

R.C.C. NO. 105

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Saturday, October 11, 1986

OPENING OF SESSION

At 10:05 a.m., the Presiding Officer, the Honorable Alberto M.K. Jamir, opened the session.

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

NATIONAL ANTHEM

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

Everybody rose to sing the National Anthem.

THE PRESIDING OFFICER (Mr. Jamir) : Everybody will please remain standing for the Prayer to be led by the Honorable Jose D. Calderon.

Everybody remained standing for the Prayer.

PRAYER

MR. CALDERON: Let us pray.

Almighty God, we, the Members of the Constitutional Commission of 1986, Your humble servants in the service of the Filipino people had toiled for four-and-a-half months, often in harmony, sometimes in discord, but always in the common purpose of achieving for our people the realization of their aspirations and their hopes.

It is just two plenary session days before we finally adjourn. Our labor is about to end. Our task is nearly over. The job is all but finished.

Out of our collective genius, we have fashioned a Constitution which, when adopted by our people, shall become the foundation upon which all our other laws shall stand.

This fundamental law is not flawless, but, it is firm and sturdy and strong enough to withstand the stresses and the tensions that nationhood can produce.

This fundamental law is not faultless; but, it is the utmost that the spirit of compromise and accommodation among men of goodwill can devise.

This fundamental law is not perfect; but, it is the best that the genius of men, in all its frailty, can forge.

Upon this constitutional rock, Almighty God, allow us, the Filipino people, to build the house of this nation.

And the rain descended, and the floods came,

And the winds blew, and beat upon that house;

And it fell not: for it was founded upon a rock.

For all this, Almighty God, we render unto You our everlasting gratitude. Amen.

ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir) : The Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar

Present [*] Natividad Present [*]

Alonto Present [*] Nieva Present

Aquino Present [*] Nollado Present [*]

Azcuna Present [*] Ople Present [*]

Bacani Absent Padilla Present

Bengzon Present Quesada Present

Bennagen Present [*] Rama Present

Bernas Present Regalado Present

Rosario Braid Present Reyes de los Present

Calderon Present Rigos Present

Castro de Present Rodrigo Present

Colayco Present Romulo Present

Concepcion Present Rosales Absent

Davide Present Sarmiento Present [*]

Foz Present Suarez Present

Garcia Present [*] Sumulong Present

Gascon Present [*] Tadeo Present [*]

Guingona Present Tan Present

Jamir Present Tingson Present [*]

Laurel Absent Treñas Present

Lerum Present [*] Present

Maambong Present Villacorta Present [*]

Monsod

Present Villegas Present

The President appeared after the Roll Call.

The roll call shows 28 Members responded to the call.

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

The Floor Leader is recognized.

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

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

APPROVAL OF JOURNAL

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

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

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

THE PRESIDING OFFICER (Mr. Jamir) : The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

The Secretary-General read the following Proposed Resolution on First Reading and Communications, the Presiding Officer making the corresponding references:

PROPOSED RESOLUTION ON FIRST READING

Proposed Resolution No. 548, entitled:

RESOLUTION EXPRESSING THE APPRECIATION OF THE CONSTITUTIONAL COMMISSION TO VICE-PRESIDENT AMBROSIO PADILLA, THE OTHER PRINCIPAL OFFICERS AND THE CHAIRMEN OF THE VARIOUS COMMITTEES OF THE 1986 CONSTITUTIONAL COMMISSION.

Introduced by Hon. Romulo, Jamir, Abubakar, Rodrigo, Rigos and Treñas.

To the Steering Committee.

COMMUNICATIONS

Letter from Mr. Bienvenido Castillo of Pulilan, Bulacan, suggesting that in order to prevent flying voters, registration should be stopped sixty days before election, and that the master lists should also be posted sixty days before election time to give the people the chance to check their names and enough time to be able to detect if there are flying voters in the list.

(Communication No. 1091 - Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

Communication from Ms. Leonora S. de Guzman of the Schools of Social Work Association of the Philippines,

1680 Kansas Street, Malate, Metro Manila, urging the inclusion in the Constitution of a provision designed to ameliorate the living conditions of depressed Filipinos.

(communication No. 1092 - Constitutional Commission of 1986)

To the Committee on Social Justice.

Letter from Mr. Benjamin Gruba, Sr. of 281-1 Iraya Street, Oro Site, Legaspi City, containing various constitutional proposals for the consideration of the Constitutional Commission.

(Communication No. 1093 - Constitutional Commission of 1986)

To the Steering Committee.

Letter from Ms. Francisca O. Tabang of 216 M.L. Quezon Street, Magiliw, Tabun, Mabalacat, Pampanga, requesting that government scholars who have graduated and passed the licensure examination be given preferential employment in the national government or government-owned or controlled corporations, considering that it is the government that chose their courses and spent for their college education.

(Communication No. 1094 - Constitutional Commission of 1986)

To the Committee on Human Resources.

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

APPROVAL OF PROPOSED RESOLUTION NO. 537

ON SECOND READING

(Article on the Declaration of Principles)

MR. RAMA: Mr. Presiding Officer, I move that we approve on Second Reading the resolution incorporating in the new Constitution the Article on the Declaration of Principles and State Policies.

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

Proposed Resolution No. 537 is approved on Second Reading.

APPROVAL OF PROPOSED RESOLUTION NO. 542

ON SECOND READING

(Article on Family Rights)

MR. RAMA: Mr. Presiding Officer, I move that we approve on Second Reading the Article on Family Rights.

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

MR. MONSOD: I will speak after him, Mr. Presiding Officer, if it is not the same. I will just wait for my turn.

MR. RAMA: There is a motion, Mr. Presiding Officer, that we approve on Second Reading the Article on Family Rights.

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

Proposed Resolution No. 542 is approved on Second Reading.

APPROVAL OF PROPOSED RESOLUTION NO. 531

ON SECOND READING

(Article on General Provisions)

MR. RAMA: Mr. Presiding Officer, I move that we approve on Second Reading the Article on General Provisions and a section in the Transitory Provisions.

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

Proposed Resolution No. 531 is approved on Second Reading.

MR. RAMA: Mr. Presiding Officer, I move that we approve on Third Reading the Article on National Economy and Patrimony.

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

THE PRESIDING OFFICER (Mr. Jamir): Let us go now to nominal voting.

Commissioner Quesada is recognized.

MS. QUESADA: I was going to suggest a nominal voting, Mr. Presiding Officer.

Do we have a quorum?

MR. RAMA: We have a quorum.

THE PRESIDING OFFICER (Mr. Jamir) : Let us postpone the Third Reading until some minutes later.

MR. RAMA: Yes.

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

MR. SUAREZ: I think that is a very worthwhile suggestion, Mr. Presiding Officer. We agree to that.

THE PRESIDING OFFICER (Mr. Jamir) : Thank you.

MR. RAMA: I withdraw the motion, Mr. Presiding Officer. I move that we proceed to the report of the Style Committee.

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

MR. MONSOD: Mr. Presiding Officer, I just wanted to make a very important correction in the Journal of the previous session.

With respect to the insertion in Section 2, on the Commission on Audit, I believe the correction was not properly appreciated in the Journal. On page 68 of the Journal, where it talks about my amendment on Section 2, the amendment that should be reflected here is the underlined portion of the amendment that is in the paper that was circulated by the Commission on Audit yesterday. And, therefore, the second paragraph of that subtitle which says: "Mr. Monsod's Amendment on Section 2," should read: "In view thereof, he proposed to insert the words GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS AND" after the word "including" and the word "other" at the beginning of subparagraph (c).

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

MR. MONSOD: This was the exact insertion that I proposed yesterday, Mr. Presiding Officer. It was not properly

reflected in the Journal.

MR. RODRIGO: Mr. Presiding Officer, this is a matter for the Journal. However, as chairman of the committee, I remember that that was how the amendment was formulated last night by Commissioner

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

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

MR. GUINGONA: Mr. Presiding Officer.

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

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

To facilitate our deliberation this afternoon on the report of the Committee on Sponsorship, we will circulate two reports this morning. The first report will be circulated now which will be on repetitions submitted by the Honorable Felicitas Aquino, Chairperson of our Review Committee, and later this morning, we expect to circulate the report of our Committee on Rubrics regarding sequencing of the various provisions within the various articles. And we would like to suggest that the honorable Commissioners go over them so that when we meet this afternoon, we can work faster.

Thank you.

MR. RAMA: Thank you.

MR. DE LOS REYES: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner de los Reyes is recognized.

MR. DE LOS REYES: I would also like to make a correction on page 70 of the Journal under the subheading "Amendment of Mr. Monsod Jointly With Mr. de Los Reyes," which says: "Mr. de los Reyes, on behalf of Mr. Monsod, proposed on Section 2, page 90, line 4, to insert "HOWEVER," between "Provided" and "that." That is not accurate because we deleted the words "Provided" and "that" and instead, we begin with the word "However" after "equity" that is on page 90 of the loose sheet of the report of the corrected copy of the Article on Commission on Audit. So that the whole sentence should read: "However, where the internal control system of the audited agencies is inadequate . . ."

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

MR. RODRIGO: That is duly noted.

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

MR. BENGZON: Mr. Presiding Officer.

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

MR. BENGZON: I move that the body now proceed into receiving the report of the Committee on Style on the Article on Social Justice.

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

MR. RODRIGO: Mr. Presiding Officer, may I again request that the Secretary of the Committee, Atty. Rafael de Guzman, be allowed to sit with us.

THE PRESIDING OFFICER (Mr. Jamir) : The Chair allows the Secretary to sit with the members of the Committee on Style.

MR. MONSOD: Mr. Presiding Officer.

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

MR. MONSOD: I just wanted to know, as a matter of procedure, Mr Presiding Officer, if we have approved this Article on Third Reading.

MR. BENGZON: We have not approved this article on Third Reading, but that is no bar to receiving the report of the Committee on Style at this moment. We have finished approving it on Second Reading, Mr. Presiding Officer.

MR. RODRIGO: May I proceed, Mr. Presiding Officer?

THE PRESIDING OFFICER (Mr. Jamir) : Please proceed.

MR. RODRIGO: This Article on Social Justice is on page 69 of the copy as appreciated by the Committee on Style, and page 68 of the engrossed copy. There is no correction on the first paragraph of Section 1, except the addition of the word "THE" before "Congress." In the second paragraph, on line 5, insert a comma (,) after the word "economic." In the second paragraph on line 9, change the words "Towards these" to "TO THIS END." This used to read: "Towards these ends, the State shall regulate the acquisition, ownership . . ." So that now it will read: "TO THIS END, the State shall regulate the acquisition . . ."

I ask for its approval, Mr. Presiding Officer.

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

MR. RODRIGO: There is no correction on Section 2, except the deletion of the words "the principles of" on line 14. It used to read: ". . . on the freedom of initiative and self-reliance." Now it reads: ". . . on the freedom of initiative and self-reliance."

I ask for its approval, Mr. Presiding Officer.

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

MR. RODRIGO: In the corrected copy on Section 3, line 16, there is a comma (,) after the word "organized or unorganized." There should be no comma (,) there.

I ask for its approval Mr. Presiding Officer.

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

MR. RODRIGO: There is no correction on the second paragraph of Section 3 except the transposition of the word "and" on lines 2 and 3. So, instead of reading "peaceful and concerted activities," it becomes "and peaceful concerted activities."

I ask for its approval, Mr. Presiding Officer.

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

MR. RODRIGO: There is no correction on the second paragraph. On the third paragraph, on lines 14 to 18, the only correction is a comma (,) after "expansion," and the addition of "AND TO" on lines 17, between "investments" and "expansion." So, it reads: ". . . the right of enterprises to reasonable returns on investments, and to expansion and growth."

I ask for its approval, Mr. Presiding Officer.

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

MR. RODRIGO: On agrarian and natural resources reform, there is no correction on Section 4, except on the next page where there is a transposition of the phrase "In determining retention limits." That should be at the end of the sentence; it was placed in the beginning. It used to read: "The State shall respect the rights of landowners in determining retention limits." Now it will read: "In determining retention limits, the State shall respect the rights of small landowners."

I ask for its approval, Mr. Presiding Officer.

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

Commissioner Colayco is recognized.

MR. COLAYCO: On line 5, the last word should be "SHALL."

MR. RODRIGO: Yes.

I ask for the approval of Section 4.

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

MS. NIEVA: Yes, Mr. Presiding Officer. On Section 4, line 20, I am not too clear whether we had in our original drafts: "The State shall by law undertake an agrarian reform program founded on the right of farmers and regular farmworkers . . ." because on line 22 we are saying, "in the case of other farmworkers. I remember that in the first drafts we had, we had "regular" before "farmworkers," and I do not know why in the final copies that were distributed the word "regular" is no longer found.

MR. RODRIGO: The Committee on Style did not change anything here.

MS. NIEVA: Yes, the committee did not because this was the way they distributed the draft.

MR. RODRIGO: It does not appear in the engrossed copy. I personally will have no objection if the Commissioner move for . . .

MS. NIEVA: Yes, I move that we insert the word "REGULAR" before "farmworkers" on line 20 to distinguish these farmworkers from the other farmworkers that are referred to on line 22.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Is Commissioner Nieva through?

MS. NIEVA: Yes.

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

MR. DE CASTRO: There is nothing in the original text of the Article on Agrarian and Natural Resources Reform that is ready for Third Reading. Section 4 exactly reads just what the Committee on Style reports. Inserting a word now will mean a motion for reconsideration.

MR. RODRIGO: What does Commissioner Nieva say?

MS. NIEVA: After conferring with our expert on agrarian reform, he says, "Leave it as it is."

MR. RODRIGO: The Commissioner does not insist then?

MS. NIEVA: I will not insist.

MR. RODRIGO: All right.

MR. BENGZON: Mr. Presiding Officer, I agree with Commissioner Nieva that that was really the thrust of our discussions. There have been so many discussions on what the word "farmworkers" mean. I am very sure that the word "farmworkers" refers to regular farmworkers, not to seasonal farmworkers. So I suggest that we skip this paragraph and we check into the transcripts to be sure.

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

MR. REGALADO: I agree with Commissioner Bengzon, Mr. Presiding Officer. We can verify from the records whether the word "regular" was inadvertently omitted, and if it was inadvertently omitted, there is no need for a reconsideration because that will merely be a nunc protunct amendment which applies in parliamentary practice.

MR. RODRIGO: All right, so we will instruct our Committee Secretary to look into the records.

SUSPENSION OF SESSION

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

It was 10:28 a.m.

RESUMPTION OF SESSION

At 10:29 a.m., the session was resumed.

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

MR. BENGZON: May we just make a reservation, Mr. Presiding Officer. With respect to that, we could probably skip this particular paragraph so that we can move on to the next.

MS. NIEVA: So we can check in our records.

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: I have checked on several Commissioners here and their records and it appears that there really was the word "regular." So I withdraw my objection earlier.

THE PRESIDING OFFICER (Mr. Jamir): Thank you.

MR. RODRIGO: All right. So will Commissioner Nieva restate her motion to insert the word "regular" before "farmworkers."

MS. NIEVA: Yes. I think I will reiterate my motion that we should put it there because I think our records will bear that out.

FR. BERNAS: Mr. Presiding Officer, the records do not have that.

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

FR. BERNAS: This was discussed on August 7 and the word "regular" is not there in the text, although it is in the explanation. No, the text as approved on August 7 does not have "regular farmworkers" but the explanation was made and that this has reference to regular farmworkers.

May I ask that we skip Section 4 for a while and go to the records of August 7.

MR. RODRIGO: Let us go to Section 5 then. No correction except the change of the word "of" on line 8, to "AS WELL AS." Originally, it reads: "The State shall recognize the right of farmers and farmworkers, and of landowners, of cooperatives . . ." We changed that to "AS WELL AS." So, it now reads: "The State shall recognize the right of farmers, farmworkers, and landowners, AS WELL AS cooperatives . . ."

I ask for its approval.

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

MR. TADEO: Isa lamang muna ang tanong ko kay Commissioner Rodrigo. Ang paglalagay ba natin ng "AS WELL AS" ay dahilan sa ang farmworkers, farmers and landowners ay persons? "Ang "cooperative" ay isang organization. Ang paglalagay ba natin ng "AS WELL AS" ay hindi nagpapabago sa lakas ng cooperative na kapantay rin ng lakas ng farmers, farmworkers and landowners?

MR. RODRIGO: Hindi, kapantay.

MR. TADEO: Salamat po.

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

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

MR. RODRIGO: On Section 6, we just transpose this phrase "suitable to agriculture." It used to be "public domain suitable to agriculture." Now we transpose it to "including lands of the public domain under lease or concession suitable to agriculture."

I ask for its approval, Mr. Presiding Officer.

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

MS. QUESADA: Mr. Presiding Officer.

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

MS. QUESADA: Could we just request a little slowing down of the approval because we do not even have a chance to rise and seek some clarifications. It is so fast and there are some points we would like to raise. For example, with the phrase "suitable to agriculture," would this now change the meaning of public domain? Because when it was placed after "public domain," it did not qualify the words "the public domain under lease or concession." Is there a difference?

MR. NOLLEDO: I think there is no difference, Mr. Presiding Officer, because it says here: "including lands of the public domain" and then we delete temporarily "under lease or concession" then "suitable to agriculture." "Under lease or concession" will describe only the use of the land of the public domain. So it is the public domain that is really described by the words "suitable to agriculture," Mr. Presiding Officer.

MS. QUESADA: Thank you.

MR. RODRIGO: For paragraph 2, Section 6, line 21, we just deleted the word "the" before "landless." So instead of "The State may resettle the landless farmers," it now reads: "The State may resettle landless farmers and farmworkers."

I ask for its approval, Mr. Presiding Officer.

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

Commissioner Foz is recognized.

MR. FOZ: Have we changed the title of this article, Mr. Presiding Officer, in conformity with what we have approved yesterday? It is now Social Justice and Human Rights.

Another one, Mr. Presiding Officer, in connection with Section 1, have we transferred the first sentence?

MR. RODRIGO: Just a minute. On the change of title, let us vote on that first.

MR. FOZ: The title should be changed, Mr. Presiding Officer, to Social Justice and Human Rights.

MR. RODRIGO: Is that all right with the body? That was approved yesterday.

MR. FOZ: In connection with Section 1, have we transferred the first sentence to the Article on Declaration of Principles?

MR. NOLLEDO: Yes, we should transfer this.

MR. RODRIGO: Yes, this is to be transferred.

MR. FOZ: Have we also made the corresponding change in the phrase "in pursuit thereof"?

MR. RODRIGO: No, it must be . . .

MR. ROMULO: Mr. Presiding Officer.

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

MR. ROMULO: I thought we would handle transpositions after style. That was our agreement yesterday. May I suggest that we do not discuss transpositions so that we can finish with style.

MR. FOZ: Have we made a change in the second sentence?

MR. RODRIGO: This is within the domain of the Sponsorship Committee. But anyway, it is noted with us that the first sentence is transposed and then we delete "in pursuit thereof," so that this paragraph starts with: "The Government shall give highest priority to the enactment . . ."

MR. FOZ: Thank you.

MR. NOLLEDO: It should be "Congress."

MR. RODRIGO: "The Congress."

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

MS. QUESADA: Mr. Presiding Officer, on Section 7, it states here: "rights of subsistence fishermen especially of local communities," but I do recall that the word "especially" was shortly after "rights" — the "the rights especially of subsistence fishermen of local communities . . ."

MR. RODRIGO: Where is this?

MS. QUESADA: This was a reservation made by Commissioners Bacani and Sarmiento and they are not here yet, so I just raised that point.

MR. RODRIGO: Yes, we are in Section 7. Is that in Section 7?

MS. QUESADA: Yes, Section 7, on line 24.

MR. RODRIGO: Let me first report on what the committee says. There are no significant changes in Section 7 except the addition of commas (,); and on page 72, the deletion of the word "the" on line 4, between "to" and "offshore."

I am first stating the recommendation of the committee which states: "The protection shall extend to offshore fishing." Then on line 7, we changed the word "enjoyment" to "UTILIZATION." It now reads: "Fishworkers shall receive a just share from their labor in the UTILIZATION of marine and fishing resources."

That is the recommendation of the committee.

MS. QUESADA: The point I raised was a reminder of Commissioners Bacani and Sarmiento. So, the word "especially" is the original. I understand from Commissioner Monsod that it was transposed.

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

MR. MONSOD: Yes, Mr. Presiding Officer, it was the original. As a matter of fact, I was the one involved in the interpellations; the other one was Commissioner Rodrigo. If the Commissioner recalls, he had questions about the communities along the shores.

So, I believe that the original is the correct one, Mr. Presiding Officer.

MR. RODRIGO: I ask for the approval of Section 7.

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

MR. RODRIGO: Section 8 has no significant changes except commas (,) and we inserted the word "THEIR" on line 13. It now reads: "use as payment for THEIR lands." We deleted "such" and substituted it with the word "IN" on line 14. Before it used to read: "shall be honored as equity in such enterprises of their choice." Now, it reads "shall be honored as equity IN enterprises of their choice."

I ask for the approval of Section 8.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Section 9 is approved.

MR. RODRIGO: Section 9 was substituted by "ADAN." Commissioner Davide is here. He is the "DA" in "ADAN."

THE PRESIDING OFFICER (Mr. Jamir) : Is Commissioner Foz seeking recognition?

MR. FOZ: Yes, on Section 9, Mr. Presiding Officer. I do not know if it will be better if we put it this way: "The State shall, by law, for the common good and in cooperation with the private sector, undertake a continuing program of urban land reform and housing to make available . . ." In other words, we are transferring the phrase "in cooperation with the private sector" after the words "common good" and so we add "AND IN COOPERATION WITH THE PRIVATE SECTOR . . ."

MR. RODRIGO: May we read the recommendation of the committee first.

MR. DAVIDE: As recommended, it reads: "The State shall by law and for the common good undertake, in cooperation with the private sector, a continuing program of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlement areas. It shall also promote adequate employment opportunities to such citizens. In the implementation of such program, the State shall respect the rights of small property owners."

MR. FOZ: I am proposing, if it will be better, to read it this way: "The State shall, by law, for the common good and in cooperation with the private sector, undertake a continuing program of urban land reform housing TO make available . . ." In other words, aside from transposing the phrase in cooperation with the private sector," we also delete "which will" and, in lieu thereof, put the word "TO."

MR. RODRIGO: Will the Commissioner please read it again as formulated.

MR. FOZ: It states: "The State shall, by law, for the common good and in cooperation with the private sector, undertake a continuing program of urban land reform and housing TO make available at affordable cost . . ."

MR. RODRIGO: We accept.

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

MR. RODRIGO: I ask for its approval.

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

Commissioner Tan is recognized.

SR. TAN: I would like to support Commissioner Foz. It is not only clearer but it is more direct.

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

MS. NIEVA: Yes, I agree with that last transposition, Mr. Presiding Officer, but we had placed "by law for the common good" as an overriding direction; whereas, "in cooperation with the private sector" is already in the actual implementation. "By law and the common good" is more directed, I think, towards emphasizing the reasoning or the rationale of this urban land reform. No, "by law" is how it should be done; "for the common good" is the objective; but the way it looks to me, "in cooperation with the private sector" is a very specific recommendation that perhaps it should be separated.

THE PRESIDING OFFICER (Mr. Jamir) : Is Commissioner Nieva through?

MR. FOZ: May I respond, Mr. Presiding Officer.

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: May we have a written formulation of the proposal of Commissioner Foz? After reading a sentence, he began with "et cetera." I do not understand what "et cetera, et cetera" is.

So, it would be better for our understanding that we be furnished with a written reformulation of Commissioner Foz.

SUSPENSION OF SESSION

MR. RODRIGO: May I ask for a suspension?

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

It was 10:45 a.m.

RESUMPTION OF SESSION

At 10:47 a.m., the session was resumed.

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

MR. NOLLEDO: Mr. Presiding Officer, from the committee.

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

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

I think the committee is reconsidering its acceptance of the amendments of Commissioner Foz for the reason that if we were to adopt the Foz amendment we will be making "in cooperation with the private sector" as an indispensable requisite for the implementation of the continuing program of urban land reform. "In cooperation with the private sector," Mr. Presiding Officer, is only optional. The State, without such cooperation, may undertake the program of urban land reform and housing.

And so, we ask Commissioner Foz, with his kindest indulgence, to please withdraw the amendments.

THE PRESIDING OFFICER (Mr. Jamir) : What does Commissioner Foz say?

MR. FOZ: Mr. Presiding Officer, I made the suggestion for a realignment of the phrases for structural effect. But just the same, regarding the statement that the government can do it alone, I think, for purposes of practicality that is not possible. The government really has to enlist the help of the private sector in its housing program.

In view of the observation of the committee regarding the objective of this provision, I withdraw the amendment.

MR. NOLLEDO: Thank you.

MR. RODRIGO: Thank you.

I ask that Section 9 be approved.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection to the provision? (Silence) The Chair hears none; Section 9 is approved.

MR. RODRIGO: There is no correction from the committee on Section 10, except commas (,) and the second sentence was converted into a separate paragraph

I ask for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Section 10 is approved.

MR. RODRIGO: We come to health which is Section 11. The committee has no important changes except for the insertion of a comma (,) on line 7 and the deletion of the word "and" on line 10 and substituting it with a comma (,).

MS. AQUINO: Mr. Presiding Officer.

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

MS. AQUINO: Mr. Presiding Officer, on Section 11 there was a decision to transpose the first sentence to the Article on the Declaration of Principles such that the paragraph will begin with the second sentence and will now read: "The State shall adopt an integrated and comprehensive approach to health development."

MR. RODRIGO: Yes.

MS. AQUINO: Also, on line 7, I would propose the deletion of the word "services" after the word "health." Such that, it will now read: ". . . to make essential goods, health and other social services available to all the people at affordable cost."

MS. QUESADA: Mr. Presiding Officer.

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

MS. QUESADA: Yes, I think that it is not necessary to have two "services" there; "health and other social services" would suffice.

MR. RODRIGO: So we delete "services" so that this will read: "endeavor to make essential goods, health and other social services available." Let us not put a comma (,) after "health."

MS. QUESADA: Yes, no comma (,) after "health."

MR. RODRIGO: "Health and other social services available to all the people . . ." Is that all right? Is there no comma (,) after "health"?

I ask for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Section 11, as amended, is approved.

MR. RODRIGO: There is no correction on Section 12, except for a comma (,) and that is a regular rule that is already approved.

On Section 13, we changed the word "body" to "AGENCY." It used to read: "The State shall establish a special body . . ." Now it reads: "The State shall establish a special AGENCY for disabled persons."

I ask for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Section 13 is approved.

MR. RODRIGO: Now we come to a very important subheading — Women. This is on Section 14. There is no change except on line 4. We deleted "well-being" and substituted the words "ENABLE THEM." So that it will read: ". . . and such facilities and opportunities that will enhance their welfare and ENABLE THEM to realize

their full potential in the service of the nation."

I ask for its approval, Mr. Presiding Officer.

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

MR. RODRIGO: Now we come to "Role and Rights of People's Organization" on Section 15. There is no correction in the first paragraph; in the second paragraph, we transposed the phrase "demonstrated capacity to promote the public interest." That used to be in the end of the sentence; we transposed it somewhere in the middle.

So now it reads: "People's organizations are bona fide associations of citizens with demonstrated capacity to promote the public interest and identifiable leadership, membership, and structure."

SR. TAN: Mr. Presiding Officer.

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

SR. TAN: Mr. Presiding Officer, on line 14, would it not read better if we put "WITH" between "and" and "identifiable"?

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

MR. REGALADO: Mr. Presiding Officer, do we not italicize "bona fide"?

MR. RODRIGO: May we ask for the approval of "WITH," Mr. Presiding Officer.

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

Commissioner Romulo is recognized.

MR. ROMULO: "Bona fide is two words, and it is a Latin phrase, so it should be underlined.

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

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

MR. RODRIGO: There is no correction on Section 16 except commas (,).

MR. RAMA: Mr. Presiding Officer.

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

MR. RAMA: I move that we approve the entire Article on Social Justice and Human Rights.

MR. RODRIGO: Subject to the reservations.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Resolution No. 534 is approved.

MS. QUESADA: Mr. Presiding Officer.

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

MS. QUESADA: Do we accept this now as approved on Third Reading or just for style?

MR. RAMA: Style.

MR. RODRIGO: Let us now go to the Article on Education, Science, Technology, Sports, Arts and Culture. I would like to state that Section 1 of this article was transposed to the Article on the Declaration of Principles. So Section 2 before is now Section 1. There is no change from the committee on Section 1 on "Education."

On Section 2, subparagraph (a), there is no change except for a comma (,) and the deletion of the word "and" between "complete" and "adequate." I ask for its approval, Mr. Presiding Officer.

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

MR. RODRIGO: There is no change on subparagraph (b)

On subparagraph (c), there is no change except the placing of a comma (,) and the insertion of the word "TO" between "especially" and "the underprivileged" on line 16. So it now reads: "Deserving students in both public and private schools, especially TO the underprivileged."

I ask for its approval, Mr. Presiding Officer.

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

MR. RODRIGO: There is no change on subparagraph (d) except the deletion of the word "and" between "non-formal" and "informal" and placing a comma (,) there.

I ask for its approval, Mr. Presiding Officer.

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

MR. RODRIGO: There is no change on subsection (e) except a comma (,). I would like to state that after each of these subparagraphs, (a), (b) and (c), there used to be a semicolon (;). But now, we changed the semicolon (;) to period (.) because they have different concepts.

MR. MONSOD: Mr. Presiding Officer.

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

MR. MONSOD: I just wanted to clarify. The subparagraphs here are going to be numbers instead of letters?

MR. RODRIGO: I am glad the Commissioner called our attention to that. We adopted this as a general rule. So, also on Section 2, subparagraph (a) would be 1, subparagraph (b) would be 2, subparagraph (c) would be 3, subparagraph (d) would be 4 and subparagraph (e) would be 5. The same would be adopted on Section 3.

Thank you.

MR. REGALADO: Mr. Presiding Officer.

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

MR. REGALADO: In this enumeration, do we end these paragraphs with a semicolon (;)?

MR. RODRIGO: No, with a period (.). We changed the semicolon (;) to a period (.) because it is not an enumeration.

There is no change on Section 3, subparagraph 1 except changing the semicolon (;) to a period (.).

I ask for its approval.

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

MR. RODRIGO: On subparagraph 2, there is no correction except changing the word “our” on line 12 to “THE.” It used to read: “. . . appreciation of the role of national heroes in our historical development of the country.” It now reads: “. . . appreciation on the role of national heroes in THE historical development of the country.”

I ask for its approval.

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

MR. ROMULO: Mr. Presiding Officer, I just want to make a clarification on what is now subsection (4) on page 76. I take it that we will add the word "AND" and a comma (,) after the word "needs."

MR. RODRIGO: Yes. On line 4, add "AND" because that is an enumeration. Thank you.

MR. AZCUNA: No comma (,) after "AND"?

MR. RODRIGO: There is no comma (,); after the semicolon (;), add "AND."

Subparagraph 2 was approved already.

On subparagraph 3, there is no correction.

On Section 4, again, we have to change (a) to 1, (b) to 2, and (c) to 3.

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: Mr. Presiding Officer, on Section 3, subsection (2), at the end thereof, add the word “AND” if we want to be consistent.

MR. RODRIGO: No, that is a period (.).

MR. DE CASTRO: This is the same correction as manifested by Commissioner Romulo.

MR. RODRIGO: No, because this is not an enumeration.

MR. AZCUNA: This is not an enumeration.

MR. RODRIGO: That is why each paragraph ends with a period (.). We change the semicolon (;) to a period (.).

MR. DE CASTRO: On subsection 2, we have an enumeration here.

MR. AZCUNA: This is not an enumeration.

MR. RODRIGO: This is not an enumeration; these are different independent concepts.

