

JOURNAL NO. 105

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Saturday, October 11, 1986

CALL TO ORDER

At 10:05 a.m., the Honorable Alberto M. K. Jamir, called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Jose D. Calderon, to wit.

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

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

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

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

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

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

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

"And the rains descended and the floods came, And the winds blew, and beat upon that house,

"And it feel not; for it was founded upon a rock. "

For all these, Almighty God, we render unto your everlasting gratitude.

ROLL CALL

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

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

Bernas, J. G. 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. Suarez, J. E.

Foz, V. B. Sumulong, L. M.

Guingona, S. V. C. Tan, C.

Jamir, A. M. K. Treñas, E. B.

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

Nieva, M .T. F. Villacorta, W. V.

Padilla, A. B. Villegas, B. M.

With 28 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. Muñoz-Palma, C.

Bennagen, P. L. Sarmiento, R. V.

Garcia, E. G. Tadeo, J. S. L.

Lerum, E. R. Tingson, G. J.

Maambong, R. E.

P.M.

Gascon, J. L. M. C.

Mr. Rosales was sick.

Messrs. Bacani and Laurel were absent.

READING AND APPROVAL OF THE JOURNAL

On motion of Mr. Rama, 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. Rama, 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 appropriate Committees here under indicated:

Proposed Resolution 548, entitled:

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

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

TO THE STEERING COMMITTEE

COMMUNICATIONS

Communication No. 1091 — Constitutional Commission of 1986

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

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

Communication No. 1092 — Constitutional Commission of 1986

Communication from Ms. Leonora S. de Guzman of the Schools of Social Work Association of the Philippines, 1680 Kansas Street, Malate, Metro Manila, urging the inclusion in the Constitution of a provision designed to ameliorate the living conditions of depressed Filipinos

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 1093 — Constitutional Commission of 1986

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

TO THE STEERING COMMITTEE

Communication No. 1094 — Constitutional Commission of 1986

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

TO THE COMMITTEE ON HUMAN RESOURCES

APPROVAL OF SECOND READING OF THE ARTICLE ON THE DECLARATION OF PRINCIPLES AND STATE POLICIES

On motion of Mr. Rama, there being no objection, the Body approved, on Second Reading, the proposed Resolution on the Article on Declaration of Principles and State Policies.

APPROVAL ON SECOND READING OF THE ARTICLE ON GENERAL PROVISIONS AND A SECTION TO BE INCLUDED IN THE TRANSITORY PROVISIONS

On motion of Mr. Rama, there being no objection, the Body approved, on Second Reading, the proposed Resolution on the Article on General Provisions and a Section to be included in the Transitory Provisions.

MOTION TO APPROVE ON THIRD READING THE ARTICLE ON NATIONAL ECONOMY AND PATRIMONY

Thereafter, Mr. Rama moved that the Body vote on Third Reading, on the proposed Resolution, on the Article on National Economy and Patrimony.

Mrs. Quesada asked for nominal voting.

Thereupon, Mr. Rama withdrew his motion to vote on Third Reading on the Article on National Economy and Patrimony.

UNFINISHED BUSINESS: CONSIDERATION OF THE REPORT OF THE COMMITTEE ON STYLE

On motion of Mr. Rama, there being no objection, the Body resumed consideration of the report of the Committee on Style.

CORRECTIONS IN THE JOURNAL

As proposed, and there being no objection the Body approved the following corrections in the Journal of the previous session:

1. At the instance of Mr. Monsod, on page 68, third paragraph, delete the words on the second line and in lieu thereof, substitute GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS AND after the word "including" and the word OTHER at the beginning of subparagraph (c); and
2. At the instance of Mr. de 106 Reyes, on page 70, second to the last paragraph, delete the words "insert HOWEVER, between 'Provided' and 'that' and in lieu thereof, insert the following: "delete the words 'Provided, that' and in lieu thereof, substitute HOWEVER, so that the lines would read: However, where the internal control system of the audited agencies"

MANIFESTATION OF MR. GUINGONA

Thereafter, Mr. Guingona stated that in order to facilitate the afternoon deliberations on the report of the Committee on Sponsorship, the Committee would be distributing two reports, one on repetitions as submitted by Ms. Aquino, and the other on the sequencing of the Articles as proposed by the Subcommittee on Rubrics, for the Members to study.

ARTICLE ON SOCIAL JUSTICE

Thereupon, Mr. Bengzon moved that the Body proceed with the report of the Committee on Style on the Article on Social Justice.

In reply to Mr. Monsod's query, Mr. Bengzon explained that the Body had already approved said Article on Second Reading and there would be no impediment to the report thereon of the Committee on Style.

On request of Mr. Rodrigo, the Chair allowed the Committee Secretary to sit with the Committee on Style.

SECTION 1

On the first paragraph of Section 1, page 67, line 3, Mr. Rodrigo proposed the insertion of the article THE before "Congress."; on line 5, to insert a comma (,) after "economic"; and on the second paragraph, line 9, to change the words "Towards this" to TO THIS END.

There being no objection, the amendments on Section 1 were approved by the Body.

SECTION 2

On Section 2, page 67, line 14, Mr. Rodrigo proposed to delete the words "the principle of", so that the Section would read: THE PROMOTION OF SOCIAL JUSTICE SHALL INCLUDE THE COMMITMENT TO CREATE ECONOMIC OPPORTUNITIES BASED ON FREEDOM OF INITIATIVE AND SELF-RELIANCE.

There being no objection, the amendment on Section 2 was approved by the Body.

SECTION 3

On Section 3, line 16, Mr. Rodrigo proposed to insert a comma (,) after "organized" and on the second paragraph thereof, page 68, lines 2 and 3, to change the words "peaceful and concerted activities" to AND PEACEFUL CONCERNED ACTIVITIES.

There being no objection, the amendments on Section 3 were approved by the Body.

On the fourth paragraph of Section 3, page 69, line 17, Mr. Rodrigo proposed to insert the words AND TO before "expansion" and to delete the comma (,) after "expansion", so that lines 17 and 18 would read: TO REASONABLE RETURNS ON INVESTMENTS, AND TO EXPANSION AND GROWTH.

There being no objection, the amendment on the fourth paragraph of Section 3, was approved by the Body.

SECTION 4

On Section 4, page 69, lines 4 and 5, Mr. Rodrigo proposed the transposition of the phrase "in determining retention limits" to the beginning of the sentence before the words "The State", so that the sentence would read: IN DETERMINING RETENTION LIMITS, THE STATE SHALL RESPECT THE RIGHTS OF SMALL LANDOWNERS.

On the same section, page 68, line 20, Mrs. Nieva proposed that there should be "regular" before "farmworkers" as reflected in the original draft of the Article, such that "farmworkers" on line 20 are distinguished from "other farmworkers" on line 22.

In this connection, Mr. de Castro opined that the insertion of the word "regular" as proposed by Mrs. Nieva partakes of an amendment and would require a motion for reconsideration.

Mr. Bengzon, however, agreed with Mrs. Nieva that during the deliberations, regular farmworkers were differentiated from seasonal farmworkers. He asked that Section 5 be deferred until the records have been verified.

Mr. Regalado also affirmed Mrs. Nieva's observations and that her amendment would not require a motion for reconsideration because it was just a nunc pro tunc amendment.

Mr. Rodrigo took note of the observation.

The session was suspended for a few minutes, and upon resumption, Mr. de Castro confirmed that the records show that there was, indeed, "regular" before "farmworkers" on line 20, for which reason he withdrew his objection to Mrs. Nieva's introducing such amendment.

Thereupon, Mrs. Nieva reiterated her proposal to insert the word "regular" before "farmworkers" on lines 20 and 21.

Mr. Bernas, however, pointed out that the word did not appear in the text of Section 4 as approved on August 7, 1986, although it was manifested as an explanation that "farmworkers" on line 20 refers to "regular farmworkers".

He moved that the Body defer consideration of Section 4 pending verification from the August 7 records, to which Mr. Rodrigo agreed.

SECTION 5

On Section 5, page 69, line 8, Mr. Rodrigo proposed to change the preposition "of" before "cooperatives" to AS WELL AS.

In reply to Mr. Tadeo's query, Mr. Rodrigo affirmed that the substitution of "as well as" would not in any way affect the personality of cooperatives in relation to farmworkers, farmers and landowners.

There being no objection, the amendment on Section 5 was approved by the Body.

SECTION 6

On Section 6, Mr. Rodrigo proposed the transposition of the words "suitable to agriculture" after the word "concession" on line 18, which originally appeared after "public domain" on line 17, so that the clause would read INCLUDING LAND OF THE PUBLIC DOMAIN UNDER LEASE OR CONCESSION SUITABLE TO AGRICULTURE.

There being no objection, the amendment on Section 6 was approved by the Body.

On Mrs. Quesada's query whether the transposition would affect the meaning of the clause, Mr. Nollado opined that there would be no difference because the phrase "suitable to agriculture" still describes "the lands of the public domain".

On paragraph 2 of Section 6, Mr. Rodrigo stated that the article "the" before "Landless" on line 21 was deleted and there being no objection, the same was approved by the Body.

SUGGESTION OF MR. FOZ

Mr. Foz suggested that the title of the Article be "Article on Social Justice and Human Rights", to which Mr. Rodrigo agreed.

With respect to Section 1, Mr. Nollado affirmed that the first sentence had already been transferred to the Article on the Declaration of Principles, including the corresponding change of the following sentence relative to the phrase "in pursuit thereof".

SUGGESTION OF MR. ROMULO

Mr. Romulo suggested that no transposition should be discussed until the Body shall have finished the style.

FURTHER INQUIRY OF MR. FOZ

On Mr. Foz' query whether the second sentence had already been changed, Mr. Rodrigo stated that the change is within the domain of the Sponsorship Committee although the Committee on Style took note of the following changes: the transposition of the first sentence and the deletion of the phrase "in pursuit thereof".

SECTION 7

On Section 7, Mr. Rodrigo stated that no significant changes were effected therein except the insertion of commas (,); on page 72, the deletion of the word "the" between the words "to" and "offshore" on line 4; and, the change of the word "enjoyment" to UTILIZATION on line 7.

INQUIRY OF MRS. QUESADA

Relative to Messrs. Bacani and Sarmiento's reservations, Mrs. Quesada recalled that the word "especially" should have been placed after the word "right", to which Mr. Monsod replied that the Committee adopted the original wording which he believed is the correct one.

On motion of Mr. Rodrigo, there being no objection, the Body approved Section 7 as modified by the Committee on Style.

SECTION 8

On Section 8, Mr. Rodrigo stated that there were no significant changes except the insertion of commas (,); the insertion of the word THEIR between the words "for" and "lands" on line 13; and the substitution of the word "such" with IN on line 14.

There being no objection, Section 8 was approved by the Body.

SECTION 9

On Section 9, Mr. Davide read the recommendation of the Committee, to wit:

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

Mr. Foz proposed the reformulation of the first portion so that it would read "The State shall, by law, for the common good and in cooperation with the private sector, undertake a continuing program of urban land reform and housing to make available at affordable cost . . .".

Mr. Rodrigo accepted Mr. Foz' proposal.

OBSERVATION OF MRS. NIEVA

Mr. Nieva observed that the phrase "by law and for the common good" was placed as an overriding direction whereas the phrase "in cooperation with the private sector" is already on the actual implementation. She pointed out that the words "by law" indicate how the program should be done; the phrase "for the common good" speaks of the objective; and the phrase "in cooperation with the private sector" is a very specific recommendation which should be separated.

REQUEST OF MR. DE CASTRO

At this juncture, Mr. de Castro requested that the Members be furnished copies of the formulation of Mr. Foz.

SUSPENSION OF SESSION

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

It was 10:45 a.m.

RESUMPTION OF SESSION

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

Upon resumption of session, Mr. Nollado stated that the Committee would reconsider its acceptance of Mr. Foz' proposal because, if adopted, the phrase "in cooperation with the private sector" would become an indispensable requisite for the implementation of the continuing program on urban land reform. He opined that the State, without such cooperation, may undertake the program on urban land reform and housing. He then asked Mr. Foz to withdraw his proposal.

Replying thereto, Mr. Foz clarified that he made the suggestion to realign the phrases for structural effect. On the statement that the government could do the program alone, Mr. Foz stated that this is not possible for practical purposes because the government has to enlist the help of the private sector in its housing program. He nevertheless withdrew his amendment in view of the observation of the Committee.

On motion of Mr. Rodrigo, there being no objection, Section 9 was approved by the Body.

SECTION 10

On Section 10, Mr. Rodrigo stated that no corrections were effected therein except the insertion of a comma (,) and making the second sentence as a separate paragraph.

There being no objection, Section 10 was approved by the Body.

SECTION 11

On Section 11, Mr. Rodrigo stated that there were no changes except the insertion of commas (,) on line 7 and the substitution of the word "and" on line 10 with a comma.

Ms. Aquino reminded the Committee of the Body's decision to transpose the first sentence of Section 11 to the Article on the Declaration of Principles so that Section 11 would start with the second sentence. Likewise, she proposed the deletion of the word "services" after the word "health" on line 7, to which Mrs. Quesada concurred.

The Committee accepted Ms. Aquino's proposed amendments and, there being no objection, Section 11, as amended, was approved by the Body.

SECTION 12

Mr. Rodrigo stated that on Section 12, there was no correction except for a comma (,) which, there being no objection, was approved by the Body.

SECTION 13

On Section 13, Mr. Rodrigo stated that the word "body" was changed to AGENCY and, there being no objection, Section 13 was approved by the Body.

SECTION 14

On Section 14, Mr. Rodrigo stated that the word "well being" on line 4 was substituted with ENABLE THEM which, there being no objection, was approved by the Body.

SECTION 15

On Section 15, Mr. Rodrigo stated that there was no change in the first paragraph but on the second paragraph, the phrase "demonstrated capacity to promote the public interest" was transposed so that it would read:

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

Ms. Tan proposed and the Committee agreed, to the insertion of the word WITH between the words "and" and "identifiable" on line 14, and there being no objection, the same was approved by the Body.

Mr. Regalado suggested that "bona fide" should be italicized, to which Mr. Romulo agreed, stating that it is a two-word Latin phrase.

Mr. Rodrigo agreed, and there being no objection, Section 15, was approved by the Body.

APPROVAL OF THE ARTICLE ON SOCIAL JUSTICE AND HUMAN RIGHTS

On motion of Mr. Rama, there being no objection, the Body approved the whole Article on Social Justice and Human Rights subject to the reservations.

