent" should be cumulative or would one be enough. Mrs. Quesada replied that these are not cumulative concepts and each has a different meaning.

As to whether support shall be extended to only one or all of them, Mrs. Quesada replied that the State shall support all three.

Upon inquiry, Mrs. Quesada affirmed that the clause "the application of these to the nation's productive systems for self-reliant and sustainable progress in the service of the people" refers to the principal objective of science and technology as essential for economic growth and national development.

PROPOSED AMENDMENT OF MR. DAVIDE

On line 2, Mr. Davide proposed to change "development" to PROGRESS.

Upon inquiry of Mrs. Quesada, Mr. Davide explained that "progress" has a higher category than "development".

On whether "progress" would include quality of life, Mr. Davide noted that this is the total effect.

In answer to the question of Mrs. Rosario Braid whether "progress" denotes active participation by the people, Mr. Davide replied that without such participation there cannot be national progress. He added that the particular concept is covered in the last sentence of Section 3.

INQUIRY OF MR. SARMIENTO

Mr. Sarmiento inquired on the parliamentary situation, observing that the Body was not yet through with the period of interpellations.

In reply, Mr. Villacorta stated that when the Body deliberated on the Sections on Language, the Committee adopted a procedure which allowed simultaneous interpellations and amendments.

PROPOSED AMENDMENT OF MR. MONSOD

Mr. Monsod proposed an anterior amendment modifying the first sentence, to read: SCIENCE AND TECHNOLOGY ARE ESSENTIAL FOR INDEPENDENT NATIONAL DEVELOPMENT AND IMPROVEMENT IN THE QUALITY OF LIFE and suggested the deletion of the rest of the section.

Responding thereto, Mrs. Quesada stated that the Committee would prefer the Committee's formulation which underscores the importance of the role of science and technology in economic growth. She stated that science and technology have not been given enough push.

In reply to the Chair's query, Mr. Davide stated that he believes "progress" is broader and more embracing than "development". Also upon inquiry, he stated that he was not satisfied with the explanations of Mrs. Quesada and manifested that he would rather submit its amendment to a vote. He maintained that national development is already embraced in progress. He stressed that the main thrust science and technology should be total progress.

SUSPENSION OF SESSION

The Chair suspended the session.

It was 10:29 a.m.

RESUMPTION OF SESSION

At 10:38 a.m., the session was resumed.

REFORMULATION OF THE AMENDMENT

Upon resumption of session, Mrs. Quesada stated the new formulation of the amendment based on the agreement of Messrs. Davide and Monsod, to wit:

SCIENCE AND TECHNOLOGY ARE ESSENTIAL FOR NATIONAL DEVELOPMENT AND PROGRESS. THE STATE SHALL GIVE HIGHEST PRIORITY TO RESEARCH AND DEVELOPMENT, INVENTION, INNOVATION, AND THEIR UTILIZATION; AND TO SCIENCE AND TECHNOLOGY EDUCATION, TRAINING AND SERVICES. THE STATE SHALL SUPPORT INDIGENOUS, APPROPRIATE AND SELF-RELIANT SCIENTIFIC AND TECHNOLOGICAL CAPABILITIES AND THE APPLICATION OF THESE TO THE NATION'S PRODUCTIVE SYSTEMS AND NATIONAL LIFE.

Mrs. Quesada stated that "national life", based on Mr. Monsod's interpretation, would include sports, culture and other aspects of life. She also explained that "progress" would include quality of life while "national development" would include economic growth.

AMENDMENTS OF MR. DAVIDE

Mr. Davide proposed the following amendments:

- 1) Before "support", substitute the words "The State" with IT;

- 2) Change the word "the" before "application" to THEIR and delete the words "of these" after "application"; and
- 3) Delete the word "nation's".

Mrs. Quesada accepted the amendments.

PROPOSED AMENDMENT OF MRS. ROSARIO BRAID

Mrs. Rosario Braid suggested changing the words "productive systems" to PRODUCTIVITY, in reply to which Mrs. Quesada stated that the Committee had agreed to use the words "productive systems". However, she suggested adding THE COUNTRY'S before "productive systems".

PROPOSED AMENDMENT OF MR. BACANI

Mr. Bacani proposed to change the word "indigenous" with LOCAL. He explained that "indigenous" is associated more with "India" and "indianization" or "Indian" which means "of the Indians".

Reacting thereto, Mrs. Quesada explained that "indigenous" means that it originated from or is produced, growing, living or occurring naturally in a particular region or environment. She stated that the term is a common expression in the United Nations, in documents of the UNCTAD, UNESCO, and UNIDO especially when referring to indigenous human and natural resources and development of indigenous technological capability.

Mr. Bacani did not insist on his proposal. He maintained, however, that in another sphere, the term "indigenous" is no longer looked upon with favor and that the words "inculturated" or "aculturated" is used instead.

Mrs. Rosario Braid stated that the word "indigenous" is more specific although the term used in the United Nations documents is "endogenous".

PROPOSED AMENDMENT OF MR. PADILLA

On line 3, Mr. Padilla proposed to delete the word "highest" on the ground that it has been overused in many of the articles.

Responding thereto, Mr. Villacorta stated that the Committee would want to insist on the use of "highest priority" because of the long neglect of science and technology in the priorities of government. He pointed out that the commonly accepted international bench mark for the state support for science and technology is 2% to 4% of GNP but the Philippines has historically allocated only about 0.5% of the state's annual budget, thus, the support for science and technology is way below the international standard. He stated, for example, that in 1984, the Philippines spent \$18.5 million for research and development; in 1975 South Korea spent \$127 million.

Mr. Villacorta underscored that the development of science and technology does not happen by accident and, therefore, the State must invest significantly more in these areas if the country is to progress.

Mr. Padilla stated that there is no quarrel on the importance of science and technology and on the desire for Congress to appropriate for it a greater share in the national budget within the resources of the country. He asked if it would not be sufficient to rely on Congress to use its judgment to give priority to the development of science and technology.

Mrs. Quesada pointed out that the 1973 Constitution used the phrase "high priority" which can be improved by giving science and technology increased importance with the word "highest" in relation to budget allocation for them. She expressed the hope that this type of mandate in the Constitution would help put into reality the people's

aspiration to keep pace with other developing countries.

Mr. Padilla contended that there is a difference between "high," "higher" and "highest" and one may not go above the "highest". He noted that Ms. Aquino has some statistics on how often the word "highest" has been used which might confuse Congress as to which among them is higher than the highest.

Adverting to Mrs. Quesada's statement that the 1973 Constitution speaks of "high priority", Mr. de Castro pointed out that the pertinent section thereof simply provides that the advancement of science and technology "shall have priority".

Ms. Aquino expressed support for Mr. Padilla's proposal to delete the word "highest". She stated that while she does not intend to denigrate the importance of science and technology, the unrestrained use of the word "highest" actually lessens the potency of the intent and that a word used often enough depreciates in terms of effectiveness when it tries to approximate priority concerns and, on the other hand, might depreciate the priority given to the other more important concerns of the Constitution like social justice.

Thereafter, in reply to her query on whether science and technology, in terms of budgetary allocations, should take priority over all others, Mrs. Quesada stated that while all other goals are just as important, such goals cannot be attained without the instruments of science and technology.

Ms. Aquino stated that rather than just a case of semantics or lexicon, in terms of proper concerns for science and technology, she would raise questions on the ultimate effect of science and technology. She noted that the intent is not to protect science and technology per se but to protect the proprietary concerns of the State, for example, over patents, licenses and trademarks in the global context of technology transfer. In view of this, she maintained that the utmost concern for science and technology should properly belong to the Article on National Economy and Patrimony.

Mrs. Quesada disagreed. She averred that the provision should be taken in the broad sense of science and technology and not just technology which is the application of knowledge of science.

Ms. Aquino stated that she was speaking of the anarchy of transnational corporations in patents and trademarks, of the anarchy of technology and monopoly of technology by multinational corporations and, if there is agreement on this trend of thought, science and technology should essentially be the concern of national economy and development. She also stated that science and technology should not be seen as an end in itself, in reply to which Mrs. Quesada stated that the Committee viewed it as a means to the bigger ends that were cited in social justice, education and national economy, because without science and technology, the national economy and patrimony would be toothless.

Thereupon, Ms. Aquino underscored that her basic position is that the Commission should have a sense of proportion in terms of prioritizing its concerns stating that the allocation of highest priority to science and technology might diminish the impact of the other priorities assigned to social justice and education. She then reiterated her support for Mr. Padilla's proposal to delete the word "highest".

Mrs. Rosario Braid manifested agreement with the sentiments expressed by Ms. Aquino stating that as a member of the Committee, she would even be willing to go as far as deleting the word "highest".

On the concern on regulatory systems that would regulate technology transfer, Mrs. Rosario Braid stated that a provision therefor was included in the Article on National Economy and Patrimony in view of the need to come up with a more effective regulatory system. She pointed out, however, that Section 3 on Science and Technology addresses the need to link the State or any of its agencies to technology transfer concerns so that it would not

remain as an independent community of scholars away from the problems of political economy. In view thereof, she stated that the concerns of Ms. Aquino were addressed both to national economy and to science and technology.

At this juncture, Mr. Laurel expressed concern that the Commission had been putting up so many Mt. Everests that all their weight may bring them down together.

PROPOSED AMENDMENT OF MR. RAMA

Mr. Rama suggested PRIMORDIAL IMPORTANCE in lieu of "highest priority," to which Mr. Villacorta replied that, although acceptable, the word "primordial" has a poetic sound.

Mr. Rama suggested SPECIAL PRIORITY as an alternative.

PROPOSED AMENDMENT OF MR. MAAMBONG

Mr. Maambong suggested the words SHALL ASSIGN SPECIAL PRIORITY, which Mr. Bennagen accepted on the understanding that it must be underscored that research and development need special concern at a time when the country is trying to catch up with its ASEAN neighbors.