MR. AZCUNA: Linked paragraph.

MR. DE CASTRO: I know.

MR. RODRIGO: That is why we placed a period (.).

MR. DE CASTRO: Thank you.

MR. RODRIGO: On Section 4, there is no change on the first paragraph except on line 4. We changed "percent" to "PER CENTUM" and it is underlined. And we already approved that general rule.

There is no change in the whole subsection (1) which consists of three paragraphs, except the phrase "by the Congress."

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

MR. RAMA: On line 5, the word "however" was misspelled.

MR. AZCUNA: The word "whoever" should be "HOWEVER."

MR. RAMA: "Whoever" is on line 5.

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

MR. RODRIGO: It is "however" in my copy.

MS QUESADA: Are we now in subparagraph (b), Mr. Presiding Officer?

MR. RODRIGO: We are going there now. Subparagraph (b) is now subparagraph (2). There is no correction, except a comma (,); and on line 21, we transposed the word "assets." This is how it reads now: "Upon the dissolution or cessation of their corporate existence assets of non-stock . . ." There is no comma (,) after "existence."

MR. AZCUNA: Mr. Presiding Officer, there is something still wrong here. It should read: "Upon the dissolution or cessation of the corporate existence of non-stock, non-profit institutions, their assets shall be disposed of in the manner provided by law."

MR. RODRIGO: Yes. All right, let me read that again.

MR. DE CASTRO: What line is that?

MR. AZCUNA: This is on lines 20 to 22, page 77.

MR. COLAYCO: Will the Commissioner please read that line again.

MR. RAMA: Line 15.

MR. RODRIGO: So, starting with line 20, I think it should be "Upon THE," not "upon their."

MR. AZCUNA: Line 20, "Upon THE dissolution."

MR. RODRIGO: "Upon THE dissolution or cessation of their corporate existence of non-stock, non-profit . . ."

MR. RAMA: Mr. Presiding Officer, anterior amendment.

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

MR. SUAREZ: Yes. Thank you, Mr. Presiding Officer. I think there is something awkward in the phrasing if we put "their assets" at the end of "institutions." I think this should read: ". . .assets of non-stock, non-profit institutions shall be disposed of in the manner provided by law."

May we suggest that to the committee?

MS. QUESADA: Yes, Mr. Presiding Officer.

MR. RODRIGO: We put in here the "assets."

MR. SUAREZ: Yes.

MR. RAMA: My revision has already been taken up.

MS. QUESADA: Mr. Presiding Officer.

MR. RODRIGO: So, we go back to: "Upon THE dissolution or cessation of their corporate existence . . ."

MR. NOLLEDO: Mr. Presiding Officer.

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

MR. NOLLEDO: I would like to suggest a reformulation. I think there is something wrong again. I would say, "Upon the dissolution or cessation of the corporate existence of non-stock, non-profit institutions, their assets shall be disposed of in the manner provided by law."

MR. RODRIGO: Yes, that is the suggestion of the committee.

MR. NOLLEDO: Because if we put there "Upon the dissolution or cessation of their corporate existence," we do not refer to the nonstock or nonprofit institutions immediately. So, I suggest that "upon dissolution or cessation of the corporate existence of non-stock, non-profit institutions, their assets shall be disposed of in the manner provided by law."

MS. ROSARIO BRAID: Mr. Presiding Officer, may I offer another alternative. Since, we are referring to non-stock, non-profit educational system, we do not have to repeat that and we can state: "Upon the dissolution or cessation of their corporate existence, their assets shall be disposed of in the manner provided by law." So, we can delete "of non-stock, non-profit institutions," because that has been already mentioned in the previous sentence.

MR. NOLLEDO: Mr. Presiding Officer, I think my suggestion would be more emphatic.

MR. AZCUNA: In the previous sentence, the subject is revenues and assets, not non-stock institutions. So, we cannot say "their."

MS. ROSARIO BRAID: Yes, we already have the subject matter.

MR. AZCUNA: The subject is revenues and assets, so if we say "their," this would refer to revenues rather than to the institutions.

MR. GUINGONA: Mr. Presiding Officer.

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

MR. GUINGONA: Instead of "Upon dissolution," perhaps we should use the word "the." "Upon the dissolution or cessation of the corporate existence of non-stock, non-profit institutions, their assets shall be disposed of in the manner provided by law."

MR. RODRIGO: So, should we say now "Upon the dissolution or cessation of the corporate existence of non-stock, non-profit institutions, their assets shall be disposed of in the manner provided by law"?

MS. ROSARIO BRAID: My amendment, Mr. Presiding Officers, is to delete "of non-stock, non-profit institutions" since this was already mentioned earlier.

MR. DAVIDE: Mr. Presiding Officer, may I propose a substitution of the phrase "of non-stock, non-profit institutions" with the phrase "of such institutions."

MS. ROSARIO BRAID: Accepted.

MR. RODRIGO: So, how will it read now, Commissioner Davide?

MR. DAVIDE: It will read: "Upon the dissolution or cessation of the corporate existence of such institutions, their assets shall be disposed of in the manner provided by law."

MR. RODRIGO: We accept that.

I ask for its approval.

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

MR. RODRIGO: There is no change on the second paragraph of subparagraph (2) and (3), except for commas (,).

On Section 5, again, we should change the small letters to numerals: (a) to 1, (b) to 2, (c) to 3, (d) to 4 and the insertion of commas (,).

The final paragraph is unnumbered and there is no change.

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

MR. GUINGONA: Mr. Presiding Officer.

MR. BENNAGEN: Mr. Presiding Officer.

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

MR. BENNAGEN: May I call the attention of the committee to the use of "must" on line 17. It states: "The State must." I think this is the only instance where "must" is used.

MR. RODRIGO: Yes.

MR. BENNAGEN: I welcome the use of the phrase, "The State must" on line 17 which means one who belongs to the educational sector. But I am worried about the implications of its use because, as pointed out by Justice Concepcion, it would cast doubt on the meaning of "shall" in several provisions which means mandatory.

MR. RODRIGO: Shall we change that to "shall"?

MR BENNAGEN: But the essence is that it is mandatory.

MR. RODRIGO: Yes.

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

MR. RODRIGO. I think that was in the original. I ask for its approval, Mr. Presiding Officer.

MR. GUINGONA: Mr. Presiding Officer.

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

MR. GUINGONA: In the copy that I have on page 78, Section 4, the first paragraph reads: "Nonteaching academic and nonacademic personnel shall enjoy protection of the State." I think there was an omission of the word "the." In my copy there is no "the"; it is in the Commissioner's copy.

Thank you.

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

MR. PADILLA: Mr. Presiding Officer, on line 17, it says: ". . . the highest budgetary priority." In other parts we say "highest priority." Would it not be sufficient to stress "SHALL assign priority"? Perhaps, we should be eliminating the words "the highest" or "highest."

MR. RODRIGO: "SHALL assign budgetary priority"?

MR. VILLACORTA: Mr. Presiding Officer.

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

MR. VILLACORTA: I think we had an extensive debate on this and the agreement was that the formulation which says "the highest budgetary priority" is really the intendment of the Commission. So I do not think we can change the substance of this provision, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Is Commissioner Aquino seeking recognition?

MS. AQUINO: I was about to make the same manifestation as Commissioner Villacorta.

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

MR. PADILLA: In my opinion, there is no substantial change. We recognize that education should have priority. We also recognize in other sections some priorities. But this will be entrusted to the action to be taken us by the Congress. Now, when there are several words like "highest" or "the highest," sometimes without the "the," that is already a directive or a mandate to the Congress to give priority.

MR. RODRIGO: So, is Commissioner Padilla's suggestion to delete the word "the"?

MR. PADILLA: "The highest."

MR. RODRIGO: "The highest," not only "the."

MR. BENNAGEN: Mr. Presiding Officer.

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

MR. BENNAGEN: I make a plea for the retention of the words "the highest." I think the reference to that is historical in the sense that before martial law, in the national budget, the educational sector has been getting the highest in terms of priorities. But with the declaration of martial law, it went down and the budget for the military went up. I think that is the historical reference in the interpellations.

MR. OPLE: Mr. Presiding Officer.

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

MR. OPLE: May I protest the deletion of the article "the" before "highest."

MR. BENNAGEN: Not just "the" but "highest." That is why I am making a plea that the words "the highest" should be retained.

MR. OPLE: The words "the highest" should be retained because that was fully and exhaustively debated. There were animated exchanges on the floor when this was under consideration, and I think we should not deliberately impair the intent of this Commission so clearly expressed at that time by the deletion of any word in that cluster — "the highest budgetary priority."

Thank you.

MR. BENNAGEN: I recall that the committee presented this historical data to show its validity.

MR. GUINGONA: Mr. Presiding Officer.

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

MR. GUINGONA: I think any deletion here would amount to a substantial change, and therefore it is not within the competence of the Committee on Style.

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

MS. AQUINO: Yes, Mr. Presiding Officer. Nothing short of a motion for the reopening, by way of a suspension of the Rules, would be required to accommodate the intention of Commissioner Padilla. In other words, the motion is out of order at this moment.

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

MR. PADILLA: Mr. Presiding Officer, I do not intend to ask for reconsideration or, much less, the suspension of the Rules.

THE PRESIDING OFFICER (Mr. Jamir) : What is the pleasure of the committee?

MR. RODRIGO: The only pending matter, Mr. Presiding Officer, is the change of the word "must" on line 17 to "SHALL."

I ask for its approval.

MR. GUINGONA: Mr. Presiding Officer.

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

MR. GUINGONA: May I insist on my observation earlier which was interrupted by the observation of Commissioner Bengzon, because when I looked at the copies of Commissioners Nollado, Davide, Monsod and our copy, they do not have the word "the." I am referring to Section 5, subsection 4, first paragraph. If this is the copy that we are going to send to the printer, I think we should add the word "the," so that the sentence would read: "The State shall enhance the right of teachers to professional advancement. Nonteaching academic and nonacademic personnel shall enjoy the protection of the State."

MR. RODRIGO: I have no objection to that.

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

REV. RIGOS: Mr. Presiding Officer, can we now settle the change of the word "must" to "SHALL" so we can proceed?

MR. RODRIGO: Not yet, I was always interrupted. I ask first for the approval of the Chair of the change of the word "must" to "SHALL."

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

MR. RODRIGO: In my copy there is no word "the" between "enjoy" and "protection" on line 16, but I will have no objection to inserting the word "the" so it will read: "shall enjoy THE protection of the State." However, on styling there will be two successive "the" "the protection of the State."

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

MR. DE CASTRO: My copy does not have the word "the."

MR. RODRIGO: So I think Commissioner Guingona is not insisting.

MR. GUINGONA: I am insisting, Mr. Presiding Officer, that we should put the word "THE."

MR. DE CASTRO: Why are there several copies of this?

MR. RODRIGO: What is the Commissioner's copy?

MR. GUINGONA: My copy does not have the word "the."

MR. RODRIGO: So all copies do not have the word "the"?

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

MR. GUINGONA: My copy does not have the word "the" before "protection" and all I am asking is that we include the word "the" before "protection of the State."

MR. RODRIGO: So, it is only that the Commissioner wants. I have no objection.

I ask for its approval, Mr. Presiding Officer.

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

MR. RODRIGO: We go now to "Language" on Section 6. There is no change in the first paragraph.

MR. RAMA: Mr. Presiding Officer.

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

MR. RAMA: I move that we remove the word "the" on line 3 because it is unnecessary.

MR. RODRIGO: The word "the" on what line?

MR. RAMA: On the line which states: "Enriched on the basis of existing Philippine and other languages." I propose that we take out the word "the"; it is cluttering up the Constitution.

MR. AZCUNA: Remove "the" from line 3. I have no objection.

MR. RODRIGO: No objection; I ask for its approval.

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

Commissioner Bennagen is recognized.

MR. BENNAGEN: Further amendment.

MR. RODRIGO: Wait a minute, let us vote on this first.

MR. BENNAGEN: On line 3, instead of the phrase "on the basis of the," after the word "enriched," simply change it to "based on existing." It will now read: "shall be further developed and enriched based on existing . . ."

MR. AZCUNA: The phrase "on the basis of," I think, is better because it modifies "developed." I think the amendment is grammatically wrong because "based" would modify "developed" and it has to be an adverb, not an adjective, because "developed" is a verb. We do not modify a verb with an adjective.

MR. BENNAGEN: No, "developed based on." It should be "developed," but development is also "based on."

MR. RODRIGO: "Should be developed on the basis . . ."

MR. BENNAGEN: Even if we cut off, let us say, "and enriched," it would still be "shall be further developed based on."

MR. AZCUNA: Yes, if we say "development," then we can say "based on," but it is a verb — "developed" — so we have to use an adverb to modify a verb. "On the basis" is an adverbial phrase modifying the verb "developed."

MR. BENNAGEN: How does it go then?

MR. AZCUNA: "It shall be further developed and enriched on the basis of existing Philippine and other languages." I think "on the basis of" is grammatically correct because it is modifying a verb.

MR. RODRIGO: May I ask for approval of the deletion of the word "the" on line 3, before the word "existing."

MR. AZCUNA: It should read: "on the basis of existing."

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

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

MR. RODRIGO: On the second paragraph of Section 6, we added "THE" before the word "Congress"; that is a general rule. We added "AND" on line 8, and we changed "of" to "IN" on that same line between the words "instruction and "the." So that it reads: "and sustain the use of Filipino as a medium of official communication and as language of instruction IN the educational system instead of "of the educational system."

I ask for its approval.

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

MR. RODRIGO: There is no change on Section 7 and Section 8, except for a comma (,) after "Arabic" on line 20.

MR. PADILLA: Mr. Presiding Officer.

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

MR. PADILLA: May I plead for the common acceptance by this Commission, as we might say, of an exception to the general run of things for a unanimous consent of the Commission that on line 12, after "English," we remove the period (.) and add "AND SPANISH." The official languages of the Philippines are Filipino, English and Spanish. This section says that "the official language is Filipino and until otherwise provided by law, English. I plead for the unanimous understanding of this Commission to insert "AND SPANISH." It is an existing official language and line 12 already provides "until otherwise provided by law." Moreover, we recognize Spanish on lines 16 and 20. We have received some communications — I think it was yesterday — regarding the Spanish language. The elimination or rather the noninsertion might adversely affect the different Academias Españolas in all the Spanish-speaking countries of the world, particularly in Central and South America. And I understand that many authorities, not excluding Cardinal Sin, feels that Spanish should not be eliminated on line 12. After all, the addition of "AND SPANISH" will not destroy nor adversely affect the substance of this provision under Section 7, and there will be no adverse effect. On the contrary, the maintenance of this on line 12 will not improve our relations with the outside world . . .

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Padilla has one more minute.

MR. PADILLA: . . . particularly because Spanish is practically the second largest spoken language in the world. And furthermore, we have historical linkage, to use the word of Commissioner Rosario Braid, with the Spanish.

REV. RIGOS: Mr. Presiding Officer.

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

REV. RIGOS: I was the chairman of the Subcommittee on the National Language and in the several meetings of the committee, the same proposal was voted down. As a matter of fact, the committee held a special meeting to accommodate Mr. Cuenco, and in that meeting, the same proposal was voted down; and it was the same story when the Commission voted down the suggestion, and so, if we are to entertain the suggestion today, we may have to reconsider the whole thing.

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

MR. OPLE: Mr. Presiding Officer, I wanted to support Commissioner Padilla's proposal but only on the basis that this will not involve a substantive change. We all know that Spanish is a subsisting official language in accordance with a presidential decree frequently cited by Commissioner Maambong, which declares Spanish an official language until the most important historical documents in the Archives of this government can be translated into Filipino or English.

I do not know if this provision of the new Constitution will have the effect of repealing that decree. But if it is not repealed, then Spanish survives as an official language until the most important documents in our Archives that are in Spanish since the Spanish times can be translated into Filipino or English.

So, the point, Mr. Presiding Officer, is that if this will not involve a substantive change, I would like to support Commissioner Padilla.

Thank you.

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

MR. RAMA: Mr. Presiding Officer, the plea of Mr. Padilla is for an understanding and unanimous consent. And one of the reasons, Mr. Presiding Officer, is that we must distinguish between Spanish, the language, and the Spaniards who were here and who dominated, terrorized and oppressed the people.

Now, there is a development in the world, particularly in the United Nations, that favors us, the Filipinos, because we speak Spanish and it is one of the official languages. As a matter of fact, many of the proposals of our diplomats in the United Nations have been successful because of the backing precisely of the United Nations.

The feedback that we have received is that when we try to eliminate Spanish as an official language, it is an act of discrimination, an act of hostility, as a matter of fact, against the Spanish-speaking people.

MR. VILLACORTA: Mr. Presiding Officer.

MR. RAMA: So, I ask that we reconsider this by a unanimous consent.

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

MR. VILLACORTA: Mr. Presiding Officer, this issue has been repeatedly raised on several occasions, but it was extensively debated when we were presenting the proposal of the Committee on Human Resources. And when we went on Third Reading, this was raised again. I must also say for the record that we have accommodated the

Spanish lobby several times. Up to last week, we met with the Spanish professors and we assured them that, as the record shows, the Spanish law will not be automatically repealed as a result of the provisions on Spanish. I also take issue with the point raised by the Honorable Napoleon G. Rama that this will adversely affect our foreign relations with the Latin American countries, as well as Spain, because we consulted many ambassadors from the Ministry of Foreign Affairs and they unanimously said — at least the seven ambassadors that we consulted — that what really matters when it comes to the voting behavior in the United Nations is not the language that one teaches or considers official in his own country, but more on the commonality of interests. And I do not think that we should be naive in thinking that just because we consider Spanish as the official language, the Latin American countries will always vote with us. As a matter of fact, on many occasions, they did not vote with us. So, that argument has overly been stretched and I do not think that we should use it again here in this Commission.

MR. PADILLA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : The Chair understands that Commissioner Padilla is asking for a unanimous consent. Is the Commissioner insisting on that request?

MR. PADILLA: Yes, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Pardon?

MR. PADILLA: I would like to recall that mention was made here of former Congressman Cuenco and he managed to have several members of the Commission to sign his very lengthy proposal which was very complicated because it mentioned even other languages like Cebuano, Oktong and so forth. And there was a resentment by many Commissioners against former Congressman Cuenco. In fact, I even recall that former Commissioner Brocka assailed some Commissioners who had signed that proposal. In fact, he even censured some of the Commissioners for having signed alleging that they probably did not even read what was proposed by former Congressman Cuenco.

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

THE PRESIDING OFFICER (Mr. Jamir) : The Commission is running out of time. The Commission is resuscitating a cadaver which has long been buried. So, the Chair requests that Commissioner Padilla allow the Commission to proceed.

MR. PADILLA: Yes, because that was mentioned and I believe that after the word "English" they put a period (.); they did not insert the words "AND SPANISH." This was confirmed by the committee and also approved by the body and that there was some adverse reaction on that particular incident. But what I am pleading is, what harm will there be if we just insert after "English" the words "AND SPANISH"?

MR. RODRIGO: Mr. Presiding Officer.

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

MR. PADILLA: So I plead for the understanding and for a new appraisal of this issue.

MR. RODRIGO: We are now on the report of the Committee on Style. So I request that we be allowed to finish this because the suggested change is substantial and Commissioner Padilla himself says this will call for unanimous consent. But I just beg that we be allowed to finish the report of the Committee on Style.

THE PRESIDING OFFICER (Mr. Jamir): Please proceed, Commissioner Rodrigo.

MR. RODRIGO: On Section 9, page 79, there is no change except the addition of the word "THE" before "Congress" and a comma (,) after the word "propagation" on line 25 and it does not call for a renewed approval.

MS. AQUINO: Mr. Presiding Officer, on Section 9, may I propose the transposition of the clause "for the development, propagation and preservation . . ."

MR. RODRIGO: On what line?

MS. AQUINO: On line 24 to line 25, between the words "researches" and "on" such that it will now read: "and promote researches for the development, propagation and preservation. of Filipino and other languages."

MR. RODRIGO: Yes, we accept.

I ask for its approval.

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

MR. RODRIGO: On "Science and Technology," Section 10, there is no change except for a comma (,).

On Section 11, there is no change except for the addition of "THE" before the word "congress" and a comma (,).

On Section 12, there is no change except for the deletion of the word "the" between "of" and "private groups" on line 19. It used to read: "It shall encourage the widest participation of the private groups." Now it reads: "It shall encourage the widest participation of private groups."

I ask for its approval, Mr. Presiding Officer.

MR. REGALADO: Mr. Presiding Officer.

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

MR. REGALADO: May I just go back to Section 11. I notice in my copy that the word "researches" appears twice on lines 13 and 14.

MR. RODRIGO: Yes.

MR. REGALADO: It states: ". . . provide it to deserving science students, researchers, scientists, researchers."

MR. RODRIGO: Sorry.

MR. REGALADO: I think we are over researched.

MR. RODRIGO: Which "researchers" would the Commissioner want to delete? The first or the second?

MS. QUESADA: The first, Mr. Presiding Officer.

MR. RODRIGO: Thank you for calling our attention to that.

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

MS. QUESADA: Yes, we would recommend that the first "researchers" be deleted instead of the third one.

MR. RODRIGO: Which one? I thought we agreed that it should read: ". . . students, researchers, scientists, inventors, technologists."

MS. QUESADA: Mr. Presiding Officer, "scientists" would have more importance.

MR. RODRIGO: So the Commissioner wants "students, scientists, researchers, inventors"?

MS. QUESADA: Yes.

MR. AZCUNA: I think this is not in the order of importance.

MR. REGALADO: I have no objection to any sequencing.

MR. RODRIGO: So, let us follow the lady. It should read: ". . . students, scientists, researchers, inventors."

That is the sequencing.

MR. DAVIDE: May I propose that it would be the second "researchers" that should be deleted instead of the first. So it begins with "students, researchers, scientists, inventors, technologists."

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : I was the one who inserted that second "researchers." I would rather that it remain as it is.

MR. AZCUNA: Yes, so it should read: "students, scientists, researchers, inventors."

MR. RODRIGO: So it will read: "students, scientists, researchers, inventors."

I ask for its approval.

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

Commissioner Rosario Braid is recognized.

MR. RODRIGO: Section 12 was already approved. We go now to Section 13.

MS. ROSARIO BRAID: Mr. Presiding Officer.

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

MS. ROSARIO BRAID: Yes, I wonder if we can go back to Section 12. I wonder if we can rephrase this as follows: "The State shall regulate the transfer and promote the adaptation of technology." The problem is, we do not promote and regulate, but we regulate the transfer and promote the adaptation of technology; so it is really taking out the word "promote."

MR. AZCUNA: Yes, so it shall read now: "The State shall promote"?

MR. RODRIGO: Will Commissioner Rosario Braid please restate her amendment?

MS. ROSARIO BRAID: "The State shall regulate the transfer and promote the adaptation of technology."

MR. AZCUNA: Correct.

MR. RODRIGO: Accepted.

We ask for its approval.

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

MR. RODRIGO: On Section 13, there is no change except for the addition of a comma (,) on Section 15 on "Arts and Culture."

MR. BENNAGEN: Mr. Presiding Officer.

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

MR. BENNAGEN: On line 4, delete the comma (,) after the word "free." This was already approved on Second Reading when the section on "Arts and Culture" was taken up. Also, there is no comma (,) after the words "artistic" and "and intellectual expression," unless the Commissioner wants to insist that there should be a comma (,) after the word "artistic."

MR. AZCUNA: So, "free" modifies "artistic" rather than "expression."

MR. BENNAGEN: So, the idea is, "free" defines both "artistic" and "intellectual expression," Mr. Presiding Officer.

MR. OPLE: May I support this amendment.

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

MR. OPLE: That was the intent between Commissioner Bennagen and myself, Mr. Presiding Officer.

MR. AZCUNA: No comma on that line.

MR. RODRIGO: We delete the commas. So, it will read: "free artistic and intellectual expression."
I ask for its approval.

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

MR. RODRIGO: On Section 16, line 6, the committee deleted the word "and" between the words "conserve" and "promote" and insert "AND POPULARIZE." This was inserted by the Commission itself. So it now reads: "The State shall conserve, promote, "AND POPULARIZE the nation's historical . . ."

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

MR. DE CASTRO: This is just a slight observation. After Section 13, we went to Section 15. Where is Section 14? Section 13 is on page 80; then we went to Section 15 on page 81.

MR. RODRIGO: Thank you. So let us change. Section 15 should be Section 14.

MR. AZCUNA: It was transferred to the Article on the Declaration of Principles.

MR. RODRIGO: So, we should renumber. Section 15 should be Section 14; Section 16 should be 15; Section 17 should be 16; Section 18 should be 17; and Section 19 should be 18.

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

MR. MAAMBONG: Mr. Presiding Officer, I really hope that we will not change any numbering, otherwise our computer section will go crazy. As it appears now, Section 14 is actually fostering a national culture. Section 15 of the report now is actually Section 14.

MR. RODRIGO: So it is all right for us to change it.

MR. MAAMBONG: Section 16, "Arts and Letters," is originally Section 15. So, it is only a matter of jumping. I think if we put Section 15 as Section 14, then sequentially, down below it will hit the exact numbering. But I will check it.

MR. RODRIGO: Yes. So, the Commissioner agrees that it should be changed?

MR. MAAMBONG: Yes. Section 15 has to be Section 14, down the line.

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

MR. SARMIENTO: Just a very minor amendment, Mr. Presiding Officer. Put a comma (,) after "creations" on line 8, Mr. Presiding Officer, on page 81, Section 16.

MR. RODRIGO: "Artistic creations," yes.

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

MR. RODRIGO: It should read: "Artistic creations, and resources."

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

MR. VILLACORTA: Mr. Presiding Officer, just an anterior motion. I would like to make a reservation for the sections on Science and Technology," just to be able to check the records in case a section was omitted.

Thank you.

MR. AZCUNA: We should not have a comma (,) after "creations," I think, because "artistic" modifies both "creations" and "resources" on lines 7 and 8.

MR. RODRIGO: Yes. It should read: "Artistic creations and resources."

MR. AZCUNA: We are talking of "artistic resources." So no comma after "creations."

MR. RODRIGO: All right, no comma after "creations."

There is no change on Section 17 which is now Section 16. On Section 18, which is now Section 17, there is change except for commas.

MR. AZCUNA: Which 18, the original 18?

MR. RODRIGO: Original 19, now 18.

MR. AZCUNA: Section 18 states: "The State shall ensure equal access to cultural opportunities through the educational system, public or private cultural entities, scholarships, grants and other incentives, and community cultural centers, and other public venues."

MR. SARMIENTO: Mr. Presiding Officer.

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

MR. SARMIENTO: Thank you, Mr. Presiding Officer. May I suggest to the committee that we delete the word "and" on line 21 after the word "incentives."

MR. RODRIGO: What line?

MR. SARMIENTO: On line 21. So that it will read "other incentives, community cultural centers, and other public venues."

MR. RODRIGO: What will be deleted?

MR. SARMIENTO: The word "and", Mr. Presiding Officer.

MR. RODRIGO: On line 21, before "community"?

MR. SARMIENTO: Yes, Mr. Presiding Officer.

MR. RODRIGO: So, it will read: “and other incentives, community cultural centers, and other public venues.”

MR. OPLE: Mr. Presiding Officer.

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

MR. OPLE: It seems that the word "and" is necessary because "community centers and other public venues" are a category apart from the enumeration.

MR. RODRIGO: Yes, this is by group. How is that?

MR. OPLE: So we may have to keep the word “and.”

MR. RODRIGO: Yes.

MR. SARMIENTO: I submit, Mr. Presiding Officer.

MR. RODRIGO: I really think it should.

Here we should change the letters to numerals on the subparagraphs. So subparagraph (a) becomes (1); subparagraph (b) becomes (2).

I ask for its approval.

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

MR. RODRIGO: There is no change on Section 20, except for a transposition. Section 20 becomes Section 19 now.

I move for the transposition of the words "and for the development of a healthy and alert citizenry" which used to be at the end of the sentence. Now, we place it somewhere in the middle, "including training for international competition" and "and for the development of a healthy and alert citizenry by fostering self-discipline, teamwork, and excellence."

I move for its approval.

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

MR. RODRIGO: On the second paragraph of Section 20, now 19, there is no change.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): I ask that we vote on the entire Article on Education, Science and Technology, Arts, Culture and Sports.

Is there any objection? Commissioner Padilla is recognized.

MR. PADILLA: With regard to the transposition of the words “foster self-discipline, teamwork, and excellence,” under “Sports,” that was after “international competition,” and the last portion was “for the development of a healthy and alert citizenry.”

MR. RODRIGO: Yes.

MR. PADILLA: The transposition should really refer more to “international competition” rather than to a “healthy and alert citizenry.”

So, I would ask that the former articulation be preserved.

MR. RODRIGO: I have no objection to that. Let me read the original: "The State shall promote physical education and encourage sports programs, league competitions, and amateur sports, including training for international competition, to foster self-discipline, teamwork, and excellence, and for the development of a healthy and alert citizenry."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; retention of the original wording of Section 20 is approved.

MR. RODRIGO: Line 8.

MR. BENNAGEN: Line 8 on page 18 reads: "the nation's historical and cultural heritage, artistic creations and resources." Did I understand that "artistic" is used to modify "resources" as the intent of the Style Committee?

MR. RODRIGO: That was the understanding of some of those who made comments.

MR. BENNAGEN: Because in the Subcommittee on Arts and Culture, the idea is to have the concept of cultural resources as an analogue of natural and human resources. And, we are saying that it should be "cultural" that should define "resources," rather than "artistic."

MR. AZCUNA: So, we should move up "resources" so it will read: "nation's historical and cultural heritage and resources and artistic creations."

MR. BENNAGEN: Thank you.

MR. RODRIGO: We have no objection to that. So on line 7, we transpose "resources" so that would read: “the nation’s historical and cultural heritage and resources and artistic creations.

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

MR. VILLACORTA: Mr. Presiding Officer, just stylistic suggestion: Instead of "and artistic creations," can we use "AS WELL AS," so we do not use "and" so many times?

MR. RODRIGO: So, we read it again: "the nation's historical and cultural heritage and resources AS WELL AS artistic creations."

I ask for its approval.

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

MR. RAMA: Mr. Presiding Officer.

-MR. BENNAGEN: One more, please. This was pointed out to me by Commissioner Uka, but unfortunately he is not around. This is also on page 18, line 15.

MR. RODRIGO: Line 15 reads: ". . . enrich their "culture, traditions . . ."

MR. BENNAGEN: Yes it is about the use of "enrich." The argument is that it gives the impression that the cultures of the indigenous cultural communities are impoverished and, therefore, they have to be enriched. So,

rather than "enrich," he suggested the use of "DEVELOP."

MR. RODRIGO: "Preserve and DEVELOP"?

MR. BENNAGEN: Yes.

MR. RODRIGO: I ask for its approval.

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

MR. RODRIGO: So, it will read: "The State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and DEVELOP their cultures . . ."

MR. RAMA: I now ask, Mr. Presiding Officer, that we vote on the entire Article on Education, Science and Technology, Arts, Culture and Sports.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; the entire Article on Education, Science and Technology, Arts, Culture and Sports is approved.

MR. RAMA: Mr. Presiding Officer, just to comply strictly with our Rules, I ask now that we clear the deck and vote on Third Reading on the Article on National Economy and Patrimony.

MS. NIEVA: Mr. Presiding Officer.

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

MS. NIEVA: We have cleared the transcripts regarding that section on agrarian reform. If I recall, a question was raised about the term "regular" before "farmworkers."

MR. RODRIGO: Yes.

MS. NIEVA: And there was a question as to whether it was an omission or the text never really carried that. I have the transcript of August 7, 1986, page 146, line 20 and we really have the words "regular farmworkers."

