

JOURNAL NO. 37

VOL. I, July 23, 1986

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2bc5396658b2/>

Wednesday; July 23, 1986

CALL TO ORDER

At 9:49 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. Jose B. Laurel, Jr., to wit:

Almighty God, even as the eagle flies at will in the infinite reaches of the skies, so let our vision soar untrammelled as we seek that radiant future we hope to ensure for our people in the Constitution we are writing

Let it be a future where all persons are born free, relishing their rights but always with deference to the rights of others and recognizing authority only as long as its highest commitment is to the strengthening and defense of liberty.

Grant that the spirit of freedom shall always reign in our land, touching one and all like a benediction and igniting that divine spark in every human being that can make him, indeed, slightly "lower than angels" in this imperfect world.

Grant us courage, that we may face up to the powerful and defend those who are weak and oppressed.

Grant us wisdom, that we may distinguish between what is right and what is just, for they are not always the same.

Grant us candor, that we may be true to ourselves and so not be false to others.

Grant us strength when we are assailed by despair, or self-doubt, or temptation.

And finally, Lord, grant the new Constitution grace and beauty of language, so that generations from now, when all of us here are gone, our people will still be moving reverently to the cadence of its thoughts.

Bless us all, Eternal Spirit, and keep us free, forever and ever.

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. Muñoz Palma, C.

Bengzon, J. F. S. Quesada, M. L. M.

Bennagen, P. L. Rama, N. G.

Rosario Braid, F. Regalado, F. D.

Calderon, J. D. De los Reyes, R. F.

De Castro, C. M. Rigos, C. A.

Colayco, J. C. Rodrigo, F. A.

Concepcion, R. R. Romulo, R. J.

Davide, H. G. Rosales, D. R.

Foz, V. B. Sarmiento, R. V.

Gascon, J. L. M. C. Suarez, J. E.

Guingona, S. V. C. Sumulong, L. M.

Jamir, A. M. K. Tingson, G. J.

Laurel, J. B. Treñas, E. B.

Monsod, C. S. Uka, L. L.

Natividad, T..C. Villacorta, W. V.

Nolledo, J N. Villegas, B. M.

With 34 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

Abubakar, Y. R. Lerum, E. R.

Alonto, A. D. Maambong, R. E.

Aquino, F. S. Nieva, M. T. F.

Azcuna, A. S. Ople, B. F.

Bernas, J. G. Padilla, A. B.

Brocka, L. O. Tadeo, J. S. L.

Garcia, E. G. Tan, C.

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 or Business.

REFERRAL TO COMMITTEES OF COMMUNICATIONS

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

Communication No. 280 — Constitutional Commission of 1986

Letter from Mr. Antonio A. dela Cruz, Captain, PA (Ret.), President, AFP, CDD, PERS Ass., Inc. addressed to the Honorable Teodulo Natividad; submitting some proposals for the upliftment of the disabled soldiers

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 281 — Constitutional Commission of 1986

Letter from Mr. Nicanor B. Petalino of Concepcion, Batangas City, proposing the presidential form of government with a unicameral legislature, a change in the organizational setup of the barangay to a cooperative type to promote unity and cooperation and suggesting qualifications of candidates for the barangay council

TO THE STEERING COMMITTEE

Communication No. 282 — Constitutional Commission of 1986

Letter from Mr. Blas S. Flores of Ilwas, Subic, Zambales, suggesting that former KBL officials be disqualified to run for public office in the forthcoming elections for two consecutive terms; and should the U.S. military bases be retained, American personnel, civilian or military, be required to dress properly when going off-base

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 283 — Constitutional Commission of 1986

Communication from the Alliance for Philippine Concerns, signed by Mr. Jorge A. Emmanuel, Executive Secretary, and endorsed by the National Organization Against Nuclear Power and Weapons, submitting a proposal for a non-nuclear provision in the Philippine Constitution

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

Communication No. 284 — Constitutional Commission of 1986

Communication from Mr. Abraham M. Aboga, Associate Professor of Finance and Banking, University of the East, submitting constitutional proposals on monetary and fiscal policy

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

Communication No. 285 — Constitutional Commission of 1986

Communication from the Integrated Bar of the Philippines, Zamboanga del Sur and Pagadian City Chapter, signed by its Chairman, Judge Manolo P. Reyes, and other members, expressing its stand on some of the emerging issues in the Constitutional Commission

TO THE STEERING COMMITTEE

Communication No. 286 — Constitutional Commission of 1986

Letter from Mr. Salvador O. Oco of 13 Moonbeam St., Moonwalk Subd., Parañaque, Metro Manila, thru Minister Juan Ponce Enrile of the Ministry of National Defense, submitting constitutional proposals for consideration by the Constitutional Commission

TO THE STEERING COMMITTEE

Communication No. 287 — Constitutional Commission of 1986

Petition from the Veterans Federation of the Philippines, Zamboanga del Sur Chapter, Pagadian City, signed by Mr. Eufemio C. Salera, Veterans District Commander, Zamboanga del Sur Chapter, proposing a presidential form of government with a unicameral legislature, among others

TO THE COMMITTEE ON THE EXECUTIVE

UNFINISHED BUSINESS: PROPOSED RESOLUTION ON THE ARTICLE ON THE LEGISLATIVE

On motion of Mr. Rama, there being no objection, the Body resumed consideration of the Proposed Resolution on the Article on the Legislative, entitled:

Resolution to incorporate in the new Constitution an Article on the Legislative Department.

TERMINATION OF THE PERIOD OF SPONSORSHIP AND DEBATE

On motion of Mr Rama, there being no objection, the Body terminated the period of sponsorship and debate on the Article on the Legislative excluding the terms of office which shall be taken up during the period of amendments.

PERIOD OF AMENDMENTS

On motion of Mr. Rama, there being no objection, the Body proceeded to the period of amendments.

AMENDMENT OF MR. COLAYCO

On Section 19, Mr. Colayco proposed to amend the first sentence to read: NO SENATOR OR MEMBER OF THE HOUSE OF REPRESENTATIVES MAY APPEAR AS COUNSEL BEFORE ANY COURT.

Mr. Colayco explained that his amendment intends to make absolute the prohibition for Senators and Congressmen from appearing as counsel before any court of justice because membership in the Legislature carries with it a special prestige and constitutes an unfair advantage over other lawyers. He observed that due to this same prestige there has been suspicion on the part of the public that Members of the Legislature who appear as lawyer exert influence on the courts specially in arriving at decisions. He noted that the Commission had decided to frame a Constitution which would not only establish a system whereby the Judiciary can become independent from any pressures but also correct the people's impression that it is subject to influence peddling and pressures from the government and interested parties. He stated that one of the common complaints of lawyers against Members who appear as counsel is that they have an unfair advantage.

Mr. Davide, on behalf of the Committee, did not accept the proposed amendment of Mr. Colayco. He stated that the proposed amendment would affect the succeeding lines of the provision which allows appearance except in specific cases. He also manifested that the proposed amendment was unacceptable on the grounds that 1) the alleged influence by Members of Congress would no longer obtain inasmuch as under the proposed Article on the Judiciary, approved on Third Reading, appointments to the Judiciary would no longer be subject to confirmation by the Commission on Appointments but shall be initiated by a Judicial and Bar Council which shall be responsible for submitting a list of three names for any vacancy; 2) it would discourage competent, capable and highly qualified lawyers from running for positions in either the Senate or House of Representatives and thus deprive both Houses of talents from the legal profession; and 3) the appearance of legislators is limited only to courts of collegiate composition whose members cannot be expected to succumb to influence by legislators.

Replying thereto, Mr. Colayco stated that although personally he was never subjected to pressures during his service for more than 15 years in the Judiciary and although majority of the Justices had been faithful to their duties, there had been such incidents of pressures exerted on the courts. He conceded that the influence of Congress through the Commission on Appointments would be absent under the new setup for judicial appointments. He maintained, however, that a legislator carries with him a certain aura of influence and clout that whenever he appears before any government body which exercises adjudicatory function, the members of the Judiciary become vulnerable to such influence. He observed that legislators are influential people and members of the Judiciary have that apprehension that sometime in the future they may require the help of the legislators appearing before them.

Mr. Colayco further noted the "backslapping" even in collegiate courts and owing to the supportive nature of Filipinos they would rather give their signatures in order to accommodate a peer in the collegiate court when they feel that there is nothing improper about it. These incidents, he stated, had happened in the past and may happen again and that the courts should be insulated from them.

In support of the amendment, Mr. Romulo stated that while Mr. Davide correctly stated that the Article on the Judiciary would insulate this branch of government from political interference, the Legislature would still control the purse. He stated that the old Congress had a bad image for influence peddling but opined that if legislators are paid good salaries, they would be able to devote themselves to lawmaking and forego court appearances although they would not be disqualified from acting as legal consultants. Lawyers, he observed, would not be discouraged from running for public office if they are given the right salaries.

