

JOURNAL NO. 75

VOL. II, September 06, 1986

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/24ea01699371/>

Friday, September 5, 1986

CALL TO ORDER

At 9:50 a.m., the President of the Constitutional Commission, the Honorable Cecilia Muñoz Palma, called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung Followed by a prayer led by Mr. Florenz D. Regalado, to wit:

"Almighty Father, when You created man You breathed Your own life into him. When You established a covenant with Your People, You called them into friendship with You and assured them of Your abiding presence. You established the law as a bond of love between Yourself and Your people and between each man and his community. Through law, You have brought order into the universe, and through law You have enabled each one to find his fulfillment as a person created in Your image and likeness.

As we gather here to formulate a new law as the foundation of our society, we ask You to fill us with Your spirit of wisdom and compassion, so that our work may be an instrument of Your justice and thus lead our people on their continuing pilgrimage towards the peace and freedom of Your salvation.

We make our prayer through Christ our Lord.

Amen."

ROLL CALL

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

Bacani, T.C.

Laurel, J.B.

Bengzon, J. F. S.

Maambong, R.E.

Bennagen, P. L.

Monsod, C.S.

Rosario Braid, F.

Nieva, M.T.F.

Calderon, J. D.

Padilla, A.B.

De Castro, C. M.

Muñoz Palma, C.

Colayco, J. C.

Quesada, M.L.M.

Concepcion, R. R.

Rama, N.G.

Davide, H. G.

Regalado, F.D.

Foz, V. B.

De Los Reyes, R.F.

Guingona,

S. V. C. Rigos, C.A.

Jamir, A. M. K.

Rodrigo, F.A.

Romulo, R. J.

Uka, L.L.

Sumulong, L. M.

Villacorta, W.V.

Tingson, G. J.

Villegas, B.M.

Treñas, E. B.

With 31 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.

Abubakar, Y. R.

Natividad, T.C.

Alonto, A. D.

Nolledo, J.N.

Aquino, F. S.

Ople, B.F.

Azcuna, A. S.

Sarmiento, R.V.

Bernas, J. G.

Suarez, J.E.

Garcia, E. G.

Tadeo, J.S.L.

Gascon, J. L. M. C.

Tan, C.

Lerum, E. R.

Mr. Rosales was sick.

READING AND APPROVAL OF THE JOURNAL

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

REFERENCE OF BUSINESS

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

REFERRAL TO COMMITTEES OF RESOLUTION AND COMMUNICATIONS

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

Proposed Resolution No. 544, entitled:

RESOLUTION PROVIDING FOR SYNCHRONIZED ELECTIONS WITH A STAGGERING OF THE TERM FOR SENATORS

Introduced by Honorable Davide, Jr.

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 719 — Constitutional Commission of 1986

Letter from the Honorable Salvador H. Laurel, Vice-President and Minister of Foreign Affairs, reiterating the recommendation in his letter of June 25, 1986 that the President's power to appoint "Ambassadors, other public Ministers and, Consuls" be specifically provided in the new Constitution in conformity with standard practice in international diplomacy, and recommending that the Constitutional Commission consider providing for a more descriptive statement of the national flag

TO THE STEERING COMMITTEE

Communication No. 720 — Constitutional Commission of 1986

Telegram from the Christian Reformed Diaconal Assembly of Negros Occidental, urging the Constitutional

Commission to incorporate in the Constitution the provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 721 — Constitutional Commission of 1986

Communication from Mr. Agaton N. Ibarbia I, President, Small Landowners Association of Buhi, Inc., 42 San Jose St., San Felipe, Naga City, proposing the ejection of tenants who are also small landowners, and the ejection of landless tenants who have substantially dispossessed, impoverished, and caused economic dislocation among small landowners

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 722 — Constitutional Commission of 1986

Telegram from the Faculty and Staff of Christian Reformed Seminary and Bible College, Bacolod City, Negros Occidental, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 723 — Constitutional Commission of 1986

Telegram sent by Mr. Pedro B. Cruz for the seven thousand eight hundred forty-six Nueva Ecija public schoolteachers, expressing support for the provision on industrialization, protectionism and economic nationalism

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 724 — Constitutional Commission 1986

Communication from Rev. Fernando R. Basilio of the Caloocan Bethel Assembly of God, Inc., 504 A. Mabini St., Caloocan City, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 725 — Constitutional Commission of 1986

Communication from the Catholic Bishops' Commission on Family Life, signed by Bishop Jesus Y. Varela, 470 Gen. Luna St., Intramuros, Manila, opposing the inclusion in the new Constitution of a provision in the 1973 Constitution stating that "it is the responsibility of the State to achieve and maintain population levels most conducive to the national welfare

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 726 — Constitutional Commission of 1986

Communication from the Community Bible Center, P.O. Box 10, Bais City, Negros Oriental, signed by Rev. Romualdo A. Pino and sixty-five (65) others, urging the Constitutional Commission to incorporate in the Constitution a provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 727 — Constitutional Commission of 1986

Letter from Ms. Henrietta T. de Villa, transmitting Resolution No. 1 of the Council of the Laity of the Philippines, First Regional Conference, Western Visayas, proposing an amendment to the Article on Education, Science, Technology, Arts, Culture and Sports, such that "religion shall be considered as the most important subject in the curriculum . . ."

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 728 — Constitutional Commission of 1986

Communication from Ms. Emelyn Ablay and twenty other signatories, Cambagroy, Bais City, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 729 — Constitutional Commission of 1986

Communication from one Beverley Symons on behalf of the Nuclear Free and Independent Pacific Coordinating Committee, P.O. Box A243, Sydney South, NSW 2000, Australia, expressing its belief that the U.S. military facilities in the Philippines represent a threat not only to the Filipinos but also to all people in the Asian-Pacific region

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

Communication No. 730 — Constitutional Commission of 1986

Communication from Rev. Emilia Tallo and eleven others of Aguinaldo Street, Bais City, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 731 — Constitutional Commission of 1986

Letter from Atty. Samuel Matunog transmitting a resolution of the Protestant Lawyers League of the Philippines, 879 EDSA, Quezon City, proposing constitutional provisions for the protection of Filipino children, youth and mothers

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

Communication No. 732 — Constitutional Commission of 1986

Communication from the faculty and students of the Community Bible School, Imugan, Sta. Fe, Nueva Vizcaya, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 733 — Constitutional Commission

Communication jointly signed by Mr. Bernardo P. Villas and Mr. Rufino M. Espina of the Metro Dumaguete Post, Negros Occidental Chapter, Veterans Federation of the Philippines, Dumaguete City, proposing a constitutional provision urging the State to give a monthly pension to all World War II veterans at the age of sixty-three years old and shall be treated as number one citizens of the Republic of the Philippines

TO THE COMMITTEE ON SOCIAL JUSTICE

UNFINISHED BUSINESS COMMITTEE REPORT NO. 29 ON PROPOSED RESOLUTION ON THE ARTICLE ON EDUCATION, SCIENCE, TECHNOLOGY, ARTS AND CULTURE

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

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

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

MANIFESTATION OF MR. VILLACORTA

Mr. Villacorta stated that handouts on the resequencing of the proposed Article based on the amendments of proponents were distributed to the Members.

REMARKS OF MR. GUINGONA

Mr. Guingona explained that the first page of the handout outlines the succeeding pages containing the text of the original provisions with the amendments introduced and that the last page includes the proposed new sections introduced by some Members and other amendments consisting of reformulations, deletions or insertions which would be considered during the deliberations.

INQUIRY OF MR. MAAMBONG

In reply to Mr. Maambong's query whether the proposed new sections in the last page were acceptable to the Committee, Mr. Guingona stated that they were included only to facilitate review by the Members and the Committee would still have to act on them.

Additionally, Mr. Guingona manifested that the Committee had just received a Proposed amendment to incorporate the study of the lives of national heroes coauthored by Messrs. Tingson, Alonto, Uka, Davide Sarmiento, Suarez, Villegas, Rama and Padilla. In addition, he stated that a new provision was proposed, reading: **TOWARDS THIS END, CONGRESS MAY BY LAW PROVIDE FOR COMMON TEXTBOOKS FOR COMMON SUBJECTS ON UNIVERSAL SPIRITUAL VALUES** coauthored by Messrs Tingson and Davide.

Also upon inquiry of Mr. Maambong, Mr. Guingona affirmed that the proposed sections were not exclusive of other amendments already in the possession of the Committee which may still be introduced.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.
It was 10:08 a.m.

RESUMPTION OF SESSION

At 10:36 a.m., the session was resumed.

Upon resumption of session, Mr. Villacorta advised that the matter for discussion is the concept of socialized fee structure in Section 2(b) under which students who can afford to pay full tuition would do so while those who cannot afford to pay, by reason of financial incapacity, would be granted State subsidy. He manifested that Mr. Gascon would answer all questions on the concept.

INQUIRY OF MR. COLAYCO

On the question of Mr. Colayco as to who would determine the parents' ability to pay, Mr. Gascon replied that the State would determine the levels of subsidy as well as the cutoff point when such subsidy may not be extended.

As to whether the concept would also cover religious private schools like the Catholic and Protestant schools, Mr. Gascon explained that the amendment would cover only tertiary state universities and colleges. Additionally, he informed that the concept is not observed in the University of the Philippines although it has been proposed and that one school which has been implementing it is the Philippine Science High School

Upon inquiry, Mr. Gascon stated that the concept is directed at state-owned schools like the U.P. because of the competition in getting entrance to state universities and colleges. He observed that more and more students from the upper middle class — those who can afford to pay full tuition — have been entering U.P. and easing out poor students. He stressed that the idea behind socializing fees in state universities and colleges is to require those who can afford, to pay the full cost so that the subsidies they are getting in the form of very low tuition fees will accrue to the poor students. He noted that since the taxes used to subsidize state universities and colleges are paid by citizens of whom a majority are poor, it is the poor who, in effect, subsidizes the rich. He stressed that the principle is that the State should provide opportunity for the financially disadvantaged to continue their education despite their inability to pay.