MR. RODRIGO: There is a reservation that we insert the word "REGULAR" on line 20, between "and" and "farmworkers," so it will read: "Section 4. The State shall by law undertake an agrarian reform program founded on the right of farmers and REGULAR farmworkers."

MS. NIEVA: Yes.

MR. RODRIGO: I ask for its approval.

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

MR. RODRIGO: Thank you.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: I just want to indicate once more our arrangement as far as this Article on Education, Science, Technology, Sports, Arts and Culture, is concerned, that all subsections indicated in letters should already be in the final form, in numbers.

MR. RODRIGO: In numerals, yes.

MR. MAAMBONG: Thank you.

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

MR. RAMA: May I ask that we vote first on Third Reading on the Article on Transitory Provisions?

MR. AZCUNA: Mr. Presiding Officer, Transitory Provisions or National Economy?

MR. RAMA: Transitory Provisions; it is less controversial.

MR. AZCUNA: It is all right.

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: The motion of the Floor Leader is for us to go on Third Reading on the Article on Transitory Provisions. But the copy we have here is not complete. How can we proceed to the Third Reading if it is not complete?

MR. SUAREZ: Mr. Presiding Officer.

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

MR. SUAREZ: Thank you.

I think General de Castro is correct. The corrected copy is still being mimeographed because there is a request on the part of the Committee on the Executive to amend a certain portion to include an amendment regarding the calling of the second presidential and vice-presidential elections.

So, may we ask the Secretariat to check on this, and then, we will ask for a deferment in the meantime.

SUSPENSION OF SESSION

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

It was 11:54 a.m.

RESUMPTION OF SESSION

At 12:05 p.m., the session was resumed.

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

MR. RAMA: Mr. Presiding Officer, I ask that we vote on Third Reading on the Article on Social Justice.

MR. GUINGONA: Mr. Presiding Officer.

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

MR. GUINGONA: May I beg the indulgence of the Chair and of the honorable Members of this Commission because when this article was being deliberated upon, I was confined in the hospital. I just wanted to find out in brief whether the words "affordable cost" and "compensation as provided by law" would refer to just compensation, I mean, less than just compensation. May I inquire from the chairperson of the Committee on Social Justice?

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: The phrases "affordable cost" and "due compensation" were very thoroughly discussed on the floor, and they are reflected in the Journal and in the different records of this Commission. So I do not believe we will have to go through the same discussions again on what is "due compensation" and what is "affordable cost." By digging the records, we will know it.

THE PRESIDING OFFICER (Mr. Jamir) : The Chair believes that it is quite late in the day to inquire about the meaning of "affordable cost" and "just compensation." That was discussed a long time ago, so the Commissioner is out of order.

The committee may proceed.

NOMINAL VOTING ON PROPOSED RESOLUTION NO. 534

ON THIRD READING

(Article on Social Justice)

MR. RAMA: I move that we vote on Third Reading on Proposed Resolution No. 534.

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

Printed copies of Proposed Resolution No. 534 were distributed on August 13, 1987 pursuant to Section 27, Rule VI of the Rules of the Constitutional Commission.

Voting on the proposed resolution on Third Reading is, therefore, in order.

The Secretary-General will read the title of the resolution.

THE SECRETARY-GENERAL: Proposed Resolution No. 534, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A SEPARATE
ARTICLE ON SOCIAL JUSTICE.

FIRST ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir) : The body will now vote on this bill and the Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar

Yes Bennagen Abstain

Alonto Yes Bernas Yes

Aquino Yes Rosario Braid Yes

Azcuna Yes Calderon Yes

Bacani Castro de

Bengzon Yes

MR. DE CASTRO: May I explain my vote, Mr. Presiding Officer?

THE PRESIDING OFFICER (Mr. Jamir) : The Commissioner is given three minutes.

COMMISSIONER DE CASTRO EXPLAINS HIS VOTE

MR. DE CASTRO: This Article on Social Justice is, to me, a very nice article and there are many good provisions in it. However, I am extremely unhappy when we constitutionalized the right to strike, of course, with the phrase "in accordance with law." But when we speak of "in accordance with law," that is very hard to determine, especially when we constitutionalize strikes. How about when the police and the armed forces go on strike? How about wild cat strikes?

On the other section, Mr. Presiding Officer, I am also extremely unhappy that we are constitutionalizing squatting. Squatting is a nuisance per se, in whatever form. Its monstrous head must be cut anytime it shows. And although we put again "in accordance with law," that is of no moment. We are here constitutionalizing squatting.

Therefore, despite all those unhappy moments of my life, I vote yes on the Article on Social Justice.

THE SECRETARY-GENERAL, reading:

Colayco

Yes Foz Yes

Concepcion Yes Garcia

Davide Yes

COMMISSIONER GARCIA EXPLAINS HIS VOTE

MR. GARCIA: I would like to explain my vote, Mr. Presiding Officer.

I vote yes. At the same time, I wish to clarify and manifest the following with regard to the sections on labor, agrarian and natural resources reform, urban land reform, and the role and rights of people's organizations. The production of the right of labor as a fundamental requirement of social justice is spelled out in Section 3. I would like to emphasize this fact, however: My understanding is that the right of labor to a just share in the fruits of production has primacy in relation to the right of enterprises to reasonable returns on investments, expansion and growth. More concretely, people have primacy over profits, because profits are meaningful only if they promote a better life for the people; again, not for a few, but for the many. I understand further that the provision on worker's participation in policy and decision-making processes, although defined in the context of collective bargaining agreements of workers with management, does not preclude higher forms of workers' participation in the control and management of enterprises eventually.

With regard to Sections 4 and 8 of Agrarian and Natural Resources Reform, it is my clear understanding that the qualificatory phrases by law," "subject to such priorities as Congress may provide," and "taking into account ecological, developmental or equity considerations," have specific meanings which define, but in no way limit or dilute, the immediacy of the mandate given Congress to effect the just redistribution of all agricultural lands in the interest of the majority.

I also wish to point out my understanding of the following: First, that the qualifier who are landless" refers not only to farmers and farmworkers who do not own land, but also to farmers and farmworkers who own land of insufficient size for their sustenance. Second, that the provision on retention limits in no way prescribes that small landowners have the prerogative to determine the size of land they can retain outside the scope of agrarian reform, but rather it is Congress which shall do so. Third, that those entitled to retain land within the prescribed limits refer primarily to owner-cultivators and only under certain conditions may owners not themselves be tillers.

Fourth, that voluntary landsharing is in no way a substitute for land reform, but is envisioned only as being complementary to it. Finally, with regard to just compensation, it is clear that if land reform is to be realized so that social justice will prevail, the program must be based on the ability of the farmer to pay with the support the government can give in the purchase of the land. Consequently, I believe that the value of land must be determined on the basis of their assessed or tax-declared value or whatever is lower, for only in these terms will purchases be possible and the comprehensive land reform program be truly meaningful.

Sections 9 and 10 on Urban Land Reform and Housing give recognition to the rights of the third major sector of Philippine society, next to workers and the peasantry — the urban poor. It is my conviction that the constitutional mandate provided therein shall give real impetus for the State to effectively address the serious problem of inadequate housing common to all urban centers of the Third World, and thereby guarantee the right of all citizens to decent shelter.

The Role and Rights of People's Organizations, defined in Sections 15 and 16, underline the urgency for the people to empower themselves, particularly through the vehicle of people's organizations that are authentic and popular expressions of their will. Again, it is my hope that this constitutional mandate will not be mere lip service, but rather will enjoin future Congresses to enact measures that will effectively encourage the growth of autonomous people's organizations, and increase their responsible and effective participation in all levels of government and community decision-making.

Finally, the Article on Social Justice is significant in the people's struggle for the realization of rights inherent to their dignity as persons in a just and humane social order. It could rightly be the cornerstone of the new Constitution that not merely promises but effectively actualizes the rights and aspirations of the majority.

Thank you.

THE SECRETARY-GENERAL, reading:

Gascon

Guingona

MR. GUINGONA: May I explain my vote?

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

COMMISSIONER GUINGONA EXPLAINS HIS VOTE

MR. GUINGONA: In view of the fact that the Chair has not allowed me to secure clarification which I could not get due to my hospitalization, I would presume that the words “affordable cost” and “just compensation as provided by law” would mean less than just compensation as guaranteed under our Bill of Rights. I would like to categorically and emphatically state that I favor giving the landless farmers and farmworkers as well as the homeless urban poor a property of their own. As a matter of fact, Commissioner Villegas and I had submitted a proposed resolution which would support this stand. But I object to the expropriation of property to favor one sector of our society to the prejudice of another sector by denying the latter their right to just compensation. Of course, I realize that the poor may find it difficult to afford to buy the property needed. This can be remedied, however, through government subsidy or other forms of State assistance.

To me, the concept of “affordable cost and just compensation as provided by law” would mean the payment of compensation for property taken which is less than just.

In the expropriation of the property by virtue of the proposed provision, the State exercises its power of eminent

domain. The same State also exercises the same power of eminent domain and other extraordinary circumstances and for the common good. In all these extraordinary circumstances, just compensation is required. Why the exception with respect to these reforms?

This Representation favors strongly the granting of land or property to farmers, farmworkers and the urban poor but I strongly oppose the Robin Hood-type of taking property from those who have, without payment of just compensation, to give to the poor. In thus objecting, I speak on behalf of many middle-class and marginal landowners and property owners who have endured a lifetime of hard work and savings to be able to own their properties. I object to their being compelled to sell their properties through the exercise of State power at less than just compensation because, first, such a payment is not founded on law as well as on equity; and second, it is violative of the equal protection guaranteed in our Constitution.

This view is supported by authorities like Grotius, who said that the State is bound to make good the loss to those who lose their property, and Blackstone who said that while the good of the individual must yield to that of the community, such interposition is not arbitrary but only upon full indemnification and equivalent for the injury thereby sustained.

This is supported in numerous cases in the United States, including Virginia and *T.R. Co. v. Henry*, and the case of *Lawrence v. Boston*.

In the Philippines, our Supreme Court had ruled in the cases of *Manila Railroad vs. Velasquez* and *Manila vs. Estrada*, that the word "just" is used simply to emphasize the meaning of compensation. Just compensation means a fair and full equivalent from the loss sustained from the act of expropriation.

THE PRESIDING OFFICER (Mr. Jamir) : The Gentleman has one minute more.

MR. GUINGONA: Finally, Kent in 2 Com. 339 says, and I quote:

This principle in American constitutional jurisprudence, which parenthetically is also adopted in ours, is founded on natural equity and is laid down by jurists as an acknowledged principle of universal law.

This means that the concept of just compensation is founded not on law but also on equity.

However, in spite of these reservations, Mr. Presiding Officer, because I find many very good provisions in the Article on Social Justice, I vote yes.

THE SECRETARY-GENERAL, reading:

Jamir

Yes Maambong Yes

Laurel Monsod

Lerum Yes

MR. MONSOD: Mr. Presiding Officer, may I explain my vote.

THE PRESIDING OFFICER (Mr. Jamir) : Please proceed.

COMMISSIONER MONSOD EXPLAINS HIS VOTE

MR. MONSOD: Mr. Presiding Officer, my vote is yes on the basis of the text and the deliberations and minutes and journals of this Commission on the entire Article on Social Justice and which does not include individual, self-serving interpretations, particularly those that were already voted down during the deliberations.

THE SECRETARY-GENERAL, reading:

Natividad

Yes

Nieva

MS. NIEVA: Mr. Presiding Officer.

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

COMMISSIONER NIEVA EXPLAINS HER VOTE

MS. NIEVA: I vote yes and I will just take a minute to explain my vote.

I believe that the Article on Social Justice encapsules the pro-people spirit that pervades the entire Constitution and gives meaning and substance to our pledge to build a just and humane society enshrined in our Preamble. Compared with the 1935 Constitution where social justice deserved only one section in the Article on Declaration of Principles and one section in the Article on General Provisions, and the 1973 Constitution where social justice was provided for in only three related sections in the Declaration of Principles and State Policies, the proposed Article on Social Justice in the 1986 Constitution spells out in 16 ground-breaking sections the State's mandate to give highest priority to the enactment of measures in order to ensure social, economic, political and cultural democratization and the enhancement of human dignity, particularly of the poor and the marginalized sections of our society.

I vote yes because labor, both workers and employees in the private sector and for the very first time those in the public sector, is assured full protection in their rights to organize, bargain, negotiate, and strike in order to protect their interests, particularly to a just share in the fruits of production, and participation in policy and decision-making processes is fully affirmed.

I vote yes because the fundamental right of the tiller of the soil, the backbone of the nation to the land that he tills, is enshrined; and to this end, agrarian reform will now be applied to all agricultural land regardless of crops and tenurial arrangements, as well as to all lands of the public domain suitable to agriculture. And further, the role of farmers and farmer organizations as active partners in the implementation of the agrarian reform program is also mandated.

I vote yes because at long last, due recognition is given to our subsistence fishermen, who number approximately 700,000, insuring them of preferential use of marine and fishing resources.

I vote yes because priority will be given to the basic needs of more than one-half of our total population — the homeless, the poor and the underprivileged — for decent housing and social services thru a continuing land reform and housing program.

And I vote yes because henceforth the State shall protect and promote the health of its citizens by adopting an integrated and comprehensive health care program, including the rehabilitation of the disabled so that they too may become productive citizens.

And finally, I vote yes because "people power" is given constitutional recognition, giving people's organization the right to be consulted and to participate at all levels of decision-making in order to effectively bring about social justice in our land.

THE SECRETARY-GENERAL, reading:

Nolledo
Yes Padilla

Ople Yes

MR. PADILLA: May I explain my vote?

THE PRESIDING OFFICER (Mr Jamir) : Please proceed.

COMMISSIONER PADILLA EXPLAINS HIS VOTE

MR. PADILLA: Social justice is for the promotion of the general welfare of all the people. As stated in the 1935 and 1973 Constitutions, social justice is to ensure the well-being and economic security of all the people. I agree to give the farmers a just share in the production of their labor, but I do not subscribe to an agrarian land reform which extends to all agricultural lands. I agree to a housing program that will give urban dwellers an opportunity to decent dwelling, but I do not agree to an urban land reform, as was decreed by the past dictatorial regime. However, in voting yes to this Article on Social Justice which must still be based on justice in its social aspects, the protection and promotion of the rights of all the people to assure, if not to ensure, the fulfillment of the common good, I earnestly hope that this article will fulfill the fervent prayers of all for more productivity and the creation of additional wealth through more goods and services for all to enjoy the blessings of what we stated in the Preamble — truth, justice, freedom, peace and prosperity.

THE SECRETARY-GENERAL, reading:

Quesada ...

MS. QUESADA: May I explain my vote?

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

COMMISSIONER QUESADA EXPLAINS HER VOTE

MS. QUESADA: Mr. Presiding Officer, I abstain and let me explain why. After serious discussions and reflections with concerned groups, the general assessment of the Article on Social Justice is that it still falls short of the overall objective of redressing the years of injustice to the biggest sector of our society, the peasantry. The section on agrarian reform failed to provide a clear man- date for a genuine agrarian reform program. We all know how the original proposals which came from the affected sector and proposed by its lone representative in this Commission suffered from several changes resulting in a loophole-ridden section. It was so sad to witness how many of us made it so difficult to retain key concepts so vital in a genuine agrarian reform. I need not recount what has been watered down. And so, even if there are many other provisions which may be considered innovative and good, for instance, on health, I still believe that this had been countervailed by our failure to enshrine the real aspirations of the peasantry for a more just and humane society.

As a representative of the health sector, I cannot lose sight of the fact that we ought to see health in its inter-relatedness with the economic, political and social conditions of our country. The question we always ask: Whom do we serve? And we know those we serve are the ones who die and get sick of poverty-linked diseases. For all our development efforts, the fact remains that many of our health problems affect the impoverished sectors of our society, majority of whom come from the peasants and farmworkers. These problems are inextricably linked with the oppressive and exploitative conditions suffered by them. We have time and again prayed and publicly acknowledged our preferential option for the poor. In the case of our poor peasants and farmworkers, we have not made it easy for them to realize their dream of a land of their own that they can till without having to

wage a long and tortuous protracted struggle with the future Congress. For the peasants, they have no well-spring of good faith for the capacity of Congress to decide favorably in their favor this fundamental problem of land for the tillers. Past experiences have shown that Congress will still be a landlord-dominated assembly in spite of our having gone through a people power revolution. I cannot therefore in conscience accept that we have drafted a truly genuine Article on Social Justice.

THE SECRETARY-GENERAL, reading:

Rama

Yes Rodrigo Yes

Regalado Yes Romulo Yes

Reyes de los Yes Rosales

Rigos Yes Sarmiento

COMMISSIONER SARMIENTO EXPLAINS HIS VOTE

MR. SARMIENTO: Mr. Presiding Officer, although there are good provisions in the Article on Social Justice, there is one section that invites discordant interpretations; that is the section on agrarian reform. I therefore abstain, Mr. Presiding Officer.

THE SECRETARY-GENERAL, reading:

Suarez

MR. SUAREZ: May I explain my vote, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Please proceed.

COMMISSIONER SUAREZ EXPLAINS HIS VOTE

MR. SUAREZ: Genuine agrarian reform is a key ingredient in the solution of our increasingly difficult insurgency problems. These problems are especially acute in Central Luzon where land is at a premium. For while our population continues to grow at alarming rate, our land remains static and inexpandable. It is therefore imperative that to quiet the agitation of the peasants and the farmers in the countryside, a genuine land reform program should be formulated and effectively implemented. This is the centerpiece provision in the entire article and perhaps in the entire Constitution.

I regret to state that what the draft Constitution offers fall short of our people's aspirations and expectations. Not only is the provision ambiguous, it is even retrogressive in thrust. The farmers whose lives are affected by this article have voiced their fears that their situation would be far better without the controversial Section 4 of this article since the priorities are not clearly spelled out and the retention limit is not provided, thereby lending strength to the fear that the retention limit could conceivably even exceed the seven hectares prescribed under P.D. No. 27, thus the yearning of our people for economic liberation may not be satisfied. Even the term "just compensation" is susceptible to a number of contradictory interpretations and when the government finds itself conveniently in no position to come up with the required support or subsidy, then all our good intentions would be rendered nugatory. There are other provisions that are as indefinite as they are pregnant with inherent dangers. We have not truly come up with a substantial and satisfactory article on social justice, the cascade of flowery expressions notwithstanding.

I hasten to add, however, that I have to pay tribute to the valiant efforts of my colleagues in the Committee on Social Justice who contributed so much and fought so hard for the retention of the original proposals of this article now hailed as the centerpiece of this Constitution. To them, I give the credit for some propeople provisions now appearing in this article. Unfortunately, so many of these provisions have been so mutilated by the tortuous process of amendment that the original proposals are almost unrecognizable. I am, therefore, compelled to vote against this article.

Thank you.

THE SECRETARY-GENERAL, reading:

Sumulong

Yes

Tadeo

COMMISSIONER TADEO EXPLAINS HIS VOTE

MR. TADEO: Nais ko lamang ipaliwanag ang aking boto.

Ang magbubukid ang pinakamalaki sa lahat ng sektor. Lagi ng naitatanong: Ano raw ang kabuluhan ng isang saligang batas na hindi magre-reflect ng interes ng pinakamalaki at pinakamalawak na sektor? Natukoy ng pamahalaang Cory Aquino ang dalawang problema — ang bumabagsak na ekonomiya at ang lumalagong insureksiyon — at natukoy rin ang solusyon. Ang solusyon ay ang pagpapatupad lamang ng tunay na reporma sa lupa. Dahil dito, nagsikap ang Komite sa Social Justice na makalikha ng isang malakas, maliwanag at tiyak na probisyon para tugunan ang problema ng bansa; ngunit pagkaraang dumaan ito sa plenary, ang lakas nito ay napahina ng mga loopholes. Ang liwanag at ang pagkatiyak nito ay pinalabo ng open-ended "subject to different interpretations." At pagkatapos kung ito ay mahina at malabo pa, dadalhin mo sa isang Kongreso na batay sa kasaysayan ay dinudomina ng mga landlord at malalaking negosyante. The result is a section that looks good in paper but can be subjected to different interpretations and we expect a bias interpretation based on the historical domination of landlords and big businessmen in Congress.

There is no wellspring of good faith among the peasantry for the capacity of Congress to decide this fundamental problem based upon their own miserable experience with this historically landlord dominated assembly. In trying to veer away from this decisive aspect impinging upon the country's economic and political stability, the Con-Com has only further weakened the fragile stability of the Cory Government. The Commission has mandated a program with a very weak foundation in the proposed Constitution. It might serve them well to remind them that in so doing, they have forfeited their historical role in creating positive condition for economic recovery and goal while fanning the flames of rebellion in the countryside. They have ultimately failed Mrs. Aquino in her professed task of bringing fruition to genuine reconciliation in the country.

Ano ba ang kabuluhan ng social justice? Ang kabuluhan ng social justice ay katulad din ng tunay na reporma sa lupa. Nakapanghihinayang at ang nagawa natin sa Constitution na ito, lalo na ang Bill of Rights, ay napakaganda. Nguni't ano ang halaga ng Bill of Rights kung wala naman ang tunay na reporma sa lupa?

Hindi kaila sa inyo na ang paglabag sa banal na karapatan ng tao, ang pinag-uugatan ay ang piyudalismo, ang konsentrasyon ng malalawak na lupain sa iilang tao. Kung mananatili pa rin ang sistemang piyudal, magpapatuloy ang paglabag sa karapatan ng tao at bale wala ang nagawa natin sa Bill of Rights. Pinalakas natin ang judiciary, ang hukuman, ngunit maliwanag ang ulat ng Northern Police District. Ang theft and robbery ang pinakamalaking porsiyento ng krimen sa Maynila — 57 percent. Ang sabi nga ng pelikula ni Lino Brocka, "Kapit sa Patalim,"

kakapit ka sa patalim. Ang papasok din sa hukumang pinalakas natin ay ang nagugutom na sambayanan.

Dahil dito, ang boto ng magbubukid ay no. Habang itinutulak natin ang pagpapatibay ng Saligang Batas na ito, magpapatuloy ang kahirapan at kagutuman sa kanayunan. Ngunit ang sabi ng magbubukid ay ano ang loophole landmark na ito?

Ito ang sinasabi ng magbubukid: “Hindi kami papayag na mamatay sa gutom na dilat ang aming mga mata. Kami ang magpapatupad ng tunay na reporma sa lupa. Kung kinakailangang gawin namin ang humawak ng baril para ipatupad ang tunay na reporma sa lupa, ay gagawin namin.” At ito ay tatapusin ko sa sinasabi sa Banal Na Kasulatan, Chapter XII ng Lukas, Verse 49: “Kapag magniningas na ang apoy sa lupa, ano pa ang aking magagawa?” I vote no.

THE SECRETARY-GENERAL, reading:

Tan

SR. TAN: Mr. Presiding Officer.

MR. PRESIDING OFFICER (Mr. Jamir) : Commissioner Tan is recognized.

SR. TAN: I have discussed this article with groups of workers and their feedback was negative. However, with sadness I still vote yes.

THE SECRETARY-GENERAL, reading:

Tingson

Yes Uka

Treñas Yes

MR. UKA: May I explain my vote, Mr. Presiding Officer.

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

COMMISSIONER UKA EXPLAINS HIS VOTE

MR. UKA: I vote yes because this new Constitution is pro-God and religion, pro-democracy and justice, pro-poor and labor, and gives the highest priority to education and teaching. It promotes unity among our people. Although it is certainly not perfect, it is better than good.

Because of these characteristics, I vote yes.

THE SECRETARY-GENERAL, reading:

Villacorta

MR. VILLACORTA: Mr. Presiding Officer.

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

COMMISSIONER VILLACORTA EXPLAINS HIS VOTE

MR. VILLACORTA: Mr. Presiding Officer, I painfully vote no knowing that while many sections in the Article on Social Justice constitute advances in people's rights and in the amelioration of our disadvantaged sectors, the provisions on land reform do not fully reflect the needs and aspirations of our peasantry.

THE SECRETARY-GENERAL, reading:

Villegas
Yes

THE PRESIDENT: Mr. Presiding Officer.

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

THE PRESIDENT EXPLAINS HER VOTE

THE PRESIDENT: Yes, Mr. Presiding Officer, may I just state that I am voting in the affirmative because I see this Article on Social Justice as the heart of the entire Constitution.

SECOND ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir) : The Secretary-General will conduct a second roll call for those who have not registered their votes.

THE SECRETARY-GENERAL, reading:

Bacani
Laurel

Gascon Rosales

APPROVAL OF PROPOSED RESOLUTION NO. 534

ON THIRD READING

(Article on Social Justice)

THE PRESIDING OFFICER (Mr. Jamir): The results show 37 votes in favor, 3 against, and 3 abstentions.

Proposed Resolution No. 534 is approved on Third Reading.

MR. RAMA: Mr. Presiding Officer.

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

MR. RAMA: I ask that we vote on Third Reading on the Article on National Economy and Patrimony.

MR. TADEO: Sandali lamang ho. Gusto ko lang hong minsan pang mag-appeal patungkol doon sa Section 1.

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

MR. TADEO: Kung ang ating Commissioner Padilla ay panghuling nakiusap, gusto ko lamang makiusap tungkol sa second paragraph ng Section 1, na iyong "based on" kung puwedeng palitan pa natin ng "TOGETHER WITH." Gusto ko lamang ipaliwanag ang bagay na ito.

Mula pa noong 1909, ang naging lead sector sa pagpapaunlad ng bansa ay agrikultura, at napakaliwanag ng daang taong karanasan. Nabaon lamang tayo sa kumunoy ng kahirapan.

Dahil dito, ang chairman, ako, bilang vice-chairman, at si Commissioner Ople ay nag-usap at napagkaisahan naming tatlo na ang "based on" — dahil batay naman sa talakayan — o kahulugan ng second sentence ay ang tinatawag na pagsusulong ng national industrialization, kapanabay, together with, concomitant with and along with, agricultural development. At si Commissioner Ople at ang aming chairman sa Committee on National Economy and Patrimony ay pumayag sa "TOGETHER WITH."

Alang-alang sa kabutihan ng sambayanang Pilipino, hinihingi ko sa inyo na sana iyong "based on" ay maging "TOGETHER WITH."

MR. BENNAGEN: Mr. Presiding Officer.

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

MR. BENNAGEN: I would like to support the Commissioner's plea. I think the use of the words "TOGETHER WITH" reflects more faithfully the deliberations on the floor as well as in the caucus and in the committee hearings on the relationship between agricultural development and industrialization.

So I think it is more stylistic really to be more faithful to the proceedings and the deliberations.

THE PRESIDING OFFICER (Mr. Jamir) : I think that will require the suspension of the Rules.

MR. BENNAGEN: I do not think so.

MR. VILLEGAS: Mr. Presiding Officer.

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

MR. VILLEGAS: Can I just give this information. Commissioner Ople, who had to leave in order to attend a funeral in Bulacan, wrote this note, and it is crucial to this specific discussion because he was the one who sponsored this particular section.

He said:

"As I said to you yesterday, the industrialization provision in Section 1 which I authored, was originally intended for the agrarian reform section of the Article on Social Justice. I think everyone will remember that the first time this specific resolution was discussed was in the Social Justice Article. That is why it is "based on sound agricultural development and agrarian reform." However, I will not object to a stylistic change, such as "consistent with."

That is the proposal of Commissioner Ople in lieu of "based on," subject of course to the approval of the committee and the Commission.

So, I would suggest, together with Commissioner Ople, if "together with" and "consistent with" are really interchangeable, if "consistent with" is acceptable, we can accept this stylistic change from "based on" to "CONSISTENT WITH."

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: May I ask a few questions of Honorable Villegas.

MR. VILLEGAS: Yes.

MR. DE CASTRO: The Commissioner would like to change the words "based on" with "CONSISTENT WITH."

MR. VILLEGAS: Yes, and we think it is a change of style and not of substance.

MR. DE CASTRO: May I know the difference?

MR. VILLEGAS: Precisely, there is no substantial difference. "Based on," just to pursue the issue, is just a change of style. But "based on" can be ambiguous. It may be interpreted to mean that we must first fully develop agriculturally and only then can we start industrialization. That is one possible erroneous interpretation of the

phrase "based on."

MR. DE CASTRO: The Commissioner stated that there is no substantial change.

MR. VILLEGAS: That is right.

MR. DE CASTRO: Therefore, there is a minor change.

MR. VILLEGAS: Yes. I mean, because the phrase "based on," as far as I am concerned, does not have that erroneous interpretation. But it seems some people have given it that erroneous interpretation, so that to avoid completely any ambiguity, I would be willing to accept the stylistic change. And as Commissioner Ople said in his letter, since he was the first one to propose this resolution, he is accepting the phrase "CONSISTENT WITH."

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: It being accepted, whether there is a substantial or minor difference between "CONSISTENT WITH" and "based on", the proposal of Honorable Villegas will need a reconsideration subject to the suspension of the Rules.

Furthermore, Mr. Presiding Officer, I remember that it took us almost a day to discuss what is "based on." So, whether there is a substantial or minor change on this matter the motion for consideration will need a suspension of the Rules.

Thank you, Mr. Presiding Officer.

SUSPENSION OF SESSION

It was 12:47 p.m.

RESUMPTION OF SESSION

At 12:50 p.m., the session was resumed.

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

MR. GUINGONA: Mr. Presiding Officer.

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

MR. GUINGONA: I would like to protest the discrimination to which I have been subjected to this morning when I was trying to get a simple yes or no answer, and I was ruled out of order because I wanted to be enlightened with regard to my vote on Third Reading on the Article on Social Justice; and now the Chair is allowing a full-blown discussion before the Third Reading. I think that is discrimination of the highest order, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : The Gentleman tried to discourse on "affordable cost" and "just compensation." It appears that he has a written article on it which he has to read on the floor so that we will be doubling the time that we will consume. That was the reason for declaring him out of order.

MR. GUINGONA: Precisely, Mr. Presiding Officer, I did not want to read that part of that paper, and I wanted to be enlightened, because if I could have been enlightened, I would have simply voted yes.

THE PRESIDING OFFICER (Mr. Jamir) : May we know from the Floor Leader what the parliamentary situation is.

MR. RAMA: There was a question raised by Commissioner Tadeo regarding a phrase in the Article on National Economy and Patrimony: "based on" and "CONSISTENT WITH." And there was a suspension of the session in order to reach a meeting of the minds between the chairman of the Committee on National Economy and Patrimony and those who proposed to change the word "based on" to "CONSISTENT WITH."

May I ask Commissioner Villegas if there is any meeting of the minds so we can proceed?

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

MR. VILLEGAS: I do not think there is a meeting of the minds. Some people are insisting on "together with," but I think the general agreement is that "CONSISTENT WITH" could be the replacement for "based on."

THE PRESIDING OFFICER (Mr. Jamir) : The proposal to change the phrase "based on" to "CONSISTENT WITH," especially after the Third Reading, will mean a reopening of the entire thing and will need the suspension of the Rules.

MR. VILLACORTA: Mr. Presiding Officer.

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

MR. VILLACORTA: May we inquire from the proponents of the change to "CONSISTENT WITH" if that is the interpretation of their group — that "CONSISTENT WITH" is substantially different from "based on" and therefore would necessitate a reopening of Section 1?

MR. VILLEGAS: As I said earlier, in my opinion it is just a change in style and not in substance. But that is my opinion; the Chair has ruled.

THE PRESIDING OFFICER (Mr. Jamir) : The ruling of the Chair will mean a reconsideration, a reopening, and will require a suspension of the Rules.

Is the proponent insisting on proceeding with his motion?

MR. RAMA: The pending motion, Mr. Presiding Officer, is that we vote on Third Reading on the Article on National Economy and Patrimony. So may I ask that we take a vote now?

MR. TADEO: Mr. Presiding Officer.

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

MR. TADEO: Palagay ko ho naman puwedeng pakiusapan pa ang kagalanggalang na Komisyonang ito na iyong "based on" ay maging "CONSISTENT WITH."

