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Monday, September 1, 1986

CALL TO ORDER

At 9:56 a.m., the President of the Constitutional Commission, the Honorable Cecilia Muñoz Palma, called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Blas F. Ople, to wit:

"God Almighty, it was by Your will that 48 men and women from diverse origins and backgrounds were brought together here to frame a Constitution for the Filipino people.

Outside these halls, we have often been criticized for having been appointed, not elected, as though, lacking the grace of a popular mandate, we are not worthy of this exalted task.

And yet this is only one way of saying that not being elected, we cannot be independent. We believe this Commission, with Your Divine Grace, has boldly met the test of independence, the sole guide for our actions being our respective consciences.

You did not intend or program us to think alike, for that would be an abomination of intellectual freedom and of the plurality of ideas essential in a democracy. God forbid that there should ever come the day when there will be a compulsory leveling of thought to one uniform mass to suit a one-party State in our beloved country.

Therefore, we as individual commissioners have exercised, on this floor and in the committees, our independence of thought and action. In the process, there are clashes of ideas that often test the patience of friends and strain the bonds of courtesy and civility, but they also prove the vitality of freedom on this floor. Perhaps no better proof than this exists to show that we are being faithful to our individual mandates in drafting the highest covenant for our people.

And yet, it is possible, Lord, that in thus engaging ourselves in a clash of ideas and in wearing the warrior's plumes we fall into the occasional error of vanity and pride, forgetting that it is the meek who shall inherit the earth. Teach us, then, O Lord, to be brave and humble in our hearts; teach us to be tolerant of adversaries; teach us the grace of conquering through love and humility.

And finally, guide us, Lord, as we brace for the final chapter in the brief but epic labors of drafting a Constitution for our people and their posterity.

Amen."

At this juncture, the Chair acknowledged the participation of the Choral Group of the defunct Batasang Pambansa, now of the Constitutional Commission, which led the singing of the National Anthem.

ROLL CALL

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

Azcuna, A. S.

Nieva, M. T. F.

Bacani, T. C.

Ople, B. F.

Bernas, J. G.

Padilla, A. B.

Rosario Braid, F.

Muñoz Palma, C.

Calderon, J. D.

Quesada, M. L. M.

De Castro, C. M.

Rama, N. G.

Colayco, J. C.

Regalado, F. D.

Concepcion, R. R.

De los Reyes, R. F.

Davide, H. G.

Rigos, C. A.

Foz, V. B.

Rodrigo, F. A.

Garcia, E.;. G.

Romulo, R. J.

Gascon, J. L. M. C.

Sarmiento, R. V.

Guingona, S. V. C.

Sumulong, L. M.

Jamir, A. M. K.

Tan, C.

Laurel, J. B.

Uka, L. L.

Maambong, R. E.

Villacorta, W. V.

Monsod, C. S.

Villegas, B. M.

With 34 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.

Aquino, F. S.

Nolledo, J. N.

Bengzon, J. F. S.

Suarez, J. E.

Lerum, E. R.

Tingson, G. J.

P.M.

Bennagen, P. L. Tadeo, J. S. L.

Messrs. Rosales and Treñas were sick.

Mr. Alonto was absent.

READING AND APPROVAL OF THE JOURNAL

On motion of Mr. Calderon, there being no objection, the reading of the Journal of the previous session was dispensed with and the said Journal was approved by the Body, with the corrections, at the instance of Mr. Guingona, on page 1024, column 1, to change the word "promptly" to MIGHT and between the figure "30%" and the word "with", insert the words FOR SALARIES, BONUSES, ALLOWANCES ETC. OF TRUSTEES AND RANKING ADMINISTRATION OFFICIALS; and on the fifth line of the same paragraph, between the comma (,) after the figure "10%" and the word "allot", insert the word MIGHT.

REMARKS OF MR. OPLE

At this juncture, Mr. Ople adverted to the agreement that in order to save time, Members who want to make corrections on the Journal based on what was actually said could do so by making representations to the President and to the Secretariat.

The Chair confirmed the agreement.

REFERENCE OF BUSINESS

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

REFERRAL TO COMMITTEES OF COMMUNICATIONS

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

Communication No. 675-A — Constitutional Commission of 1986

Communication from the faculty and staff of the Faith Bible Institute, P.O. Box 88, Laoag City, Ilocos Norte, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 676 — Constitutional Commission of 1986

Letter from Mr. Fred M. Magbanua, Jr. and three other officers of the Christian Leaders Alliance of the Philippines, P.O. Box 1, Valenzuela, Metro Manila, endorsing the position paper on religious instructions in public schools presented by Mr. Isabelo F. Magalit of the Konsiyensiya ng Febrero Siete (KONFES), recommending that the provision of the 1973 Constitution be retained and incorporated in the new Constitution

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 677 — Constitutional Commission of 1986

Letter from Mr. Ben T. Porcadilla of the General Baptist Church of the Philippines, Inc., Bolcan St., Agdao, Davao City, urging the Constitutional Commission to incorporate in the new Constitution that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 678 — Constitutional Commission of 1986

Communication from Mr. Pedro Zorilla, transmitting Resolution No. 130 of the Sangguniang Panlungsod of Dipolog City, proposing the creation of a new region to be composed of the provinces of Zamboanga del Norte, Misamis Occidental, Zamboanga del Sur, and the cities of Dipolog, Dapitan, Oroquieta, Ozamiz, Tangub and Pagadian

TO THE COMMITTEE ON THE LEGISLATIVE

Communication No. 679 — Constitutional Commission of 1986

Communication from former MP Rogelio M. Sarmiento, Sarmiento Bldg., No. 2 Pasong Tamo Ext., Makati, Metro Manila, suggesting that the Constitutional Commission of 1986 should provide that in the event the new Constitution is repudiated during the forthcoming referendum, President Corazon C. Aquino should choose between the 1935 or the 1973 Constitution as the functioning constitution which we shall follow and uphold

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 680 — Constitutional Commission of 1986

Letter from former MP Rogelio M. Sarmiento, Sarmiento Bldg., No. 2 Pasong Tamo Ext., Makati, Metro Manila, urging the Constitutional Commission of 1986 not to incorporate in the Constitution the issue of the American military bases in the Philippines and the policy of declaring the country as nuclear-free

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

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

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

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

Mr. Rama stated that the Body was in the period of interpellations.

The Chair recognized Mr. Villacorta and the Members of the Committee on Human Resources.

INTERPELLATION OF MR. AZCUNA

Thereupon, in reply to Mr. Azcuna's inquiry whether the lead Section 1 of the proposed Article represents a statement of the goals of the educational system, Mr. Villacorta stated that it is an omnibus section encompassing the goals not only for education but for science, technology, arts and culture as well, however, the Committee would be open to proposals to add other objectives. Also upon inquiry, Mr. Villacorta clarified that the sequence of the enumeration does not establish a hierarchy of priorities among education, science, technology and arts and culture, all of which the Committee considers equally important.

Relative to Section 1(b), on whether the Committee has considered the possibility of providing free pre-school education considering its importance on the early formative education of the children and the fact that the less privileged are unable to send their children to pre-school, Mrs. Rosario Braid stated that the provision lays emphasis on comprehensive education by integrating nonformal and informal education which would address the matter of pre-school education and, although the Committee did not specifically discuss it, she agreed that pre-school are the most important years in the education of a child. She assured that the Committee would be willing to accept an amendment which would mandate the State to provide resources for the development and establishment of a broader pre-school education.

Mr. Guingona added that the provision on the citizens' right and corresponding duty of the State to provide education expands the area of offerings so that pre-school education could be one of the areas which the government could address itself to. He agreed that children of pre-school age are the ones who are most receptive to the learning process. He further pointed out that there are reports that beginning next school year, six-year old children would be admitted to first grade which is practically equivalent to a pre-schooling.

Mr. Villacorta stated that the Committee would consider Mr. Azcuna's proposal.

On Section 2(a), Mr. Azcuna noted that the provision used the word "inculcate" which, he opined, is synonymous to "indoctrination". He adverted to Mr. Carter V. Good's dictionary of education which defines "indoctrination" in its broader sense as an attempt to inculcate beliefs, a possible concomitant of any learning situation and, in the narrower sense, as an attempt to fix in the learning mind any doctrine — social, political, economic or religious — to the exclusion of all contrary doctrines and in a manner preventing serious comparison and evaluation. He then

inquired whether the word "inculcate" as used in Section 2(a) would mean indoctrination.

Replying thereto, Mr. Villacorta stated that Section 2(a) does not intend to convey such meaning. He pointed out that indoctrination, as popularly understood, is the systematic imposition of certain beliefs that are related to the priorities of a particular State. He stated that to consider inculcation as an indoctrination would be to consider teaching, including the teaching of religion, as indoctrination. He assured that the Committee does not propose indoctrination and would welcome any suggestion to use an alternative term.

Mr. Rigos added that the word "inculcate" is used in relation to nationalism, love of fellowmen and respect of human rights.

Mr. Azcuna stated that he would not have any objection as long as it is on record that the provision referred to is within the purview of respect for the sanctity of individuals and for contrary views in the classroom. Mr. Villacorta replied that the Committee would look for the proper word.

On the question whether the State could afford the critical task of educating the people, Mr. Azcuna recalled that in the comic strip *Doonesbury*, a university president, who was asked to sign a document that would reduce the budget of the school, told his assistant that during his days, education was a journey, a companion that took one to paths of learning and garden of knowledge which allowed contact with the best minds of generations and history. When asked what the school was aiming for, the assistant replied, "literacy, sir, literacy", and so the university president signed the budget reduction. Mr. Azcuna stated that the story is relevant to the question whether the State could afford the task of providing education because of the possibility that people might be frustrated if the State fails to deliver what is expected in terms of education as a great equalizer that would enable the poor and the underprivileged to overcome certain disparities they have with the rich.

In reply thereto, Mr. Villacorta admitted that, like the other provisions of the Constitution, the report could raise the hopes and expectations of the people. He stated, however, that the country should not remain stagnant in development and that as it becomes less underdeveloped, there may be some basis for hoping that free public education up to the secondary level would be attained. He mentioned poor countries, among others Sri Lanka, which guarantee free public education up to the tertiary level although they know that this cannot be perfectly achieved. He stressed, however, that the proposal would augur well for the educational sector because then education would be assured one of the highest priorities when the government considers the budget.

Additionally, Mr. Guingona recalled that during the deliberations on the Article on Social Justice, the matter of cost was also raised on the agrarian and urban land reform provisions which the Body nevertheless approved among the priority items to be given recognition in the Constitution.

Mr. Azcuna stated that the Philippines has been mentioned as one of the countries which are able to spread the benefits of education to a great number of citizens notwithstanding limited resources.