INQUIRY OF MR. MONSOD

Mr. Monsod stated that the matter of subsidy was discussed during the period of interpellations and that he agrees with the interpretation of Mr. Gascon although there may be a problem in the way the provision is stated. He cautioned that it might be misinterpreted to mean that the tuition levels per se would be socialized or, as interpreted by certain sectors, that with respect to U.P., the tuition would be kept low, which would not be in line with Mr. Gascon's statement that the intent is to charge the rich full cost or as near the full cost as possible for the benefit of the poor.

Mr. Gascon explained that basically the intent, as far as socialized fees are concerned, would be to charge the students according to their ability to pay. He clarified that for the rich, they would have to pay what should be paid and for the poor, they will be charged what they can afford to pay.

Mr. Monsod stated that he and Mr. Gascon do not differ in their approach and that the concept would mean that the tuition will be pitched at full cost or near full cost and the assistance will be directly to students. He observed that if this is the intent of the Committee, Section 2(c) already covers it and eliminating Section 2(b) would avoid misinterpretation that the tuition itself would be lowered, in which case, the rich would still benefit. He opined that going to Section 2(c) directly would clarify the idea that the incentive would go to students who are deserving, especially the under-privileged, and would preclude misinterpretation.

Mr. Gascon clarified that it is not the intent to lower tuition fees in state universities and colleges. He noted that

Mr. Monsod referred to Section 2(c) which speaks of other support mechanisms for poor and deserving students such as scholarship grants, student loan programs and other incentives.

In reply, Mr. Monsod stated that eliminating Section 2(b) and expanding Section 2(c) to include subsidy for tuition for deserving and underprivileged students would completely eliminate the possibility of interpreting Section 2(b) to mean granting benefits also to those who can afford.

Mr. Gascon stated that he would have no problem combining Sections 2(b) and 2(c), although Section 2(b) would not cover the intent of Section 2(c) which speaks of scholarship grants, loan programs and other incentives. Section 2(b), he stressed, speaks of direct subsidy which is not a loan or a scholarship. He noted that there would be no problem if this is included in Section 2(c).

Mr. Monsod then suggested adding the words AND SUBSIDIES to Section 2(c).

Mr. Gascon observed that adding "and subsidies" in Section 2(c) would expand the original concept which the Committee proposed in Section 2(b) which speaks only of state universities and colleges and that, in effect, it would cover poor students even in private schools.

In explaining his reason for agreeing with Mr. Gascon, Mr. Monsod stated that giving students the freedom to choose would upgrade the entire system since even the private schools would have to improve their quality of education to attract students who can contribute to their viability. Quality education, he stressed, is available not only in public schools but also in private schools. He noted that expanding the coverage of the concept would help the underprivileged and improve the entire system.

Upon inquiry of Mr. Gascon whether the intent to socialize fees would apply to both public and private schools, Mr. Monsod replied in the affirmative, adding that the State would subsidize the poor students regardless of what school they go to. Mr. Monsod stated that this was his proposal during the period of interpellations and that by adopting this philosophy, which would only require adding a word or two in Section 2(c), Section 2(b) would not be needed.

Mr. Gascon stated that so long as the intent is not lost, the Committee would accept an amendment to Section 2(c).

INQUIRY OF MR. PADILLA

In reply to Mr. Padilla's query, Mr. Gascon affirmed that Section 2(b) refers to the tertiary level.

Mr. Padilla stated that there are science high schools whose students are honor students from various high schools nationwide who qualified through examinations and ' that such schools maintain a higher level of education than the ordinary provincial and city high schools. He inquired if the State should not encourage liberal education for such students who have shown the aptitude and the talents for higher learning rather than making a distinction on whether they come from poor or rich families. He noted that others who may not possess as much talent or fail to display it through hard work should be encouraged instead to go to vocational or technological schools.

Responding thereto, Mr. Monsod stated that there has been a vicious cycle in the educational system wherein the poor starts from very inadequate fundamentals. That is why the entrance hurdle rate at Philippine Science High School is about 60% for those coming from urban schools compared to 40% for those coming from rural schools. In this regard, he suggested that in order to change the foundation and structure of Philippine society, the outstanding students who belong to the rich should only be given honorific citations while the poor should be given actual subsidy.

Additionally, Mr. Gascon stated that in terms of tertiary education, the first assumption is aptitude, because a student would need aptitude to pursue four years of tertiary education.

Mr. Gascon adverted to statistics which show that of 750,000 students who took the National College Entrance Examinations (NCEE), 50% came from the P500.00 and below income bracket of which those who scored above median constituted about 13% or 97,555 students. He stated that those who scored 90% and above out of the same bracket constituted about 1.73% or 12,975 examinees who had a high level of excellence and aptitude to continue tertiary education. He stated, however, that there is a very low probability for these 12,975 students to continue four years of tertiary education because of their difficulty to pay tuition fees. He stated that these are the students whom a socialized fee structure seeks to address.

INQUIRY OF MR. REGALADO

In reply to Mr. Regalado's query on the mechanics

of determining the socialized fee structure, Mr. Gascon stated that there are many ways to implement this, among which are direct subsidy to students based on family income brackets, and graduation of the tuition fee amounts also based on family income. He stated that the Philippine Science High School has been implementing a scholarship scheme which resembles the proposed socialized tuition fee scheme, based on the principle that wealthier students get less subsidy while the poorer ones get more. He stressed that the socialized tuition fee scheme is more comprehensive than the usual scholarship grant because it gives subsidy to students of varying levels of income and not just to students in the lowest bracket. He stated that since the practice could vary from one situation to another, it would be best to leave it to Congress and the implementing procedures of the Ministry of Education, Culture and Sports based on particular considerations in the locality.

On the observation that the socialized fee scheme is based on the requirement of competitive entrance examinations, Mr. Gascon affirmed that not everyone is competent to pursue tertiary education and that state colleges and universities have quotas for certain degrees.

Mr. Regalado, likewise, observed that it is not only capacity or competence, or the fact that the student belongs to a certain financial level that is taken into consideration, but also the entrance examination as a predictor of academic success. In reply thereto, Mr. Gascon stated that what is important is that those coming from the poor sector of Society are assured of tertiary education.

On whether the government would be in a position to subsidize private schools, Mr. Monsod pointed out that the incentives and subsidies under subparagraph (c) would be for the students and not for the schools and that it would apply to all deserving or underprivileged students regardless of where they are enrolled.

Furthermore, Mr. Gascon stated that the addition of the word "subsidy" in subparagraph (c) would expand the concept in subparagraph (b), which limits subsidy to state colleges, to also include the poor, underprivileged students enrolled in private schools.

Mr. Regalado observed that almost a million college students were enrolled in private schools, based on the report of the Ministry of Education, Culture and Sports for school year 1984-1985, while only 137,724 enrolled in government tertiary schools as against 972,736 in private schools. In view thereof, he opined that the incorporation of paragraph (b) in paragraph (c) should not only be in terms of the financial outlay but also in terms of population in both public and private schools.

REMARKS OF MR. VILLEGAS

Mr. Villegas stated that he was cautioned against the use of highly technical phrases like "socialized pricing" because it is fraught with technical complications. He stated that the same technical complications could happen in the operation of educational institutions. In this regard, he suggested the use of a generally understood terminology such as "subsidy" or "grants" rather than the technically complicated concepts such as "socialized pricing" or "socialized fee structure".

On Mr. Gascon's query on the intent or principle which the Committee wanted to impart, Mr. Villegas stated that there is no question that the objective of the provision is indispensable and, therefore, the children of the underprivileged would have to be subsidized to enable them to attain tertiary education.

Mr. Gascon stated that the Committee does not have any fixation for the term as long as the intent is clear. He pointed out that the original proposal is to implement the scheme in state colleges and universities because the subsidies have already accrued to these colleges and universities, and to rationalize these subsidies instead of distributing them equally to all students regardless of whether they come from the rich or the poor. He stressed that the Committee wants to transfer the subsidy to the poor to enable them to enter college. He recalled, by way of an example, that during the 1960s, students who graduated as valedictorians and salutatorians were automatically accepted for entrance to enter the University of the Philippines, giving rise to a high level of excellence, the equalizing factor being that most of the schools where these scholars came from were public schools. He pointed out, however, that at present, because of the competitive examinations, those who come from the private schools usually ease out even the highly intelligent public school students simply because of the quotas set for tertiary education.

At this juncture, Mr. Villacorta stated that there had been sufficient discussion of the subject matter. He then suggested that the Body vote on two concepts, namely, the matter of subsidies for poor students at the tertiary level, and the question of whether these subsidies should apply to both public and private colleges and universities.

AMENDMENT OF MR. MONSOD

Mr. Monsod proposed to delete subparagraph (b) and to insert the word SUBSIDIES after "incentives" in paragraph (c).

On Mr. Gascon's query whether the proposal would also delete the intent of subparagraph (b), Mr. Monsod stated that the intent would remain but confusion on tuition fees could be avoided, because the subsidy would be given to poor and under-privileged students based on the ability to pay, rather than to schools.

Upon suggestion of the Chair, Mr. Monsod agreed to a modification of his amendment by inserting the word SUBSIDIES after "programs".

Mr. Villacorta accepted the amendment.

MR. BACANI'S AMENDMENT TO THE AMENDMENT

Mr. Bacani proposed an amendment to the amendment to insert AT ALL EDUCATIONAL LEVELS after "public and private schools".

Mr. Monsod, however, stated that it would be better to be silent on the matter by leaving it to Congress to decide depending on the resources of the State.

Thereupon, Mr. Bacani desisted from pursuing his amendment on the understanding that Congress would decide on a program for implementation as soon as the country is financially able to support it.

