

APPENDICES

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PROPOSED RESOLUTION NO. 50

RESOLUTION PROVIDING FOR THE RULES OF THE CONSTITUTIONAL COMMISSION

Resolved by the Constitutional Commission, to adopt, as it hereby adopts, the attached Rules of the Constitutional Commission.

Resolved, further, That this Rules shall supersede the Provisional Rules of the Constitutional Commission.

(Sgd.) Ponciano L. Bennagen (Sgd.) Lorenzo M. Sumulong

(Sgd.) Ricardo J. Romulo (Sgd.) Regalado E. Maambong

(Sgd.) Jose F.S. Bengzon, Jr. (Sgd.) Rene V. Sarmiento

RULE I

OFFICERS

SECTION 1. Election of Officers. — The Constitutional Commission shall elect from among themselves by a majority vote of all the Members, a President, Vice-President, Floor Leader and two Assistant Floor Leaders. It shall also elect by a majority vote of all its Members a Secretary-General and a Sergeant-at-Arms.

SECTION 2. Powers of the President. — The President of the Constitutional Commission shall have the following powers and duties:

(a)

To preside over the sessions of the Constitutional Commission; and, at his discretion, to designate a Member to perform the duties of the Chair, but such designation shall not exceed one day each time without the consent of the Commission;

(b)

To preserve order and decorum during the sessions, and in case of disturbance or disorderly conduct in the Session Hall, in the lobby, galleries, corridors or rooms or within the premises, take such measures as he may deem proper or as the Commission may direct;

(c)

To decide all questions of order subject to appeal by any Member of the Commission; when the latter is absent or incapacitated. In the event of the resignation, removal, death, or permanent incapacity or disability of the

President, the Vice-President shall act as President until a new President is elected by the Commission;

(d)

To sign all resolutions, memorials, writs, warrants, subpoenas, and other documents issued by or upon order of the Commission;

(e)

To coordinate and expedite the work of the Commission;

(f)

To appoint the personnel of the Constitutional Commission including the staff of each Member upon recommendation by the Member; request the detail of employees from other government agencies; and upon recommendation of the Secretary-General suspend, dismiss or otherwise discipline an employee upon prior notice and hearing;

(g)

To disburse funds of the Commission.

SECTION 3. Powers of the Vice-President. — The Vice-President of the Commission shall have the following powers and duties:

(a)

To assume the powers and duties of the President when the latter is absent or incapacitated. In the event of the resignation, removal, death, or permanent incapacity or disability of the President, the Vice-President shall act as President until a new President is elected by the Commission;

(b)

To assist the President in the performance of his duties and functions, particularly in coordinating and expediting the work of the Commission; and

(c)

To perform such other functions as may be assigned to him by the President or the Constitutional Commission.

SECTION 4. Floor Leaders. — The Floor Leader, with his Assistant Floor Leaders, shall implement the agenda prepared by the Steering Committee for the sessions of the Constitutional Commission, guide the proceedings and deliberations during the sessions of the Commission so that they may be conducted with order, dignity and decorum, and decide the order of speakers to insure exhaustive discussion of all matters and proposals requiring consideration of the Constitutional Commission. They shall further perform such other functions and duties as are

performed by the same or similar officials under accepted parliamentary practices or as the Commission may direct.

SECTION 5. Powers and duties of the Secretary-General. — The Secretary-General shall have the following powers and duties:

(a)

To receive all constitutional proposals, resolutions, memorials and other communications to the Constitutional Commission;

(b)

Under the direction of the Steering Committee, to prepare the Order of Business and the Calendar of the Constitutional Commission;

(c)

To prepare and keep the Journal of each session, which shall comprise a clear and succinct account of the business transacted and action taken by the Constitutional Commission;

(d)

To call the roll of Members of the Constitutional Commission and read the constitutional proposals, resolutions, memorials, petitions and other documents which should be reported by him to the Constitutional Commission or the reading of which is required by the President or the Commission;

(e)

To refer to the proper committees all constitutional proposals, resolutions and other documents as may be directed by the President or the Constitutional Commission;

(f)

To attest and affix the seal of the Constitutional Commission to all writs, warrants, and subpoenas issued by the Commission, and certify to the approval of all resolutions adopted by the Commission;

(g)

To perform such other functions and duties as may be assigned to him by the President or the Commission.

SECTION 6. Powers and duties of the Sergeant-at-Arms. — The Sergeant-at-Arms shall have the following powers and duties:

(a)

To attend the sessions of the Constitutional Commission and the meetings and public hearings of its committees;

(b)

To maintain order under the direction of the President of the Commission or its committees, and, in the discharge of such duty, exercise supervision and control over all security guards of the Commission, as well as law enforcement agents assisting the Commission;

(c)

To execute all orders of the Commission and its committees and serve all processes issued under their authority;

(d)

To insure that unauthorized persons are not permitted or allowed to enter or stay within the space reserved for the exclusive use of Members of the Commission and of its officers and employees on duty during any session or committee meeting or public hearing;

(e)

To be responsible for the behavior of employees under his immediate supervision and the faithful performance of their functions and duties;

(f)

To strictly enforce the regulations relating to privileges and the admission to the Session Hall or its corridors;

(g)

To perform such other functions as may be directed by the Chairman or the Commission.

SECTION 7. The Mace. — The Sergeant-at-Arms shall have custody of the Mace which is the symbol of the authority of the Constitutional Commission. The Mace shall be displayed at the President's rostrum when the Commission is in session. The Mace shall serve as the warrant for the Sergeant-at-Arms in enforcing order in the Commission.

RULE II

COMMITTEES

SECTION 8. Committees. — The Constitutional Commission shall elect the following committees on the basis of proportional representation of the Members according to regions and sectors they represent, the number of Members and the general jurisdiction of which shall be as hereinafter stated:

(1) Committee on Preamble, National Territory, and Declaration of Principles, 7 Members — all proposals relating to the Preamble, the National Territory, and Declaration of Principles, including a clear definition of the

Philippine base lines, adherence to the Law of the Sea and other international laws;

(2) Committee on Citizenship, Bill of Rights, Political Rights and Obligations and Human Rights, 15 Members — all proposals relating to citizenship, bill of rights, rights and obligations of citizens, suffrage, human rights;

(3) Committee on the Legislative, 15 Members — all proposals relating to the structure, organization, powers, functions, duties, privileges and limitations of a legislative body;

(4) Committee on the Executive, 15 Members — all matters pertaining to the Executive, the nature of the position, the powers, functions, duties, privileges and limitations of such position, the persons vested with executive powers;

(5) Committee on the Judiciary, 15 Members — all proposals relating to the Judiciary, its powers, functions, duties, privileges and limitations, the organization of the judicial system, jurisdiction of courts;

(6) Committee on Constitutional Commissions and Agencies, 11 Members — all proposals relating to constitutional commissions specifically on audits, elections and the civil service;

(7) Committee on Local Governments, 7 Members — all proposals relating to local governments;

(8) Committee on Accountability of Public Officers, 11 Members — all proposals relating to accountability of public officers, impeachment, and special courts to have jurisdiction over graft and corruption cases involving public officers;

(9) Committee on the National Economy and Patrimony, 15 Members — all proposals relating to the national economy, the preservation, utilization and exploitation of natural resources, the conservation of the patrimony of the nation, regulation of public utilities, limitations on monopolies and regulation of private corporations;

(10) Committee on Human Resources, 11 Members — all matters relating to the educational system, the development of the national language, the development of science and technology, support of arts and letters, conservation and development of national culture for national consciousness and sense of identity, protection of works of arts, right to inventions, writings and artistic creations, scholarships, grants-in-aid and other incentives for specially gifted citizens, promotion of customs, traditions, beliefs of the various cultural communities;