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: Thank you.

Gusto ko sanang pagbigyan naman ang aking kapatid na si Jimmy, subalit ito ay the same situation when we reopened Section 4 on the declaration of principles on nuclear-free country. We would like to change "consistent with" with the words "SUBJECT TO" and nothing was done about it because it really will mean a suspension of the Rules and another discussion on the matter.

Kaya gusto ko mang pagbigyan ang aking kapatid ay ikinalulungkot ko na malaki ang diperensiya ng "CONSISTENT WITH" kaysa "based on" o "together with" lalo na. Ngayon, kung ating papalitan iyan tulad ng

sinabi ko kanina, it is a motion for reconsideration resulting in the suspension of the Rules.

Thank you, Mr. Presiding Officer.

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

NOMINAL VOTING ON PROPOSED
RESOLUTION NO. 496 ON THIRD READING
(Article on National Economy and Patrimony)

MR. RAMA: I move that we vote on Third Reading on Proposed Resolution No. 496.

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

Printed copies of Proposed Resolution No. 496 were distributed on September 5, 1986 pursuant to Section 27, Rule VI of the Constitutional Commission.

Voting on the proposed resolution on Third Reading is, therefore, in order.

The Secretary-General will read the title of the resolution.

THE SECRETARY-GENERAL: Proposed Resolution No. 496, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON NATIONAL
ECONOMY AND PATRIMONY

FIRST ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir) : The body will now vote on this proposed resolution and the Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar
Yes Aquino

MS. AQUINO: Mr. Presiding Officer, I vote yes, and may I be allowed to explain my vote?

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

COMMISSIONER AQUINO EXPLAINS HER VOTE

MS. AQUINO: Unlike the other articles of this Constitution, this article whether we like it or not would have to yield to flexibility and elasticity which inheres in the interpretation of this provision. Why? Precisely because the forces of economics are dynamic and are perpetually in motion. It is in the light of this transparent vulnerability of this provision which makes for total and immediate correspondence with the changes and developments of the objective economic conditions.

I am, therefore, prepared to throw my doubts and prejudices to the wind and celebrate this article as a lamp of mysterious awe.

Thank you.

THE SECRETARY-GENERAL, reading:

Azcuna

Yes Bennagen No

Bacani Bernas

Bengzon Yes

FR. BERNAS: Mr. Presiding Officer.

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

COMMISSIONER BERNAS EXPLAINS HIS VOTE

FR. BERNAS: I vote yes and I would like to explain my vote.

I vote yes principally because the article is superior to what we now have and also because it is flexible enough to allow future legislators to correct whatever mistakes we may have made. Let me, however, gloss over its superiority to what we now have and simply say a few words about flexibility, a flexibility which is a necessary product of compromise, and of a compromise unavoidable in a body with as diverse a collection of views as this Commission represents.

To begin with, I would advert to what the committee chairman repeated many times: that economics is an inexact science. An inexact science can only give rise to inexact commands. Thus, the flagship second paragraph of Section 1, which was the subject of much acrimonious debate, can only be read as an inexact command and can only be given the respect that is due to an inexact command. More specifically, for instance, the phrase "industrialization based on sound agricultural development" is a policy statement that leaves plenty of room for movement of the joints, and the balance between industrialization and agricultural development can be formulated in a variety of ways colored by the optics of future legislators. Similarly, the phrase "unfair foreign competition, as the committee itself explained covers a multitude of sins both technical and nontechnical. In fact, we perhaps should have embodied its flexible meaning in a resolution similar to the resolution on nuclear-free Philippines which was inserted in the record three days ago.

When one goes into the body of the article and look into the much debated equity participation of foreigners which became the subject of several days of prayerful recollection, we also see flexibility. Filipino participation is at least 60 percent; but 60 percent can be upped to 100 percent by future legislators.

In other words, the economy which is the subject of inexact science, will always be the subject of inexact debate. The debate is not yet over. Those who do not consider themselves disqualified to run for Congress in May can continue this inexact debate in 1987 and beyond. The rest of us can do our inexact kibitzing in the sidelines.

For these reasons, I vote yes.

THE SECRETARY-GENERAL, reading:

Rosario Braid

COMMISSIONER ROSARIO BRAID EXPLAINS HER VOTE

MS. ROSARIO BRAID: I vote yes, Mr. Presiding Officer, because I believe we have many innovations in this article. I also believe the government should play the role of a catalyst-facilitator in the spirit of subsidiarity, and that this article puts primacy on privately led development. I also believe there are many innovations, both community-based, such as cooperatives, the creation of private international monetary board, safeguards in foreign loans, securing of foreign loans. It also provides the mandate to encourage entrepreneurship and to also limit the practice of the profession to Filipinos, and that there is an adequate clause that will insure that management of utilities be in the hands of Filipinos.

And for these, I vote yes.

THE SECRETARY-GENERAL, reading:

Calderon

Yes

Castro De

MR. DE CASTRO: May I explain my vote, Mr. Presiding Officer?

THE PRESIDING OFFICER (Mr. Jamir) : Please proceed.

COMMISSIONER DE CASTRO EXPLAINS HIS VOTE

MR. DE CASTRO. I vote yes if only for Section 13 of this article, which is a Filipino-first policy. I hope that with this section, we shall be able to Filipinize our thinking, our attitudes, to include our taste for apples and grapes. I understand there are smuggled apples now going around and costing about P28. I hope our Filipinos shall realize that what is needed is Filipino labor, domestic materials and locally produced goods. If only we can stick to this, without importations of what we need, without accepting commodity loans where surplus goods are dumped on our shores, if only we can truly act like Filipinos, perhaps we can save the economic crisis of this country.

Thank you.

THE SECRETARY-GENERAL, reading:

Colayco

Yes Davide Yes

Concepcion Yes Foz

MR. FOZ: Mr. Presiding Officer.

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

MR. FOZ: With all its minuses, but considering its pluses, I vote yes.

THE SECRETARY-GENERAL, reading:

Garcia

MR. GARCIA: Mr. Presiding Officer, may I explain my vote?

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

COMMISSIONER GARCIA EXPLAINS HIS VOTE

MR. GARCIA: Thank you.

I vote no. In crucial ways, the proposed Article on National Economy and Patrimony does not effectively protect the interest of the nation and promote the good of the majority of our people, although it professes a commitment to do so. The article is grounded pre-dominantly on the economic philosophy of free trade and private enterprise which, if one judges on the basis of the historical experience of our country and that of other Third World nations, does not bode well for the realization of Filipino control of the economy and the pursuit of a self-determined path of development that responds to the needs of our people and equitably diffuses the fruits of economic growth.

I would like, in particular, to underscore my basic disagreement with the sections which deal with the goals of the economy, service contracts, and public utilities.

The promotion of industrialization in Section 1 is mandated in the context of a free-trade regime that would, in the long run, I am afraid, consign our industrial capacity to a state of import-dependence and export-orientedness, which would not adequately respond to the demands of a sound structure geared to meeting the basic needs, not of a few, but of the majority of our people. Moreover, the reliance on foreign goods and capital, and on foreign trade, as the engines of economic growth, leaves the economy dangerously susceptible to domination by powerful foreign interests, and the economic well-being of our people becomes subject to the fluctuations of the international market dominated by the industrialized Western nations.

Service contracts are given constitutional legitimization in Section 3, even when they have been proven to be inimical to the interests of the nation, providing, as they do, the legal loophole for the exploitation of our natural resources for the benefit of foreign interests. They constitute a serious negation of Filipino control on the use and disposition of the nation's natural resources, especially with regard to those which are nonrenewable.

In Section 15, there is hardly an advance of 50 years since the 1935 Constitution. The 60 percent minimum Filipino equity ratio for public utilities does not provide a sufficient safeguard against foreign intrusion in this vital sector of our economy, and opens the door to foreign intervention in the affairs of the nation. Again, the Commission refuses to learn from the lessons of history and forgets, for example, the murder of Chilean President Salvador Allende in 1973 in a coup collaborated in by the multinational firm ITT, as documented by the U.S. Senate Foreign Relations Committee in December 1975.

And thus, in sum, the assertion of economic sovereignty, and the mandate to pursue a popular and self-determined path of economic development are found sadly wanting in the Article on National Economy, and Patrimony. They remain elusive aspirations of our people. It would seem that the Commission, in this regard, has lost the opportunity to speak boldly and unequivocally in the interest of our people.

Thank you.

THE SECRETARY-GENERAL, reading:

Gascon
Guingona

MR. GUINGONA: May I explain my vote?

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

COMMISSIONER GUINGONA EXPLAINS HIS VOTE

MR. GUINGONA: Mr. Presiding Officer, I vote yes, notwithstanding my strong reservation with regard to the 60-40 ratio of ownership of corporations or associations concerning franchise certificate or any other form of authorization for the operation of public utilities.

THE SECRETARY-GENERAL, reading:

Jamir

Yes Monsod Yes

Laurel Natividad Yes

Lerum Yes Nieva Yes

Maambong Yes Nolleto

MR. NOLLEDO: I would like to explain my vote, Mr. Presiding Officer.

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

COMMISSIONER NOLLEDO EXPLAINS HIS VOTE

MR. NOLLEDO: While there are objectionable provisions in the Article on National Economy and Patrimony, going over said provisions meticulously, setting aside prejudice and personalities, will reveal that the article contains a balanced set of provisions. I hope the forthcoming Congress will implement such provisions taking into account that Filipinos should have real control over our economy and patrimony, and if foreign equity is permitted, the same must be subordinated to the imperative demands of the national interest.

I also believe that it is the true intent of this Commission as well as the people that we must proceed to industrialization along with agricultural development. It is also the sense of every Commissioner and every right-thinking Filipino that unfair competition is not understood in its restrictive meaning existing under our commercial laws. If we set up Filipino industries in the country, it would be unfair competition to import foreign commodities that compete with said Filipino industries, at least during their infancy period which, as a suggestion to Congress, should not be less than 10 years.

It is also my understanding that service contracts involving foreign corporations or entities are resorted to only when no Filipino enterprise or Filipino-controlled enterprise could possibly undertake the exploration or exploitation of our natural resources and that compensation under such contracts cannot and should not equal what should pertain to ownership of capital. In other words, the service contract should not be an instrument to circumvent the basic provision, that the exploration and exploitation of natural resources should be truly for the benefit of Filipinos.

Thank you, and I vote yes.

THE SECRETARY-GENERAL, reading:

Ople

Quesada

Padilla Yes

MS. QUESADA: May I explain my vote?

THE PRESIDING OFFICER (Mr. Jamir) : The Commissioner may.

COMMISSIONER QUESADA EXPLAINS HER VOTE

MS. QUESADA: I vote no. I believe that this article has not basically responded to the imperative need for economic protection to ensure the country's survival as a viable and sovereign republic.

What is worst, we have constitutionalized economic principles and policies which reflect the prescriptions of the World Bank-International Monetary Fund for our economic recovery and development rightfully, or probably underdevelopment.

I cannot forget how we literally had to beg to enshrine provisions which give Filipinos in their country more effective if not whole control in the development of their own natural resources, or more protection to domestic enterprises over big foreign businesses, or to map out a development strategy where industrialization is pursued alongside with agriculture, or for the State and its citizens to have more control of its public utilities. Through this one important article, we have constitutionalized the erosion of nationalist protectionism principle which our forefathers enshrined in the 1935 Constitution.

The structural changes we have provided in this article will have far-reaching and grave implications for our destiny as a free and sovereign people and country. I, therefore, vote no.

THE SECRETARY-GENERAL, reading:

MR. RAMA: I vote yes. May I explain my vote, Mr. Presiding Officer?

THE PRESIDING OFFICER (Mr. Jamir) : The Commissioner may.

COMMISSIONER RAMA EXPLAINS HIS VOTE

MR. RAMA: I vote yes because of the three basic issues, among others, that were the focus of controversy. The first issue is whether the State should be the engine of national economy or private enterprise. I think one of the largest economic facts of life in the world is that the State as an engine of national economy has been a magnificent flop. It is a failure. We can see all the countries around us where private enterprise was given that role to promote the economy; these countries have progressed including China now which has abandoned the policy of state-controlled economy.

The second issue is whether we should enshrine economic protectionism which has already acquired a concrete meaning in the economic world. or whether we would have qualified protectionism. In other words, whether we would protect the so-called infant industries that have been there as infants for the last 25 years and are producing low-quality goods which are being foisted on the 56 million Filipino consumers at prices twice or three times more than those that can be imported abroad, I think this issue has been settled already by the economists of the world.

And the third issue is whether we should adopt the policy of inviting foreign investment as a formula for economic redemption of this country to provide jobs, or whether we should reject foreign investments, and I think that is also a settled issue. So, I vote yes.

THE SECRETARY-GENERAL, reading:

Regalado

MR. REGALADO: Mr. Presiding Officer, I vote yes, but may I explain my reason.

THE PRESIDING OFFICER (Mr. Jamir) : Please proceed.

COMMISSIONER REGALADO EXPLAINS HIS VOTE

MR. REGALADO: I am voting yes not only because of the fact that we must bow to the will of the majority and that all the aspects of the issues in this article have been thoroughly discussed, but because we have made clear the constitutional mandate to the Congress as to how the seemingly ineffective provisions may be improved. And I vote yes because of my innate optimism that our future legislature will be composed of members who are men of competence, patriotism, independence and have in their hearts the welfare of the people, and that we should not preempt them, under the assumption of such virtues and the presumption in their favor, instead of proceeding on the false theory that we alone have a monopoly of those virtues and which assumption is presumptuous and dubious, to say the least.

THE SECRETARY-GENERAL, reading:

de los Reyes

Yes Romulo Yes

Rigos Yes Rosales

Rodrigo Yes Sarmiento

MR. SARMIENTO: Mr. Presiding Officer.

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

COMMISSIONER SARMIENTO EXPLAINS HIS VOTE

MR. SARMIENTO: Mr. Presiding Officer, the Article on National Economy and Patrimony has commendable and breakthrough provisions intended to improve the economic plight of our people. However, I have my reservations with respect to the 60-40 equity ratio for public utilities.

I abstain, Mr. Presiding Officer.

THE SECRETARY-GENERAL, reading:

Suarez

MR. SUAREZ: Mr. Presiding Officer, may I explain my vote?

THE PRESIDING OFFICER (Mr. Jamir) : Please do.

COMMISSIONER SUAREZ EXPLAINS HIS VOTE

MR. SUAREZ: Thank you.

The importance of the Article on National Economy and Patrimony cannot be gainsaid. It lays out the general principles and strategies that, we hope, would guide our present and future leaders in achieving immediate economic recovery and, in the long run, sustaining an independent and prosperous economy for our people.

A superficial reading of the article may give one the impression that here finally is a document that shall address

the basic and long-term aspirations of the majority of the Filipino people and pave the way towards full economic recovery. Key words and phrases like "a self-reliant and independent national economy," "equal distribution of opportunities," "raising the quality of life," "common good," "social justice" and "economic development" are liberally sprinkled in the whole article. However, all of these become meaningless rhetorics.

How can we, for instance, develop a truly "self-reliant and independent national economy effectively controlled by Filipinos," as stated in the first sentence of Section 1, when we still allow foreigners to actively participate in the Philippine economy by again granting them a 40 percent equity ratio especially in critical areas of investments like the exploration, exploitation and utilization of our natural resources, operation of public utilities and commercial telecommunications? Foreign investments, although needed by a struggling economy like ours, should however play a secondary role. It should never be allowed in critical areas of investments, much less dictate our economic program.

Furthermore, the article failed to address the question of economic protectionism which, to my mind, is indispensable in achieving industrialization and full economic independence. Import liberalization, no matter how selective, I fear, would inhibit the growth, if not totally eliminate, Filipino enterprises.

We have witnessed how in the Marcos years the 60-40 equity rule had worked against the development of an independent Filipino entrepreneur class. History has taught us how import liberalization and the lack of genuine economic protectionism can devastate our economy. The Marcos years, most especially, had taught us that industrialization based on agriculture, which is now being interpreted as "agricultural industrialization," will only perpetuate our economic dependence on multinational corporations and their markets.

There are other provisions which are similarly more aligned with the interests of global corporations. And I suspect that with the constitutionalization of these provisions, we have adopted an economic strategy too close to the discredited IMF-World Bank prescription.

In the final analysis, the Article on National Economy and Patrimony holds the key to the achievement of political stability and our capability to satisfy the basic demands of our people for social justice. Without economic recovery and a sustained capability to ensure an independent and prosperous economy, all these grand visions for social justice, peace, stability may never be realized.

It is indeed unfortunate that in drafting this article, we have refused to adopt a more pro-Filipino nationalist perspective. I vote no, Mr. Presiding Officer.

THE SECRETARY-GENERAL, reading:

Sumulong

Yes

Tadeo

MR. TADEO: May I explain my vote, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Please proceed.

COMMISSIONER TADEO EXPLAINS HIS VOTE

MR. TADEO: Nais ko lamang ipaliwanag ang aking boto.

Matapos suriin ang kalagayan ng Pilipinas, ang saligang suliranin, pangunahin ang salitang "imperyalismo." Ang

ibig sabihin nito ay ang sistema ng lipunang pinag-haharian ng iilang monopolyong kapitalista at ang salitang "imperyalismo" ay buhay na buhay sa National Economy and Patrimony na ating ginawa. Sa pamamagitan ng salitang "based on," naroroon na ang free trade sapagkat tayo ay mananatiling tagapagluwas ng hilaw na sangkap at tagaangkat ng yaring produkto. Pangalawa, naroroon pa rin ang parity rights, ang service contract, ang 60-40 equity sa natural resources. Habang naghihirap ang sambayanang Pilipino, ginagalugad naman ng mga dayuhan ang ating likas na yaman. Kailan man ang Article on National Economy and Patrimony ay hindi nagpaalis sa pagkaalipin ng ating ekonomiya sa kamay ng mga dayuhan. Ang solusyon sa suliranin ng bansa ay dalawa lamang: ang pagpapatupad ng tunay na reporma sa lupa at ang national industrialization. Ito ang tinatawag naming pagsikat ng araw sa Silangan. Ngunit ang mga landlords and big businessmen at ang mga komprador ay nagsasabi na ang free trade na ito, ang kahulugan para sa amin, ay ipinipilit sa ating sambayanan na ang araw ay sisikat sa Kanluran. Kailan man hindi puwedeng sumikat ang araw sa Kanluran. I vote no.

THE SECRETARY-GENERAL, reading:

Tingson

MR. TINGSON: Mr. Presiding Officer, may I briefly explain my affirmative vote on the Article on National Economy and Patrimony?

THE PRESIDING OFFICER (Mr. Jamir) : The Commissioner may.

COMMISSIONER TINGSON EXPLAINS HIS VOTE

MR. TINGSON: Mr. Presiding Officer, there is no more important source of national wealth and resources that would sustain the lifeblood of our agriculture-based country than our forests. And yet, unmindful of our future generations and their well-being, our national leadership had, in the past, allowed the desecration and denudation of our virgin forests to the extent that, according to experts, the Philippines may become another Sahara Desert within the next 25 years. I am glad that our charter, specifically this Article on National Economy and Patrimony, is now mandating the next Congress to stop this national suicide by prohibiting logging in endangered forests and watershed areas. At long last, ours may again be a Philippines not only free but picturesquely green and alive. I vote yes.

THE SECRETARY-GENERAL, reading:

Treñas

Yes Villacorta

Uka

MR. VILLACORTA: May I explain my vote?

THE PRESIDING OFFICER (Mr. Jamir) : The Commissioner may.

COMMISSIONER VILLACORTA EXPLAINS HIS VOTE

MR. VILLACORTA: Mr. Presiding Officer, this article fails to complement Section 19 of the Declaration of Principles which provides for a self-reliant and independent national economy effectively controlled by Filipinos.

Section 1 makes industrialization and full employment dependent on agricultural development. And those responsible for this provision agree with my interpretation. Such conditional industrialization runs counter to the ideal of a self-reliant and independent economy. The provision limiting State protection of local enterprises only against unfair foreign competition and trade practices, ties the hands of our government and is detrimental to the

development of our local industries.

Section 3 abdicates protection of our natural resources by allowing companies which are not wholly Filipino-owned to exploit our natural resources.

Section 14 supposedly reserves to Filipino citizens certain areas of investment but, at the same time, takes back that prerogative by allowing partly foreign-owned corporations entry in such areas of investment.

Section 15 failed to reserve to wholly owned Filipino companies the operation of public utilities including the highly sensitive and strategic telecommunications industry.

I, therefore, vote no and reiterate my disappointment over the failure of our people to recapture our own economy. Once more I say that this article perpetuates foreign domination of our nation and our dependence on foreign industries.

THE SECRETARY-GENERAL, reading:

Villegas
Yes

Muñoz Palma Yes

SECOND ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir) : The Secretary-General will conduct a second call for those who have not registered their votes.

THE SECRETARY-GENERAL, reading:

Alonto Gascon

Bacani

MR. GASCON: May I explain my vote, Mr. Presiding Officer?

THE PRESIDING OFFICER (Mr. Jamir): Please proceed.

COMMISSIONER GASCON EXPLAINS HIS VOTE

MR. GASCON: Mr. Presiding Officer, I vote no primarily because of two reasons: One, the provision on service contracts. I felt that if we would constitutionalize any provision on service contracts, this should always be with the concurrence of Congress and not guided only by a general law to be promulgated by Congress. Second, the provision is also primarily concerned with the issue of public utilities. I had hoped that this Commission would have provided greater protection for public utilities in the interest of the Filipino people. Because of such, I vote no.

THE SECRETARY-GENERAL, reading:

Laurel
Rosales

Ople Uka

APPROVAL OF PROPOSED RESOLUTION NO. 496**ON THIRD READING**

(Article on National Economy and Patrimony)

THE PRESIDING OFFICER (Mr. Jamir) : The results show 32 votes in favor, 7 against, and 2 abstentions.

Proposed Resolution No. 496 is approved on Third Reading.

SUSPENSION OF SESSION

MR. RAMA: Mr. Presiding Officer, I move for a suspension of the session until two-thirty this afternoon.

THE PRESIDING OFFICER (Mr. Jamir) : The session is suspended up to two-thirty.

It was 1:27 p.m.

RESUMPTION OF SESSION

At 3:13 p.m., the session was resumed.

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

MR. RAMA: Mr. Presiding Officer.

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

MR. RAMA: I move that we resume consideration of the report of the Style Committee, and ask that the committee chairman be recognized.

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

MR. RODRIGO: Mr. Presiding Officer, we shall now take up the Article on National Economy and Patrimony. The first sentence of this was transposed to the Article on the Declaration of Principles, so Section 2 is now Section 1.

On Section 1, first paragraph, there is no change except for some commas (,).

MR. MONSOD: Mr. Presiding Officer.

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

MR. MONSOD: Mr. Presiding Officer, I believe what we transposed was only the first sentence.

MR. RODRIGO: Yes, the first sentence.

MR. MONSOD: Yes, thank you.

MR. RODRIGO. So Section 1 is the same as Section 1 before. On the second paragraph, there is no change from the committee except capitalizing the "S" in the word "state." Paragraph (3) was reformulated by the ADAN committee. May I request Commissioner Nollado, the "N" in the ADAN, to please come forward.

I will read the reformulated paragraph: "In the pursuit of these goals, all sectors of the economy and all regions of the country shall be given optimum opportunity to develop. Private enterprises, including corporations, cooperatives, and similar collective organizations shall be encouraged to broaden the base of their ownership."

I ask for its approval, Mr. Presiding Officer.

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

MR. RODRIGO: On Section 2, there is no change except for commas (.). On Section 3, there is no change except for commas (,) and on line 10 we added the word OR; "joint venture, OR production-sharing agreements." And "percent" was changed to "PER CENTUM."

I move for its approval.

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

MR. RODRIGO: On the second paragraph of Section 3, there is no change except for commas (,) and also the third paragraph, lines 24 to 26. On the fourth paragraph, page 85, lines 1-9, the only change is the transposition of the last sentence in the second paragraph. That last sentence reads: "In such agreements, the State shall promote the development and use of local scientific and technical resources."

As approved by the body, this is the last sentence, the second sentence, in the second paragraph. The committee recommends that it be transposed as the last sentence in the first paragraph for coherence.

I move for its approval.

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

MR. RODRIGO: On Section 4, this was reformulated by ADAN. Does Commissioner Nollado want to read this?

MR. REGALADO: Mr. Presiding Officer.

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

MR. REGALADO: On Section 4, I think there is an error on line 23, page 83, because it says: "Citizens of the Philippines may lease in excess of five hundred hectares . . ." This should read, ". . . may lease NOT MORE THAN five hundred hectares . . ."

MR. RODRIGO: What section is that?

MR. REGALADO: Section 4, line 23, page 83.

MR. RODRIGO: As I was saying, this was reformulated by the ADAN committee. Is the Commissioner reading the reformulated copy?

MR. REGALADO: No, I am reading the ones furnished us as appreciated by the Sponsorship Committee.

MR. RODRIGO: Will the Commissioner please read the reformulation of Section 4 — Lands of the Public Domain.

MR. NOLLEDO: Section 4, page 85, now reads as follows: "Lands of the public domain are classified into agricultural, forest or timber, mineral lands and national parks. Agricultural lands of the public domain may be further classified by law according to the uses to which they may be devoted."

And then on lines 17 and 18, the ADAN committee made some changes merely on the phraseology and now it reads: "Alienable lands of the public domain shall be limited to agricultural lands. Private corporations or associations may not hold such alienable lands of the public domain except by lease, for a period not exceeding twenty-five years, renewable for not more than twenty-five years, not to exceed one thousand hectares in area."

On lines 22 to 25, the words were changed to make them clearer. And so we begin: "Citizens of the Philippines may lease in excess of five hundred hectares, or acquire not more than twelve hectares thereof by purchase, homestead, or grant."

MR. REGALADO: That is precisely my question, Mr. Presiding Officer, because the original says "it should not be more than 500 hectares." Here it says "in excess."

MR. NOLLEDO: "Not in excess." There is a mistake in the sentence which reads: "Citizens of the Philippines may lease not in excess of five hundred hectares, or acquire not more than twelve hectares thereof by purchase, homestead, or grant."

MR. REGALADO: That is precisely my question, Mr. Presiding Officer, because the original says t-:at it should not be more than five hundred hectares.

MR. RODRIGO: Yes.

MR. REGALADO: And here, it says "in excess."

MR. NOLLEDO: There is a mistake here. It was a typographical error, Mr. Presiding Officer.

MR. RODRIGO: Yes.

MR. REGALADO: So there must be an insertion of "not."

MR. NOLLEDO: Yes, the insertion of "not" is now hereby made, after "lease" on line 23.

MR. REGALADO: On line 15, which reads "agricultural lands of the public domain, . . ." I do not think the comma (,) here is necessary — "Lands of the public domain may be further classified . . ."

MR. RODRIGO: Yes, that is right.

MR. NOLLEDO: That is correct, Mr. Presiding Officer.

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

MR. RODRIGO: No, just a minute. On line 23, which is better: "Citizens of the Philippines may lease not in excess" or "Citizens of the Philippines may not lease in excess"?

THE PRESIDING OFFICER (Mr. Jamir) : Is the Commissioner through?

MR. REGALADO: Yes, they have already accepted the correction.

MR. RODRIGO: I am asking Commissioner Regalado.

MR. NOLLEDO: "Not" should appear after "lease."

MR. RODRIGO: After "lease"?

MR. NOLLEDO: Yes.

MR. RODRIGO: ". . . may lease not in excess of five hundred hectares."

MR. MONSOD: Mr. Presiding Officer.

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

SUSPENSION OF SESSION

MR. MONSOD: Can we just have a one-minute suspension because the way it is formulated does not sound right.

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

It was 3:21 p.m.

RESUMPTION OF SESSION

At 3:23 p.m., the session was resumed.

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

MR. NOLLEDO: Mr. Presiding Officer.

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

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

After consultation with Commissioners Regalado and Monsod, we have agreed that lines 22-25, beginning with "Citizens" should now read: "Citizens of the Philippines may lease not more than five hundred hectares, or acquire not more than twelve hectares thereof by purchase, homestead, or grant."

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

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection. (Silence) The Chair hears none; the reformulation of the last paragraph of Section 4 is approved.

Commissioner Monsod is recognized.

MR. MONSOD: On the next paragraph, I would like to ask that the phrase "within the foregoing limitations" be eliminated, because this was not in the original, and it will give rise to a certain inconsistency.

When we say "within the foregoing limitations," I assume we are referring to the previous paragraph. The previous paragraph has several limitations, not only on the size of the land but also on the manner of disposal. It limits it to lease, whereas in this section, we are talking about "acquired, developed, held or lease."

So, I believe that that phrase would confuse rather than clarify.

MR. RODRIGO: So, the Commissioner wants it deleted?

MR. MONSOD: Yes, Mr. Presiding Officer. It was not in the original.

MR. RODRIGO: And make the letter "t" in "taking" capitalized.

MR. NOLLEDO: We will begin with "taking."

MR. MONSOD: Yes. The other point, Mr. Presiding Officer, is the word "necessities." The original word was "requirements" and when one uses "necessities," it sounds a little more like personal necessities.

MR. RODRIGO: What "requirements"?

MR. MONSOD: It should be "requirements," Mr. Presiding Officer.

MR. RODRIGO: It is all right.

MR. NOLLEDO: Yes. We will start with "Taking into account . . ." Line 26 will now read: "Taking into account

the requirements of conservation, ecology and development . . ."

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

REV. RIGOS: Mr. Presiding Officer, on line 21, I wonder whether or not it would improve the sentence by adding the word "AND" at the end of the line: ". . . renewable for not more than twenty-five years, AND not to exceed one thousand hectares in area."

MR. RODRIGO: "For a period not exceeding twenty-five years, renewable for not more than twenty-five years, not to exceed one thousand hectares in area."

MR. NOLLEDO: I beg to disagree, Mr. Presiding Officer, because it might change, in effect, the meaning if we will put AND because "not to exceed one thousand hectares" shall apply to the entire sentence beginning with "private corporations." If we put AND there, it would seem that the "one thousand hectares" will apply only to the renewal.

So, I think, we should retain the comma (,), Mr. Presiding Officer.

REV. RIGOS: I am not removing the comma (,); I am just adding the "AND."

MR. NOLLEDO: Yes; I think we should retain the comma (,) and we should not add "AND."

Thank you, Mr. Presiding Officer.

MR. RODRIGO: Mr. Presiding Officer, before proceeding to Section 5, Commissioner Garcia just told me that Commissioner Azcuna, a member of this committee and a member of the ADAN subcommittee, requested him to tell us that he wants to make a reservation as regards the second paragraph of Section 1. That is the issue on whether or not we should change the words "based on" to "CONSISTENT WITH" or "TOGETHER WITH."

So, I request that that reservation be noted now.

MR. SUAREZ: Mr. Presiding Officer.

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

MR. SUAREZ: Mr. Presiding Officer, I think we might as well take it up now.

MR. RODRIGO: I think Commissioner Azcuna requested that we wait for him.

MR. SUAREZ: Yes, thank you.

MR. RODRIGO: It is all right.

MR. GARCIA: If the Commissioner wishes, we can take it now.

MR. NOLLEDO: Mr. Presiding Officer, Commissioner Azcuna expressed his desire to participate in the discussion on this matter because of his belief that we can change the wordings without doing violence to the substance of the provision. We believe that if we change the wordings to comply with the intent of the Commission, there would be no change in the substance.

Thank you.

MR. RODRIGO: So, we defer.

MR. SUAREZ: Yes, We find merit in the suggestion that we await the arrival of Commissioner Azcuna.

MR. RODRIGO: So we defer and wait for the arrival of Commissioner Azcuna.

Section 5.

MR. MONSOD: Mr. Presiding Officer.