On Mrs. Quesada's query on whether the concept of socialized fee structure in subparagraph (b) to be incorporated in subparagraph (c) would refer to tertiary education, Mr. Monsod stated that it would even cover education beyond tertiary level, and that by putting it in general terms, Congress would be left to determine the priorities.

On Mr. Gascon's query, Mr. Monsod affirmed that the term "subsidy" is used in its generic sense and would either be in the form of money or discounts, invoices and coupons based on a graduated level of ability to pay. He explained that the poor would be given subsidy but those who come from the middle class but who find it difficult to pay would also receive some form of subsidy.

Thereupon, Mr. Gascon manifested that the Committee fully agrees with Mr. Monsod's amendment. Thereafter, he requested that Mr. Bacani, Mrs. Nieva and Mr. Guingona be made coauthors of the amendment

APPROVAL OF MR. MONSOD'S AMENDMENT

Thereafter, the Chair submitted the amendment to a vote, and with 33 Members voting in favor and none against, the same was approved by the Body.

PROPOSED AMENDMENT OF MR. PADILLA

On page 1, delete lines 20 to 23, and in lieu thereof, substitute the following:

THE STATE SHALL PROMOTE PHYSICAL EDUCATION AND ENCOURAGE SPORTS PROGRAMS FOR THE TOTAL DEVELOPMENT OF A HEALTHY AND ALERT CITIZENRY. ALL SCHOOLS, COLLEGES AND UNIVERSITIES, PUBLIC AND PRIVATE, SHALL UNDERTAKE REGULAR SPORTS ACTIVITIES, ATHLETIC COMPETITIONS IN ORGANIZED LEAGUES, FROM BARRIO, MUNICIPAL, PROVINCIAL, REGIONAL TO NATIONAL SPORTS PROGRAMS.

THE PROMOTION OF AMATEUR SPORTS, AS DISTINGUISHED FROM PROFESSIONAL PLAYERS, SHALL BE PROVIDED BY LAW, INCLUDING THE TRAINING OF NATIONAL ATHLETES FOR ASIAN AND WORLD OLYMPIC GAMES.

Mr. Padilla explained that this amendment would constitute a separate paragraph on sports at the end of the Article and would delete lines 20 to 23 Of the Section on Education.

INQUIRY OF MR. SUAREZ

Mr. Suarez prefaced his query by expressing surprise that the elaborate proposal does not appear to be a typical Padilla vintage. Mr. Padilla replied that every word in this proposed amendment is his.

On whether the phrase "promote physical education and sports programs for the total development of a healthy and alert citizenry" is all embracing, Mr. Padilla replied in the affirmative and stated that it is not enough to put it in the school curriculum, but also in regular sports activities, athletic competitions or organized leagues.

SUGGESTION OF MR. BENGZON

At this juncture, Mr. Bengzon suggested that the Body discuss and approve the concepts and the Committee put in the language, after which the Body could discuss the language and details of the amendments.

Mr. Suarez agreed to the procedure.

Mr. Padilla, likewise, interposed no objection to further discussion on his proposal as a separate paragraph to be placed at the end of the Article on Sports to which Mr. Villacorta replied that the Committee would be amenable to having a separate paragraph for sports.

INQUIRY OF MRS. QUESADA

On Mrs. Quesada's query whether his proposed amendment considered that the effort of developing sports could go beyond the school system by including the efforts of local government units to promote a healthy and alert citizenry, Mr. Padilla stated that it would cover public and private schools and that his proposal is not outside the scope of education.

Mrs. Quesada noted that efforts outside of the school system would be covered' by the provision which reads "Towards this end, the State shall provide opportunities for participation involving all sectors" which, she believes, offers other opportunities for developing sports. She lamented the fact that local government units do not provide adequate spaces for sports so that the children are forced to improvise playgrounds on streets which expose them to the hazards of vehicular accidents. She observed that Mr. Padilla's proposal would, in effect, trigger legislations on the responsibility of the State to open sports opportunities and provide sports facilities.

Replying thereto, Mr. Padilla stated that the inadequate sports facilities have indeed contributed much to the deterioration of the country's athletic performance. He recalled that there used to be scholastic games among public as well as private schools but there have been attempts to eliminate these competitions. He stressed that sports could not be developed by merely providing for physical education in the classroom because sports is essentially competitive and must be judged by actual performance. He mentioned some immortal names in amateur athletics who started in regular leagues until they excelled in their respective events and represented the country in the World Olympic games. He stated that the Philippines used to be number one in the whole of Asia but because of its deteriorating athletic performance, it is relegated to either third or fourth behind Japan and South Korea.

Mr. Padilla stressed that if sports is to be promoted, the potential talents of students in their early age should be developed by gradually increasing their proficiency in provincial, regional and national competitions through organized leagues. He opined that professionalization of sports does not offer much incentives and, in fact, denies incentives to many students who could be good athletes for the national team that would compete in the Asian games and the World Olympic Games.

At this juncture, Mr. Bengzon observed that the Body was ready to vote on the concept of Mr. Padilla's proposal on the understanding that the Committee would provide the necessary language.

Mr. Villacorta stated that the Committee would harmonize the sense of Mr. Padilla's proposal with that of the Committee.

APPROVAL OF MR. PADILLA'S AMENDMENT

Thereupon, submitted to a vote and with 35 Members voting in favor and none against, the Body approved Mr. Padilla's proposed amendment.

SUGGESTION OF MR. DE LOS REYES

Mr. de los Reyes suggested the following wordings for Mr. Padilla's amendment:

ALL EDUCATIONAL INSTITUTIONS, PUBLIC AND PRIVATE, AS WELL AS ALL GOVERNMENT
UNITS SHALL ADOPT SPORTS PROGRAMS AND UNDERTAKE REGULAR SPORTS ACTIVITIES,

AND HOLD ATHLETIC COMPETITIONS. THE STATE SHALL, BY LAW, PROMOTE AMATEUR AND PROFESSIONAL SPORTS AND TRAIN NATIONAL ATHLETES FOR INTERNATIONAL COMPETITIONS.

Replying thereto, Mr. Padilla stated that the term "international competition" would not be satisfactory because any invitational athletic competition is international. He cited several tournaments abroad where Filipino participations were not official but within the standards of true international competitions like the Asian Games and the World Olympic Games. He stressed that it should not be the object of the State to train athletes for intermittent, periodic or incidental competitions with athletes of neighboring countries. He stated that his concern is for student-athletes in amateur sports to exercise self-restraint, discipline, obedience to training rules and to attain maximum excellence in their respective sports to be able to qualify as members of the national team competing in the Asian Games as well as the World Olympic Games.

REMARKS OF MR. BENNAGEN

Mr. Bennagen suggested that in the final formulation of the proposal, two points should be considered, namely: 1) concentration on areas more suitable to the limitations of the Filipino physique; and 2) development of Filipino games like sipa and the Filipino martial arts.

REMARKS OF MR. DE LOS REYES

Mr. de los Reyes stated that he made the suggestion because it would be unseemly to constitutionalize the Asian and Olympic Games. He stated that he felt he was doing the amendment a favor when he suggested the term "international competition" as comprehensive enough to cover the Asian Games as well as the World Olympic Games, and that he would not be too keen about the amendment should Mr. Padilla insist on constitutionalizing the Asian and Olympic Games competitions.

CONCEPT OF COMPREHENSIVE APPROACH TO EDUCATION

The Body discussed, as the next item, the concept of comprehensive approach to education and coordination of formal, nonformal, informal and indigenous learning systems.

Explaining this concept, Mrs. Rosario Braid stated that the provision recognizes the need to link formal education with the nonformal and informal education. She explained that nonformal and informal education include the concept of providing education for out-of-school youth, continuing lifelong education for adults, development of culturally appropriate learning systems and the encouragement of self-learning systems. She pointed out that in areas affected by the insurgency problem, the children are deprived of schooling, for which reason, the State should encourage other delivery systems to reach them.

Mrs. Rosario Braid deplored the past practice of improper allocation of the education budget in the sense that nonformal education was only allotted a meager sum thereby contributing to the failure to achieve the objective of nonformal education. She stressed that nonformal education caters mostly to dropouts and adults with a view to increasing the literacy rate.

INQUIRIES OF MR. SARMIENTO

On Mr. Sarmiento's inquiries regarding the different concepts which the provision seeks to achieve, Mrs. Rosario Braid explained that formal education refers to schooling within the four walls of the classroom; nonformal education refers to those given in the workplace, in factories and in shops aimed at upgrading the skills of workers and laborers; informal education refers to education derived from the home, the church, the mass media and other community associations or organizations; and indigenous learning systems include certain ways and methods in the cultural communities which are worth preserving and building.

Mr. Bennagen, on a point of information, adverted to the Regional Center for Educational Limitations and Agriculture, of which the Philippines is a member, which seeks to redefine Asian educational systems by going back to traditions because of the assessment that the educational system is too Western-oriented. He stated that the Education Ministers of ASEAN countries felt the need to rediscover what the Asians have as a people. He cited an ongoing comparative and cross-cultural study of what is referred to as indigenous learning systems which respond both to community requirements and to influences from the outside. He opined that this is a more consistent learning system in the sense that it takes into account the community as well as the influx of cultural elements from the outside but within a framework that seeks to integrate political, economic and cultural values within the learning system.

With respect to self-learning, independent and out-of-school study programs, Mrs. Rosario Braid explained that this would refer to a popular trend using self-learning materials, either in printed form or audiovisual and cassettes, under the supervision of a teacher or a guidance counsellor. She stated that an independent learning system includes projects like correspondence courses, open media of communication, and open university. Under this system, she stated that teachers are provided various options in terms of learning materials from which the students could select according to their needs and goals. On the other hand, she stated that out-of-school learning would cater to dropouts and adults.