(11) Committee on General Provisions, 11 Members — all other proposals of fundamental nature which could not be included in other articles of the Constitution which shall include the Philippine Flag, duties and responsibilities of public officials, the armed forces and the separation of the church and the state;

(12) Committee on Amendments and Transitory Provisions, 7 Members — all proposals relating to the manner the Constitution can be amended and the transition of the present government to the government under the Constitution;

(13) Steering Committee, 11 Members including as Ex-Officio Members the Floor Leader and the two Assistant Floor Leaders — it shall monitor and coordinate the activities of the committees of the Commission; ensure that the report of such committees for deliberation in Plenary Session are submitted in accordance with these Rules, prepare the Agenda or Calendar of Business for the Plenary Sessions of the Constitutional Commission; and, subject to appeal to the Commission, decide on all matters relating to the Rules of the Commission;

(14) Committee on Privileges, 7 Members — all matters relating to the conduct, rights, privileges, safety, dignity, integrity and reputation of the Constitutional Commission and its Members;

(15) Committee on Social Justice and Social Services, 15 Members — all matters relating to labor, land reform, rural and community development, health and other social services;

(16) Committee on Style, 15 Members — all matters relating to the correction of the phraseology and form, and the consistency, and accuracy of proposals, but the Committee shall have no authority to change the sense, substance or purpose of any proposal referred to it;

(17) Committee on Sponsorship, 15 Members — all matters pertaining to the formulation and final draft of the Constitution, the correction, harmonization of proposals for the purpose of avoiding inaccuracies, repetitions, and inconsistencies, and the arrangement of proposals in a logical order, but the Committee shall have no authority to change the sense, substance or purpose of any proposal referred to it, and the sponsorship of the final draft of the Constitution.

Whenever a proposal covers subject matters falling within the jurisdiction of more than one committee, said proposal shall be referred to the committee within whose jurisdiction the principal subject matter falls. The committee which acquired original jurisdiction over any proposal shall be mainly responsible to submit a report to the Commission incorporating therein the appropriate recommendations of the other committee which has jurisdiction over the same proposal.

SECTION 9. Timetable. — The committee provided for under this Rule II shall be organized and made ready to function not later than June 9, 1986; they shall finish their hearings and submit their respective Committee Reports on the resolutions or constitutional proposals referred to them for study and report not later than July 7, 1986; the Second and Third Readings on said Committee Reports shall be finished not later than August 15, 1986; and the Sponsorship Committee and Committee on Style shall finish their work of formulating and polishing the style of the final draft of the new Constitution to be submitted to the entire membership of the Commission not later than August 25, 1986.

SECTION 10. Working Draft. — To facilitate and expedite the work of the Commission and its committees, the 1935 Constitution, as amended, the original version of the 1973 Constitution and the Malolos Constitution may be referred to as working drafts for considering the constitutional proposals filed with the Commission.

RULE III SESSIONS

SECTION 11. Commencement of daily sessions. — Unless the Constitutional Commission decides otherwise, the daily sessions shall commence at three o'clock in the afternoon except on Fridays when the session shall commence at nine o'clock in the morning. The Commission may hold sessions on Saturdays and Sundays if it so decides.

SECTION 12. Quorum. — A majority of all the Members of the Commission shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent Members. Members who subsequently appear shall so inform the Secretary-General who shall have the presence of the Members recorded. If lack of a quorum subsists or there is no prospect of constituting a quorum, the President shall so declare and adjourn the session.

SECTION 13. Call to order. — The President shall open the session by calling the Constitutional Commission to order.

At every session, the National Anthem shall be sung, followed by a one-minute silent prayer or meditation, or by an invocation delivered by any Member designated by the President.

SECTION 14. Attendance at sessions. — Every Member shall be present in all sessions of the Constitutional Commission, unless expressly excluded by it or necessarily prevented from doing so by sickness or other unavoidable circumstances duly reported to the Constitutional Commission, through the Secretary-General.

SECTION 15. Sessions open to the public. — The sessions shall be open to the public except when petitions or motions affecting the dignity of the Constitutional Commission or a Member are being considered, in which event, the Commission may hold an executive session. On a motion to hold an executive session, the President shall direct the galleries and hallways to be cleared and doors closed. Only the Secretary-General, the Sergeant-at-Arms and such other persons as are specifically authorized by the Commission shall be admitted in executive sessions. They shall preserve the secrecy of whatever may be read or said at the session.

SECTION 16. Request for recognition to speak. — Any Member who desires to speak may rise and ask recognition by the President. He shall not proceed until so recognized.

RULE IV

ORDER OF BUSINESS

SECTION 17. Order of Business. — The daily Order of Business shall be:

(a)

Roll call of Members;

(b) Reading and approval of the Journal of the previous session;

(c) First Reading and referral to committees of proposed resolutions, messages, petitions, memorials and communications;

(d) Committee Reports;

(e) Unfinished Business;

(f) Business for the Day;

(g) Business for a Certain Date;

(h) Unassigned Business;

(i) Resolutions for Third Reading

RULE V

CALENDAR

SECTION 18. The Calendar of the Commission shall consist of the following parts:

(a) Unfinished Business. — Business being considered by the Commission at the time of adjournment of its preceding session. Its consideration shall be resumed until such Unfinished Business is disposed of. Thereafter, the President shall call for the Business for the Day.

(b) Business for the Day. — Resolutions and other matters set on the Calendar for consideration on that day and arranged in the order appearing in the special order adopted upon petition of the Steering Committee.

(c) Business for a Certain Date. — Business set for consideration on a certain date. It shall be considered on the date set and on subsequent days in chronological order until disposed of, unless the continuation of the consideration of any business therein included is set for another day.

(d) Matters for Third Reading or final action. — resolutions and the draft of; the Constitution to be submitted to the Constitutional Commission for its final vote by yeas and nays, after mimeographed copies thereof in final form have been distributed at least one day but not more than three days prior to their approval.

SECTION 19. Distribution of Calendar. — The Calendar shall be distributed to the Members each day of session.

If there be no addition to the Calendar previously distributed, a note to that effect on the Order of Business shall be sufficient.

RULE VI

CONSTITUTIONAL PROPOSALS, RESOLUTIONS, MEMORIALS AND PETITIONS

SECTION 20. Form of constitutional proposals. — Constitutional proposals shall be embodied in resolutions which shall be signed by the authors. If a proposal emanates from a committee, the resolution shall be signed by its chairman. Resolutions shall be filed with the Secretary-General who shall assign to each a number in the order they are received.

SECTION 21. First Reading and Referral to Committees. — After the resolutions are filed, they shall be included by the Secretary-General in the Order of Business for the next following day for First Reading. After the titles of the resolutions are read, the resolutions are referred to the appropriate committees.

SECTION 22. Committee Report. — Each committee shall submit a report on each resolution read at least within ten days after the resolution has been referred to it. The Steering Committee shall include the Committee Report in the Calendar for Second Reading. The report shall be sponsored by the chairman or any member of the reporting committee or one or more of the authors of the constitutional proposal. The Floor Leader shall determine the order of speakers accordingly.

SECTION 23. Second Reading and Debate. — On the day set for the consideration of a resolution for Second Reading, the same shall be read in full with the amendments proposed by the committee if any, unless copies thereof had been distributed and such reading is dispensed with. Thereafter the resolution shall be subject to debate and pertinent motions.

SECTION 24. Motion to close debate. — During the Second Reading of a resolution, a motion to close the debate shall be in order after three speeches for and two against, or after only one speech for has been delivered if none has been entered against it.

SECTION 25. Cloture of Members. — When several Members have registered or signified their intention to speak on the matter under consideration and when said matter has been sufficiently and thoroughly discussed by the Member speaking, the President may, *motu proprio*, or upon motion of a Member, order that a Member having the floor shall desist from speaking further so that other Members may not be deprived of their opportunity to speak.