As a practicing lawyer, he affirmed the advantage enjoyed by the legislators who appear as counsel.

On the matter of promotion, Mr. Davide explained that the influence of Congress had been eliminated by the approval of the Article on the Judiciary as all appointments thereto would pass through a Judicial and Bar Council which would submit a list of at least three nominees for every vacancy and from which list the President would appoint one.

On the matter of the National Assembly controlling appropriations, Mr. Davide pointed out that the same Article grants the Judiciary fiscal autonomy whereby releases of funds are to be automatically and regularly made such that influence through the appropriations authority of the Legislature cannot be perceived.

On the matter of commitment to public service, Mr. Davide adverted to the provision which would allow a recess of only 30 days between adjournment and commencement of sessions in which case the appearance of legislators before the collegiate courts would not take much time due to the limited jurisdiction of these courts.

On the matter of compensation, Mr. Davide stated that until it is approved, the aspect of adequate compensation would have no factual and legal basis.

Thereafter, Mr. Davide requested that the amendment be submitted to a vote.

Mr. Suarez, however, sought recognition to interpellate Mr. Colayco, to which the latter acceded.

Thereupon, in reply to Mr. Suarez' inquiries, Mr. Colayco affirmed that his proposed amendment would add the words "of justice" and a period (.) after the word "courts" and delete the rest of the sentence on appearances in civil and criminal cases.

Mr. Colayco also affirmed that the new provision on the duration of sessions would support his position and was one of the reasons for the proposed amendment.

He explained that the phrase "appear as counsel" would refer to personal appearance as counsel and that the

prohibition in his proposal would extend to the law firm to which the Member of Congress is connected, which prohibition would only be effective during the tenure or term of the Member of Congress.

REMARKS OF MR. PADILLA

Thereafter, Mr. Padilla manifested his opposition to the proposed amendment on the ground that it would bar any Member of the Legislature from practicing his profession as a lawyer which was already limited by the Constitution. Making the limitation absolute, he observed, will not be conducive to the aspiration of good practicing lawyers for election to either House.

Mr. Padilla stated that he refused appointment to the Commission on Appointments when he was a Member of the Senate because he was engaged in the practice of law. He opined that to bar a lawyer-legislator from any appearance in Court is an undue limitation.

On Mr. Romulo's statement that legislators should not appear in court but could continue consultancy work, Mr. Padilla pointed out that no public policy is enhanced by barring court appearances of Senators or Congressmen, provided these are not cases presently prohibited in the Constitution. He stated that there is really no undue advantage of a law practitioner who is a Member of the Legislature from appearing or even arguing in court, but what is abhorrent is the possible influence behind the scenes or through extra-judicial means, other than personal appearance in court.

INQUIRY OF MR. NATIVIDAD

In reply to Mr. Natividad's observation that a prohibition imposed on lawyers should also be imposed on other professions, Mr. Padilla agreed that, as a matter of principle, such observation would be correct.

INQUIRY OF MR. TINGSON

In reply to Mr. Tingson's contention that being elected to the Senate is an honor and acceding to the request that he bars himself from the practice of law during his term of office would be reasonable enough, Mr. Padilla stated that the privilege of being elected to the Senate is a gift from people, but a Senator has to support his family and send his children to school. He maintained that if a Member of Congress has been in the practice of law as his profession and legitimate means of livelihood, there is no reason why he should be barred from exercise of such profession.

On the observation that the Senate was composed of Members who had reached financial success, Mr. Padilla disagreed thereto by citing that many candidates had won despite the lack of money.

REMARKS OF MR. COLAYCO

Mr. Colayco stressed that his proposal would avoid any unintended pressure which a Member of the Legislature might exert on the Judiciary. He argued that Mr. Padilla's admission of behind-the-scene pressures bolstered his premise that there is the threat that Members of the Legislature may be tempted to pressure justices of the collegiate courts in the formulation of their decisions.

On the rule requiring members of the Cabinet to divest themselves of any ownership of businesses connected to or influenced by the portfolio they accept, Mr. Colayco stated that this rule should hold true in all government offices because a public office carries with it certain inhibitions. In this regard, he maintained that Members of the Legislature who are lawyers would have to choose between their profession and the interest of the public.

Mr. Colayco also stated that Members of the Legislature do not really receive low salaries and the fear that depriving themselves of their law practice while they are Members of the Legislature is not as real as it seemed to be. He further stated that no one is forced to run for Congress, so much so that if this prohibition were approved, lawyers would know that they cannot make use of their profession as a means to influence other government officials.

Submitted to a vote, and with 25 Members voting in favor and 10 against, the amendment was approved by the Body.

AMENDMENTS OF MR. REGALADO

On page 6, line 17, after the word “benefit”, Mr. Regalado proposed the addition of the words OR WHERE HE MAY BE CALLED UPON TO ACT ON ACCOUNT OF HIS OFFICE.

The Sponsor accepted the amendment.

In reply to Mr. Suarez’ clarification of the phrase “for his pecuniary benefit”, Mr. Davide stated that said phrase was taken from Section 11 of the 1973 Constitution, and the qualification “pecuniary benefit” would either be direct or indirect.

In reply to Mr. Bacani’s query, Mr. Regalado stated that his proposed amendment is the exact wording of the 1935 Constitution and this would relate to the matter referred to in the first portion of the sentence sought to be amended.

There being no objection, the Body approved Mr. Regalado's amendment to add the words OR WHERE HE MAY BE CALLED UPON TO ACT ON ACCOUNT OF HIS OFFICE after the word "benefit" on line 17, page 6.

On page 7, lines 6 to 8, Mr. Regalado proposed the deletion of subsection (1) of Section 22 and its transposition to the Article on the Executive, it being an exact duplication of Section 20 of the proposed Article on the Executive, as well as Section 10(7) of the 1935 Constitution, regarding the treaty-making power of the President. In this connection, he manifested the intention of the Committee on the Executive to increase the vote required for concurrence from majority to two-thirds vote of the Senate in view of the decision to adopt the bicameral system.

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

Thereafter, Mr. Regalado recalled that during a meeting of the Committee on the Judiciary, Chief Justice Teehankee explained that there was a prohibition against Congress overloading the Supreme Court with cases falling within its appellate jurisdiction over appeals from decisions of the National Labor Relations Commission as well as awards of the Central Board of Assessment Appeals which resulted in the Supreme Court being unduly swarmed with a number of cases for review.

Considering further that the new Constitution would give the Supreme Court additional duties and functions, Mr. Regalado proposed, as the new Section 22, the following:

SECTION 22. NO LAW SHALL BE PASSED INCREASING THE APPELLATE JURISDICTION OF THE SUPREME COURT AS PROVIDED IN THIS CONSTITUTION WITHOUT ITS ADVICE AND CONCURRENCE.

Mr. Regalado further explained that the original jurisdiction of the Supreme Court is never exclusive but always concurrent with that of the Regional Trial Court or the Intermediate Appellate Court.

Reacting thereto, on behalf of the Committee, Ms. Aquino noted that the proposed amendment might be a surplusage considering that during the debate on the Article on the Judiciary, it was pointed out that it would give full and plenary powers to the courts and that the Legislature shall not be authorized to alter the jurisdiction of the courts, in reply to which, Mr. Regalado pointed out that what was referred to at that time was the matter of the Rules of Court to be adopted by the Supreme Court which the Legislature may repeal, alter or supplement. He explained that in spite of the provisions of the 1973 Constitution enumerating the original and appellate jurisdictions of the Supreme Court, it did not prevent the Legislature from enacting the Judiciary Reorganization Act, BP Blg. 129, which added more cases for the appellate jurisdiction or review of the Supreme Court.

Thereafter, Mr. Davide accepted the proposed amendment stating that the Committee took into account the inherent authority of the National Assembly to apportion jurisdiction of different courts and the need to restrict the authority of the Legislature to increase the appellate jurisdiction of the Supreme Court.

In reply to Mr. Rodrigo's inquiry, Mr. Regalado, advertent to the provisions of the Article on the Judiciary, explained that since that jurisdiction was granted to the Supreme Court by a Constitutional fiat, any decrease made by the Legislature would be unconstitutional.

In reply to Mr. Nollado's query as to what would happen to the present laws authorizing appeal to the Supreme Court from decisions of the NLRC and of the Securities and Exchange Commission, Mr. Regalado affirmed that they would continue to be in force until repealed.

On Mr. Colayco's observation that the proposed amendment could be better placed in the Article on the Judiciary, specifically under Section 2, Mr. Regalado stated that the Article on the Judiciary had already been approved on Third Reading.

There being no further objection, the Body approved Mr. Regalado's amendment.

Thereafter, as proposed by Mr. Regalado and accepted by the Sponsor, the Body approved his proposed amendment transposing subparagraph (2) of Section 22 to be the first paragraph of Section 23.