On Mr. Sarmiento's observation that by providing this very comprehensive approach to education, the Commission might be raising false hopes among the people, Mrs. Rosario Braid stated that this comprehensive approach to education would not entail large outlays because it would depend on existing resources like radio networks, community newspapers, audio-visual materials and libraries, with the teachers already trained to handle nonformal education. She stressed that this is an attempt to organize all the ongoing fragmented efforts towards this objective. This comprehensive approach, she stated, would reinforce the values learned at home or at school in the sense that education learned through other sources like the mass media would supplement those values. She stressed that the provision would strengthen the linkage mechanisms that would ensure that the values learned in school, at home, in mass media and in workplaces would all be coordinated to prevent the development of split personalities on account of conflicting values.

INQUIRY OF MR. REGALADO

Preparatory to the clarification he would seek, Mr. Regalado adverted to the Education Act of 1982 which defines formal education as "the hierarchically-structured and chronologically-graded learnings organized and provided by the formal school system and for which certification is required in order that the learner may progress through grades and move to higher levels and nonformal education as "any organized school-based education activities undertaken by the Ministry of Education, Culture and Sports and other agencies aimed at attaining specific learning objectives for a particular clientele, especially the illiterates and out-of-school youths and adults, distinct from and outside the regular offerings of the formal school system".

Mr. Regalado observed that based on these definitions, it appeared that the explanations given have not clearly delineated the distinction between formal and nonformal education. He asked whether informal education should also be school-based, to which Mrs. Rosario Braid replied that precisely the criticism is that the Ministry has defined nonformal education in a formal way which means they have formalized nonformal education. She explained, however, that nonformal and informal education refer to learning that takes place outside the classroom and outside the Ministry's supervision but guided indirectly by parents or community leaders.

Mr. Regalado pointed out that since informal education is not school-based, the government may not be able to coordinate it in accordance with Section 2(e) in reply to which Mrs. Rosario Braid explained that the concept of coordination refers to an informal coordination and not to regulation, such that formal, nonformal and informal

education reinforce each other, as in the Sri Lankan model, in the effort towards total human development.

On whether the State may intervene or prevent the teaching of prohibited subjects in informal education, Mrs. Rosario Braid underscored that the intent, in terms of future legislation, is to recognize that mass media, for instance, are as important learning systems as schools in developing values in society. She affirmed that the State may exercise regulatory powers over informal and indigenous methods of learning when they come in conflict with prevailing value systems.

INQUIRY OF MR. ROMULO

In reply to Mr. Romulo's query whether the Committee proposes the control of media so that they would reflect the values that it feels should be passed to the children, Mrs. Rosario Braid explained that the intention is merely to provide certain general guidelines necessary to achieve balance of information in the form of education, arts and culture, so that mass media would not be limited to entertainment. She added that the Committee also seeks to provide for policies that would make mass media self-regulating consistent with their social responsibility vis-a-vis the directions of the learning systems.

Mr. Romulo observed that the provisions on coordination are all hortatory in the absence of control over some factors sought to be coordinated to which Mrs. Rosario Braid replied that perhaps the word "integrate" would better describe the intent to harmonize the activities.

Mr. Romulo maintained that as suggested by Mr. Regalado, there could be no harmony if they are not regulated, in reply to which Mrs. Rosario Braid reiterated that self-regulation would also mean adhering to certain code of ethics that will serve as the sanction or regulation.

INQUIRY OF MR. MAAMBONG

In reply to Mr. Maambong's query as to how international correspondence schools in the Philippines may be treated, Mrs. Rosario Braid affirmed that they could fall under the self-learning, independent and out-of-school study program.

On whether they would be under the administrative regulation or control of the Ministry of Education, Culture and Sports, Mrs. Rosario Braid opined that although there are some privately led efforts, like the Asian Institute of Distance Education run by the Ayala Corporation, the Ministry of Education, Culture and Sports would still be the central body that would regulate such correspondence schools.

INQUIRY OF MR. DAVIDE

In reply to Mr. Davide's query how the proposed Filipinization of educational institutions would affect foreign-owned international correspondence schools, Mrs. Rosario Braid affirmed that they would have to submit to the regulations of the Ministry of Education, Culture and Sports.

INQUIRY OF MR. NOLLEDO

In reply to Mr. Nolleddo's observation that coordination does not mean integration, Mrs. Rosario Braid stated that in a way it is, the idea being that they work more closely. She disagreed that nonformal education merely reinforces formal education. She stated that many of the best educated people have not gone through formal education. She maintained that nonformal education could substitute for formal education, like in independent study programs where degree certificates are granted for education through self-learning materials. She added that the Constitution should anticipate the future when there would not be enough schools to accommodate millions of

students and when there would not be enough trained teachers, in which event, learning could be delivered through television, radio, newspapers and other media.

AMENDMENT OF MR. COLAYCO

Mr. Colayco stated that he was bothered by the word "coordinating". He proposed that in line with the main thrust to encourage education, the provision should simply state that the State shall encourage nonformal, informal and indigenous learning systems. He maintained that it would be difficult to coordinate home education with education in the school.

Mrs. Rosario Braid opined that the suggestion would be acceptable provided that said learnings are integrated but are reinforced by formal education.

Mr. Colayco underscored that what he was proposing was a certain help from the government because many people could not afford to buy school materials, instead of providing for a coordinating requirement on the part of the government. He pointed out that it is really difficult for poor children to maintain formal education especially when they are helping in the farms. He stressed that the emphasis of the provision should be on encouragement of informal education.

The Sponsor accepted the proposed amendment.

Thereupon, Mr. Villacorta moved for a vote on Section 1.

INQUIRY OF MR. BACANI

Mr. Bacani expressed doubt on whether the provision would really enshrine a philosophy of education. He asked if the State should be looked at as the educator, a financier, a supporter or just an entity which encourages education.

In reply, Mrs. Rosario Braid explained that the State would be a facilitator in the educational system although it may encourage investments on nonformal literacy programs and creative organization of existing resources.

She further explained that Congress and the Ministry of Education, Culture and Sports would be mandated to take the necessary steps to integrate the media system with the educational system, and all the nonformal education of all ministries of governments with the programs of nongovernmental agencies.

In this connection, Mr. Bennagen stated that viewing it from the historical context, there was worldwide education crisis, and the argument is that the State mass educational system tends to be authoritarian, nonparticipatory and tends to homogenize values, because of which various groups, academes and scholars examined other possibilities for education independent of what the State provides. He underscored that a radical change has to be made so that education would respond to the needs of the times, taking into account the people's capacity to learn while allowing them to participate and decide what would be the proper pace of learning. He opined that there should be a shift from an authoritarian system to a more experiential and learner-oriented system.

Additionally, Mr. Gascon stated that there should not be a development of one state ideology that would be imposed on people but the State should encourage new learning processes.

Mr. Bacani, however, pointed out that the function of the State in education is to mediate between different groups involved in education and to see to it that the common good is at all times safeguarded, and that the total human liberation, development, nationalism and national unity are fostered, to which Mrs. Rosario Braid agreed stating that the State has also the responsibility to create a climate conducive to integration.

REMARKS OF MR. NATIVIDAD

Mr. Natividad urged that the State also supervise and coordinate with international schools in the Philippines in order that it can monitor the training of persons who claim that they are experts and graduates of such institutions. He disclosed that alleged experts were able to testify in courts with out question as to their credentials and qualifications, particularly in criminology.

REMARKS OF MRS. QUESADA

Mrs. Quesada stated that the remarks of Mr. Natividad had inspired her to think of a training program for barangay health workers, with some kind of supervision by health authorities, to meet the health needs of the people.

INQUIRY OF MR. CONCEPCION

In reply to Mr. Concepcion's query whether paragraph (e) refers to the substance or methods or techniques of teaching, Mrs. Rosario Braid confirmed the same. On coordination relative to the substance, Mrs. Rosario Braid stated that the provision would give a lot of leeway to the learner and room for developing the content of the system.

REMARKS OF MR. BENNAGEN

Mr. Bennagen stated that other learning systems outside the state-sponsored learning systems should be recognized and utilized by the State such that geniuses developed by said systems do not have to be certified by the State-sponsored formal educational system but could be tapped for their services.

REMARKS OF MRS. ROSARIO BRAID

Mrs. Rosario Braid stated that since societies are getting more complex for which many need for more knowledge has expanded, the type of learning alluded to by Mr. Bennagen is an anticipatory plan which needs the support of the State.

REMARKS OF MR. MAAMBONG

Mr. Maambong stated, for the record, that correspondence schools have helped a lot of people for which they should be recognized and supervised by the State.

REQUEST OF MR. VILLACORTA

At this juncture, Mr. Rama invited attention to Mr. Villacorta's request for a vote on Section 2(a).

In reply to the Chair's query on the status of Section 2(e), Mr. Villacorta stated that it is the Committee's desire to first submit Section 2(e) to a vote and to vote on Section 2(a) later on, since the rejection of the Rodrigo amendment implicitly affirms the concept of free public elementary and secondary education.

Mr. Davide observed, however, that it is possible that other amendments embodying new concepts related thereto would be presented. He adverted to Mr. Sarmiento's desire to propose an additional concept.

Replying thereto, Mr. Villacorta stated that it would be more systematic to resolve the issue on free public elementary and secondary education so that the discussion in the previous session would not be wasted.

Mr. Ople suggested a vote on the proposal without prejudice to the introduction of new concepts, to which Mr.

Sarmiento agreed.

In reply to the Chair's query whether the concept on free public secondary education shall be subjected to a vote considering that the concept on free public elementary education has been approved, Mr. Villacorta replied in the affirmative.

Mr. Nollado informed the Body that approval thereof shall be subject to the condition that the Transitory Provisions shall provide that the government shall implement the program after a certain period of time, which Mr. Villacorta affirmed.

APPROVAL OF SECTION 2(a)

Submitted to a vote, with 28 Members voting in favor, 1 against and 1 abstention, the Body approved the concept of Section 2(a).