INQUIRIES OF MR. SUAREZ

On Mr. Suarez' inquiry on the difference between "invention" and "innovation," Mrs. Quesada stated that innovation, as distinguished from invention, is a term which has acquired a meaning of its own based on the experience of developed countries. She explained that "invention" is an original device, contrivance or process that results from study and experimentation, thus it could only consist of an idea or set of related ideas in the form of textual explanations and diagrams on paper or perhaps may take the form of a laboratory-scale model. She underscored that what is important is that an invention is in form that is far from marketable, that is, it could not be in a form useful or beneficial to society whereas an innovation is the stage in the life cycle of a new product or process when it is introduced to the market.

Additionally, Mrs. Rosario Braid pointed out that invention is original while innovation is adapted, in the sense that it could be a blend of export and local materials. She affirmed that these two terms connote different meanings.

On whether the words "indigenous" and "self-reliant" absorb or assimilate each other, Mrs. Quesada stated that necessarily they would not and adverted to her earlier explanation on the meaning of the word "indigenous". With respect to the word "self-reliant" she defined it as reliance on one's own efforts and abilities and this, she stated, has already assumed a special meaning when placed in the context of national development. In this connection, she read for the record the discussion on self-reliance in the 1974 Mexico Declaration organized by the United Nations Environment Program and the United Nations Conference on Trade and Development, to wit:

"We believe that one basic strategy of development will have to be increased national self-reliance. It, thus, means self-confidence, reliance primarily on one's own resources — human and natural — and the capacity for autonomous goal-setting and decision-making. It excludes dependence on outside influences and in powers that can be converted into political pressure. It excludes exploitative trade patterns, depriving countries of their natural resources for their own development."

This statement, Mrs. Quesada stated, would imply that the country should build its own capabilities so that it would forever be independent. She opined that the goal embodied in the Article on National Economy and

Patrimony which is to establish a self-reliant, independent economy effectively controlled by Filipinos could not be achieved without starting on this important aspect which is science and technology.

Mrs. Rosario Braid added that "indigenous" could be a local technology whereas self-reliance is the application of local human resources skill into the development of the indigenous technology.

On the difference between "science and technology education training" and "science and technology services", Mrs. Quesada explained that science and technology education would refer to formal education while training and services would refer to the nonformal educational activities taking place in the work site or community settings like medical internship.

INQUIRY OF MR. DE CASTRO

On Mr. de Castro's query, Mrs. Quesada affirmed that the Committee had accepted the amendment to change "highest priority" to SPECIAL PRIORITY.

On the relationship between the words "high" and "special", Mr. Bennagen explained that the intent in using the word "special" in terms of the overall configuration of budgetary priorities is to give special emphasis which had been lacking in the past to enable the country to catch up with its neighboring countries in relation to investments for research and development and science and technology. He stated that if he were a Congressman working on the national budget, he would give priority to those assigned "special priority" although it would depend on the overall configuration of budgetary proposals.

On the contention that "special priority" is never the equivalent of what is called "highest priority", Mr. Bennagen opined that the word "special" relates to certain special circumstances while the word "highest" relates to an absolute scale of priorities.

Mr. de Castro manifested his support of the proposal to delete the word "highest".

INQUIRY OF MR. MONSOD

Adverting to Mrs. Quesada's reply that training and services are included within the ambit of nonformal education, Mr. Monsod pointed out that "education" as defined in the Article on Education, is encompassing in the sense that this would refer to formal, nonformal, informal and even indigenous education and he would not know whether there is some other meaning with respect to the term "nonformal", in reply to which Mrs. Rosario Braid opined that services would include extension services which do not really belong to the domain of education and do not necessarily fall under training.

Mrs. Quesada added that training would refer more to skills development.

INQUIRY OF MR. MAAMBONG

On Mr. Maambong's inquiry, Mrs. Quesada affirmed that the definition of the term "invention" given earlier would not detract from but is actually supportive of the definition under the law, specifically under Republic Act 165 which is the Patent Law and Presidential Decree No. 49 which is the Copyright Law referring to inventions and intellectual properties.

RESTATEMENT OF SECTION 1, AS AMENDED

Mrs. Quesada restated Section 1, as amended, to wit:

SCIENCE AND TECHNOLOGY ARE ESSENTIAL FOR THE NATIONAL DEVELOPMENT AND PROGRESS. THE STATE SHALL ASSIGN SPECIAL PRIORITY TO RESEARCH AND DEVELOPMENT, INVENTION, INNOVATION AND THEIR UTILIZATION AND TO SCIENCE AND TECHNOLOGY EDUCATION, TRAINING AND SERVICES. IT SHALL SUPPORT INDIGENOUS, APPROPRIATE, SELF-RELIANT, SCIENTIFIC AND TECHNOLOGICAL CAPABILITIES AND THEIR APPLICATION TO THE COUNTRY'S PRODUCTIVE SYSTEMS AND NATIONAL LIFE.

SUGGESTION OF MR. PADILLA

Mr. Padilla pointed out that he did not accept Mr. Maambong's proposal to change the word "highest" to SPECIAL which was accepted by the Committee. On the other hand, he stated that his original proposal was not accepted by the Committee and this should be submitted to the Body for a vote.

VOTING ON AND APPROVAL OF MR. PADILLA'S AMENDMENT

Submitted to a vote, and with 18 Members voting in favor, 9 against and no abstention, the Body approved Mr. Padilla's amendment.

PROPOSED AMENDMENT OF MR. MAAMBONG

Mr. Maambong formally presented his amendment to substitute the word "highest", which was deleted, to SPECIAL and to change the word "give" to ASSIGN so that it would read "shall ASSIGN SPECIAL priority".

Submitted to a vote, and with 9 Members voting in favor, 12 against and one abstention, the amendment was lost.

APPROVAL OF SECTION 1, AS AMENDED

Submitted to a vote, and with 24 Members voting in favor, 1 against and 2 abstentions, the Body approved Section 1, as amended.

MANIFESTATION OF MR. DAVIDE

Mr. Davide manifested for the record that his amendment on the first sentence of Section 1 was coauthored by Messrs. Sarmiento and Nollado.

INQUIRY OF MR. VILLACORTA

On whether the deletion of the word "highest" and the nonacceptance of the word "special" would nonetheless reflect the intent of the Committee to advise the government to give budgetary priority to science and technology, the Chair replied that it was clear from the discussion of Section 1 that such was the intent.

CONSIDERATION OF SECTION 2

Thereupon, the Body proceeded to Section 2, text of which was read by Mrs. Quesada, to wit:

"Scholarships, grants-in-aid, or other forms of incentives shall be provided deserving science students, scientists, technologists and specially-gifted citizens."

AMENDMENT OF MR. SARMIENTO

As proposed by Mr. Sarmiento, the Committee accepted the insertion of the word INVENTORS after the word "scientists".

PROPOSED AMENDMENT OF MR. SARMIENTO

Mr. Sarmiento, jointly with Mr. Monsod, proposed the deletion of the words "deserving science students", explaining that this would already be covered by the phrase "specially-gifted citizens".

Mrs. Quesada did not accept Mr. Sarmiento's proposal, explaining that the inclusion of the phrase "deserving science students" was a special request from science and technology authorities because they feel that these deserving science students who are unable to avail of this important education because of financial constraints should be given the needed support.

In view of Mrs. Quesada's explanation, Mr. Sarmiento withdrew his proposed amendment.

INQUIRY OF MR. MONSOD

On Mr. Monsod's query, Mrs. Quesada affirmed that the term "technologist" would include food technologists.

On Mr. Monsod's observation that this section is already covered by a provision in the Article on National Economy and Patrimony and, therefore, redundant, Mrs. Quesada stated that Section 2 would not be a redundancy but rather complementary in the sense that this would highlight and implement the concept embodied in the Article on National Economy and Patrimony.

PROPOSED AMENDMENT OF MR. OPLE

Before presenting his proposed amendment, Mr. Ople agreed that Section 2 would not necessarily be a duplication of two previous provisions, among them the provisions on the Article on National Economy and Patrimony and the Article on Education. He pointed out, however, that there is a need to recognize the fact that it is not really government revenues that fund research and development because in advanced countries, more than 80% of the funds for this endeavor are actually spent by the private sector. Having this in mind, Mr. Ople proposed the following as the first sentence of Section 2: THE STATE MAY BY LAW PROVIDE INCENTIVES INCLUDING TAX DEDUCTIONS TO ENCOURAGE PRIVATE PARTICIPATION IN BASIC AND APPLIED SCIENTIFIC RESEARCH AND THE DEVELOPMENT OF USEFUL INVENTIONS.

INQUIRY OF MRS. ROSARIO BRAID

On the observation that the proposed amendment has great resemblance to the last sentence of Section 3, Mr. Ople stated that the last sentence referred to would not reflect part of the intent behind his proposed amendment which is to give emphasis on private sector participation in research and development other than merely giving scholarship grants or other forms of incentives to scientists, technologists and the gifted young. He further stated that his proposed amendment would have a multiplier effect in terms of drafting the entire private sector to give more money to research and development which might have immediate concrete applications to the growth of production.

On Mrs. Rosario Braid's suggestion to add science and technology to the Article on Education, specifically on the provision which refers to tax deductions and exemptions given to education, both formal and nonformal, Mr. Ople believed that schools constitute a relatively minor component of the total research and development field. He

pointed out that instead of spending scarce public money on research and development, it is possible that the State go on a joint venture with the private sector through one of its instrumentalities in the field of research and development. He stressed that the government does not have much money and that a constitutional configuration towards private sector spending on research and development according to the standards prescribed by science authorities in the government would multiply the financial commitments without spending more government money.

SUSPENSION OF SESSION

Upon request of Mr. Rama, the Chair suspended the session.
It was 11:27 a.m.