PROPOSED AMENDMENT OF MR. SARMIENTO

On Section 20, line 22, Mr. Sarmiento proposed to insert after the word "deputies" the phrase UPON THEIR OWN INITIATIVE OR AS MAY BE REQUIRED BY THE MEMBERS OF EACH HOUSE and to delete after the word "interpellations" the phrase "by Members of each House". He stated that his amendment would anticipate the possibility that some Cabinet members and their deputies, imbued with a deep sense of patriotism and public service, may want to appear before Congress without waiting for summons.

On Ms. Aquino's observation that under the proposed amendment, it being unqualified, it is possible that some Cabinet members or their deputies would appear before Congress only to ventilate petty grievances, Mr. Sarmiento stated that the Members of Congress, upon sensing this, could easily terminate the Question Hour.

Ms. Aquino, however, insisted that the proposed amendment, being unqualified and unconditional, could destroy the essence of the Question Hour.

At this juncture, Mr. Romulo informed that some Members intend to propose the deletion of Section 20, which proposal could be considered as an anterior amendment.

SUSPENSION OF SESSION

The Chair suspended the session.

It was 11:12 a.m.

RESUMPTION OF SESSION

At 11:32 a.m., the session was resumed.

WITHDRAWAL OF MR. SARMIENTO'S PROPOSED AMENDMENT

Upon resumption of session, Mr. Sarmiento temporarily withdrew his proposed amendment with the reservation that if the proposed amendment of Mr. Monsod to delete Section 20 would be disapproved, he would introduce his amendment by substitution and addition.

MANIFESTATION OF MR. MONSOD

Mr. Monsod stated that, together with Messrs. Suarez, Sarmiento and others, he was proposing a substitute proposal for Section 20 to provide a mechanism for promoting coordination between the Executive and the Legislative. He observed that the proposed Section 20 would violate the separation or independence of the Legislative from the Executive because the proposed Question Hour would require the members of the Cabinet to appear and to account for their actions, which would be an inequality or subordination on the part of the Executive.

PROPOSED AMENDMENT OF MR. SUAREZ

Thereupon, Mr. Suarez proposed, in substitution of the original Section 20, a new Section to read:

THE HEADS OF DEPARTMENTS UPON THEIR OWN INITIATIVE OR UPON THE REQUEST OF EITHER HOUSE MAY APPEAR BEFORE AND BE HEARD BY SUCH HOUSE ON ANY MATTER PERTAINING TO THEIR DEPARTMENTS, UNLESS THE PUBLIC INTEREST SHALL REQUIRE OTHERWISE AND THE PRESIDENT SHALL SO STATE IN WRITING. WRITTEN QUESTIONS SHALL BE SUBMITTED TO THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AT LEAST THREE DAYS BEFORE A SCHEDULED APPEARANCE. INTERPELLATIONS SHALL NOT BE LIMITED TO WRITTEN QUESTIONS, BUT MAY COVER MATTERS RELATED THERETO. THE AGENDA SHALL SPECIFY THE SUBJECTS OF THE APPEARANCE. WHEN THE SECURITY OF THE STATE SO REQUIRES AND THE PRESIDENT SO STATES IN WRITING, THE APPEARANCE SHALL BE CONDUCTED IN EXECUTIVE SESSION.

Mr. Suarez stated that the first portion of the proposal is a provision of the 1935 Constitution in substitution of the first sentence of Section 20 and the rest retains the succeeding sentences, except for the change of the words "Question Hour" to "appearance" on lines 27, 29 and 31.

On whether the appearance of the heads of departments would be mandatory, Mr. Suarez noted that with the use of the words "may appear", the heads of departments could not be compelled to appear. He added, however, that the Legislature may refuse a Minister who volunteers to appear.

Considering the length of the proposal, Mr. Davide requested that it be reproduced and distributed to the Members, and on his request, the Body deferred its consideration.

AMENDMENT OF MR. SARMIENTO

Thereafter, Mr. Sarmiento proposed, on Section 10, page 3, line 11, after the word "designate", to insert the phrase OR BY TWENTY-FIVE PERCENT OF THE MEMBERS OF CONGRESS.

Mr. Davide pointed out that the proposal would not be necessary because the sessions of both Houses would be continuous until about thirty days before the convening of the next regular session. He also stated that it would also depend on the House until when its Members would be in session.

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

Thereafter, as proposed by Mr. Sarmiento, modified and accepted by the Sponsor, the Body approved, on page 3, line 2, to delete the letter "s" in the words "Senators" and "Members", and on line 3, after the word "be", to insert a comma (,) and the phrase TO SERVE THE UNEXPIRED TERM.

AMENDMENT OF MR. BERNAS

On page 9, line 22, Mr. Bernas proposed the deletion of the phrase "act on every bill passed by the Congress" and in lieu thereof, the insertion of the phrase COMMUNICATE HIS VETO OF ANY BILL TO THE HOUSE WHERE IT ORIGINATED.

Mr. Bernas observed that under the original proposal, it would be very difficult to verify whether the President has acted on the bill within 30 days, and the proposal would provide the, mechanism for verification. He stated that the communication refers to a notification in writing.

In reply to Mr. Guingona's query, Mr. Bernas stated that without the proposal, the President could sit on a bill for more than 30 days and when asked later, he could just say that it was vetoed earlier and just present a vetoed copy of the bill which would be antedated.

At this juncture, Mr. Suarez pointed out that the sentence "if he approves the same, he shall sign it; otherwise, he shall veto it and return the same with his objections to the National Assembly" refers to a situation different from what is sought to be amended because the latter has something to do with non-action while the former refers to a positive action like veto.

Mr. Bernas explained that his idea is that, if the President is going to veto a bill, he must do so within 30 days and that there must be a way of verifying whether he has vetoed it or not.

Mr. Guingona suggested that instead of just referring to the veto, it must refer to the President's action on the bill whether it be of approval or veto so that the proposal should be reworded to read: COMMUNICATE IN WRITING HIS ACTION ON THE BILL.

Mr. Davide accepted Mr. Bernas' proposal but rejected Mr. Guingona's amendment. He stated that the proper place for Mr. Bernas' amendment is as indicated by him to provide a limitation on the period within which the President must communicate his veto.

Mr. Bernas then read the amendment as follows: THE PRESIDENT SHALL ACT ON EVERY BILL PASSED BY THE CONGRESS AND COMMUNICATE HIS ACTION TO THE HOUSE WHERE IT ORIGINATED WITHIN 30 DAYS AFTER THE DATE OF RECEIPT THEREOF; OTHERWISE, IT SHALL BE CONSIDERED AS SIGNED INTO LAW.

Mr. Rodrigo observed that the original wording simply referring to the veto was better because the clause starting with "otherwise" would look awkward if the President signs the bill.

Mr. Bernas then restated his proposal to amend the sentence to read as follows: THE PRESIDENT SHALL COMMUNICATE HIS VETO OF ANY BILL TO THE HOUSE WHERE IT ORIGINATED WITHIN THIRTY (30) DAYS AFTER THE DATE OF RECEIPT THEREOF; OTHERWISE, IT SHALL BECOME A LAW AS IF HE HAD SIGNED IT.

Mr. Davide accepted the amendment and there being no objection, the same was approved by the Body.

AMENDMENT OF MR. RIGOS AS MODIFIED BY MS. AQUINO

On page 2, Mr. Rigos proposed to reword lines 6 and 7 as follows: "provided, however, that each city OR PROVINCE with a MINIMUM population of two hundred thousand, shall have at least one representative".

Mr. Rodrigo pointed out that if the Body would adopt the minimum population requirement for provinces then the province of Batanes would be deprived of its one representative.

Thereupon, Ms. Aquino proposed, which proposal was accepted by Mr. Rigos, to amend the sentence from lines 4 to 8, to read: EACH LEGISLATIVE DISTRICT SHALL COMPRISE, AS FAR AS PRACTICABLE, CONTIGUOUS, COMPACT AND ADJACENT TERRITORY. EACH CITY WITH A POPULATION OF AT LEAST TWO HUNDRED THOUSAND, OR EACH PROVINCE, SHALL HAVE AT LEAST ONE REPRESENTATIVE.

The Committee accepted the amendment. However, Mr. de Castro proposed to delete the reference to population requirement for "city" to enable cities like Palayan City in Nueva Ecija to also have one representative.

Mr. Davide rejected the proposal because it would increase the composition of the Lower House. He explained that under the 1984 proposal on appointment, cities were classified into component and highly urbanized cities. He added that component cities, or those with a population of less than 150,000 and an income of less than P30 million, would be included as part of a legislative district of a province so that it could also have at least one representation.

He further explained that the population requirement would not be applied to provinces because they are bigger in size and also to allow isolated provinces like Camiguin, Batanes and Siquijor to have at least one representative .

On Mr. Maambong's query whether the Committee has considered it logical for provinces like Batanes which has only 30,000 inhabitants or Siquijor which has only 60,000 to have at least one representative whereas a highly urbanized city with a population of 195,000 would not be entitled to one representative, Ms. Aquino stated that the general rule is that representation shall be based on population and not on territory with the provision granting one representative for every province regardless of population as the exception to obviate the problem of fractional representation.