SECTION 26. Amendments. — After the close of debate the Constitutional Commission shall proceed to the consideration of committee amendments subject to the five-minute rule. A Member who desires to speak against an amendment shall also have five minutes.

The five-minute rule shall apply, likewise, in the consideration of an amendment to an amendment, or an amendment by substitution.

SECTION 27. Third Reading. — After a resolution providing for a constitutional proposal has been approved on Second Reading, it shall be included in the Calendar for Third Reading. No such resolution shall be voted on Third Reading unless mimeographed copies thereof shall have been distributed to the Members of the Constitutional Commission at least one day but not more than three calendar days before final action thereon is taken. No further debate nor amendment shall be made on the resolution on its Third Reading. In the consideration of all constitutional proposals, as well as of the final draft of the entire Constitution on Third Reading, nominal voting shall be adopted and the individual vote of each Member shall be duly recorded in the Journal of the Constitutional Commission. A Member may explain his vote in not more than three minutes.

SECTION 28. Procedure for the adoption of other resolutions. — Resolutions which do not embody a constitutional proposal shall be subject to the same procedure as resolutions embodying a constitutional proposal regarding introduction, reference to appropriate committees and consideration. However, the Steering Committee, for reasons of urgency, may calendar them for immediate consideration. After its Second Reading, the resolution may be voted on for final approval.

SECTION 29. Final draft of Constitution. — All constitutional proposals approved by the Commission shall be referred to the Committees on Sponsorship and Style for collation, organization and consolidation into a complete and final draft of the Constitution. The final draft shall be submitted to the Commission for the sole purpose of determining whether it reflects faithfully and accurately the proposals as approved on Second Reading. Final voting on the final draft shall be by nominal voting.

RULE VII

DECORUM AND DEBATE

SECTION 30. Manner of addressing the Chair. — When a Member desires to speak, he shall rise and respectfully address the Chair, "Madam President".

SECTION 31. Recognition of Member to speak. — When two or more Members rise at the same time, the Chair shall determine and recognize the Member who is to speak first.

SECTION 32. Time limit for speeches. — No Member shall occupy more than fifteen minutes in debate on any question or speak more than once on any question without leave of the Constitutional Commission, except as hereinafter provided. The period of interpellation shall not be counted against the time of the Member speaking.

SECTION 33. Sponsor to open and close debate. — The Member reporting a constitutional proposal, resolution or other matter under consideration from a committee may open and close the debate thereon. If the debate should extend beyond one day, he shall be entitled to an additional fifteen minutes to close.

SECTION 34. Decorum and debate. — In all cases, the Member who has obtained the floor shall confine himself to the question under debate, avoiding personalities. He shall refrain from uttering words or performing acts which are inconsistent with decorum.

If it is requested that a Member be called to order for words spoken in debate, the Member making such request shall indicate the words excepted to, and they shall be taken down in writing by the Secretary-General and read aloud. The Member who uttered such words shall not be held to answer, nor be subject to censure by the Constitutional Commission if further debate or other business has intervened.

SECTION 35. Conduct during session. — Members shall attend session in proper attire and observe proper decorum. No Member shall remain by the Secretary-General's desk during the roll call or the counting of votes, and no one shall pass between a Member who has the floor and the Chair.

RULE VIII

VOTING

SECTION 36. Manner of voting. — Unless otherwise provided herein or decided by the Constitutional Commission, voting shall be either viva voce or nominal.

SECTION 37. Viva voce voting. — If the voting is by viva voce, the affirmative vote shall be taken first, then the negative vote. If the President doubts the outcome of the voting or a division is called for, the Commission shall divide. Those in favor shall first rise and then those against. If he still doubts, or a count by tellers is demanded, he shall name one from each side of the question to tell the Members in the affirmative and the negative, which being

reported, he shall rise and state the decision. Unless otherwise provided in these Rules, a majority of those voting, a quorum being present, shall decide the issue.

SECTION 38. Nominal voting. — On nominal voting, the Secretary-General shall call alphabetically the names of Members who shall answer "yes" or "no" upon being called, after which the President shall forthwith announce the result. Nominal voting on questions not connected with constitutional proposals or the next of the Constitution itself shall not be allowed, except when it involves the discipline of a Member.

SECTION 39. Vote required for approval of constitutional proposal. — The final draft of the Constitution or any provision thereof shall require a majority vote of all the Members of the Constitutional Commission.

SECTION 40. Vote of President. — The President or the Presiding Officer shall not be obliged to vote except to break a tie.

RULE IX

RECONSIDERATION

SECTION 41. Who may move; precedence; exceptions. — When a motion, report or resolution is adopted or lost, it shall be in order for a Member who voted with the majority to move for the reconsideration thereof on the same or succeeding session day. Such motion shall take precedence over all other questions except a motion to adjourn, to raise a question of privilege and a call to order.

SECTION 42. Timeliness; withdrawal; period; and adoption. — A motion for reconsideration, if timely made, shall not be withdrawn without the consent of the Constitutional Commission and may be considered upon the call of a Member. If made during the last fifteen days of the session, it shall be disposed of immediately. The adoption of a motion to reconsider shall open a new debate on the motion, report or resolution.

SECTION 43. Limitation. — No resolution, petition, or memorial recommitted to a committee or ordered to be printed shall be brought back to the Constitutional Commission on a motion to reconsider.

RULE X

MOTIONS AND THEIR PRECEDENCE

SECTION 44. Recording of motions. — Every motion shall be entered in the Journal with the name of the Member making it, unless it is withdrawn on the same day.

SECTION 45. Reading and withdrawal of motions. — When a motion is made, the President shall state it or, if in writing, shall cause it to be read by the Secretary-General before being debated on. Except as herein otherwise provided, a motion may be withdrawn at any time before its approval or amendment.

SECTION 46. Precedence of motions. — When a question is under debate, no motion shall be entertained except to adjourn, raise a question of privilege, declare a recess, lay on the table, postpone to a certain day (which motions shall be decided without debate), refer, amend or postpone indefinitely (which motions shall be decided subject to the five-minute rule). Said motions shall have precedence on the foregoing order. No motion to postpone to any day certain, refer or postpone indefinitely having failed passage shall again be allowed on the same day.

SECTION 47. Amendments. — When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order. It shall also be in order to offer further amendment by substitution, but it shall not be voted upon until the original motion or proposition is perfected. Any of said amendments may be withdrawn before a decision is had thereon.

SECTION 48. One motion to cover one subject matter. — No motion shall cover more than one subject matter.

SECTION 49. Motion to strike out and insert. — A motion to strike out and insert is indivisible. A motion to strike out being lost shall not preclude an amendment or motion to strike out and insert.

SECTION 50. Vote on paper objected to. — When a motion to read a paper other than that which the Constitutional Commission is called to vote upon is objected to, it shall be decided without debate.

SECTION 51. Call to order, precedence. — A motion to read any part of the Rules is equivalent to a call to order and takes precedence over any motion other than to adjourn.

RULE XI

QUESTIONS OF PRIVILEGE

SECTION 52. Definition. — Questions of privilege are:

- (a) Those affecting the rights of the Constitutional Commission, its safety, dignity and the integrity of its proceedings;
- (b) Those affecting the rights, reputation and conduct of the Members, individually, in their capacity as such Member.

Questions of privilege may be availed of only on Fridays, except when the matter at issue is urgent, subject to the ten-minute rule. No interpellations shall be allowed beyond the ten-minute rule.

RULE XII

PRIVILEGED QUESTIONS

SECTION 53. Definition and precedence. — Privileged questions are those motions or subject matters which, under the Rules, take precedence over other motions and subject matters.