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

MR. MONSOD: By what authority is Commissioner Azcuna reserving the right to change those words?

MR. RODRIGO: He is just reserving, so let us wait for him and listen to what he has to say.

I now move for the approval of Section 4.

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

MR. RODRIGO: On Section 5, we put a comma (,) on line 2 after "shall" — "The Congress shall, as soon as possible, . . ."

Section 6, no change; Section 7, no change; Section 8, no change; Section 9, no change, except for a comma (,); Section 10, the only change is to change the words "which shall" on line 11 to the word "TO." So, the original was "The Congress shall create an agency which shall promote the viability . . ." And the committee changes that to "The Congress shall create an agency TO promote the viability . . ."

I move for its approval.

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

MR. NOLLEDO: Section 11, Mr. Presiding Officer, was reformulated by the "ADAN" committee in the sense that instead of using "promote" we use "PURSUE" because we have already used "promote" in Section 10. Besides, when one pursues, promotion is likewise included therein. So, Section 11 will now read: "The State shall PURSUE a trade policy that serves the general welfare and utilizes all forms and arrangements of exchange on the basis of equality and reciprocity." There is only one word changed there.

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

MR. SUAREZ: Mr. Presiding Officer.

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

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

I remember that there was a previous suggestion that the words "equality and reciprocity" be changed with ON THE BASIS OF MUTUAL BENEFIT or something like that.

Did the committee take that into account, Mr. Presiding Officer?

MR. RODRIGO: No.

MR. NOLLEDO: We took that into account but it seems to me that we did not continue with the change because of some objections.

MR. SUAREZ: Would it change the substance if we substitute "equality and reciprocity" to "MUTUAL BENEFIT"? If it does not change the substance, may we respectfully suggest that we adopt the words "MUTUAL BENEFIT"?

MR. MONSOD: Mr. Presiding Officer.

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

MR. MONSOD: I object to the substitution of "MUTUAL BENEFIT" for "basis of equality and reciprocity."

MR. RODRIGO: Then we cannot change it.

MR. DE CASTRO: Mr. Presiding Officer.

MR. RODRIGO: So the only change is to substitute the word "promote" with "PURSUE."

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: I think there is a lot of difference between promote and "PURSUE." When one says "PURSUE," he already has the policy and that what one is only doing now is to follow up that policy. But when we say "promote," then we may perhaps make a policy and then work on it. Pursuing a policy is when we already have a policy in which we will only pursue its implementation. But promoting a policy is when we may still make a policy and then promote it, or promote whatever policy is already in existence. There is a lot of difference between "PURSUE" and "promote," Mr. Presiding Officer.

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

The ADAN committee changed the word "promote" and put "PURSUE" otherwise there would be redundancy. When one talks of "promote," in effect, it echoes the following words: "serves the general welfare," "utilizes all forms and arrangements of exchange on the basis of equality and reciprocity." These words indicate promotion.

MR. DE CASTRO: No.

MR. NOLLEDO: And when we "pursue" a trade policy, that means the policy has not actually existed.

MR. DE CASTRO: We can look at 10 dictionaries; "PURSUE" and "promote" are not the same.

MR. NOLLEDO: No. I may agree with the Commissioner on that score, but the word "promotion" is already served by the words following the word "that."

MR. DE CASTRO: I object to the change of the word, Mr. Presiding Officer.

MR. RODRIGO: I ask for a suspension for one minute.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? Is the Commissioner asking for a vote?

SUSPENSION OF SESSION

MR. RODRIGO: No, because it is hard to vote on that. I ask for a Suspension of one minute

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

It was 3:32 p.m.

RESUMPTION OF SESSION

At 3:34 p.m., the session was resumed.

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

Commissioner de Castro is recognized.

MR. DE CASTRO: I withdraw my objection, Mr. Presiding Officer.

MR. NOLLEDO: Thank you.

MR. RODRIGO: Thank you.

So I move for the approval of Section 11.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Section 11 is approved.

MR. RODRIGO: Section 12 was reformulated by ADAN (Azcuna-Davide-Nolledo). So I ask that Commissioner Nolledo be recognized.

MR. NOLLEDO: Section 12 as formulated, Mr. Presiding Officer, now reads: "The sustained development of a reservoir of national talents consisting of Filipino scientists, entrepreneurs, professionals, managers, high-level technical manpower and skilled workers and craftsmen in all fields shall be promoted by the State. The State shall encourage appropriate technology and regulate its transfer for the national benefit."

MR. RODRIGO: I ask for approval of that first paragraph.

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

MR. RODRIGO: On the second paragraph, the committee has no change except for a comma (.). On Section 13, there is no change except for commas (.). On Section 14, change "percent" to "PER CENTUM" and transpose the phrase "when the national interest dictates." This used to be at the end of the first sentence. Now, we placed it early in the sentence. So it reads: "The Congress shall, upon recommendation of the economic and planning agency, when the national interest dictates, reserve to citizens of the Philippines or to corporations or associations . . ."

I ask for its approval, Mr. Presiding Officer.

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

MR. RODRIGO: On the second paragraph of Section 14, there is no change except for a comma (.). On the third paragraph, no change. On Section 15, line 23, change "percent" to "PER CENTUM." And on page 89, line 6, change "the capital thereof" to "ITS CAPITAL," so it will read: "The participation of foreign investors in the governing body of any public utility enterprise shall be limited to their proportionate share in ITS CAPITAL . . ." On line 7, "corporations" and "associations" should be singular to read: "managing officers of such corporation or association must be citizens of the Philippines."

I ask for its approval.

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

MR. RODRIGO: On Section 16, the only change is on lines 16 and 17. We change "supervisory authority" to "SUPERVISION," so it now reads: "It shall have SUPERVISION over the operations of banks."

On line 18, we change "authority" to "POWERS" to read: "and exercise such regulatory POWERS as may be

provided by law.”

I ask for its approval.

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

MR. RODRIGO: We converted the last sentence of Section 15 into a paragraph and added the word "THE" before "Congress."

I ask for its approval.

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

MR. RODRIGO: On Section 17, line 27, insert the word "MADE" before the word "available," so it reads: "foreign loans obtained or guaranteed by the government shall be MADE available to the public" instead of "shall be available."

I ask for its approval.

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

MR. RODRIGO: On Section 18, add “s” to “charter” to read “charterS.” Then delete “a” after “by” in “Government-owned or controlled corporations may be created or established by a . . .” So it now reads: “Government-owned or controlled corporations may be created or established by special charterS . . .”

I ask for its approval.

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

MR. RODRIGO: On Section 19, no change except for a comma (.). On Section 20, we deleted the words "during the duration of the public emergency" and substituted "DURING THE EMERGENCY" to make it briefer.

I ask for its approval.

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

MR. RODRIGO: On Section 21, there is no change. On Section 22, we deleted the word "are" and in its stead, we inserted the phrase "SHALL BE CONSIDERED"; then we deleted the words "shall be" between "and" and "subject" on line 22, and we interchanged "civil" and "criminal" to read: "criminal and civil sanctions." So the section now reads: "Acts which circumvent or negate any of the provisions of this Article SHALL BE CONSIDERED inimical to the national interest, and subject to criminal and civil sanctions, as provided by law."

MR. SUAREZ: Mr. Presiding Officer.

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

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

With these amendments and transpositions, would this not constitute an ex post facto law? Will the committee please consider that?

MR. AZCUNA: Which one?

MR. RODRIGO: Section "?

MR. SUAREZ: "As provided by law" means that if there is no law, then they are not yet criminal acts, Mr. Presiding Officer.

MR. RODRIGO: "As provided by law" is not a committee amendment. That is in the original.

MR. NOLLEDO: Mr. Presiding Officer I do not think it will be ex post facto because we are talking of acts that will violate the provisions on national patrimony and we contemplate existence of law before criminal sanctions may lie.

MR. SUAREZ: So the Gentleman would not consider the insertion of the word "MAY BE" between "as" and "provided"? Should it not be "AS MAY BE provided by law" because the Gentleman is thinking in terms of existing laws when he speaks of "as provided by law."

MR. NOLLEDO: We will agree with that, although we feel that there is already an existing law that also metes out criminal penalty.

MR. SUAREZ: So, can we suggest this amendment?

MR. NOLLEDO: We accept.

MR. SUAREZ: Thank you.

MR. RODRIGO: So, the line, as amended, reads: "as MAY BE provided by law."

I ask for its approval.

MR. REGALADO: Mr. Presiding Officer.

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

MR. REGALADO: Since we have eliminated the word "are" under line ", can I ask for the deletion of the comma (,) after the word "interest" to read "national interest and subject to criminal and civil sanctions"?

MR. RODRIGO: We accept and thank the Gentleman.

MR. AZCUNA: Mr. Presiding Officer, could we go back to Section 4 because I noted some mistakes there when I was out — "Alienable lands of the public domain shall be limited to agricultural lands," on page 85. Did the Gentleman take that up?

MR. RODRIGO: Yes.

MR. AZCUNA: Mr. Presiding Officer, I would presume that Section 22 is approved already before we go back to page 85.

MR. RODRIGO: Yes.

MR. AZCUNA: May we ask, with the Gentleman's indulgence, what is the correction in Section 4? The Commissioner took up the sentence "Alienable lands of the public domain shall be limited to agricultural lands" because it is already in a previous section or did he let it stay there?

MR. NOLLEDO: No, we can let it stay there.

MR. AZCUNA: I see.

MR. NOLLEDO: We made changes on lines 22 to 25, and it now reads: "Citizens of the Philippines may lease not more than five hundred hectares, or acquire not more than twelve hectares thereof by purchase, homestead, or grant." We repeated the phrase "not more than" to lay emphasis on the limitation. And then we deleted on line 26 the words "Within the foregoing limitations" because the limitations are already well-stated in Section 4 and, therefore, it is not necessary to state again those words on line 26. And then instead of using "necessities" on line 27 we reinstated the word "requirements" as recommended by Commissioner Monsod.

MR. AZCUNA: On Section 1, what happened to that phrase "based on"?

MR. NOLLEDO: We made a reservation.

MR. RODRIGO: Yes, we made a reservation to wait for the Commissioner. Would the Commissioner want to go back there now or should we finish? I think there are only a few pages left.

MR. AZCUNA: We can finish.

MR. NOLLEDO: Did the Commissioner finish already the entire article?

MR. RODRIGO: Yes, but there is the Article on Transitory Provisions. We want to go back there now, or do we want to finish the phraseology?

MR. NOLLEDO: I think the provisions on the Transitory Provisions should be taken up separately.

MR. AZCUNA: Let us finish with the Article on National Economy and Patrimony.

MR. RODRIGO: I agree.

MR. NOLLEDO: So we return to page 83, line 8, to the controversial words "based on."

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: Mr. Presiding Officer, I thought we finished that because there were so many considerations of "together with," "consistent with" which we have discussed this morning. Are we opening it again?

MR. AZCUNA: No, Mr. Presiding Officer. We finished the article on Third Reading this morning and we are now on style. So we are considering if we can restyle this.

MR. DE CASTRO: Even on Third Reading, this was the question this morning and I even asked some queries to the sponsor through the chairman of this committee, the Honorable Villegas.

MR. NOLLEDO: Mr. Presiding Officer, the discussion was with respect to the voting on Third Reading. The committee is now acting within its domain and authority to determine whether it is appropriate to change the words "based on," because we feel that if it is the intent of the Commission to really let these words mean "together with," then there will be no change in the substance if we give meaning to the real intention of the Commission.

MR. DE CASTRO: Our memories are quite short. It is very definite that we took this up this morning and I even asked Honorable Villegas whether there is a substantial change between "based on and "consistent with."

MR. RODRIGO: Yes, this was discussed this morning but I do not remember any decision or ruling made.

MR. AZCUNA: May I explain, Mr. Presiding Officer. This morning it was sought that we substitute "based on" with "consistent with" not on the basis of style but as a basis of substantial content and it was resisted because

there would be a change in meaning. However, now that we are on styling, what I am asking is, if we could rephrase this without changing its meaning. I am not necessarily saying it should be "consistent with" because if we can arrive at a formulation that will mean the same thing solely on the basis of style, I think, it would still be in order.

MR. RODRIGO: Does the Commissioner have any suggestion?

REV. RIGOS: Mr. Presiding Officer.

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

REV. RIGOS: Mr. Presiding Officer, if the words intended to be used as substitutes are "consistent with," I do not find a substantial difference of these words from "based on," but if the words "together with" are used, that would be substantial. So, personally, if the proposal is "consistent with," I will consider that as within stylistic change but not in the case of "together with."

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: May I hear the word or words which Honorable Azcuna would like to substitute for "based on"?

SUSPENSION OF SESSION

MR. AZCUNA: May I ask for a suspension of the session so that we can discuss this properly?

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

It was 3:48 p.m.

RESUMPTION OF SESSION

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

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

The Floor Leader is recognized.

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

THE PRESIDING OFFICER (Mr. Jamir): The committee chairman, Commissioner Rodrigo, is recognized.

MR. RODRIGO: Mr. Presiding Officer, I propose that we continue with the report of the Committee on Style in improving the phraseology of the provisions, without prejudice to going back to that Section 1 after we have finished with the work of the Committee on Style.

MR. MONSOD: Mr. Presiding Officer.

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

MR. MONSOD: I just want to register my objection to the change because it would be inconsistent with the records of this Commission on changing. The records show that even if it is acceptable, it will have to be done through a suspension of the Rules; and anybody is free to look at the records on that.

MR. RODRIGO: So, does the Commissioner mean that later on, after we finish, this can be taken up without

prejudice to suspending the Rules, if it can be done?

So, we now go to the Article on the Declaration of Principles and State Policies.

On Section 1 there is no correction except that we interchanged the sequence of "Republican and democratic"; instead, we made it "democratic and republican state."

I ask for its approval.

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

MR. RODRIGO: On Section 2, no correction except for commas (,).

On Section 3, we amended it to read: "Civilian authority is, at all times, supreme to the military," instead of "the civilian authority . . ."

I ask for its approval.

MR. RAMA: Mr. Presiding Officer.

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

MR. RAMA: There is no need for a comma before and after "is at all times."

MR. RODRIGO: But there is a comma (,) originally. There are two commas (,) originally.

MR. RAMA: Therefore, I ask that we remove the commas (,) because it would emphasize that there is no qualification.

MR. DAVIDE: No, Mr. Presiding Officer, I will object to the deletion of the commas (,) separating "at all times" because this was a formal amendment which the Commission itself voted favorably.

MR. RAMA: Yes, but we are not talking of substance here. We are talking of commas.

MR. DAVIDE: The commas themselves were the amendments and I was the main author of that.

MR. RODRIGO: I see. So, I ask for approval of the deletion of the word "The."

MR. RAMA: May I know the rationale for the insistence on commas (,).

MR. DAVIDE: I explained the rationale during the presentation of the amendment. I would like to reiterate. It is to emphasize the supremacy of civilian authority. It is to give more emphasis to the phrase "at all times."

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. RAMA: As a matter of fact, it would be more emphatic if we do not have the comma, because "at all times" will describe "is" — "is at all times supreme over the military."

MR. RODRIGO: Yes. Mr. Presiding Officer, I reiterate my motion.

MR. MAAMBONG: Mr. Presiding Officer, before we vote, as approved by the body during the consideration of the Article on General Provisions, the first two sentences of Section 11 of the General Provisions which reads: "The Armed Forces of the Philippines is the protector of the people and the State," will be transposed as the second sentence under Section 3 of the Declaration of Principles.

MR. RODRIGO: Where is that? Where will the Commissioner place that?

MR. MAAMBONG: In Section 3; this will be after "supremacy of civilian authority over the military." I will read again the first two sentences of Section 11: "The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory."

MR. RODRIGO: On what page was that originally?

MR. MAAMBONG: This is on Section 11 of the Article on General Provisions. As a matter of fact, we just received Section 3 of the Declaration of Principles.

MR. RODRIGO: We have not taken the Article on General Provisions yet. Will the Commissioner please dictate it again? Please read it slowly so our Secretary-General can take it.

MR. MAAMBONG: The second sentence of Section 3 of the Declaration of Principles would read: "The Armed Forces of the Philippines is the protector of the people and the State. Its mission is to secure the sovereignty of the State and the integrity of the national territory." "Mission" is the corrected term in lieu of "goal."

For reference, please look at the copy of the Article on General Provisions.

MR. RAMA: Mr. Presiding Officer.

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

MR. RAMA: I beg to disagree because this principle is very important. We must not dilute it with any other subsequent sentences or ideas about the army or the military as being the protector. "Civilian authority is at all times supreme over the military," this should stand alone because this is a very important provision, particularly after our experience in the last administration.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: I was sitting in the Committee on General Provisions when this particular section was taken up and this was deliberated on by the body. It was the sense of the Commission that it should be transferred to this article. And as a matter of fact, in the copy of the Article on General Provisions which has just been distributed to us, it is clearly indicated in Section 11, first sentence: "For transposition to the Article on Declaration of Principles and State Policies," precisely because the body already approved the transposition.

MS. ROSARIO BRAID: Mr. Presiding Officer.

MR. DE CASTRO: Mr. Presiding Officer.

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

MS. ROSARIO BRAID: I agree with Commissioner Maambong. I also raised, at that time, the question of having two provisions on the military because I also recognized that the present provision may be different from this provision that we will transpose. In other words, these could be two separate provisions on the military. So I raised that question and I think it was thrown to the Committee on Style to either put it as two separate provisions. I do agree also with Commissioner Rama that we have this as separate from that other article or provision. In effect, what I am saying is that we will have two provisions on the Armed Forces in the Declaration of Principles.

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

MR. DE CASTRO: Thank you.

I am more concerned on this and I was the one defending it before this body. I have just finished my detailed answers and questions in the Journal; I just handed it this morning. Clearly, from the records, it is approved by the body that the first sentence of Section 11 of the General Provisions shall be transposed to the Declaration of Principles. However, the word "mission" is not in the original formulation. It reads: "Its goal is to secure the sovereignty of the State." I am now getting confused why "mission" is here on Section 11 of the General Provisions also. And yet, the original is "Its goal." So, there are two reports of the General Provisions on Section 11 stating "Its goal" on one and "Its mission" on the other.

MR. RODRIGO: One is, "as approved by the body" and the other is "as amended" or as proposed. But that is a proposed amendment by the Style Committee —instead

MR. DE CASTRO: I see. When we talk of "mission," that is only one. I have a mission to kill somebody. After I kill him, I finish my mission. I have a mission to get that kill under operation. After I get the kill, I am through with the mission. But "goal" is a continuous affair. So I would refuse to have it changed to "mission."

MR. RODRIGO: Yes. I will have no objection to that.

MR. DE CASTRO: "Mission" is limited.

MR. RODRIGO: Yes. All the members of the Style Committee are civilians so we did not realize then that "mission" has a peculiar significance among army people. So, I will have no objection to going back to "goal."

MR. AZCUNA: We will retain "goal."

MR. DE CASTRO Thank you.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: During the deliberations, I was the one who proposed that this should be transferred specifically to Section 3 because there is no other section to which I could tack it in. If we make this into two separate articles, it would look very bad on our sequence because the text in line is the "duty of the government is to serve and protect the people"; the next in line again is "maintenance of peace and order." So I would plead that this remain as approved by the body on Section 3.

Thank you.

MR. TINGSON: Mr. Presiding Officer.

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

MR. TINGSON: As chairman of the Committee on the Declaration of Principles, I agree that we did agree as a committee, as mentioned by Commissioner Maambong, that we move this particular sentence to Section 3 of the Declaration of Principles.

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

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

MR. RODRIGO: Now, on Section 4.

MR. PADILLA: Mr. Presiding Officer.

MR. RODRIGO: Delete the semicolon (;) after the "State" and add "AND" and a comma (,) before "in fulfillment thereof." So instead of "the government may call upon the people to defend the State and in the fulfillment thereof," it now reads: "The government may call upon the people to defend the State AND, in fulfillment thereof." We deleted "the."

I ask for its approval.

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

MR. RODRIGO: On Section 5, the only correction is to delete the word "the."

MR. AZCUNA: Before we go to Section 5, Mr. Presiding Officer, Senator Padilla has a proposal which he submitted to me yesterday to transfer a provision in the State Policies to the Principles and to restyle it.

May we ask Vice-President Padilla to explain.

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

MR. PADILLA: Mr. Presiding Officer, on Section 8 that appears under State Policies, on the maintenance of peace and order, I intend or propose that this be considered a principle rather than a policy only. In other words, transfer Section 8 between Sections 4 and 5 as a state policy. It would read: "THE MAINTENANCE OF PEACE AND ORDER, THE PROTECTION OF LIFE, LIBERTY AND PROPERTY AND THE PROMOTION OF THE GENERAL WELFARE." The original was "shall be pursued by the State." Maybe we can change that to "ARE ESSENTIAL FOR THE ENJOYMENT BY ALL THE PEOPLE OF THE BLESSINGS OF DEMOCRACY." This is not only to be pursued or to be implemented by the State or the government but it is really a declaration of principle. In other words, the maintenance especially of peace and order is not with the words "The State shall maintain peace and order" but that "THE MAINTENANCE OF PEACE AND ORDER . . ." is a primary or fundamental principle. That is why I was suggesting the transposition of Section 8 from a policy to a principle.

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

MR. MAAMBONG: Mr. Presiding Officer, if the Members of the Commission will kindly go over the preliminary sequencing report which we have distributed earlier, it will be noted that the suggestion of Vice-President Padilla had long been complied with. Section 8 is now in Section 5 under the heading on Principles. But I can only answer his query regarding the transfer to Principles. As far as the wording is concerned, that is the job of the Committee on Style.

Thank you, Mr. Presiding Officer.

MR. AZCUNA: In that case, Mr. Presiding Officer, may we proceed until we come to that portion, then we will consider the restyling proposed by the Vice-President.

MR. RODRIGO: So that will be Section 5, after Section 4.

MR. AZCUNA: Yes. But we can restyle it when we come to it later.

MR. RODRIGO: In which case, Section 5 will now become Section 6. The only correction here is, we removed the word "the" before "Church." Instead of "The separation of the Church and State," it reads: "The separation of Church and State."

I move for its approval.

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

is approved.

MR. RODRIGO: On State Policies, no change in Section 6. No change in Section 7.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: In Section 5, in the copy that was distributed to us, the Third Reading copy of Declaration of Principles, it says: "The separation of the Church and State." The body has settled this a long time ago. This should be "separation of Church and State."

MR. RODRIGO: Yes, that is what I said; we deleted the word "the."

MR. AZCUNA: It is not there anymore.

MR. RODRIGO: On Section 8, this is transposed. Section 9 remains as Section 9; no change.

MR. AZCUNA: We are on Section 8 now, Mr. Presiding Officer.

MR. RODRIGO: Section 8 is transposed.

MR. AZCUNA: Could we decide now on the restyling as proposed by Vice-President Padilla?

MR. RODRIGO: I would like to call the attention of Commissioner Padilla to the fact that the Committee on Style has restyled Section 8, and he might want to adopt the reformulated wording by the Committee on Style.

Will Commissioner Azcuna please read the way we reformulated it.

MR. AZCUNA: As we restyled it, it says: "THE STATE SHALL MAINTAIN PEACE AND ORDER, PROTECT LIFE, LIBERTY, AND PROPERTY AND PROMOTE THE GENERAL WELFARE."

MR. RODRIGO: It is shorter.

MR. PADILLA: Yes, but that shorter paraphrasing, which sometimes I usually agree with, does not implement the idea that the maintenance of peace and order is not only to be pursued, is not only to be implemented, but that it is a principle. Maintenance of peace and order is a principle.

MR. RODRIGO: So we maintain the original as is. We agree.

MR. PADILLA: If the members of the Style Committee would agree, instead of saying "shall be pursued by the State," because that was my original wording, just say "the maintenance of peace and order, the protection of life, liberty and property and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."

MR. AZCUNA: Mr. Presiding Officer, I think Vice-President Padilla is correct, especially because this is now to be transferred to Principles, and our formulation would fit only if it were under Policies.

MR. PADILLA: Yes, that is correct, Mr. Presiding Officer.

MR. AZCUNA: So we would like to recommend that.

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

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

MR. RODRIGO: On Section 9, no change except for a comma (.). Section 10, no change. Section 11, no change. Section 12, no change. Section 13, no change except for commas (.). On Section 14, the changes consist of a comma (,) and the insertion of the words "BEFORE THE LAW."

May I call the attention of Commissioner Aquino. We inserted "BEFORE THE LAW" and it now reads: "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality BEFORE THE LAW of women and men."

On Section 15, we transposed the sequence of "promote and protect" to read: "protect and promote" and we added "OF THE PEOPLE." The line now reads: "The State shall protect and promote the right to health OF THE PEOPLE and instill health consciousness among them."

I ask for its approval.

REV. RIGOS: Mr. Presiding Officer.

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

REV. RIGOS: Instead of "between women and men," I suggest "BETWEEN MEN AND WOMEN." (Laughter)

MR. RODRIGO: That was discussed extensively.

REV. RIGOS: And I ask all the men here to vote for my suggestion. (Laughter)

MR. AZCUNA: We submit.

MR. RODRIGO: He is joking.

MR. AZCUNA: It is just a quibble.

MR. RODRIGO: I ask for the approval of Section 15.

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

MR. RODRIGO: On Section 16, no change. Section 17, just a comma (.). On Section 18, there is a transposition. Instead of "The State affirms labor as a primary social force and then accordingly promote their welfare," we state: "The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."

I ask for its approval, Mr. Presiding Officer.

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

MR. RODRIGO: On Section 19, no change. Section 20, just a comma (.). Section 21, no change. Section 22, no change. Section 23, just a comma (.). Section 24, no change.

MS. ROSARIO BRAID: Mr. Presiding Officer.

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

MS. ROSARIO BRAID: I think Commissioner Maambong has assured me that between Sections 23 and 24, we shall transpose the provision on Communications.

MR. MAAMBONG: I was reserving it for last, Mr. Presiding Officer, just to indicate that there is an instruction

from the body to transfer Section 7, "Communication and Information" of the General Provisions because it is not found in our text. But I just want to indicate that for the record so that when we sequence it, we will include it.

And, as suggested, it will specifically fall in the resequenced provisions in Section 24.

MR. RODRIGO: So, it will come after Section 23; it will become Section 24.

MR. MAAMBONG: Mr. Presiding Officer, just assign it as Section 28, then the Sequencing Committee will take care of the rest.

MR. RODRIGO: So, we will deal with that later.

On Section 25, the only change is, instead of "ensure," we use the word "GUARANTEE." So, instead of "The State shall ensure equal access to opportunities for public service," we say "The State shall GUARANTEE equal access to opportunities . . ."

I ask for its approval.

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

MR. RODRIGO: On Section 26, no change. Section 27, no change. On Section 28, there is a transposition which will be given later.

So, that chapter is finished.

MR. RAMA: May I ask that we vote on the entire Article on Declaration of Principles and State Policies.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; the entire Article on Declaration of Principles and State Policies is approved.

MR. RODRIGO: We now go to the Article on Family Rights.

On Section 1, no change. On Section 2, we added the word "ENCOURAGED" and placed a comma (,) after "Marriage," so it will read: "Marriage, as an inviolable social institution is the foundation of the family and shall be ENCOURAGED and protected by the State."

I ask for its approval, Mr. Presiding Officer.

MR. MONSOD: Mr. Presiding Officer.

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

MR. MONSOD: I believe that during the deliberations on this article, I made a suggestion to transpose the second sentence of Section 2 to Section 1. And I think the records will show that this was accepted. The second sentence of Section 2 deals with the family and not with marriage.

MR. RODRIGO: Let us see. It says: "The State shall recognize the Filipino family . . . it shall strengthen . . ." So, the Commissioner wants to transpose the second sentence of Section 2 which reads: "The State shall respect the family as an autonomous social institution."

MR. MONSOD: Yes, Mr. Presiding Officer.

My suggestion was to combine the first sentence of Section 1 and the second sentence of Section 2 because they both refer to the family.

MR. RODRIGO: Yes, I have no objection to that.

MR. AZCUNA: No objection.

MR. MONSOD: But it has to be restyled in combination, Mr. Presiding Officer.

MR. AZCUNA: Yes, it has to be restyled.

MR. RODRIGO: So, this reads: "Section 1 — The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development." Do we repeat the "State"?

MR. AZCUNA: The term is "It shall."

MR. RODRIGO: So, it now reads: "It shall respect the family as an autonomous social institution."

THE PRESIDING OFFICER (Mr. Jamir) : One moment.

Commissioner Rigos is recognized.

REV. RIGOS: I will wait for the approval of Section first.

MR. RODRIGO: I move for the approval of Section 1.

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

MR. DE CASTRO: When we were discussing this, I was questioning the term "Filipino family." Then I even asked what family are we talking here; certainly, not the Korean family, not the Japanese family, not the American family. This is our Constitution and we are talking certainly of a Filipino family. Do we need to put that?

MR. RODRIGO: So, the Gentleman wants to say: "The State recognizes the family."

MR. DE CASTRO. It looks awkward to me, Mr. Presiding Officer, stating in the Filipino Constitution the phrase "the Filipino family." Certainly, we are not talking of any other family here.

MR. RODRIGO: Does the Commissioner want "Filipino" deleted?

MR. DE CASTRO: That is my problem.

MR. RODRIGO: So, the line would read: "The State recognizes the family."

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

MR. NOLLEDO: Mr. Presiding Officer, I vigorously object to the deletion of the word "Filipino" because in the Philippines, there are foreign families residing in the country. And they will invoke the rights when we delete the word "Filipino."

MR. DE CASTRO: But this Constitution refers to the Filipino family.

MR. NOLLEDO: I think that is very immaterial, Mr. Presiding Officer.

Thank you.

MR. DE CASTRO: But our Constitution certainly, Mr. Presiding Officer, refers to the Filipino people, no other. If there is a Chinese, he becomes a naturalized Filipino; certainly, he becomes a Filipino.

That is my problem since the time we were still discussing Family Rights. I will be uncomfortable with "Filipino"

there. I will be still happier if it is not there.

MR. NOLLEDO: Mr. Presiding Officer.

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

MR. NOLLEDO: I think that all of us are aware that there are provisions in the Bill of Rights that are applicable even to aliens. Not all of the rights and obligations or privileges set forth in the Constitution are available to Filipinos exclusively. There are cases where aliens may invoke certain constitutional provisions.

MR. DE CASTRO: But when we talk of family, certainly it is the Filipino family. When we talk of rights, yes, there may be rights of foreigners. But when we talk of family in a fundamental law, a municipal law, then it is the Filipino family.

THE PRESIDING OFFICER (Mr. Jamir) : What is the pleasure of the committee?

SUSPENSION OF SESSION

MR. RODRIGO: I ask for a suspension of the session.

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

It was 4:23 p.m.

RESUMPTION OF SESSION

At 4:27 p.m., the session was resumed.

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

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: As I stated before the session was suspended, I feel uncomfortable with the word "Filipino," and I will be more comfortable without it. But Honorable Davide has a better reason, so while I am withdrawing my objection to it, I would like Honorable Davide to be heard.

MR. DAVIDE: Mr. Presiding Officer, the committee has decided to retain "Filipino." I was outvoted and so I will not explain anymore the reasons why I really wanted to support the Commissioner's proposal.

MR. RODRIGO: So we retain that. How about this transposition?

MR. BENNAGEN: We transpose the concept in the second sentence on Section 2 to the first sentence of Section 1, so that it will read: "The State recognizes the Filipino family as an autonomous social institution and as the foundation of the nation."

MR. RODRIGO: So not the whole sentence will be transposed?

MR. BENNAGEN: Not the whole sentence.

MR. RODRIGO: Will the Commissioner restate it?

MR. BENNAGEN: "The State recognizes the Filipino family as an autonomous social institution and as the foundation of the nation."