INTERPELLATION OF MR. NATIVIDAD

In reply to Mr. Natividad's query how Section 1(c) may alleviate the plight of working students, Mr. Villacorta stated that poor and deserving students, including working students, may be given stipends, book allowances, clothing allowances and other incentives which the State can afford to give. Section 1(c), he said, also contemplates the setting aside of a scholarship fund for working students. He agreed with Mr. Natividad's observation that working students are potentially very good citizens who, despite their handicap, continue to struggle to earn education. He stated that the Committee believes education is a lifelong process and that working students should be extended due assistance considering that in many universities they are discriminated against in the matter of scholarship preferences which are usually given to full-time poor and deserving students.

On Mr. Natividad's suggestion that in order to be "deserving", certain criteria other than good grades should be considered, especially for working students who need extra efforts to get and maintain them, Mr. Gascon agreed that other factors should be considered for purposes of said provision. He stressed however, that in the tertiary level of education the State should require a certain level of competence which must not necessarily be limited to academic excellence or high grades. He informed that the Committee had considered scholarships for the highly intelligent and scholarships for other purposes.

On the Committee's negative reply to Mr. de Castro's suggestion to employ truant officers to enforce attendance in the elementary level, Mr. Natividad stressed the need for truant officers to give life to the provision. He said so many children are on the streets because they are asked by their parents to beg. In reply, Mr. Guingona stated that pursuant to the Educational Act of 1940, the Bureau of Public Schools issued Circular No. 26 requiring school superintendents to report students who had been absent for 10 consecutive days without excuse, for which they could be fined not less than P20.00 nor more than P40.00, except when 1) the student lived more than 3 kilometers away from the school; 2) public schools were inaccessible; 3) the student was physically or mentally unable to attend his classes; 4) the student could not afford to go to school because of economic condition; or 5) the student attended a private school. He noted that the Education Act of 1953 added two more grounds, one which was, when public schools could no longer accommodate the students. He explained that the word "compulsory" was not used in its strict sense and the framework therefor was to be provided by law or by the rules and regulations of the Ministry of Education, Culture and Sports.

Additionally, Mrs. Rosario Braid stated that the schools should link with other institutions like the home, church, health and other social institutions in finding out the reasons for truancy and in the school itself, the parents-teachers association and the guidance counseling institutions could be strengthened.

On the meaning of "quality education", Mr. Villacorta stated that this is addressed to the state of the present public education and that the State would now be mandated to provide all citizens not just free but quality education. On "liberal education", Mr. Villacorta explained that this has reference to the humanistic type of education that emphasizes not merely the technical aspects but also the humanities like philosophy, arts, literature and the social sciences like sociology and psychology.

Mr. Guingona, on the other hand, explained that the word "integrated" in the phrase "integrated system of education" was adopted from the 1973 Constitution and it could refer to the fusion of public and private schools as far as curricula are concerned.

Additionally, Mr. Gascon stated that integration could also mean that the primary, secondary and tertiary levels of education would be integrated and coordinated towards the attainment of national socio-economic goals.

Mrs. Rosario Braid agreed by saying that "integrated" could also be construed as integration of adequate and appropriate knowledge, attitudes, values and skills which could be applied towards productivity, social consciousness and responsibility thereby discarding the previous focus on attaining knowledge for knowledge's sake.

On Section 1(d), responding to Mr. Natividad's query, Mr. Villacorta affirmed that it is the Committee's response to the numerous appeals to emphasize technical and vocational education. He also affirmed that under Section 2(h), public elementary and high school teachers could teach religion with the costs thereof to be shouldered by the parents.

On the meaning of the sentence "Institutions of higher learning shall enjoy fiscal autonomy", Mr. Villacorta stated that it means that schools would be free to come up with certain financial policies including the tuition fee

structure which could be checked by multi-sectoral bodies composed of parents, students, teachers, employees and administrators who could give suggestions on school policies. He added that the provision applies even to private educational institutions.

In reply to Mr. Natividad's query whether Section 2(f) on multi-sectoral bodies is a new provision, Mr. Villacorta replied that although some schools have multi-sectoral bodies the provision would make it more pervasive in application.

INTERPELLATION OF MR. MAAMBONG

In reply to Mr. Maambong's query whether the proposed Article would amend or repeal the presidential decrees or laws on education, Mr. Villacorta stated that the provisions of the fundamental law would supersede and, therefore, repeal or amend existing laws which are inconsistent therewith.

On whether the goals, aims and objectives of education under present laws are the same as those in the past, Mr. Villacorta stated that the principles being formulated would not affect existing laws consistent with them.

On whether the supervision, regulation and administration of educational institutions would be changed with the approval of the draft provisions, Mr. Villacorta stated that the provision also appeared in past Constitutions, however, the word "reasonable" before the phrase "supervision and regulation" in Section 2(b) was added because of the complaint of many educational institutions, including state colleges and universities, about the State's undue intrusion into their internal affairs.

On whether the provisions for the democratization of access to education represent a departure from the present policy of the government, Mr. Villacorta stated that the provision merely seeks to strengthen this goal.

On whether such policy was embodied in the past Constitutions and laws, Mr. Villacorta stated that past laws and existing rules have a lot of loopholes which have to be plugged.

On the change in the policy of government assistance to private schools, Mr. Villacorta pointed out that there are improvements in the form of tax exemption for non-profit and non-stock schools and subsidy to accredited educational institutions as may be provided by law.

On whether private educational institutions are exempt from real estate taxes, Mr. Villacorta adverted to the Article on the Legislative which provides that institutions engaged in charity and education shall be exempt from real estate taxes.

Mr. Villacorta confirmed that Presidential Decree No. 675, which provides for a descending rate of discount on real estate taxation, would be considered repealed by the pertinent provision in the Article on the Legislative.

Mr. Villacorta also affirmed that the provision on the formulation of educational policies is a new provision.

Finally, Mr. Maambong requested the Committee to consider at the proper time the amendments submitted by Messrs. Davide and Monsod on the rearrangement of the provisions, to clarify the aims, goals, duties and obligations of the State insofar as education is concerned.

INTERPELLATION OF MR. MONSOD

In reply to Mr. Monsod's query, Mr. Villacorta confirmed that the "socialized fee structure" in Section 1(b) has reference to the underprivileged and the poor.

Mr. Monsod observed that even the rich would benefit from the policy to allow schools to charge the full cost of

the tuition fees but give direct assistance to the poor.

Mr. Gascon stated that "socialized fee structure" refers to state colleges and universities where students are not charged full tuition fees. He explained that, as proposed, it means that the poor would get more subsidy than the rich.

Mr. Monsod suggested the deletion of the phrase, in lieu of which, direct assistance should be extended to poor students through a comprehensive system of scholarship grants, loan programs and other incentives based on their needs. He opined that a comprehensive program would really benefit poor students and not those who can afford to pay. He stated that the Section, as worded, would open the door to palakasan on who gets the subsidy.

Mr. Gascon pointed out that with respect to public education in the tertiary level, the attitude is that the State through the state colleges and universities shall provide the same. He commented that Mr. Monsod's suggestion would in effect make the University of the Philippines charge the same amount of tuition fees charged by Ateneo University and that rich students who would enter the U.P. as scholars would likewise be granted subsidy. He stated that what should first be defined is the dichotomy between private and public universities and colleges.

Mr. Monsod disagreed that even the rich should be subsidized in state universities. He observed that the problem in state universities is that they have dilapidated facilities, laboratories and equipment due to lack of funds. He stated that students who can afford and are willing to pay should pay provided there is quality education.

Mr. Gascon stated that the provision intends to make the rich students in state colleges and universities pay more than the poor.

Mr. Monsod agreed that the State should offer quality education but that rich students should be charged full cost.

Regarding private educational institutions, Mr. Guingona stated that assistance should likewise be extended to them by way of soft loans to enable them to improve their facilities.

Mr. Monsod stated that a subsidy of those who cannot afford and requiring payment from those who can afford to pay in full would enable private institutions to be financially viable. He maintained that subsidy pertains to students who go to schools offering quality education whether public or private, and that private schools would be compelled to compete in quality because students who could afford would be charged the full cost.

Mr. Monsod stated that he has some reservations regarding the system of choosing which private schools shall be subsidized. He stressed that to allow them to charge tuition fees with subsidy to the students would be discriminatory as schools which are financially viable would earn their finances from the tuition fees and not through direct government assistance which would depend on the decision of few government bureaucrats on which schools to subsidize.

Mr. Guingona agreed with the observation. He stated that the increase in tuition fees by private educational institutions should not be such that it would cause a drop in enrollment by reason of the students' inability to pay. He adverted to Mr. Rodrigo's observation that in the immediate future the government may not be able to continue the subsidy.

Mr. Monsod argued that subsidizing deserving but underprivileged students would be a more efficient way of granting subsidy because it is not diluted by the subsidy of those who can afford.

Mrs. Rosario Braid agreed with Mr. Monsod's proposals and suggested that he submit them at the proper time.

On the remark that knowledge should not be acquired for knowledge's sake but should be related to socio-economic development, Mr. Monsod stated that the pursuit of knowledge sets the trails for the future taking

into account the relationship between pure and applied research, to which Mr. Villacorta replied that the Committee did not intend to exclude pure or basic research which is very important for the scientific and technological development of the country.

On fiscal autonomy, Mr. Monsod commented that the Committee went too many steps ahead. He maintained that there should be some checks and balance, especially because of the lifting of the preaudit requirement. He suggested that fiscal autonomy be seen in the same light as the provisions on the Judiciary or the Constitutional Commissions. He also pointed out that fiscal autonomy for private institutions is a bit ambiguous because private institutions have their own board of directors which would imply the presence of a higher authority.

Reacting thereto, Mr. Rigos stated that fiscal autonomy applies only to public schools and not to private schools.

Mr. Villacorta stated that the Committee will consider Mr. Monsod's observations on the elimination of the preaudit.

On the phrase "the express consent of the parents in writing", Mr. Monsod pointed out that parents in rural areas are usually illiterate and do not bother to sign. He suggested deletion of the phrase.

Mr. Rigos, however, maintained that the system as conceived could work properly and that the situation given should be regarded as an exception rather than the rule.

INTERPELLATION OF MS. TAN

Ms. Tan stated that she is a member of the Committee and that the interpellations of Mr. Rama had prompted her to ask the Committee to reconsider the inclusion of the deleted phrase "other than those established by religious orders, mission boards and charitable organizations" for the following reasons: 1) that the missionaries establish schools in far-flung areas; 2) that foreign mission schools cannot be placed in the same category as multinational corporations; and 3) that imposition of the rule on ownership to mission schools may lead to circumvention of the law.