RULE XIII

DISCIPLINE

SECTION 54. Discipline of Members. — The Constitutional Commission may punish its Members for disorderly behavior and, with the concurrence of two-thirds of all its Members, suspend or expel a Member. A penalty of suspension shall not exceed fifteen days.

RULE XIV

JOURNAL AND RECORD OF THE PROCEEDINGS

SECTION 55. Official records. — The official record of the proceedings of the Constitutional Commission shall be referred to as the Journal and the Record of the Constitutional Commission of 1986.

SECTION 56. The Journal. — The Journal shall contain, among others, the following:

(a)

Nature of the session, whether special or regular;

(b)

Date and place of the session;

(c)

Statement whether the journals of the previous sessions were approved, or the reading thereof dispensed with, and the dates of said sessions;

(d)

Name of the Presiding Officer;

(e)

All main motions, resolutions and petitions;

(f)

Points of order and appeals, whether sustained or lost; and

(g)

Hours of session and adjournment.

The Journal shall be signed by the Secretary-General and authenticated by the Presiding Officer in that session. It shall be entered in a good, well-bound record book and the corresponding dates of approval or disapproval properly placed thereon.

SECTION 57. The Record. — The Record of the Constitutional Commission of 1986 shall reflect in detail everything that has been said, done and read in the plenary sessions and shall express faithfully everything that takes place therein, including the speeches, remarks, nominal votes and observations of Members.

SECTION 58. Revision in style and form. — Notwithstanding the provisions of the preceding section, the speeches and interpellations of the Members shall be revised in style and form prior to their publication.

To this end, the Secretary-General shall transmit a copy of the speeches or interpellations to the Members who made them for revision within a period of three days from the date of receipt thereof; otherwise, the revision shall be deemed delegated to the Committee on Style. Copies of the Record shall be furnished the Members only after such revision has been accomplished.

RULE XV

SUPPLEMENTAL RULES

SECTION 59. Supplemental rules. — The Rules of the Batasang Pambansa, the Rules of the House of Representatives and the Senate of the Philippines and the Jefferson's Manual may be invoked to govern in a supplemental manner insofar as they are not incompatible with the provisions of these Rules.

RULE XVI

AMENDMENTS

SECTION 60. Amendments. — Any portion of these Rules may be amended by a majority vote of all the Members.

RULE XVII

EFFECTIVITY

SECTION 61. Effectivity. — These Rules shall take effect on the date of their adoption.

COMMITTEE REPORT NO. 1

The Committee on Preamble, National Territory, and Declaration of Principles to which was referred Resolution No. 72, entitled:

RESOLUTION PROPOSING TO ADOPT A PREAMBLE TO THE CONSTITUTION,

has considered the same and has the honor to report it back to the Constitutional Commission of 1986 with the recommendation that the resolution be approved in consolidation with Proposed Resolution No. 2, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PREAMBLE,

Proposed Resolution No. 24, entitled:

RESOLUTION MAKING THE PREAMBLE MORE CONCISE AND EMPHATIC,

and Proposed Resolution No. 73, entitled:

RESOLUTION TO INCLUDE IN THE PREAMBLE OF THE NEW CONSTITUTION THE CONCEPT AND TERM "COMMON GOOD" AND TO COMPOSE THE SAME ACCORDING TO THE IDEAS COMPREHENDED BY THE SAID CONCEPT,

with the following amendments:

- On line 5, delete the word "FILIPINO."
- On line 6, delete the word "AID" and in lieu thereof insert the word GUIDANCE.
- On the same line 6, delete the words "IN ORDER."
- On line 7, after the word "IDEALS" but before the comma (,) insert the phrase AND ASPIRATIONS.
- On line 8, delete the words "THE GENERAL WELFARE" and in lieu thereof insert the words THE COMMON GOOD.
- On lines 8 and 9, delete the words "DEVELOP THE PATRIMONY OF OUR NATION" and in lieu thereof insert the word ENHANCE OUR PATRIMONY.
- On line 10, between the words "OF" and "DEMOCRACY" insert the word PARTICIPATORY.
- On line 11, delete the word "REGIME" and in lieu thereof insert the word RULE.
- On the same line 11, delete the word "LIBERTY" including the comma (,) and in lieu thereof insert the word FREEDOM.

with Honorable Davide, Nollado, Tingson and Villegas as authors.

(SGD.) DECOROSO P. ROSALES

Chairman

Committee on Preamble, National Territory,

and Declaration of Principles

LECTURE DELIVERED BY SENATOR BENIGNO S. AQUINO, JR.

"The historical background of the Moro Problem in the Southern Philippines"

At the outset, allow me to express my deepest gratitude to the President of this most prestigious center of learning in the Middle East, Dr. Abdullah Omar Naseef, for his kindness and generosity. We are here this evening to discuss the problem that is affecting most of our people. I have come to Jeddah about three days ago from Boston where I am now presently connected with the Harvard University as Fellow of the Center of International Affairs. It has been my pleasure to meet so many of my countrymen, and I was surprised that there are about a hundred and fifty thousand Filipinos in the Royal Kingdom alone. When we landed at Dhahran, we were met by Filipino porters, and when we arrived at our hotel, we were met by Filipino employees. I never saw so many Filipinos in my life. I think if I run for election, I will easily win.

My dear friends, over the last eight years, as a result of the so-called Muslim mini-war in the Philippines, more than a hundred thousand Filipino Muslims have lost their lives; over two hundred fifty thousand have come as

refugees in the neighbouring Sabah State of Malaysia, and more than one million have been displaced and rendered homeless. On the other side, according to President Marcos himself, about ten to eleven thousand Filipino soldiers have been killed over the last eight years as a result of the battle in the Southern Philippines. This grim statistics has not captured the headlines of the world press and, as a result, world public opinion has not been mobilized enough to clamor for the halt of this senseless carnage. The Philippine government under President Marcos calls the Muslim fighters rebels; he calls them outlaws; he calls them insurrectionists; he calls them secessionists; or, far worse, traitors to the Philippines. The Muslims, on the other hand, see themselves as patriots, as holy warriors, defending their homeland and their Islamic faith and sacred birthright of self-determination from infidel attacks. It is most unfortunate that Filipinos are fighting against Filipinos today.

I have come all the way from Boston precisely to urge our brothers, especially those from the Moro National Liberation Front and the Bangsa Moro Liberation Organization, to start their unity effort so that as one Muslim nation they will be able to present a more formidable force in any negotiation with the present government. This evening, I would like to announce to you that the MNLF under Chairman Nur Misuari and the BMLO under Sultan Haroun Al-Rashid Lucman have finally joined forces and together will now continue the struggle for the freedom of our Muslim brothers in the Southern Philippines. Chairman Misuari, who heads this joint group, together with the leadership of Sultan Lucman, will be rallying most of the Muslims not only here but in our country so that once united they will be able to present their case better in the halls of the Organization of the Islamic Conference before the Philippine government and be able to work towards the resumption of the Tripoli Agreement in international bodies like the United Nations.