Mr. Maambong maintained that a representative is supposed to represent at least 200,000 people and the exception giving one representative to a province with a population of only 25,000 would be preposterous, to which Ms. Aquino replied that to apply the rule on apportionment on the basis of population alone would result in fractional representation which would do even more injustice than justice.

Mr. Maambong stated that he was merely suggesting the possibility of tucking isolated provinces with small populations to legislative districts of the provinces nearest to them.

Thereafter, Mr. Rigos' proposal as modified by Ms. Aquino was submitted to a vote, and there being no objection, the same was approved by the Body.

AMENDMENT OF MR. RIGOS AS AMENDED BY MR. SARMIENTO

Thereafter, as proposed by Mr. Rigos, amended by Mr. Sarmiento and accepted by the Sponsor, the Body approved the rewording of Section 13, to read as follows:

SECTION 13. THERE SHALL BE A COMMISSION ON APPOINTMENTS CONSISTING OF THE PRESIDENT OF THE SENATE WHO SHALL BE THE EX-OFFICIO CHAIRMAN, TWELVE SENATORS AND TWELVE MEMBERS OF THE HOUSE OF REPRESENTATIVES ELECTED BY EACH HOUSE ON THE BASIS OF PROPORTIONAL REPRESENTATION FROM THE POLITICAL PARTIES THEREIN. THE CHAIRMAN SHALL NOT VOTE EXCEPT IN CASE OF A TIE.

PROPOSED AMENDMENT OF MR. RIGOS

Thereafter, Mr. Rigos proposed to reduce the membership of the Commission from 25 to 13.

Mr. Davide did not accept the proposal in order to maintain the Commission's traditional composition.

Mr. de Castro manifested his support for Mr. Rigos' proposal.

Mr. Rodrigo pointed out that the membership of the Commission would be determined through proportional representation from the political parties or sectors represented therein and with the probability of many parties, there might be difficulty in apportioning the membership to all the parties.

Thereupon, submitted to a vote and with 15 Members voting in favor and 20 against, the amendment was lost.

PROPOSED AMENDMENT OF MR. BACANI

Mr. Bacani prefaced his proposed amendment with a query on whether the Committee agreed with the view advanced by Mr. Monsod that sectors gain entry to the Legislature through the party list, in reply to which, Mr. Davide stated that the query should first be addressed to Mr. Monsod on whether his stand on the matter carries the sense of Mr. Villacorta's latest position on sectoral representation.

Mr. Monsod manifested that he was going to propose an amendment with Mr. Villacorta as coauthor, to clarify the matter on sectoral representation.

Thereupon, on Section 5, page 1, line 29, Mr. Bacani proposed to delete "sectors".

Mr. Davide requested deferment of consideration of the amendment until Messrs. Monsod and Villacorta shall have presented their joint proposed amendment on the same line, to which Mr. Bacani agreed.

Thereafter, on Section 19, page 6, line 16, Mr. Bacani proposed to delete the phrase "for his pecuniary benefit".

Mr. Davide stated that Mr. Regalado had already proposed an amendment thereon which was approved by the Body. He opined that the accepted amendment would now be an all-embracing prohibition either for pecuniary benefit or for any other purpose.

Thereafter, Mr. Bacani manifested that he would like to propose an amendment on Section 20, line 22. The Chair, however, informed that Mr. Monsod has a pending proposed amendment on the matter, in view of which Mr. Bacani agreed to defer presentation of his proposal at the appropriate time.

PROPOSED AMENDMENT OF MR. BENGZON

On page 10, Section 28, line 9, Mr. Bengzon proposed to insert NON-PROFIT after "or" at the end of said line. He stated educational institutions established for profit should be excluded from the exemption.

At this juncture, Mr. Rodrigo inquired what Mr. Bengzon meant by "non-profit private educational institutions", in reply to which Mr. Bengzon explained that it refers to educational institutions that do not declare dividends or that none of the institutions' net income go to the benefit of any stockholder thereof.

Mr. Rodrigo suggested that a clear definition be made, as profits might be derived by said educational institutions although dividends are not declared. He opined that the proposal should refer to those educational institutions which declare profit dividends to its stockholders.

Mr. Bengzon stated that the legal meaning of "non-profit" is that none of the profits go to any stockholder or member even if said institutions realize profits out of their operations.

Thereupon, Mr. Bengzon added AND NON-STOCK after "non-profit" in the sense that none of the profits or revenues of said educational institutions would redound to the benefit of any member in case the institution is a non-stock corporation, or to any stockholder in case it is a stock corporation.

Mr. Bengzon stated that the Committee on Style can prepare the wording.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session until two-thirty in the afternoon.

It was 12:29 p.m.

RESUMPTION OF SESSION

At 2:47 p.m., the session was resumed.

AMENDMENT OF MR. DE CASTRO

Mr. de Castro adverted to his proposed Resolution No. 330 recommending the substitution of a Committee on Appointments in lieu of the Commission on Appointments which proposal had been submitted to the Committee on Constitutional Commissions and Agencies. In lieu of the said Resolution, he proposed instead to add the following paragraph to Section 13:

THE COMMISSION SHALL ACT ON ALL APPOINTMENTS SUBMITTED TO IT WITHIN TEN SESSION DAYS. WHEN OFFICERS OF THE ARMED FORCES OF THE PHILIPPINES ARE TO BE CONSIDERED BY THE COMMISSION A RETIRED CHIEF OF STAFF DESIGNATED BY THE CHAIRMAN SHALL SIT AS AN EX-OFFICIO MEMBER THEREOF WITHOUT RIGHT TO VOTE. THE COMMISSION SHALL RULE ON MAJORITY VOTE.

On the first sentence, Mr. de Castro explained that providing a time limit within which the Commission will have to act on the appointments would prevent freezing action on the appointments.

On the second sentence, Mr. de Castro stated that a retired Chief of Staff would be in the best position to know who among the officers from the rank of colonel deserve promotion.

On the third sentence, Mr. de Castro stated that in the past, the dissent of one Member was enough hindrance to the confirmation of an appointment of a nominee. He cited the case of a fiscal who should have been an appellate

court judge were it not for a member's refusal to give due course to his appointment.

Reacting to the proposal, Mr. Rodrigo, who was a member of the Commission on Appointments from 1957 to 1967, informed that the Rules of the Commission then required not a unanimous but a majority vote for purposes of confirmation.

On the time limitation, he recalled that the Commission on Appointments did not meet daily but met five to seven times during the regular session of Congress which lasted 100 days each year. He observed that the proposed time limitation would be too short, besides, the question may be raised on the effect of failure of the Commission to act upon the appointments within said period. He informed that the rule then was that failure of the Commission to act on an appointment upon adjournment had the effect of rejecting such appointment, although the President could appoint the same appointee in an acting capacity until the next meeting of the Commission when the appointment is again submitted to it.

He noted that it would be awkward to have a retired Chief of Staff as an ex-officio member among members of the Commission who would all be elective officials. He also raised the problem as to who would make the choice from among the retired Chiefs of Staff.

By way of reply, Mr. de Castro read from a book an article which compared the workings of the Commission on Appointments in the Philippines and in the United States, citing specific cases of appointments on which propriety of the actions taken by the Commission may be questioned.

On the purported majority rule of the then Commission on Appointments, Mr. de Castro observed that this was not followed since the dissent of one member effectively worked against the approval of appointments.

On the matter of session days, Mr. de Castro manifested that he is amenable to accepting any number of session days provided that the appointments shall be submitted to the Commission as a body and not to any individual member thereof.

On the designation of a retired Chief of Staff as ex-officio member, he maintained that the selection can be made by the Chairman and added that the position does not carry with it the right to vote.

Thereafter, he asked the Committee to accept his amendment.

Mr. Davide stated that there are three concepts in the proposed amendments which the Committee would like to be treated separately and submitted to the Body for voting.

Mr. Davide stated that the Committee had no objection to the first amendment if the proponent would agree to fix the period at thirty session days which Mr. Rodrigo clarified should be thirty session days of Congress. The amendment was accepted by Mr. de Castro.

At this juncture, Mr. Davide restated the amendment, as amended, to wit:

THE COMMISSION SHALL ACT ON ALL APPOINTMENTS SUBMITTED TO IT WITHIN THIRTY
SESSION DAYS OF CONGRESS FROM THEIR SUBMISSION.

There being no objection, the amendment was proved by the Body.

On the second amendment regarding the designation to the Commission of a retired Chief of Staff as ex-officio member when it considers military appointments, Mr. Davide stated that the Committee would leave it to the Body.

Mr. Bennagen, in support of Mr. de Castro's second amendment, stated that the idea should not be limited to the

military but extended to appointments from ministries and agencies.