RESUMPTION OF SESSION

At 11:34 a.m., the session was resumed.

REFORMULATION OF THE FIRST SENTENCE OF SECTION 2

Upon resumption of session, and after consultation with the Committee and some proponents, Mr. Ople proposed the reformulated first sentence of Section 2, to wit: THE STATE MAY BY LAW PROVIDE FOR INCENTIVES INCLUDING TAX DEDUCTIONS TO ENCOURAGE PRIVATE PARTICIPATION IN PROGRAMS OF BASIC AND APPLIED SCIENTIFIC RESEARCH

In reply to the Chair's query, Mrs. Quesada stated that the amendment of Mr. Sarmiento to insert the word INVENTORS which was accepted by the Committee would be contained in the second sentence of Section 2.

Mr. Davide then proposed to delete the words "The State may by law" and in lieu thereof, to substitute the words CONGRESS MAY, so that the sentence would read: CONGRESS MAY PROVIDE FOR INCENTIVES INCLUDING TAX DEDUCTIONS TO ENCOURAGE PRIVATE PARTICIPATION IN PROGRAMS OF BASIC AND APPLIED SCIENTIFIC RESEARCH.

Mr. Ople accepted the amendment to his amendment, which was, in turn, accepted by the Sponsor.

Submitted to a vote, and with 27 Members voting in favor, 1 against and 1 abstention, the first sentence of Section 2, as amended, was approved by the Body.

Mr. Ople pointed out that tax deductions would not preclude tax exemptions, in reply to which, Mrs. Quesada affirmed that the approved provision would be an incentive for private enterprise to engage more in research and development needed to promote a self-reliant and independent economy.

APPROVAL OF SECOND SENTENCE OF SECTION 2, AS AMENDED

Thereafter, Mrs. Quesada read the second sentence of Section 2, as amended by Mr. Sarmiento, to wit:

SCHOLARSHIPS, GRANTS-IN-AID OR OTHER FORMS OF INCENTIVES SHALL BE PROVIDED DESERVING SCIENCE STUDENTS, SCIENTISTS, INVENTORS, TECHNOLOGISTS AND SPECIALLY-GIFTED CITIZENS.

Mr. Maambong proposed to insert the word RESEARCHERS between the comma (,) after "inventors" and the word "technologists".

The Sponsor accepted the amendment.

Submitted to a vote, and with 28 Members voting in favor and none against, the second sentence of Section 2, as amended, was approved by the Body.

AMENDMENT OF MR. MONSOD

In line with the provisions in the Article on National Economy and Patrimony, Mr. Monsod proposed to amend the first sentence of Section 3, to read: THE STATE SHALL PROMOTE AND REGULATE THE TRANSFER AND ADAPTATION OF TECHNOLOGY FROM ALL SOURCES FOR THE NATIONAL BENEFIT.

He explained that the phrase "where such technology is responsive and appropriate to society's needs and obtained at equitable terms" which was deleted in his proposed amendment is subsumed in the term "national benefit", and he proposed to add the word "regulate" because the provision speaks of technology transfer, and such regulation would necessarily be at equitable terms. He added that "diverse sources" in the original proposal would be covered by "all sources" in his amendment.

PROPOSED AMENDMENT OF MR. PADILLA

Thereupon, Mr. Padilla proposed, between the words "and" and "regulate", to insert the words PROTECT INTELLECTUAL PROPERTY and a comma (,).

Mrs. Quesada suggested that Mr. Padilla's proposal be consolidated with Mr. Suarez' proposed amendment on the protection of intellectual property. Mr. Monsod opined that they could be provided in a separate paragraph, to which Mr. Padilla agreed, pointing out the importance of encouraging and protecting intellectual property which, under the Civil Code, covers inventions, patents, trademarks, among others.

In this connection, Mr. Regalado pointed out that Section 3(d) already provides that the State shall protect and secure for a limited period the exclusive rights of inventors, artists and other intellectuals to their inventions and artistic and intellectual creations and, therefore, Mr. Padilla's proposed amendment would be redundant;

Mrs. Quesada stated that the Body would probably have to decide later whether the provision on protection of intellectual property would be included in the provisions on Science and Technology or in Arts and Culture, to avoid duplication.

She agreed, however, with Mr. Ople that it should be included in the last section of Arts and Culture which includes inventions, scientific researches, and cultural works in accordance with the standards of the World Intellectual Property Organization.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.
It was 11:48 a.m.

RESUMPTION OF SESSION

At 11:57 a.m., the session was resumed.

INQUIRY OF MR. NOLLEDO

Upon resumption of session, in reply to Mr. Nollado's query on whether technology would also include information services, Mrs. Rosario Braid affirmed that in order to keep up with the information age, science and technology should focus on the information industry, hence, the need for regulatory systems and a more

coordinated production, distribution and utilization system.

She also pointed out the needs of communication technology, which include research and planning on possible alternative systems in order to avoid cultural erosion or too much dependence on developed countries.

Mrs. Rosario Braid pointed out that Schumacher, author of the book *Small is Beautiful*, linked science and technology with the attainment of transcendental ends such as peace and international understanding. She stressed that science and technology should be developed not only for its own sake, but also to satisfy man's intellectual quest for knowledge.

On whether science and technology play a role in maintaining peace in the world or in waging war, Mrs. Rosario Braid replied in the affirmative and added that institutions which conduct researches for the continuing development of weapons of war should not be set up.

At this juncture, Mr. Ople pointed out that John Jack Shriver, author of the book *The World Challenge* and Toshio San, Chairman of the Mitsui Institute of Science and Technology, have postulated that it is possible for the developing countries to leapfrog the messier stages of industrialization by switching to information, science and technology — the so-called new frontiers of science and technology. He added that Japan routinely outperforms the United States and Europe in productivity because of its mastery of this new science. He also stated that the Soviet Union has embarked on a five-year plan to mass-produce two million micro-computers for its schools so that its studentry and ultimately its economy would be able to catch up with Western industrialized economies.

APPROVAL OF REFORMULATED AMENDMENT

In reply to the Chair's query whether the new formulation has combined the proposed amendments of Messrs. Monsod, Padilla and Suarez, Mrs. Quesada replied that the proposal of Messrs. Suarez and Padilla would be placed in a separate section. Thereupon, she read the first sentence of Section 3, as amended by Mr. Monsod, to wit:

SECTION 3. THE STATE SHALL PROMOTE AND REGULATE THE TRANSFER AND ADAPTATION OF TECHNOLOGY FROM ALL SOURCES FOR THE NATIONAL BENEFIT.

Mrs. Quesada manifested the Committee's acceptance and explained that the phrase "national benefit" would encompass the phrase "responsive and appropriate to society's needs and obtain at equitable terms"; that "adaptation" was used to emphasize that it should not be a complete transplantation of foreign technology which is inappropriate, expensive and difficult to maintain under local conditions; and that the proposal includes the concept of equitable terms as discussed in the Article on National Economy and Patrimony.

Submitted to a vote and there being no objection, the amendment was approved by the Body.

Thereafter, Mrs. Quesada read the Second sentence of Section 3, as amended by Mr. Davide, to wit: IT SHALL ENCOURAGE THE WIDEST PARTICIPATION OF THE PRIVATE SECTOR AND COMMUNITY BASED ORGANIZATIONS IN THE GENERATION AND UTILIZATION OF SCIENCE AND TECHNOLOGY.

On Mr. Monsod's query whether the proposal would overlap with Section 2, as amended by Mr. Ople, Mrs. Rosario Braid replied that it would not.

AMENDMENT OF MR. OPLE

Mr. Ople proposed to substitute "sector" with GROUPS and to include LOCAL GOVERNMENTS.

Mr. Ople explained that the inclusion of LOCAL GOVERNMENTS would highlight their new role in economic

development through self-reliance and independence. He pointed out that in many places in the country, the traditional cottage industries, like buntal hat weaving are dying because of the lack even of simple tools needed for increased productivity and income therefrom, with the local government officials not being able to do anything to solve the problem.

Mrs. Quesada accepted the amendment. She then explained that there is a difference between Mr. Ople's proposal in Section 2 which only refers to research and development activities of private organizations and the amendment under consideration.

Thereupon, Mrs. Quesada read the second sentence of Section 3 as amended by Mr. Ople, to wit:

IT SHALL ENCOURAGE THE WIDEST PARTICIPATION OF THE PRIVATE GROUPS, LOCAL GOVERNMENTS AND COMMUNITY-BASED ORGANIZATIONS IN THE GENERATION AND UTILIZATION OF SCIENCE AND TECHNOLOGY.

Submitted to a vote and there being no objection, the same was approved by the Body.

AMENDMENT OF MR. SUAREZ JOINTLY WITH MR. PADILLA

Thereafter, Mr. Suarez, jointly with Mr. Padilla, proposed to add a new section, to wit:

SECTION ____ . THE STATE SHALL ADOPT MEASURES FOR THE ADVANCEMENT, MOBILIZATION AND UTILIZATION OF SCIENTIFIC KNOWLEDGE AND TECHNOLOGICAL RESOURCES TO FURTHER OUR NATIONAL DEVELOPMENT. IT SHALL PROTECT INTELLECTUAL PROPERTIES, PARTICULARLY WHEN BENEFICIAL TO THE FILIPINO PEOPLE.

Mrs. Quesada accepted the proposal.

In reply to Mr. Maambong's query, Mr. Suarez affirmed that the properties sought to be protected are what is known in legal parlance as incorporeal special personal properties.

Mr. Maambong pointed out that existing laws already protect such properties, namely, Republic Act No. 165 or the law on patents; RA No. 166, the law on trademarks, trade names, service marks and unfair competition; PD No. 49, the law on copyright; RA No. 1287, otherwise known as the New Process Discovery Act; and Act 3883, the Business Names Law.

However, Mr. Suarez maintained that despite these existing laws, the proposal should be constitutionalized to protect intellectual creations beneficial to the Filipinos.