However, before I go into this, I would like to give you a brief history of the Muslim struggle. This struggle has continued for almost four centuries and this may well be the last chapter of the classic encounter of the crescent and the cross. It is true that this conflict has many ingredients and has many causes — ethnic hostilities, economic rivalry, and political antagonism — but all these reasons are radically different from the understanding of each side as to what the conflict is all about. My point is, the Muslims look at this problem from one angle and the non-Muslims from another. They cannot seem to agree on what they are saying and we have this incessant conflict. I will just cite to you an example of what happened last February. According to the best reports, to an island outside of Jolo known as Pata Island, which has about eleven thousand people, the military sent a battalion of soldiers to inventory the firearms of its people. However, the soldiers who came from Luzon, not understanding the customs of our Muslim brothers in the South, occupied the mosque in that island. After they had occupied the mosque, they got some pigs and dogs and started making lechon (grill) inside the mosque. Now, you know that pork is one of those prohibited foods in the Muslim religion but these soldiers did not notice that they were in a sensitive situation, and so started cooking inside the mosque, which naturally enraged the people in the village. I understand that one soldier got drunk and raped a Muslim woman. The next thing there was a shootout in that area, and about one hundred and sixty to two hundred soldiers were massacred, killed. The army, on the other hand, when they found out that their soldiers were killed, started bombing, strafing and shelling the civilians in that island. We do not know how many civilians died. Some say two hundred, some say five hundred, some say one thousand, but the truth is that many civilians died in the encounter that followed the massacre. Subsequently, a lot of shootouts occurred, and we do not know now how many people have been killed. The incident started because there was a misunderstanding of the cultural habits of those in these regions. So, mere misunderstanding had caused these conflagrations which have contributed to the bloodshed in our country for the last eight years.

I would like to say that the events in the world of humans are not mutual nor are they fixed in some universal meaning. Human observation of events is always socially interpretive. People do not say what truly happens. They say what really happens is what comes. They do not merely experience events; they interpret them and their understanding of what happens is exaggerated. Typically, men witness the behaviour of someone from another

society in accordance with their own society's cultural norms and judge it in terms of their own ordinary means which in everyday life are, on the whole, ethnocentric. They take for granted their own understanding of events as reality. This state of affairs has caused more amount of trouble in human relations, and two individuals may come to blows because they differently assess a small act because the meaning taken is not the meaning intended in the whole nation. They may find themselves at war because they differently interpret each other's behaviour. Filipino Muslims have no contact with the Christian West and they quite differ on many points with the Christian Filipinos who have read them. And this cultural confusion of tongue has contributed greatly to the present day of bloodshed and violence.

At this juncture, my dear friends, let us look back at our little history. You and I know that the Muslims in our country have predated the Christians in that country. Arab traders as early as the ninth century have become dominant in the vigorous Southeast Asian center with the religion of Islam. At the end of the thirteenth century, according to Marco Polo, he found a flourishing Muslim Sultanate in northern Sumatra. By the middle of the fourteenth century, Islam was first introduced in the Sulu Archipelago in the island of Simunul. Islam came to the Philippines 200 years before the coming of Christianity in 1521. Many of us do not realize that Islam came to the Philippines 200 years before Christianity so that when the forces of Magellan arrived in our shores, Islam was already all over Mindanao and there were already many sultanates in many enclaves of Luzon. In fact, the ruler of Manila was a Muslim leader called Rajah Suleiman and this man controlled all the headwaters of Manila Bay. This is now history. When the Spaniards came to the Philippines, they fought the Muslims vigorously because, as you know, Spain was occupied by Muslim Moors for many centuries and this occupation ended at the famous Battle of Granada. Therefore, the Spaniards who came to the Philippines had already fought the Muslims in their own homeland. And when they came to the Philippines and found the same Muslims, they renewed this hostility and again fighting broke out. This is the beginning of the conflict between the Christians and the Muslims because the Spaniards saw in the Muslim another threat to their hegemony. In the Philippines, the Spaniards tried to set up their control. They tried to establish political control and converted the natives into Christianity. Most of the other Filipinos who had no religion were taken as hostages and converted into Christianity. But our Muslim brothers fought and resisted the coming of the Spaniards and denounced the Spanish faith. The Muslims were the only ones who fought for four hundred years thereby staving off what the Spaniards wanted to call a "complete conquest." In 1578, for example, the Spanish Authority commissioned Captain Esteban de Figueroa, who lost the campaign against the Muslims. He was ordered to burn mosques, arrest Muslim priests and stop Muslim missionaries in coming to the Philippines from Borneo. Captain Figueroa had succeeded. He captured Jolo, the capital of Sulu, and signed a treaty with Sultan Pangiran. As soon as Captain Figueroa left, the Sultan repudiated the treaty and declared "Jihad" against Spain. This was to be repeated for over four hundred years of Spanish conquest in the Philippines. When the Muslim warriors attacked Spanish enclaves, the Spaniards called them "pirates" and "barbarians". To the Muslims it was a "Jihad" against an infidel. Whenever a Spanish conquest was successful in Muslim areas, however temporarily, there were individuals who would carry the "Jihad" on their own. The Spaniards call them "huramentados" (amoks) while the Muslims call them "Mujahids" — one who performs a sacred act in defense of Dar-ul-Islam, the abode and territory of Islam. Upon the death of the "huramentados" they were buried as "Shahids" which was Arabic for martyrs.

When the Americans came to the Philippines, they followed what the Spaniards were doing. They also wanted to govern the entire Philippines from Manila, and so, when the Spaniards left, the Americans came in, also wanting to conquer the Muslim communities and integrate them into the greater community of Christians. Here, many Americans came and many generals distinguished themselves. You will recall that the Americans in World War II had an American .45 caliber. It is not realized that this American .45 caliber was discovered and actually invented for the Moro Wars in the Philippines. Before that, the Americans had small guns. They shot Muslim

"huramentados," but they could not stop them and these "huramentados" kept on coming with their "bolos" (sword). So, the Americans devised a gun strong enough, that when it hit the "huramentado," he would fall instantly from the impact. That was the beginning of the American Colt .45.

The Americans failed to subdue the Muslims and there were many treaties that followed. There were the Bates Treaty and the Carpenters Agreement and, to the end, the Muslim failed to integrate into the body system. General Sumner, a US military commander in Southern Philippines, wrote and I quote: "It will be necessary to eradicate all their customs; their Muslim religion will be a serious bar to any efforts toward Christian civilization." General Leonard Wood, the first American Governor in the Southern Philippines, made his observation, and I quote: "The Moros and other savage peoples have no laws, simply a few customs which are nowhere general; nothing has been found worthy of codification and imitation . . . little or nothing has existed and better for human decency and civilized laws are enforced."

According to our own Dr. Mauyag Tamano in his book, and I quote: "by 1917, the US government had as one of its goals the complete fusion of a group of Filipino Muslims and a majority segment of the Filipino Christian." In other words, the Spaniards before and the Americans who came later had one goal — to integrate this community. But this community could not be integrated because the Muslims felt they had their own national identity.

The Americans bringing in their own cultural tradition wanted to enforce a strict separation of the Church and the State, but this American tradition was seen by the Muslims as a threat to their own traditions. The very notion of the separation of the Church and the State, in the view of a Muslim, was a Christian idea for, among the Muslims, the Church and State are indivisible; at most, two aspects of the same reality.

You will find that here in the Royal Kingdom of Saudi Arabia, you, do not have a strict separation of the Church and State. The Church and State are one because such is the will of Allah and this is the Muslim tradition.

American secular schools, American laws, American political organizations may be enlightened, progressive and humanitarian in the eyes of Americans, but they are not in the eyes of the Filipino Muslims.

The system of education, law and government may be secular models to Americans, but they certainly are not to Muslims. Their institutions stand at the very center of God's revealed will for man. There could be no better example of fundamental difference in how events are to be understood. This misunderstanding is to plague subsequent Filipino governments which inherited the American tradition. So we had the Spaniards setting up a tradition; the Americans followed the Spaniards, and when the Filipinos came in, they followed the Americans, and the misunderstanding continued.