ARTICLE ON EDUCATION, SCIENCE AND TECHNOLOGY ARTS, CULTURE, AND SPORTS

SECTION 1 ON EDUCATION

Mr. Rodrigo stated that the original Section 1 was transposed to the Article on Declaration of Principles so that Section 2 would become Section 1, to which the Committee has not introduced any change.

SECTION 2

On Section 2, subparagraph (a), Mr. Rodrigo stated that there was no change except for a comma (,) and the deletion of the word "and" between "complete" and "adequate". There being no objection, the same was approved by the Body.

On subparagraph (b), he stated that there was no change.

On subparagraph (c), there was no change except the placing of a comma (,) and the insertion of TO between "especially" and "the underprivileged" on line 16. There being no objection, the same was approved by the Body.

On subparagraph (d), there was no change except the substitution of "and" between the words "non-formal" and "informal" with a comma (.). There being no objection, the same was approved by the Body.

On subparagraph (e), there was no change except the placing of commas (,).

Mr. Rodrigo stated that after each subparagraph of Section 2, the semicolon (;) was originally used but the Committee changed it to a period (.) because they contain different concepts.

On Mr. Monsod's observation, Mr. Rodrigo affirmed that numbers instead of letters would be used for the subparagraphs.

SECTION 3

On Section 3, subparagraph (1), Mr. Rodrigo stated that there was no change except the one on the semicolon (;) to a period (.). There being no objection, the same was approved by the Body.

On subparagraph (2), there was no change except for the word "our" to THE on line 12 which, there being no objection was approved by the Body.

On subparagraph (3), there was no correction.

On subparagraph (4), at the instance of Mr. Romulo, the word AND was inserted after "needs" on line 4 and after the semicolon (;), AND was added.

SECTION 4

Mr. Rodrigo stated that the subparagraphs would be numbered instead of the letters.

On the first paragraph, there was no change in the entire Subsection 1) which consists of three paragraphs except "by the Congress".

As proposed by Mr. Rama, the word "whoever" on line 5 should be changed to HOWEVER.

On subparagraph (2), there was no correction except for a comma (,) and the transposition of the word "assets" on line 21 so that lines 20 to 22 would read:

On subparagraph (2), there was no correction except for a comma (,) and the transposition of the word "assets" on line 21 so that lines 20 to 22 would read:

Upon the dissolution or cessation of the corporate existence of non-stock, non-profit institutions, their assets shall be disposed of in the manner provided by law.

Mr. Suarez asked for its reformulation so that it could read:

Upon the dissolution or cessation of their corporate existence, assets of non-stock non-profit institutions, shall be disposed of in the manner provided by law.

Mr. Nollado suggested another formulation so that it would read:

Upon the dissolution or cessation of the corporate existence of non-stock, non-profit institutions, their assets shall be disposed of in the manner provided by law.

Mrs. Rosario Braid urged that the phrase "of non-stock, non-profit institutions" be maintained since it has already been mentioned in the previous sentence, in reply to which, Mr. Nollado contended that the provision should be more emphatic.

Mr. Azcuna explained that the previous sentence refers to revenues and assets and not to non-stock institutions, so that the pronoun "their" would refer to revenues rather than to the institutions.

Mr. Davide, however, proposed to substitute the phrase "of non-stock, non-profit institutions" with the words OF SUCH INSTITUTIONS, so that the sentence would read: UPON THE DISSOLUTION OR CESSATION OF THE CORPORATE EXISTENCE OF SUCH INSTITUTIONS, THEIR ASSETS SHALL BE DISPOSED OF IN THE MANNER PROVIDED BY LAW.

On motion of Mr. Rodrigo, there being no objection, the amendment, as amended, on the first paragraph of Section 4(2) was approved by the Body.

Mr. Rodrigo stated that there were no changes in the second paragraph of Section 4(2), and in Section 4(3), except for commas (,).

SECTION 5

Mr. Rodrigo also informed that there were no changes in Section 5, except for the change of the letters (a), (b), (c), (d) to numbers (1), (2), (3), (4), respectively; and the insertion of commas (,).

MR. BENNAGEN'S AMENDMENT ON SECTION 5(4)

On the second paragraph of Section 5(4), page 76, line 17, Mr. Bennagen proposed to change the word "must" to SHALL, which amendment was accepted by Mr. Rodrigo.

PROPOSED AMENDMENT OF MR. PADILLA

On line 17, Mr. Padilla proposed to delete the word "the highest" before "budgetary" so that the line would read: THE STATE SHALL ASSIGN BUDGETARY PRIORITY TO.

Reacting thereto, Mr. Villacorta pointed out that there had been extensive debates on the matter and the real intent is to give education the highest budgetary priority, and it would be improper to change the substance of the provision.

Mr. Padilla opined that there was no substantial change because even without such adjectives as "highest", Congress would still be mandated to give priority to education in relation to the priorities in other sessions.

Mr. Bennagen urged that the words "the highest" be retained considering that historically, education got the highest budgetary priority before the declaration of martial law but went down when the budget for the military was given the highest priority during the martial law period.

Likewise, Mr. Ople objected to the deletion of "the highest", stating that the original intent of the Commission should not be impaired.

Mr. Guingona stated that any substantial deletion would not be within the competence of the Committee on Style, to which Ms. Aquino added that it would be tantamount to reopening the section which would require the suspension of the Rules.

PROPOSED AMENDMENT OF MR. GUINGONA

At this juncture, Mr. Guingona invited attention to the omission of the word "the" in the first paragraph of Section 5(4). He then proposed that Section 5(4) should read: THE STATE SHALL ENHANCE THE RIGHT OF TEACHERS TO PROFESSIONAL ADVANCEMENT. NON-TEACHING ACADEMIC AND

NON-ACADEMIC PERSONNEL SHALL ENJOY THE PROTECTION OF THE STATE.

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

APPROVAL OF THE AMENDMENT ON SECTION 5(4)

On motion of Mr. Rodrigo, there being no objection, the Body approved, on Section 5(4), line 17 to change "must" to SHALL.

SECTION 6 ON LANGUAGE

On Section 6 on the provisions on Language, Mr. Rama proposed to delete the word "the" before "existing" on line 3.

On the same line, Mr. Bennagen proposed to change the words "on the basis of" to BASED ON.

In reply, Mr. Azcuna opined that the original words are better because they modify "developed and enriched" which should be modified by an adverb, for which reason, Mr. Bennagen did not insist on his proposed amendment.

Thereupon, on motion of Mr. Rodrigo, there being no objection, the Body approved the deletion, of "the" before "existing" on line 3.

AMENDMENTS ON THE SECOND PARAGRAPH OF SECTION 6

On the second paragraph of Section 6, Mr. Rodrigo pointed out the insertion of the article THE before "Congress" on line 5, on line 8, the addition of AND between "cation" and "as"; and the change of "of" to IN between "instruction" and "the".

On motion of Mr. Rodrigo, there being no objection, the amendments were approved by the Body.

SECTIONS 7 AND 8

Mr. Rodrigo manifested that there were no changes on Section 7, and on Section 8 except for the insertion of a comma (,) after "Arabic" on line 20.

PROPOSED AMENDMENT OF MR. PADILLA

On Section 7, line 12, Mr. Padilla proposed to insert the words AND SPANISH after "English" so that the section would read: "For the purpose of communication and instruction, the official languages of the Philippines are Filipino and, until otherwise provided by law, English AND SPANISH."

He explained that noninclusion of Spanish among the official languages might adversely affect the Academias Españolas in all Spanish-speaking countries, and that even Cardinal Sin feels that it should be included as an official language. He pointed out, however, that the insertion would not adversely affect the substance of the provision but would improve country's relations with other nations.

Reacting thereto, Mr. Rigos, as Chairman of the Subcommittee on National Language, disclosed that the same proposal was voted down in the Committee meetings and even on the floor. He opined that the amendment would mean a reconsideration of the approval of said Section.

Mr. Ople, however, supported Mr. Padilla's amendment if it would not involve a substantial change, considering that Spanish has been one of the official languages under a presidential decree, and the noninclusion in the

Constitution would mean a repeal of said decree. He pointed out that even the most important documents in the National Archives are in Spanish, and until they are translated into Filipino and English, Spanish should be considered one of the official languages.

MOTION OF MR. RAMA

Mr. Rama also explained that the Filipinos have been favored in the United Nations and in the United States because of their ability to speak Spanish and the support of other Spanish-speaking people.

He opined that the non-inclusion of Spanish as one of the official languages would be an act of discrimination against the Spanish-speaking people.

He reiterated Mr. Padilla's request that the Body reconsider Section 7 by unanimous consent.

REMARKS OF MR. VILLACORTA

Mr. Villacorta stated that the matter had been repeatedly raised in the debates. He underscored, however, as he had explained to some Spanish professors, that it would not mean an automatic repeal of the Spanish Law.

On Mr. Rama's observation that the non-inclusion of Spanish might affect the country's relations with other nations, Mr. Villacorta explained that at least seven Ambassadors in the Ministry of Foreign Affairs had noted that it is not the official language that matters in the United Nations but the commonality of interest, and on the other hand, it would not always mean that the Spanish-speaking people would be voting in favor of the Filipinos only because the latter are speaking Spanish.

Thereupon, Mr. Padilla reiterated his plea to reconsider the matter.

MANIFESTATION OF MR. RODRIGO

Mr. Rodrigo, however, stated that since it would involve substantial change, the Body should first consider the report of the Committee on Style and, thereafter, raise the issue of including Spanish as one of the official languages.

AMENDMENT ON SECTION 9

On Section 9, page 79, Mr. Rodrigo stated that there was no change except for the insertion of the article THE before "Congress" on line 21, and a comma (,) after "propagation" on line 25.

AMENDMENT OF MS. AQUINO ON SECTION 9

As proposed by Ms. Aquino, and accepted by Mr. Rodrigo, the Body approved the amendment of lines 24 and 25 to read: RESEARCHES FOR THE DEVELOPMENT, PROPAGATION, AND PRESERVATION OF FILIPINO AND OTHER LANGUAGES. . .

SECTIONS 10 AND 11

Mr. Rodrigo manifested that there were no changes on Sections 10 and 11 on the provisions on Science and Technology, except for the commas (,) and the addition of THE before "Congress" on Section 11.

AMENDMENT ON SECTION 12

On Section 12, Mr. Rodrigo pointed out the deletion of the word "the" between "of" and "private groups" on line 19.

OBSERVATION OF MR. REGALADO

On Section 11, Mr. Regalado noted that word "researchers" was mentioned twice.

Mrs. Quesada proposed the deletion of second "researchers", to which Mr. Davide agreed.

Mr. Jamir, however, pointed out that it is the "researchers" that should be deleted, to which Rodrigo agreed, and there being no objection, same was approved by the Body.

SECTION 12

Mrs. Rosario Braid proposed the rephrasing of the first sentence of Section 12 so that it would read:

THE STATE SHALL REGULATE THE TRANSFER AND PROMOTE THE ADAPTATION OF TECHNOLOGY, to which Mrs. Quesada agreed.

Mr. Rodrigo, in turn, accepted Mrs. Rosario Braid's proposal, and there being no objection, the same was approved by the Body.

SECTION 13

Mr. Rodrigo stated that no change was effected on Section 13 except the addition of a comma (,).

SECTION 15

On Section 15, Mr. Rama stated that there was no change except the addition of a comma (,).

On line 4 thereof, Mr. Bennagen asked for the deletion of the comma after the word "free" so that the word "free" would define both the words "artistic" and "intellectual expression", which proposal was supported by Mr. Ople, and there being no objection, was approved by the Body.

SECTION 16

On Section 16, Mr. Rodrigo stated that the word, "and" between the words "conserve" and "promote" was deleted and in lieu thereof, a comma (,) should be placed; after the word "promote", the words AND POPULARIZE should be added so that it would read: "The State shall conserve, promote AND POPULARIZE the nation's historical . . ."

OBSERVATION OF MR. DE CASTRO

On Mr. de Castro's observation, Mr. Rodrigo admitted that Section 14 was transferred to the Article on the Declaration of Principles so that Section 15 should be Section 14; Section 16 should be Section 15; Section 17 should be Section 16; Section 18 should be Section 17; and Section 19 should be Section 18.

PROPOSED AMENDMENT OF MR. SARMIENTO

On Section 16, Mr. Sarmiento proposed to insert a comma (,) after the word "creations" on line 8, to which Mr. Azcuna replied that there should be no comma (,) because the word "artistic" modifies the words "creations and resources" on lines 7 and 8.

RESERVATION OF MR. VILLACORTA

Mr. Villacorta made a reservation to check whether a section was omitted from the Sections on Science and Technology.

SECTION 17

On Section 17, denominated as the new Section 16, Mr. Rodrigo stated that no change was effected.

SECTION 18

On Section 18, denominated as Section 17, there was no change.

SECTION 19

On Section 19, denominated as Section 18, Mr. Azcuna read the new formulation, to wit:

The State shall ensure equal access to cultural opportunities through the educational system, public or private, cultural entities, scholarships, grants and other incentives, and community cultural centers, and other public venues.

Mr. Sarmiento proposed the deletion of the word "and" after the word "incentives" on line 21, to which Mr. Ople opined that the word "and" should remain because the words "community centers and other public venues" are a category apart from the enumeration.

Mr. Sarmiento did not insist on his proposed amendment.

Mr. Rodrigo stated that the letters on the subparagraphs should be changed to numbers and, there being no objection, was approved by the Body.

SECTION 20

On Section 20, denominated as Section 19, Mr. Rodrigo stated that the change consists of the transposition of the clause "and for the development of a healthy and alert citizenry" so that part of Section 19 would read "including training for international competitions, for the development of a healthy and alert citizenry by fostering self-discipline, teamwork, and excellence".

Mr. Padilla did not agree with the transposition, stating that the transposition should refer more to international competitions rather than to a healthy and alert citizenry, to which Mr. Rodrigo did not interpose any objection.

As suggested, Section 20 would retain its original wording, so that it would read:

The State shall promote physical education and encourage sports programs, league competitions, and amateur sports, including training for international competition, to foster self-discipline, teamwork, and excellence, and for the development of a healthy and alert citizenry.

There being no objection, the same was approved by the Body.

SECTION 21

On Section 21, denominated as Section 20, Mr. Rodrigo stated that no change was effected.

INQUIRY OF MR. BENNAGEN

On Section 16, on Mr. Bennagen's query whether the word "artistic" is used to modify the word "resources", Mr. Rodrigo stated that that is the understanding of some who made comments on the matter.