Mr. Monsod pointed out that Section 1 already mentions "scientific knowledge and technological resources" while the Section on Arts and Culture includes "intellectual properties".

In reply to Mrs. Rosario Braid's query, Mr. Suarez affirmed that in order to pursue the objective of the proposal, there is need to strengthen the agencies concerned. And in reaction to Mr. Monsod's comment, Mr. Suarez stated that it is up to the Committee to place the proposal either under the section on science and technology or under the section on arts and culture.

Mr. Villacorta opined that the provision should be transferred to Section 4 under Science and Technology.

Mr. Monsod pointed out that the proposal has two parts and the first part refers to measures to advance, mobilize and utilize scientific knowledge and technological resources for national development. He pointed out that the idea of giving highest priority to research, science and development and State support for these efforts implies and assumes that there would be effective measures to give them realization.

Mrs. Quesada agreed that the second part of the proposal is redundant because it is already covered in another section. She then inquired whether Messrs. Padilla and Suarez would be amenable to incorporating the concept of intellectual property in the first part of the proposal since it is actually assimilated as one of the functions of science and technology development.

SUSPENSION OF SESSION

Upon request of Mr. Suarez, the Chair suspended the session.

It was 12:22 p.m.

RESUMPTION OF SESSION

At 12:28 p.m., the session was resumed.

Upon resumption of session, in reply to Mr. Tadeo's query whether the protection of genetic materials for rice seedlings discovered by institutions such as the University of the Philippines would also be included in the concept of "intellectual properties", Mr. Suarez replied in the affirmative.

Adverting to a news report which appeared in the Malaya on August 15, 1985 which states that multinational corporations are being handed valuable technological researches practically for free through the National Science and Technology Authority (NSTA), Mr. Tadeo inquired whether the proposed amendment would provide protection to researches, to which Mr. Suarez answered in the affirmative citing the phrase "particularly when beneficial to the people".

Upon request of Mr. Suarez, Mrs. Quesada read the reformulated provision as follows:

THE STATE SHALL PROTECT AND SECURE THE EXCLUSIVE RIGHTS OF SCIENTISTS, INVENTORS ARTISTS AND OTHER GIFTED CITIZENS TO THEIR INVENTIONS, ARTISTIC AND INTELLECTUAL PROPERTY AND CREATIONS, PARTICULARLY WHEN BENEFICIAL TO THE PEOPLE.

In reply to the Chair's query whether it would be a new section on Science and Technology, Mrs. Quesada answered in the negative clarifying that it is an omnibus provision which would, likewise, include Arts and Culture.

In reply to Mr. Nollado's query whether the proposed amendment would supersede Section 3(d), Mrs. Quesada answered in the affirmative.

Adverting to Article 721 of the Civil Code, Mr. Nollado suggested TO THEIR INTELLECTUAL CREATIONS in lieu of the enumeration after "gifted citizens" stating that it would include everything.

On the suggestion of Mr. Monsod to retain "property" such that the phrase would read TO INTELLECTUAL PROPERTY AND CREATIONS, Mr. Nollado acceded to its retention stating that "intellectual creation" and "intellectual property" are synonymous.

Mr. Padilla stated that he prefers "intellectual property" because it does not only include scientific and technological inventions but writings, painting, sculpture and musical compositions as well.

Mrs. Quesada accepted the amendment to delete "inventions" and "artistic" on behalf of the Committee and read the amended provision as follows:

THE STATE SHALL PROTECT AND SECURE THE EXCLUSIVE RIGHTS OF SCIENTISTS, INVENTORS, ARTISTS AND OTHER GIFTED CITIZENS TO THEIR INTELLECTUAL PROPERTY

AND CREATIONS PARTICULARLY WHEN BENEFICIAL TO THE PEOPLE.

Mr. Davide observed that the intendment is to bestow a perpetual guarantee and proposed to add at the end of the sentence, the phrase FOR A LIMITED PERIOD AS MAY BE PROVIDED BY LAW, which the Committee accepted.

Mr. Ople observed that "intellectual property" is a right which can be asserted against the world, excluding the government, and that the national benefit cannot be a measure for diluting these claims as it would curtail the same. He suggested deletion of the "the national benefit" so as not to distort the spirit of the provision.

Mr. Regalado volunteered the information that a copyright or patent is enforceable and coterminous only within the territorial jurisdiction of the country granting the protection unless the same is duly registered in other countries. He stressed that the phrase "protection granted by our laws" is for municipal purposes only, without prejudice, however, to its registration in other jurisdiction.

Mr. Ople stated that according to the Ministry of Foreign Affairs, the country is increasing its involvement in the World Intellectual Property Organization (WIPO) based in Geneva and that relationship with the Universal Copyright Convention could be resumed. He stated that the Ministry of Foreign Affairs ought to protect the right of a Filipino intellectual owner should his right be infringed anywhere in the world.

Mr. Monsod suggested AS MAY BE PROVIDED BY LAW leaving to Congress the discretion to determine the time limitations for the different types of intellectual properties and creations.

Mr. Davide pointed out, however, that the phrase "as may be provided by law" would refer to the limit, and, by deleting the phrase "for a limited period" and stating only the first phrase, it would lose the guarantee of protection if there is no law, to which Mr. Monsod argued that the original formulation did not state "as may be provided by law".

Mr. Davide stressed that the provision contains the phrase "for a limited period as may be provided by law" which he said refers to the period and not to the guarantee of protection.

Mr. Monsod suggested the deletion of the whole provision since there are some copyrights that do not have limits.

Mr. Nollado agreed with Mr. Monsod, stating that the tendency of the government is not to limit the period and that it should be left to Congress to decide whether the same shall be limited or not. He stressed that "limited" has a negative connotation as a copyright lasts during the author's lifetime, or 50 years thereafter, to which Mr. Davide acceded.

Adverting to Mr. Ople's concern on the phrase "particularly beneficial to the people", Mrs. Quesada stated that "particularly" would not preclude the protection of inventions which might not be beneficial to the people. She stated that this is in response to Mr. Tadeo's concern with inventions which do not redound to the benefit of the country.

Mr. Ople stated that Mr. Tadeo's concern is valid but it should be concretized and placed in another section.

In reply to Mr. Maambong's query whether the phrase "beneficial to the Filipino people" would mean that the creator or inventor could not sell his intellectual property considering that he makes money out of selling it, Mrs. Quesada answered in the negative stating that the word "particular" is used and that it is not the spirit of the provision.

Ms. Aquino appealed to the Committee to reconsider its interpretation on the query of Mr. Maambong stating that the trade in patents and licenses is a seller's market. She stressed that every time Filipinos patronize foreign

products such as Coke, Pepsi or Shakey's Pizza, license fees are paid to foreign corporations in terms of hard-earned dollars through the exportation of the country's natural resources and manpower. She stated, that part of this technology may have originated from the Philippines.

On the involvement of multinationals in the drug industry, she pointed out that 90% of the grantees of patents and licenses do not work on their patents in the Philippines but take advantage of said patent rights by importing into the country the drugs manufactured in their homeland, thus invading and manipulating the market to the prejudice of the Filipino manufacturers. She underscored the fact that this is due to the government's inability to regulate the sale of patents and licensing agreements.

Mrs. Rosario Braid expressed agreement to Ms Aquino's remarks by adverting to Deputy Minister Lilia Bautista's paper on the problems of the Technology Transfer Board on the issuance of licenses and patents. She stated that Ms. Aquino's concern could be taken care of by regulating technology transfer and by the provisions of the Article on National Economy and Patrimony.

Mr. Monsod observed that the discussions of Ms. Aquino and Mrs. Rosario Braid seem to advocate restrictions and the ability to transfer or to sell inventions. He opined that inventions and creations flourish in an atmosphere of freedom and the conditions or restrictions would only discourage the inventors and the scientists.

Mrs. Rosario Braid stated that what Deputy Minister Bautista deplored in her paper is the presence of restrictive clauses in the agreement, to which Mr. Monsod pointed out that Mrs. Rosario Braid's concern is contained in another paragraph.

SUSPENSION OF SESSION

On motion of Mr. Rama, the Chair suspended the session until two-thirty in the afternoon.
It was 12:49 p.m.

RESUMPTION OF SESSION

At 2:49 p.m., the session was resumed.

THE PARLIAMENTARY SITUATION

Mr. Bengzon explained that before the noon recess, the Body was discussing Section 4 at which time Mrs. Quesada maintained that a Filipino inventor whose invention has been registered in his name in the Philippines would not be prohibited from entering into any contract with any individual or corporation — whether Filipino or foreign — to which interpretation Ms. Aquino disagreed. He inquired as to what would be the interpretation of the Committee.

In reply, Mrs. Quesada stated that the provision has a qualifying statement which is beneficial to the people and that would not prohibit the selling of intellectual property although there is a proviso which would protect these intellectual properties found beneficial to the country.

Mr. Bengzon inquired whether it is the Committee's contemplation that with this phrase the Filipino inventor would not be prohibited from selling or entering into a joint venture with a foreigner or a foreign company, and that the State through the proper agency could assist him and ensure that he gets the best terms in the negotiation. Ms. Quesada affirmed that that is the intention.

SUSPENSION OF SESSION

The Chair suspended the session.
It was 2:53 p.m.

RESUMPTION OF SESSION

At 2:54 p.m., the session was resumed.

APPROVAL OF SECTION 4

Upon request of Mr. Rama, Mrs. Quesada restated Section 4, to wit:

THE STATE SHALL PROTECT AND SECURE THE EXCLUSIVE RIGHTS OF SCIENTISTS, INVENTORS, ARTISTS AND OTHER GIFTED CITIZENS TO THEIR INTELLECTUAL PROPERTY AND CREATIONS, PARTICULARLY WHEN BENEFICIAL TO THE PEOPLE FOR SUCH PERIOD AS MAY BE PROVIDED BY LAW.