What was worse was by 1928, when Luzon was getting crowded and part of the Visayas was getting crowded, the American administration, together with the Filipino administration, started moving Filipino settlers to the south. The idea was . . . "go south, young man," because the south is the land of promise. So what happened was that thousands of settlers came into Mindanao. The Muslims who were in Mindanao were pushed away from the coastal regions and then when the Philippines became independent, there were, for every six persons in Mindanao, five Christians and one Muslim. Today, for every seven persons in Mindanao, six are Christians and one is a Muslim. And where they controlled all of Mindanao before, the Muslims today are concentrated at most in five provinces; minorities in other six provinces and, therefore, our Muslim brothers are asking what they had done to deserve this. They are asking: Why is it that we who fought the colonizers, who fought the Spaniards, we who fought the Americans, we who fought the Japanese, we who have been fighting for our Darul Islam are now a minority in our own region? And that, my friends, is the answer to the crisis that we now face. Can we now redress this grievance? Can we now cure this neglect? And should we continue in this fratricidal warfare that will spill the blood of the Filipinos? Let me be more specific. When the Americans came and tried to impose their law,

our Muslim brothers did not want to follow the Americans. The Americans wanted to teach English, but the Muslims wanted to study Arabic.

The Americans brought in their law, which is Christian, and which said that in all marriages there should be one wife. The Muslims were practising the Quranic law where they can have polygamy and, therefore, they were resentful. They said: "We are Muslims, why should we follow your tradition, your Christian ethics?" This was the cause of the clash. In the American system, the government and the church were separated. In the Muslim system, the government and church were one. Under the American system, the laws were civilian and secular. Under the Muslim system, the laws were part of the Quran and they drew their own ethics and their own laws from the Quranic law and from the sayings of the prophet. Therefore, this clash was to continue and this became the bedrock and the reason for the conflict.

But let me now focus for you what had happened to us in Luzon and the Visayas because I think many of us here are Christians and come from Luzon and the Visayas. Due to the fighting and warring during the Spanish times, when our families were living in the enclaves and there were pirates coming in, we told our children in the Christian north to beware of the Moro pirates. We called a Moro a pirate and a barbarian — slave-trader, cruel, cunning, treacherous, savage. When a child does not go to sleep, the father will say, "Go to sleep, or the Moro will take you away." This has become a tradition. Eventually, for two hundred years, the saying in our country has been "a good Moro is a dead Moro." You will also note that when a Moro asks to marry a Christian girl, the entire family rejects the proposal and say they could not let her get married to a Moro. They had a very bad image. My friends, this was being perpetrated from generations to generations by word of mouth, by majority of school courses, in history books, and in popular dramas. In our Christian north, we had our "Balagtasan," we had our own "Zarzuela," and inevitably their "contrabida" (villain) was always the Moro. In American history, the Indians were always the villain . . . in our society, the Moro was always the villain. The Muslims have been portrayed, primarily because of their religion, as ignorant and backward people, as having a low-grade civilization, as tricky, violent and lawless. They are oversensitive and ultra-conservative. Their picture, in short, is a second-class citizen in a Catholic country.

The Muslims had a contrary view. To illustrate their Islamic identity, they held virtually an opposite image of a popular Christian Filipino opinion. Because of their faith, the Muslims feel that they are, in fact, morally and culturally superior to the Christians who, after all, ate pork, worshipped images, perpetrated abuse after abuse on the Muslim people. As a result, Muslims rejected the integration policy which meant assimilation into the Christian culture which led to their noninclusion into the mainstream of development which, in turn, created great economic disparity between the two communities which persists today. My point is, because the Muslims refused to integrate, they did not go to school. Because they did not go to school, they were left behind. The Christians who went to school developed themselves. So, while the Christians have gained more money, they have been getting better and better in business; the Muslims have been falling behind. Then they have been losing their land and losing their mineral claims. Then they have been driven away. Only few Muslims have actually been succeeding while many Christians have been succeeding under the new environment. Over the decades, a number of Muslims have been attracted into a larger Filipino national identity, but the great majority, particularly in the rural areas, have had no real sense of being part of the Philippines at all. Their orientation has been entirely local or if beyond, to the larger Islamic world. They regard the Philippines as a sort of a foreign infidel power devoted to the annexation of Muslim lands and the subversion of the Muslim people away from their faith. In a very real sense, the Christian Filipino and the Muslim Filipino do belong to different worlds. Each is oriented towards a different wider community from which they draw their religion, their law, their values and their sense of history. The Christians look to the west in the English-speaking world, the Muslims' roots are under Islamic civilization and in the Arabic tongue. While the Filipino Christians go to the Vatican, the Filipino Muslims make pilgrimages

to Mecca. This is said to be the history of the two peoples which so fires the conflagration in the Southern Philippines. The question then is: Can we solve this problem? Can we possibly stop the killings in Mindanao? What could be a solution? This evening, my friends, I would like to outline to you a solution that I propose to the leaders of the Muslim communities led by Chairman Nur Misuari and Sultan Haroun Al-Rashid Lucman, and, hopefully, will be able to bring peace to our troubled land.

1-

We will note that in 1977, under the aegis of the Organization of the Islamic Conference, an agreement was signed in Tripoli known as the TRIPOLI AGREEMENT. Under this agreement, our Muslim brothers have given up the quest for independence and they will remain in the Republic provided they are given autonomy in the thirteen (13) provinces of Mindanao. In the thirteen provinces of Mindanao, we are going to give the Muslims autonomy in those regions. We will be able to set up their own security forces and they will be able to govern themselves. This was a very good beginning . . . and for a while there was a ceasefire and there was no killing. Unfortunately, when this agreement was implemented, our President did not implement it to the letter and instead of discussing this with the Muslim leaders, broke off, and Mr. Marcos went on to implement it unilaterally. Instead of thirteen provinces, Mr. Marcos split these two regions . . . one is Region IX and the other Region XII and they removed three provinces. Naturally, our Muslim brothers said "That is a violation of the TRIPOLI AGREEMENT. . . The Tripoli Agreement talks of thirteen provinces and now you have reduced this number to ten, and what is worse, you have split us into two."

Number one — I, therefore, would like to propose that the Philippine government return to the original Tripoli Agreement. If the Philippine government returns to the Tripoli Agreement, then we will make an appeal to our Muslim brothers to come back to the table so that we can discuss our problem rather than shoot it out. If we do not negotiate, my friends, there will be a return to bloodshed, and more people will die. But we have promised our Muslim brothers that if they come back to the negotiating table, if they come back to the Tripoli Agreement, then the entire Christian north will support them in the claim and once more we would like to propose affirmative actions on the regions in Mindanao . . . What do I mean by this? If our regions in Mindanao are underdeveloped and they are entitled to only one school, by our definition of affirmative actions, we will increase your school to four every year so that the income between the two communities will be close at the end of the century. Number two, we believe that all Christian troops in Mindanao should be withdrawn from that area. It takes two to fight. If there are no more soldiers, there will be no more fighting and, therefore, we will be able to disconnect the fighting. All Christian troops will be removed from those Muslim areas and we will let the Muslims police themselves. We will tell them. We are removing the Christian troops and they will set up their own police force, they will set up their regional forces. . . they police themselves because we do not want anymore conflict between Christian and non-Christian communities. Number three, we will propose that the Muslims set up their own courts . . . their own Shari'a courts, their own schools, their own madrasahs; if they want to use Arabic to teach their children, they can use Arabic to teach their children. Why should we impose English or Tagalog, if they want their own Arabic? We believe that they should also have their own courts, and they should also have their own schools. Their local autonomy officials should be Muslims and these should be elected by their own people. The national government will always support them, if they are entitled to it by way of development. I believe the Muslim community should be allowed to call in their lawyers and set up their own civil code as against our own civil code. If this will be achieved, it will go a long way as essential opportunities that will signal the beginning of the Renaissance in the Muslim Philippines which some five hundred years ago was the center of Filipino culture, learning and power. With the assistance of the Islamic Conference, funds for development could be secured to usher in a new prosperity, envision a system of official free institute all over the Philippines. We feel that if our

brothers are united and the hostilities stop, we can set up training camps, educational institutions all over Mindanao so that the products of these institutions can come to the Middle East for better employment. And if we appeal to the Organization of Islamic States, I believe the Filipinos, now numbering to a hundred and fifty thousand to two hundred thousand here, will increase to more than half a million.