MR. RODRIGO: Then followed by "accordingly, it shall strengthen its solidarity and actively promote its total development."

I ask for its approval.

MR. AZCUNA: Mr. Presiding Officer.

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

MR. RODRIGO: Just a minute. Is Section 1 accepted?

MS. AQUINO: Maybe we should dispose first the amendment of Commissioner Bennagen.

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

MS. NIEVA: Mr. Presiding Officer.

MR. MONSOD: I wanted to talk about Section 2. Is Section 1 finished already?

MS. AQUINO: Not yet.

MR. RODRIGO: So I ask for approval of Section 1, as reformulated.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection to Section 1?

MS. NIEVA: Mr. Presiding Officer.

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

MS. NIEVA: The formulation says that we start with "The State recognizes the Filipino family as an autonomous institution."

MR. RODRIGO: "Social institution."

MS. NIEVA: ". . . and as the foundation of the nation."

MR. RODRIGO: Yes, Mr. Presiding Officer.

MS. NIEVA: I feel that "the foundation" should come first because it is the foundation.

MR. RODRIGO: Would Commissioner Bennagen agree to the transposition which reads: "The State recognizes the Filipino family as the foundation of the nation and as an autonomous social institution"?

MR. BENNAGEN: I accept. I just want to underscore the autonomous concept of a family.

THE PRESIDING OFFICER (Mr. Jamir) : Is the Commissioner through?

Commissioner de Castro is recognized.

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

MR. BENNAGEN: I ask for its approval.

MR. DE CASTRO: When we talk of a social institution, under our civil law, it is marriage as a social institution, not the family.

MR. AZCUNA: No, we are not yet there. We are still on Section 1.

MR. DE CASTRO: We are still on Section 1.

MR. AZCUNA: May I propose, Mr. Presiding Officer.

MR. DE CASTRO: So I do not feel that we should put family as a social institution because under our civil law, it is marriage which is the social institution, not the family.

MR. AZCUNA: May I clarify the situation? The situation is, we are still on Section 1. Section 1, as the Committee on Style recommended, states: "The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development." Now, Commissioner Bennagen wants to transfer the second sentence in Section 2 to Section 1 and reword the first sentence of Section 1 to state the concept together, but Commissioner Maambong earlier indicated that there was an agreement to put a provision on the family in the Declaration of Principles. So, I was going to suggest why not just put this in the Declaration of State Policies or Principles? Transfer the line which states: "The State shall respect the family as an autonomous social institution."

MR. BENNAGEN: As a statement in the Declaration of Principles?

MR. AZCUNA: Yes.

MR. BENNAGEN: It is acceptable but we already have a statement on the family in Declaration of Principles.

MR. AZCUNA: We do not have that.

MS. NIEVA: We have.

MR. DE CASTRO: Let me check. Did I get the Commissioner correctly that "The State shall recognize the family as a social institution" will be transposed? I agree with his Section 1 there.

MR. AZCUNA: We are not yet on the social institution. That is on Section 2.

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

MS. NIEVA: But that is supposed to be transposed to Section 1.

MR. AZCUNA: May I ask Commissioner Maambong what is the provision in the Declaration of Principles regarding family?

MS. NIEVA: It is different.

MR. RODRIGO: Commissioner Maambong asks to be recognized.

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

MR. MAAMBONG: During the deliberations on family rights, I recorded in my notes that it was the sense of the body that the principle of family rights should be in the Declaration of Principles and State Policies. In view of that sense, I already assigned a section for family under Section 12 of the resequenced sections. But now, I really do not know what I am going to put in the section because everybody is amending everything. So, I just would want to find out, Mr. Presiding Officer, what is that particular section that I will place in the provision in the Declaration of Principles.

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

MR. MONSOD: I believe that if the Commissioner will take a look at Section 12, on policies, the sentence which reads: "The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic social institution" is there. So, there is nothing to transpose.

MR. AZCUNA: I stand corrected.

MR. MONSOD: What we want to do in the Article on Family Rights is merely to combine the first sentence of Section 1 and the second sentence of Section 2 because they both refer to family. There is nothing to transpose to the Declaration of Principles because it is already there as a basic social institution.

MR. AZCUNA: Our problem there would be, since we talk of the Filipino family, if the Commissioner says autonomous social institution, he should not limit it to the Filipino family. It is all right if he says foundation of the nation. But if he says autonomous social institution, even non-Filipino families should really be accorded that right.

MR. MONSOD: Yes, except that what we are saying as the foundation of the nation, meaning the Philippines, are Filipino families.

MR. AZCUNA: Yes but how about autonomous social institutions? If the Gentleman mixes it with the first sentence, how would he reword the first sentence?

MR. MONSOD: I would put foundation of the nation first.

MR. RODRIGO: Mr. Presiding Officer, how about the first suggestion that the whole sentence be transposed so that it will be a separate sentence. It will read: "It shall respect the family," without the Filipino, then add "an autonomous social institution." How about that?

MR. MONSOD: Yes. We may say: "The State recognizes the Filipino family as the foundation of the nation and shall respect it as an autonomous social institution."

MR. RODRIGO: "Followed by and accordingly it shall strengthen. . ."

MR. MONSOD: Yes.

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

MR. PADILLA: Mr. Presiding Officer, it has already been mentioned in Section 12 that the State recognizes the sanctity of family life and shall protect and strengthen the family as a basic social institution. Now, why are we going to reinsert this here, and instead of using the word "basic," we say "autonomous social institutions"? I think this is a surplusage. It is already a basic social institution, not an autonomous social institution.

MS. NIEVA: Mr. Presiding Officer.

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

MS. NIEVA: We cannot change this as it was approved already on Second Reading that "The State shall respect the family as an autonomous social institution." All we are doing is to transfer that to the first section because, as pointed out, the first section has to do with the family, whereas the second section has to do with marriage. It is just a transposition. We are not changing any terms or adding any term. We are just taking what we have approved on Second Reading.

MR. PADILLA: I do not remember this term "autonomous social institution." We already said in the declaration "a basic social institution, " why are we going to change that to "an autonomous social institution"?

MS. NIEVA: This was, I remember, the amendment that was introduced by Commissioner Ople, and the body approved that. So that is the way the article comes out.

MR. PADILLA: We cannot contradict for being consistent by changing the word "basic" to "autonomous."

MR. RAMA: Mr. Presiding Officer.

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

MR. RAMA: There was a very special reason for using the word "autonomous," if I remember, in the sense that the government should not meddle with the family. They are autonomous from state control because there are many things that the State has been doing particularly in the last administration that would meddle with family life. So, that is the reason this word "autonomous" was inserted by Commissioner Ople. I think I still have a good memory.

May I suggest, Mr. Presiding Officer, that in order to settle this argument of whether this second sentence of Section 2 be transferred to Section 1, we should not do that anymore because it complicates the philosophy of Section 1. As to the objection of Commissioner Chris Monsod that Section 1 talks of family while Section 2 talks of marriage, I call attention to the fact that the second line of Section 2 reads: "Marriage, as an inviolable social institution is the foundation of the family and shall be encouraged" — I think this is the word of Commissioner Aquino — "and protected by the State." Therefore, this sentence of Section 2 still refers to family. So in order not to complicate this theory and create a lot of controversies, we should leave it as is, including the word "autonomous."

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Jamir) : The session is suspended so that the Commissioners concerned can reach an agreement.

It was 4:39 p.m.

RESUMPTION OF SESSION

At 4:42 p.m., the session was resumed.

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

The Floor Leader is recognized.

MR. RAMA: Mr. Presiding Officer, we have arrived at a new formulation acceptable to everybody which will be stated by Commissioner Monsod.

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

MR. MONSOD: My suggestion is to transpose the word "autonomous" to Section 12 of the Declaration of Principles and State Policies, so that that sentence, Section 12, will now read: "The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution." And then we delete the second sentence of Section 2.

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

MR. RODRIGO: So Section 1 is as it is and Section 2, the second sentence, is deleted.

I move for its approval.

MS. AQUINO: We would like to move for the deletion of the clause "encourage and" because it was not in the Third Reading copy and there was no intention to introduce that, otherwise that will render Fr. Bernas

unconstitutional.

MR. BENGZON: Are we deleting "encourage"?

MR. RODRIGO: Yes. Section 2 will read: "Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State."

May I ask for its approval.

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

MR. RODRIGO: On Section 3, the only change is that subparagraph (a) should be "1"; (b) should be "2"; (c) should be "3"; and (d) should be "4." On Section 3(1), line 9, we change "found" to "RAISE" and it will read: "The right of spouses to RAISE."

MS. NIEVA: I would object to the change from "found" to "RAISE" because those are two distinct terms with different implications, and so we would want very much to retain the original "to found a family."

MR. RODRIGO: I listened to the discussion in the committee. They said "to found" is not known to many.

MS. NIEVA: "Found" is to start the family and plan how many children one wants to have, and so that is the beginning of the family. "RAISE" is already after one has founded the family. So "found" refers to the very beginning of family life.

MR. RODRIGO: Does the Commissioner have a more popular word?

MS. NIEVA: But that is the word that we find in other documents.

MR. RODRIGO: How about "ESTABLISH"?

MS. NIEVA: That is the word we find in other documents — "to found a family." "Found" is an accepted word.

MR. RODRIGO: So we go back to: "The right of the spouses to found a family. So, no change there except for a comma.

MS. ROSARIO BRAID: Mr. Presiding Officer, are we now in (b), (c), (d)? Can I make some comments?

MR. RODRIGO: We are now in (b), which is Section 3(2) now.

MR. AZCUNA: Should we number this as 1, 2, 3, 4?

MS. ROSARIO BRAID: This is just a minor comment on line 16.

MR. RODRIGO: Just a minute. Do we use a semicolon after each of these?

MR. AZCUNA: It is a semicolon because they are not too involved.

MR. RODRIGO: So, we put a semicolon after each.

MS. ROSARIO BRAID: On line 16, there should be no hyphen in "pre-judicial."

MR. RODRIGO: Yes, "Pre-judicial" should be one word.

MS. ROSARIO BRAID: And on (d), I think I raised this in the interpellation.

MR. RODRIGO: We are on Section 3(2). Let us finish with it. The committee amendment here is to delete the words "assistance including." So instead of "The right of children to assistance including proper care," we just

say: "The right of children to proper care and nutrition." And "prejudicial," thanks to Commissioner Rosario Braid, there is no hyphen.

I ask for approval of Section 3(2), Mr. Presiding Officer, item (b) which is now Section 3(2).

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

MS. NIEVA: Why did we remove "assistance"? "Proper care and nutrition" does not necessarily cover all forms of assistance.

MR. RODRIGO: It says: "The right of children to assistance including proper care and nutrition."

MS. NIEVA: Yes, that would only be "including proper care and nutrition."

MR. RODRIGO: Does the Commissioner want to restore that?

MS. NIEVA: Yes.

MR. RODRIGO: No objection. So, it would read: ". . . assistance including proper care." Does the Commissioner want a comma (,) after "assistance"? "The right of children to assistance, including proper care and nutrition."

MS. NIEVA: Yes. I accept.

MR. RODRIGO: I ask for approval of subsection "2."

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

MR. PADILLA: Mr. Presiding Officer.

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

MR. PADILLA: I noticed the phrase "demands of responsible parenthood" on line 12.

MR. RODRIGO: We are back to Section 1?

MR. PADILLA: Yes, Section 3, paragraph (a) or paragraph (1), lines 11 and 12. I had the impression that the phrase "responsible parenthood" was discussed and that the decision of the Commission was to eliminate "responsible parenthood."

MS. NIEVA: Mr. Presiding Officer, can I answer that?

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

MS. NIEVA: That was not eliminated in this particular Section 3(1) of the family rights. That was discussed in connection with the state policy — education for responsible parenthood. So this was approved here but this was disapproved in a succeeding proposal. I am not sure where it was placed. I think it was in the Article on Education.

REV. RIGOS: Mr. Presiding Officer.

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

REV. RIGOS: Under the Article on General Provisions, that was deleted because it is already here in the Article on Family Rights. So, we have to retain it here.

MR. RODRIGO: I agree. That was approved anyway.

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

is approved.

MR. RODRIGO: On Section 3(3), no correction except to add a semicolon (;) after the last word "income."

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

MS. ROSARIO BRAID: On Section 3(4), I raised during the interpellation about having "families" before "family associations." And I remember that Commissioner Monsod raised the same issue because it is difficult to really look at individual families as participating.

MR. RODRIGO: We are still in Section 3(3) for the information of Commissioner Rosario Braid.

Place a semicolon (;) after "income" followed by the word "AND."

I ask for its approval.

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

MR. RODRIGO: Now, we go to (d), which is now Section 3(4).

Commissioner Rosario Braid wants to be recognized.

MS. ROSARIO BRAID: I propose the deletion of "families and" so that it would read: "The right of family associations to participate." I propose the deletion because it is difficult to have individual thousands of families participate in planning and implementation.

MR. RODRIGO: Is there any objection?

REV. RIGOS: Mr. Presiding Officer.

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

REV. RIGOS: Will "associations" now become plural?

MR. RODRIGO: Yes.

MR. AZCUNA: But then, it should be "that affect THE FAMILIES," rather than "affect them."

MR. RODRIGO: So, it would read: "The right of family associations to participate in the planning and implementation of policies and programs that affect the families."

MR. AZCUNA: What would it now affect? The family or the family associations?

MR. RODRIGO: May I refer the question to Commissioner Rosario Braid.

MR. NOLLEDO: I disagree.

MR. RODRIGO: Yes, this is well-taken.

MR. AZCUNA: Why do we not ask the deletion of "families"? Is the Commissioner referring now to implementations of plans and programs that affect family associations?

MS. ROSARIO BRAID: It should be "families," Mr. Presiding Officer.

MR. RODRIGO: So, instead of "them," we place "THE FAMILIES." So that Section 3(4) will read: "The right of family associations to participate in the planning and implementation of policies and programs that affect families."

MS. QUESADA: Mr. Presiding Officer.

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

MS. QUESADA: Mr. Presiding Officer, could I just raise some misgivings about removing "families"? I remember in labor we recognize that there are many unorganized workers; and so there are also unorganized families. But there may be individual families who might be in a position to participate in policy-making.

MS. NIEVA: Yes, I would tend to agree with this observation. And I think we do not lose anything by keeping the term "families."

MS. ROSARIO BRAID: It is just the difficulty really of "families." "Family associations" would really be loose aggrupations of families.

MR. AZCUNA: Why do we not say: "The right of families and their associations"?

MR. NOLLEDO: That is incorrect because that assumes that there is one association. I think I agree with Commissioner Quesada because groups of families do not need to form associations in order to participate in the planning and implementation of policies and programs.

MR. AZCUNA: I accept the phrase: "The right of families or their associations."

MS. ROSARIO BRAID: May I just comment? I accept as long as the intent is really family associations both organized or unorganized. But if we mean families individually, then this is very difficult to operationalize.

MR. RODRIGO: I remember, after the Commissioner made the suggestion, I was asking if there was anybody objecting because this is a change in substance. If we eliminate "families," we would need unanimous consent. So, it goes back to the original — "The right of families and family associations to participate in the planning and implementation of policies and programs that affect them." We added "S" to "association."

I ask for its approval.

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

REV. RIGOS: May I support the suggestion of Commissioner Azcuna: "The right of families or family associations."

MR. AZCUNA: "or their associations."

REV. RIGOS: I stand corrected.

MR. RODRIGO: Is there any objection?

I ask for its approval, Mr. Presiding Officer.

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

MR. RODRIGO: Is it "or family associations"?

MR. AZCUNA: It is "or their associations to participate in the planning and implementation of policies and programs that affect them."

MR. RODRIGO: Which one: "or their" or "family associations"?

MR AZCUNA: Let us not repeat "family." It is "or their associations."

MS. NIEVA: Mr. Presiding Officer.

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

MS. NIEVA: Mr. Presiding Officer, I would agree to "or," but I think we should retain "family associations" because it is clearer.

MR. RODRIGO: Yes, I think we should retain it.

MR. NOLLEDO: So "their" is deleted.

MS. NIEVA: Instead of "their," just maintain what is there.

MR. RODRIGO: "The right of families or family associations."

MS. NIEVA: Yes, Mr. Presiding Officer.

MR. RODRIGO: I move for its approval.

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

MR. RODRIGO: On Section 4, in lieu of the word "schemes," we use "PROGRAMS." It now reads: "The family has the duty to care for its elderly members but the State may also do so through just PROGRAMS of social security."

I ask for its approval.

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

MR. RAMA: Mr. Presiding Officer.

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

MR. AZCUNA: Just a moment. On line 6, Section 2, there should be a comma (,) after "institution." "Marriage, as an inviolable social institution."

MR. DAVIDE: It already has a comma.

MR. AZCUNA: It has a comma?

MR. RODRIGO: Yes, Mr. Presiding Officer.

MR. AZCUNA: I just would like to point out that we entitled this "Family Rights" but in Section 4, we speak of a family having a duty. So, our title does not reflect the consent.

MR. DAVIDE: So, it should be entitled: "Family Rights AND DUTIES."

MR. RODRIGO: "Family Rights AND DUTIES." We accept.

MR. AZCUNA: Or we just leave it as that.

MR. NOLLEDO: There is only one duty.

MR. AZCUNA: We will just leave it like that, unless it is acceptable to the body.

MR. RAMA: May we ask for approval of the new title.

MR. RODRIGO: I ask for its approval.

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

MR. RODRIGO: So it is "Family Rights and Duties."

MR. RAMA: Mr. Presiding Officer, I ask for the approval or a vote on the entire Article on Family Rights and Duties.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the Article on Family Rights and Duties is approved.

MR. RODRIGO: We now go to the Article on General Provisions

On Section 1, no change except for a comma (.). Section 2, no change. Section 3, the first paragraph is transposed to Civil Service. The second paragraph becomes Section 3 since the first paragraph is transposed. Or is it likewise transposed?

MR. MAAMBONG: The whole Section 3 of the Article on General provisions has been transposed.

MR. RODRIGO: I see, to Section 4 of Civil Service.

MR. NOLLEDO: Mr. Presiding Officer, what is now the title of this article? Is it "Family Rights and Duties" or "Family Rights" only?

MR. RODRIGO: It is "Family Rights and Duties."

MR. NOLLEDO: I beg to disagree, Mr. Presiding Officer, because there is only one duty here and it is on Section 4. Most of the other provisions talk of rights.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): "Duties" should be correct because for every right, there is a corresponding duty.

MR. AZCUNA: Yes.

MR. NOLLEDO: No. I suggest that we retain the title as "Family Rights."

MR. DAVIDE: "and Duties."

MR. NOLLEDO: I do not think so. The duty there is only incidental. The duties of families are set forth in the Civil Code of the Philippines.

MR. AZCUNA: Why do we not change Section 4 to say "THE FAMILY HAS THE RIGHT TO CARE FOR ITS ELDERLY MEMBERS."

MR. NOLLEDO: I agree.

MS. NIEVA: Precisely, that was our original formulation.

MR. AZCUNA: Then, there is no more "DUTIES" in the title.

MR. DAVIDE: Yes, Mr. Presiding Officer.

MR. MONSOD: Mr. Presiding Officer.

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

MR. MONSOD: Why do we not just entitle that article "THE FAMILY"?

MR. NOLLEDO: I agree.

MR. RODRIGO: So we reconsider the former approval.

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

Commissioner Maambong is recognized.

MR. MAAMBONG: Mr. Presiding Officer, just a very minor point. We took out the "The" in the Articles on Legislative, Executive, Judicial and Constitutional Commissions. Should we put a "The" in "Family" or shall we put there just "Family"?

MR. DAVIDE: It should be "The Family."

MR. MAAMBONG: I see.

MR. RODRIGO: I would like to ask the Floor Leader if we already approved the whole title.

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

MR. RAMA: What did the Commissioner say?

MR. DAVIDE: Did we approve "The Family"?

MR. RAMA: Yes, it has been approved already.

MR. RODRIGO: So, we go to General Provisions.

MR. DE CASTRO: Mr. Presiding Officer, "Family Rights" has been approved as Article 15 in our sequencing of the articles. We approved that as "Family Rights."

MR. RODRIGO: That can be changed.

MR. MAAMBONG: Actually, in our sequencing report, we have assigned family and family life to Section 12 but we really have a provision there other than the one we have just approved. I was just asking earlier if there will be any changes in the present formulation which could be transferred to that provision which already exists. So we still have a provision there on family and family life.

MR. AZCUNA: No, what he means is the main title on the table of contents.

MR. RODRIGO: Can the Commissioner still change the title in the printing?

MR. MAAMBONG: We can.

MR. RODRIGO: Now, we come to Section 4 which should be Section 3 now.

MR. DAVIDE: Yes, Mr. Presiding Officer.

MR. RODRIGO: The only change here is: Instead of "their widows," we say "SURVIVING SPOUSES."

MR. MAAMBONG: Again, I must remind the body not to change the numbering as of now. Let it remain. If three (3) is deleted, let the whole numbering remain otherwise, we will mix up the computer.

MS. ROSARIO BRAID: Mr. Presiding Officer, anterior question on Section 4.

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

MS. ROSARIO BRAID: I wonder if the Style Committee can give another word in lieu of war in the phrase: "war veterans and veterans of military campaigns." We repeat the same word in one line.

MR. DE CASTRO: I do not believe the Commissioner can change that now because those are the veterans of war and military campaigns.

MR. AZCUNA: I suggest that we reword the phrase to read: "VETERANS OF WAR AND MILITARY CAMPAIGNS. "

MR. ROORIGO: So it will read: "VETERANS OF WAR AND MILITARY CAMPAIGNS."

MS. ROSARIO BRAID: Yes.

MR. RODRIGO: Then we deleted the original line.

MR. DE CASTRO: I said that we just maintain it.

MR. RODRIGO: Just a minute. On line 22, we deleted the word "public" in "public agricultural land." We termed this "agricultural lands OF THE PUBLIC DOMAIN." I think that is more accurate.

MR. MAAMBONG: Mr. Presiding Officer.

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. MAAMBONG: On Section 4, line 23, we have the word "development of natural resources." We are thinking that the proper term should have been "UTILIZATION." I have presented this problem to General de Castro for his proper appraisal since he is the author of this so that probably he can articulate before the committee, if he will agree to the change of "development" to "UTILIZATION."

MR. DE CASTRO: I am not the full author of this. There were so many amendments, Mr. Presiding Officer, about development and utilization and we finally landed in "development." I believe we should keep it.

MR. AZCUNA: Let us then leave it as "development."

MR. DE CASTRO: By the way, for clarification, Section 4 now of the General Provisions is Section "3."

MR. RODRIGO: No, Mr. Presiding Officer, we retain it as Section 4 to avoid confusion.

MR. DE CASTRO: But how will it come out in our Constitution? Is it Section 3?

MR. MAAMBONG: Mr. Presiding Officer, we have submitted earlier this morning through my chairman, Commissioner Guingona, our preliminary sequencing report. Could the Commissioner kindly go over it. But if he is asking where that would be, I do not have it with me right now but it is in the sequencing report of the General Provisions.

MR. RODRIGO: Anyway, this is sequencing. Can we now decide on the phraseology?

MR. DE CASTRO: So this will be Section 3.

MR. RODRIGO: As reworded, could the Commissioner please state the line.

MR. DE CASTRO: On line 19, on the last words "war veterans and veterans of military campaigns," I suggest we maintain that as approved by the body. There is a clear distinction between "war veterans" and "veterans of military campaigns." I reiterate that we maintain that as worded here.

MR. RODRIGO: How about the suggestion "VETERANS OF WAR AND MILITARY CAMPAIGNS"?

MR. DE CASTRO: That is why I suggest that we maintain "war veterans and veterans of military campaigns."

MR. RODRIGO: So we maintain that.

MR. DE CASTRO: On line 23, on "development," according to Commissioner Maambong, we will change it to "UTILIZATION."

MR. RODRIGO: That is correct.

MR. DE CASTRO: I think it is a better word. Although we discussed that quite extensively during the period of amendments, it is now Commissioner Maambong and I beating all those discussions on development and utilization on this matter. But I believe "UTILIZATION" is a good word.

MR. RODRIGO: So we change that to "UTILIZATION. "

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

MR. RODRIGO: I ask for its approval.

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

MR. RODRIGO: On Section 5, no change except for a comma (,).

MR. DAVIDE: On Section 5, the comma (,) should not be after "State" but after "shall."

MR. RODRIGO: Yes, to read: "The State shall, from time to time, . . ."

I ask for its approval.

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

MR. RODRIGO: On Section 6, the only change is on line 6. Instead of "whom," we use "THE MEMBERS OF WHICH." So it reads: "The Congress may create a consultative body to advise the President on policies affecting indigenous cultural communities, the majority of THE MEMBERS OF WHICH shall come from such communities."

I ask for its approval.

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

MR. RODRIGO: On Section 7, the first sentence is transposed to the Declaration of Principles. The second paragraph would now be Section 7. And aside from commas (,) on line 14, we change the word "the" before policy to "A," so that it reads: "out of, and across the country, in accordance with A policy that respects the freedom of speech and of the press."

I move for its approval.

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

MR. RODRIGO: On Section 8 (1), no change except for a comma (,).

REV. RIGOS: On the second paragraph, add "THE" before "Congress" to read: "THE Congress."

MR. RODRIGO: Yes, Mr. Presiding Officer.

On Section 8(2), line 1, delete the comma (,) after "industry" and insert "15" before "impressed." On line 2, add "AND" before "impressed." On line 2, add "AND" before "shall."

I ask for its approval.

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

MR. RODRIGO: On the second paragraph, line 6, we insert "the" before "advertising." It reads: "owned by such citizens shall be allowed to engage in the advertising." It should be "in advertising" so let us delete "the."

MR. MONSOD: Mr. Presiding Officer.

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

MR. MONSOD: If we take away "the" and we just say "in advertising," it could be subject to different interpretations.

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

MR. MONSOD: Why do we not just say "in the advertising industry"?

MS. ROSARIO BRAID: That was the original wording.

MR. RODRIGO: So we retain "in the advertising industry." It will now read: "Only Filipino citizens or corporations or associations at least seventy per centum of the capital of which is owned by such citizen shall be allowed to engage in the advertising industry."

I ask for its approval.

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

MR. RODRIGO: On the third paragraph, no change. On Section 9, no change.

MR. MAAMBONG: On Section 9, "with out" should be one word.

MR. RODRIGO: Yes, it should read: "The State may not be sued without its consent."

On Section 10, no change except on line 14 where we inserted the word "FROM" before "substandard," so it will read: "The State shall protect consumers from trade malpractice and FROM substandard or hazardous products."

I ask for its approval.

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

MR. RODRIGO: Section 11 is transposed.

MR. DE CASTRO: On Section 11, the first sentence, line 16, I will request that the word "mission" be changed to "GOAL." That is the original before we transposed it.

MR. RODRIGO: That was already changed.

MR. DE CASTRO: I see. On line 20, where we put there "render service," I wonder if "military training and SERVE" will be a better phrase.

MR. RODRIGO: It was "serve" and then we substituted it with "render service."

MR. DE CASTRO: The Commissioner will recall that I lost a subparagraph here where I said that the "citizen armed force may be used as may be provided by law for internal security."

I am now depending on the use of this citizen armed force by this one word "SERVE."

MR. RODRIGO: The Commissioner knows military terminology better than we do, so what does he suggest?

MR. DE CASTRO: I would rather use the word "SERVE."

MR. RODRIGO: So, this will now read: "which shall undergo military training and SERVE, as may be provided by law."

MS. ROSARIO BRAID: Mr. Presiding Officer.

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

MS. ROSARIO BRAID: May I raise a question to Commissioner de Castro.

MR. RODRIGO: Commissioner Rosario Braid would like to propound a question.

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

MS. ROSARIO BRAID: On line 19, it says "citizen arm force" but in our copy, it is "armed," with "ed."

MR. DE CASTRO: Yes, it is "armed," with "ed." I thank the Commissioner for the correction.

MR. RODRIGO: Is that all?

There is no comma after "SERVE," This now reads: "shall undergo military training and SERVE as may be provided by law."

MR. AZCUNA: We use the general style of putting a comma (,) when we say "as provided by law."

MR. RODRIGO: So, we retain the comma.

I ask for its approval, Mr. Presiding Officer.

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

MR. RODRIGO: On Section 12, the change is, instead of "solemn oath," we just said "AN oath." It now reads: "All members of the Armed Forces shall take AN oath or affirmation to uphold and defend this constitution."

I ask for its approval.

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

MR. MAAMBONG: Mr. Presiding Officer, are we now in Section 12?

MR. RODRIGO: Yes. That was subparagraph (1).

MR. MAAMBONG: I just want to point out that when we reach between subparagraphs (3) and (4), we have already agreed yesterday to insert Section 6 of Civil Service.

MR. RODRIGO: Yes, Mr. Presiding Officer.

MR. MONSOD: Mr. Presiding Officer.

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

MR. MONSOD: Just a point of information. Did we transpose the first sentence on Section 11?

MR. RODRIGO: Yes, that was transposed to the Declaration of Principles.

MR. MONSOD: Is it a separate section or is it the second sentence of Section 3, second paragraph?

MR. RODRIGO: I do not remember.

MR. MAAMBONG: Yes, it is the second paragraph, Mr. Presiding Officer.

MR. DE CASTRO: On Section 11. the first sentence will read: "The Armed Forces of the Philippines is the protector of the people and the State. The first two sentences were transposed. Section 11 will only be composed of one sentence.

MR. RODRIGO: So, we are now on Section 12. On subparagraph (2) we deleted the words "military" and "including" on the second line So, instead of "The State shall strengthen the military patriotic spirit," we just say: "The State shall strengthen the patriotic spirit and nationalist consciousness of the military and respect the people's right in the performance of their duty."

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

MR. RODRIGO: Subparagraph (3) states: "Professionalism in the armed forces and adequate remuneration and benefits for its members shall be a prime concern of the State." No change there.

MR. DE CASTRO: No change.

MR. RODRIGO: Next paragraph, no change, and there is an insertion. But we maintain number four; we maintain the numbering.

There is no change in subparagraph (4) and (5). On subparagraph 6, we deleted the "hyphen" in "Chief-of-Staff."

Is that correct?

MR. DE CASTRO: Yes, Mr. Presiding Officer.

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

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

MR. RODRIGO: On Section 13, except for a comma (,), there is no change. Section 14 was transposed to the Civil Service.

MR. BENGZON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : May I call attention of the Commission to page 100. There is a footnote here which says: "For transposition to the Article on the Declaration of Principles" but I do not find this footnote in the body of the page. Is this a mistake?

MS. ROSARIO BRAID: No, Mr. Presiding Officer. May I respond?

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

MS. ROSARIO BRAID: They should have put that asterisk in the first paragraph of Section 7.

MR. BENGZON: Thank you.

MR. ROMULO: Mr. Presiding Officer.

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

MR. ROMULO: We should now vote on the whole Article on General Provisions.

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

MR. RODRIGO: Now, we go to the Article on Transitory Provisions.

On Section 1, first paragraph, add the letter "s" to "election" to read: "ElectionS"; capitalize "M" in members and put a comma (,) after May.

I ask for its approval.

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

MR. RODRIGO: On the second paragraph, line 6, capitalize "M" in "members." Then, the next sentence was transposed from another section but delete the quotation marks.

I ask for its approval.

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

MR. TINGSON: Mr. Presiding Officer.

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

MR. TINGSON: Perhaps I was absent when this was approved, but if I remember right, usually elections are held on a Tuesday. Why did we opt for Monday this time?

MR. DAVIDE: May I explain? The provision on the Article on Legislative fixes the date of the election for Members thereof on the second Monday of May.

MR. TINGSON: I see. Thank you.

MR. RODRIGO: On Section 2, no change. On Section 3, no change except for a comma (,).

MS. ROSARIO BRAID: Mr. Presiding Officer.