She stated that this arrangement presupposes the following: 1) that the foreign missionary has a Filipino counterpart; 2) that a foreign missionary may not have a mother organization which can act as owner; and 3) the foreign missionary might belong to a diocese where the bishop is willing to be the owner, even if in reality he is not, which is a rare case. She noted that these three conditions do not always exist.

Mr. Villacorta replied that the Committee would be open to suggestions and advised Ms. Tan and others who would want to retain the phrase "except religious schools" to provide the Committee with data on how many foreign mission schools exist in the country. He noted that if these are minimal, there would not be a need to constitutionalize a provision for the sake of the few, although, the Body could make the provision clearer in terms of what exceptions are to be placed in the Journal. He informed that according to Dr. Adrian Arcelo, Vice-President of the Fund for Assistance to Private Education (FAPE), there are only three schools which are foreign-owned — International School in Makati, Brent School in Baguio City, and the Asian Institute of Management, although Mr. Tingson also mentioned Faith Academy.

On the observation of Ms. Tan that the Committee must have very good reasons for deleting this 1973 Constitutional provision, Mr. Guingona informed that during a forum sponsored by the FAPE, Phi Delta Kappa and MECS which the Members of the Committee attended, Assistant Minister Tomas Santos suggested, by way of compromise, that the provision could be included in the draft proposal but should contain the proviso that mission schools already established before the ratification of the 1986 Constitution would not be affected.

REMARKS OF MR. BACANI

Mr. Bacani stated that the deletion of the provision would prevent other foreign missionaries from establishing schools in the future aside from affecting existing mission schools. Mrs. Quesada, in reply thereto, informed that the principle which guided the Committee, with respect to this decision, was the belief that inasmuch as the Philippines is producing its own missionaries and church workers, it could become self-reliant in the evangelization and other works of the church. She added that the provision would mandate the church sector to provide such needs.

Mr. Bacani pointed out that the Catholic Church subscribes to the idea of mission exchange because while there is need to send Filipino missionaries, there is also a need to continue receiving foreign missionaries. He added that there is no single church which can only send or receive missionaries but that the Church should be sending and receiving.

Mrs. Quesada clarified that the idea is not to prevent foreign missionaries from coming to the country and that the provision is only with respect to ownership and administration of schools. She stressed that it would not preempt sharing of expertise, knowledge, and services of foreign missionaries to expand and enrich the work of local missionaries.

Mr. Bacani maintained that it would make matters difficult for foreign missionaries to come to the country for the first time.

INQUIRY OF MR. RODRIGO

Mr. Rodrigo inquired whether the phrase “other than those established by religious orders, mission boards and charitable organizations” in the 1973 Constitution has harmed the country. In reply, Mr. Villacorta maintained that the Committee wanted more self-reliance and more Filipinization, not just in terms of ownership but also in value and quality of education. He pointed out that the assumption is that there is greater likelihood that education will be more Filipino-oriented if it is the Filipinos who own and manage the schools.

On whether the 1973 Constitutional provision retarded the Filipinization of schools, Mr. Villacorta stated that there is no ready evidence to prove that, although, there are certain schools which had experienced internecine clashes among local and foreign members of the congregation running them. He stated that the Committee thought that by constitutionalizing Filipinization, these conflicts can be prevented. He noted that since the Filipinization of these schools, they have become very progressive.

Reacting thereto, Mr. Rodrigo observed that the schools were Filipinized in spite of the Constitutional provision but that the proposed Section would stop, prevent, hinder and discourage foreign missionaries from coming to the Philippines and establishing schools, especially in underdeveloped areas.

REMARKS OF MR. PADILLA

Mr. Padilla observed that aside from the deletion mentioned by Ms. Tan, the Committee, likewise deleted the provision on corporations or associations 60 per centum of the capital of which is owned by Filipino citizens. On whether this proposed provision is intended to prevent a joint venture, Mr. Villacorta replied in the affirmative, and added that the Committee felt that the whole ownership would be conducive to Filipinization of the content and direction of the Philippine educational system, following the examples of many other countries where ownership of schools is reserved to nationals.

INQUIRY OF MR. COLAYCO

Mr. Colayco observed that there is a rule that all schools, owned by Filipino citizens or corporations, or otherwise, are required to follow a curriculum dictated by the government. In reply, Mr. Villacorta stated that the Ministry of Education, Culture and Sports requires, in consonance with the 1973 provision, that there should be supervision and regulation by the State. He stated that what the Committee proposes in the Article is reasonable regulation and supervision.

Mr. Villacorta also affirmed that there is a regulation which requires the inclusion, in the curriculum of all schools in the country, of Philippine history and other pertinent and relevant subjects of Filipino culture and tradition.

Mr. Colayco asked if any harm would ensue if a small parochial school in Mindanao is started, managed and subsidized by foreign missions with funds from overseas. He also inquired if there is any valid fear that the students attending such schools might become anti-Filipinos. By way of a rejoinder, Mr. Villacorta asked what is wrong with Filipinos owning such missionary schools, to which Mr. Colayco replied that there is nothing wrong with it except it is a big mistake to insist that no school should be established in the Philippines unless owned and administered by Filipinos.

Mr. Colayco also pointed out that the government cannot afford to build more schools. He said that he knows of many poor families in his neighborhood whose children were turned away by the primary schools because the government cannot afford to have more schoolhouses and classrooms.

Mrs. Rosario Braid explained that the idea behind the provision is not to discourage the entry of foreign missionaries who would like to help the Filipinos set up schools and encourage transfer of knowledge and management to Filipinos so that they can work in partnership.

Mr. Colayco contended that the word "solely" connotes absolute prohibition. He asked if the foreign missionaries do any harm if they follow the curriculum dictated by the government. He observed that schools being run by foreign missionaries are helping the country.

Mrs. Rosario Braid replied that when some Filipinos go to other countries under the auspices of international agencies these agencies work in partnership with the nationals, in the spirit of encouraging self-reliance and developing technology.

Reacting thereto, Mr. Colayco maintained that too much self-reliance is being emphasized although the country cannot afford to be self-reliant except with respect to primary education. He observed that under the Section, even the simple, almost free missionary schools would not be tolerated.

Mr. Villacorta inquired whether Mr. Colayco would welcome the idea that the Maharishi establish schools in far-flung areas in the country. Mr. Colayco replied that he does not know the Maharishis.

On whether he would welcome the establishment of schools in the Philippines by Taiwan-based missionaries or private businessmen, Mr. Colayco stressed that he was speaking of Protestant and Catholic missionaries. He added that the government has all the controls.

Mr. Villacorta replied that the government does not have all the controls although it can prescribe the curricula, it is the schools that implement them.

At this juncture, Mr. Rigos manifested that the Committee would be willing to consider an amendment to the Section, especially on the possible retention of the 1973 provision on schools established by mission boards and religious orders. Mr. Colayco, in reply, stated that he would be glad to introduce an amendment at the proper time.

Ms. Tan manifested that she is accepting the explanation of Mrs. Rosario Braid that the spirit behind the proposed deletion is to encourage the Filipinos to become self-reliant and to encourage the foreigners to transfer their knowledge to Filipinos. She observed that the provision could be amended.

INTERPELLATION OF MR. SARMIENTO

With respect to Section 2(a), Mr. Sarmiento observed that there are many concepts of nationalism such as the Barong-Tagalog nationalism, the Tinikling nationalism and nationalism which upholds the sovereignty of the Filipino people, the right of the Filipinos to freely decide the destiny of the nation, and that is, what kind of government we should have and who should run it; what is the common good and how the wealth of our lands and seas should be used, developed and shared; and how our culture should be preserved and enhanced. Filipino nationalism is more than patriotism. It is more than love of flag and people, loyalty to flag and country and readiness to sacrifice personal interest for the common good. It is the firm resolve never to allow our people to be dominated or controlled by foreign powers or domestic tyrants and to oppose totalitarianism, imperialism, and hegemony with all the means at our command. On his inquiry whether this is the Committee's concept of nationalism, Mr. Gascon concurred by stating that the Committee could not have expressed it any better than Mr. Sarmiento did.

On the matter of academic freedom, Mr. Sarmiento adverted to Mr. Bernas' book which states that Philippine decisional law like American decisional law on academic freedom may be described as formless and almost rudimentary. He said Mr. Bernas stated the reasons for this situation, to wit: "It could be that no occasion for litigation has arisen because of the happy or unimpaired freedom enjoyed by the academic world. It could also be because of general ignorance or unconcern about the purpose, the need and the importance of academic freedom". He stated that in the past administration, he had handled cases filed in the Supreme Court and that the Supreme Court decisions have supported the students on their right to peaceful assembly and free speech, in *Viriña vs. Philippine Maritime Institute*, 117 SCRA, 581, 1982, which held that before disciplinary actions could be made on the students, the right to due process of law should be respected; and in *Villar vs. Technological Institute of the Philippines*, 1985, in which the Supreme Court reiterated that the students have the right to peaceful assembly, free speech and equal protection of the laws.

As to whether these rights mentioned in the Supreme Court decisions are vital components of students' right or students' academic freedom, Mr. Gascon affirmed that they are and stressed that the Committee's proposed amendment would state very clearly that students will be afforded academic freedom. Mr. Gascon observed that in the past regime, academic freedom was denied the students and that there were a lot of student suppression in varying forms like denial of the basic right to organize, to have campus publications and to form student councils.

Mr. Sarmiento observed that there is no jurisprudence concerning the participation of students in the governance of institutions but law professors and other authorities agree on this students' right. He cited articles in the *Harvard Law Review* entitled *Academic Freedom* and an article written by the American Civil Liberties' Union, entitled *Academic Freedom in the Secondary Schools*.

On whether the Committee recognizes such right as a vital component of the students' academic freedom, Mr. Gascon replied that a number of Committee Members believe that students have the right to participate in policymaking in school, especially in tertiary education.

Mr. Sarmiento, after citing a number of World Bank education projects, quoted Robert McNamara, President of the World Bank as saying that "effective elementary education helps make the labor force more easily trainable and mobile. It facilitates skills development during a subsequent formal and on-the-job training, as well as through agriculture and industrial extension programs".

With respect to Section 1(d), Mr. Sarmiento inquired whether the Committee had in mind the various World Bank education projects when it formulated the said section. Mrs. Rosario Braid replied that there was extensive research and that the Committee took into account all the education projects cited as well as the recommendations made by the World Bank Report during the early 1970's. She added that the International Labor Organization did a similar study which is contained in the book, *Sharing in Development*, in the *Ranis Report*. She informed that the government took into consideration the World Bank Report and came up with its programs in the early 1970's. She added that billions of dollars and additional counterpart funds from the Philippine government were spent on the implementation of these projects. She stated that the ILO report, particularly on nonformal education which was entirely ignored, should be given attention through this provision. She pointed out that the whole decade of investment in education had been a failure. She urged that this be given priority attention by examining the failures committed in the past with a view to coming up with a more appropriate formal and nonformal educational system.