Submitted to a vote and with 26 Members voting in favor and none against, Section 4 was approved by the Body.

PROPOSED AMENDMENT OF MR. SARMIENTO

Mr. Sarmiento proposed, as an additional section under the heading of Science and Technology, the following provision:

CONGRESS SHALL ESTABLISH AN INDEPENDENT CENTRAL AUTHORITY THAT SHALL UNDERTAKE, COORDINATE, AND PROMOTE RESEARCHES AND ADOPT PROGRAMS DESIGNED TO DEVELOP SCIENCE AND TECHNOLOGY.

Coauthors of the amendment were Messrs. Nollado, Ople, Bennagen and Mrs. Quesada. Mr. Sarmiento underscored the need for an independent body, free from political expediency, which shall upgrade science and technology. He stated that the Philippines trails behind developed countries and most of the ASEAN countries in the quality of activities and amount of resources spent on science and technology. He noted that science and technology is a marginal concern in the country which, according to UNESCO, has one of the lowest number of scientists and engineers per million population.

Mr. Villacorta stated that after conferring with one another and with Science Deputy Minister Kintanar, the Committee members feel that the NSTA already performs these functions and that creating a commission would only add to the number of constitutional bodies. He stated, moreover, that an autonomous commission will detract from the idea of scientific development having the full support and guidance of the State. He added that it would not be wise to disturb the operations of NSTA and creating a new agency may cause the displacement of personnel and resources.

In reply, Mr. Sarmiento pointed out that what the proponents have in mind is an integration of existing science bodies — the NSDB and the NSTA — and that it was Deputy Minister Kintanar who suggested an independent central authority to upgrade science and technology.

Mr. Villacorta corrected that NSTA was formerly NSDB and informed that the Committee just had lunch with Deputy Minister Kintanar who was probably referring to the NSTA when he spoke of an independent body.

Mr. Sarmiento maintained that it was Deputy Minister Kintanar who suggested the creation of an independent body, citing the case of Singapore whose science and technology agency was abolished by the government.

REMARKS OF MRS. ROSARIO BRAID

Mrs. Rosario Braid contended that the ideas could be harmonized by focusing on the present structure of the NSTA examining its present functions and exploring other areas where it could go rather than creating a different commission. She noted that it could go into anticipatory planning on the possible impact of information technology.

Mr. Sarmiento observed that the Body just created a Commission on National Language and that there is also a proposal to create a Commission on Arts and Culture. He opined that science and technology are just as vital as language and arts and culture. He noted that there will not be a multiplication of government agencies inasmuch as existing agencies on science and technology can be integrated.

In answer, Mrs. Rosario Braid pointed out that the Institute of National Language, which is smaller than a bureau, cannot be equated with the NSTA which is a large organization in terms of structure, units, personnel, programs and budgetary allocation. She noted, further, that there is no commission or office on culture. She suggested that the existing government agency can be made independent or expanded but that the creation of a new agency from existing structure would not be a step in the right direction.

REMARKS OF MR. NOLLEDO

Mr. Nollado observed that Mrs. Rosario Braid was not objecting to the formation of a body with expanded functions. He stated that modern technology cuts across practically all aspects of national life and adopting the proposal would enable Congress to reassess and consider loopholes and overlapping of functions. By way of an example, he noted that Congress could deprive the Philippine Patent Office of its function with respect to inventions and give them to the central authority.

He noted that regardless of the opinions of outsiders, the Commission should realize the need to constitutionalize a body such as the Commission on Science and Technology. He stated that the Philippines is lagging behind its ASEAN neighbors by at least 40 to 50 years.

INQUIRY OF MRS. ROSARIO BRAID

Mrs. Rosario Braid inquired whether under the proposal such agencies as the NSTA, the Technology Research Center, the National Computer Center, and other existing institutions performing technology functions would be integrated. In reply, Mr. Nollado stated that Congress would analyze the basic functions related to science and technology.

REMARKS OF MRS. QUESADA

Mrs. Quesada informed that according to Mr. Kintanar, the NSTA is the central authority which initiates and undertakes the activities mentioned in the provision although there is a need to strengthen the agency. She observed that creating a new independent body might be counterproductive inasmuch as it would not be linked with other development sectors.

Additionally, Mrs. Rosario Braid informed that the NSTA is headed by a Minister while creating a Constitutional Body would mean that it would be headed by a Commissioner. She queried how the NSTA can be restructured and reiterated the Committee's stand on strengthening and expanding the NSTA.

Mr. Nollado inquired whether the Commission can adopt a provision to the effect that Congress shall strengthen existing bodies coordinating or integrating functions related to science and technology. He noted that should the

Committee be amenable to this proposal, the proponents would withdraw their amendment.

Replying thereto, Mrs. Quesada stated that the Committee would accept a provision which would strengthen the present bodies. She invited Messrs. Nollado and Sarmiento to reformulate the amendment in such a way that it would not involve creating a new agency but mandate the strengthening of the existing bodies.

Mr. Villacorta asked the Chair whether the Committee, in the meantime, could proceed to the Section on Arts and Culture. At this juncture, he also excused himself from the session to answer an invitation to speak before the Association of Philippine Colleges of Arts and Sciences, and yielded the sponsorship to Mr. Guingona.

REMARKS OF MR. BENNAGEN

Mr. Bennagen, who took over the Chairmanship of the Subcommittee on Culture, vice ex-Commissioner Lino Brocka, introduced the sections on Arts and Culture. He noted that arts have always been with us but are usually taken for granted until they impinge on or shock our jaded consciousness. He observed that paintings are hanged on the wall to impress people, add color to the wall, fill up a space; that songs are sung or music listened to while we do our morning ablutions, the laundry, or in the midst of conversation; that we recite poems, dance, go to the theater, do other "artistic" things — thoughtlessly, unaware of the subtle ways how arts affect our lives as individuals and as a society.

He stated that from an evolutionary perspective, the arts emerged as a magico-religious act connected with economic concessions such as hunting and agriculture, and in relation to the various rites of passage such as birth, adolescence, marriage and death. He noted that arts — visual, literary, performing — have definite functions in the overall dynamics of social life, but primarily to maintain social life at each stage of development. He observed that arts can be participative or democratic as shown during the cultural program performed by representatives of the peoples of the Cordillera at the Commission site.

Mr. Bennagen stated that arts have survived beyond the historical circumstances which have generated them — in private and public museums, in scholars' books and shelves, and in people's lives.

Arts, he noted, acquire a certain autonomy and affect lives in subtle ways and, beyond its magical, religious and economic functions, can distort, criticize, shape feeling, thinking and behavior. It can, he added, entertain, decorate, educate, mystify and dehumanize.

It can, he explained, dehumanize in two ways — by being beyond the understanding of the common man and by being inaccessible to him. He noted that the same would apply, to other arts that only the rich and the powerful can afford. He stated that this is the kind of cultural terrorism which agitated some artists to wage protest actions against the Cultural Center of the Philippines during the past regime when it became a watering hole of "cultural vultures" who were oblivious of the widespread poverty and misery even as they speak sanctimoniously of the "true, the good, and the beautiful".

Mr. Bennagen observed that in a class-divided society, the dominant elite dictates what is true, good and beautiful and that arts contribute considerably to the preservation of social and cultural stratification. Because of the relative autonomy of arts, he noted that it provides an arena for criticism of society and for the struggle to restructure society. He stated that those excluded from the privileged circle explore other forms of artistic expression rooted in the realities of Filipino life which complement those directing liberating Filipinos from Western culture as well as the corollary search for a Filipino aesthetics nourished by the diversity of Philippine society and culture. He stressed that it is in this search of Philippine aesthetics that the Sections on arts and culture are situated.

Mr. Guingona informed that the Subcommittee on Arts and Culture has for its members Messrs. Uka and Bennagen. At this point, he suggested that the Body follow the procedure adopted during the discussions on the previous sections on education, sports, science and technology.

INTERPELLATION OF MR. NOLLEDO

Mr. Nollado inquired as to how artistic objects and objects related to paleontology and archaeology can be promoted. Mr. Bennagen replied that "promote" is used in a liberal sense of encouraging ways by which the value of such objects can be better appreciated, such as in exhibits.

On whether cultural heritage can cover cultural properties, Mr. Bennagen replied that it can be so if heritage is seen as an expanding body of cultural work of artifacts, of cultural creations. He noted that sometimes cultural heritage is commonsensically viewed as static.

Upon inquiry, Mr. Bennagen affirmed that as per the listing in RA 4848, "cultural properties" would include antiques, relics, artifacts, natural history specimens, historical site, anthropological area and historical manuscripts.

Mr. Nollado remarked that in view thereof, it would not be necessary to mention paleontological, archaeological and artistic objects in the Section which can be amended as follows "The State shall protect, conserve, and promote the nation's historical and cultural heritage and resources."

Mr. Bennagen stated that he would agree on the understanding that paleontological, archaeological and artistic objects would increasingly become part of Filipino consciousness. He noted that there is a particular bias to include the first two in the sense that they have acquired a certain urgency particularly in the development of sciences. He noted that a very important fossil was brought out of the country because its significance was never really appreciated by the people in educational institutions.

Mr. Nollado remarked that his research indicates that "paleontological" follows from "archaeological" and that these are only two important things with respect to cultural heritage. He informed that his research is based on the pertinent provisions of RA 4846, as amended by PD No. 374 known as the Cultural Properties, Preservation and Protection Act of the Philippines.

Mr. Bennagen stated that he would agree on the understanding that "archaeological" would include those that are not really part of human creations.

On the other queries of Mr. Nollado, Mr. Bennagen affirmed that "non-partisan" would refer to freedom from political interference and "pluralistic" would refer to the recognition of the existence not only of the various ethnic difference but also of the whole range of cultural traditions which include Western influences that have been adopted. He stressed that this is not limited to pluralism within the national boundary.