Mr. Bennagen pointed out that in the Subcommittee on Arts and Culture, the idea is to have the concept of cultural resources as an analogue of natural and human resources such that the word "cultural" should modify the word "resources" rather than "artistic".

AMENDMENT OF MR. BENNAGEN

In view thereof, as proposed by Mr. Bennagen, the Committee accepted the transposition of the word "resources" so that it would read "nation's historical and cultural heritage and resources, and artistic creations".

AMENDMENT OF MR. VILLACORTA

Mr. Villacorta proposed, and the Committee accepted, that the words "and artistic creations" should read "AS WELL AS artistic creations", and there being no objection, the same was approved by the Body.

APPROVAL OF THE ARTICLE ON EDUCATION, SCIENCE AND TECHNOLOGY, ARTS, CULTURE, AND SPORTS

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

RESERVATION OF MRS. NIEVA

On the reservation of Mrs. Nieva on Section 4 of the provision on agrarian and natural resources reform relative to the omission of the word "REGULAR", before "farmworkers", after consulting the transcript of August 7, 1986, page 146 thereof, the Committee inserted the word "REGULAR" on Section 4 to read as follows:

"Section 4. The State shall by law, undertake an agrarian reform program founded on the rights of farmers and REGULAR farmworkers".

MOTION OF MR. RAMA

Mr. Rama moved that the Body vote, on Third Reading, the Article on Transitory Provisions.

Mr. de Castro pointed out that the Body could not yet proceed with the nominal voting because the Third Reading copies of the Article on Transitory Provisions have not been distributed to some Members, in view of which, Mr. Suarez asked for the deferment of the motion.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 11:54 a.m.

RESUMPTION OF SESSION

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

INQUIRY OF MR. GUINGONA

Upon resumption of session, Mr. Guingona inquired whether "affordable cost" and "compensation as provided by law" would refer to just compensation or less than just compensation.

Mr. de Castro pointed out that the matter had been thoroughly discussed on the floor, and it had been reflected in the Journal and other records of the Commission. He opined that Mr. Guingona could just refer to the records.

The Chair affirmed Mr. de Castro's manifestation and ruled Mr. Guingona out of order.

APPROVAL ON THIRD READING OF THE ARTICLE ON SOCIAL JUSTICE

Thereafter, on motion of Mr. Rama, there being no objection, the Body proceeded to vote, on Third ,Reading, on proposed Resolution No. 534, entitled:

Resolution to incorporate in the new Constitution a separate article on Social Justice

Upon direction of the Chair, the Secretary-General called the Roll for nominal voting, and thereafter, a second Roll Call was made.

EXPLANATION OF VOTES

By Mr. de Castro:

Mr. de Castro stated that he was extremely unhappy about constitutionalizing the right to strike, even if it is limited by the phrase "in accordance with law" because he opined that this would allow wildcat strikes, and that the Armed Forces and the police are likewise allowed to strike. He added that he is also against constitutionalizing "squatting" even if it is limited by the phrase "in accordance with law" because squatting, in whatever form, always a nuisance.

Nevertheless, in view of the many sound provisions therein, he voted "Yes".

By Mr. Garcia:

Mr. Garcia voted in the affirmative, and explained some provisions on labor, agrarian and natural resources reform, urban land reform, and the role and rights of people's organizations.

He stated that the right of labor to just share in the fruits of production has primacy over the right of enterprise to reasonable returns on investments, expansion and growth. He added that the workers' participation in policy and decision-making does not preclude higher forms of workers' participation in the control and management of enterprises.

On the provisions on Agrarian and Natural Resources Reform, he observed that the phrases "by law", "subject to such priorities as Congress may provide", and "taking into account ecological, developmental or equity considerations" would not in any way limit the immediacy of the mandate given to Congress to effect a just redistribution of all agricultural lands in the interest of the majority.

He also explained that 1) the phrase ; "who are landless" refers not only to farmers and farmworkers who do not own land but also to those who own lands that are not sufficient for their subsistence; 2) that the provision on

retention limits does not prescribe that small landowners have the prerogative to determine the size of land they can retain because it is Congress that would determine such size; 3) that it is only the owner-cultivators who are entitled to retain land and under certain conditions owners may not be tillers themselves; 4) that voluntary land-sharing is in no way a substitute for land reform; and 5) that the land reform program must be based on the farmers' ability to pay with the support of the Government, and that the value of land would be based on the assessed or tax-declared value thereof.

He underscored that Urban Land Reform, on the other hand, recognizes the rights of the third major sector of society — the urban poor.

Furthermore, he stated that the role and rights of people's organizations underline the urgency that the people empower themselves through an authentic and popular expression of will. He expressed the hope that the Constitution would not only pay lip-service but would ensure the effective growth of people's organizations and their responsible participation in all levels of government and community decision-making.

Finally, he underscored the significance of the Article in the people's realization of their identity as persons in a just and humane social order, and that it would be the cornerstone of the Constitution upon which the rights and aspirations of the people are realized:

By Mr. Guingona:

In voting Yes, Mr. Guingona underscored that he was in favor of giving the landless farmers and farmworkers, as well as the urban poor, properties of their own. He stated, however, that he was against the expropriation of property in favor of one sector of society to the prejudice of the right of other sectors to just compensation.

He said that he objects to the Robinhood way of taking property without just compensation, and he was speaking on behalf of the middle class and property owners who labored and saved in order to acquire such property only to be taken away from them through the exercise of the State power. He explained that the payment would be less than just compensation because it is not founded on law and equity and it is a violation of the equal protection guaranteed in the Constitution.

He pointed out that Grotius and Blackstone expressed the same views, and this stand had been supported by many cases in the United States, including the cases of *Virginia and T.R. Co vs. Henry*, and *Lawrence vs. Boston*, and in the Philippines, the cases of *Manila Railroad vs. Velasquez*, and *Manila vs. Estrada*. He stated that just compensation should be a fair and full equivalent of the loss sustained from the act of expropriation.

However, in spite of such apprehensions, he voted in the affirmative in consideration of the many good provisions of the Article.

By Mr. Monsod:

Mr. Monsod voted Yes based on the text and deliberations reflected in the Journal, which do not include individual and self-serving interpretations, particularly on provisions that were voted down during the deliberations.

By Mrs. Nieva:

Mrs. Nieva voted Yes on the ground that the Article on Social Justice embodies the pro-people spirit that pervades the entire Constitution, and gives meaning and substance to the pledge of building a just and humane society as enshrined in the Preamble.

She pointed out that in the 1935 Constitution, there was only one section on social justice in the Article on the

Declaration of Principles, and another section in the Article on General Provisions; while in the 1973 Constitution, there were only three sections related thereto in the Declaration of Principles, whereas the New Constitution would spell out in sixteen ground-breaking sections the State's duty to give highest priority to the enactment of measures in order to ensure social, economic, political and cultural democratization, and the enhancement of human dignity, particularly of the poor and the marginalized sectors of society.

She cited the following additional reasons for voting Yes: 1) workers and employees in both private and public sectors are assured full protection of their rights to organize, bargain, negotiate, and strike to protect their interests, particularly their just share in the fruits of production; 2) the fundamental right of the tiller of the soil is also recognized with the implementation of agrarian reform; 3) due recognition is given to the subsistence fishermen by ensuring them preferential use of marine and fishing resources; 4) priority would be given to the poor and the underprivileged in the effort to provide decent housing and social services through the land reform and housing programs; 5) the State shall protect and promote the health of citizens through comprehensive health care program and rehabilitation of the disabled so that they may be productive citizens; and 6) "people power" is given constitutional status with the right of the people to organize and participate in all levels of decision-making to effectively bring about social justice in the country.

By Mr. Padilla:

In voting Yes, Mr. Padilla stressed that social justice is the promotion of the general welfare of all the people and, as stated in the 1935 and 1913 Constitutions, it is designed to ensure the well-being and economic security of all the people.

He explained that although he agrees to giving the farmers just share in the fruits of their labor, he would not agree to the extension of agrarian reform to all agricultural lands. He said that he also agrees to a housing program that would provide the urban poor opportunities to have decent dwelling, but not to the urban land reform as provided in the presidential decree issued by the past dictator.

He, however, expressed hope that the protection and promotion of the rights of people would be fulfilled in the context of the common good; and that the Article would fulfill the fervent prayers of all for more productivity and additional wealth by producing more goods and providing more services for all to enjoy the blessings of truth, justice, freedom, peace and prosperity.

By Mrs. Quesada:

Mrs. Quesada abstained on the ground that the Article falls short of the overall objective of redressing the years of injustice to the biggest sector of society, the peasantry. She explained that the provision on agrarian reform has so many loopholes.

As a representative of the health sector, she opined that health should be considered in relation to the other problems of the masses who acquire diseases brought about by poverty.

She added that it remains difficult for the poor peasants to realize their dream of having- a land of their own because they have to fight it out with Congress which has always been dominated by landlords.

Finally, she expressed some doubts on the effectiveness of the Article on Social Justice.

By Mr. Sarmiento:

Mr. Sarmiento also abstained because, although there are good provisions in the article, the Section on Agrarian Reform is open to discordant interpretations.

By Mr. Suarez:

Mr. Suarez believed that genuine agrarian reform is the key ingredient in the solution of the increasingly difficult insurgency problem which obtains more prominently in Central Luzon.

Although it is the centerpiece of the Constitution, he opined that the provision fall short of the people's aspirations, not only because of its ambiguity but also because of its retrogressive thrust. He said that without specific retention limit, the farmers expressed fear that such retention limit may exceed the seven hectares prescribed in P.D. No. 27. He also pointed out that the term "just compensation" is susceptible to a number of contradictory interpretations, and if the government could not really provide subsidy, the good intentions in the Article would come to naught.

He, however, recognized the efforts of those who fought hard for consideration of the Article.

He voted in the negative.

By Mr. Tadeo:

Mr. Tadeo pointed out that the farmers constitute the biggest sector of society, and that the Constitution would not mean anything if it would not reflect their interest. He opined that the Aquino Government had pinpointed the two major problems — the economic crisis and the growing insurgency problem — and the solution therefor, which is the implementation of a genuine land reform. It is for this reason, he stated, that the Committee on Social Justice worked out for the provisions that would be responsive to the needs of the nation. He observed, however, that with the amendments presented on the floor, the original provisions were battered with loopholes and contradictory interpretations. He added that the Article was further weakened by subjecting the provisions to what Congress would provide which body, he opined, had been dominated by landlords and businessmen.

He opined that by weakening the provisions on agrarian reform, the Commission would also weaken the foundations of the proposed Constitution and undermine the stability of the Aquino Government.

Mr. Tadeo stressed that social justice is as significant as genuine land reform. He lamented that while the Commission came out with good provisions in the Article on the Bill of Rights, these same provisions would be rendered useless if there is no genuine land reform. He stated that the concentration of big tracts of land in the hands of a few violates the sacred right of man and is the root cause of feudalism. He opined that the Article on Social Justice and Human Rights would only worsen the problem of poverty in the rural areas.

For these reasons, he voted No.

By Ms. Tan:

Ms. Tan stated that she was voting Yes despite the negative feedback she received from groups of workers with whom she had discussed the provisions.

By Mr. Uka:

Explaining his affirmative vote, Mr. Uka described the proposed Constitution as pro-God and religion; pro-democracy and justice; pro-poor and labor; gives highest priority to education; and promotes unity among the people.

By Mr. Villacorta:

Mr. Villacorta stated that despite the many provisions in the Article on Social Justice and Human Rights which advance the people's rights and ameliorate the disadvantaged sectors, he was voting No principally because of the

provisions on land reform which do not reflect the needs and aspirations of the peasantry.

By President Muñoz Palma:

President Muñoz Palma voted in the affirmative, stating that she saw in the Article on Social Justice the heart of the entire Constitution.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Abubakar Rosario Braid Foz

Alonto Calderon Garcia

Aquino De Castro Guingona

Azcuna Colayco Jamir

Bengzon Concepcion Lerum

Bernas Davide Maambong

Monsod Rama Tan

Natividad Regalado Tingson

Nieva De los Reyes Treñas

Nolledo Rigos Uka

Ople Rodrigo Villegas

Padilla Romulo

Muñoz Palma Sumulong

Against

Suarez Tadeo Villacorta

Abstention

Bennagen Quesada Sarmiento

With 37 Members voting in favor, 3 Members voting against and 3 abstentions, the Body approved, on Third Reading, the Article on Social Justice and Human Rights.

MOTION OF MR. RAMA

Mr. Rama moved that the Body vote, on Third Reading, on the Article on National Economy and Patrimony.

MANIFESTATION OF MR. TADEO

Thereupon, Mr Tadeo made an appeal for the change of the words "based on" in the first paragraph of Section 1 to TOGETHER WITH, explaining that the development of national industrialization should go along with or is a

concomitant of agricultural development. He stated that his proposal carries the endorsement of Mr. Ople and Mr. Villegas, Chairman of the Committee on the National Economy and Patrimony.

In support of Mr. Tadeo's appeal, Mr. Bennagen stated that the words "together with" would reflect more the deliberations on the relationship between agricultural development and industrialization.

POINT OF INFORMATION OF MR. VILLEGAS

On a point of information, Mr. Villegas read a note given him by Mr. Ople, sponsor of the provision in question, to wit:

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

In view thereof, Mr. Villegas stated that the Committee would be willing to change the words "based on" to CONSISTENT WITH as it would only be a change of style and not of substance.

On Mr. de Castro's inquiry, Mr. Villegas reiterated that there would be no substantial change because the change would only be a matter of style. He affirmed that only a minor change is effected because the phrase "based on" seemed to elicit erroneous interpretations by some people.

Thereupon, Mr. de Castro stated that Mr. Villegas proposed amendment would need a reconsideration which would require the suspension of the Rules.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 12:47 p.m.

RESUMPTION OF SESSION

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

OBJECTION OF MR. GUINGONA

Mr. Guingona stated that he would strongly object to any full-blown discussion of Mr. Villegas' proposed amendment on the ground that when he tried to seek clarification on the Article On Social Justice, he was ruled out of order. He stated that allowing such discussion now would be a discrimination of the highest order.

Replying thereto, the Chair pointed out that Mr. Guingona tried to discourse on the relationship between the terms "affordable cost" and "just compensation" and it appeared that he had a written article which he wanted to read on the floor consuming more time of the Body. It was for this reason, the Chair stated, that he was ruled out of order.

Mr. Guingona stated that he merely wanted to be enlightened and that had he been allowed to do so, he would have voted in the affirmative, without having to read his manifestation.