Mr. Gascon added that more appropriate formal and nonformal educational systems include the perspective of developing indigenous learning systems and the encouragement of self-reliance. He stressed that some World Bank-funded programs, such as the PRODED program, have led to detrimental foreign influence in the minds of the youth. Specifically on the textbook project, he pointed out that this was most damaging because it sought to influence the minds of the very young with the hope of achieving: 1) acceptance of continued foreign domination of Philippine economy; 2) a ready and skilled manpower pool for foreign-owned industries; and 3) acceptance of the superiority of foreign products and values and the glorification of the colonial past. It is for these reasons, he stated, that the Ministry of Education, Culture and Sports has already prepared a manual for teachers to reassess the textbook project. He opined that the country's overdependence on World Bank-funded projects has led to situations which do not contribute to the realization of nationalist aspirations.

Additionally, Mrs. Rosario Braid stressed the need for setting up effective nonformal delivery systems all over the country rather than just setting up a few pilot programs.

INTERPELLATION OF MR. DAVIDE

Mr. Davide manifested that he intends to find out the extent of the influence of foreign interests on the present educational system considering that any loan obtained by the Philippine government contained certain conditions which had to be implemented and vigorously followed. He then inquired whether approval of the report of the Committee on Human Resources, particularly on education, would eliminate foreign influence in the educational system on which the thrust is to make it very pro-Filipino. He further inquired whether this would mean restructuring of the loan such that the government may no longer avail of the balance, or whether it can already dictate its terms on these educational loans.

Replying thereto, Mrs. Rosario Braid opined that the fault could be blamed on the officials responsible for the local counterpart because they failed to identify the needs and priorities. She expressed the view that the need is not so much in cutting off the loan entirely but in improving the planning system so that said officials may play a greater role in defining the problem, processes and evaluation.

Mr. Davide argued that before loans were granted, the World Bank or creditor agency also had their own ideas where to apply the loans and that feasibility studies had already been conducted and the areas of application already defined, to which Mrs. Rosario Braid replied that it would again be a question as to who did the feasibility study and from whose viewpoint. She opined that the problem during the past regime was that the government was too eager to get loans without enough leverage to clearly define its own goals and priorities.

On whether approval of the proposed Article on Human Resources would necessarily mean that the application of

these loans would be suspended, Mr. Gascon opined that this would depend on the decision of the Executive and Congress.

As to what specific proposal under the Committee report would mandate Congress to review these loans or to reassess the programs under the loans, Mrs. Rosario Braid opined that the goals of nationalism would serve as guidelines for Congress in coming up with an enabling law. She stated that Mr. Davide could present an amendment with a view to ensuring that Congress would re-evaluate the programs under these loans.

Mr. Davide stated that before the last educational loans amounting to about \$100 million were obtained, there were already books published by the Ministry of Education, Culture and Sports worth several millions of pesos. He recalled that this was the subject of the Question Hour in the interim Batasang Pambansa which found that when the loans were secured the Ministry of Education, Culture and Sports caused the printing of new textbooks and abandoned what had been earlier printed amounting to P34 million. He stated that those which were earlier published were supposedly made supplementary reading materials. In this regard, he inquired what would happen to the new textbooks which were printed out of the loan of \$100 million.

In reply, Mr. Villacorta stated that these textbooks would have to be reviewed.

Mr. Davide contended that with these textbooks as supplementary reading materials, foreign control of the educational policies would continue because students would continue to read World Bank-financed textbooks. Mr. Gascon replied that the sooner these textbooks are recalled the better. He stated that the Ministry of Education, Culture and Sports had caused the printing of a supplementary manual for teachers to enable them to explain the use of these textbooks. He expressed the hope that in the near future the country would develop textbooks adopted to the needs of citizens and society as a whole.

On the suggestion that the State be mandated to review the textbook project, Mr. Gascon adverted to Section 2(b) which could be interpreted as such when it provides that "The State shall establish, maintain and support a complete, adequate and integrated system of education relevant to the needs of the people and society".

Mr. Davide pointed out that the 1973 Constitution, by virtue of which the loans were obtained, also provided for a complete, adequate and integrated system of education relevant to the national developmental goals. Mr. Guingona replied that the 1973 Constitution focused on the societal needs while the Committee Report speaks not only of the societal needs but also of the individual needs of the students. He stressed that the Committee proposal is concerned more with people as individuals.

Mr. Gascon stated that the Committee would be willing to consider an amendment to clarify the provision.

Relative to Section 2(c), Mr. Davide informed that he filed a Resolution seeking to Filipinize private educational institutions, abandon the 60-40 ownership provided for in the 1973 Constitution and make these corporations or associations engaged in private education wholly owned by Filipinos except those established by religious orders, mission boards and charitable organizations. In this regard, he inquired whether the Committee had taken steps to determine how many religious orders are actually maintaining schools under the particular provision of the 1973 Constitution.

In reply, Mr. Villacorta admitted that the Committee failed to gather data on the matter. He assured, however, that the Committee would provide the necessary information although it was advised that schools run by religious orders have already been Filipinized. He further assured that the Committee would make inquiries on the number of schools run by charitable institutions and mission boards which would be affected by the deletion proposed by the Committee. He stated that with respect to schools run by mission boards, he was made to understand that they are already Filipinized but the Committee has to look into whether it is on the basis of 60-40 or full Filipino

ownership.

As to how the Committee could claim Filipinization of schools owned by mission boards when it does not know how many are there, Mr. Villacorta stated that it is not necessary to know the exact number of mission schools to be able to know that majority of them have been Filipinized. He pointed out that the Committee had made inquiries with the Fund for Assistance to Private Education although it needs more details with respect to the equity structure of these schools.

As to how the Committee arrived at the conclusion that this provision should be deleted without knowing the extent of the effects of such deletion, Mr. Villacorta stressed that the main consideration was not the extent of the effect of the provision but the intent to have the schools wholly Filipinized so that the content of education would really be directed towards the interests of the Filipino nation.

On whether these schools are not bound by the cardinal aims of education which are also provided by the Constitution, Mr. Villacorta maintained that it is not enough to mandate a curriculum because in the final analysis it is the people who run the school who determine how the curriculum would be implemented.

On Mr. Davide's suggestion to allow schools run by religious orders, mission boards and charitable institutions to continue to operate provided that control and administration is vested exclusively in Filipino citizens, Mr. Villacorta asked why Mr. Davide was particularly concerned in maintaining the foreign ownership of these schools.

In reply, Mr. Davide stated that while he agrees in the total Filipinization of educational institutions, by discontinuing the privilege allowed them under the 1973 Constitution, many of them would not have time to recover investments and students enrolled therein would be greatly affected.

On whether he has statistics to support his contention that many mission schools would be phased out, Mr. Davide questioned the propriety of the question on the ground that when the Committee decided to delete the exception, it should have taken into account the number of schools that would be affected thereby.

Replying thereto, Mr. Villacorta stated that the Committee does not have the exact number of these schools although upon inquiry from the Fund for Assistance to Private Education, it learned that majority of these religious schools have already been Filipinized. He stated that the Committee has yet to inquire further on the extent of the Filipinization.

Mr. Davide pointed out that this provision in the 1973 Constitution was basically intended against the Chinese educational institutions which, upon Filipinization, complied only with the minimum requirement of a 40 percent equity. He observed that the information given to the Committee that these schools have been Filipinized could only mean that the foreign equity was reduced to 40%. He suggested preservation of the exception provided for in the 1973 Constitution if the intention is to require these schools to be fully owned by Filipino citizens.

Mr. Rigos informed that in the case of schools and colleges organized by Protestant foreign missionaries, especially those that are members of the Association of Christian Schools, they are 100% Filipino-owned. He admitted that when the Committee discussed this particular portion of the report, it did not have complete statistics on the number of schools which may be affected by the deletion of the said phrase in the 1973 Constitution.

On Section 1(c), in reply to Mr. Davide's inquiry, Mr. Villacorta affirmed that equal access and opportunity to quality education could be made possible by maintaining a system of scholarship grants and other incentives although there are other measures which could be factors in attaining this objective. He stated that the Committee

would be willing to consider suggestions that would make the provision more complete.

On Section 2(a), on the rationale for changing the phrase “love of country” which appeared in the 1973 and 1935 Constitutions to “nationalism”, Mr. Villacorta explained that love of country is an abstract concept, which could be taken in the narrow context of simply respecting the symbols of the country. He maintained that nationalism is a more accepted concept not confined to love of country but also love of and faith and confidence in the people.

As to why Section 2(a) included love of fellowmen when nationalism already includes love of people and love of neighbor, Mr. Villacorta stated that nationalism would particularize love of the Filipino people while love of fellowmen provides the universal aspect. He affirmed that nationalism is broader than love of country but love of country necessarily includes patriotism. He explained that in defining "nationalism," patriotism must necessarily be included. He stated that patriotism would be more related to one's commitment to his fatherland while nationalism goes beyond patriotism in the sense that it is a commitment to the interest of the people and identifying with them on the basis of their aspirations.

Mr. Davide expressed the view that love of country would give more historical and traditional significance because it includes patriotism and nationalism while patriotism may not necessarily include nationalism, to which Mr. Villacorta disagreed. He then adverted to the manifestation of Mr. Sarmiento.

SUSPENSION OF SESSION

On motion of Mr. Sarmiento, the Chair suspended the session.

It was 12:27 p.m.

RESUMPTION OF SESSION

At 3:01 p.m., the session was resumed.

INQUIRY OF MR. GUINGONA

Upon resumption of session, Mr. Guingona sought clarification on the procedure for amending the Journal since the previous agreement that amendments shall be sent to the Secretary-General through the President which he did on three occasions, may be subject to at least two interpretations: 1) the Members would course their proposed amendments to the Secretary-General through the President because neither the Secretary-General on her own or any Member has authority to change or amend the Journal; and 2) the amendments would be coursed directly to the President for review either personally or by a designated official in order to determine whether the amendments would substantially change the meaning of what has been stated in the previous session.

In reply thereto, the Chair stated that any request for correction of the Journal should be sent to the Secretary-General who, in turn, would send the amended copy of the Journal to the President for review.

ANNOUNCEMENT OF MR. BENGZON

At this juncture, Mr. Bengzon announced that the Committee on National Economy and Patrimony had agreed to consider further amendments to the Article on National Economy and Patrimony in the next session upon request of Mr. Suarez instead of taking it up in the afternoon's session. He also manifested that Mr. Villacorta had indicated his willingness to continue with the sponsorship of the Article on Education, Language, Science and Technology, and Arts and Culture, and terminate the interpellations.