With respect to Filipino national culture being liberative, Mr. Bennagen explained that this would mean that art could take different forms in the sense that it could be some kind of a captivating art.

On page 7, relative to the provision "The State shall encourage and support scientific and cultural research and studies", on Mr. Nollado's inquiry on the meaning of the word "scientific", Mr. Bennagen stressed that cultural research could also be scientific although he opined that this has already been preempted by the approved provision in the Subsection on Science and Technology.

On the provision which seeks to create an independent central authority to formulate, disseminate and implement the cultural policies and programs of the State, Mr. Nollado recalled that under the existing law, copyrights are

registered with the National Library and with respect to patents, trademarks, service marks, trade names and the like, these are registered with the Philippine Patent Office. He then inquired whether it is the intent of the Committee to recommend the integration of these offices into one central authority whose functions would include registration.

Replying thereto, Mr. Bennagen admitted that those mentioned by Mr. Nollado were not discussed in the Committee because the concern was focused more on the usual concerns of visual arts, literary arts and the performing arts and not on legal concerns about artistic creations. He agreed that registration should be made part of the functions of this coordinating agency.

MANIFESTATION OF MR. REGALADO

Mr. Regalado manifested that his proposed amendment was incorporated in the omnibus amendment of Mr. Davide. He yielded the floor to Mr. Davide.

FORMULATION OF SECTION 1

Thereupon, Mr. Bennagen read the Committee formulation of Section 1, to wit:

THE STATE SHALL PROTECT, CONSERVE AND PROMOTE THE NATION'S HISTORICAL AND CULTURAL HERITAGE, INCLUDING PALEONTOLOGICAL, ARCHAEOLOGICAL AND ARTISTIC OBJECTS.

PROPOSED AMENDMENTS OF MR. DAVIDE

Mr. Davide proposed the following amendments to Section 1:

- 1) Insert the following as the first sentence:

ARTS AND LETTERS SHALL BE UNDER THE PATRONAGE OF THE STATE.

- 2) Reword the next sentence, to read:

IT SHALL CONSERVE AND PROMOTE THE NATION'S HISTORICAL AND CULTURAL HERITAGE AND RESOURCES.

On Mr. Guingona's query, Mr. Davide affirmed that the word "protect" appearing in the Committee Report was deleted because it is already included in both conservation and promotion.

Mr. Bennagen stated that the second sentence is acceptable to the Committee but not the first sentence which speaks of patronage of the State, explaining that the Committee intends to establish for arts and letters some kind of autonomy or freedom from intervention by the State.

Mr. Davide pointed out that the same language appeared in the 1935 and 1973 Constitutions and the statement that arts and letters shall be under the patronage of the State does not mean dependence on or control by the State. He stressed that the opening sentence would emphasize the primacy and importance of arts and letters.

Mr. Bennagen stated that during the Committee deliberations, it was felt that arts could be easily manipulated by the State and its instrumentalities, to which Mr. Davide replied that the succeeding provisions recognize the primary duty of the State with respect to arts and letters.

Mr. Bennagen stated that the Committee object to the semantics which connotes some practices of the medieval era. Mr. Davide clarified that he did not mean it to be the concept of patronage, which simply means mantle of

protection by the State.

Mr. Bennagen stated that the Committee wanted it clearer in the subsequent provisions, to which Mr. Davide replied that it should be clear from the beginning.

MS. AQUINO'S PROPOSED AMENDMENT TO THE AMENDMENT

Ms. Aquino proposed to reword the second sentence, to read: ALL THE ARTISTIC AND HISTORIC WEALTH OF THE NATION CONSTITUTES THE CULTURAL TREASURE OF THE NATION AND SHALL BE UNDER THE SAFEGUARD OF THE STATE WHICH MAY PROHIBIT OR REGULATE ITS EXPORT AND ALIENATION.

Mr. Davide suggested that Ms. Aquino submit the proposal as a separate sentence.

SUSPENSION OF SESSION

Upon request of Ms. Aquino, the Chair suspended the session.
It was 3:30 p.m.

RESUMPTION OF SESSION

At 3:55 p.m., the session was resumed.

Mr. Guingona informed that Mr. Davide had agreed to the prior consideration of Mr. Ople's amendment.

PROPOSED AMENDMENT OF MR. OPLE

Mr. Ople proposed a new Section 1 to read as follows:

SECTION 1. THE STATE SHALL FOSTER THE PRESERVATION, ENRICHMENT AND DYNAMIC DEVELOPMENT OF A FILIPINO NATIONAL CULTURE BASED ON THE PRINCIPLE OF UNITY IN DIVERSITY IN A CLIMATE OF FREE ARTISTIC AND INTELLECTUAL EXPRESSION.

INQUIRIES OF MR. BENNAGEN

On Mr. Bennagen's inquiries, Mr. Ople affirmed that his proposed amendment would absorb and reflect the intent of Section 3 that national culture should be nonpartisan, pluralistic, liberative and democratic. With respect to Section 3(a), he also affirmed that the proposal would likewise absorb such intent by combining the developmental and the libertarian spirit of what follows in the Subsection on Arts and Culture.

INQUIRY OF MR. NOLLEDO

On Mr. Nolleddo's observation that his proposed amendment does not contemplate the preservation of the cultural heritage, Mr. Ople stated that the sentence begins with "the preservation, enrichment and dynamic development of a national culture."

Mr. Guingona, on behalf of the Committee, accepted Mr. Ople's proposed amendment.

MR. MONSOD'S PROPOSED AMENDMENT TO THE AMENDMENT

Mr. Monsod proposed to substitute "dynamic development" with EVOLUTION, explaining that culture cannot be forced to happen, it being a confluence of a lot of factors that happen in the life of a nation.

Mr. Ople suggested DYNAMIC EVOLUTION, which Mrs. Rosario Braid seconded.

Mr. Ople explained that dynamic evolution has the element of purposiveness because evolution without dynamism would merely mean allowing a natural unfolding.

REMARKS OF MR. BENNAGEN

Mr. Bennagen manifested the Committee's willingness to accept "dynamic evolution" provided it takes into account the fact that arts, in the nature of things, acquire a certain autonomy in terms of specific historical circumstances, to which Mr. Ople agreed.

RESTATEMENT AND APPROVAL OF THE NEW SECTION 1, AS AMENDED

Mr. Ople restated the proposed new Section 1, as amended, to wit:

SECTION 1. THE STATE SHALL EOSTER THE PRESERVATION, ENRICHMENT AND DYNAMIC EVOLUTION OF A FILIPINO NATIONAL CULTURE BASED ON THE PRINCIPLE OF UNITY IN DIVERSITY IN A CLIMATE OF FREE, ARTISTIC AND INTELLECTUAL EXPRESSION.

Mr. Ople manifested for the record that Mr. Monsod was a coauthor of the amendment.

Submitted to a vote, and with 25 Members voting in favor, none against and one abstention, the amendment was approved by the Body.

PROPOSED AMENDMENT OF MR. DAVIDE

Mr. Davide proposed a new Section 2 which reads:

SECTION 2. ARTS AND LETTERS SHALL BE UNDER THE PATRONAGE OF THE STATE. IT SHALL CONSERVE AND PROMOTE THE NATION'S HISTORICAL AND CULTURAL HERITAGE AND RESOURCES.

He stated that authors of the first sentence were Messrs. Romulo, Monsod, Rama, Maambong and Treñas.

Mr. Bennagen stated that the Committee is willing to accept the second sentence but not the first for the reasons stated earlier.

INQUIRY OF MR. OPLE

In reply to Mr. Ople's query on whether the phrase "patronage of the State" means that the State shall establish a cultural center and a folk arts theater, Mr. Davide replied that he was in fact about to object to Mr. Ople's proposal because it was already included in Sections 1 to 3 of the Committee proposal. He maintained that arts and letters should be primarily under the patronage of the State because it is the State's primary duty to safeguard, propagate and promote arts and letters. On the question whether it would include the Cultural Center of the Philippines, he pointed out that it is a building in which the presentations for the promotion of arts and letters may be undertaken by the State. He stated that there is a wealth of jurisprudence on this since the same wordings were found in the 1935 and 1973 Constitutions.

Mr. Ople stated that historically, the patronage of arts and letters has really been vested by tradition, first, in a ruling class and, second, in the more affluent and opulent members of society as demonstrated during the Renaissance Era. He then inquired whether this connotation is still assigned to the State's patronage of arts and letters in the 1935 and 1973 Constitutions considering that the nation may have arrived at a plateau in its historical

development when freedom of expression, especially artistic and cultural expression, could proceed independently of any patronage, or whether the connotation refers to the act of being beholden to the State through patronage.

In reply, Mr. Davide stressed that patronage does not mean being beholden. He noted that when the delegates to the 1934 and the 1971 Constitutional Conventions adopted this particular language, they never had in mind the word "beholden" in lieu of "patronage" nor the historical connotation mentioned by Mr. Ople.

To allay Mr. Ople's fears, Mr. Davide proposed to modify the first sentence to read ARTS AND LETTERS SHALL ENJOY THE PATRONAGE OF THE STATE, which Mr. Ople accepted as one which would somewhat ease the burden on his mind.

FURTHER INQUIRIES OF MR. BENNAGEN

On the queries of Mr. Bennagen, Mr. Davide assured that the interpretation of "patronage" has nothing to do with establishing an exchange of relationship or that patronage means being beholden.

Mr. Bennagen pointed out that the evolution of patronage as a concept includes patron as the idea.

Mr. Davide stated that patronage means that the State shall promote, protect and preserve arts and letters, in reply to which Mr. Bennagen explained that, as Justice Oliver Wendell Holmes said, it is not the words that are defined but the things and processes. He pointed out that the use of the word "patronage" might lead to abuse of relationship between the State and arts and letters, and that Mr. Davide's proposal was already included in Section 1.