Thereafter, Mr. Villacorta moved for a vote on Section 2(e).

SUGGESTION OF MR. PADILLA

Mr. Padilla suggested that instead of enumerating formal, nonformal, informal, indigenous, self-learning etc. in Section 2(e), an all-embracing phrase to "Encourage all systems of instructions and programs of education", should be used, to which Mrs. Rosario Braid replied that the phraseology connotes and mandates the State to undertake measures towards these directions.

SUGGESTION OF MR. BACANI

Mr. Bacani suggested that the provision merely state that "The State shall ENCOURAGE FORMAL NON-FORMAL . . ." and to give due reference to the phrase "a comprehensive approach and coordinating" which the Committee accepted.

SUGGESTION OF MR. DAVIDE

Mr. Davide stated that he was about to object to Mr. Bacani's proposal because the entire educational system would relate to formal and nonformal education with the latter supplementing the former. He stated that to make the provision expressive of the State's mandate and not merely to encourage education, the provision should read: The State shall provide A COMPREHENSIVE APPROACH TO FORMAL AND NON-FORMAL EDUCATION AND COORDINATE . . ."

COMMENTS OF MR. COLAYCO

Mr. Colayco observed that the intention of the Committee is to distinguish formal from nonformal education as Section 2(a) speaks of free public education while Section 2(b) speaks of nonformal education. He stated that the thrust of Section 2(b) should be the encouragement of nonformal education, to which Mr. Davide argued that nonformal education is usually obtained within the educational system itself.

Mr. Ople volunteered the information that non-formal education refers mainly to accelerated vocational courses that are usually conducted by schools which, he said, do not embrace the self-learning process referred to by Mr. Colayco. He stressed that self-learning ought to be made part of the system which should be encouraged and coordinated.

Mr. Colayco explained that he suggested "encourage" because the provision on formal education provides for

encouragement. He stressed that his concept is to encourage parents to inquire how schools educate their children.

REITERATION OF MR. VILLACORTA'S MOTION

At this juncture, Mr. Rama reiterated Mr. Villacorta's motion for a vote on Section 2(e).

APPROVAL OF SECTION 2(e)

Thereupon, submitted to a vote, with 31 Members voting in favor and none against, the Body approved Section 2(e), as amended.

SUSPENSION OF SESSION

On motion of Mr. Rama, the Chair suspended the session until two-thirty in the afternoon.

It was 12:41 p.m.

RESUMPTION OF SESSION

At 3:04 p.m. the session was resumed.

Upon resumption of session, Mr. Davide inquired whether the Body would continue working on the concepts or proceed to amend section by section beginning with Section 2(f), to which Mr. Villacorta replied that the Body could proceed following the normal amendment procedure which would allow approval of the concept and exact wording of the sections.

PROPOSED AMENDMENT OF MR. DAVIDE

Thereupon, Mr. Davide proposed to reformulate Section 2(f), to read: PROVIDE CITIZENSHIP TRAINING AND PROMOTE WORK-ORIENTED EFFICIENCY TO ADULT AND DISABLED CITIZENS AND OUT-OF-SCHOOL YOUTH.

Upon inquiry of Mr. Gascon, Mr. Davide explained that the original wording in the 1973 Constitution is "citizenship training" instead of civics training which would not capture the concept of citizenship training.

The Committee accepted the modification.

Mr. Davide further informed that he changed "vocational efficiency" to WORK-ORIENTED to include skills covered by Section 3(b).

Mr. Rigos interposed to state that it was his understanding that the Body would continue discussing the concepts in the entire Article and then allow the Committee to put the necessary wordings.

The Chair informed that the procedure had been changed in accordance with the Committee's readiness to accept or reject amendments.

Ms. Aquino objected to the proposed amendment stating that the original proposal, which focuses on the adult and the disabled, is better. She noted that the phrase "citizenship training and promote work-oriented efficiency" could have some conceptual variance.

In reply thereto, Mr. Villacorta pointed out that the disabled may also acquire work-oriented skills and efficiency.

MR. AZCUNA'S AMENDMENT TO THE AMENDMENT

Mr. Azcuna proposed a transposition, to wit: PROVIDE ADULT CITIZENS, THE DISABLED AND OUT-OF-SCHOOL YOUTH WITH TRAINING IN CIVICS, VOCATIONAL EFFICIENCY AND OTHER SKILLS, which amendment was accepted by the proponent.

The Committee having accepted the amendment and there being no objection, the same was approved by the Body.

SECTION 3

Thereafter, Mr. Villacorta read Section 3(a) as follows: "All educational institutions shall include the study of the Constitution and human rights as part of the curricula".

PROPOSED AMENDMENT OF MR. TINGSON

Mr. Tingson proposed to include the lives of heroes in the curriculum and informed that the amendment had several coauthors, namely: Messrs. Alonto, Uka, Davide, Sarmiento, Suarez, Villegas, Rama, Padilla, de Castro, Abubakar and Ople.

Upon inquiry of the Chair, Mr. Tingson informed that the Committee was divided on the issue and would prefer to submit it to the Body.

Mr. Tingson stated that along with 12 Members he would propose to include as part of the curricula in all schools the study of the lives of the national heroes. He observed that many children are confused and do not know what love of country is because patriotism and nationalism have not been inculcated in them. He informed that the children's source of inspiration are not the heroes but local and foreign actors and singers whom they emulate. He stated that the children's reading materials consist of comic books most of which are trash as well as other materials which do not instill moral or spiritual values. He argued that the sense of appreciation and inspiration of the schoolchildren can be redirected by letting them study the lives of national heroes. He observed that aside from previous attempts to include in the curricula the bachelor of Rizal's Noli Me Tangere and El Filibusterismo, there has been no effort to include the study of the lives of national heroes such that the children nowadays do not know the heroes and heroines like Rizal, Mabini Bonifacio, Melchora Aquino and Teodora Alonzo. He underscored the need to mould the childrens character by dying the Constitution and the lives of national heroes.

INQUIRY OF MR. NOLLEDO

Upon inquiry of Mr. Nollado as to who those Filipino heroes are, Mr. Tingson cited Rizal, Mabini, Bonifacio and even Ninoy Aquino.

As to whether these heroes would include past Presidents, Mr. Tingson affirmed that the list would include Presidents such as Manuel Quezon, Sergio Osmeña, Manuel Roxas and Ramon Magsaysay. As to whether a certain President would be excluded, Mr. Tingson stated that he would leave it to the people who know the Presidents better.

On whether there are standards to be observed in determining whether a person is a hero or not, Mr. Tingson affirmed that there are certain standards.

He affirmed that the lives of the Filipino heroes are being studied as part of Social Studies, Philippine History and Philippine Government, which studies are, however, done in a perfunctory manner. He stressed that inasmuch as the Body is putting an accent on the study of the Constitution, this could be balanced by the study of living

illustrations and demonstrations of the very people who understood and fought and died for social justice.

On whether he would recommend that the subject on the lives of Filipino heroes should be made an independent subject in the elementary and high schools and college, Mr. Tingson replied that this should be treated in the same manner as the study of the Constitution.

REMARKS OF MR. BERNAS

Mr. Bernas objected to the proposed amendment. He stated that while he has nothing against heroes, the proposal would multiply the prescribed subjects. He noted that the Body has already put in the Constitution the study of human rights as part of the curriculum and that adding more subjects to it would no longer allow time for reading, writing and arithmetic. He observed that it can be included as one of the goals mentioned in Section 2(b) simply phrased as "familiarity with the lives of heroes". He reasoned that formalizing it as a subject would impinge on institutional academic freedom.

Reacting thereto, Mr. Tingson argued that the study of the lives of national heroes cannot be placed in a secondary category. He stated that he favors the study of the Constitution and human rights and that he was one of the Members who filed a resolution therefor.

REMARKS OF MR. BENNAGEN

Mr. Bennagen also spoke against the proposal pointing out that more important than understanding the lives of heroes would be an understanding of the social processes which led to the emergence of heroes. He observed that as presently interpreted, it tends to highlight individuals and personalities as if they are icons above the historical process. He reasoned that the lives of heroes can be treated in courses in Social Sciences — in political science, history and social studies — and that treating them in these small, encompassing subjects of social processes would allow students and teachers to better appreciate the very social background which led to the individuals' heroism.

By way of a rejoinder, Mr. Tingson pointed out that Dr. Jose Rizal was among other things a doctor of medicine, a scientist, an engineer, a linguist and a sculptor and that there cannot be a more beautiful thing than the study of the lives of such heroes who personified the very ideals which the Body is trying to enshrine in the Constitution.

MR. OPLE'S AMENDMENT TO THE AMENDMENT

Mr. Ople proposed the reformulation of the phrase "the lives of our national heroes", to THE HISTORY OF THE COUNTRY, INCLUDING THE LIVES OF OUR NATIONAL HEROES. He opined that this would partially meet the concern expressed by Messrs. Bernas and Bennagen. He noted that the lives of heroes will be merely a kind of elaboration and exemplification to focus on historical lessons and will be better appreciated in the context of history including the participation of the people themselves in making that history because, in a sense, as many historians believe, the people are the truly unacknowledged heroes of history.

Restated, the provision would read: "The study of the Constitution, human rights, AND THE HISTORY OF THE NATION INCLUDING THE LIVES OF OUR NATIONAL HEROES shall be part of the curricula in all schools".

Mr. Tingson accepted the amendment to his amendment.

PROPOSED AMENDMENT OF MR. REGALADO

Mr. Regalado observed that Section 3 already mandates the study of the Constitution and recalled that the Committee has warned that the moment the gates to the introduction of constitutionally mandated subjects are opened, there would be no end to proposals to include other subjects.

Thereupon, he proposed to delete the phrase “human rights” inasmuch as the study of the Constitution would involve the study of human rights in the light of the creation of the Commission on Human Rights.