PARLIAMENTARY SITUATION

Explaining the parliamentary situation, Mr. Rama stated that Mr. Tadeo sought to change the phrase "based on" to CONSISTENT WITH, for which reason, the session was suspended in order that a meeting of minds may be reached between the Chairman of the Committee on the National Economy and Patrimony and the proponents of the amendment.

REMARKS OF MR. VILLEGAS

Mr. Villegas stated that some Members were insisting on the phrase "together with" in lieu of the words "based on" although there was general agreement that the phrase "consistent with" could be the replacement for the words "based on".

RULING OF THE CHAIR

The Chair ruled that the proposal to change the phrase "based on" to CONSISTENT WITH would mean a reopening of the entire Section which would require suspension of the Rules.

INQUIRY OF MR. VILLACORTA

On Mr. Villacorta's inquiry whether the phrase "consistent with" is so substantially different from the words "based on" as to require reopening of Section 1, Mr. Villegas opined that it is just a change in style and not of substance.

The Chair reiterated its ruling.

REMARKS OF MR. TADEO

Mr. Tadeo manifested willingness to accept a change from "based on" to CONSISTENT WITH. He appealed to the Body to effect the change.

Reacting thereto, Mr. de Castro maintained that the proposal would mean a reopening which would require suspension of the Rules.

APPROVAL ON THIRD READING OF THE ARTICLE ON NATIONAL AND PATRIMONY

On motion of Mr. Rama, there being no objection, the Body proceeded to vote, on Third Reading, on the Article on National Economy and Patrimony.

Upon direction of the Chair, the Secretary-General called the Roll for nominal voting. Thereafter, a second Roll Call was made.

EXPLANATION OF VOTES

The following Members explained their votes, to wit:

By Ms. Aquino:

Explaining her affirmative vote, Ms. Aquino stated that unlike the other Articles in the proposed Constitution, the Article on National Economy and Patrimony should yield to flexibility and elasticity which inhere in the interpretation of the provision. She believed that the forces of economics are dynamic and perpetually in motion and that it is in the light of the transparent vulnerability of this provision, which makes for total and immediate correspondence with the changes and developments of the objective economic conditions, that she is prepared to

throw her doubts and prejudices to the wind and celebrate the Article as a lamp of mysterious awe.

By Mr. Bernas:

Mr. Bernas stated that he was voting Yes principally because the Article is superior to the provision in the previous Constitution in the sense that it is flexible enough to allow future legislators to correct whatever mistakes the Commission may have made. Adverting to Mr. Villegas' remark that economics is an inexact science, Mr. Bernas opined that an inexact science could only give rise to inexact commands, thus the flagship second paragraph of Section 1, which was the subject of much acrimonious debate, could only be read as an inexact command and could only be given the respect that is due an inexact command. He stated that the debate is not yet over and those who do not consider themselves disqualified to run for Congress in May can continue this inexact debate in 1987 and beyond while the rest could only do their inexact kibitzing in the sidelines.

By Mrs. Rosario Braid:

Mrs. Rosario Braid stated that she was voting Yes because she believed that with the many innovations introduced in the Article, the lot of the nation would improve and the government, for its part, would play the role of a catalyst-facilitator in a spirit of subsidiarity. She added that the Filipino would certainly play a major role in the management of private entrepreneurship.

By Mr. de Castro:

Mr. de Castro voted in the affirmative principally because of Section 13 which refers to the "Filipino-first policy" and which, he hoped, would Filipinize the thinking, attitude and taste of the people. He likewise expressed the hope that the Filipinos would soon realize the need for Filipino labor, domestic materials and locally produced goods in order to save the country from the economic crisis.

By Mr. Foz:

Mr. Foz voted Yes with all its minuses but considering its pluses.

By Mr. Garcia:

Explaining his negative vote, Mr. Garcia maintained that in crucial ways, the Article on National Economy and Patrimony does not effectively protect the interest of the nation and promote the good of the majority of the people although it professes a commitment to do so. He opined that the Article is grounded predominantly on the economic philosophy of free trade and private enterprise which, if one judges on the basis of the historical experience of the country and other Third World nations, does not bode well for the realization of Filipino control of the economy and the pursuit of a self-determined task of development that would respond to the needs of the people and equitably diffuse the fruits of economic growth. He then underscored his basic disagreement with the provisions which deal with the goals of the economy, service contracts and public utilities.

He opined that the promotion of industrialization in the context of free trade would consign the industrial capacity to be import-dependent and export oriented, and it would not adequately respond to the demands of a sound economic structure. This, he warned, would be susceptible to foreign domination of the national economy.

He also pointed out that service contracts which have been constitutionalized under Section 3, have been inimical to the interest of the nation because they allow the exploitation of the country's natural resources by foreign interests.

On Section 15, he stated that the 60% equity ratio for public utilities would not provide a sufficient safeguard against foreign intervention. He cited the case of Chile wherein the interest of a foreign firm ITT, was linked to

the murder of President Salvador Allende.

Thus, he believed that the assertion of economic sovereignty based on self-reliance and self-determination is found wanting in the Article on National Economy and Patrimony. He stated that the Commission lost the opportunity to speak unequivocally for the interest of the people.

By Mr. Guingona:

Mr. Guingona voted in the affirmative, notwithstanding his strong objection to the 60:40 ratio of ownership in corporations and associations operating public utilities.

By Mr. Nollado:

Mr. Nollado opined that even if there are objectionable provisions in the Article, the same contains a balanced set of provisions, which he expects Congress to implement. He stated that even if foreign equity is allowed, Congress must see to it that it is subordinate to the national interest.

He also believed that industrialization must be attained along with agricultural development; that unfair competition should not be understood in its restrictive meaning as defined under the existing commercial laws, such that it would be unfair to import foreign commodities that compete with Filipino products; that service contracts involving foreign corporations and entities are resorted to only when no Filipino enterprise could possibly undertake the exploitation of natural resources, and the compensation under such contracts should not be equal to the capital; therefore, such service contracts should not prejudice the interest of the Filipinos.

In view thereof, he voted in the affirmative.

By Mrs. Quesada:

Mrs. Quesada voted No on the ground that the Article does not respond to the basic need of economic protection for the country's survival as a sovereign republic. She stated that what makes the Article worse is the constitutionalization of economic principles and policies prescribed by the World Bank and the International Monetary Fund.

She recalled how some Members begged for a more effective Filipino control and development of the natural resources, the protection of domestic enterprises against the multinationals, and for Filipino control of public utilities. She underscored how the nationalist protectionism was phased out even if it was contained in the 1935 Constitution.

Finally, she believed that the structural changes in the Article would have far-reaching and adverse implications to the destiny of the sovereign Filipino people.

By Mr. Rama: .

Mr. Rama voted Yes for the following reasons:

1. The private enterprise should be the engine of national economy since the State has often failed in that role;
2. The question of protectionism has been settled in the debates and by the economists in that only infant industries should be protected against unfair competition and not those industries which have been producing low-quality goods for the last twenty-five years to the prejudice of the Filipino consumers; and
3. The need to invite foreign investments to redeem the national economy and to provide jobs for people has already been settled.

By Mr. Regalado:

Mr. Regalado stated that he was voting affirmatively not because he has to bow to the will of the majority but because there has been a clear constitutional mandate for Congress to improve the seemingly ineffective provisions. He believed that the future legislature would be composed of men and women of competence, patriotism and independence, and whose actions should not be preempted. He stressed that the presumption should be in their favor instead of proceeding on a false premise that only the Members of the Commission have the monopoly of such virtues, which assumption, he opined, is dubious.

By Mr. Sarmiento:

Mr. Sarmiento abstained because, although the Article has commendable provision intended to improve the economic plight of the Filipino people, he has some reservation on the 60:40 equity ratio on ownership and control of public utilities.

By Mr. Suarez:

Mr. Suarez underscored the importance of the Article on National Economy and Patrimony in economic recovery and in sustaining an independent economy for the Filipino people. He stated, however, that a superficial reading of the entire Article would give the impression that it is addressed to the basic and long term aspirations of the people, when in truth and in fact, it fails to address the question of self-reliant economy because it allows foreign control of critical areas of investments like the exploration and exploitation of natural resources and the operation of public utilities.

He said that it also fails to address the question of economic protectionism, rather it opts for import liberalization which has been inimical to the growth of Filipino enterprises. He opined that agricultural industrialization would only perpetuate the country's dependence on multinational corporations and their markets.

He noted other provisions similarly aligned with the objectives of global corporations and the policies of the World Bank and the IMF. He stated that the Article which should be the key to political stability and social justice has failed the people's aspirations in that it lacks pro-Filipino, nationalist perspective.

By Mr. Tadeo:

Explaining his negative vote, Mr. Tadeo pointed out that the root problem of the country is imperialism, whereby the socioeconomic system is controlled by foreign capitalists, and this system, he stated, has been enshrined in the Article on National Economy and Patrimony.

He stated that with the provision on free trade, the country would be open to imported products while it remains a supplier of raw materials.

On the provision on service contracts, he warned that this would make the national economy dependent on foreign investments because foreigners are allowed to exploit the country's natural resources while the Filipino people continue to suffer from poverty.

He believed that there are only two resolutions to the national problems, namely, the implementation of a genuine land reform and national industrialization, which the Filipino people consider the "rising of new hope". He stated, however, that the landlords and businessmen were insisting on free trade which, in effect, would be forcing the sun to rise in the West.

By Mr. Tingson:

Mr. Tingson opined that the forests are the more important source of national wealth that sustain the lifeblood of

the agriculture-based country, but the past dispensation allowed the virgin forests to be denuded and desecrated.

He stated that he was voting Yes because with the new mandate to stop indiscriminate logging especially in the endangered forest and watershed areas, the Philippines would not only be free but picturesquely green and alive.

By Mr. Villacorta:

Mr. Villacorta opined that the Article on National Economy and Patrimony fails to complement Section 19 of the Article on the Declaration of Principles and State Policies which provides for a self-reliant and independent national economy effectively controlled by Filipinos.

He explained that Section 1 makes industrialization and employment dependent on agricultural development, and ties the hands of the government in the protection of Filipino industries against foreign corporations.

On Section 3, he noted the refusal to protect the country's natural resources by allowing foreign companies to exploit them.

He underscored that Section 14 takes back the prerogative of Filipinos to own and control certain areas of investments by allowing partly foreign-owned corporations to enter such areas of investments, as further provided for in Section 15 which fails to reserve the operation of public utilities, including the highly sensitive and strategic telecommunications industry, to wholly-owned Filipino companies.

In view thereof, he voted No with a note of disappointment over the failure of the Filipino people to recapture the economy, stressing that the Article would perpetuate foreign domination over the country's economy and dependence on global corporations.

By Mr. Gascon:

Mr. Gascon voted No, stating that the provision on service contracts should have required the concurrence of Congress and should be guided by the law that it would enact, and the Commission should have provided for greater protection of the public utilities in the interest of the Filipino people.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Abubakar Foz Rama

Aquino Guingona Regalado

Azcuna Jamir De los Reyes

Bengzon Lerum Rigos

Bernas Maambong Rodrigo

Rosario Braid Monsod Romulo

Calderon Natividad Sumulong

De Castro Nieva Tingson

Colayco Nollado Treñas

Concepcion Padilla Villegas

Davide Muñoz Palma

Against

Bennagen Quesada Tadeo

Garcia Suarez Villacorta

Gascon

Abstention

Sarmiento Tan

With 32 Members voting in favor, 7 against, and 2 abstentions, the Body approved, on Third Reading, the Article on the National Economy and Patrimony. There being no objection, the same was approved.

SUSPENSION OF SESSION

At this juncture, on motion of Mr. Rama, the Chair suspended the session until two-thirty in the afternoon.

It was 1:27 p.m.

RESUMPTION OF SESSION

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

Upon resumption of session, the Body resumed consideration of the report of the Committee on Style.

ARTICLE ON NATIONAL ECONOMY AND PATRIMONY

SECTION 1

Mr. Rodrigo stated that the first sentence of Section 1 was transposed to the Article on Declaration of Principles.

On the first paragraph, no change was effected except some commas (,).

On the second paragraph, the letter "s" in the word "state" was capitalized.

On the third paragraph, it was reformulated to read as follows:

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

On motion of Mr. Rodrigo, there being no objection, Section 1 was approved by the Body.

SECTION 2

On Section 2, Mr. Rodrigo stated that no change was effected.

SECTION 3

On Section 3, first paragraph, Mr. Rodrigo stated that there was no change except for the comma (,); the addition of the word OR on line 10; and the change of the word "percent" to PER CENTUM.

Submitted to a vote and there being no objection, the Body approved the first paragraph of Section 3.

On the second and third paragraphs, Mr. Rodrigo stated that there was no change except for commas (,).

On the fourth paragraph, Mr. Rodrigo stated that the only change was the transposition of the last sentence in the second paragraph, which reads: "In such agreements, the State shall promote the development and use of local scientific and technical resources" as the last sentence of the first paragraph.

There being no objection, the same was approved.

SECTION 4

Mr. Nollado read the reformulated Section 4, to wit:

Lands of the public domain are classified into agricultural, forest or timber, mineral lands, and national parks. Agricultural lands of the public domain may be further classified by law according to the uses to which they may be devoted.

Alienable lands of the public domain shall be limited to agricultural lands. Private corporations or associations may not hold such alienable lands of the public domain except by lease, for a period not exceeding twenty-five years, renewable for not more than twenty-five years, not to exceed one thousand hectares in area.

Citizens of the Philippines may lease in excess of five-hundred hectares, or acquire not more than twelve hectares thereof by purchase, homestead, or grant.

On the last paragraph, Mr. Regalado stated that originally, the phrase should read "it should not be more than 500 hectares" whereas, as reformulated, it says "in excess", in reply to which Mr. Nollado acknowledged the typographical error so that there should be the word NOT between "lease" and "in" on line 23. Mr. Nollado likewise agreed with Mr. Regalado's suggestion that there should be no comma (,) after the word "domain" on line 15.

SUSPENSION OF SESSION

At this juncture, upon request of Mr. Monsod, the Chair suspended the session.

It was 3:21 p.m.

RESUMPTION OF SESSION

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

REFORMULATION OF THE LAST PARAGRAPH OF SECTION 4

Upon resumption of session, Mr. Nollado read the new formulation of Section 4 with the proposals of Messrs. Regalado and Monsod incorporated therein, to wit:

Citizens of the Philippines may lease not more than five hundred hectares, or acquire not more than twelve hectares thereof by purchase, homestead, or grant.

There being no objection, the same was approved by the Body.