In reply to Mr. Rigos' query, Mr. Davide clarified that his proposal has reference to arts and letters, which reads: ARTS AND LETTERS SHALL ENJOY THE PATRONAGE OF THE STATE.

Submitted to a vote, and with 28 Members voting in favor and 3 against, the first sentence of Section 2 as proposed by Mr. Davide, was approved by the Body.

AMENDMENT OF MR. DAVIDE

On the second sentence of Section 2, Mr. Davide pointed out that he originally proposed it to read: IT SHALL CONSERVE AND PROMOTE THE NATION'S HISTORICAL AND CULTURAL HERITAGE AND RESOURCES.

He stated, however, that he was withdrawing it to give way to Ms. Aquino's substitute amendment, which reads: ALL THE ARTISTIC AND HISTORIC WEALTH CONSTITUTE THE CULTURAL TREASURE OF THE NATION AND SHALL BE UNDER THE PROTECTION OF THE STATE WHICH MAY PROHIBIT OR REGULATE ITS EXPORT AND DISPOSITION.

In reply to Mrs. Rosario Braid's query on whether the prevention of exports would include the recovery of many precious art treasures now in Europe which were brought out of the country in the first decade of the Spanish regime, Mr. Davide affirmed that the State shall take necessary steps to recover cultural treasures, artifacts and antiques in foreign countries.

Mr. Guingona suggested, however, the retention of Mr. Davide's proposal and formulation of Ms. Aquino's substitute amendment as a separate subsection, to which Mr. Davide agreed.

Mr. Davide then restated his proposed amendment to read: THE STATE SHALL CONSERVE AND PROMOTE THE NATION'S HISTORICAL AND CULTURAL HERITAGE AND RESOURCES.

The Sponsor accepted the proposed amendment.

In reply to Mr. Bacani's query on whether Mr. Davide's proposal was already covered by Mr. Ople's previous amendment, Mr. Davide explained that Mr. Ople's proposal refers to development and not to the conservation and promotion of historical and cultural heritage.

Mr. Bacani contended that Mr. Ople's proposal speaks of fostering the preservation of Filipino national culture, in reply to which Mr. Davide maintained that national culture is not synonymous with cultural heritage.

Mr. Bacani stated that the cultural heritage of a nation is embraced in its national culture, otherwise it would be something abstract.

Submitted to a vote, and with 27 Members voting in favor and 1 against, Mr. Davide's amendment was approved by the Body.

PROPOSED AMENDMENT OF MS. AQUINO

Thereafter, Ms. Aquino restated her proposed amendment which shall be Subsection (3) of the Section on Arts and Culture, to wit:

ALL THE COUNTRY'S ARTISTIC AND HISTORIC WEALTH CONSTITUTES THE CULTURAL TREASURE OF THE NATION AND SHALL BE UNDER THE PROTECTION OF THE STATE WHICH MAY REGULATE ITS EXPORT AND ALIENATION.

Mr. Monsod proposed to delete the words "export and alienation" and in lieu thereof, to insert the word DISPOSITION.

Ms. Aquino accepted the amendment to her amendment.

OBSERVATION OF MR. ABUBAKAR

Thereupon, Mr. Abubakar stated that the Body had already approved the definition of national culture and its preservation, and he opined that Ms. Aquino's proposal could be a proper subject of legislation.

Ms. Aquino, however, explained that Mr. Ople's amendment refers essentially to culture, its growth and development, and Mr. Davide's amendment refers to arts and letters as cultural heritage, while her amendment would mandate the preservation of the country's cultural treasures.

Mr. Abubakar, however, pointed out that if it would be left to legislation, even the penalties for violation thereof would be specified, in reply to which Ms. Aquino maintained that her proposal be provided in the Constitution in view of the indiscriminate release of the country's treasures through exports, sales and disposition during the past decades.

Mr. Abubakar stated that he is in favor of the proposal although he believes that it would be a proper subject of legislation because it would unduly lengthen the Constitution, in reply to which, Ms. Aquino pointed out that even if it is provided in the Constitution, it has to be implemented by statutory law.

REMARKS OF MR. NOLLEDO

Mr. Nollado expressed support for the argument of Mr. Abubakar; stating that Ms. Aquino's proposal is covered by Mr. Davide's amendment which provides that the State shall protect, conserve and promote the nation's historical and cultural heritage, which is already implemented by Section 2 of Republic Act No. 4846 which declares it a policy of the State to preserve and protect important cultural properties and national cultural

treasures, to safeguard their intrinsic value, and to provide for the regulation and/or prohibition of the export of artistic objects and cultural treasures of the nation.

REMARKS OF MR. OPLE

Mr. Ople pointed out that during the time of President Magsaysay, the country had recovered insurgent Philippine records from the United States, and that troops had to be detailed to the Bureau of Libraries in order to protect the microfilm copies thereof because of allegations that certain families had been collaborating with the Americans.

He disclosed, however, that a wealth of materials concerning the history of the Philippines were aging and breaking apart in the Archivos de Indies in Sevilla, Spain.

He explained that such priceless memorabilia, artifacts and legacies could be recovered with the approval of Ms. Aquino's proposal which carries a specific mandate for the State to recover them.

Ms. Aquino stated that Mr. Ople's concern would be covered by the first part of the proposal which provides that "it shall constitute the treasure of the nation and shall be under the protection of the State, and Congress could enact implementing legislation to recover these treasures in foreign countries."

OBSERVATION OF MR. SARMIENTO

Objecting to Ms. Aquino's proposal, Mr. Sarmiento supported Mr. Nollado's observation that it would already be covered by the amendments of Messrs. Ople and Davide, as well as Section 2, of the Committee Report on Arts and Culture, which provides for the recognition, respect, protection and preservation of the culture, traditions and institutions of indigenous communities.

Ms. Aquino maintained that the country's culture which is its spirit, could never be over-emphasized because it deserves the best possible protection from the State.

REMARKS OF MR. BENNAGEN

Mr. Bennagen expressed support for Ms. Aquino's amendment on the ground that it would put more teeth to the Constitutional provision on the protection of the national treasures, which in effect would be a protection of the national identity.

In this connection, Mr. Nollado stated that there is no difference between a statutory law and a Constitutional provision because it would be more honored in breach than in observance if the authorities are corrupt and do not observe the law.

Mrs. Rosario Braid pointed out that although Mr. Davide affirmed in one of his interpellations that the idea is to recover the country's treasures in foreign countries, Ms. Aquino's proposal would be acceptable since it would be a separate paragraph.

APPROVAL OF MS. AQUINO'S AMENDMENT

The Sponsor accepted Ms. Aquino's proposed amendment, with Mrs. Rosario Braid as coauthor thereof.

Submitted to a vote, and with 19 Members voting in favor and 8 against, the proposed amendment was approved by the Body.

RESTATEMENT OF SECTION 2 OF THE COMMITTEE REPORT ON ARTS AND CULTURE

Thereafter, Mr. Bennagen restated Section 2 of the provisions on Arts and Culture, to wit:

THE STATE SHALL RECOGNIZE, RESPECT, PROTECT AND PRESERVE THE CULTURES, TRADITIONS AND INSTITUTIONS OF INDIGENOUS COMMUNITIES AND SHALL CONSIDER THEM IN THE FORMULATION OF NATIONAL PLANS AND POLICIES.

AMENDMENT OF MR. GARCIA

Mr. Garcia proposed to amend Section 2, to read:

THE STATE SHALL RECOGNIZE, RESPECT AND PROTECT THE RIGHTS OF INDIGENOUS CULTURAL COMMUNITIES TO PRESERVE AND ENRICH THEIR CULTURES, TRADITIONS AND INSTITUTIONS. IT SHALL CONSIDER THESE RIGHTS IN THE FORMULATION OF NATIONAL PLANS AND POLICIES.

He explained that his proposal would provide that it is the people, particularly the cultural communities, who should preserve and enrich their cultures instead of mainly relying on the State.

The Sponsor accepted the proposed amendment.

Speaking in favor of the amendment, Mr. Bacani stated that it provides assurance that the State would not be solely responsible for the preservation of cultures which could even fossilize the cultures and traditions of the cultural communities.

Mr. Bennagen accepted the amendment.

In reply to Mr. Maambong's query whether the word "recognize" is still needed in the proposal, Mr. Bennagen explained that for purposes of emphasis it may be necessary because recognition entails a deeper sense of cognitive appreciation of the significance of cultural differences compared to words like "respect and protect".

Thereafter, Mr. Garcia read Section 4, as follows:

SECTION 4. THE STATE SHALL RECOGNIZE, RESPECT AND PROTECT THE RIGHTS OF INDIGENOUS CULTURAL COMMUNITIES TO PRESERVE AND ENRICH THEIR CULTURES, TRADITIONS AND INSTITUTIONS. IT SHALL CONSIDER THESE RIGHTS IN THE FORMULATION OF NATIONAL PLANS AND POLICIES.

Submitted to a vote, and there being no objection, the same was approved by the Body.

AMENDMENT OF MR. GARCIA AS MODIFIED BY MR. MONSOD

Thereupon, Mr. Bennagen read Section 3(b) as follows:

THE STATE SHALL ENSURE EQUAL ACCESS TO CULTURAL OPPORTUNITIES THROUGH THE EDUCATIONAL SYSTEM, PUBLIC OR PRIVATE CULTURAL ENTITIES, AND SCHOLARSHIPS, GRANTS AND OTHER INCENTIVES.

Thereafter, Mr. Garcia proposed to add after "incentives" the following:

AND BY ENCOURAGING THE ESTABLISHMENT OF REGIONAL AND COMMUNITY CULTURAL CENTERS, PEOPLE'S ART PARKS, AND OTHER PUBLIC FACILITIES THAT SHALL SERVE AS SANCTUARIES FOR FOLK AND TRADITIONAL ARTS AND CRAFTS AND VENUES FOR COMMUNITY CULTURAL ACTIVITIES AND ART EXPERIMENTATION.