REMARKS OF MR. ABUBAKAR

Mr. Abubakar supported the proposed amendment of Mr. Tingson, noting that aside from heroes like Rizal, Mabini and Bonifacio who come from Luzon, there were also heroes from Mindanao who likewise fought and shed blood for the country, which fact is seldom mentioned in textbooks. He stated that the Members of the Commission are aware that Mindanao fought for independence even ahead of the occupation by the Spaniards. He observed that since Mindanao is part of the Philippines, the Filipinos should be apprised of the fact that there were those from Mindanao — from Sulu, Lanao, Cotabato — who shed blood by resisting foreign domination and aggression — who are equally heroes of the Filipino people.

Mr. Abubakar opined that it would be in the interest of all Filipinos to study the lives of the national heroes — not only from Luzon and Visayas but also from Mindanao and Sulu — who fought for justice, for liberation and for independence from foreign domination.

PROPOSED AMENDMENT OF MR. TADEO

On page 2, line 2, Mr. Tadeo proposed to change the words “human rights” to SOCIAL JUSTICE, explaining that a study of social justice would include the study of human rights.

In further support of his proposed amendment, Mr. Tadeo read the editorial of Ang Pahayagang Malaya about St. Scholastica's College which was the subject of an allegation from Minister Enrile, to wit:

“The Education Ministry's move to respect the academic freedom of private schools should set right whatever misimpressions some other zealous government men still have about how Filipino children should be helped to appreciate the realities of their society. The school, like most other sectarian private schools, had in recent years striven to get away from its elitist image and make education more relevant to its students. This naturally included helping students appreciate the realities of Philippine society and imbue them with a social concern. Thus, it did not balk at the idea of letting its students listen to the Cagayan farmers who fled to escape being caught in the crossfire between rebels and soldiers.”

“In backing the school, the Education Ministry manifested a broad and enlightened outlook in teaching. It showed that schools can and should help our young Filipinos to be more aware than ever of the national situation.”

Mr. Tadeo stated that this is the reason why social justice is so important and why one should understand social processes.

Mr. Tadeo related one dilemma of parents in choosing a career for their children and, in the process, setting aside the dignity of labor. He stated that by incorporating in the Constitution the study of social justice, the Body would give meaning and importance to the dignity of labor.

REMARKS OF MR. RIGOS

Mr. Rigos suggested that considering the three subjects presented to the Body, it should first tackle the proposal of Mr. Tingson, subject to amendment, to conform with the suggestion of Messrs. Ople and Bernas, and thereafter consider the recommendation of Mr. Regalado and then the suggestion of Mr. Tadeo.

REMARKS OF MR. COLAYCO

Relative to the proposal to require the study of the lives of national heroes, Mr. Colayco pointed out that these heroes became heroes because of what they did for the country and not because of how they lived. He questioned the purpose of requiring the students to study their lives. He stated that they became heroes because they exalted themselves for the country and not because they were model citizens in their private lives.

REMARKS OF MRS. QUESADA

Mrs. Quesada stated that the Committee would be amenable to deleting human rights and to constitutionalizing the study of the Constitution as part of the school curricula in order to close the floodgate to proposals of similar nature, recognizing, however, that human rights and social justice are already contained in the Constitution.

AMENDMENT OF MR. BERNAS TO MR. TINGSON'S AMENDMENT

Mr. Bernas proposed that the sense of Mr. Tingson's proposal be transferred to Section 3(b) so that it would read: THEY SHALL FOSTER NATIONALISM, LOVE OF FELLOWMEN, RESPECT FOR HUMAN RIGHTS AND APPRECIATION OF THE ROLE OF NATIONAL HEROES IN OUR HISTORICAL DEVELOPMENT.

Mr. Tingson accepted Mr. Bernas' proposed amendment.

RESTATEMENT AND APPROVAL OF SECTION 3(a)

Mrs. Quesada restated Section 3(a) as amended, to wit:

ALL EDUCATIONAL INSTITUTIONS SHALL INCLUDE THE STUDY OF THE CONSTITUTION AS PART OF THE CURRICULA.

On Mr. Nollado's query, Mrs. Quesada affirmed that it is the sense of the Committee that the teaching of the Constitution should not only give emphasis to the framework of government but also to such topics as human rights and social justice.

Mr. Garcia objected to the deletion of human rights on the ground that the teaching of the Constitution would not deal much on why human rights are violated and would not give emphasis on the importance of civil and political rights. He suggested the retention of human rights and its complete meaning including civil, political, social and economic rights for a better appreciation of the whole historical dimension as well as the struggle for a future alternative society that the people should work for.

Mrs. Quesada stressed that respect for human rights is already included in Section 3(b) and that deletion of human rights in the first paragraph would close the floodgate for the introduction of other courses or subjects in the Constitution.

Submitted to a vote and with 30 Members voting in favor, 6 Members voting against and no abstention, the Body approved Section 3(a), as amended.

AMENDMENT OF MR. BERNAS

On Section 3(b), Mr. Bernas proposed to delete the word “and” on line 5 and after the words "human rights", to delete the comma (,) and insert the words AND APPRECIATION OF THE ROLE OF NATIONAL HEROES IN OUR HISTORICAL DEVELOPMENT.

On Mr. Tingson's inquiry, Mr. Bernas affirmed that he was proposing the amendment based on Mr. Tingson's earlier proposal.

Ms. Aquino stated that without meaning to denigrate the role of heroes, they are at best indices of historical process. She stated that heroes are created according to the people's specifications because they are the embodiment of their dreams, ideals, frustrations and defeats. She pointed out that the bedrock of hero-worship is in the people's instinct for survival as a nation. She maintained that the study of the lives of heroes and their contribution to history are embedded in the education on nationalism. She opined that the incorporation of a specific subject matter may amount to a distortion of a sense of history. In this regard, she inquired whether the study of heroes would already be included in the concept of fostering nationalism.

Replying thereto, Mr. Bernas affirmed that this is included in the concept of nationalism but he proposed the amendment to accommodate Mr. Tingson's proposal. He explained that his proposed amendment would likewise include an appreciation not just of the positive contributions of national heroes but also of the negative things they did in order to train students in decision-making, for instance, as who to vote for in election contests. He stated that while there are no perfect heroes, the intent is to encourage critical and creative thinking on the part of students.

On Ms. Aquino's query whether a critical study of heroes could lead to their demystification, Mr. Bernas affirmed that a proper approach to the study of heroes could lead to their demystification and could counterbalance the tendency to hero worship. He further affirmed that this would essentially be a study of the historical process.

Mr. Tingson added that when he proposed earlier an amendment of the same nature, he was thinking not just of the lives of heroes but also of their works and writings which are essentially part of the historical process. He stated that while these heroes may not be perfect, they become heroes in spite of their limitations.

Ms. Aquino stated that the old Constitution did not contain any specific provision on the study of the lives of heroes and yet the students, through Civics and Philippine History, were imbued with a sense of history which made them emulate the good lives of these heroes and add to their concept of nationalism. She stated that she was not too sanguine about her objection but she pointed out that there were some observations which needed articulation for better appreciation of the amendment.

Replying thereto, Mr. Bernas stated that the reason why he proposed the amendment, although he would rather have it dropped, was that it seemed that everyone was inclined to formulating litanies and his proposal would complete the litany.

On Mr. Suarez' query as to who would do the appreciating for the students, Mr. Bernas stated that it would be the students themselves because they would be encouraged to be critical and creative in their study of the lives of heroes. He further stated that the teacher would act more as a guide rather than one who would impose his ideas.

On whether the emphasis would be on the roles and not on the lives or works of heroes, Mr. Bernas stated that the roles would include the works and even their lives considering that one could not separate these things from one another.

Mr. Suarez pointed out that there were several controversies on the roles of some heroes like Aguinaldo,

Bonifacio and Rizal in national development, to which Mr. Bernas stated that the word "appreciation" is a two-edged sword which recognizes both the pluses and minuses. He stressed that it is not just looking for things to be praised and accepted but also of things which could be rejected. He stated that it is important for young minds not just to see the successes but also to recognize the mistakes.

On whether appreciation emanates not from the State but from the student citizenry, Mr. Bernas stated that the word "appreciation" means evaluation, not necessarily praise. He affirmed that the educational institutions would be the setting of appreciation in the sense that they should encourage critical thinking but should not dictate how students should evaluate.

Mr. Suarez stated that in the case of Ateneo, it might give emphasis on the role of Rizal's conservatism because he was an alumnus of the school while the University of the Philippines would emphasize Bonifacio's radicalism, to which Mr. Bernas replied that appreciation does not mean emphasis because both schools should be able to present both sides of the lives of Rizal and Bonifacio.

On Mr. Suarez' observation that the wordings of the proposal could be interpreted to mean that all educational institutions would have discretion on the degree of appreciation, Mr. Bernas stated that to foster appreciation means to foster critical evaluation.

Mr. Ople suggested that Mr. Bernas insist on his amendment considering the conclusion in the consultation between the latter and Mr. Suarez that there should be appreciation of the role of heroes in the historical development of the country which would not amount to hero worship, but as a necessary assessment of the country's history especially on the significance of the struggle for human liberty as pointed out by historian Teodoro Agoncillo. He also stated that the work of Nick Joaquin may be a good appreciation of the lives of heroes and that the biography of heroes may be another way of teaching history. He opined that Mr. Bernas' proposed amendment, as amended by Mr. Tingson, would not destroy the symmetry of the paragraph but would contribute to the meaning of nationalism.

In view of the interpellation of Mr. Suarez particularly on the word "appreciation", Mr. Bernas modified his proposal by substituting it with the words "critical evaluation".

In reply to Mr. Rama's query, Mr. Bernas affirmed that the history of the nation has been part of the core curriculum of schools. He also agreed that history is but the biographies of great men and heroes as well as nongreat men of the country, and that by studying them, the history of the country could be better appreciated and understood.