It is with tremendous pleasure that I have discovered your Kingdom's love for our people. The leaders of the Kingdom have nothing but sympathy for the Filipino people as a whole. They have given full employment to Filipinos here because they feel an attachment to our people, whether Muslims or non-Muslims, as people that must be given help, if all are doing their very best. It is our prayers that the Filipinos here in the Royal Kingdom of Saudi Arabia will now be given the responsibility to show that they are good workers, peaceful workers, so that the Royal Kingdom of Saudi Arabia will take more of our brothers and give them more gainful employment here. And that is the best thing that you can do for your people back home. I would like to repeat that if the present Filipino workers here today will not do their job properly but instead create problems for the government and then the attitude of the government will change, not only they will suffer but all succeeding generations will suffer. But if the , Filipinos here now will prove their worth, that they are not only good workers but the best among the good workers all over the world, I believe that two hundred thousand will become five hundred thousand eventually. The kingdom will call for Filipino workers not only in . Saudi Arabia but all over the Middle East and this will be the best thing that you can do for our people. Let me tell you, I have been in the United States and I have gone to a hospital in America. When I woke up, there was a Filipino nurse. The one who operated on me was a Filipino (surgeon) doctor; the one who fixed me up was a Filipino attendant. I discovered that there were six hundred Filipino employees in that hospital alone. So, if these Filipinos would leave the hospital, the hospital would collapse. And I asked them why they were so many. "Because," they said, "the Filipinos are good 0 workers, the Filipinos face difficulties without any complaint." Therefore, they have established this employment record. This hospital will not accept any body else but Filipino nurses who come to America. Today, we have more than thirty eight thousand nurses in America and about twenty thousand doctors practising in the .United States, and these brothers are creating a new name for the Filipinos. If you prove to the Kingdom that you are good workers, this reputation spreads out to employers and they talk and say "I think you should get a Filipino because he is a good worker. Then they will call more of our brothers back home and eventually maybe we can find not only gainful employment here but we will find we can solve the crisis that is affecting our country. We are lucky indeed that the Royal Kingdom of Saudi Arabia opened its door to us. Can you imagine if you were in the Philippines-today looking for work? Can you imagine if two hundred. thousand people there in the Philippines cannot find employment, what kind of a problem will we have? But because of the Filipinos who are here, now about a hundred and fifty-two and seventy thousand, and another fifty thousand in the other states in the Middle East and fifty thousand seamen in the seven seas, as a result of this, all your earnings that are collected and remitted back home will have a tremendous income for the Filipino government. And I hope that our government will realize the tremendous potentials that you have been giving and are giving to our economy and because of that the conditions in our country will be alleviated and not make you pay to predators, exploiters of our own brothers who become vultures, living on your blood and your sweat. This must stop and I think eventually we will find a better employment for our people from our recruiters. For my part, I will be returning to Boston, happy in the thought that our Muslim brothers have finally found unity in their ranks. Chairman Misuari has come all the way from his place in Tripoli and Damascus, Syria to meet Sultan Lucman and the vest of the BMLO members and with this new aggrupation today, this meeting, this new forging of unity that I find, our Muslim brothers will now have a strong voice in the international forum and as a result of this we will be able to present their case better. For my part, I have come to mediate and to ask and to plead that we should now join forces. Hopefully, once we are united, Mr. Marcos will listen to us after stealing power now for sixteen years. We do not want to kill Mr. Marcos. All we want from Mr. Marcos is to return to us our freedom; all we ask from Mr. Marcos is to give us

clean and honest election, and if in that election he will win, then let him continue. But if he should lose, let him go to oblivion. That is all we ask. And it is nothing more but to ask that the Filipinos be given the freedom to choose the governors who must govern them.

Lastly, therefore, I would like to ask in the name of our brothers in the Philippines, that our brothers here be the best workers in the Kingdom, to establish a reputation that the Filipinos are second to none . . . so that eventually the Royal Kingdom will increase the number of our brothers to come here and eventually when our Muslim communities have found their liberation, then find assistance and, therefore, find a new beginning. On that note, I thank you very much.

JOINT WORKING DRAFT ON THE BILL OF RIGHTS

(Resolution No. 4, as amended by the Committee, in relation to Resolution No. 84 and others.)

SECTION 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. THE RIGHT TO LIFE EXTENDS TO THE FERTILIZED OVUM. (For purposes of this section, life is deemed to begin at the moment of conception.)

Explanation: The first sentence embodies the old provision. The second sentence expresses the pro-life option and precludes the Supreme Court from following the ruling of the U.S. Supreme Court in *Roe v. Wade*, 410 113 (1973) and *Doe V. Bolton*, 410 U.S. 179 (1973) which weighs the life of the unborn against that of the mother only when the fetus has reached the stage of development when it can survive outside the womb with artificial aid.

The provision also attends to the contents of Resolutions 169.24, 175 and 202.

SECTION 2. Private property shall not be taken for public use without just compensation.

Explanation: This preserves the old provision.

(SECTION 3. Every citizen has the right to education - Referred to the Committee on Human Resources)

SECTION (4) 3. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable search, searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined PERSONALLY by the judge after examination under oath or affirmation (through searching questions) of the complainant and the witnesses he may produce, and particularly describing the place to be searched, and the persons or things to be seized.

Explanation: The provision (1) reverts to the 1935 formula by eliminating 1973's "or such other responsible officer as may be authorized by law" and (2) adds "personally."

The section also attends to the contents of Resolutions 154, 169, 210 and 274.

SECTION [5] 4. (1) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court [or] when public safety or order require otherwise. (2) Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding.

Explanation: By dropping the word "or" from the 1973 version, intrusion into communication and correspondence becomes allowable only upon order of a court and on the stated grounds.

This section also attends to the contents of Resolution 274.

SECTION [6] 5. The liberty of abode AND OF CHANGING THE SAME and of travel, WITHIN THE LIMITS PRESCRIBED BY LAW, shall not be impaired except upon lawful order of the court, or when necessary in the

interest of national security, public safety, or public health.

Explanation: (1) The phrase "and changing the same" is taken from the 1935 version. (2) The addition of the phrase "within the limits prescribed by law" ensures that whether the rights be impaired on order of a court or without the order of a court, the impairment must be in accordance with prescriptions of law.

The section also attends to the contents of Resolutions 169.5 and 261.

[SECTION 7. The right of the people to keep and bear arms shall be recognized subject to reasonable limitations as may be provided by law.]

Explanation: In the interest of law and order, the Committee prefers the present system where there is no presumptive right to bear arms but which requires lawful permit to bear arms.

SECTION [8] 6. The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, shall be afforded the citizen subject to such [reasonable] limitations as may be provided by law.

Explanation: The provision preserves the 1973 version. The section also attends to the contents of Resolution 165.

SECTION [9] 7. The right of the people to form associations, unions, or societies for purposes not contrary to law shall not be abridged.

Explanation: The section preserves the old provision which had its origin from the Malolos Constitution.

This provision is intended to include government employees.

SECTION [10] 8. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

Explanation: The section preserves the old provision.

SECTION [11] 9. NO LAW SHALL BE PASSED ABRIDGING THE FREEDOM OF SPEECH, OR OF THE PRESS, OR THE RIGHT OF THE PEOPLE PEACEABLY TO ASSEMBLE AND PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES. [The freedom of speech or of the press, or the right of the people peaceably to assemble and petition the government for redress or grievances shall be inviolable. The government shall provide freedom parks for the assemblage of the people in the exercise of their freedom of speech and of assembly.]