In reply to Mrs. Rosario Braid's query whether the proposal means that the government would have to build new infrastructures for cultural activities, Mr. Garcia stated that the intent is not to establish new centers but to use the existing facilities like schools, livelihood or cooperative centers for poetry reading activities, display of paintings

and other cultural activities. He added that these activities also include the exhibition of locally-made handicrafts.

On Mr. Bennagen's query as to the meaning of "sanctuaries", Mr. Garcia explained that they are the venues where national culture would be allowed to flourish and grow.

On whether "sanctuaries" could be substituted with VENUES, Mr. Garcia accepted the suggestion.

In reply to Mr. Monsod's query as to the difference between "people's park" and "park", Mr. Garcia stated that the former would be the parks, the use of which for exhibits of paintings and other cultural activities would not be restricted.

Thereupon, Mr. Monsod proposed the deletion of "people's" and "regional", to which Mr. Garcia agreed.

Mr. Bennagen then read the Section as amended, to wit:

THE STATE SHALL ENSURE EQUAL ACCESS TO CULTURAL OPPORTUNITIES THROUGH THE EDUCATIONAL SYSTEM, PUBLIC OR PRIVATE CULTURAL ENTITIES, AND SCHOLARSHIP GRANTS AND OTHER INCENTIVES AND BY ENCOURAGING THE ESTABLISHMENT OF COMMUNITY CULTURAL CENTERS, ART PARKS AND OTHER PUBLIC FACILITIES THAT SHALL SERVE AS VENUES FOR FOLK AND TRADITIONAL ARTS AND CRAFTS AND FOR COMMUNITY CULTURAL ACTIVITIES AND ART EXPERIMENTATION.

Submitted to a vote, and with 23 Members voting in favor, 1 against and 1 abstention, the same was approved by the Body.

MOTION OF MR. GUINGONA

Pursuant to an earlier manifestation of the Committee to delete the opening sentence of Section 3 and subsection (a) which are deemed included in the amendment of Mr. Ople, on motion of Mr. Guingona, there being no objection, the deletion was approved by the Body.

AMENDMENT OF MR. DAVIDE

Thereafter, Mr. Bennagen read Section 3(c) as follows:

THE STATE SHALL ENCOURAGE AND SUPPORT CULTURAL RESEARCH AND STUDIES.

Mr. Davide, however, proposed to reword it to read as follows:

THE STATE SHALL ENCOURAGE AND SUPPORT RESEARCHES AND STUDIES ON THE ARTS AND CULTURE.

The Committee accepted the amendment.

Mr. Bacani opined that "cultural research and studies" is wider than "researches and studies on art and culture", to which Mr. Bennagen replied that the intent is to distinguish between researches done in the natural and social science fields from those done on the humanities.

In reply to Mr. Garcia's query whether the concepts of promotion, popularization and dissemination of the country's cultural traditions and significant artistic creations of individual artists and the communities could be included in the proposed section, Mr. Bennagen replied in the affirmative.

In reply to Mrs. Rosario Braid's query whether "popularization" means that various forms of mass media like television, books, radio, comics and news papers would have to be tapped, Mr. Garcia stated that it means

multi-media "popularization".

On the suggestion of Mr. Bennagen, Mr. Garcia agreed to present his concept as a separate section.

Thereafter, Section 3(c), as amended by Mr. Davide, was submitted to a vote, and there being no objection, the same was approved by the Body.

AMENDMENT OF MR. GARCIA

Thereafter, Mr. Bennagen read the proposed amendment of Mr. Garcia on Section 3(d) as follows:

THE STATE SHALL PROMOTE AND SUPPORT THE POPULARIZATION AND DISSEMINATION OF OUR CULTURAL TRADITIONS AND SIGNIFICANT ARTISTIC CREATIONS OF INDIVIDUAL ARTISTS AND COMMUNITIES.

REMARKS OF MR. MONSOD

Mr.' Monsod pointed out that the proposal is already covered by Mr. Ople's omnibus amendment and that of Mr. Davide which reads partly as follows: "It shall promote the nation's historical and cultural heritage and resources". He added that "promote" already includes popularization and dissemination.

Mr. Garcia maintained that his proposal would, in effect, reinforce the objectives of the omnibus amendment.

Mr. Monsod then suggested that perhaps the Body could just add AND POPULARIZE after "promote" in Section 2.

Mr. Garcia, however, insisted that the Body first vote on his proposal and, in the event that it is lost, then its concept could be inserted to amplify the other section pertinent thereto.

Mrs. Rosario Braid opined that Mr. Garcia's proposal could be incorporated in Section 3(c).

Mr. Guingona stated that the question of whether Mr. Garcia's amendment should be placed in a separate section or not is a matter of style so that the Body should vote on it and leave the implementation of its decision to the Committee on Style.

Thereafter, Mr. Garcia's proposal was submitted to a vote, and with 16 Members voting in favor and 5 against, the same was approved by the Body.

MOTION OF MR. GUINGONA

On motion of Mr. Guingona, there being no objection, the Body approved the deletion of the original Section 3(d).

AMENDMENT OF MR. MONSOD

Mr. Bennagen read Section 3(e) as follows:

THERE SHALL BE AN INDEPENDENT CENTRAL AUTHORITY TO FORMULATE, DISSEMINATE AND IMPLEMENT CULTURAL POLICIES AND PROGRAMS.

Mr. Monsod proposed for its deletion because of the following reasons: 1) it is against the concept of the State as patron of culture and arts; and 2) there is already a Ministry of Education, Culture and Sports so that there is no need to establish a new entity for the purpose of launching cultural programs and policies.

Mr. Bennagen maintained that the facets of cultural activities are many so there must be an independent body to coordinate and promote them.

Mr. Romulo pointed out that the Committee's reasons for objecting to Mr. Sarmiento's proposal with regard to a centralized Technology and Science Council apply also to the proposed Section 3(e).

Mr. Bennagen stated that during the Committee hearings, Deputy Minister Victor Ordoñez had indicated his support for the idea of having a separate authority on culture.

Mrs. Rosario Braid stated that a group which made the preparatory work for the Ministry of Education, Culture and Sports concurred with the Committee's concept of including other sectors such as communications, as was done in Malaysia and Singapore.

Mr. Monsod objected to the idea of constitutionalizing a central authority which would also include communications because of the country's experience in the past regime.

Mr. Bennagen maintained that the agency envisioned would merely coordinate, support and supervise all activities being performed by government agencies devoted to the promotion of arts and culture such as the Cultural Center of the Philippines, the Folk Arts Theater, Philippine International Convention Center, Metropolitan Museum and Nayong Pilipino.

In reply to Mr. Regalado's query whether Minister Quisumbing would be willing to be divested of jurisdiction over culture, Mr. Bennagen stated that this was his understanding from her.

On whether the Ministry would be willing to be divested of jurisdiction over sports such that it would become purely a Ministry of Education, Mr. Bennagen confirmed that this was the understanding of the Committee, subject to the provision that there shall be coordination.

Mr. Regalado commented that the Commission on Government Reorganization has not yet come out with its tentative report and on that assumption, whether speculative or anticipatory, the Commission may already provide for an independent agency, to which Mr. Bennagen replied that Deputy Minister Ordoñez had made him understand that the Villafuerte Commission had already contemplated on the matter.

On whether the absence of a provision would prevent Congress from creating such an agency without need of a constitutional mandate since after all the matter of promotion, conservation and protection of the cultural heritage is already mandated, Mr. Bennagen stated that in the absence of an explicit provision, he would not see any possible inaction on the part of Congress.

Mr. Regalado stated that he raised the question because a constitutional mandate was proposed, yet the situation could give rise to two competing agencies. He reiterated that Congress could always create an agency for this purpose even without the provision because of the mandate to the State to protect and patronize the country's cultural heritage.

Mr. Padilla concurred with Mr. Monsod's suggestion to delete the paragraph. He observed that too many details were added to the provision which probably is the function of Congress to provide. He also noted that instead of having a Constitution that conforms with the standards of basic and general principles, the Commission is going into too many details which is the province of Congress to provide depending upon future circumstances.

Mr. Guingona requested that the matter be submitted to a vote, in view of the objection.

Thereupon, submitted to a vote, and with 23 Members voting in favor, 7 against and 1 abstention, the Body approved Mr. Monsod's amendment by deletion.

MANIFESTATION OF MR. GUINGONA

Mr. Guingona manifested that the Committee would be able to finish its work after Messrs. Nollado and Sarmiento shall have submitted their proposals on Science and Technology which they reserved earlier.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.
It was 4:56 p.m.

RESUMPTION OF SESSION

At 4:57 p.m., the session was resumed.

INQUIRY OF MR. SARMIENTO

In reply to Mr. Sarmiento's query whether Section 1 would mean that Congress shall take steps to strengthen and expand the functions and activities of science and technology, Mrs. Quesada answered in the affirmative, for which reason, Mr. Sarmiento withdrew his proposed amendment.

Thereupon, Mr. Guingona announced that the Committee on Human Resources had finished its work.

TERMINATION OF THE PERIOD OF AMENDMENTS

On motion of Mr. Rama, there being no objection, the Body closed the period of amendments the Article on Education, Science, Technology, Arts, Culture and Sports.

MOTION TO VOTE ON SECOND READING ON THE ARTICLE

Mr. Rama moved that the Body vote on Second Reading on the Article on Education, Science, Technology, Arts, Culture and Sports.

Objection was registered by some Members.

ADJOURNMENT OF SESSION

In view of the objection, on motion of Mr. Rama there being no objection, the Chair declared the session adjourned until nine-thirty in the morning of the following day.

It was 4:59 p.m.

I hereby certify to the correctness of the foregoing.

(SGD.) FLERIDA RUTH P. ROMERO

Secretary-General

ATTESTED:

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