PROPOSED AMENDMENTS OF MR. MONSOD

On the next paragraph, Mr. Monsod proposed the deletion of the phrase "within the foregoing limitations " because this was not the original and it might give rise to an inconsistency; and as a consequence, capitalize the letter "t" in the word "taking".

Furthermore, Mr. Monsod asked the deletion of the word "necessities" and to revert to the original word "requirements", so that line 26 would read "taking into account the requirements of conservation, ecology and development. . .".

The Committee accepted Mr. Monsod's proposed amendments.

PROPOSED AMENDMENT OF MR. RIGOS

Mr. Rigos proposed to add the word AND at the end of line 21, to which Mr. Nollado disagreed, stating that the addition might change the meaning. He stated that the phrase "not to exceed one thousand hectares" would apply to the entire sentence.

Mr. Rodrigo made a reservation, on behalf of Mr. Azcuna, on the latter's intent to change the words "based on" on Section 1, to which Messrs. Suarez and Garcia suggested that the proposed change could already be taken up if the Committee so wishes.

Mr. Nollado stated that Mr. Azcuna has expressed his desire to participate in the discussion because of his belief that a change in the wording would not change the substance of the provision.

Thereupon, on motion of Mr. Rodrigo, there being no objection, the Body approved Section 4.

SECTION 5

On Section 5, Mr. Rodrigo stated that there should be a comma (,) after "shall" and after "possible".

SECTIONS 7, 8 AND 9

Mr. Rodrigo stated that no changes were affected on Sections 7, 8 and 9.

SECTION 10

On Section 10, Mr. Rodrigo stated that the words "which shall" on line 11 were changed to TO so that it would read "Congress shall create an agency TO promote the . . .". There being no objection, the same was approved by the Body.

SECTION 11

On Section 11, Mr. Nollado stated that the word "promote" was changed to PURSUE, explaining that the word "pursue" includes promotion.

Mr. Suarez recalled that there was a previous suggestion that the words "equality and reciprocity" be changed with ON THE BASIS OF MUTUAL BENEFIT, to which Mr. Suarez proposed the adoption of the words MUTUAL BENEFIT if it would not change the substance, to which Mr. Monsod objected.

Relative to the change of the word "promote" to PURSUE, Mr. de Castro maintained that there is a difference

between the two words, explaining that if one promotes, he has yet to make a policy before promoting while to pursue would mean the implementation.

Replying thereto, Mr. Nollado stated that the Committee changed the word "promote" to "pursue" because it believed that it would be a redundancy.

Mr. de Castro objected to changing the word "promote" to PURSUE.

SUSPENSION OF SESSION

On request of Mr. Rodrigo, the Chair suspended the session.

It was 3:32 p.m.

RESUMPTION OF SESSION

At 3:34 p.m., the session was resumed.

WITHDRAWAL OF OBJECTION

Upon resumption of session, Mr. de Castro withdrew his objection.

APPROVAL OF SECTION 11

On motion of Mr. Rodrigo, there being no objection, the Body approved Section 11.

SECTION 12

Mr. Nollado read the new formulation of Section 12, to wit:

The sustained development of a reservoir of national talents consisting of Filipino scientists, entrepreneurs, professionals, managers, high-level technical manpower and skilled workers and craftsmen in all fields shall be promoted by the State. The State shall encourage appropriate technology and regulate its transfer for the national benefit.

There being no objection, the same was approved by the Body.

On second paragraph, no change was effected except a comma (,).

SECTION 13

Mr. Rodrigo stated that Section 13 has no change.

SECTION 14

On Section 14, Mr. Rodrigo stated that the changes consist of the change of "percent" to PERCENTUM; and the transposition of the phrase "when the national interest dictates" which was originally at the end of the first sentence so that it would read: "The Congress shall, upon recommendation of the economic and planning agency, when the national interest dictates, reserve to citizens of the Philippines or to corporations or associations. . .".

There being no objection, the same was approved by the Body.

On the second and third paragraphs, no change was effected except a comma (,).

SECTION 15

On Section 15, Mr. Rodrigo stated that on line 23, the change was in the substitution of "percent" with PER CENTUM; on line 6, the change from "the capital thereof" to ITS CAPITAL, and on line 7, the deletion of "s" in "corporations" and "associations".

On the last sentence, Mr. Rodrigo stated that this was converted into a separate paragraph and THE was added after the word "Congress".

There being no objection, Section 15 was approved by the Body.

SECTION 16

On Section 16, Mr. Rodrigo stated that the words "supervisory authority" on lines 16 and 17 were changed to SUPERVISION; and on line 18, the word "authority" was changed to POWERS.

There being no objection, Section 16 was approved by the Body.

SECTION 17

Mr. Rodrigo stated that Section 17 has no change except the insertion of the word MADE before the word "available" on line 27.

There being no objection, Section 17 was approved by the Body.

SECTION 18

On Section 18, Mr. Rodrigo stated that the change was in the deletion of the article "a" before the word "by" and the addition of "S" to the word "charter".

There being no objection, Section 18 was approved by the Body.

SECTION 19

Mr. Rodrigo stated that Section 19 has no change except for a comma (,).

SECTION 20

On Section 20, Mr. Rodrigo stated that the words "during the duration of the public emergency" were deleted and substituted with the words DURING THE EMERGENCY.

There being no objection, Section 20 was approved by Body.

SECTION 21

Mr. Rodrigo stated that no change was effected in Section 21.

SECTION 22

On Section 22, Mr. Rodrigo stated that the word "are" was changed with the phrase SHALL BE CONSIDERED; the words "shall be" between the words "and" and "subject" on line 22 were deleted; and the words "civil" and "criminal" were interchanged so that it would read "criminal and civil sanctions".

On Mr. Suarez' inquiry whether the amendments and transpositions effected on Section 22 would not constitute an

ex post facto law, Mr. Nollado opined that it would not because what are referred to are acts that would violate the provisions on National Economy and Patrimony and that the Committee contemplates the existence of a law before criminal sanctions may lie.

As proposed by Mr. Suarez, the Committee accepted the amendment to insert the words MAY BE between the words "as" and "provided".

As proposed by Mr. Regalado, the Committee accepted the deletion of the comma (,) after word "interest".

SECTION 4

Upon request of Mr. Azcuna, the Body went back to Section 4.

On his queries, Mr. Nollado affirmed that the Body agreed to retain "alienable lands of the public domain shall be limited to agricultural lands" even if it is already in a previous Section. Likewise, he informed Mr. Azcuna that lines 22 to 25 have been changed so that it would read "Citizens of the Philippines may lease not more than five hundred hectares, or acquire not more than twelve hectares thereof by purchase, homestead, or grant"; on line 26, the words "Within the foregoing limitations" were deleted on the ground that the limitations were already well stated in Section 4; and on line 27, the word "requirements" was reinstated, at the instance of Mr. Monsod, in lieu of the word "necessities".

With respect to the words "based on" on Section 1, Mr. Rodrigo stated that discussions thereon were deferred awaiting Mr. Azcuna's arrival.

On Mr. Nollado's suggestion to consider the words "based on" on page 83, line 8, Mr. de Castro observed that the same was already settled, in reply to which, Mr. Azcuna stated that it was only considered when the Article was voted on Third Reading but not in the report of the Committee on Style.

Mr. Nollado also stated that the Committee on Style is now acting within its jurisdiction to change the words "based on" without changing the intent of the Commission.

Mr. Rodrigo added that although it was taken up in the morning session, no ruling was made thereon.

Additionally, Mr. Azcuna pointed out that it would not necessarily be substituted by "consistent with" but by other words that may be suggested.

Mr. Rigos, however, proposed to substitute the words "based on" with "consistent with" because "together with" is substantially different.

SUSPENSION OF SESSION

At this juncture, on motion of Mr. Azcuna, the Chair suspended the session.

It was 3:48 p.m.

RESUMPTION OF SESSION

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

MOTION OF MR. RODRIGO

Upon resumption of session, Mr. Rodrigo moved that the Body proceed with the other Sections, without prejudice to the consideration of Section 1 later.

OBJECTION OF MR. MONSOD

Mr. Monsod, however, objected to the change of the words "based on" on the ground that it would be inconsistent with the real intent as shown by the records, and such amendment would require the suspension of the Rules.

ARTICLE ON THE DECLARATION OF PRINCIPLES AND STATE POLICIES

On Section 1 of the Article on the Declaration of Principles, Mr. Rodrigo stated that there was no change except for the transposition of the words "republican" and "democratic", so that the phrase would read DEMOCRATIC AND REPUBLICAN STATE.

There being no objection, the amendment on Section 1 was approved by the Body.

He manifested that there was no correction on Section 2 except for the insertion of a comma (,).

AMENDMENT ON SECTION 3

Mr. Rodrigo proposed to amend Section 3, to read: CIVILIAN AUTHORITY IS, AT ALL TIMES, SUPREME OVER THE MILITARY.

PROPOSED AMENDMENT OF MR. RAMA

Mr. Rama proposed to delete the comma (,) between the words "at all times", to which Mr. Davide objected on the ground that it was a formal amendment which the Commission voted on favorably.

Mr. Rama stated that it does not involve substance, in reply to which Mr. Davide explained that it emphasizes the words "at all times".

But Mr. Rama contended that it would be more emphatic if they are deleted because the words "at all times" would describe ". . . supreme over the military".

AMENDMENT OF MR. MAAMBONG

At this juncture, Mr. Maambong proposed to transpose the first two sentences of Section 11 of the Article on General Provisions, which reads. "The Armed Forces of the Philippines is the protector of the people and the State. Its mission is to secure the sovereignty of the State and the integrity of the national territory" as the second and third sentences of Section 3 of the Article on Declaration of Principles, as approved by the Body during the deliberations thereon.

Mr. Rama objected on the ground that Section 3 should not be diluted with provisions about the military as protector of the State.

Mr. Maambong recalled that he was sitting with the Committee on General Provisions when the Body approved such transposition, to which Mrs. Rosario Braid agreed, although she would prefer that such provisions on the military have to be in a separate section in the Declaration of Principles.

Mr. de Castro also confirmed that the Body approved such transposition although the original words were "Its goal" and not "Its mission".

In this connection,- Mr. Rodrigo clarified that the word "mission" was an amendment proposed by the Committee on Style.

Mr. de Castro explained that "mission" is different from "goal" because "mission" in military parlance means to

kill or be killed, while "goal" is a continuing activity. He insisted on the use of the word "goal".

In view thereof, Mr. Rodrigo agreed to revert to the use of "goal".

REMARKS OF MR. JAMIR

On the matter of transposition, Mr. Jamir stated that although he was the one who proposed it, it would not appear good to put them in separate sections because the following section speaks of the duty of the government to serve the people, which is again followed by the provision on the maintenance of peace and order. He suggested that it should be placed as approved by the Body.

Mr. Tingson, likewise, agreed with the transposition.

APPROVAL OF THE TRANSPOSITION OF THE SENTENCES TO SECTION 3

On motion of Mr. Rodrigo, there being no objection, the Body approved the transposition of the first two sentences of Section 11 of the Article on General Provisions as the second and third sentences of Section 3 of the Article on Declaration of Principles and State Policies.

SECTION 4

On Section 4, Mr. Rodrigo proposed to delete the semicolon (;) after "State" and in lieu thereof to insert AND and a comma (,); and to delete the article "the" before "fulfillment", so that the second sentence would read: THE GOVERNMENT MAY CALL UPON THE PEOPLE TO DEFEND THE STATE AND, IN THE FULFILLMENT THEREOF, ALL CITIZENS MAY BE REQUIRED, UNDER CONDITIONS PROVIDED BY LAW, TO RENDER PERSONAL, MILITARY OR CIVIL SERVICE.

There being no objection, the amendments on Section 4 were approved by the Body.

AMENDMENT OF MR. PADILLA

At this juncture, Mr. Padilla proposed that Section 8 under the subheading "State Policies" be placed under the Declaration of Principles which shall be between Sections 4 and 5, and which shall read, as amended: THE MAINTENANCE OF PEACE AND ORDER, THE PROTECTION OF LIFE, LIBERTY AND PROPERTY, AND THE PROMOTION OF THE GENERAL WELFARE ARE ESSENTIAL FOR THE ENJOYMENT BY ALL THE PEOPLE OF THE BLESSINGS OF DEMOCRACY.

He explained that the original provision of Section 8 vests on the State the duty to maintain peace and order, the protection of life, liberty and property, and the promotion of the general welfare, while in the reformulation, it becomes a fundamental principle.

Mr. Azcuna suggested a vote on Mr. Padilla's proposed reformulation when the Body considers Section 8, and in the meantime to consider Section 5, so that the original Section 5 would be Section 6, with the rest to be renumbered accordingly.

APPROVAL OF SECTION 6

On motion of Mr. Rodrigo, there being no objection, the body approved the new Section 6 on the separation of Church and State, with the deletion of "the" before "Church".

SECTIONS 6 AND 7

Mr. Rodrigo stated that there were no corrections on the original Sections 6 and 7 under "State Policies".

REFORMULATION OF SECTION 8

Mr. Padilla proposed to reformulate Section 8 which was transposed as Section 5, to read:

THE MAINTENANCE OF PEACE AND ORDER, THE PROTECTION OF LIFE, LIBERTY AND PROPERTY, AND THE PROMOTION OF THE GENERAL WELFARE ARE ESSENTIAL FOR THE ENJOYMENT BY ALL THE PEOPLE OF THE BLESSINGS OF DEMOCRACY.

There being no objection, the same was approved by the Body.

SECTIONS 9 TO 13

Mr. Rodrigo pointed out that there were no changes in Section 9 to 13, except for the insertion of commas (,).

SECTION 14

On Section 14, Mr. Rodrigo proposed to insert the phrase BEFORE THE LAW between the words "equality" and "of", so that the Section would read:

THE STATE RECOGNIZES THE ROLE OF WOMEN IN NATION-BUILDING, AND SHALL ENSURE THE FUNDAMENTAL EQUALITY BEFORE THE LAW OF WOMEN AND MEN.

There being no objection, the same was approved by the Body.

SECTION 15

On Section 15, Mr. Rodrigo stated that the sequence was changed in the sense that instead of "promote and protect", it was worded PROTECT AND PROMOTE.

There being no objection, Section 15 was approved by the Body.

SECTIONS 16 AND 17

Mr. Rodrigo stated that no change was effected on Section 16, as well as Section 17 except for a comma (,).

SECTION 18

On Section 18, Mr. Rodrigo stated that a transposition was effected in the sense that instead of "The State affirms labor as a primary social force and then accordingly promote their welfare" it already reads "The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."