Explanation: The provision (1) preserves the consecrated language of the old version and (2) relegates the creation of freedom parks etc. to ordinary legislation.

The section also attends to the contents of Resolutions 131 and 237.

SECTION [12] 10. No law granting a title of royalty or nobility shall be enacted.

SECTION [13] 11. No law impairing the obligation of contracts shall be passed.

SECTION [14] 12. No ex post facto law or bill of attainder shall be enacted.

SECTION [15] 13. No person shall be imprisoned for debt or nonpayment of a poll tax.

SECTION [16] 14. No involuntary servitude in any form shall exist except as a punishment for a crime whereof the party shall have been duly convicted.

Explanation: Sections 12, 13, 14 and 15 preserve the old provisions.

Section 14 also attends to the contents of Resolution 169.14.

SECTION [17] 15. The privilege of the writ of habeas corpus shall not be suspended except in cases of invasion [insurrection] OR REBELLION [or imminent danger thereof] when the public safety requires it.

Explanation: The provision limits the ground for suspension of the privilege of the writ to actual invasion and actual rebellion.

The section also attends to the contents of Resolution 98.

SECTION [18] 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

SECTION [19] 17. No person shall be held to answer for a criminal offense without due process of law.

Explanation: Sections 16 and 17 preserve existing provisions.

SECTION [20] 18. All persons, [except those charged with capital offenses when evidence of guilt is strong,] shall, before conviction, be bailable by sufficient sureties, OR MAY BE RELEASED ON RECOGNIZANCE AS MAY BE PROVIDED BY LAW. Excessive bail shall not be required.

Explanation: Section 18 adds "recognizance" as another way of obtaining release especially for those who cannot afford to post bail.

The words in brackets will be attended to after the Committee disposes of Section 22.

SECTION [21] 19. In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, AFTER ARRAIGNMENT, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable. [In such case a plea of not guilty shall be entered for the accused.]

Explanation: The provision preserves the 1973 version which allows trial in absentia but only on condition that the accused was present at arraignment.

The section also attends to the contents of Resolutions 28 and 58.

SECTION [22] 20. No person shall be compelled to be a witness against himself.

Explanation: This is the old self-incrimination provision set apart in a section by itself.

SECTION [22] 21. IT SHALL BE THE DUTY OF EVERY OFFICIAL INVESTIGATING THE COMMISSION OF AN OFFENSE TO INFORM THE PERSON UNDER INVESTIGATION OF HIS RIGHTS TO REMAIN SILENT AND TO HAVE COUNSEL. IF THE PERSON CANNOT AFFORD THE SERVICES OF COUNSEL, HE MUST BE PROVIDED WITH ONE WHO IS COMPETENT AND INDEPENDENT. THESE RIGHTS CANNOT BE WAIVED EXCEPT IN WRITING AND IN THE PRESENCE OF COUNSEL. No force, violence, threat or intimidation shall be used against him. SECRET DETENTION PLACES AND INCOMMUNICADO DETENTIONS ARE PROHIBITED.

Any confession OR ADMISSION obtained in violation of this OR THE PRECEDING section shall be inadmissible for any purpose in any proceeding.

THE LEGISLATURE SHALL ENACT A LAW PUNISHING ANY VIOLATION OF THIS SECTION.

COMPENSATION FOR AND REHABILITATION OF VICTIMS OF TORTURES OR SIMILAR PRACTICES, AND OF THEIR FAMILIES, SHALL BE PROVIDED BY LAW.

[Any person under investigation, custodial or otherwise, for the commission of an offense shall have the right to remain silent and to counsel, and to be informed of such right.]

Explanation: The Miranda rule on "custodial investigation" as embodied in the 1973 version has been recast (1) to assert the duty of the investigator to inform the person under investigation of his rights, (2) to include "admissions" in the exclusionary rule, and (3) to reflect the martial law experience with safehouses and incommunicado detentions. Moreover, the stage is commanded to enact adequate penal laws to protect the right.

The section also attends to the contents of Resolutions 40, 48, 169, 20, 209 and 258.

SECTION [23] 22. Excessive fines shall not be imposed, nor cruel, DEGRADING or [UNUSUAL] INHUMAN punishment, or the death penalty inflicted [imposed]. Death penalty already imposed shall be commuted to reclusion perpetua.

Explanation: The section drops the word "unusual" and prohibits imposition of the death penalty.

The section also attends to the contents of Resolutions 48, 242 and 250.

SECTION [24] 23. No person shall be twice put in jeopardy of punishment for the same offense: If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act. [an acquittal by a trial court is however appealable, provided that in such event the accused shall not be detained or required to put up bail.]

Explanation: The section adheres to the existing provision on double jeopardy.

This section also attends to the contents of Resolution 26.

SECTION [25] 24. Free access to the courts AND QUASI-JUDICIAL BODIES AND ADEQUATE LEGAL ASSISTANCE shall not be denied to any person by reason of poverty.

PROPOSED RESOLUTIONS APPROVED ON THIRD READING
RESOLUTION NO. 4

RESOLUTION PROPOSING TO ADOPT A PREAMBLE TO THE CONSTITUTION

WHEREAS, it is essential to identify the power that shall ordain and promulgate the constitution;

WHEREAS, it is necessary for any national constitution at the outset to enunciate the great national purposes and aims for which reason it is adopting a constitution to establish a government;

WHEREAS, by reason of the intense religious nature of the Filipino people, it is but fitting and proper that they should invoke Almighty God, to utter a collective prayer, before essaying in a constitution the provisions of a government they are establishing. Now; therefore, be it

Resolved by the Constitutional Commission in session assembled, That the following be adopted to serve as the Preamble to the Constitution of the Republic of the Philippines:

"We, the sovereign Filipino people, imploring the aid of Almighty God, to build a just and humane society and establish a Government that shall embody our ideals and aspirations, promote the common good, conserve and

develop our patrimony, and secure to ourselves and our posterity the blessings of democracy under the rule of law and a regime of truth, justice, freedom, love, equality and peace, do hereby ordain and promulgate this Constitution."

Adopted, June 17, 1986.

RESOLUTION NO. 6

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON NATIONAL TERRITORY

Resolved, as it is hereby resolved by the Constitutional Commission in session assembled, To incorporate in the new Constitution the following provision:

ARTICLE I

THE NATIONAL TERRITORY

SECTION 1. The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, fluvial, and aerial domains, including the territorial sea, the seabed, the soil, the insular shelves, and other submarine areas thereof. The waters around, between and connecting the islands of the archipelago, irrespective of their breadth and dimensions, form part of the internal waters of the Philippines.

Adopted, July 10, 1986.

RESOLUTION NO. 7

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON CITIZENSHIP

Resolved, as it is hereby resolved by the Constitutional Commission in session assembled, To incorporate in the new Constitution the following Article on Citizenship:

ARTICLE II

CITIZENSHIP

SECTION 1. The following are citizens of the Philippines:

- (1) Those who are citizens of the Philippines at the time the adoption of this Constitution;
- (2) Those whose fathers or mothers are citizens of the Philippines;
- (3) Those born before January 17, 1973 of Filipino mothers, who upon reaching the age of majority, elect Philippine citizenship; and
- (4) Those who are naturalized in accordance with law.

SECTION 2. Citizens of the Philippines who marry aliens shall retain their citizenship, unless by their act or omission they are deemed, under the law, to have renounced their citizenship.

SECTION 3. Philippine citizenship may be lost or reacquired in the manner provided by law.

SECTION 4. Natural-born citizens are those who are citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship; Provided, That those who elect Philippine citizenship in accordance with Section 1, Paragraph 3 above shall also be deemed natural-born citizens.

SECTION 5. Dual allegiance of citizens is inimical to the national interest and shall be dealt with by law.

Adopted, July 10, 1986.

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