On Mr. Bengzon's query whether the Body would finally consider the Article on National Economy and

Patrimony in the next day's session, Mr. Suarez replied in the affirmative.

Thereupon, the Chair stated that the Body would postpone consideration of the Article on National Economy and Patrimony until 9:30 a.m., of the following day's session and that the Body would proceed to the continuation of the period of sponsorship on the Committee Report of the Committee on Human Resources.

On Mr. Guingona's query whether Mr. Suarez would furnish the Members with copies of the proposal before the start of the session the next day, Mr. Suarez answered in the affirmative.

COMMITTEE REPORT NO. 29 ON THE
ARTICLE ON EDUCATION, SCIENCE
TECHNOLOGY, ARTS AND CULTURE
(Continuation)

Thereupon, the Chair recognized Mr. Villacorta and the Members of the Committee on Human Resources for the continuation of the period of interpellations.

INTERPELLATION OF MR. OPLE

In reply to Mr. Ople's query whether the Committee would agree to the addition of the word "equality" after "justice and freedom" on Section 1, line 11, to emphasize education as a leveller of inequalities, Mr. Villacorta stated that it would certainly do so since it is very laudable suggestion.

On Mr. Ople's suggestion to include the acceleration of social and economic progress as one of the major goals of education, Mr. Villacorta stated that the Committee is open to such amendment if presented at the proper time.

Mr. Ople informed that he authored the law which created the study-now-pay-later program of the Ministry of Education, Culture and Sports whereby government financial institutions like the Development Bank of the Philippines, the Philippine National Bank, the Land Bank of the Philippines, the Government Service Insurance System and the Social Security System pooled something like P65 million for loans to deserving underprivileged students in various colleges and universities which are payable after they graduate and find jobs, adding that about 25,000 students have availed of such loans. In reply to his query whether such deferred payments schemes with the participation of government financial institutions could be acknowledged as one of the incentives for ensuring equal access to quality education so that an amendment to the effect could be inserted in Section 1(c), Mr. Villacorta stated that the Committee would consider it at the proper time.

Mr. Guingona added that the Committee had thought of such loan programs and a proposed amendment on the matter would certainly be welcomed.

On Mr. Ople's query whether Section 2(c) would affect schools like the University of Sto. Tomas, Mr. Gascon replied that the university is presently run by Filipino Dominicans.

Mr. Ople pointed out that the Bureau of Immigration reported that about 5,000 foreign missionaries have been admitted to the country on prearranged employment basically to teach in remote areas of the country where, otherwise, no available instruction could be rendered especially to members of indigenous tribes. He then inquired whether they fall under the restrictions of Section 2(c), to which Mr. Villacorta replied that the teaching activities of foreign missionaries would not be restricted for as long as the ownership and management of mission schools would be transferred to Filipinos either by asking their local counterparts to take over the ownership and management or by linking up with local churches or archdioceses

Mr. Villacorta added that Mr. Rigos had pointed out that all Protestant mission schools are already owned by

Filipinos while inquiries are being made with respect to the Catholic schools. He also stated that foreign schools like International Schools Asian Institute of Management and Brent School, are not mission schools and that two of them were primarily established for children of diplomats. He pointed out that if ever the provision would be adopted, the Commission should include in the Transitory Provisions a grace period within which foreign-owned mission schools would be given time to divest themselves of their holdings so as not to disturb their educational missionary services in the hinterlands.

On whether Section 2(d) also pertains to the National College Entrance Examination, Mr. Villacorta stated that the Committee is silent as far as the NCEE is concerned to give flexibility to the Ministry of Education, Culture and Sports as well as Congress to determine the necessary screening examination that would determine who among the high school graduates are qualified to enter college. He pointed out that the Committee had placed the phrase "subject to admission and selection requirements" in order that applicants who fail the admission requirements of a certain school or students who fail to meet the academic standards after admission may not insist on remaining in that school.

In addition thereto, Mr. Guingona stated that qualifications refer to both government and school requirements on matters of admission, promotion and even graduation.

On Mr. Ople's contention that the NCEE should not be included under the section pending reforms because it discriminates against students in rural areas, Mrs. Rosario Braid stated that the Committee has indeed noted that the present NCEE is elitist or middle class-oriented.

In addition thereto, Mr. Gascon stated that although it was the consensus in the Committee that there is a need to review the NCEE program, it does not want to state anything categorical about it. He added that the Committee agreed with Mr. Ople's observation.

Adverting to Section 4 on the promotion and protection of the status and standards of teaching and non-academic professions, Mr. Ople pointed out the plight of teachers who had sought greener pastures. He recalled how teaching attracted the brightest students in the country but is now deserted because it is less remunerative and fulfilling.

He proposed that a more direct provision making education top priority in the national budget be incorporated in the Constitution to make teaching more remunerative and fulfilling and to ensure that it would have its fair share of talented Filipinos who will devote their time to educating the youth.

In reply, Mr. Uka agreed with Mr. Ople, stating that 57 years ago, the Department of Education had the biggest share in the national budget. He recalled that the students had to undergo highly competitive examinations to be able to pursue an education course but observed that as the years passed the status of the teaching profession went down and many teachers were downhearted. He stressed that the progress of a nation depends upon its teachers.

Mr. Guingona also stated that it was indeed paradoxical that these "persons in authority" had been taken for granted and had been deprived of their just reward. He pointed out that in Southern Mindanao, the average salary of a faculty member is only P788.28, and the highest average is in the National Capital Region which is P1,496.33, but still lower than the prescribed minimum wage.

In this connection, Mr. Ople stated that although there were some efforts to raise the level of compensation for public school teachers, their salaries could not just be increased without provoking similar or reciprocal demands from all the 1,500,000 employees of the government. He observed that it was indeed demoralizing for teachers to see nurses and health workers given salary increases that are competitive with the private sector, while it had only become a forlorn hope for the teachers to receive the same.

He opined that constitutionalizing the priority for teachers would be a ground for any President to grant higher compensation for teachers, in reply to which, Mr. Uka pointed out that the amendments of Messrs. Davide and Maambong would cover Mr. Ople's concern.

Thereafter, Mr. Villacorta pointed out that the subject of language would be discussed later on.

INTERPELLATION OF MR. PADILLA

Mr. Padilla suggested the insertion of the words "and sports" on the title of the Article as well as on line 8, Section 1. Mr. Villacorta stated that the Committee would agree thereto.

On the filipinization of religious schools, Mr. Villacorta affirmed that it would mean that Filipino citizens would now own the religious schools run by the Dominicans, Jesuits, Benedictines, Recolletos and La Salle Brothers, among others.

Mr. Padilla, however, opined that the word "Filipinization" would not be accurate because although the heads of these schools are Filipinos, the real owners are not Filipinos even if they have organized non-stock corporations which ostensibly own such schools, colleges and universities. He stated that by Filipinization, there would be an impression that the actual ownership of lands, buildings and equipment have been transferred to Filipinos, which would not be the case. He proposed that the provisions of the 1973 Constitution on 60% Filipino and 40% foreign ownership be retained.

In this connection, Ms. Tan pointed out that the Women Religious Orders are organized into a corporation registered with the Securities and Exchange Commission in which Filipino ownership is more than the foreign ownership.

Additionally, Mr. Bernas stated that as far as Ateneo de Manila University is concerned, it has no difficulty on the question of Filipino ownership, but explained that if other religious schools would have difficulty in satisfying the 100% Filipino ownership, the Archdiocese concerned could probably buy the remaining percentage.

Likewise, on behalf of De La Salle University, Mr. Romulo explained that the school has no problem on ownership because the Christian brothers in the Philippine province have been organized into a non-stock, non-profit corporation known as De La Salle, Inc.

Mr. Padilla underscored that even if the schools in the Philippines are filipinized, they are still chapters in the Philippines of the mother international religious orders obviously owned by foreigners.

Furthermore, Mr. Padilla opined that there should be no preference for non-stock educational institutions over stock corporation. There should be no exemption from income taxes, because even non-stock institutions, like foundations, realize income, but their profits are used to pay fat salaries, allowances, representation and travel expenses of few officers. He stated that there should be some incentives for Filipinos with some resources to invest in educational institutions.

Mr. Guingona adverted to his responses to Mr. Tadeo's inquiry pointing out that the payment of fat salaries, bonuses or allowances to ranking officials in education foundations might even give lesser residual benefit for the students than in a proprietary school.

With regard to the observation about non-encouragement of Filipinos to invest in educational institutions, Mr. Guingona pointed out that with the decline of enrollment, the owners of the schools might devote the vacant buildings for other business purposes to the detriment of the students.

Mr. Padilla admitted that education is not primarily for profit, but he stated that he could not understand the less

favorable attitude towards so-called proprietary schools or stock education corporations because to insist on a school being non-profit in absolute terms would be contrary to human nature. He stated that there are those who would like to invest in educational institutions to help disseminate education to the people. The minimal dividends of 10% or 12% received by stockholders in stock educational corporations should not be construed as being non-nationalistic or non-patriotic.

Reacting thereto, Mrs. Rosario Braid stated that the intent and spirit of the provision is to encourage broad ownership by vesting eventual ownership in the faculty and non-faculty members of the school such as the case of Centro Escolar University.

Mr. Padilla commented, however, that Centro Escolar University pays reasonable dividends to its stockholders. He stated that to insist on a school being "non-profit" would destroy the incentive to invest in educational institutions. He also pointed out that an exclusively non-stock, non-profit educational institution would not be able to spread ownership to the faculty members, employees or the public.

Mr. Guingona stated that from a pragmatic point of view, it would indeed be difficult for the faculty members and the non-academic personnel to own the school. He suggested that future legislation should be provided for soft loans to make this possible.

On whether "as may be provided by law" in Section 5(b) means that the Ministry of Education, Culture and Sports, and Congress, without further discretion or latitude, shall provide for what is necessary for the promotion of public and private education, Mr. Villacorta stated that the Article itself and other sections provide for such latitude.

On free secondary education, Mr. Padilla suggested, in lieu thereof, a provision mandating Congress to give education a substantial or even the biggest share in the budget. He also pointed out that provinces and cities, because of their autonomy, have provided free high school education, a responsibility which they may not pursue once it is transferred to the State because then they may feel it has already become the burden of the national government.

Mr. Villacorta stated that he would welcome Mr. Padilla's suggestion to include the sentence "Congress shall give the biggest share to education" in addition to the provision guaranteeing free public education up to the secondary level and to the interpretation that city governments which provide free high school education should not stop from doing so because of this provision.