On Ms. Tan's observation that heroes were better appreciated in informal education than in formal education because most teachers were not adequately equipped, so that it would not be necessary to constitutionatize such appreciation, Mr. Bernas disagreed by stating that if teachers would only be teachers in the real sense, they would be able to lead the students towards critical evaluation of the role of heroes in the historical development of the country.

In reply to Mr. Villacorta's inquiry, Mr. Bernas reiterated that he was proposing the substitution of "appreciation" with CRITICAL EVALUATION.

Mr. Ople, however, suggested that the word "appreciation" be retained since it is the best term in literary criticism to fit the intended meaning which includes "critical evaluation" and that it would be more open about the quantities of heroes.

Mr. Bernas agreed to retain the word "appreciation".

Additionally, Mr. Regalado stated that “appreciation” already includes evaluation even from the legal point of view, while “critical evaluation” might be misunderstood or equated with criticism instead of a critique.

Mr. Gascon, however, stated that Mr. Bernas' proposed amendment would not necessarily effect the creation of a new subject since the paragraph only defines the thrust of education.

Mr. Uka stated that it is better to appreciate than to evaluate a person.

OBJECTIONS OF MR. BENNAGEN AND MS. AQUINO

Mr. Bennagen insisted on his objection to the proposed amendment, stating that it should not be constitutionalized but should only serve as guideline for future curriculum planning.

Ms. Aquino also pointed out that as stated by Mr. Gascon, the particular provision only defines the thrust of education without focusing on a particular subject matter, therefore, the proposed amendment would not be necessary.

Mr. Gascon, however, stated that it is a personal opinion and is not the stand of the entire Committee.

At this juncture, Mr. Rama moved that the Body vote on Mr. Bernas' proposed amendment.

APPROVAL OF MR. BERNAS' AMENDMENT

Mr. Bernas restated his proposed amendment on page 2, line 5, after the comma (,) following “human rights”, to insert the phrase AND APPRECIATION 'OF, THE ROLE OF NATIONAL HEROES IN OUR HISTORICAL DEVELOPMENT.

Submitted to a vote, and with 18 Members voting in favor, 10 against and 2 abstentions, the proposed amendment was approved by the Body.

PROPOSED AMENDMENT OF MR. BACANI

On page 2, line 4, between the words “of” and “fellowship”, Mr. Bacani proposed to insert the words GOD AND, so that the phrase would read THE STATE SHALL FOSTER NATIONALISM, LOVE OF GOD AND FELLOWMEN.

The Sponsor accepted the proposed amendment.

Thereupon, Mr. Sarmiento proposed an amendment to the amendment by deleting the words "and fellowmen" considering that nationalism means love of fellowmen, in reply to which Mr. Villacorta explained that nationalism refers to love of people of the same nationality while love of fellowmen refers to love of all men regardless of nationality.

In view thereof, Mr. Sarmiento did not insist on his amendment to the amendment.

Thereafter, Mr. Ople stated that although he was not against fostering love of God, it would not be proper to provide the same in the provisions on Education because it would be discriminatory against the atheists and other nonbelievers, in reply to which Mr. Villacorta explained that the rights of non-believers would not be violated because there would be no sanction against nonprofession of faith in God.

On Mr. Bennagen's query on how love of God may be operationalized in the educational system, Mr. Bacani explained that the thrust of education is to develop the moral character of people and the best foundation of morality is God himself. He also stated that it need not provide how it would be included in the curriculum

because as pointed out by Mr. Gascon, the provision does not deal with the particular subject matter, but the education planners could just work it out through their own creativity.

Mr. Bennagen contended that the Constitution should anticipate such mechanism in order that the provision would not just be empty words, in reply to which Mr. Bacani explained that teachers could incorporate the love of God in almost every subject matter.

On whether moral character is equivalent to belief in God and that those who do not believe in God could not possibly develop a strong moral character, Mr. Bacani stressed that all he was saying was that faith and love of God are the best foundations of moral character.

Mr. Rigos opined that fostering love of God should not be constitutionalized because the Constitution would appear as a document of a church assembly. He maintained that the churches should not be preempted from their duties to inculcate the love of God. He further stated that it might be misunderstood as deviating from the principle of separation of Church and State.

Mr. Villegas invited attention to the fact that Prime Minister Lee Kuan Yew of Singapore, who was a self-proclaimed agnostic, created a committee to work out a moral character formation scheme for Singaporeans who became so materialistic. The Chairman of the Committee was the parish priest of the Catholic Cathedral in Singapore. He pointed out that the Prime Minister considered religion or belief in God as important foundation of civic virtues and character formation of citizens, and that the separation of Church and State would not be endangered by such moral formation.

Mr. Bacani however, underscored that the separation of Church and State is not at stake in his proposed amendment.

INQUIRY OF MR. DAVIDE

On Mr. Davide's query on whether the proposal would impair academic freedom because a teacher who does not believe in God might be prohibited from teaching, Mr. Bacani stated that it is not the intention of his proposed amendment.

REMARKS OF MS. AQUINO

Ms. Aquino also opined that the proposed amendment would institute religious instruction and would infringe on the academic freedom of both the teachers and students. She added that it would raise serious and critical questions on freedom of belief and freedom of conscience.

MR. UKA'S AMENDMENT TO THE AMENDMENT

Mr. Uka agreed with Mr. Bacani that the foundation of morality is God who loves men and, therefore, men should also love Him.

He proposed, however, to change the word "fellowmen" to HUMANITY, which Mr. Bacani accepted.

In reply to Mr. Bernas' query whether the phrase would make compulsory "the obligation to foster love of God" for both private and public schools Mr. Bacani answered in the affirmative, and stated that this is addressed to the teachers according to their conscience.

On whether it shall be financed with tax money, Mr. Bacani answered in the affirmative, stating that it should be treated just like the teaching of any other subject.

On whether fostering love of God would be done mainly through the teaching of religion, Mr. Bacani answered in the negative, stating that the good character of the teacher could provide a good example to the students.

On whether to speak of God would in effect be teaching religion, Mr. Bacani stated that doing an act in accordance with the will of God is performing a religious act.

On whether the proposed amendment in effect compels schools and teachers to perform religious acts, Mr. Bacani stated that he intends to compel them to lead upright and exemplary lives.

On the distinction between the proposed amendment and the phrase “ethical and spiritual values”, Mr. Bacani stated that he has not contemplated on the matter but that in actual practice, the values are taught primarily by example.

On the relation of this State obligation with the concept of optional religious instruction, Mr. Bacani stated that it will complement optional religious instruction.

Mr. Bernas opined that the proposed amendment could be very divisive and that the aim could be attained through optional religious instruction and other nontheistic approaches, to which Mr. Bacani argued that even Minister Quisumbing has stated that the Filipino psychology is basically religious, thus, it would not cause divisiveness but unity in the society.

Mr. Laurel remarked that the country observes religious freedom for which there is the principle of separation of Church and State. He stressed that atheists, agnostics or disbelievers are also entitled to protection of the laws and that it would be better not to adopt Mr. Bacani's proposed amendment.

Speaking against the proposed amendment, Mr. Nollado stated that the observations of Mr. Bernas are meritorious since the proposal would violate the principle of separation of Church and State, the concept of a pluralistic society and freedom of religion which includes the right not to believe. He stressed that it would make the government look like an ecclesiastical government.

Mr. Ople also opined that those who would be voting against Mr. Bacani's proposed amendment might be misunderstood by the public to be spurning God. He requested for a suspension of the session to seek avenues to settle the issue amicably. Thereupon, the Chair suspended the session.

SUSPENSION OF SESSION

Thereupon, the Chair suspended the session.
It was 4:40 p.m.

RESUMPTION OF SESSION

At 6:22 p.m., the session was resumed.

INQUIRY OF MR. BACANI

Mr. Bacani inquired whether the noninclusion of the phrase "love of God" would mean that God or fostering the love of God is excluded from the aims of the educational institutions. Mr. Villacorta replied that noninclusion would mean exclusion.

As to whether the aims stated therein would be taken in the context of the Preamble of the 1986 Constitution, Mr. Villacorta affirmed that they would.

Upon inquiry of Mr. Bacani, Mr. Villacorta affirmed that the aid of Almighty God is invoked in the Preamble.

In view thereof, Mr. Bacani withdrew his proposed amendment.

PROPOSED AMENDMENT OF MR. RIGOS

On page 2, lines 7 and 8, Mr. Rigos proposed to delete the phrase "strengthen ethical and spiritual values" on the ground that it is already covered by the phrase "develop moral character" on line 8. He maintained that the strengthening of spiritual values could be best left to the churches which would be allowed to teach religion in schools on optional basis.

Mr. Villacorta stated that the Committee was divided on the issue and would prefer to submit it to the Body.

Mr. Rigos explained that operationalizing the provision might entail all kinds of religious activities to strengthen or develop moral values which may not be acceptable in view of the separation of Church and State.

Mr. Gascon clarified that in relation to education, the phrase is seen from a holistic point of view, which means that to build the total man, the teacher in the process of inculcating knowledge should also encourage ethical values as well as spiritual values which are innate in the person. He added that it is more an encouragement of those values which are inherent in man.

In reply, Mr. Rigos maintained that it is letter to allow the churches to do what they are supposed to do, which is to strengthen the spiritual foundation of human life, and that the State should not attempt to do the same.

Mr. Bacani adverted to Mr. Bernas' remark that the school is composed of people and people are the ones who conduct the activities of the school. He noted that there is nothing wrong if the pupils themselves, as part of their prerogatives, should decide to pray within the premises of the educational institutions. He stressed that this would not breach the principle of separation of Church and State.