There being no objection, Section 18 was approved by the Body.

SECTIONS 19 TO 24

Mr. Rodrigo stated that Section 19 has no change; Section 20, just a comma (,); Sections 21 and 22 have no change; Section 23, just a comma (,); and Section 24 has no change.

INQUIRY OF MRS. ROSARIO BRAID

On Mrs. Rosario Braid's query on the assurance given her that between Sections 23 and 24, there should be a provision on communications, Mr. Maambong stated that he was reserving it for the last. He indicated his intention to propose the transfer of Section 7 of the General Provisions but that said Section shall meanwhile be assigned as Section 28 subject to proper sequencing by the Sponsorship Committee.

SECTION 25

On Section 25, Mr. Rodrigo stated that there was a change in the word "ensure" to GUARANTEE, and there being no objection, the same was approved by the Body.

SECTIONS 26 AND 27

Mr. Rodrigo stated that Sections 26 and 27 have no change.

APPROVAL OF THE ENTIRE ARTICLE ON DECLARATION OF PRINCIPLES AND STATE POLICIES

On motion of Mr. Rama, there being no objection, the Body approved the entire Article on Declaration of Principles and State Policies.

ARTICLE ON FAMILY RIGHTS

SECTION 1

On Section 1, Mr. Rodrigo stated that there were no change made therein.

SECTION 2

On Section 2, Mr. Rodrigo stated that a comma (,) after "marriage" and ENCOURAGED were added so that it would read: "Marriage, as an inviolable social institution, is the foundation of the family and shall be ENCOURAGED and protected by the State.

Mr. Monsod recalled that during the deliberations, he made a suggestion to transpose the second sentence of Section 2 to Section 1 because it deals with the family and not with marriage.

Thereupon, as proposed by Mr. Monsod, the Committee accepted the transposition of the second sentence of Section 2 to Section 1 so that Section 1 would read: "The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall respect the family as an autonomous social institution".

Mr. Rodrigo moved for approval of Section 1.

Mr. de Castro asked for the deletion of the word "Filipino" before the word "family", the reason being that it is already understood that it is the Filipino family referred to in the Constitution.

Mr. Nollado objected to the deletion of the word "Filipino" on the ground that there are provisions in the Bill of Rights that are applicable even to aliens. He maintained that not all of the rights and obligations or privileges set forth in the Constitution are available exclusively to Filipinos because there are cases where aliens may invoke certain constitutional provisions.

Mr. de Castro argued that the Constitution as a municipal law would necessarily speak of the Filipino family.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 4:23 p.m.

RESUMPTION OF SESSION

At 4:27 p.m., the session was resumed.

WITHDRAWAL OF OBJECTION

Upon resumption of session, Mr. de Castro withdrew his objection and asked Mr. Davide to comment as to why the word "Filipino" should be deleted.

AMENDMENT OF MR. BENNAGEN

Mr. Bennagen proposed, and the Committee accepted, to transpose the concept of the second sentence of Section 2 to the first sentence of Section 1 so that it would read:

The State recognizes the Filipino family as an autonomous social institution and as the foundation of the nation. Accordingly, it shall strengthen its solidary and actively promote its total development.

Mrs. Nieva proposed the transposition of the phrase "foundation of the nation" to the first portion before the phrase "autonomous social institution", to which Mr. Bennagen agreed so that as reformulated, the first sentence would read: "The State recognizes the Filipino family as the foundation of the nation and as an autonomous social institution.

Mr. de Castro opined that the family should not be considered as a social institution because under the Civil Law, it is marriage which is a social institution.

Mr. Azcuna proposed that the sentence which reads: "The State shall respect the family as an autonomous social institution" should be transferred to the Article on the Declaration of Principles and State Policies, to which Mr. Bennagen stated that there is already a statement on the family in the Article referred to.

Mrs. Nieva sought enlightenment from Mr. Maambong whether there is already a provision on the family in the Article on the Declaration of Principles and State Policies, to which Mr. Maambong replied that the Body was of the opinion that the principle on family rights should be in the Article on the Declaration of Principles but he would not know the particular provision.

Mr. Monsod pointed out that there is nothing to transpose because Section 12 on State Policies speaks of the family in the sense that as worded, it reads: "The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic social institution." He clarified that what is being proposed in the Article on Family Rights is merely to combine the first sentence of Section 1 and the second sentence of Section 2 because both refer to the family.

Mr. Azcuna pointed out that if the Filipino family is said to be an autonomous social institution, it should not be limited exclusively to Filipino families such that even non-Filipino families should be accorded the same rights, to which Mr. Monsod affirmed, adding that the family as the foundation of the nation should refer to Filipino families.

With respect to the sequencing, Mr. Monsod expressed preference that the "foundation of the nation" should come

first so that as worded, it would read: "The State recognizes the Filipino family as the foundation of the nation and shall respect it as an autonomous social institution."

Mr. Padilla opined that the phrase "autonomous social institution" is a surplusage considering that the word "basic" is already used in Section 12 on State Policies, to which Mrs. Nieva pointed out that any change could not be effected because it has already been approved on Second Reading. She stated that this is an amendment of Mr. Ople which was approved by the Body.

Mr. Padilla maintained that the word "basic" as used in Section 12 on State Policies should not be changed to "autonomous" for consistency.

Mr. Rama explained that the word "autonomous" was used because the intent is that the government should not meddle with the family. He suggested that the second sentence of Section 2 should not be transferred to Section 1 because it might only complicate the philosophy of Section 1. On Mr. Monsod's objection that Section 1 speaks of family while Section 2 speaks of marriage, Mr. Rama adverted to the second line of Section 2 which reads: "Marriage, as an inviolable social institution, is the foundation of the family and shall be encouraged and protected by the State".

SUSPENSION OF SESSION

The Chair suspended the session.

It was 4:39 p.m.

RESUMPTION OF SESSION

At 4:42 p.m., the session was resumed.

AMENDMENT OF MR. MONSOD

Mr. Monsod proposed the transposition of the word "autonomous" to Section 12 on State Policies so that it would read: "The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution."

The Committee accepted the proposed amendment which, there being no objection, was approved by the Body.

APPROVAL OF SECTION 2

On motion of Mr. Rodrigo, there being no objection, the Body approved Section 2 with the amendment of Ms. Aquino to delete the words "encourage and".

SECTION 3

Mr. Rodrigo stated that the subparagraphs of Section 3 should be numbered and not in letters.

On subparagraph 1, the word "found" on line 9 was changed to RAISE.

Mrs. Nieva objected to the change of the word "found" to "raise", stating that these two words have different implications.

Mr. Rodrigo observed that "to found" is not a popular term, in reply to which, Mr. Nieva explained that it means to begin or start a family and plan how many children would be reused, but the actual raising of children is already after one has founded a family. She stated that the term could be found in various documents.

In view thereof, Mr. Rodrigo agreed to the use of the term "to found", so that there would be no change in the original Section 3(1), which reads:

(1) THE RIGHT OF SPOUSES TO FOUND A FAMILY IN ACCORDANCE WITH THEIR RELIGIOUS CONVICTIONS AND THE DEMANDS OF RESPONSIBLE PARENTHOOD;

SECTION 3(2)

Mrs. Rosario Braid proposed to change "prejudicial" to PREJUDICIAL on line 16, which Mr. Rodrigo accepted.

Mr. Rodrigo, however, proposed the deletion of words "assistance including" between "to" and "proper" on line 13, to which Mrs. Nieva objected on the ground that proper care and nutrition do not include all other forms of assistance.

In view thereof, Mr. Rodrigo withdrew his proposal.

On motion of Mr. Rodrigo, there being no objection, the Body approved Section 3(2), as amended by Mrs. Rosario Braid.

OBSERVATION OF MR. PADILLA

On Section 3(1), Mr. Padilla observed that the Body had decided to delete the words "and the demands of responsible parenthood" on lines 11 and 12.

In reply, Mrs. Nieva explained that what was approved was the deletion of responsible parenthood in relation to education which appears in another Article, but the provision thereon on the State Policies was approved by the Body.

In this connection, Mr. Rigos informed that it was in the Article on General Provisions where it was deleted.

SECTION 3(3)

On motion of Mr. Rodrigo, there being no objection, the Body approved Section 3(3) with the insertion of a semicolon(;) and the conjunction AND after "income".

SECTION 3(4)

On Section 3(4), Mrs. Rosario Braid proposed to delete the words "families and" on line 19, because it would be difficult for the thousands of families to participate in the planning and implementation of policies and programs.

Mr. Azcuna observed that the pronoun "them" at the end of the sentence on line 21 should be changed to THE FAMILIES, to which Mrs. Rosario Braid agreed.

Mrs. Quesada observed that the deletion of the words "families and" might discriminate against families which do not belong to any organization, to which Mrs. Nieva agreed.

On Mr. Azcuna's suggestion to reword the phrase to read "the right of families or their associations", Mr. Nolledo stated that families or group of families do not necessarily mean an organization of families.

Mrs. Rosario Braid maintained that it would be difficult for individual families to participate in planning and implementation of policies and programs affecting them.

Mr. Rigos supported Mr. Azcuna's suggestion to reword the phrase to read THE FAMILIES OR FAMILY ASSOCIATIONS, to which Mr. Rodrigo agreed.

On motion of Mr. Rodrigo, there being no objection, Section 3(4), as amended, was approved by the Body.

SECTION 4

On Section 4, Mr. Rodrigo proposed to change "schemes" to PROGRAMS, so that it would read: THE FAMILY HAS THE DUTY TO CARE FOR ITS ELDERLY MEMBERS BUT THE STATE MAY ALSO DO SO THROUGH JUST PROGRAMS OF SOCIAL SECURITY.

There being no objection, Section 4 as amended was approved by the Body.

FURTHER AMENDMENT ON SECTION 2

On Section 2, Mr. Azcuna further proposed the insertion of a comma (,) after "institution", and there being no objection, the same was approved by the Body.

AMENDMENT ON THE TITLE

In view of the duties of the family as provided in Section 4, Mr. Azcuna proposed to amend the title of the Article to read FAMILY RIGHTS AND DUTIES, to which Mr. Rodrigo agreed.

There being no objection, the title of the Article, as amended, was approved by the Body.

APPROVAL OF THE ARTICLE ON FAMILY RIGHTS AND DUTIES

On motion of Mr. Rama, there being no objection, the Body approved the Article on Family Rights and Duties.

OBJECTION OF MR. NOLLEDO

On the title of the Article, Mr. Nollado objected to the addition of the words "and Duties", because there is only one incident duty provided in Section 4, considering that the duties of the family are set forth in the Civil Code of the Philippines.

AMENDMENT OF MR. MONSOD

Mr. Monsod proposed THE FAMILY as the title, to which Mr. Nollado agreed.

Mr. Rodrigo likewise, accepted the proposed amendment, and there being no objection, the amendment on the title was approved by the Body.

CONSIDERATION OF THE NEW SECTION 3 OF THE ARTICLE ON GENERAL PROVISIONS

On the original Section 4, which shall be the new Section 3 of the Article on General Provisions, Mr. Rodrigo proposed, on page 99, lines 19 and 20, to change "their widows" to SURVIVING SPOUSES.

On the same line 19, Mrs. Rosario Braid inquired if the Committee could also change the words "war veterans and veterans of military campaigns" to avoid repetitions.

Mr. de Castro believed that it could not be changed.

Mr. Azcuna suggested rewording the phrase to read VETERANS OF WAR AND MILITARY CAMPAIGNS.

On line 22, Mr. Rodrigo proposed to delete "public" before "agricultural" but to insert OF THE PUBLIC

DOMAIN after "lands".

On line 24, Mr. Maambong proposed to change "development" to UTILIZATION.

On the proposal to change "war veterans and veterans of military campaigns" with "veterans of war and military campaigns", Mr. de Castro opined that the original wording should be retained.

He believed, however, that UTILIZATION could be a better substitute for "development".

On motion of Mr. Rodrigo, there being no objection, the Body approved the original Section 4 (new Section 3) with the following amendments:

- 1) on lines 19 and 20, change "their widows" to SURVIVING SPOUSES; and
- 2) on line 23, change "development" to UTILIZATION.

SECTION 5

On motion of Mr. Rodrigo, there being no objection, the Body approved Section 5 with the insertion of a comma (,) after "shall", and not after "State".

SECTION 6

On Section 6, Mr. Rodrigo proposed to insert THE before "Congress" on page 100, line 4, and to change the word "whom" with THE MEMBERS OF WHICH on line 6.

There being no objection, the amendments on Section 6 were approved by the Body.

SECTION 7

Mr. Rodrigo stated that the first sentence of Section 7 has been transposed to the Article on the Declaration of Principles, so that Section 7 would be the original second paragraph.

On line 14, Mr. Rodrigo proposed to change "the" to A, and there being no objection, the amendment on Section 7 was approved by the Body.

SECTION 8

Mr. Rodrigo manifested that there was no change in the first paragraph of Section 8 (1) except for a comma (,).

On the second paragraph, Mr. Rigos proposed to insert THE before "Congress", which Mr. Rodrigo accepted.

On Section 8(2), page 101, line 1, Mr. Rodrigo proposed to delete the comma (,) after "industry"; to insert IS before "impressed"; and to insert AND before "shall" on line 2; and there being no objection, the amendments were approved by the Body.

On the second paragraph of Section 8(2), Mr. Rodrigo proposed to insert THE before "advertising" on line 6, and there being no objection, the same was approved by the Body.

He stated that there was no change in the third paragraph thereof.

SECTION 9

On Section 9, Mr. Rodrigo proposed to change "With out" to WITHOUT, and there being no objection, the same was approved by the Body.

SECTION 10

On Section 10, Mr. Rodrigo proposed to insert the word FROM before "substandard" on line 14, and there being no objection, the amendment was approved by the Body.

SECTION 11

On Section 11, line 20, Mr. de Castro proposed to change the Committee's proposed insertion of "render service" to SERVE.

In reply to Mrs. Rosario Braid's inquiry, Mr. de Castro affirmed that on line 19, "arm" should be changed to ARMED.

On motion of Mr. Rodrigo, there being no objection, the Body approved Section 11, as amended by Mr. de Castro.

SECTION 12

On Section 12, Mr. Rodrigo proposed, on line 24, to delete "solemn" and to insert AND before "oath", and there being no objection, the amendment was approved by the Body.

INQUIRY OF MR. MONSOD

On Mr. Monsod's query whether the first two sentences of Section 11 was already transposed to Section 3 of the Article on Declaration of Principles, Mr. Maambong replied in the affirmative, stating that they were placed in a separate paragraph that becomes the second paragraph thereof.