Mr. Padilla, however, pointed out the difficulty in mandating the State to give free secondary education to the entire nation considering the present economic situation, to which Mr. Guingona replied that his own perception of the provision is that the reference to the State's duty is without any particular allusion to either national or local.

In reply to Mr. Suarez's query whether it is correct that the budget for the Department of Education in 1972 was reduced from 28 per cent to 11 or 12 per cent, Mr. Padilla stated that he could not recall the exact figures but that Congress used to give a bigger percentage to education which President Marcos reduced in favor of the military.

On whether a reversal of the priority from the military to education would satisfy the proposal of the Committee, Mr. Padilla opined that it would not, stating that to give free secondary education is just a dream which would raise false hopes and greater disappointments.

Reacting thereto, Mr. Villacorta stated that the P10 billion mentioned before would just be 10 per cent increase in the budget allocated for education which is feasible as confirmed by Minister Lourdes Quisumbing and Deputy Minister Victor Ordoñez of the Ministry of Education, Culture and Sports.

Mr. Uka commented that the government has the money and that it is a matter of observing priorities.

Reading from a copy of The Tribune dated September 1, 1986, Mr. Padilla stated that Minister Lourdes Quisumbing expressed doubts on the capability of the Aquino government to finance free secondary education.

Mr. Villacorta stated that he was not able to read the news report but that in another report appearing in the Manila Bulletin, Minister Quisumbing had expressed support for free secondary education, to which Mr. Padilla replied that Minister Quisumbing might have realized its impracticability and impossibility because of the limited financial resources.

In reply to Mr. Suarez' inquiry whether mandating Congress to appropriate a greater portion of the budget to education would be a solution to the problem, Mr. Padilla stated that he is not in favor of always mandating Congress but prefers to leave it to Congress to establish minimum requirements for schools and colleges instead of always providing for the optimum requirements under such words as "comprehensive", "complete", "adequate" or "integrated".

In reply thereto, Mrs. Rosario Braid stated that the term "comprehensive" was used to give a mandate to Congress to reexamine the goals, structures and ends of education, which mandate could not be made by specifying the number and kinds of schools to be established.

Mr. Padilla noted, however, that words such as "formal", "informal", "non-formal" and "indigenous" are not clear to the average Filipino. He suggested that after setting the goals of education, the provision should simply state that schools that shall be recognized shall comply with the minimum requirements. He also suggested that there should be only one standard of education for all the people, doing away with the classification of formal, non-formal or indigenous.

Reacting thereto, Mrs. Rosario Braid stated that there should be various alternative systems of education and to focus on the minimum schooling requirements would fail the very ends of education which should be undertaken by the other sectors of society such as the church, mass media and other community institutions.

Mr. Padilla stated that there is no question that education starts with the family just as there is no question about the role of the church and other community institutions. Mrs. Rosario Braid informed that it is not what the Committee wants. She stated that what the Committee wants to show is that education is so important to be uniform and it would suggest that there are various alternative systems of education. Focusing on the minimum schooling requirements, she observed, would fail the very ends of education which should be undertaken by other sectors of society and that there should be coordination between the school and the home, the church, the mass media and other community institutions. She added that being so, this would not give the impression that all resources of the State should be given to formal schooling. She underscored the need to expand the processes and the educational structure to involve all important sectors of society to carry on the function of education.

Mr. Padilla noted that there is no question that education starts with the family and that the church has a great influence on education. He stressed that Congress should be allowed to provide for the minimum requirements of public and private schools which will undertake elementary and high school education. He concurred with the observation that there must be a relation among the family, the faculty and other sectors, including the church, to shape the moral character and instill spiritual values in the students.

Upon inquiry of Mr. Guingona, Mr. Padilla stated that he was not asking for the meaning of "integration" but that he was suggesting the use of "more complete", "adequate" and "integrated." He reiterated that Congress should provide the minimum requirements for the establishment, maintenance and operation of schools, without limiting the further expansion of knowledge in higher education.

At this juncture, Mr. Bacani waived his turn to interpellate informing that he would raise his questions with the Committee Members in private.

SUSPENSION OF SESSION

The Chair suspended the session.

It was 4:35 p.m.

RESUMPTION OF SESSION

At 5:16 p.m., the session was resumed.

INTERPELLATION OF MR. TADEO

On Section 2(a), on Mr. Tadeo's inquiry on the meaning of "nationalism", Mr. Villacorta stated that, as explained earlier, nationalism includes patriotism in the sense that while patriotism is love of country, nationalism demands more because it does not only mean respect for symbols of the country but also one's commitment to the interest, welfare and future of fellow Filipinos. He affirmed that nationalism should be enshrined in the Constitution in the same manner that it should go beyond the political and economic system of the country as well as the art and culture. He further affirmed that nationalism means faith and trust in the capabilities of the Filipinos.

In this regard, Mr. Tadeo stated that under the 1973 Constitution, it was provided that in case of conflict, English should prevail while under the Committee Report, it should be the Filipino language which should prevail. This, he stated, would test if nationalism is indeed enshrined in the Constitution. He pointed out that if nationalism means faith and trust in the capabilities of the Filipino, this could already be tested in the development of the national language in the sense that the language that should be developed is one that should be scientific, nationalistic, pro-people, unifying and not elitist. He pointed out that if indeed nationalism is sought to be enshrined in the Constitution, with more reason that there should never be a provision which adheres to the 60-40 equity ratio.

Mr. Rigos expressed disagreement to the proposition that a person who speaks the national language is more Filipino than a person who speaks English. He stressed that nationalism is much beyond one's ability to speak the national language.

Relative to the attempt of instilling nationalism in the political system, Mr. Tadeo cited several instances when he was told by some foreigners that they have never seen the Filipino identity because of the country's political system which is patterned after the American model and the economic system which advocates free trade. He expressed the view that if nationalism is enshrined in the political system, such system should be responsive to the needs of the people in the same manner that nationalism in the economic system means economic protectionism, Filipinization and national industrialization. With respect to arts and culture, Mr. Tadeo stated that a Filipino prides himself in being a Filipino if he sees how foreigners appreciate Filipino folk songs and dances. He further informed the Body that foreigners often asked him about the presence of U.S. military bases in the country which runs counter to the essence of nationalism and that he was further told that their presence means lack of faith and confidence on the country's ability to defend itself against external aggression.

On the final query of Mr. Tadeo, Mr. Villacorta affirmed that the Committee believes that nationalism is faith in the Filipino.

At this juncture, Mr. Gascon observed that Mr. Tadeo's questions has shifted to national language without

indication from the Floor Leader that there are no further questions on education, to which Mr. Tadeo replied that he was just trying to stress that nationalism in education is faith.

On the ability of the State to provide free education to all its citizens, Mr. Gascon expressed the Committee's belief that the State could afford to do so because this is just a matter of prioritization and re-prioritization of what had been misprioritized during the Marcos regime. To highlight this further, Mr. Gascon stated that a bullet costs P5,000 which is equivalent to one notebook and one pencil; an armored personnel carrier (APC) costs P80 million which is enough to run twelve bureaus, agencies and institutions under the Ministry of Education, Culture and Sports; an F-5E fighter costs \$5 million which is equivalent to the cost of running four state colleges and universities in Metro Manila or seven state colleges and universities in Western Visayas or Mindanao for one year and these could already service 50,000 students for one school year; and one Sikorsky helicopter costs \$10 million which is equivalent to the cost of running eight state colleges and universities in Central Luzon for one year. It is very clear, he stated, that the State could provide its citizens free education because it is only a matter of reprioritization.

REMARKS OF MR. DE CASTRO

Mr. de Castro reminded the Committee that one could not put a price tag on national defense and security, to which Mr. Gascon replied that in the same manner that one could not place a price tag on education.

INTERPELLATION OF MS. AQUINO

Ms. Aquino noted that in the discussion on the proposed Article on Human Resources, the Body seemed to miss the aspect of economics in education. She stressed the fact that it is incumbent upon the Body to study the underpinning importance of economics and economic development in the national educational policy of the country. She observed that the Committee Report is focused on the thrust of the national educational policy which is to promote and develop vocational and technical training. She stated that while she is not opposed to this kind of thrust, she is not in favor of any attempt to develop vocational and technical training to be able to condition a docile labor force that would accommodate the needs of multinational companies. She recalled that as early as 1961, the IMF-World Bank in its report came out with a study that the reason for the difficulty of prospects of multinational investment in the country is the lack of qualified manpower and on the basis of this study, the IMF-World Bank saw to it that education is a proper priority in its agenda in Third World countries with a view to developing a new and captive generation of docile manpower for multinationals. She opined that this kind of cultural imperialism that has permeated the system of national education is a proper concern in the Article on Education.

Ms. Aquino opined that the Body should underscore the fact that education is not just geared towards self-development or the promotion of national identity but how it could be used effectively to advance the country's strategic interest.

Mrs. Rosario Braid maintained that the Committee had discussed such concern and precisely to avoid the inequalities in education, the Committee is moving towards a new educational structure which embarks into more demand-oriented vocational education that does not cater to the needs of multinationals.

Ms. Aquino contended that she merely wanted to caution the Body against the sophisticated subtleties of economic imperialism which capture the mind and thought processes through IMF-sponsored textbooks, scholarships and programs. She stressed that the Body is not simply unilaterally dictating the terms of the country's educational programs but it also has to grapple with a very formidable adversary — the interest of extroverted global trade.

Mrs. Rosario Braid pointed out that the planners and implementors of the educational system are themselves products of neo-colonial education and the veering away from such an orientation should be better left to Congress or the Ministry of Education, Culture and Sports. She stressed that it is enough that the Body would mandate Congress that Philippine education must be nationalistic.

At this juncture, Mr. Bennagen stated that the Committee was aware of the intimate relationship between education and political and economic processes based on the sponsorship speeches and the answers to the interpellations. Thereupon, he inquired whether Ms. Aquino has specific proposals that she would like to submit to the Committee, to which Ms. Aquino replied that she merely wanted to point out that the Committee had overlooked the need for knowledge, since a meaningful education is one that teaches a person how to learn. She stressed that the philosophy behind education is not to keep people in school but to prepare them to leave it.

Mr. Gascon pointed out that although the Committee agrees with Ms. Aquino's manifestations it would also want to request her to give specific amendment because when she referred to knowledge, Section 2(a) speaks of critical and creative thinking.

Mr. Bennagen opined that the points raised by Ms. Aquino are indeed valid and perhaps the Committee could look into them to further strengthen the provisions of the Article.

Mrs. Rosario Braid stressed that the Committee discussed all those points raised by Ms. Aquino but decided not to place all of them in the Constitution for the sake of brevity. She added that the Committee could have completely veered away from the present educational system into a more radical one but instead it opted to merely restructure the present system.