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

MS. ROSARIO BRAID: This is really just a question I would like to consult the others. Do we need an "s" after "instruction" or is it already plural with "letters of instruction."

MR. RODRIGO: What line?

MS. ROSARIO BRAID: On line 13.

MR. RODRIGO: On line 13, "letters of instruction," I think there is no "s."

MS. ROSARIO BRAID: So we delete the "s."

MR. FOZ: Mr. Presiding Officer.

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

MR. FOZ: The word "instruction" has to have an "s" because if it is without "s," it has to do with education. "Instructions" refer to directions.

MR. NOLLEDO: To directives, Mr. Presiding Officer.

MR. FOZ: Without the "s," it means education. It has to have an "s."

MR. RODRIGO: Letters of instruction, LOI?

MR. FOZ: Yes, Mr. Presiding Officer.

MR. DAVIDE: Mr. Presiding Officer.

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

MR. DAVIDE: In the 1973 Constitution, it is letters of instruction, and all references are always letters of instruction, so we delete the "s."

MR. RODRIGO: On Section 4, there is no change except for a comma (,). On Section 5, the only change is to delete the words "for itself" and "the lower courts."

MR. SARMIENTO: Mr. Presiding Officer.

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

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

My question is with respect to Section 2. May I know if we have to capitalize "first" before "Congress"?

MR. RODRIGO: There is no need.

MR. SARMIENTO: It is small letter "f"?

Thank you.

MR. RODRIGO: The sentence reads: "The provisions of the existing Rules of Court, judiciary acts, and procedural laws, not inconsistent . . ." Delete the comma (,) on line 20 after "procedural laws," and also after "Constitution."

I ask for its approval.

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

MR. RODRIGO: Now on Section 5, the only change is the deletion of "for itself" and "lower courts." The original of this reads: "The Supreme Court must, within . . ." Shall we use "must" or "shall"?

MR. AZCUNA: "Must."

MR. RODRIGO: But, since this is the Supreme Court, I think it should be "shall." This is followed by "within one year after the ratification of this Constitution,. . ." In lieu of the original "adopt for itself and the lower courts," we change that to "adopt A SYSTEMATIC PLAN TO EXPEDITE THE DECISION OR RESOLUTION OF CASES OR MATTERS PENDING IN THE SUPREME COURT OR the lower courts prior to the effectivity of this Constitution."

I ask for its approval.

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

MR. RODRIGO: On Section 6, capitalize "members" and "judiciary" on line 1.

I ask for approval of Section 6.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Section 6, as amended, is approved.

MR. RODRIGO: Section 7, no change.

MR. SUAREZ: Mr. Presiding Officer.

MS. ROSARIO BRAID: Mr. Presiding Officer.

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

MS. ROSARIO BRAID: On line 5, do we not use a hyphen (-) between "six" and "year"?

MR. AZCUNA: Yes, there should be a hyphen — "six-year term."

MR. RODRIGO: Yes, there should be a hyphen (-).

MS. ROSARIO BRAID: My amendment is to insert a hyphen (-) between the words "six" and "year."

MR. SUMULONG: Mr. Presiding Officer.

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

MR. SUMULONG: I suggest that between "first" and "election" . . .

MR. RODRIGO: What line?

MR. SUMULONG: It does not have any line. On the last sentence which says: "The first election for the President and Vice-President," I propose that it be "the first regular election."

MR. RODRIGO: Where is that? What section?

MR. SUMULONG: Section 7.

MR. SUAREZ: Parliamentary information, Mr. Presiding Officer. The proposal of Commissioner Sumulong may create some confusion. Let it be made of record that the original proposal of the Committee on Amendments and Transitory Provisions was duly approved, as it was worded under Section 7. However, there is no provision

governing the calling of the first election for the President and Vice-President as suggested by the Committee on the Judiciary. Under this Constitution, we should specify that categorically. So, it is proposed that a second paragraph to Section 7 of the Article on Transitory Provisions be added to read as follows: "THE FIRST REGULAR ELECTION FOR THE PRESIDENT AND VICE-PRESIDENT UNDER THIS CONSTITUTION SHALL BE HELD ON THE SECOND MONDAY OF MAY, 1992." Otherwise, the Article on Executive does not also contain a provision calling for the first Presidential and Vice-Presidential election in 1992. What we have provided only is the extension of the tenure of the incumbent President and Vice-President until June 30, 1992. So there is something really lacking from that point of view, Mr. Presiding Officer.

MR. SUMULONG: I support the proposal of Commissioner Suarez, Mr. Presiding Officer.

MR. RODRIGO: Mr. Presiding Officer, I ask for a two-minute suspension.

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

MR. BENGZON: Mr. Presiding Officer.

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

MR. BENGZON: For that purpose, I move for a reconsideration of the approval on Second Reading of the Article on Transitory Provisions solely for the purpose of inserting that second paragraph stated by . . .

MR. SUAREZ: With the proposed amendment of Commissioner Sumulong that it should read: "THE FIRST REGULAR ELECTION."

MR. SUMULONG: That is right.

MR. SUAREZ: So, it will read in toto: "THE FIRST REGULAR ELECTION FOR THE PRESIDENT AND THE VICE-PRESIDENT UNDER THIS CONSTITUTION SHALL BE HELD ON THE SECOND MONDAY OF MAY, 1992." That will be the second paragraph of Section 7.

MR. DAVIDE: Mr. Presiding Officer.

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

MR. DAVIDE: Can I propose an amendment by inserting a phrase: "SHALL BE HELD ON THE DATE FIXED IN SECTION 1 HEREOF"?

MR. BENGZON: Why?

MR. DAVIDE: Section 1 fixed the date of the election of the Members of Congress on the second Monday of May, 1992.

MR. AZCUNA: If we say "elections" we have adopted the style of using plural all the time.

MR. SUAREZ: Can we put that to a vote, Mr. Presiding Officer?

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

MR. RODRIGO: Mr. Presiding Officer, what was the thing that was approved?

MR. BENGZON: May I read it?

MR. RODRIGO: Yes, please.

MR. BENGZON: "THE FIRST REGULAR ELECTION . . ."

MR. RODRIGO: This is section what?

MR. BENGZON: This is the second paragraph of Section 7, page 104.

MR. RODRIGO: So, we maintain the first paragraph, then add the second paragraph.

MR. BENGZON: Yes.

MR. RODRIGO: All right.

MR. BENGZON: "THE FIRST REGULAR ELECTIONS FOR THE PRESIDENT AND VICE-PRESIDENT UNDER THIS CONSTITUTION SHALL BE HELD ON THE SECOND MONDAY OF MAY, 1992."

MR. RODRIGO: I ask for its approval.

MR. PADILLA: Mr. Presiding Officer.

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

MR. PADILLA: Can we not just say "THE FIRST ELECTION OF PRESIDENT AND VICE-PRESIDENT," because the phrase "THE FIRST REGULAR ELECTION" might give the impression that the incumbency of the President and the Vice-President under the February 7 snap elections and the peaceful revolution in February may be irregular.

MR. BENGZON: No, because we specify here the phrase "UNDER THIS CONSTITUTION." So there is no equivocation.

MR. PADILLA: Why do we not just say "THE NEXT ELECTION FOR THE PRESIDENT AND VICE-PRESIDENT"?

MR. BENGZON: Because we cannot say "THE NEXT ELECTION UNDER THIS CONSTITUTION."

MR. PADILLA: Do not put anymore "UNDER THIS CONSTITUTION."

MR. AZCUNA: I think "REGULAR" is used in contradistinction to special election not to a regular election.

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

MS. ROSARIO BRAID: Just a point of inquiry, Mr. Presiding Officer. Did we agree in using "election" without an "s"?

MR. RODRIGO: We use "elections" with an "s."

MS. ROSARIO BRAID: Should we not use singular rather than plural? I raised this because elections could mean several polls, but election is . . .

MR. AZCUNA: Either one is correct, Mr. Presiding Officer, but to be consistent we decided to always use the plural form.

MR. MONSOD: Mr. Presiding Officer.

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

MR. MONSOD: I believe that we should retain the words "THE FIRST REGULAR ELECTION" because in Section 1, we talk about the first local elections for Members of Congress. So, to be consistent, we must also say

"THE FIRST REGULAR ELECTION."

MR. RODRIGO: I ask for the approval of the Bengzon formulation.

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

MR. RODRIGO: Now we go to Section 8.

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

FR. BERNAS: To me, the addition of the phrase "of the Presidential Commission on Good Government" elevates the power of the Commission on Good Government to a constitutional power. The constitutional power belongs to the President. The power to sequester is given by the Freedom Constitution to the President, and it is merely delegated by statute or by executive order to the PCGG. So I would be for the retention of the original phrase "THE AUTHORITY TO ISSUE SEQUESTRATION OR FREEZE," meaning, the President has the authority. She can delegate it. But we should not elevate the authority of the PCGG to a constitutional power.

MR. AZCUNA: Our problem with the original phrase "ANY AUTHORITY TO ISSUE SEQUESTRATION ORDER," Mr. Presiding Officer, is, it would even stop the courts from sequestering after 18 months.

FR. BERNAS: But the intention was to continue the power that was given by the Freedom Constitution to the President, and that power of the President can be delegated by her to anybody she wants to.

MR. AZCUNA: Yes. What I mean, Mr. Presiding Officer, after the 18 months expires, the President or the PCGG can no longer sequester. How about the courts? They can. But yet we phrase it in general — any authority to sequester shall lapse after the 18-month period.

MR. RODRIGO: Yes. That was our problem.

FR. BERNAS: Then we are changing the sense by adding this thing.

MR. RODRIGO: But that was the intention.

MR. AZCUNA: The intention was not to stop the courts from sequestering.

MR. NOLLEDO: Mr. Presiding Officer, I believe Commissioner Azcuna is correct because these are transitional provisions. And we have to specify the PCGG because even the BIR has the right to issue sequestration or freeze orders with respect to constructive dstraint and similar actions. So if we will put there the authority to issue sequestration or freeze order, it will be vague.

FR. BERNAS: Why do we not say "THE AUTHORITY TO ISSUE SEQUESTRATION OR FREEZE ORDERS UNDER PROCLAMATION NO. 3"?

MR. NOLLEDO: Then, if that is amenable to the Commissioners, we have no objection.

MR. RODRIGO: So, the phrase would read: "THE AUTHORITY TO ISSUE SEQUESTRATION OR FREEZE ORDER UNDER PROCLAMATION NO. 3," as amended.

MR. DAVIDE: I understand there were some amendments.

MR. SUAREZ: No, only Executive Orders 1, 2, 14, 14-A, 26 were amended.

FR. BERNAS: Executive orders were amended but Proclamation No. 3 was not amended.

MR. BENGZON: So how does it go now?

FR. BERNAS: "THE AUTHORITY TO ISSUE SEQUESTRATION OR FREEZE ORDERS UNDER PROCLAMATION NO. 3, DATED MARCH 25, 1986, IN RELATION TO . . ."

MR. NOLLEDO: The committee accepts.

MR. ROMULO: Mr. Presiding Officer.

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

MR. ROMULO: Can I just ask a question? Does that affect the executive orders in any way because they flow from the proclamation? Is that correct?

FR. BERNAS: It does not affect the executive orders. The executive orders exist in relation to the sequestration order of the President.

MR. ROMULO: Thank you.

MR. TINGSON: Mr. Presiding Officer.

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

MR. TINGSON: In the last sentence, Mr. Presiding Officer, "SUCH ORDER SHALL BE ISSUED ONLY," does the word "ORDER" refer to the sequestration or freeze order?

MR. RODRIGO: Yes.

MR. TINGSON: So, would it not be better if we do not put it as a last sentence? The phrase "HOWEVER, IN THE NATIONAL INTEREST BE CERTIFIED" should be the last sentence and it should follow the first one. Why did the Commissioner put it last? It is quite a waste from what he was referring to.

MR. RODRIGO: Because the next sentence is about the power of the Congress to extend the 18 months.

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

MR. SUAREZ: I think the logic in the present situation is that the period of 18 months which is on line 12, refers to the congressional extension of said period of 18 months. That is why it is very logical that this sentence, "HOWEVER IN THE NATIONAL INTEREST BE CERTIFIED," be put at the end and insert the phrase "SUCH ORDERS SHALL BE ISSUED ONLY UPON THE SHOWING OF A PRIMA FACIE CASE"; it may not really be that related.

MR. TINGSON: Is that what the committee thinks?

MR. RODRIGO: Yes.

MR. TINGSON: Thank you.

MR. RODRIGO: Now the original is on line 13 — "PROVIDED THAT CONGRESS." Instead of that, we say, "HOWEVER, IN THE NATIONAL INTEREST, CERTIFIED BY THE PRESIDENT, THE CONGRESS MAY EXTEND . . ."

I ask for approval of Section 8.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Section 8 is approved.

MR. AZCUNA: Mr. Presiding Officer, can we go back to the phrase "SUCH ORDER SHALL BE ISSUED

ONLY”? Maybe we can use it with the second paragraph and say: “SEQUESTRATION AND FREEZE ORDERS SHALL BE ISSUED ONLY UPON THE SHOWING OF A PRIMA FACIE CASE. THE ORDERS AND THE LIST OF THE SEQUESTERED . . .”

MR. RODRIGO: So it is transposed from the first paragraph, and becomes the opening sentence in the second paragraph.

MR. BENGZON: How will that go now?

MR. ROMULO: Can we have that, please?

MR. RODRIGO: So we delete the words "SUCH ORDER" from the first paragraph. That will now be the first sentence in the second paragraph.

MR. AZCUNA: "SEQUESTRATION OR FREEZE ORDER SHALL BE ISSUED ONLY UPON THE SHOWING OF A PRIMA FACIE CASE. THE ORDER AND THE LIST OF THE SEQUESTERED . . ."

MR. RODRIGO: And then on line 18, delete the word "the" after "SHALL."

I ask for their approval, Mr. Presiding Officer.

MR. BENGZON: Mr. Presiding Officer.

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

MR. BENGZON: I am a little confused. Is the Commissioner adding a new sentence before the last sentence was deleted?

MR. RODRIGO: We transpose the last sentence of the first paragraph to the second paragraph but reworded it a little.

MR. NOLLEDO: Mr. Presiding Officer, on line 18, delete the word "the" before "forthwith."

MR. RODRIGO: Yes, I have already said that.

I ask for approval of the second paragraph of Section 8.

MR. MAAMBONG: I just want to be clarified, Mr. Presiding Officer. Do we have to put "S" in the words: "ORDERS, SEQUESTRATION OR FREEZE ORDERS" to make it plural?

MR. AZCUNA: No, it is without "S."

MR. RODRIGO: There is no change in the third paragraph, Mr. Presiding Officer.

MR. DE CASTRO: Mr. Presiding Officer, let us read: “The order and the list of the sequestered or frozen properties shall be forthwith be registered.”

MR. RODRIGO: The first word "be" was already deleted, so it will read: “shall forthwith be.”

MR. FOZ: Mr. Presiding Officer.

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

MR. FOZ: How about the second paragraph?

MR. RODRIGO: The only change in the second paragraph is, we added the first sentence and then we deleted the first word "be."

MR. FOZ: I have a suggestion regarding the third sentence of the second paragraph. Perhaps we can delete the words "SEQUESTRATION OR FREEZE," so that it will read: "FOR THOSE ORDERS ISSUED BEFORE THE RATIFICATION OF THIS CONSTITUTION," to avoid repeating the words "SEQUESTRATION OR FREEZE."

MR. RODRIGO: Does the Gentleman have to use the word "those" or would it be right to say: "FOR ORDERS ISSUED . . ."

MR. FOZ: Yes, "FOR ORDERS ISSUED . . ."

MR. RODRIGO: I accept that to avoid repetition.

I ask for approval, Mr. Presiding Officer.

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

MR. SARMIENTO: Mr. Presiding Officer.

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

MR. SARMIENTO: With the kind indulgence of the committee, this is with respect to the words "judicial action or proceeding" of the last two lines of Section 8, which reads: "the judicial action or proceeding shall be filed . . ." Mr. Presiding Officer, what we filed in courts are judicial actions. We do not file proceedings. Proceedings refer to processes. So may I request for the deletion of the words "or proceeding."

MR. BENGZON: Mr. Presiding Officer.

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

MR. BENGZON: Instead of deleting the words "or proceeding," why do we not change the word "filed" to "COMMENCED," so that it will read: "Judicial actions or proceedings shall be COMMENCED within six months from the issuance thereof."

MR. RODRIGO: The committee accepts.

MR. AZCUNA: We have to also change the words "filed again" to "COMMENCED" on line 27.

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO On Section 9, line 6 . . .

MR. RODRIGO: Before we proceed to Section 9, I ask for the approval of the whole Section 8.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Section 8, as amended, is approved.

MR. DE CASTRO: On line 6 of Section 9, delete the letter "S" in the word "forces," so that it will read: "regular force."

MR. SUAREZ: Mr. Presiding Officer.

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

MR. SUAREZ: May we request the committee to read lines 25 to 27 now of Section 8.

MR. RODRIGO: "THE SEQUESTRATION OR FREEZE ORDER IS DEEMED AUTOMATICALLY LIFTED IF NO JUDICIAL ACTION OR PROCEEDING IS COMMENCED AS HEREIN PROVIDED."

MR. SUAREZ: Thank you.

MR. RODRIGO: So, line 6 of Section 9 will read: "regular force." Put a comma (,) after the word "or," so it will read: "or, where appropriate, converted to regular force."

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

MR. DAVIDE: Mr. Presiding Officer.

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

MR. DAVIDE: On lines 3 and 4, I propose that the first letters in "Civilian Home Defense Forces" be placed in the lower case.

MR. BENGZON: It has always been capitalized — CHDF.

MR. SARMIENTO: Mr. Presiding Officer.

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

MR. SARMIENTO: There is a law creating the CHDF, and I am referring to an executive order, as amended by two presidential decrees. So, it should be capitalized.

MR. DAVIDE: It has always been capitalized?

MR. SARMIENTO: Yes, Mr. Presiding Officer.

MR. DAVIDE: I will not insist, Mr. Presiding Officer.

MR. DE CASTRO: We will maintain the capitalization.

MR. RODRIGO: Mr. Presiding Officer, I ask for the approval of Section 9.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Section 9, as amended, is approved.

MR. RODRIGO: On Section 10, line 16, add the letter "S" to the word "subdivision"; change the word "INSTRUMENTALITY" to "INSTRUMENTALITIES" and the word "agency" to "AGENCIES." Then on line 19, add the letter "S" to the word officer to read "OFFICERS."

I ask for its approval.

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

MR. RODRIGO: Section 11, no change.

MR. SARMIENTO: May I be recognized, Mr. Presiding Officer?

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

MR. SARMIENTO: This is with respect to Section 10, line 9, which reads: "PROCLAMATION NO. 3 ISSUED ON MARCH 25, 1986" and in Section 7, it reads: "Proclamation No. 3, dated March 25, 1986." So, to be consistent, may I request that we should adopt the same wording: "PROCLAMATION NO. 3, DATED MARCH

25, 1986."

MR. RODRIGO: The committee accepts.

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

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

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

MR. RODRIGO: On Section 11, no change.

On Section 12, the only change is on line 3, change the words "composed of" to COMPRISING, so that it will read: "to be composed of the heads of all local government units COMPRISING the Metropolitan Manila area."

May I ask for its approval, Mr. Presiding Officer?

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

MR. RODRIGO: On Section 13, no change. Section 14, no change.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: Since we have covered the other articles, we are now free to insert the particular article referred to under Section 13, line 7. After the word "under," insert "PARAGRAPH (1), SECTION 5 OF ARTICLE VI OF THIS CONSTITUTION."

I ask for its approval.

MR. BENGZON: Section 5.

MR. RODRIGO: Which should be followed? Should we place the section first or the article first, then section and subsection?

MR. MAAMBONG: Normally, we go in reverse. We start with paragraph, section and then article. That is the normal procedure, Mr. Presiding Officer.

MR. RODRIGO: The committee accepts.

MR. MONSOD: Mr. Presiding Officer.

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

MR. MONSOD: Should there not be a comma after the word "appointment" on line 6, Section 13? Either that or delete the comma after "sectors."

MR. RODRIGO: Let us place a comma after the word "appointment."

MR. RAMA: Mr. Presiding Officer, on Section 7, change the word "under" to "IN" because it is in paragraph (1), Section 5 of Article VI.

MR. RODRIGO: The committee accepts.

I ask for its approval, Mr. Presiding Officer.

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

MR. RODRIGO: On Section 14, no change. On Section 15, no change except capitalize the first letter "m" in "member" on line 20.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: On Section 15, since we are still on Second Reading, we have proposed an amendment in the copy of the Transitory Provisions which we have distributed. After the word "remove," we add the word . . .

MR. RODRIGO: What line?

MR. DAVIDE: Line 18, Mr. Presiding Officer.

MR. MAAMBONG: On line 18, page 106, after the word "removed," add the words "FOR CAUSE, OR BECOME INCAPACITATED TO DISCHARGE THE DUTIES OF THEIR OFFICE."

We were thinking that we should add this portion because in the provision of the Transitory Provisions regarding the judiciary, we also used the same words. However, Commissioner Foz will have some comments before we can act on this particular proposed amendment.

MR. FOZ: Mr. Presiding Officer.

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

MR. FOZ: Mr. Presiding Officer, if we approve the proposed insertion of the words and the phrases here, then, the incumbents would stay in office indefinitely. At any rate, we provide for a one-year period and this would really go against the grain of our intention that this is to allow the President to issue new appointments to the incumbents and follow the staggered term as provided for under the draft Constitution. If we say "removed FOR CAUSE," then, that will be sometime or forever or become incapacitated to discharge the duties of their office. This is again going against the intention which is really not to compel but to bring about the operation of the staggered system so that the incumbents will have to be given new appointments which will state expressly the term of office for which they are being appointed. Because right now, their appointments ; do not fix any term for the individual members of the commissions.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: By way of reference, we have this same provision in the Transitory Provisions on Section 6 which says:

The incumbent members of the Judiciary shall continue in office until they reach the age of 70 years or become incapacitated to discharge the duties of their office or are removed for cause.

I just would like to know from Commissioner Foz, if we do not insert this provision, can the chairman or the members of the constitutional commissions be removed by the President even before the expiry date of their term of office even without a cause?

MR. FOZ: That is clear from the present provision without the additional words.

MR. MAAMBONG: Is the honorable Commissioner saying, Mr. Presiding Officer, that the chairman and

members of the constitutional commissions do not have security of tenure? If they are given appointments, for example, on a staggered term of three years within that time can they not be removed? Can they be removed even without a cause? Or, if they become incapacitated to discharge the duties of their office, still they cannot be removed? Is that the point?

MR. FOZ: The problem, Mr. Presiding Officer, is that under their present appointments, they do not have a fixed term of office. That is the problem we are trying to solve or to remedy. So that the President is given a chance to issue them new appointments upon the ratification of the Constitution for a fixed term of office and to operationalize the staggered system of terms under the draft provision.

MR. MAAMBONG: Mr. Presiding Officer, I think the issue has been ventilated. Can we put this to a vote?

MR. RODRIGO: I would like to ask a question. Has the whole article been voted upon on Second Reading or Third Reading?

MR. MAAMBONG: The Article on Transitory Provisions has been voted upon on Second Reading but the chairman of the Steering Committee earlier moved, and it was approved, for a reconsideration of the vote on Second Reading. And that is precisely why we were able to insert that portion on Section 7 regarding the first regular election of the President. This is the second proposed amendment we introduced under Section 15.

MR. BENGZON: Mr. Presiding Officer.

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

MR. BENGZON: When I stood up to ask for a reconsideration, it was only for the purpose of adding that paragraph with respect to the first election of the President and the Vice-President under this Constitution.

MR. RODRIGO: So?

MR. MAAMBONG: We informed the chairman of the Steering Committee, probably he did not hear us very well, that we will introduce certain amendments and this is the last one which is substantial; the rest are typographical errors or insertions of article numbers. The chairman of the Committee on Transitory Provisions and myself feel that this is a substantial provision and we would rather that we put it to a vote.

MR. FOZ: Mr. Presiding Officer.

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

MR. FOZ: After reviewing the provision with the proposed insertion of the additional words, we realize that with the one-year period stated in this provision just the same, the objective of insuring that the incumbents will get new appointments with fixed terms in accordance with the provisions of the new Constitution will be realized. I withdraw my objection.

Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Thank you.

MR. SUAREZ: Mr. Presiding Officer.

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

MR. RODRIGO: Please restate for the record the proposed amendment to be inserted.

MR. SUAREZ: Mr. Presiding Officer, the phrase to be inserted after the word "removed" is "FOR CAUSE, OR BECOME INCAPACITATED TO DISCHARGE THE DUTIES OF THEIR OFFICE."

MR. BENGZON: Mr. Presiding Officer.

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

MR. BENGZON: Just to set the record straight, when I asked for a reconsideration, it was only for the purpose of inserting that paragraph with respect to the first regular election of the President and Vice-President. Technically, I will withdraw my statement so that this amendment can be accommodated.

MR. PADILLA: Mr. Presiding Officer.

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

MR. PADILLA: Is the intention to apply the rule on security of tenure on judges of the judiciary to the chairman and members of the constitutional commissions? I think the original version as approved distinguished between the security of tenure of the judiciary and the officers of the constitutional commissions. I think the original intention was correctly stated by Commissioner Foz, that the President may remove, or change or appoint new commissioners under this Constitution; and, therefore, there should be a distinction unless the body does not want to make that distinction between the security of tenure under the judiciary — the justices and judges and the members or officers of the constitutional commissions. I want to make clear the intent.

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

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

MR. SARMIENTO: Mr. Presiding Officer.

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

MR. SARMIENTO: Before we proceed, may we go back to Section 11, Mr. Presiding Officer, just to correct an oversight.

MR. RODRIGO: Section 11?

MR. SARMIENTO: Yes, Mr. Presiding Officer, on line 23. The words used were "issued on." So may I also suggest that we use the word "DATED" to align it with the other provisions.

MR. RODRIGO: The committee accepts.

MR. SARMIENTO: Mr. Presiding Officer, on line 21, the words "the properties, records, . . ." are in the plural form. So may I request, Mr. Presiding Officer, that "equipment" be also changed to a plural form to read "equipments."

MR. AZCUNA: There is no plural for "equipment." That is plural without "s."

MR. RODRIGO: Does it have a plural form? I do not think there is a word "equipments."

MR. AZCUNA: That is the plural form, just like furniture.

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

MR. RODRIGO: I ask for the approval of the change of the words "issued on" to "DATED" in Section 11.

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

MR. RODRIGO: On Section 16, no change except add letter "S" to the word "court" on line 25 to make it plural.

On Section 17, we added the article "A," so instead of "subprovinces shall continue to exist," we made it "A subprovince shall continue to exist and operate until it is converted into a regular province."

I ask for its approval, Mr. Presiding Officer.

MR. AZCUNA: I think there should be an "OR" before the phrase "until its component municipalities are reverted . . ."

MR. RODRIGO: Yes. It will read: "OR until its component municipalities are reverted to the mother province."

I ask for its approval.

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

MR. RODRIGO: On Section 18, change the word "determining" to "DETERMINATION OF," so that the sentence reads: "The first Congress shall give priority to the DETERMINATION OF the period for the full implementation of free public secondary education."

I ask for its approval.

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

MR. DE CASTRO: May we put capital "F" on "first Congress"?

MR. RODRIGO: No, no, we do not.

MR. DE CASTRO: We have been capitalizing First Congress in . . .

MR. AZCUNA: No, no, we have not.

MR. RODRIGO: We have not.

On Section 19, no change except on line 10; capitalize the letter "M" in "members."

On Section 20, there is no change.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: As I stated earlier, since we have approved the other provisions and we have sequenced the articles, we are now prepared to insert the particular paragraph and section referred to in this Section 20. On line 11, after the words "affected by," insert the word "PARAGRAPH (2)" then "SECTION 7" and on line 12, put "XVI" on the blank after "Article."

MR. RODRIGO: Should there be commas between "PARAGRAPH (2)" and "SECTION"?

I ask for its approval, Mr. Presiding officer.

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

MR. SUAREZ: Mr. Presiding Officer.

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

MR. SUAREZ: May we go back to Section 17. I think it is awkwardly worded when we say: "A subprovince shall continue to exist and operate until it is converted into a regular province until . . ." Is there an "or" before the word "until"?

MR. RODRIGO: Yes. ". . . or until its component municipalities are reverted . . ."

MR. SUAREZ: Thank you.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG. Mr. Presiding Officer, I thought the original was "unless it is converted."

MR. AZCUNA: "Or unless it is converted"?

MR. MAAMBONG: Probably we will use the word "unless" depending on Commissioner Azcuna.

MR. RODRIGO: Instead of the word "until," change it to "UNLESS," so it will read: "A subprovince shall continue to exist and operate UNLESS it is converted into a regular . . ."

MR AZCUNA: So we can remove the second "until."

MR. NOLLEDO: No, we will retain it.

MR. RODRIGO: "UNLESS it is converted into a regular province or until its component municipalities are reverted to the mother province."

MR. COLAYCO: Mr. Presiding Officer.

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

MR. COLAYCO: May I make an observation. The words "continue to exist" mean or refer to time; and, therefore, "until" is more appropriate than "UNLESS." It seems more appropriate to me.

MR. MAAMBONG: No, I think the original words, Mr. Presiding Officer, are "until converted into regular province or its component municipalities reverted to the mother province."

MR. AZCUNA: Let us maintain the original wordings.

MR. MAAMBONG: So, we will just have to eliminate the word "until" after the word "or" to read: "A subprovince shall continue to exist and operate UNLESS it is converted into a regular province or its component municipalities are reverted to the mother province."

MR. RODRIGO: But they want to retain the word "until."

MR. NOLLEDO: I think the word "until" is proper.

MR. MAAMBONG: All right, Mr. Presiding Officer.

MR. AZCUNA: So, the whole Section 17 will read: "A subprovince shall continue to exist and operate until it is converted into a regular province or its component municipalities are reverted to the mother province."

MR. RODRIGO: I ask for the approval of Section 17.

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

Section 17 is approved.

MR. RODRIGO: On Section 21, no change except the insertion of the word "THE" before "Congress."

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

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

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

With respect to Section 21, line 16, delete the word "an" before "efficacious" to read: "efficacious procedures and adequate remedies."

MR. RODRIGO: So, we will delete "an."

MR. SARMIENTO: Yes, Mr. Presiding Officer.

MR. RODRIGO: What does Commissioner Azcuna say?

MR. AZCUNA: How is that again? What line?

MR. RODRIGO: Line 16 will read: "THE Congress shall provide efficacious procedures and adequate remedies."

MR. AZCUNA: Wala na ang "an."

MR. RODRIGO: Delete the word "an." The committee accepts.

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

MR. RODRIGO: So the whole section will read: "THE Congress shall provide efficacious procedures and adequate remedies for . . ."

I ask for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Section 21 as amended is approved.

MR. RODRIGO: Section 22.

MS. ROSARIO BRAID: Mr. Presiding Officer.

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

MS. ROSARIO BRAID: Point of inquiry, Mr. Presiding Officer. On lines 18 . . .

MR. RODRIGO: On Section 22?

MS. ROSARIO BRAID: On Section 21, lines 18 and 21, Mr. Presiding Officer. Is this "real" or "realty"?

MR. RODRIGO: It is "real rights," not "realty," Mr. Presiding Officer.

MS. ROSARIO BRAID: Thank you, Mr. Presiding Officer.