With such transposition, Mr. de Castro stated that Section 11 would now become only one sentence.

SECTION 12

On subparagraph 2, Mr. Rodrigo stated that the words "military" and "including" were deleted so that instead of "The State shall strengthen the military patriotic spirit", it should read "The State shall strengthen the patriotic spirit and nationalist consciousness of the military and respect the people's right in the performance of their duty."

There being no objection, the same was approved by the Body.

On subparagraphs 3, 4 and 5, no change was effected.

On subparagraph 6, the hyphen on "Chief-of-Staff" was deleted so that it would simply be CHIEF OF STAFF.

On motion of Mr. Rodrigo, there being no objection, the Body approved Section 12.

SECTION 13

Mr. Rodrigo stated that no change was effected on Section 13 except for a comma (,).

SECTION 14

Mr. Rodrigo stated that Section 14 has been transposed to the Article on the Civil Service Commission.

INQUIRY OF MR. BENGZON

In reply to Mr. Bengzon's query, Mrs. Rosario Braid stated that the first paragraph of Section 7 should have been marked with an asterisk (*) to indicate that it should be transposed to the Article on Declaration of Principles and State Policies.

APPROVAL OF THE ENTIRE ARTICLE ON GENERAL PROVISIONS

On motion of Mr. Romulo, there being no objection the Body approved the entire Article on General Provisions.

TRANSITORY PROVISIONS

SECTION 1

On the first paragraph of Section 1, Mr. Rodrigo stated that the changes effected therein consisted of the addition of the letter "S" to the word "election"; the first letter "m" in "members" was capitalized; and the insertion of a comma (,) after the word "May".

On the second paragraph, capitalize the first letter "m" in "members" and that the second sentence was transposed from another section.

On Mr. Tingson's inquiry as to why elections are to be held on a Monday instead of a Tuesday, Mr. Davide explained that the provision on the Article on the Legislative fixes the election for Members on the second Monday of May.

SECTION 2

On Section 2, Mr. Rodrigo stated that no change was effected.

SECTION 3

On Section 3, Mr. Rodrigo stated that there was no change except for a comma (,).

On Mrs. Rosario Braid's query whether there should be an "s" after the word "instruction" on line 13, Mr. Foz stated that there has to be an "s" because the word "instructions" refers to directives.

Mr. Davide informed that in the 1973 Constitution, all references were always Letters of Instruction without an "s".

SECTION 4

Mr. Rodrigo stated that there was no change on Section 4, except for commas(,).

INQUIRY OF MR. SARMIENTO

In reply to Mr. Sarmiento's query, Mr. Rodrigo stated that there is no need to capitalize the letter "f" in the word "first" before "Congress" on Section 2.

SECTION 5

On Section 5, Mr. Rodrigo stated that the only changes were the deletion of the words "for itself" and "lower courts"; and the change of the word "must" to SHALL.

There being no objection, Section 5 was approved by the Body.

SECTION 6

On Section 6, Mr. Rodrigo stated that there was no change except that the first "m" in the word "members" and the letter "j" in the word "judiciary" were capitalized.

There being no objection, the Body approved Section 6.

SECTION 7

On Section 7, Mr. Rodrigo stated that there was no change effected.

Mrs. Rosario Braid proposed, and the Committee accepted, to insert a hyphen (-) between the words "six" and "year".

Mr. Sumulong proposed the insertion of the word REGULAR between the words "first" and "election" in the last sentence.

At this juncture, Mr. Suarez clarified that there is no provision governing the calling of the first election for the President and Vice-President and it is for this reason that a second paragraph is added to Section 7 which reads:

THE FIRST REGULAR ELECTION FOR THE PRESIDENT AND VICE-PRESIDENT UNDER THIS CONSTITUTION SHALL BE HELD ON THE SECOND MONDAY OF MAY, 1992.

Mr. Sumulong supported Mr. Suarez' proposal.

Mr. Padilla proposed to substitute the words "The first regular elections for the" with the phrase THE NEXT ELECTION OF and to delete the phrase "under the Constitution", in reply to which Mr. Azcuna explained that the word "regular" was used to distinguish it from "special election".

On Mrs. Rosario Braid's query, Mr. Azcuna stated that the word "elections" was used to be consistent on the use of the plural form.

Mr. Monsod suggested the retention of the words "The first regular elections" for consistency.

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

SECTION 8

On Section 8, lines 9 and 10, Mr. Bernas opined that the addition of the phrase "of the Presidential Commission on Good Government" seems to elevate the power of the PCGG to a constitutional power.

He pointed out that the power to sequester was given to the President by the Freedom Constitution and which power was merely delegated by an Executive Order. He proposed the retention of the original wording.

In reply, Mr. Azcuna stated that the problem with the original wording is that it would even stop the courts from sequestering assets after the 18-month period, to which Mr. Bernas replied that the intention is to continue the power given by the Freedom Constitution to the President, which power could be delegated to anybody she wants.

Mr. Azcuna stated that after 18 months, the President or the PCGG could no longer sequester assets while the courts could still exercise such power.

Mr. Nollado agreed with Mr. Azcuna, stating that these are only transitional provisions.

Mr. Bernas proposed, and the Committee accepted, the rewording so that it would read: THE AUTHORITY TO ISSUE SEQUESTRATION OR FREEZE ORDERS UNDER PROCLAMATION NO. 3, DATED MARCH 25, 1986, IN RELATION TO. . ."

On Mr. Romulo's inquiry, Mr. Bernas stated that the amendment would not affect the Executive Orders since they exist in relation to the sequestration order of the President.

On Mr. Tingson's inquiry, Mr. Rodrigo affirmed that the words "such order" in the last sentence refer to the sequestration or freeze order.

On the suggestion that it should not be placed as a last sentence, Mr. Rodrigo stated that the next sentence refers to the power of Congress to extend the 18-month period.

Mr. Suarez explained that the reason for the sequence of the sentence is that the 18 month period refers to the Congressional discretion to extend said period.

Mr. Azcuna suggested that the last sentence of the first paragraph should be reworded and placed as the first sentence of the second paragraph so that it would read: "The sequestration and freeze order shall be issued only upon showing of a prima facie case. The orders and the list of the sequestered assets shall be forthwith registered . . ."

On Mr. Bengzon's inquiry, Mr. Rodrigo explained that the last sentence of the first paragraph was transposed to the second paragraph with a little rewording.

On Mr. Maambong's query, Mr. Azcuna stated that "sequestration or freeze order" is in the singular form.

On the second paragraph, Mr. Rodrigo stated that the first "be" should be deleted.

As proposed by Mr. Foz, the Committee accepted the deletion of the words "sequestration or freeze" in the third sentence of the second paragraph so that it would merely read: "FOR THOSE issued before the ratification of this Constitution . . ."

There being no objection, the same was approved by the Body.

Mr. Sarmiento proposed the deletion of the words "or proceedings" on line 23, to which Mr. Bengzon suggested that instead of the deletion, the word "filed" should be changed to COMMENCED.

The Committee accepted Mr. Bengzon's proposal and as a consequence, changed the word "filed" to COMMENCED on line 27.

APPROVAL OF SECTION 8

On motion of Mr. Rodrigo, there being no objection, Section 8 was approved by the Body.

SECTION 9

On Section 9, Mr. de Castro proposed, and the Committee accepted, the deletion of the letter "s" in the word "forces" on line 6 and the placing of a comma (,) after the word "or" on line 5.

MR. DAVIDE'S AMENDMENT ON SECTION 9

On Section 9, page 105, lines 3 and 4, Mr. Davide proposed that the letters "C", "H", "D", "F" in Civilian Home Defense Forces" be placed in lower case.

Mr. Sarmiento pointed out that there are existing laws on CHDF and therefore, the letters CHDF should be capitalized.

In view thereof, Mr. Davide did not insist on his proposed amendment.

On motion of Mr. Rodrigo, there being no objection, Section 9 was approved by the Body.

SECTION 10

On Section 10,-Mr. Rodrigo proposed, on line 16, to add "s" to "subdivision"; to change "instrumentality" to INSTRUMENTALITIES and "agency" to AGENCIES; and on line 19, to add "s" to "officer".

Mr. Sarmiento proposed on line 9, to change "issued" to DATED.

There being no objection, the amendments were approved by the Body.

SECTION 11

Mr. Rodrigo stated that there was no change in Section 11.

SECTION 12

On Section 12, Mr. Rodrigo proposed, on page 106, line 3, to change "composed of" to COMPRISING, and there being no objection the amendment was approved by the Body.

SECTIONS 13 AND 14

He stated that there were no changes on Sections 13 and 14.

AMENDMENT OF MR. MAAMBONG

On Section 13, Mr. Maambong proposed to insert PARAGRAPH (1), SECTION 5 OF after "under" on line 7; and on line 8, after "Article", to fill the blank with "VI".

Mr. Rodrigo accepted the amendment and stated that a comma (,) will be inserted after "appointment" on line 6.

AMENDMENT OF MR. RAMA

As proposed by Mr. Rama, and accepted by Mr. Rodrigo, the Body approved on line 7 to change "under" to IN.

Mr. Rodrigo stated that there was no change in Section 14.

SECTION 15

On Section 15, Mr. Rodrigo proposed to capitalize the first "m" in "member" on line 20.

AMENDMENT OF MR. MAAMBONG ON SECTION 15

In line with the transitory provisions on the Judiciary, Mr. Maambong proposed, on line 18, after the word "removed" to insert FOR CAUSE, OR BECOME INCAPACITATED TO DISCHARGE THE DUTIES OF THEIR OFFICE.

In this connection, Mr. Foz stated that with the proposal, the incumbent would be staying in office indefinitely, which is against the intent to allow the President to issue new appointments to the incumbent officials.

Mr. Maambong explained that a similar provision in Section 6 of the Transitory Provisions stipulates that the incumbent members of the Judiciary shall continue in office until they reach the age of 70 or become incapacitated to discharge the duties of their office or are removed for cause.

He opined that the President may not remove any member of the Constitutional Commission during his term unless for cause, to which Mr. Foz explained that the provisions are already clear even without the amendment.

Mr. Foz affirmed, however, that the indefinite term of the members of the Constitutional Commissions could be remedied by giving them appointments on staggered terms.

INQUIRY OF MR. RODRIGO

On Mr. Rodrigo's inquiry, Mr. Maambong affirmed that the whole Article had been approved on Second Reading, although the motion of the Chairman of the Steering Committee for its reconsideration had been approved. He explained that it was precisely because of which status that he was able to propose an amendment on Section 7.

CLARIFICATION OF MR. BENGZON

Mr. Bengzon, however, clarified that his motion for reconsideration was solely for the purpose of adding to Section 7 the paragraph on the first election of the President and the Vice-President.

In view thereof, Mr. Maambong stated that since his proposed amendment on Section 15 involves a substantial change, he would ask for a vote thereon.

However, on the understanding that the incumbent would get new appointments with fixed terms in accordance with the provisions of the new Constitution, Mr. Foz withdrew his objection to Mr. Maambong's proposed amendment.

RESTATEMENT OF MR. MAAMBONG'S AMENDMENT

Mr. Suarez restated Mr. Maambong's amendment to insert, after the word "removed" on line 18, the words FOR CAUSE, OR BECOME INCAPACITATED TO DISCHARGE THE DUTIES OF THEIR OFFICE.

Thereupon, Mr. Bengzon manifested that he was withdrawing his statement that the reconsideration would only be for the amendment on Section 7, in order to accommodate Mr. Maambong's proposed amendment on Section 15.

Mr. Padilla remarked that the tenure of the members of the Judiciary should not be applied to the members of the Constitutional Commissions, unless the Body decides not to make any distinction.

APPROVAL OF MR. MAAMBONG'S AMENDMENT

Thereafter, on motion of Mr. Rodrigo, there being no objection, the Body approved Mr. Maambong's amendment.

FURTHER AMENDMENT ON SECTION 11

On Section 1 I. Mr. Sarmiento further proposed, on line 23, to change "issued on" to DATED which Mr. Rodrigo accepted, and there being no objection, was approved by the Body.

APPROVAL OF SECTIONS 16 AND 17

Mr. Rodrigo stated that there was no change on Section 16 except for the addition of "s" to "court" on line 25.

Mr. Rodrigo then proposed to amend Section 17 to read:

A SUBPROVINCE SHALL CONTINUE TO EXIST AND OPERATE UNTIL IT IS CONVERTED INTO A REGULAR PROVINCE OR UNTIL ITS COMPONENT MUNICIPALITIES ARE REVERTED TO THE MOTHER PROVINCE.

There being no objection, Section 17, as amended, was approved by the Body.

SECTION 18

Section 18, line 5, Mr. Rodrigo proposed to change "determination of" to DETERMINATION, and there being no objection, the amendment was approved by the Body.

SECTION 19

Mr. Rodrigo stated that there was no change on Section 19 except on line 10 to capitalize the first "m" in "members".

There being no objection, Section 19 was approved by the Body.

SECTION 20

On Section 20, Mr. Maambong proposed, on line 11, after the words "affected by", to insert PARAGRAPH (2), SECTION 7, and on line 12, to put "XVI" on the blank after "Article".

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

PROPOSED AMENDMENT OF MR. MAAMBONG ON SECTION 17

On Mr. Maambong's proposed amendment to change the first "until on line 2 to UNLESS, Mr. Colayco pointed out that the words "continue to exist" refer to time and "until" would be more appropriate.

Mr. Maambong then suggested a reversion to the original wording by deleting the second "until", so that Section 17 would read:

A SUB-PROVINCE SHALL CONTINUE TO EXIST AND OPERATE UNTIL IT IS CONVERTED INTO A REGULAR PROVINCE OR ITS COMPONENT MUNICIPALITIES ARE REVERTED TO THE MOTHER PROVINCE.

On motion of Mr. Rodrigo, there being no objection, Section 17, as amended, was approved by the Body.

AMENDMENTS ON SECTION 21

On Section 21, Mr. Rodrigo proposed to insert the word THE before "Congress" on line 16.

Mr. Sarmiento also proposed to delete the article "an" before "efficacious", which Mr. Rodrigo accepted.

There being no objection, Section 21 as amended was approved by the Body.