Mr. de Castro then asked for a rephrasing of the amendment at which time Mr. Bennagen asked for a brief suspension of session.

SUSPENSION OF SESSION

Thereupon, the Chair suspended the session.

It was 3:06 p.m.

RESUMPTION OF SESSION

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

Mr. Bennagen withdrew his proposal.

Mr. Davide rejected Mr. de Castro's second amendment on the grounds that it will burden the Commission with parties who are no longer government officials and that other government agencies may also demand representation in the Commission on Appointments.

Mr. de Castro, to underscore his argument, pointed out the importance of the appointments of general officers who, under the National Defense Act, shall constitute 1.2% of the authorized strength of the officers corps of the entire Armed Forces. Without advice from the Chief of Staff, he said, this quota might be exceeded.

Submitted to a vote, and with 3 Members voting in favor and 15 against, the amendment was lost.

Thereafter, Mr. de Castro proposed the following amendment: THE COMMISSION SHALL RULE ON A MAJORITY VOTE OF ALL ITS MEMBERS.

Mr. Rodrigo pointed out that the Commission on Appointments makes its decision by majority vote, and being composed of elected members, it should be given discretion to promulgate its own rules which should not be imposed upon it by constitutional mandate.

Mr. de Castro maintained, however, that sad experiences of the past had compelled him to recommend this amendment. He stated that while the Commission on Appointments should decide by majority vote, it had sought, in the past, the unanimous vote of all its members before an appointment was approved.

Mr. Colayco supported the amendment of Mr. de Castro and recalled some personal experiences attendant to his appointment in the Judiciary.

Commenting on Mr. de Castro's allusion that he was a living witness to some sad experiences with regard to appointments in Cebu, Mr. Davide stated that he was not a living witness but that he just heard about them. He stated, however, that all such sad experiences basically referred to the nonsubmission of the nominations rather than to the requirement of a majority vote. He pointed out that under the proposed Constitution, Congress would meet until thirty days before the opening of the next regular session and the risk of nonsubmission would not be a problem.

Submitted to a vote, and with 32 Members voting in favor and 10 against, the amendment was approved by the Body.

INQUIRIES OF MR. DE CASTRO

On whether the number of Senators is based on population or on the land area of the country, Mr. Davide stated that in fixing the composition of the Senate at 24-Members, the Committee did not consider the membership in relation to population but on it being second level to the positions of the President and the Vice-President. In this connection, Mr. Davide stressed that since the grounds for the restoration of the Senate were those stated by the proponents of bicameralism, the Committee believed that the composition would be sufficient to attain economy and quality legislation.

Thereupon, Mr. de Castro desisted from presenting his proposed amendment.

On the intent of Section 5, Mr. Davide stated that there would only be 50 sectoral and party list representatives while the regular Members from the legislative districts would be a maximum of 200 Members.

On page 2, line 5, after "territory", Mr. de Castro proposed to insert the words PROVIDED THAT EACH PROVINCE OR CITY SHALL HAVE AT LEAST ONE REPRESENTATIVE.

Mr. de Castro stated that he was thinking of Batanes, Palayan City and Siquijor by giving them at least one representative each.

Mr. Davide pointed out that the problem had already been solved by the Rigos Amendment which provides that "each city with a population of at least two hundred thousand, or each province, shall have at least one representative". He stated that insofar as Palayan City is concerned, it would not be without representation because it is within another territory composed of the city and other adjacent municipalities.

RESTATEMENT OF THE SUBSTITUTE AMENDMENT OF MR. SUAREZ

On Section 20, Mr. Suarez, jointly with Messrs. Monsod, Rodrigo, Sarmiento, Rosales and Mrs. Quesada, proposed the following substitute amendment:

SECTION 20. — THE HEADS OF MINISTRIES UPON THEIR OWN INITIATIVE, OR UPON THE REQUEST OF EITHER HOUSE, AS THE RULES OF SUCH HOUSE SHALL PROVIDE, MAY, WITH THE CONSENT OF THE PRESIDENT, APPEAR BEFORE AND BE HEARD BY SUCH HOUSE ON ANY MATTER PERTAINING TO THEIR MINISTRIES. WRITTEN QUESTIONS SHALL BE SUBMITTED TO THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AT LEAST THREE (3) DAYS BEFORE THE SCHEDULED APPEARANCE. INTERPELLATIONS SHALL NOT BE LIMITED TO WRITTEN QUESTIONS, BUT MAY COVER MATTERS RELATED THERETO. THE AGENDA SHALL SPECIFY THE SUBJECTS OF THE APPEARANCE. WHEN THE SECURITY OF THE STATE OR THE PUBLIC INTEREST SO REQUIRES AND THE PRESIDENT SO STATES IN WRITING, THE APPEARANCE SHALL BE CONDUCTED IN EXECUTIVE SESSION.

Mr. Davide stated that the proposed amendment actually weakens the institution not only of the Question Hour but also of the concept embodied in Section 24 of the 1935 Constitution. He pointed out that under said Section 24, the consent of the President was not even necessary, but which is being made necessary under the proposal, thus destroying the original concept of non-requirement of Presidential consent.

Mr. Davide also stated that under the proposal the appearance of the head of a ministry would not be mandatory, thus making a Cabinet Minister appear before Congress on his own terms, in view of which the Committee did not accept the proposed amendment.

SUSPENSION OF SESSION

On motion of Mr. Suarez, the session was suspended.

It was 3:41 p.m.

RESUMPTION OF SESSION

At 3:44 p.m., the session was resumed.

MODIFIED SUBSTITUTE AMENDMENT OF MR. SUAREZ

Upon resumption of session, Mr. Suarez proposed the following substitute amendment, as modified:

SECTION 20. THE HEADS OF MINISTRIES MAY, UPON THEIR OWN INITIATIVE WITH THE CONSENT OF THE PRESIDENT, OR UPON THE REQUEST OF EITHER HOUSE, APPEAR BEFORE AND BE HEARD BY SUCH HOUSE ON ANY MATTER PERTAINING TO THEIR MINISTRIES. WRITTEN QUESTIONS SHALL BE SUBMITTED TO THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AT LEAST THREE DAYS BEFORE A SCHEDULED APPEARANCE. INTERPELLATIONS SHALL NOT BE LIMITED TO WRITTEN QUESTIONS, BUT MAY COVER MATTERS RELATED THERETO. THE AGENDA SHALL SPECIFY THE SUBJECTS OF THE APPEARANCE. WHEN THE SECURITY OF THE STATE OR THE PUBLIC INTEREST SO REQUIRES AND THE PRESIDENT SO STATES IN WRITING, THE APPEARANCE SHALL BE CONDUCTED IN EXECUTIVE SESSION.

Mr. Davide proposed an amendment to the amendment as follows:

THE HEADS OF MINISTRIES MAY, UPON THEIR OWN INITIATIVE, WITH THE CONSENT OF THE PRESIDENT, OR UPON THE REQUEST OF EITHER HOUSE, AS THE RULES OF EACH HOUSE WILL PRESCRIBE, APPEAR BEFORE AND BE HEARD. . .

Mr. Suarez accepted the amendment to his amendment on the understanding that the utilization of the word "may", with or without the comma (,), connotes a directory character, and subject to the Rules of the House.

In reply to Mr. Maambong's inquiry on the meaning of the penultimate sentence of the proposed amendment, particularly on the phrase "subjects of the appearance", Mr. Suarez explained that this would refer to the reason for the appearance and the subject that would be taken up.

Mr. Maambong recalled that during the regular Batasang Pambansa, questions already classified by subject were sent in advance to the Ministers concerned so that they would be systematically answered when presented on the floor. He then suggested a rewording of the sentence.

Mr. Suarez inquired whether it would be proper to change the word "appearance" to INTERPELLATIONS, to which Mr. Maambong agreed.

Commenting on the proposed amendment to the amendment, Mr. Davide pointed out that interpellations could not be the subject of the agenda because one would not know yet what would be the agenda. He stressed that the subject of the appearance refers to what should be taken up during the appearance of the Cabinet member. He then requested that the original proposal be retained, explaining further that the preceding sentence is broad enough.

On Mr. Maambong's suggestion to delete the sentence to avoid confusion, Mr. Suarez interposed no objection.

The Sponsor, in turn, accepted the deletion of the sentence.

In reply to Mr. de los Reyes' inquiries, Mr. Suarez affirmed that the consent of the President is required when the appearance of a Cabinet Member is on his initiative, which consent, on the other hand, is not required when the appearance is upon the request of either House.

On the rationale for changing the word "departments" to MINISTRIES considering that the Body had already adopted the presidential system of government, Mr. Suarez acknowledged Mr. de los Reyes' observation and that the matter should be left to the Committee on Style.

Mr. Regalado sought clarification whether the appearance of a Cabinet Minister, on his own initiative, would be purely optional and should the Minister indicate his desire to appear, it would be mandatory for Congress to permit him, to which Mr. Davide replied that that was the interpretation of the proponent of the amendment. He stated that the Committee insisted on the insertion of the words "as the Rules of each House may provide" precisely to prevent a minister from commanding the Legislature.