MR. RODRIGO: On Section 22, change the figures "P300,000" to words "THREE HUNDRED THOUSAND PESOS"; instead of the words "Senate President," change it to "PRESIDENT OF THE SENATE"; then, the figures "P240,000" to "TWO HUNDRED FORTY THOUSAND PESOS" in words; and instead of "Representatives," put "MEMBERS OF THE HOUSE OF REPRESENTATIVES"; then add the words "OF THE SUPREME COURT" after "Justice"; and, change the figures "P204,000" to "TWO HUNDRED FOUR

THOUSAND PESOS" in words; and on lines 9 and 10, change the figures "P180,000" to "ONE HUNDRED EIGHTY THOUSAND PESOS" in words.

MR. MONSOD: Mr. Presiding Officer.

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

MR. MONSOD: Why do we not say "the Speaker OF THE HOUSE OF REPRESENTATIVES"?

MR. AZCUNA: Yes, I was about to say that because that is to be consistent with the Legislative Article.

MR. RODRIGO: Place a comma (,) between "REPRESENTATIVE" and "Chief."

I ask for its approval, Mr. Presiding Officer.

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

MR. RODRIGO: On Section 23, no change.

On Section 24, no change except on line 19; we added "NATIONAL" to "referendum."

MR. MONSOD: Mr. Presiding Officer.

MS. ROSARIO BRAID: Mr. Presiding Officer.

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

MR. MONSOD: On Section 23, should we not use the word "TIME" as in Section 25 to read: "earliest possible TIME"?

MR. RODRIGO: The Committee accepts.

I ask for its approval, Mr. Presiding Officer.

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

MS. ROSARIO BRAID: On Section 24, line 14, place a hyphen (-) between "R.P." and "U.S."

MR. RODRIGO. There is.

MS. ROSARIO BRAID: No, I mean, it should be closer.

MR. AZCUNA: The Commissioner wants the RP and US to be closer. (Laughter)

MR. RODRIGO: For beauty and for style.

MR. AZCUNA: I think it should be farther. (Laughter)

MR. FOZ: Mr. Presiding Officer.

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

MR. FOZ: I think the more important question to ask is whether we should abbreviate RP and US. Should we not spell out these abbreviations? I suggest, Mr. Presiding Officer, that we spell out the abbreviated terms, "RP-US" to "REPUBLIC OF THE PHILIPPINES-UNITED STATES MILITARY BASES."

MS. ROSARIO BRAID: And also even when we do that we should not have blanks before the dashes. It should really be without a space in-between.

MR. RODRIGO: Yes.

MS. ROSARIO BRAID: I think this is really the way it should be. This becomes a dash and we do not want a dash. It should be a hyphen between the last letters.

MR. FOZ: Mr. Presiding Officer.

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

MR. FOZ: I think we should change the abbreviated title. Just a few minutes ago, I proposed it should be spelled out as "REPUBLIC OF THE PHILIPPINES-UNITED STATES OF AMERICA MILITARY BASES." I am not sure now if that is the proper or correct title of the agreement. Subject to confirmation as to the correct title of the agreement, perhaps, we should leave it as is.

MR. BENGZON: Mr. Presiding Officer.

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

MR. BENGZON: I support the statement of Commissioner Foz. It should really be spelled out in full because it is a formal agreement. And as far as I can remember, that is really the title — "REPUBLIC OF THE PHILIPPINES-UNITED STATES OF AMERICA MILITARY BASES AGREEMENT" — subject, of course, to verification. I agree with the thought that we should spell it out completely.

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

MR. SUAREZ: Mr. Presiding Officer, parliamentary information. When we approved this particular provision in this Article on Transitory Provisions, the words used were "R.P.-U.S. Agreement in 1991." The agreement used is, it is in capital "A." So, probably, the suggestion of Commissioner Foz is in order.

MR. RODRIGO: How about the phrase "after the expiration in 1991 of the Bases Agreement between the Republic of the Philippines and the United States of America"?

MR. SUAREZ: We leave that to the committee to appreciate in the meantime.

MR. RODRIGO: So, meanwhile, it will read: after the expiration in 1991 of the bases agreement between the Republic of the Philippines and the United States of America, foreign military bases . . ."

MR. SUAREZ: That is why originally, we were suggesting that we use the phrase "after September 30, 1992" and a comma (,) after "1992."

MR. DE CASTRO: Shall we not put the word "MILITARY" because the word "Bases" to read: "MILITARY Bases Agreement"?

MR. SUAREZ: That was our original suggestion.

MR. RODRIGO: Yes, "MILITARY Bases Agreement."

MR. DE CASTRO: Because the draft is only "Bases Agreement."

MR. RODRIGO: So, the whole phrase will read: "after the expiration in 1991 of the MILITARY Bases Agreement between . . ."

I ask for its approval, Mr. Presiding Officer.

MR. VILLACORTA: Mr. Presiding Officer.

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

MR. VILLACORTA: On line 17, insert "THE" between the words "under terms" to read: "Under the terms of a treaty."

MR. RODRIGO: "Under terms" would be all right.

MR. VILLACORTA: Because there is no adjective before the word "terms. There seems to be something wrong.

MR. RODRIGO: Because there is no treaty yet. So, it is "under terms of a treaty."

MR. MONSOD: Mr. Presiding Officer, actually, we can say, "under a treaty." It is only the terms.

MR. RODRIGO: "Under a treaty duly concurred in . . ."

I ask for its approval.

MR. GASCON: Mr. Presiding Officer.

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

MR. GASCON: If we use the term "RP-US Bases Agreement," I do not think we should repeat "between the United States and the Republic of the Philippines."

MR. RODRIGO: No, there is no RP-US.

MR. GASCON: Because that is my understanding.

MR. RODRIGO: No, it is "after the expiration in 1991 of the Military Bases Agreement between the REPUBLIC OF THE PHILIPPINES and the UNITED STATES."

MR. GASCON: Should it not be best to have just "RP-US Bases"?

MR. RODRIGO: I thought that was all right.

MR. BENNAGEN: Mr. Presiding Officer.

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

MR. BENNAGEN: Point of information. I have with me a book of Patricia M. Paez, The Bases Factor, the authority on US relations. And reference to the agreement reads this way:

Agreement between the Republic of the Philippines and the United States of America concerning military bases.

MR. AZCUNA: That is the official title. Why do we not use that? After the expiration of the agreement . . .

MR. BENNAGEN: In a letter by General Romulo, the reference is military bases agreement.

MR. AZCUNA: No, but the agreement itself . . . Can the Commissioner see the title? I think it is one of the annexes.

MR. BENNAGEN: This is it, I am reading that one.

MR. AZCUNA: Yes, the annex?

MR. BENNAGEN: The annex.

MR. AZCUNA: The text is the agreement.

MR. BENNAGEN: Agreement between the Republic of the Philippines and the United States of America concerning military bases.

MR. DE CASTRO: Mr. Presiding Officer, can the committee wait until tomorrow morning? I have the write-up of the Armed Forces of the Philippines on this, and I really do not remember the exact term they used. But perhaps I can look it over tonight and give the committee the proper term of this agreement.

MR. RODRIGO: I would like to ask Commissioner Maambong, can this wait? Meanwhile, let us use this term "after the expiration in 1991 of the agreement between the REPUBLIC OF THE PHILIPPINES AND THE UNITED STATES of America concerning military bases, . . ." So, unless Commissioner de Castro finds something, that stays.

MR. DE CASTRO: Thank you.

MR. SARMIENTO: Mr. Presiding Officer.

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

MR. SARMIENTO: May I suggest that we place a comma (,) between the words "troops" and "or facilities"?

MR. RODRIGO: Yes, the committee accepts.

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

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

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

MR. RODRIGO: On Section 25, no change.

MR. MAAMBONG: Mr. Presiding Officer, when we put in here the word "agreement," should we capitalize it or not?

MR. RODRIGO: Yes, capitalize the letter "a" in "agreement."

Section 26, no change except the "Article____." I think Commissioner Maambong is ready to propose an amendment on this section.

MR. MAAMBONG: Yes, Mr. Presiding Officer. Insert the words "PARAGRAPHS (3) and (4) Section 15 of Article VIII of this Constitution shall apply in . . ." Originally, this is Section 14 but in our resequencing, it becomes Section 15 of Article VIII of this Constitution.

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

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

MR. RODRIGO: On Section 27, there is no change.

MR. MONSOD: Mr. Presiding Officer.

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

MR. MONSOD: On Section 25, line 23, are the words "to be" new? Is that approved already, Mr. Presiding Officer?

MR. RODRIGO: No, Section 25, line 23 states: "At the earliest possible time, the government shall appropriate idle abandoned lands to be defined by law" because it was said during the discussion that there is a present presidential decree; after one year, it becomes an idle land.

MR. MONSOD: I remember the discussions, Mr. Presiding Officer. I am just saying that those are new words.

MR. AZCUNA: They are new; we added those words.

MR. RODRIGO: Yes, that is right.

MR. BENGZON: I move for its approval.

MR. MONSOD: The other thing, Mr. Presiding Officer, is on page 109. There should be an article "a" on line 7: ". . . in a plebiscite."

MR. RODRIGO: The committee accepts.

MR. FOZ: Mr. Presiding Officer.

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

MR. FOZ: Will it still be proper, Mr. Presiding Officer, to propose a recasting of a provision in the set of provisions concerning the Commission on Elections? I am quite bothered by that provision. It is quite long and it is repetitious.

THE PRESIDING OFFICER (Mr. Jamir) : Yes.

MR. RODRIGO: Wait a minute. I think the Floor Leader would want to ask for the approval of the whole article now?

MR. MAAMBONG: Just one point. Can we go back to Section 23, Mr. Presiding Officer, on the word "period" in the phrase "at the earliest possible period"?

MR. BENGZON: That was already changed to "TIME."

MR. MAAMBONG: Thank you.

MS. ROSARIO BRAID: Mr. Presiding Officer.

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

MS. ROSARIO BRAID: Can we go back to Section 25, lines 23 and 24. It states: ". . . abandoned agricultural lands to be defined by law for distribution to the beneficiaries of the agrarian reform program." This phrase seems a little awkward. I do not know yet how to do it.

THE PRESIDING OFFICER (Mr. Jamir) : What is wrong with the phrase? It is all right.

MR. RODRIGO: Yes, because what is to be considered idle lands and agricultural lands will be defined by law.

MR. AZCUNA: I suggest the phrase "as shall be defined by law."

MS. ROSARIO BRAID: So, instead of the phrase "to be defined by law," we place "AS SHALL BE DEFINED BY LAW."

MR. RODRIGO: And place a comma after the words "lands" and "law."

MR. AZCUNA: Yes.

MS. ROSARIO BRAID: So that the law will define the distribution.

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

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

MR. RAMA: Mr. Presiding Officer, I ask that we approve the entire Article on Transitory Provisions.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; the Article on Transitory Provisions, as amended, is approved.

MR. RAMA: Mr. Presiding Officer, to give the committee a complete rest, I ask that we approve the entire Article on National Economy and Patrimony.

MR. AZCUNA: Before we do that, can we go back to page 94. I think "self determination" on page 94, line 4, of the Article on the Declaration of Principles and State Policies should have a hyphen.

MR. BENGZON: On what line?

MR. AZCUNA: Line 4, Mr. Presiding Officer, between the words "self" and "determination," there should be a hyphen.

MR. RODRIGO: Yes, I think there should be a hyphen.

MR. RAMA: So, I ask now that we approve the entire Article on National Economy and Patrimony.

MR. AZCUNA: May I just have a reservation relative to the phrase "consistent with" because I am still hoping to convince Commissioner Monsod.

MR. BENGZON: We will need to approve it now, Mr. Presiding Officer.

MR. AZCUNA: Can we decide this after the break? I just want to see if I can convince Commissioner Monsod. I ask for a two-minute suspension.

SUSPENSION OF SESSION

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

It was 6:24 p.m.

RESUMPTION OF SESSION

At 6:27 p.m., the session was resumed.

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

MR. RAMA: Mr. Presiding Officer.

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

MR. RAMA: I ask that Commissioner Azcuna be recognized to clarify the situation.

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

MR. AZCUNA: Mr. Presiding Officer, we would like to manifest that with respect to Section 1 of the Article on

National Economy and Patrimony, the committee would like to change the words "based on" to "CONSISTENT WITH," purely out of style, without changing its intended meaning. And we hope there would be no more objection on this.

MR. MONSOD: Mr. Presiding Officer.

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

MR. MONSOD: We have not discussed this properly. This morning, we heard a series of suffocating self-righteous remarks on this floor. And there were certain discussions that were held and the simple rules of civility and courtesy were not observed. And, therefore, Mr. Presiding Officer, we regret that we have to object to the changing of the word.

MR. VILLACORTA: Mr. Presiding Officer.

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

MR. VILLACORTA: Is Commissioner Monsod referring to the phrase "based on"?

MR. AZCUNA: I was the one referring to it, Mr. Presiding Officer.

MR. VILLACORTA: Will the Honorable Monsod yield to some interpellations?

MR. MONSOD: I will not yield, Mr. Presiding Officer.

MR. VILLACORTA: If the Commissioner will not yield, I would like to volunteer the information that earlier in the morning, Commissioner Monsod in front of President Muñoz Palma, had said that if we retain the phrase "based on," this would mean that industrialization in this country would have to wait till after the agricultural sector is fully developed. In other words, along with the chairman of the Committee on the National Economy and Patrimony, he admits the dangers inherent in that phrase "based on." And I wonder if Commissioner Monsod, in the name of hurt feelings, would allow the entire nation to suffer the dangers of such a useless phrase.

MR. MONSOD: Mr. Presiding Officer, I did not say that.

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

MR. MONSOD: What I said was, the phrase, even as it is, does not mean that we will exhaust all the possibilities on agriculture before we go into industrialization. That was what I said.

MR. VILLACORTA: I think the Commissioner said the opposite. He said that "based on" would mean that we would have to exhaust the agricultural sector.

MR. MONSOD: I did not say it, Mr. Presiding Officer. I have always said that it does not mean that we have to exhaust first all the possibilities.

SUSPENSION OF SESSION

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

It was 6:30 p.m.

RESUMPTION OF SESSION

At 6:39 p.m., the session was resumed.

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

The Floor Leader is recognized.

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

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

MR. VILLACORTA: Mr. Presiding Officer, just to clear the air and to settle this issue once and for all, may we request the honorable Commissioner Villegas, the Chairman of the Committee on the National Economy and Patrimony to answer a few questions.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Villegas may do so, if he so desires.

MR. VILLEGAS: Yes. Can the honorable Commissioner repeat the question?

MR. VILLACORTA: Lines 7 to 15, the second paragraph of Section 1 of the Article on National Economy and Patrimony which is found on page 83, says: "The State shall promote industrialization and full employment based on sound agricultural development and agrarian reform . . ." Does the term "based on" necessarily mean that before the State promotes industrialization and full employment there should be prior sound agricultural development and agrarian reform?

MR. VILLEGAS: Mr. Presiding Officer, as we have said during the debates and interpellations on the Article on National Economy and Patrimony, the phrase "based on" does not mean we have to exhaust all the possibilities of agricultural development and agrarian reform before we start industrializing. What it means is that there is a minimum of agricultural development that is required so that the rural masses will have the sufficient purchasing power to buy what industries will produce, which Commissioner Tadeo also systematically repeats. It does not mean that we have to completely develop agriculture before we start industrialization. That is why, as I said earlier this afternoon, the phrase "CONSISTENT WITH" can be really a substitute for the phrase "based on," but there are other phrases that would change the meaning, like "together with," "along with." These would really change the substance. But the phrase "CONSISTENT WITH" can be definitely interpreted to mean the same thing as "based on."

MR. VILLACORTA: In other words, Mr. Presiding Officer, industrialization is not dependent on sound agricultural development. It is not consistent.

MR. VILLEGAS: As I said, there is a minimum agricultural development that is required for industries to have a sufficient market, specially since we are talking about self-reliance. These industries must be able to sell their products to the population. And since the population is basically in the rural areas, they must have enough incomes. And those incomes will come from a minimum of agricultural productivity and agrarian reform.

MR. VILLACORTA: Therefore, it is acknowledged that there is this symbiotic relationship between the two sectors?

MR. VILLEGAS: Yes, Mr. Presiding Officer. That is in fact the exact word — symbiotic relationship.

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

And lastly, with the Chair's indulgence, does the term "unfair foreign competition" mean anything that is harmful

to the national interest, as the Commission had repeatedly stressed in the past?

MR. VILLEGAS: Yes, anything harmful to the national interest, to the Filipino interests, may be declared as unfair.

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

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

MR. RAMA: Mr. Presiding Officer, with that clarification, I ask that we approve the entire Article on National Economy and Patrimony.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the entire Article on National Economy and Patrimony, as amended, is approved.

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

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

THE PRESIDING OFFICER (Mr. Jamir): May the Chair state that the sequencing was done yesterday and it was approved.

MR. BENGZON: Mr. Presiding Officer, we have completed the report of the Committee on Style on the entire draft Constitution. It is now the turn of the Sponsorship Committee to present its report in the form of sequencing and other things.

So, may I request that the chairman of the Sponsorship Committee be recognized so that he can give us at the least the update on the status of his report.

THE PRESIDING OFFICER (Mr. Jamir) : May the Chair state that the sequencing was done yesterday and it was approved.

The chairman of the Sponsorship Committee is recognized.

MR. GUINGONA: Mr. Presiding Officer, may I request the members of the Committee on Sponsorship, Commissioners Maambong, Nieva, Garcia, Monsod, Bengzon and the others who are with the committee to please join us here?

Mr. Presiding Officer, we have already finished the sequencing as far as the articles of the draft Constitution are concerned. And aside from sponsorship; there are two other things that we are supposed to undertake.

MR. BENGZON: Mr. Presiding Officer, if I may be permitted?

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

MR. BENGZON: My attention has just been called by some Members of the Commission, Mr. Presiding Officer, that we have not passed on Third Reading the Articles on General Provisions, Transitory Provisions and Declaration of Principles. So, with the indulgence of the Committee on Sponsorship, I move that we now pass on Third Reading these three articles. Let us start with General Provisions. We also have not passed on Third Reading the Article on Family Rights.

NOMINAL VOTING ON PROPOSED RESOLUTION NO. 531

ON THIRD READING

(Article on General Provisions)

MR. BENGZON: I move that we vote on Third Reading on Proposed Resolution No. 531.

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

Printed copies of Proposed Resolution No. 531 were distributed pursuant to Section 28, Rule VI of the Rules of the Constitutional Commission.

Voting on the proposed resolution on Third Reading is, therefore, in order.

The Secretary-General will read the title of the proposed resolution.

THE SECRETARY-GENERAL: Proposed Resolution No. 531, entitled:

RESOLUTION TO INCORPORATE IN THE CONSTITUTION AN ARTICLE ON GENERAL PROVISIONS FIRST ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir): The body will now vote on this proposed resolution, and the Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar Yes Laurel

Alonto Lerum Yes

Aquino Yes Maambong Yes

Azcuna Yes Monsod Yes

Bacani Muñoz Palma Yes

Bengzon Yes Natividad

Bennagen Nieva Yes

Bernas Nollado Yes

Rosario Braid Yes Ople

Calderon Yes Padilla Yes

Castro de Yes Quesada Yes

Colayco Yes Rama Yes

Concepcion Yes Regalado Yes

Davide Yes Reyes de los

Foz Yes Rigos Yes

Garcia Yes Rodrigo Yes

Gascon Yes Romulo Yes

Guingona Yes Rosales Yes

Jamir Yes Sarmiento

MR. SARMIENTO: Mr. Presiding Officer, I vote yes although I have reservations with the use of the phrase "veterans of military campaigns" appearing on Section 4 of the Article on General Provisions.

THE SECRETARY-GENERAL, reading:

Suarez

Yes Treñas Yes

Sumulong Uka Yes

Tadeo Villacorta Yes

Tingson Yes Villegas Yes

SECOND ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir): The Secretary-General will conduct a second call for those who have not registered their votes.

Alonto

Ople

Bacani Regalado

Bennagen Reyes de los

Bernas Rosales

Laurel Sumulong

Natividad Tadeo

Nolledo Tan

APPROVAL OF PROPOSED RESOLUTION NO. 531

ON THIRD READING

(Article on General Provisions)

THE PRESIDING OFFICER (Mr. Jamir): The results show 33 votes in favor, none against, and no abstentions.

Proposed Resolution No. 531 is approved on Third Reading.

NOMINAL VOTING ON PROPOSED RESOLUTION NO. 537

ON THIRD READING

(Article on the Declaration of Principles and State Policies)

MR. BENGZON: I move that we vote on Third Reading on Proposed Resolution No. 537.

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

Printed copies of Proposed Resolution No. 537 were distributed pursuant to Section 28, Rule VI of the Rules of the Constitutional Commission.

Voting on the proposed Resolution on Third Reading is, therefore, in order.

The Secretary-General will read the title of the proposed resolution.

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

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

FIRST ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir) : The body will now vote on this proposed resolution, and the Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar
Yes Rosario Braid Yes

Alonto Calderon Yes

Aquino Yes Castro de Yes

Azcuna Yes Colayco Yes

Bacani Concepcion Yes

Bengzon Yes Davide Yes

Bennagen Foz Yes

Bernas Garcia Yes

COMMISSIONER GARCIA EXPLAINS HIS VOTE

MR. GARCIA: I would like to explain my vote. I abstain.

Undoubtedly, the Article on the Declaration of Principles presents important advances. For example, the nuclear weapons free provision which puts a paramount value on the survival of the nation, the safety of our people and our right to self-determination that deserves support. At the same time, one must point to our inability to unequivocally affirm our sovereign right, to determine our own path in a manner where our faith would never be that of a pawn at the hands of either of the two superpowers or any foreign power for that matter.

What strikes one in the documents is what we fail to say on two points especially: 1) that we would like to support the effort towards the creation of a Zone of Peace, Freedom, Neutrality, together with other states in the region; and 2) that we would once and for all, as a declaration of principle, prohibit military bases, facilities or troops in Philippine territory as a matter of state policy. In what we say about the bases, we transposed it to the Transitory Provisions. It is unfortunate that on such a transcendental matter as foreign military bases on national territory, we failed to give our people, as a matter of right, the right to pronounce on the issue and merely leaving it up to Congress to decide whether or not the people will be heard. Whether we like it or not, our people will be heard on an issue which touches our survival, safety, security, and sovereignty.

Thank you.

THE SECRETARY-GENERAL, reading:

Gascon

MR. PRESIDING OFFICER (Mr. Jamir): Commissioner Gascon is recognized.

MR. GASCON: Mr. Presiding Officer, I would like to explain my vote.

THE PRESIDING OFFICER (Mr. Jamir) : The Gentleman may proceed.

COMMISSIONER GASCON EXPLAINS HIS VOTE

MR. GASCON: I recognize that this Article on the Declaration of Principles and State Policies is a great improvement over the past Articles on Declaration of Principles and State Policies. However, I feel we have fallen short in the sense that we have not been able to exercise to our fullest extent the assertion of our national sovereignty. And we did not make a categorical statement on a provision against retention of U.S. military bases in our country.

Furthermore, I feel sad that we were not able also to further assert our commitment for peace by working for a Zone of Peace, Freedom, and Neutrality. Because of these, I would like to abstain.

THE SECRETARY-GENERAL, reading:

Guingona

Yes Natividad

Jamir Yes Nieva Yes

Laurel Nollado

Lerum Yes Ople

Maambong Yes Padilla

Monsod Yes Quesada

Muñoz Palma Yes

MR. PRESIDING OFFICER (Mr. Jamir): Commissioner Quesada is recognized.

COMMISSIONER QUESADA EXPLAINS HER VOTE

MS. QUESADA: Mr. Presiding Officer, I abstain, and I would like to explain my vote.

I would like to acknowledge the fact that this article contains many desirable provisions, 28 of them. Regretfully, however, this constitutional body missed its historic opportunity by abdicating its role and task to include a definitive statement that it shall be a policy of the State to prohibit foreign military bases in our national territory as a declaration of our national independence and sovereignty and our right to self-determination.

Instead, we have transposed this important provision in the Article on Transitory Provisions which will still be subject to the vagaries of Congress.

THE SECRETARY-GENERAL, reading:

Rama

Yes Rodrigo Yes

Regalado Romulo Yes

Reyes de los Rosales

Rigos Yes Sarmiento

COMMISSIONER SARMIENTO EXPLAINS HIS VOTE

MR. SARMIENTO: Mr. Presiding Officer, although this article has laudable and praiseworthy provisions, I abstain because of the failure to state in this article a provision concerning the bases and neutrality.

THE SECRETARY-GENERAL, reading:

Suarez Abstain

Tingson Yes

Sumulong Treñas Yes

Tadeo Uka Yes

Tan Villacorta

COMMISSIONER VILLACORTA EXPLAINS HIS VOTE

MR. VILLACORTA: My vote is abstention because of the absence of a provision definitely calling for the removal of the most insidious element in our midst — the lethal U.S. military bases whose war-like objective is anathema to our Christian and Muslim values of love, peace, and justice.

SECOND ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir) : The Secretary-General will conduct a second call for those who have not registered their votes.

THE SECRETARY-GENERAL, reading:

Alonto

Padilla Yes

Bacani Regalado

Bennagen Reyes de los

Bernas Rosales

Laurel Sumulong

Natividad Tadeo

Nolledo Tan

Ople Villegas Yes

APPROVAL OF PROPOSED RESOLUTION NO. 537

ON THIRD READING

(Article on the Declaration of Principles and State Policies)

THE PRESIDING OFFICER (Mr. Jamir): The results show 27 votes in favor, none against, and 6 abstentions.

Proposed Resolution No. 537 is approved on Third Reading.

NOMINAL VOTING ON PROPOSED RESOLUTION NO. 542
ON THIRD READING
(Article on Family Rights)

MR. BENGZON: I move that we vote on Third Reading on Proposed Resolution No. 542.

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

Printed copies of Proposed Resolution No. 542 were distributed pursuant to Section 28, Rule VI of the Rules of the Constitutional Commission.

Voting on the proposed resolution on Third Reading is, therefore, in order.

The Secretary-General will read the title of the proposed resolution.

THE SECRETARY-GENERAL: Proposed Resolution No. 542, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON FAMILY RIGHTS.

FIRST ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir) : The body will now vote on this proposed resolution, and the Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar

Yes Natividad

Alonto Nieva Yes

Aquino Yes Nollado

Azcuna Yes Ople

Bacani Padilla Yes

Bengzon Yes Quesada Yes

Bennagen Rama Yes

Bernas Regalado

Rosario Braid Yes Reyes de los

Calderon Yes Rigos Yes

Castro de Yes Rodrigo Yes

Colayco Yes Romulo Yes

Concepcion Yes Rosales

Davide Yes Sarmiento Yes

Foz Yes Suarez Yes

Garcia Yes Sumulong

Gascon Yes Tadeo

Guingona Yes Tan

Jamir Yes Tingson Yes

Laurel Treñas Yes

Lerum Yes Uka Yes

Maambong Yes Villacorta Yes

Monsod Yes Villegas Yes

Muñoz Palma Yes

SECOND ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir): The Secretary-General will conduct a second call for those who have not registered their votes.

THE SECRETARY-GENERAL, reading:

Alonto

Bennagen

Bacani Bernas

Laurel Reyes de los

Natividad Rosales

Nolledo Sumulong

Ople Tadeo

Regalado Tan

APPROVAL OF PROPOSED RESOLUTION NO. 542

ON THIRD READING

(Article on Family Rights)

THE PRESIDING OFFICER (Mr. Jamir) : The results show 33 votes in favor, none against and no abstentions.

Proposed Resolution No. 542 is approved on Third Reading.

NOMINAL VOTING ON PROPOSED RESOLUTION NO. 540

ON THIRD READING

(Article on Transitory Provisions)

MR. RAMA: I move that we vote on Third Reading on Proposed Resolution No. 540.

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

approved.

Printed copies of Proposed Resolution No. 540 were distributed pursuant to section 28, Rule VI of the Rules of the Constitutional Commission.

Voting on the proposed resolution on Third Reading is, therefore, in order.

The Secretary-General will read the title of the proposed resolution.

THE SECRETARY-GENERAL: Proposed Resolution No. 540, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON TRANSITORY PROVISIONS.

FIRST ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir) : The body will now vote on this proposed resolution, and the Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar

Yes Rosario Braid Yes

Alonto Calderon Yes

Aquino Yes Castro de Yes

Azcuna Yes Colayco Yes

Bacani Concepcion Yes

Bengzon Yes Davide Yes

Bennagen Foz Yes

Bernas Garcia Yes

COMMISSIONER GARCIA EXPLAINS HIS VOTE

MR. GARCIA: I would like to explain my vote.

I abstain because of two important provisions which touched on our national sovereignty and survival, and secondly, on the protection of our people's rights.

In Section 24, on the provision on the bases, I have already stated in my explanation of vote on the Article on the Declaration of Principles the reasons why I have very strong objections against this particular article. And, secondly, in Section 9, regarding the Civilian Home Defense Forces (CHDF), historically, the role of the CHDF has been consistently negative. I think this Commission fails to unequivocally take a position that would dismantle the precise institution used for repression, and I think this is a major trauma.

Thank you.

THE SECRETARY-GENERAL, reading;

Gascon

COMMISSIONER GASCON EXPLAINS HIS VOTE

MR. GASCON: I would like to explain my vote, Mr. Presiding Officer.

Although this Article on Transitory Provisions has recognized the will of the people in as far as the term of the President and the Vice-President and the PCGG is concerned, but in as far as providing the mandate as to how we shall implement the new provisions in our Constitution, first, I feel that the constitutional provisions pertaining to the RP-US Military Bases Agreement wherein it shall be the decision of the Senate and not the people, and second, because of the provisions on the CHDF for which we have not made a categorical statement for its abolition, my vote is abstention.

THE SECRETARY-GENERAL, reading:

Suarez

Yes Treñas Yes

Sumulong Uka Yes

Tadeo Villacorta Yes

Tingson Yes Villegas Yes

COMMISSIONER QUESADA EXPLAINS HER VOTE

MS. QUESADA: I abstain primarily for the reason that we have not again responded to the plea of many of our people in the countryside to dismantle the CHDF.

THE SECRETARY-GENERAL, reading:

Rama

Yes Regalado

Reyes de los Romulo Yes

Rigos Yes Rosales

Rodrigo Yes Sarmiento

COMMISSIONER SARMIENTO EXPLAINS HIS VOTE

MR. SARMIENTO: I abstain, Mr. Presiding Officer, because of the provisions on the bases, the private armies and the CHDF.

THE SECRETARY-GENERAL, reading:

Suarez

COMMISSIONER SUAREZ EXPLAINS HIS VOTE

MR. SUAREZ: May I explain my vote? As the chairman of the Committee on Amendments and Transitory Provisions, I vote yes. but with strong exceptions and objections to Sections 9 and 24, governing respectively the provisions on CHDF and the constitutionalization of the recognition of the RP-US Military Bases Agreement which is supposed to expire in 1991.

THE SECRETARY-GENERAL, reading:

Sumulong
Treñas Yes

Tadeo Uka Yes

Tan Villacorta

Tingson Yes

MR. VILLACORTA: I abstain.

THE SECRETARY-GENERAL, reading:

Villegas Yes

SECOND ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir): The Secretary-General will conduct a second call for those who have not registered their votes.

THE SECRETARY-GENERAL, reading:

Alonto
Ople

Bacani Regalado

Bennagen Reyes de los

Bernas Rosales

Laurel Sumulong

Natividad Tadeo

Nolledo Tan

APPROVAL OF PROPOSED RESOLUTION NO. 540
ON THIRD READING
(Article on Transitory Provisions)

THE PRESIDING OFFICER (Mr. Jamir): The results show 28 votes in favor, none against, and 5 abstentions.

Proposed Resolution No. 540 is approved on Third Reading.

REV. RIGOS: Mr. Presiding Officer.

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

ADJOURNMENT OF SESSION

REV. RIGOS: I move that we adjourn until tomorrow at nine-thirty in the morning.

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

It was 7:09 p.m.

[*] Appeared after the roll call.

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