Mr. Bennagen maintained that as formulated, the Article has failed to underscore the points raised by Ms. Aquino. Mr. Gascon manifested that the Committee would consider amendments on the matter.

Mr. Uka manifested his agreement to the observations of Ms. Aquino and Messrs. Bennagen and Tadeo because education really consists of learning which is defined as the acquisition of knowledge, habits, abilities and attitudes through experience.

At this juncture, on motion of Mr. Sarmiento, there being no objection, the Body proceeded to the consideration of the Section on language.

In reply to the Chair's query whether there is a need for a sponsorship speech on the Section, Mr. Villacorta answered in the negative and that the Body could immediately proceed with the interpellation.

Mr. Sarmiento manifested that there would only be three more interpellators on the Section.

INTERPELLATION OF MR. TINGSON

On Mr. Tingson's query as to what particular dialect would be used as the basis of the national language, Mr. Rigos, to whom Mr. Villacorta referred the query, replied that the Committee had in mind all the different dialects and not merely one particular dialect.

On the query as to who has the authority to change "Philippines" to "Pilipinas" especially in postage stamps, Mr. Villacorta opined that Pilipinas is also the country's official name.

Mr. Gascon added that the official Filipino translation of the Republic of the Philippines is "Republika ng Pilipinas."

Mr. Bennagen pointed out that the Committee had proposed that the country should have a national language not

merely to have a national symbol for unification and identity but also as an instrument for national growth and development.

At this juncture, Mr. Gascon pointed out that according to Mr. Azcuna, the 1973 Constitution has made the formal act of translating to Pilipino, Republic of the Philippines into "Republika ng Pilipinas."

On Mr. Tingson's contention that the Americans and Europeans know the country as the "Philippines" and not as "Pilipinas", Mr. Gascon stated that it is the country's prerogative to translate its name as a sovereign nation, and besides the February Revolution has made the country famous all over the world. He added that the change of name would be considered in the General Provisions.

On Mr. Tingson's query whether the Committee would be amenable to an amendment so as to state that the Constitution should be written in Pilipino, English and Spanish, Mr. Gascon stated that the Committee would consider the suggestion at the proper time.

On Mr. Villacorta's query as to the reason why Filipinos do not speak Spanish despite Spain's 400 years of colonization, Mr. Tingson stated that the Filipinos merely study the language but they do not practice speaking it.

Mr. Villacorta disagreed and pointed out that the reason why Filipinos do not speak Spanish is that the Spaniards did not want them to learn it because they consider the Filipinos even inferior than the Indians in Latin America. He stressed that the country is already independent and there is no need to enshrine the vestiges of the country's bitter past.

On Mr. Tingson's argument that the country would be the loser if it does not learn a language which is second in the world today, Mr. Gascon stressed that the country has its own identity which should be encouraged. He opined that a translation in Spanish could be especially made to be sent abroad but priority must be given to the Constitution's translation into the country's regional dialects.

Mr. Tingson manifested his agreement to a mere translation of the Constitution in Spanish.

Mr. Gascon stated that the Committee would consider an amendment to that effect later on.

Mr. Bennagen further stated that the constitutionalization of Filipino and English as official languages would not preclude the teaching of other languages which in fact had been taught through the different literatures of other countries. He explained that Filipinization includes incorporating into the educational system other languages relevant to national development and self-determination.

INTERPELLATION OF MR. PADILLA

Mr. Padilla, speaking in Spanish, pointed out that Dr. Jose Rizal's immortal novels, *Noli Me Tangere* and *El Filibusterismo*, as well as his verses like "Mi Retiro" and his last poem *Mi Ultimo Adios*, were all excellently written in Spanish, much better than those written by Spaniards themselves. He noted that even Marcelo del Pilar, Emilio Jacinto and other great men like Claro M. Recto learned Spanish which is the dominant language in Central and Latin America. Mr. Padilla believes that the Spanish language should be preserved since it was with us for more than three centuries and it is unfortunate that the present generation could not understand the Spanish language. He stated that the Spaniards intentionally failed to extend education to the Filipinos because they believe that in that way it would be easier to colonize the Philippines.

In reply to Mr. Guingona's query whether Mr. Padilla was suggesting that the Constitution be promulgated in Spanish or that it be translated to other languages including Spanish, Mr. Padilla stated that he was merely supporting Mr. Tingson's proposal to also translate the Constitution in Spanish.

INTERPELLATION OF MR. OPLE

Mr. Ople commended the Committee for finally deciding to recognize Filipino as the Philippine National Language.

On Mr. Ople's query on the difference between "Filipino" and "Pilipino," Mr. Villacorta explained that as pointed out by Mr. Ernesto Constantino, "Pilipino" is essentially based only on Tagalog, its usage and peculiarities, while "Filipino" is based on the different Philippine languages, their usage and peculiarities.

Mr. Bennagen added that during the 1971 Constitutional Convention, many objected to the adoption of Pilipino as the national language because many people are using words with letter "f" which is not found in Tagalog; therefore, the Filipino national language should not only be based on Tagalog but on the different languages.

Mr. Villacorta, however, agreed with Mr. Ople that Filipino is not yet highly distinguished from Pilipino.

On whether the rules of grammar and syntax of Pilipino would be discarded with the adoption of the Filipino language, Mr. Villacorta stated that the basis of Filipino would still be Pilipino which is a more dynamic and open language. He also pointed out that the resource persons during the public hearings said that the language structures of all Philippine languages are similar to each other and it would not be difficult to blend them.

Moreover, he stated that researchers showed that it is easier for the different ethnic groups to learn another Philippine dialect than to learn another foreign language.

On page 5, line 9, Mr. Bennagen, however, explained that the phrase "developed on the basis of Philippine and other languages" would include foreign languages like English and French. He cited some English terms which were also used in Filipino; therefore, although the proposed national language would be open to all languages, there would be a standardization into a single Filipino language.

He also affirmed that the national language could be enriched through assimilation and evolution rather than by the imposition of requirements by the government. However, he stated that the government must help in accelerating the development of a national language while respecting its logical development.

Mr. Ople pointed out that Spanish had been admittedly an anachronism since the end of the nineteenth century. But he stated that it has become the world's second language and the first language of the Latin Americans and even of the Iberian civilization.

He proposed that the study of the Spanish language be made voluntary, not compulsory, so that the Filipinos would not be paying homage to the past but would be looking forward to the future when the economic interaction of the Philippines with the rest of the world would be facilitated by the ability of some Filipinos to speak and write Spanish.

Mr., Villacorta replied that Mr. Ople's suggestion would be considered at the proper time. Mr. Villacorta likewise assured that the Committee would consider the proposals of Mr. Ople to extend the aid and protection of the State to the development and propagation of the regional languages; and provide that said regional languages may be taught as elective courses in state universities.

Finally, Mr. Bennagen underscored that the idea of voluntariness in learning Spanish would also apply to other foreign languages, like Mandarin and Nippongo, based on rising demands.

TRANSFER OF VENUE OF CAUCUS

At this juncture, Mr. Villacorta announced the transfer of the venue of the caucus of members of the Committee on Human Resources and the proponents of amendments, to the South Lounge.

In reply to Mr. Ople's inquiry, he agreed that other proposed amendments may still be submitted the following day.

INTERPELLATION OF MR. DAVIDE

In reply to Mr. Davide's query whether Filipino is already the national language of the Philippines, Mr. Villacorta stated that according to language experts, even before the promulgation of the 1973 Constitution, Filipino had become a lingua franca which incorporated different words from several Philippine languages.

Mr. Davide pointed out that during the 1971 Constitutional Convention, public hearings were held which were attended by language experts and that the formulated provision was that the Batasang Pambansa shall take steps to evolve and formally adopt a national language to be known as Filipino which, he said, clearly indicates that prior to that, there was no such language known as Filipino, to which Mr. Villacorta replied that language is not legislated, although legislation can help.

Mr. Davide, however, reiterated that while the Batasang Pambansa was mandated to take steps for the evolvment and formal adoption of "Filipino", it never took any step towards that direction. On the indicators to show that there is a language known as Filipino, Mr. Villacorta explained that the assumption is that people do not necessarily call that lingua franca Filipino, but they are speaking the language.

On the lingua franca prior to the adoption of the 1973 Constitution, Mr. Villacorta stated that the lingua franca had fully evolved at that time as testified to by many language experts. Mr. Bennagen agreed by citing the fact that someone from Batanes and a Cebuano, upon meeting, were able to evolve a kind of language common to both although it may not yet be popularly known as "Filipino".

On whether there was a lingua franca before the adoption of the 1973 Constitution, Mr. Bennagen answered in the affirmative stating that others referred to it as "Filipino", "Pilipino" or just "national lingua franca", to which Mr. Davide commented that the language is not categorically denominated as "Filipino".

On whether there is any specific written authority which made "Filipino" as the lingua franca before the adoption of the 1973 Constitution, Mr. Bennagen answered in the affirmative stating that he could refer Mr. Davide to some of the articles of Dr. Ernesto Constantino.

On whether the Mr. Constantino referred to, is the same person who, together with Dr. Consuelo Paz and Professors Rosario Torres Yu and Jesus P. Ramos, submitted a paper to the Constitutional Commission entitled "Proposal Para sa CONCOM, Probisyon Para sa Pambansang Wika", Mr. Villacorta confirmed the same.

On whether "Pilipino" was proposed, Mr. Villacorta stated that it was "Filipino".

On whether "Filipino" is based on the major Philippine languages which are in truth native dialects or languages, Mr. Villacorta stated that they are wrongly called dialects but that they are languages on their own.

On whether Mr. Constantino and his group endorsed "Filipino", Mr. Villacorta stated that Mr. Constantino aspires to do so.

Mr. Davide stated that he is convinced that the language referred to by Mr. Constantino is not really Filipino as going through the first paragraph does not show any definite Cebuano word. He pointed out that there are more

Spanish terms.

Reacting thereto, Mr. Gascon expressed agreement with the observations of Mr. Davide stating that Filipino is still a developing language and that it bears more similarities to Tagalog than any other Philippine language. He stated, however, that this does not mean that it would not assimilate more words from other Philippine languages.

Mr. Davide pointed out that the Committee proposes to adopt Filipino as the national language when in fact the Batasang Pambansa did not take any step to evolve and formally adopt it. He stressed that the conclusion of the linguists then had no factual basis considering that the government had not taken any step towards the formal evolvment and adoption of Filipino as the national language.

Mr. Rosario Braid maintained that the evolvment of such a language was hampered by the government's bilingual policy.