REMARKS OF MRS. NIEVA

Mrs. Nieva clarified that "total human liberation and development" in the definition of the goals of education would refer to all aspects — intellectual, physical and spiritual — and that ethical and spiritual values are indispensable ingredients of the total development of man. She observed that inasmuch as schools mould the youth, in support of parents, the church and the media, it cannot shirk from this vital obligation to aid other institutions of society in the formation of the youth. She stated that the phrase "develop moral character" talks of the development of the moral character of the individual while values would refer to values of the whole society. Ethical values, she stated, should be taught by schools which should likewise support the spiritual values taught in the church. She adverted to the Committee's discussion with Minister Quisumbing who stated that the stress is on ethical value formation. She noted that there are steps towards this end such as the Baguio Conference last summer where ethical value formation was strengthened.

Thereupon, Mr. Rigos manifested that he would be willing to retain "ethical" but insist on deleting "spiritual".

Thereafter, Mr. Tingson inquired from the Committee as to how it would distinguish ethical values, spiritual values and morality of character.

Mr. Rigos admitted that the Committee did not have a thorough discussion on the finer meaning of "ethical" and "spiritual" although, personally, he believed that the development of spiritual values should be left to the churches.

Mr. Guingona stated that the principal thrust of the phrase is on the importance of value education.

Mr. Villacorta, explaining the distinction between "ethical" and "spiritual", stated that spiritual values are deeper

and more transcendental than ethical values. He stated that the concern is not mainly on social and political values but also on moral character, personal discipline and accountability to a Supreme Being.

On whether this is something that only churches should teach, Mr. Villacorta opined that there is nothing wrong with spiritual values being reinforced in a secular manner, meaning outside the church and within the school system.

On the meaning of "moral character", Mr. Villacorta stated that it refers to ethical values and the ability to discern what is right and what is wrong.

Mr. Guingona informed that although divided, the majority in the Committee are in favor of the phrase "strengthen ethical and spiritual values".

Mr. Gascon expressed the view that education institutions must inculcate values in the students to complement the primary duty of parents in rearing their children. He stressed that the State has the duty to give aid and support to parents in the rearing of the youth with the educational institutions as the implementing agents. He stated that it should be assumed that what is learned in the family is not enough and it should be supported by what is taught in the school. He pointed out that the principles and thrusts enumerated therein would encourage human growth in the sense that the development of the individual should take place in all levels of his relationships to himself, which refers, to moral characters personal discipline, critical and creative thinking; with others, which refers to love of fellowmen and respect for human rights; with the environment, health, political and ecological consciousness; with society, which refers to his rights and duties as a citizen and with transcendental reality.

REMARKS OF MR. BACANI

Mr. Bacani warned that the deletion of the word "spiritual" would give the impression that the Body is advocating a materialistic and secularistic type of education. He stated that this would not breach the rule of separation of Church and State.

REMARKS OF MR. BENNAGEN

Mr. Bennagen stated that Filipinos are deeply spiritual people and this was manifested in the EDSA uprising, the tenacity of peasants who keep on going when everything seems to go wrong, the equanimity or sense of proportion of someone who does not yield to seduction by power or material wealth. He stressed that spirituality is a complementary dimension of human materiality and has nothing to do with the spirituality associated with electronic evangelization.

Mr. Bennagen stated that folk spirituality is purity in heart, soul and spirit, and compliance with rituals. It is also doing that which is good. Summarizing, he stated that spirituality speaks of an inner celebration of life as it sees itself in unity with significant others, whether human beings, nature or whatever.

INQUIRIES OF MR. BERNAS

On whether the phrase "moral character and personal discipline" refers mainly to behavioral patterns, Mr. Villacorta stated that moral character includes not only the visible manifestations of personal behavior but also the internal aspect. He affirmed that the main emphasis would be on how one acts out of the wellspring of his own values.

With respect to the phrase "ethical and spiritual values", Mr. Villacorta affirmed that the emphasis is not so much on the behavioral patterns but on the attitudinal and intellectual perception of things. He agreed that spiritual

values are not necessarily religious.

He affirmed that religious values would pertain more to Section 3(c). He pointed out that in China, the term “spiritual” is equivalent to spiritual civilization which refers to nonmaterial, nonworldly type of culture and set of values. He agreed that it could be quite independent of whether or not a person believes in God.

WITHDRAWAL OF MR. RIGOS' PROPOSED AMENDMENT

In view of Mr. Villacorta's explanations to Mr. Bernas' inquiries, Mr. Rigos withdrew his proposed amendment.

REMARKS OF MRS. ROSARIO BRAID

Mrs. Rosario Braid stated that spiritual values include wisdom, intellectual and artistic creativity and moral excellence or virtue.

INQUIRIES OF MR. OPLE

In reply to Mr. Ople's query, Mr. Villacorta affirmed that "spiritual" is not necessarily a theistic concept and it could refer to the spirit of a nation in the same manner that in Japan, the spirit of Bushido moves the nation to excel. He also agreed that "ethical values", in the Aristotelian sense, refers to the foundation of a sound and just state.

Mr. Gascon added that the word “spirit” in the Filipino sense could be translated into "religious" or "theistic" which means the kaluluwa and the sectarian translation "diwa ng pagka-Pilipino" which is not a religious term.

AMENDMENT OF MR. PADILLA

On page 2, line 4, as proposed by Mr. Padilla, the Committee accepted the amendment to insert the words PATRIOTISM AND between the words “foster” and “nationalism”.

PROPOSED AMENDMENT OF MR. PADILLA

On the same page, line 9, Mr. Padilla proposed to change the word “critical” to LOGICAL.

Mrs. Rosario Braid did not accept the amendment; explaining that the word “critical” is the ability to be independent of thought which is much more than logic.

Mr. Padilla stated that before one becomes critical, he should be logical. He further pointed out that the word “critical” might give the impression that the Commission is encouraging students not only to be creative but also critical or finding fault. He opined that while criticism is necessary in the exercise of free expression, it should be based on logical reasoning. He believed that for students to creatively think they must first think logically.

He suggested that should the Committee insist on the word “critical”, it should include LOGICAL.

Mr. Villacorta suggested the word ANALYTICAL, which Mrs. Rosario Braid did not accept.

Mr. Padilla stressed that in appraising major and minor premises, the conclusion should be in accordance with the rules of syllogism. He expressed preference for the word "logical" as simpler.

Mrs. Rosario Braid suggested the retention of the word “critical” because it implies not only logic, analysis and rationality, but also deep awareness and sensitivity, to which Mr. Padilla replied that when he proposed “logical”, he meant to exclude “non-rational”.

REMARKS OF MR. BERNAS

Mr. Bernas opined that “logical” and “critical” are two different concepts; explaining that "critical" comes from the Greek word "krinein" which means to be able to judge and to evaluate things while “logical” means ability to arrive at a conclusion on the basis of the premises. He stated that being critical involves a choice of premises from which to start the logical process. He suggested that if the intent of the Committee is to make students look at things from all angles and not accept them at face value, the word "critical" should not be deleted and the word LOGICAL added.

REMARKS OF MR. OPLE

Mr. Ople stated that in logic, it is not enough to have only one premise but a major premise and a minor premise which could lead to a conclusion.

Mr. Padilla clarified that he has no particular resentment to the word “critical” but he wanted to add the word “logical”.

Mr. Ople supported the Committee's formulation, pointing out that the opposite of "critical" is "uncritical" and that a dialectical situation exists between the transmitter and receiver of knowledge. He noted that part of the misunderstanding might have arisen from the perception of what "critical" means. He stated that this would not mean automatic criticism but a response from the receiver of knowledge even if such receiver is silent for the moment. He stated that this is a frame of mind that democracies ought to cultivate. In the case of creative thinking, he referred to the words of Edward de Bono that intuition becomes very important in the process in the sense that where inventions and innovations are concerned, the inventor's way of thinking is not exactly the same as that of the mathematician or physicist dealing with his own hypothesis. He stated that a creative thinker proceeds laterally so that he is not bothered by analysis at the beginning.

In the light of historic and valid meaning attributed to the words “logical” and “critical”, Mr. Ople suggested the retention of the word “critical” because it covers Mr. Padilla's concern for rational as well as analytical thinking.

Mr. Padilla underscored that truth is immutable and that if students are encouraged to dispute the thinking of the authors of books, they would become dissenters, doubters and perhaps agnostics.

He stated that the word “perception” does not mean just expressing an individual opinion, but as provided in the rules of evidence, a person to be a qualified witness must perceive through his organs of sense and perceiving, and should make known his perception to others which are based on actual personal knowledge, not on inference, opinion or judgment. He explained that from sensual perception follows logical thinking which is necessary in creative thinking and critical analysis.

He opined that one of the greatest insults to man is to be called illogical, and therefore, students must have logical minds that can perceive facts based on personal knowledge.

Mr. Ople, however, pointed out that the word "logical" would have been acceptable if it did not unnecessarily modify the word "critical". He stated that the Constitution should not require the reader to be logical as pointed out by Mr. Padilla because creative and critical thinking could not be presumed of the reader since these skills are developed through education.

Mr. Ople added that creative and critical thinking embraces various disciplines like Aristotelian logic, historical materialism, positivism, among others and that it is sufficient to say that thinking refer to rationality.

VOTING ON MR. PADILLA'S PROPOSED AMENDMENT

Thereupon, Mr. Padilla restated his proposed amendment on page 2, line 9, between the Words “encourage” and “critical”, to insert the word LOGICAL and a comma (,), so that it would read “encourage logical, critical and creative thinking.”

Submitted to a vote, and with 5 Members voting in favor, 17 against and 2 abstentions, the proposed amendment was lost.

ADJOURNMENT OF SESSION

Thereafter, on motion of Mr. Romulo, there being no objection, the Chair declared the session adjourned until nine o'clock in the morning of the following day.

It was 6:11 p.m.

I hereby certify to the correctness of the foregoing.

(SGD.) FLERIDA RUTH P. ROMERO
Secretary-General

ATTESTED:

(SGD.) CECILIA MUÑOZ PALMA
President

Approved on September 6, 1986

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.