SECTION 22

On Section 22, Mr. Rodrigo proposed to change the figures on lines 2 and 3 into words, THREE HUNDRED THOUSAND PESOS, and in lieu of "Senate President", to substitute PRESIDENT OF THE SENATE; on line 5 to change the figures P240,000 to TWO HUNDRED FORTY THOUSAND PESOS; on line 6, to change "Representatives" to MEMBERS OF THE HOUSE OF REPRESENTATIVES; on line 7 to add OF THE SUPREME COURT after "Justice"; on line 8 to change P204,000 to TWO HUNDRED FOUR THOUSAND PESOS; and on lines 9 and 10 to change P180,000 to ONE HUNDRED EIGHTY THOUSAND PESOS.

Mr. Monsod proposed, on line 4 to add OF THE HOUSE OF REPRESENTATIVES after "Speaker" which Mr. Rodrigo accepted, and there being to objection, was approved by the Body.

SECTION 23

As proposed by Mrs. Rosario Braid, and accepted by Mr. Rodrigo, the Body approved on Section 23, line 11, to change "periods" to TIME.

SECTION 24

On Section 24, Mr. Rodrigo proposed to add NATIONAL before "referendum" on line 19.

PROPOSED AMENDMENT OF MR. FOZ

Mr. Foz proposed to spell out "RP-US" on line 14, subject to verification of the original title of the treaty, to which Mr. Bengzon agreed.

Mr. Suarez informed that the proposal was in order because the letter "A" in "Agreement" is capitalized and, therefore, RP-US should be REPUBLIC OF THE PHILIPPINES-UNITED STATES.

In this connection, Mr. Rodrigo proposed to reword lines 14 to 15 to read: AFTER THE EXPIRATION IN 1991 OF THE MILITARY BASES AGREEMENT BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE UNITED STATES . . .

Mr. Villacorta further proposed, on line 17, to insert THE between "under" and "terms", in reply to which, Mr. Rodrigo explained that it would not be necessary because there is still no treaty.

In view thereof, Mr. Monsod suggested to delete the words "terms of" so that the phrase would read UNDER A TREATY.

Mr. Rodrigo suggested that it should read "Under a treaty duly concurred in".

On Mr. Gascon's query, Mr. Rodrigo pointed out the term "RP-US Bases Agreement" was not used because as worded, it reads "After the expiration in 1991 of the Military Bases Agreement between the Republic of the

Philippines and the United States of America."

Mr. Bennagen, on a point of information, adverted to a book written by Patricia M. Paez entitled The Bases Factor which referred to the Agreement as the "Agreement between the Republic of the Philippines and the United States of America concerning military bases", to which Mr. Azcuna agreed that such was the official title which could be used in the provision.

Mr. de Castro asked for the deferment of the consideration of the proposal until he shall have checked the proper term with the Armed Forces of the Philippines, to which Mr. Rodrigo suggested adoption of Mr. Bennagen's proposal until Mr. de Castro shall have found the right term.

As proposed by Mr. Sarmiento, the Committee accepted the amendment to place a comma (,) between the words "troops" and "or facilities".

There being no objection, Section 24 was approved by the Body.

On Mr. Maambong's inquiry, Mr. Rodrigo affirmed that in the word "agreement" the letter "a" therein should be capitalized.

SECTION 26

On Section 26, Mr. Maambong stated that the first two lines should read: "The provisions of paragraphs (3) and (4), Section 14 of the Article VIII of this Constitution shall apply in . . .", which, there being no objection, was approved by the Body.

SECTION 27

On Section 27, Mr. Rodrigo stated that no change was effected.

INQUIRY/AMENDMENT OF MR. MONSOD

On Section 25, on Mr. Monsod's query, Mr. Rodrigo affirmed that the words "to be" were added in line 23.

Mr.- Rodrigo, likewise, accepted Mr. Monsod's amendment to place the article "a" at the end of line 7, page 109 on Section 27.

AMENDMENT OF MRS. ROSARIO BRAID

On Section 25, lines 23 and 24, Mrs. Rosario Braid proposed, and the Committee accepted, that instead of the phrase "to the defined by law" it should read AS SHALL BE DEFINED BY LAW and place a comma (,) after the words "lands" and "law".

There being no objection, the same was approved by the Body.

APPROVAL OF THE ARTICLE ON TRANSITORY PROVISIONS

On motion of Mr. Rama, there being no objection, the Body approved' the Article on Transitory Provisions.

AMENDMENT OF MR. AZCUNA

As proposed by Mr. Azcuna, place a hyphen (-) between the words "self" and "determination" on line 4, page 94, on Section 6 of the Article on the Declaration of Principles and State Policies.

MOTION OF MR. RAMA

Mr. Rama moved for approval of the entire Article on National Economy and Patrimony. Mr. Azcuna, however, stated that he has a reservation relative to the phrase "consistent with".

SUSPENSION OF SESSION

The Chair suspended the session.

It was 6:24 p.m.

RESUMPTION OF SESSION

At 6:27 p.m., the session was resumed.

MANIFESTATION OF MR. AZCUNA

Mr. Azcuna manifested the Committee's intention to change the words "based on" to CONSISTENT WITH on Section 1 of the Article On National Economy and Patrimony.

Mr. Monsod objected to the proposal, stating that the simple rules of civility and courtesy were not observed.

Mr. Villacorta sought to interpellate but Mr. Monsod refused to yield to an interpellation.

Thereupon, Mr. Villacorta volunteered the information that Mr. Monsod had earlier said, in front of President Muñoz Palma, that the phrase "based on" would mean that industrialization in the country would have to wait till after the agricultural sector is fully developed. He stated that this is an admission of the dangers inherent in the phrase "based on". He then asked Mr. Monsod if he would allow the entire nation to suffer the dangers of such a useless phrase.

Reacting thereto, Mr. Monsod denied having said the statement and pointed out that what he said was that even if the phrase "based on" is retained, it would not mean that the country has to exhaust all possibilities on agriculture before it goes into industrialization.

Mr. Villacorta insisted that what Mr. Monsod said was exactly the opposite, to which Mr. Monsod took exception.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 6:30 p.m.

RESUMPTION OF SESSION

At 6:39 p m., the session was resumed.

INQUIRIES OF MR. VILLACORTA

On Mr. Villacorta's inquiry whether the phrase "based on" would necessarily mean that before the State promotes industrialization and full employment, there should be prior sound agricultural development and agrarian reform, Mr. Villegas dated that the phrase "based on" does not mean that the country has to exhaust all the possibilities of agricultural development and agrarian reform before it starts industrialization. He explained that the phrase means that a minimum agricultural development is required so that the rural masses will have sufficient purchasing

power to buy what industries would produce. It is for this reason, he stated, that he was amenable to the phrase "consistent with" which could be definitely interpreted to mean the same thing as the phrase "based on".

On whether industrialization is not dependent on sound agricultural development, Mr. Villegas stressed that there is a minimum of agricultural development that is required for industries to have a sufficient market. He explained that these industries must be able to sell their products to the population and since the population is basically in the rural areas, the people therein must have enough income, which income would come from a minimum of agricultural productivity and agrarian reform. He affirmed that there is a symbiotic relationship between industrialization and agricultural development.

With respect to the phrase "unfair foreign competition", Mr. Villegas affirmed that anything harmful to Filipino interests may be declared unfair.

APPROVAL OF THE ENTIRE ARTICLE ON NATIONAL ECONOMY AND PATRIMONY

Thereupon, on motion of Mr. Rama, there being no objection, the Body approved the entire Article on National Economy and Patrimony.

MANIFESTATION OF MR. BENGZON

Mr. Bengzon stated that the Body had already completed the report of the Committee on Style on the entire draft Constitution and that the Body would proceed to the report of the Sponsorship Committee.

Upon his request, the Chair recognized Mr. Guingona, Chairman of the Sponsorship Committee, who was joined by the Members of Committee.

Whereupon, Mr. Guingona informed the Body that the Committee had already completed the sequencing of the Articles of the draft Constitution. However, upon suggestion of Mr. Bengzon, the Body meanwhile proceeded to vote on the Articles which were pending approval on Third Reading.

APPROVAL ON THIRD READING OF THE ARTICLE ON GENERAL PROVISIONS

On motion of Mr. Bengzon, there being no objection, the Body proceeded to vote, on Third Reading, on the Article on General Provisions.

Upon direction of the Chair, the Secretary-General called the Roll for nominal voting. Thereafter, a second Roll Call was made.

EXPLANATION OF VOTE OF MR. SARMIENTO

Mr. Sarmiento stated that he was voting Yes although he had some reservations on the use of the phrase "veterans of military campaigns" appearing on Section 4 thereof.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor:

Abubakar Garcia Rama

Aquino Gascon Rigos

Azcuna Guingona Rodrigo

Bengzon Jamir Romulo

Rosario Braid Lerum Sarmiento

Calderon Maambong Suarez

De Castro Monsod Tinson

Colayco Nieva Treñas

Concepcion Padilla Uka

Davide Muñoz Palma Villacorta

Foz Quesada Villegas

Against:

None

Abstention:

None

With 33 Members voting in favor, none against and no abstention, the Body approved, on Third Reading, the Article on General Provisions.

APPROVAL ON THIRD READING OF THE ARTICLE ON DECLARATION OF PRINCIPLES AND STATE POLICIES

On motion of Mr. Bengzon, there being no objection, the Body proceeded to vote, on Third Reading, on the Article on Declaration of Principles and State Policies.

Upon direction of the Chair, the Secretary-General called the Roll for nominal voting. Thereafter a second Roll Call was made.

EXPLANATION OF VOTES

The following Members explained their votes:

By Mr. Garcia:

Mr. Garcia abstained because he believed that although the Article presents important advances, among others, the nuclear-free provision which puts paramount value on the survival of the nation, it likewise indicated the Body's inability to unequivocally affirm the country's sovereign right to determine its own path without being used as a pawn of either of the two superpowers. It is unfortunate, he lamented, that the Body failed to give the people the right to pronounce a decision on the issue of foreign military bases when it decided to leave the matter to Congress.

By Mr. Gascon:

Mr. Gascon, likewise, abstained on the ground that although the Article is a great improvement over the past Constitutions, he felt the Body was not able to fully assert national sovereignty by its failure to make a categorical provision on the U.S. military bases in the country. He likewise, expressed disappointment over the Body's inability to assert a commitment for peace.

By Mrs. Quesada:

Mrs. Quesada acknowledged that the Article contained many desirable provisions but abstained from voting. She lamented that the Commission missed a historic opportunity to include a definitive statement that it shall be the policy of the State to prohibit foreign military bases in the national territory as a declaration of the country's national independence and sovereignty and instead decided to transpose this important provision to the Transitory Provisions which would still be subject to the vagaries of Congress to which the Commission has abdicated its role.

By Mr. Sarmiento:

Mr. Sarmiento stated that although the Article contains laudable and praiseworthy provisions, he was abstaining from voting because of the failure to state therein a provision concerning the bases and neutrality.

By Mr. Villacorta:

Mr. Villacorta abstained because of the failure to embody a provision that would definitively call for the removal from the country of the most insidious element which is the lethal U.S. military bases whose war-like objective is anathema to the Christian and Muslim values of loves peace and justice.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor:

Abubakar Davide Muñoz Palma

Aquino Foz Rama

Azcuna Guingona Rigos

Bengzon Jamir Rodrigo

Rosario Braid Lerum Romulo

Calderon Maambong Tingson

De Castro Monsod Treñas

Colayco Nieva Uka

Concepcion Padilla Villegas

Against:

None

Abstention:

Garcia Quesada Suarez

Gascon Sarmiento Villacorta

With 27 Members voting in favor, none against and 6 abstentions, the Body approved, on Third Reading, the Article on Declaration of Principles and State Policies.

APPROVAL ON THIRD READING OF THE ARTICLE ON THE FAMILY

On motion of Mr. Bengzon, there being no objection, the Body proceeded to vote, on Third Reading, on the Article on the Family.

Upon direction of the Chair, the Secretary-General called the Roll for nominal voting. Thereafter, a second Roll Call was made.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor:

Abubakar Davide Nieva

Aquino Foz Padilla

Azcuna Garcia Muñoz-Palma

Bengzon Gascon Quesada

Rosario Braid Guingona Rama

Calderon Jamir Rigos

De Castro Lerum Rodrigo

Colayco Maambong Romulo

Concepcion Monsod Sarmiento

Suarez Treñas Villacorta

Tingson Uka Villegas

Against:

None

Abstention:

None

With 33 Members voting in favor, none against and no abstention, the body approved, on Third Reading, the Article on the Family.

APPROVAL ON THIRD READING OF THE ARTICLE ON TRANSITORY PROVISIONS

On motion of Mr. Bengzon, there being no objection, the Body proceeded to vote, on Third Reading, on the Article on Transitory Provisions.

Upon direction of the Chair, the Secretary-General called the roll for nominal voting. Thereafter, a second Roll Call was made.

EXPLANATION OF VOTES

The following Members explained their votes:

By Mr. Garcia:

Mr. Garcia stated that he was abstaining because of two important provisions which touched on the country's national sovereignty and survival and the protection of the people's right.

On Section 24, Mr. Garcia adverted to his earlier explanation of vote which registered his strong objections to the military bases.

On Section 9 regarding the Civilian Home Defense Forces (CHDF), Mr. Garcia pointed out that, historically, the role of the CHDF has been consistently negative yet the Body failed to unequivocally take a position that would dismantle paramilitary groups which are the symbol of repression.

By Mr. Gascon:

Mr. Gascon stated that he was abstaining because of the provision on the RP-US Military Bases Agreement which would leave the decision to the Senate and not to the people, and the provision on the CHDF in which the Body failed to make a categorical statement for its abolition.

By Mrs. Quesada:

Mrs. Quesada abstained on the ground that the Commission failed to respond to the plea of a great number of people in the countryside for the dismantling of the CHDF.

By Mr. Sarmiento:

Mr. Sarmiento abstained because of the provisions on the military bases, the private armies and the CHDFs.

By Mr. Suarez:

Mr. Suarez stated that he was voting Yes despite his strong reservations on Section 9 regarding the CHDF and Section 24 relative to the RP-US Military Bases Agreement.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor:

Abubakar Foz Rama

Aquino Guingona Rigos

Azcuna Jamir Rodrigo

Bengzon Lerum Romulo

Rosario Braid Maambong Suarez

Calderon Monsod Tingson

De Castro Nieva Treñas

Concepcion Muñoz Palma Villegas

Davide

Against:

None

Abstention:

Garcia Quesada Villacorta

Gascon Sarmiento

With 28 Members voting in favor, none against and 5 abstentions, the Body approved, on Third Reading, the Article on Transitory Provisions.

ADJOURNMENT OF SESSION

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

It was 7:09 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 October 12, 1986

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