Mr. Davide pointed out that he does not object to the use of Filipino as the national language but the Committee should adopt the provisions of the 1973 Constitution.

In reply, Mr. Villacorta stated that there is a research literature that could convince Mr. Davide of the existence of a living lingua franca because the paper in Mr. Davide's possession was not convincing enough.

Mr. Davide stated that while he would be glad to be converted, he did not have the time and suggested that the provision should read: CONGRESS SHALL TAKE STEPS FOR THE FULL DEVELOPMENT AND THE FULL ENRICHMENT OF A COMMON NATIONAL LANGUAGE TO BE KNOWN AS FILIPINO, and that the establishment of a National Language Commission should be mandated.

Mr. Bennagen stated that there are two problems: 1) the attitudinal aspect; and 2) the technical aspect. He stated that the attitudinal problem requires the assertion that the country has a language with the recognition of the limitations of the language.

Mr. Davide, however, stated that it is not a question of attitude because it is a very divisive issue and an emotional one.

At this juncture, Mr. Ople opined that the issue raised by Mr. Davide relative to the 1973 Constitutional provision that the National Assembly should endeavor to develop a national language to be known as Filipino is a central one for it suggests that the Body should revert to and adopt such provision.

As to what steps had been taken to achieve the formulation of such a language, Mr. Ople pointed out that oblivious of government, tremendous social and cultural forces in the country and outside of it have definitely settled the issue of Filipino as the national language. He added that the 2 million Filipinos scattered all over the world invariably communicate among themselves in Filipino and not in Pilipino as spoken in Bulacan, Laguna, Cavite, Batangas or Metro Manila.

He opined that the Committee's position recognizing Filipino would not do violence to the truth, history or law. He added that it should also be understood that the language would not be a closed system or static since it would be allowed to evolve freely and assimilate Cebuano, Ilongo, Ilocano or any other dialect. He stressed that the Committee deserves support in its historic decision to recognize Filipino as the national language.

Mr. Davide maintained that although he does not disagree that the national language be called Filipino he has reservations as to how it would be worded.

In support of the Spanish language as one of the official languages of the country, he pointed out that the country's seal still has the Spanish lion and the American eagle on it. He stressed that the Body should not forget that

embodying it would not make us less Filipinos.

In reply to Mr. Gascon's query why he desires Spanish to become one of the official languages, Mr. Davide stated that it is of public knowledge that Spanish is the second language of the world today and that Filipinos would be prouder if they could speak the language. Moreover, he stated that lawyers are compelled to read decisions in Spanish in the Philippine Reports and that there are many good literature in Spanish.

On Mr. Gascon's query whether he has some statistics to show how many Filipinos at present speak the Spanish language, Mr. Davide countered by asking the Committee whether it has some statistics to show that a very negligible minority speak the Spanish language. He opined that one could not base his judgment on statistics in like manner that when the Body discussed the matter of ownership of private educational institutions, he asked for statistics which the Committee was not prepared to give.

Mr. Gascon inquired why Mr. Davide preferred "Filipino" instead of "Pilipino" as the national language when it is more widely spoken than Spanish. He stated that there is some inconsistency when it comes to the official language, to which Mr. Davide replied that there is no inconsistency. Mr. Davide stressed the need of making a distinction between a common national language and an official language.

INTERPELLATION OF MR. REGALADO

On the matter of Spanish being an official language, Mr. Regalado inquired whether the Committee took into consideration the decree which provides that Spanish should be the official language until it has been translated into English or the national language. He stated that this decree is an implementation of a provision in the 1973 Constitution. He agreed with the comment of Mr. Davide that despite this mandate of the 1973 Constitution, Congress never took any steps to develop a national language. He inquired whether the Committee had looked into the possibility that the Institute of National Language might have taken some positive steps pursuant to this constitutional mandate.

Replying thereto, Mr. Villacorta affirmed by adverting to a letter sent by the officers and members of the Surian ng Wikang Pambansa in which they agree that the nucleus of the national language should be Pilipino. With respect to the development of "Filipino" pursuant to the constitutional mandate, Mr. Villacorta informed the Body that the Surian has been working very hard to liberalize the development of the national language by incorporating words extracted from other Philippine languages as indicated by the fact that the alphabet has been expanded to include letters f, v, c, z, and others.

Commenting on Mr. Davide's statement that the word "Filipino" seemed to be not yet recognized because what is taught is still Pilipino, Mr. Regalado recalled that three years ago, the Supreme Court and the Ministry of Education and Culture required all law students who were expected to graduate within the year and the years thereafter to take up Pilipino I and II. He stated that it was not a question of whether it was "Filipino" or "Pilipino" considering that both have distinct meaning, "Pilipino" referring to basic Tagalog while "Filipino" presupposes that the etymology involves the assimilation from different sources of the terms used therein, including Spanish and English. He opined that the Body should not be alarmed just because of some foreign words that have been grafted into the national language considering the fact that even English, which is considered the international language, has some words taken from Anglo-Saxon, Welsh, Spanish, French and even Tagalog. He pointed out that every English word in the dictionary draws from foreign sources and this, he opined, should be the proper attitude for the Body to emulate.

POINT OF INFORMATION OF MR. SUAREZ

Mr. Suarez, on a point of information, stated that the decree referred to by Mr. Regalado is Presidential Decree No. 155, issued on March 15, 1973, which provided, among other things, that the Spanish language shall continue to be recognized as an official language in the Philippines while important documents in government files in Spanish language have not yet been translated either into English or in Pilipino language.

INTERPELLATION OF MR. SUAREZ

On the initial query of Mr. Suarez, Mr. Bennagen affirmed that when he spoke of non-Philippine languages, he was referring to other languages like Spanish, English and French. He stated that as the language grows, it is enriched through assimilation of other languages.

As to whether the Committee intends to set a time frame for the adoption of the steps and measures embodied in Section 1, Mr. Bennagen opined that this would depend on the political will of the people and that Congress and the Surian should take an aggressive program in developing a language in order to hasten its rate of growth.

On whether it is the intent of the Committee that the national language shall be used as a medium of instruction in all levels of the educational system, Mr. Bennagen stated that this matter should be left to Congress although there are some schools that use Filipino as a medium of instruction in the tertiary level.

With respect to auxiliary official languages, Mr. Bennagen stated that the Committee intends to respect regional languages, taking into account, however, the question of adequacy.

On the deletion of the phrase "in case of conflict the English text shall prevail" which originally appeared in the 1973 Constitution, on whether such deletion could be interpreted to mean that in case of conflict the Filipino text shall prevail, Mr. Villacorta admitted that the members of the Committee were divided on this issue and it felt that it should be left to the Body to decide.

Mr. Suarez ended his interpellation by underscoring the need to resolve the question as to what text would prevail in the interpretation of these constitutional provisions.

INTERPELLATION OF MR. MAAMBONG

In his interpellation, Mr. Maambong recalled that in one of the Committee meetings, he proposed an amendment to Section 1, which the Committee accepted, and which read: "In the development of the national language, due consideration should be given to the dialects and languages of the Filipinos". He observed, however, that this amendment was not incorporated in Section 1 considering that the first sentence thereof states that "the national language shall be further developed on the basis of Philippine and other languages. He then inquired whether this formulation contained in the Committee Report was a reformulation of his amendment which was earlier proposed in the Committee meeting.

Replying thereto, Mr. Villacorta stated that the present formulation is stronger than what had been proposed by Mr. Maambong in the sense that it is categorically stated that the development of the national language should be based on Philippine and other languages unlike Mr. Maambong's proposal which only offered due consideration. He assured that the essence of Mr. Maambong's proposal has already been incorporated in Section 1.

Mr. Maambong recalled that in some Letters of Instructions issued by the past regime, the schools were enjoined to implement integration of family planning in the school curricula. He questioned whether this is properly the function of educational institutions. Considering, however, that the Committee Report is giving educational institutions some leeway in the presentation of their curricula, he inquired whether it is the intent of the

Committee to have this subject on family planning handled by the schools.

Replying thereto, Mr. Villacorta admitted that the Committee did not take up this issue because it is related to the controversial issue on the right to life. He opined that this matter could be covered by the General Provisions or the Article on Family Rights but until this issue is resolved, it would be premature to include it in the Article on Education.

Finally, Mr. Maambong read for the record the text of Letter of Instructions No. 47 which was issued on December 8, 1972 instructing the Secretary of Education to inform all schools of medicine, nursing, midwifery, allied medical professions and social work to prepare, plan and implement the integration of family planning in their curricula and to require from their graduates sufficient instruction on family planning as a prerequisite to qualifying for the appropriate licensing examination. He stated that this was complemented by Letter of Instructions No. 47-A directing the Secretary of Public Information to help implement the programs of the Population Commission by disseminating information on family planning.

INTERPELLATION OF MR. CONCEPCION

In his interpellation, Mr. Concepcion stated that "Filipino" is Spanish and he agreed with Mr. Villacorta that language is something that could not be imposed but something that develops. He stressed the fact that originally, the Spanish language was a Castilian language in much the same way that at present Filipino is actually Tagalog. He recalled that Spain was divided into several feudal communities such that the Castilla formed part of a region that was never occupied by foreigners and it was where the Castilian language evolved into Spanish language. He, likewise, mentioned the Roman language which was originally not the language of Italy but of Rome. Considering that the Romans governed not only Italy but practically the entire Mediterranean and since Rome was the capital of Italy, the Roman language prevailed. He recalled that some Filipino patriots wanted to develop the Filipino language but they were so technical in their expressions like for instance the word "seat" which others refer to as *silya* or *bangko* while some refer to it as *salumpuwit*.

Mr. Concepcion pointed out that there are a number of things in the past that bring unpleasant memories but he advised that one should remember them with pleasure. He told the Body the dismay expressed by some foreigners when they learned that the Spanish language is fading in the country despite the fact that he looks at Spanish not as colonial as it was but rather on its contribution by making it possible for many Filipinos to read Spanish and other foreign books which the country's national heroes have read in the past. He stressed that there are certain assets like the experience in the past which should not be simply discarded because it is part of the enrichment of culture as well as part of the country's political maturity. He agreed with the proposal that the Constitution should likewise be translated into Spanish.

Finally, Mr. Concepcion strongly suggested that whatever may have been the unpleasant experience with aliens should also serve as an asset for everyone in the future. He urged everyone to learn from the sufferings in the past and to learn that democracy is something that should be fought for and that it could never come in a silver platter.

ADJOURNMENT OF SESSION

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

It was 7:39 p.m.

I hereby certify to the correctness of the foregoing.

(SGD.) FLERIDA RUTH P. ROMERO

Secretary-General

ATTESTED:

(SGD.) CECILIA MUÑOZ PALMA

President

Approved on September 2, 1986

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