On Mr. Maambong's observation that the phrase "with the consent of the President" is all embracing and therefore the last clause of the second sentence "unless the public interest shall require otherwise, and the President shall so state in writing" would not be necessary, Mr. Suarez explained that the last clause has reference to the security of the State although the sentence referred to had already been deleted.

On Mr. Ople's query as to what would happen when the President invokes the mantle of executive privilege thus preventing the Cabinet Minister, summoned to the Question Hour, from appearing before the House, Mr. Suarez stressed that under the doctrine of separation of powers, the President could invoke the mantle of executive privilege in order to prevent a Cabinet Minister from responding to the summons of the House. He stated that this would not be a violation of this constitutional provision.

Thereupon, Mr. Suarez restated his proposed amendment, as modified, to read as follows:

THE HEADS OF DEPARTMENTS MAY, UPON THEIR OWN INITIATIVE WITH THE CONSENT OF THE PRESIDENT, OR UPON THE REQUEST OF EITHER HOUSE, AS THE RULES OF EACH HOUSE SHALL PROVIDE, APPEAR BEFORE AND BE HEARD BY SUCH HOUSE ON ANY MATTER PERTAINING TO THEIR DEPARTMENTS. WRITTEN QUESTIONS SHALL BE SUBMITTED TO THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AT LEAST THREE DAYS BEFORE HIS SCHEDULED APPEARANCE. INTERPELLATIONS SHALL NOT BE LIMITED TO WRITTEN QUESTIONS, BUT MAY COVER MATTERS RELATED THERETO. WHEN THE SECURITY OF THE STATE OR THE PUBLIC INTEREST SO REQUIRES AND THE PRESIDENT SO STATES IN WRITING, THE APPEARANCE SHALL BE CONDUCTED IN EXECUTIVE SESSION.

There being no objection, the Body approved Mr. Suarez' amendment, as modified.

AMENDMENT OF MRS. QUESADA

On Section 19, page 6, Mrs. Quesada proposed, as modified by the Committee, to add after the word "justice" on Mr. Colayco's amendment, a comma (,), and the words OR BEFORE THE; and to insert the words OR QUASI-JUDICIAL after the comma (,) following the word "Tribunal " She stated that those are bodies where a legislator could wield undue influence or pressure.

Mr. Padilla objected to the further expansion of the prohibition for a lawyer-member of Congress to appear as counsel considering that he would be unable to appear and protect the interest of his constituents. He argued that the proposed expansion of the prohibition would completely ban a lawyer-Congressman from practicing his profession. He took exception to the argument that a Member of Congress could unduly influence the members of the Judiciary considering that based on his personal experience, it was not so. He stated that he would favor a

limitation in certain cases but not an absolute and extensive prohibition for the exercise of the law profession.

Speaking in support of the amendment, Mr. Colayco stated that if the members of the courts of justice are protected from political pressure because of security of tenure, with more reason, members of quasi-judicial and other administrative bodies should be given such protection. He maintained that the prohibition for Members of Congress to appear in certain judicial or quasi-judicial bodies is proof that there is risk of influencing the decision of these bodies. He then urged the Body to approve Mrs. Quesada's amendment.

Submitted to a vote, and with 25 Members voting in favor and 8 against, the amendment was approved by the Body.

On Section 19, line 11, Mrs. Quesada proposed the deletion of the word "financially".

She explained that this provision which appeared in the 1935 and 1973 Constitutions was cleverly interpreted by past legislators to serve their interest, permitting them or their cronies to borrow multimillion peso loans from government financial institutions, claiming that they were not the ones who would profit from such borrowings and that they did not have any interest in the transactions. She opined that because of the built-in advantages in their position, the Members of the Legislature could obtain big loans at the expense of highly deserving businessmen.

In reply, Mr. Davide pointed out that Mrs. Quesada's concern was already taken care of by Mr. Regalado's amendment to the last sentence of the Section, which reads "He shall not intervene in any matter before any office of the government for his pecuniary benefit, or where he may be called upon to act on account of his office". He noted that such provision is all-embracing enough to even prevent a Senator from practising his legal profession and from intervening in any matter for his pecuniary benefit, such that he would always be placed above suspicion.

In view thereof, Mrs. Quesada withdrew her proposed amendment.

PROPOSED AMENDMENT OF MR. TINGSON

On Section 4, page 1, line 20, Mr. Tingson proposed to change the word "thirty-five" to FORTY.

He explained that the proposed increase in the age requirement from thirty-five to forty for the Members of the Senate would provide the Upper House future leaders with a sense of political maturity. He underscored that at forty, a man begins to be dignified, experienced and exposed to different challenges and frustrations, so that, thereafter, he could assume the highest office of the land.

He also compared the impulsive temperament of the youth with the considered temper of mature men, and the indecisiveness of the young with the definitive wisdom and political maturity of the older mentors. He, however, cited exceptions thereto, like Jose Rizal, Gregorio del Pilar, Carlos P. Romulo, Benigno Aquino and Jesus Christ.

Reacting thereto, Mr. Sarmiento stated that even at thirty-five a man is already politically mature and exposed to the hard knocks of life, as was the case of Emilio Aguinaldo, Emilio Jacinto, Alexander the Great and those mentioned by Mr. Tingson.

Likewise, Mr. Gascon vehemently objected to Mr. Tingson's proposal, stating that the issue is statesmanship and that age is not the primary factor in statesmanship. He stressed that it is the commitment to the Filipino people and the continuing quest for national sovereignty, truth, justice and democracy that define one's responsibility to his country. He pointed out that the youth had continuously asserted their role in society in the struggle for national independence.

In reply, Mr. Tingson stated that what he was driving at was the political maturity of men who could immediately become President.

On Mr. Ople's observation that the founding fathers of the country, like Aguinaldo, Mabini and Jacinto, served the government when they were less than thirty-five years old, Mr. Tingson noted that these noble men rose to greatness because of the scarcity of older leaders.

Mr. Ople contended that a high school student today knows physics or mathematics more than the pupils during the time of Galileo and Copernicus, such that younger legislators of today could perform better than the legislators of yesterday. He opined that the age qualifications for each office, 25 for the Members of the House of Representatives, 35 for the Senators, and 40 for the President and Vice-President, would respond to the calls of political maturity which Mr. Tingson argued for. Mr. Tingson, however, maintained that at this age of possible nuclear annihilation, the leadership of the country should be given to those who are politically mature with younger men assisting them while waiting for their time to assume the same leadership.

Mr. Brocka also argued that political maturity should not be equated with age, considering that younger men of today are more knowledgeable than their counterparts of yesteryears, having been exposed to modern technological developments. He believed that it is at a younger age of thirty that people are idealistic, feeling that they could achieve so many things.

Furthermore, Mr. Uka opined that age is a state of the mind because as the Bible says, "As a man thinketh in his mind, so is he". He stated, however, that the older and younger generations should cooperate with each other.

Thereupon, in view of the reactions from younger Members, Mr. Tingson withdrew his proposed amendment.

Thereafter, on page 3, line 10, between the words "President" and "to", Mr. Tingson proposed to insert the phrase OR BY CONGRESS ITSELF UPON REPRESENTATION OF THE MAJORITY OF THE MEMBERS OF BOTH CHAMBERS AND, and on line 11, to substitute the word "he" with THEY.

He explained that if the Legislature has concurring powers with the President, the Members of Congress themselves could call for a special session, in reply to which, Mr. Davide pointed out that the first sentence of Section 10 provides for a legislature that would be working continuously until 30 days before the convening of the next regular session, such that it could determine the length of its session and recess, and since session days would not be limited to 100 days as provided in the 1935 Constitution, the proposal would be unnecessary.

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

AMENDMENT OF MR. FOZ

On page 5, line 27, between the words "shall" and "hold", Mr. Foz proposed to insert a comma (,) and the words WITHOUT FORFEITING HIS SEAT; and on line 30, to delete the comma (,) and the words "during his tenure" and in lieu thereof to insert the words AND THEIR SUBSIDIARIES.

Mr. Foz explained that his proposed amendments would reflect the intent of the Committee, as established in the interpellations in the previous session, to provide that the disqualification of the Members of Congress from holding any other office in government is not absolute.

Mr. Azcuna rejected the first part of the amendment but accepted the second adding the phrase OR THEIR SUBSIDIARIES after "corporation".

Thereafter, the amendment, as accepted, was submitted to a vote and there being no objection, the same was approved by the Body.

PROPOSED AMENDMENT OF MR. FOZ

Thereafter, on Section 10, page 6, line 15, Mr. Foz proposed to change "term of office" to TENURE.

Mr. Foz explained that the prohibition should no longer apply after the Member of Congress has left his office.

Mr. Azcuna, however, rejected the proposal in order to prevent Members from using their position and influence to avail of other financial interests and thereafter resigning from office.

Mr. Foz maintained that the prohibition is unjust as it would apply even after a Member has resigned from office.

Thereupon, the proposal was submitted to a vote, and with 8 Members voting in favor and 15 against, the same was lost.

SUSPENSION OF SESSION

At this juncture, on motion of Mr. Romulo, there being no objection, the Chair suspended the session to allow 12 more Members, namely, Messrs. Monsod, Nollado, Ms. Aquino, Messrs. Rodrigo, Ople, Natividad, Lerum, Maambong, Padilla, Tadeo, Romulo and Bengzon to confer with the Committee Chairman on their proposed amendments in order to expedite the proceedings.

It was 5:24 p.m.

RESUMPTION OF SESSION

At 6:28 p.m., the session was resumed.

Upon resumption of session, Mr. Davide manifested that the proposed amendments which the Committee accepted during the recess would be presented, after which the Body could take up the amendments which need explanation.

Thereupon, he proceeded to present the amendments which were accepted by the Committee.

AMENDMENT OF MR. RAMA

On page 2, line 8, after the period (.) following the word "representative", add the sentence WHERE A CITY IS ENTITLED TO MORE THAN ONE REPRESENTATIVE, THEY SHALL BE ELECTED AT-LARGE.

At this juncture, Mr. Rama explained that almost all the cities of the country cover small areas and, therefore, there would be no need of subdividing them into legislative or congressional districts.

Mr. Monsod, however, pointed out that before the 1984 elections, Manila and Quezon City had already set legislative districts.

Thereupon, Mr. Rama accepted an amendment to his amendment by exempting Manila and Quezon City.

On the observation that there are no representatives from other significant cities in the Commission, Mr. Ople inquired whether generalizing from the unique situation of Cebu would meet the criteria for all the other cities, to which Mr. Rama replied that he could think only of Manila, Quezon City and Davao City among all cities in the Philippines which, although may be exceptions, had, in the case of the first two, a setup where candidates to the Batasang Pambansa were elected at-large within the city.

Mr. Ople then suggested that the Committee develop a general principle for universal application instead of making exceptions.

Thereupon, the Chair stated that in view of the conflicting views on the matter, consideration of the amendment would be deferred.

Thereafter, on page 1, lines 8 to 10, Mr. Rama proposed the deletion of the phrase "except to the extent reserved to the people by the provision of initiative and referendum".

He explained that said phrase is not necessary because the provision is already defined in Section 31; it is untidily worded; and it does not answer Mr. Laurel's prayer for a Constitution that would have the grace and beauty of language to which the people would move to its melodious cadence.

At this juncture, Mr. de los Reyes spoke against the amendment. He stated that the phrase, although covered in the last section of this Article, gives emphasis to the fact that the power of the people to legislate is recognized under the concept of initiative and referendum and, therefore, must be placed in Section 1 to show the importance being given to the people.

In reply, Mr. Rama stated that it would be presumptuous for the Commission to say that legislative power is vested in the people because everybody knows that the people is the fountainhead of all government power. He maintained that said phrase is unnecessary.

Submitted to a vote, and with 13 Members voting in favor and 21 against, the amendment was lost.

AMENDMENT OF MESSRS. RODRIGO AND ROSALES

As proposed by Messrs. Rodrigo and Rosales, and accepted by the Sponsor, the Body approved the wording of Section 9, to read:

SECTION 9.- IN CASE OF VACANCY IN THE SENATE OR IN THE HOUSE OF REPRESENTATIVES, A SPECIAL ELECTION MAY BE CALLED TO FILL SUCH VACANCY IN THE MANNER PRESCRIBED BY LAW, BUT THE SENATOR OR MEMBER OF THE HOUSE OF REPRESENTATIVES THUS ELECTED SHALL SERVE ONLY FOR THE UNEXPIRED TERM.

Mr. Rodrigo explained that while it may be all right to call a special election in a district to fill a vacancy in the House of Representatives, such special election nationwide to fill just one vacancy for a senatorial post may prove too expensive.

AMENDMENT OF MR. RODRIGO

As proposed by Mr. Rodrigo and accepted by the Sponsor, the Body approved the amendment on page 3, line 10, to insert the word SPECIAL between "to" and "session".

AMENDMENTS OF MR. MONSOD

As proposed by Mr. Monsod and accepted by the Sponsor, the Body approved the following amendments on Section 15, page 5:

1.

On line 1, between the words "The" and "Senators", insert the words SALARIES OF;

2.

On line 2, delete the comma (,) after "Representatives"; and after "shall", delete the comma (,) and the words following it up to and including the word "each" on line 4 and in lieu thereof insert the words BE DETERMINED BY LAW; and

3.

On lines 7 to 10, delete the sentence beginning with the word "Until" on line 7 up to and including the word "pesos" on line 10 and transpose the same to the Transitory Provisions.

In reply to Mr. Rodrigo's inquiry, Mr. Davide stated that in the absence of an enabling law, the initial compensation for Members of Congress would be provided for under the Transitory Provisions.

Mr. Monsod reminded the Sponsorship Committee to take into consideration all the relevant compensation provisions in the Constitution.

AMENDMENTS OF MR. ROMULO, AS AMENDED BY MR. OPLE

As proposed by Mr. Romulo, amended by Mr. Ople, and accepted by the Sponsor, the Body approved the following amendments on Section 16:

1.

On page 5, line 12, between the words "be" and "open", insert the words PRESERVED AND BE; and

2.

On line 14, change the word "the" to AN and substitute the word "expenditures" with LIST OF AMOUNTS PAID TO AND EXPENSES INCURRED.

Mr. Romulo stated that the amendment is intended to prevent the recurrence of abuses of congressional allowances that occurred in the past.

AMENDMENTS OF MS. AQUINO

As proposed by Ms. Aquino and accepted by the Sponsor, the Body approved the following amendments on Section 18:

1.

On page 5, line 26, delete the letter "a" before the word "Member";

2.

On line 27, substitute the word "shall" with MAY;

3.

On line 30, change the word "tenure" to TERM and after it, add the words WITHOUT FORFEITING HIS SEAT;

4.

On line 31, delete the clause "during the term for which he was elected" and the comma (,); and

5.

On page 6, line 1, delete the words, "while he was a Member of Congress" and in lieu thereof substitute the words DURING THE TERM FOR WHICH HE WAS ELECTED.

In reply to Mr. Sarmiento's query on the rationale for the change of the word "shall" to MAY, Ms. Aquino stated that the change was a consequence of the insertion of the phrase WITHOUT FORFEITING HIS SEAT in order to

underscore the fact that the consequence of noncompliance with Section 18 is automatic forfeiture of the position. She opined that Section 18 seemed too vague on the effect of noncompliance.

On Mr. Rodrigo's inquiry, Ms. Aquino affirmed that in case of resignation, he may be appointed without violating Section 18.

On the rationale for changing the word "tenure" to TERM, Mr. Davide explained that resignation would mean that he voluntarily forfeited his office. He pointed out that if a Member accepts a position without first resigning, he is deemed to have forfeited his seat but if he voluntarily resigns, it means he forfeits his seat by his voluntary act. He explained that tenure refers to the period until he forfeits his seat or resigns, in other words, period of actual occupancy of the position.

Mr. Rodrigo opined that the matter could be taken care of by the Committee on Style.

AMENDMENTS OF MR. MONSOD

As proposed by Mr. Monsod and accepted by the Sponsor, the Body approved the following amendments on Section 25:

1.

On page 7, line 27, before the word "receipts", insert the words EXPENDITURES AND SOURCES OF FINANCING, INCLUDING; change the words "based on" to FROM and after the word "measures", place a period (.) and delete the word "and"; and

2.

On line 28, delete the words "of expenditures".

Explaining the amendment, Mr. Monsod stressed the fact that there are many ways of financing expenditures other than through revenue measures and that the government should not be unduly restricted by the Constitution in the ways to finance the budget.

In reply to Mr. Ople's query, Mr. Monsod affirmed that the economic support fund, which was recently converted into a budgetary measure to help bridge the expected budgetary deficits, is considered as one of the sources of financing outside of the receipts from existing and proposed revenue measures because it is an expansionary form of financing.

On commodity loans from Japan which are being arranged for conversion into a component of the budget, Mr. Monsod stated that a commodity loan may not really be part of the budget of expenditures on the expenditure side.

Mr. Ople pointed out that with respect to the expenditure side, this would include equity contributions of government financing institutions to government corporations, to which Mr. Monsod replied that the budget would have several components and one of them would be equity contributions to such institutions.

AMENDMENT OF MR. NATIVIDAD

As proposed by Mr. Natividad and accepted by the Sponsor, the Body approved the amendment to Section 25(1) after Mr. Monsod's amendment, to add a new sentence to read as follows. THE CONGRESS MAY NOT INCREASE THE APPROPRIATIONS RECOMMENDED BY THE PRESIDENT FOR THE OPERATION OF THE GOVERNMENT AS SPECIFIED IN THE BUDGET.

AMENDMENT OF MR. NOLLEDO, JOINTLY WITH MESSRS. SARMIENTO AND GUINGONA

As proposed by Mr. Nollado, jointly with Messrs. Sarmiento and Guingona, and accepted by the Sponsor, the Body approved the amendment on page 8, between lines 20 and 21, to insert a new paragraph to read as follows:

(1) DISCRETIONARY FUNDS APPROPRIATED FOR PARTICULAR OFFICIALS SHALL BE DISBURSED ONLY FOR PUBLIC PURPOSES TO BE SUPPORTED BY APPROPRIATE VOUCHERS AND SUBJECT TO SUCH GUIDELINES AS MAY BE PRESCRIBED BY LAW.

Mr. Nollado explained that the amendment would merely regulate the disbursement in order to avoid abuse of discretion in the use of discretionary funds. He stated that this would prevent the recurrence of what happened in the past when discretionary funds were spent for personal aggrandizement of the First Family and some of their cronies.

As a consequence of the amendment, renumber paragraph (6) as paragraph (7).

AMENDMENT OF MR. OPLE

As proposed by Mr. Ople, the Committee accepted the amendment on page 6, between lines 17 and 18, to insert a new Section 20, to read as follows:

SECTION 20. ALL MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES SHALL UPON ASSUMPTION OF OFFICE, MAKE A FULL DISCLOSURE OF THEIR FINANCIAL AND BUSINESS INTERESTS. THEY SHALL NOTIFY THE HOUSE CONCERNED OF POTENTIAL CONFLICTS OF INTEREST THAT MAY ARISE FROM THE FILING OF PROPOSED LEGISLATION.

Mr. Ople explained that the amendment seeks to build a policy of full disclosure into the affairs of future Members of Congress. In the light of the advice of the Committee that such a policy should be restricted only to Members of the Legislature, he expressed the hope that in the General Provisions or in the Declaration of Principles, such policy should be established to guide the conduct of all officials and employees of the government.

Mr. Padilla stated that he was in favor of the first sentence of the amendment but suggested the deletion of the second sentence on the ground that it would be difficult, if not impossible to know what are the proposed measures that will be filed in the Congress.

Replying thereto, Mr. Ople stated that the second sentence would complete the intended sense of the entire section. He pointed out that the amendment would establish an obligation so that a Member of Congress authorizing a legislation which involves the financial and business interest he earlier disclosed, could just make a manifestation, which manifestation is a reflection of his adherence to a standard of purity. He believed that it would not bar a Member of Congress from sponsoring a bill that may involve the interest that he had disclosed. He cited a coconut king who, in sponsoring a bill on coconut levy, disclosed his being a coconut king but proposed said bill not to benefit himself but millions of farmers. He noted that such disclosure could build an atmosphere of candor and honesty in a legislature.

In reply to Mr. Bengzon's query as to why said coconut king had to disclose his being a coconut king when in fact he had already made a disclosure upon assumption of office, Mr. Ople stated that it would be necessary to establish consistency in his disclosure.

On whether a Member of the Legislature who, upon filing a bill on the manufacture of feeds, was not yet engaged in the feeds industry, would be required to disclose his intentions of getting into the feeds industry, Mr. Ople believed that with respect to a potential situation, he would not be covered by the provision, but should disclose

his status as soon as he starts his business.

Considering that a prior confession gets a prior absolution, Mr. Suarez inquired on the necessity of adding the second sentence to the first, in reply to which, Mr. Ople stated that in order to build a genuine and operational policy of full disclosure, the second sentence should be retained, because a disclosure of potential conflict of interest would be the basis for the assumption that his proposal would not be for self-aggrandizement.

Mr. Ople, however, agreed to Mr. Suarez' suggestion to vote on the two sentences separately.

Furthermore, in reply to Mr. Padilla's query, Mr. Ople stated that the second sentence would also apply to co-sponsorship of a bill, although it would not restrain him from acting freely on certain measures that other Members would propose.

On Ms. Aquino's query whether the second sentence would immunize a Member from any accountability because of prior disclosure of potential conflict of interest, Mr. Ople opined that such disclosure would not give him immunity but when questions regarding such interest would be raised later, he would be absolved of any dishonesty.

There being no objection, the Body approved the first sentence of Mr. Ople's proposal, to wit: ALL MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES SHALL, UPON ASSUMPTION OF OFFICE, MAKE A FULL DISCLOSURE OF THEIR FINANCIAL AND BUSINESS INTERESTS.

Thereafter; as amended by Mr. Monsod, submitted to a vote, and with 20 Members voting in favor, and 14 against, the Body approved the second sentence of Mr. Ople's proposal, which reads: THEY SHALL NOTIFY THE HOUSE CONCERNED OF A POTENTIAL CONFLICT OF INTEREST THAT MAY ARISE FROM THE FILING OF A PROPOSED LEGISLATION OF WHICH THEY ARE AUTHORS.

FURTHER AMENDMENT OF MR. OPLE AS MODIFIED BY MR. RODRIGO

On page 7, Mr. Ople, jointly with Mr. Rodrigo, proposed to amend lines 9 to 11, to read: THE CONGRESS, BY A VOTE OF TWO-THIRDS OF BOTH HOUSES IN JOINT SESSION ASSEMBLED, VOTING SEPARATELY, SHALL HAVE THE SOLE POWER TO DECLARE THE EXISTENCE OF A STATE OF WAR.

In reply to Mr. Suarez' query on the difference between the "power to declare the existence of a state of war" and the "power to declare war", Mr. Azcuna explained that the former is a renunciation of war which the country may not have started, and that the latter refers to the declaration of or starting a war, which is offensive.

In reply to Mr. Nollado's query, Mr. Davide stated that the provision requires the two-thirds vote of all the Members of each House, voting separately in joint session.

Furthermore, in reply to Mr. Maambong's query on the meaning of "war", Mr. Azcuna stated that it is armed hostilities between two States.

There being no objection, the Body approved the proposed amendment of Mr. Ople, as modified by Mr. Rodrigo.

OBSERVATIONS OF MESSRS. MAAMBONG AND REGALADO

At this juncture, Mr. Maambong observed that the paragraph which Messrs. Ople and Rodrigo amended would be the first paragraph of Section 23 as a consequence of the amendments of Mr. Regalado.

Mr. Regalado, however, stated that it would rather be the first paragraph of Section 24 because of the insertion of

a new Section 20.

AMENDMENT OF MR. MONSOD

On page 9, line 27, before the word "but", Mr. Monsod proposed the insertion of the phrase EXCEPT APPROPRIATIONS OF CONSTITUTIONAL BODIES GRANTED FISCAL AUTONOMY UNDER THIS CONSTITUTION and a comma (,) after it.

In reply to Mr. Ople's query on whether the provision would limit the veto power of the President by providing for certain areas in the budget on which the President may not have access, Mr. Monsod stated that he proposed the amendment because the provision giving fiscal autonomy to the Judiciary was deleted, thus, making it undergo the regular process of budget deliberation and he would want to restore this provision giving the Judiciary and the Constitutional offices fiscal autonomy.

Mr. Ople opined that independence without interdependence can become a tyranny and that while he believed in the independence of the Judiciary, he does not believe in converting it into an island of privilege by being spared the risks of a Presidential veto. He manifested his intention to vote against the proposed amendment.

Mr. Davide stated that the budget would be prepared by the President, and, in view of the Natividad amendment, the government budget could not be increased by the Legislature.

On Mr. Ople's query as to why the amendment should still be placed, Mr. Davide stated that its purpose is to prevent any decrease.

Mr. Rodrigo stated that he would support fiscal autonomy for the Judiciary and the Constitutional offices as far as the automatic and regular release of their budgets are concerned but not insofar as the appropriation of the funds is concerned.

On Mr. Rodrigo's query whether the Legislature could add to the budget prepared by the President, Mr. Davide stated that it could not as a result of the Natividad amendment, but it could change the items without raising the amounts.

Mr. Rodrigo opined that the powers of the President must not be too much emasculated, otherwise, he would be ineffective.

Thereafter, the proposal was submitted to a vote, and with 10 Members voting in favor and 18 against, the same was lost.

PROPOSED AMENDMENT OF MR. OPLE

Mr. Ople proposed, on page 9, line 30, to insert the sentence THE LOCAL GOVERNMENTS, IN THE EXERCISE OF THEIR TAXATION POWERS. SHALL CONFORM TO THIS STANDARD, after the word "equitable".

Mr. Rodrigo opined that the sentence properly belongs to the Article on Local Governments.

Mr. Nollado, as Chairman of the Committee on Local Governments, agreed with the observation.

Mr. Ople withdrew his proposal on the assurance that the same provision would be included in the Article on Local Governments.

ADJOURNMENT OF SESSION

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

It was 8:02 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 July 24, 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.