

R.C.C. NO. 5

VOL. I, June 06, 1986

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4524bac9be49/>

Friday, June 6, 1986

OPENING OF SESSION

At 9:16 a.m., the President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

THE PRESIDENT: Everybody will please rise to sing the National Anthem.

Everybody rose to sing the National Anthem.

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by Reverend Fr. Joaquin G. Bernas.

Everybody remained standing for the Prayer.

FR. BERNAS: Let us just pause for a while and be aware that we are in the presence of the Almighty Who cares about us and about our nation more than we can ever imagine.

PRAYER

Almighty Father, enlighten our minds, teach our hearts to love, and strengthen our wills to do what is right. We place ourselves into Your hands because we know that without You, we can accomplish nothing. Amen.

ROLL CALL

THE PRESIDENT: The Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar Present Castro de Present

Alonto Absent Colayco Present

Aquino Present Concepcion Present

Azcuna Present Davide Present

Bacani Present * Foz Present *

Bengzon Present * Garcia Present

Bennagen Present Gascon Present

Bernas Present Guingona Present

Rosario Braid

Present Jamir Present *

Brocka Present Laurel Present *

Calderon *

Present Lerum Present

Maambong Present Romulo Present

Monsod Present Rosales Present

Natividad Present Sarmiento Present

Nieva Present Suarez Present

Nolledo Present Sumulong Present *

Ople

Present * Tadeo Present

Padilla Present Tan Present

Quesada Present Tingson Present

Rama

Present Treñas Present

Regalado Present Uka Present

Reyes de los Present * Villacorta Present *

Rigos Present Villegas Present

Rodrigo Present

The President is present.

The roll call shows 36 members responded to the call.

THE PRESIDENT: The Chair declares the presence of a quorum.

MR. RAMA: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

APPROVAL OF JOURNAL

MR. RAMA: I move to dispense with the reading of the Journal of yesterday's session and to approve the same.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the motion is approved.

MR. ABUBAKAR: Madam President.

THE PRESIDENT: Kindly take the microphone.

MR. RAMA: The stenographers, by the way, are requesting that we speak to the microphone and speak clearly for

the transcription.

MR. ABUBAKAR: Thank you, Mr. Floor Leader, I shall do that.

I was out of the hall when the discussion on the Borneo claim was going on, so I could not make out what my distinguished colleagues had debated about on the matter. There was nothing, therefore, in the record to show that I had remarks to make.

But this morning, I would like to take a few minutes, for the information and reference of this honorable Commission, to say something about the position that I, as well as the people of Sulu whom I represent, take with respect to the question of the Borneo claim.

I think the honorable Commission has displayed a high sense of wisdom when it decided that the question of the claim to Sabah should not be included in the draft of the Constitution. The acquisition of this particular territory was by accident, when Angkang and Sangkalan came to the rescue of the Brunei Sultanate, which, out of gratitude, gave away a large territorial portion in what was known later as British North Borneo. But the Sultan of Sulu, with the recognition of the Spanish Government in Manila, had exercised jurisdictional rights over the territory for several years until he executed the controversial lease to the British North Borneo Company, the one single act of the Sultanate of Sulu that brought the Government of the Philippines and that of Malaysia to a clash for a contest of ownership. It was an accident of history that Sabah became part of the Sultanate of Sulu and was subsequently leased as "pajak," which means a lasting lease upon payment of the agreed amount of rent. I suggest that we leave this matter to diplomatic understanding in order to resolve the differences between Malaysia and the Philippines on the question of Sabah.

We, the people of Sulu and those who have resided in the area over a long period of time, have always been communicating with the people of Sabah without much restrictions on the basis of traditionally accepted practices such as no-visa entry. This relationship is age-old such that today there are many relatives of the people of Sulu who are residents by right of birth in Sabah.

Again, I wish to convey my congratulations to the Members of this honorable Commission for voting yesterday when I was unable to participate for the noninclusion of the Sabah claim in the draft of the Constitution. If there is ever a right for the Philippines to claim the Sabah territory, it is a right based on the reward handed to the aforementioned Angkang and Sangkalan by the Sultan of Brunei.

And on the basis of the action of the Commission, I think the people of Sulu, as well as of Mindanao, are glad because of the wisdom of the Members of the Commission in not including this claim in the Constitution that we are going to draft.

Thank you, Madam President.

THE PRESIDENT: Excuse me, before we proceed further, there is still another item in the agenda and that is the Reference of Business. So, we will consider the remarks of Commissioner Abubakar as inserted later on.

May we proceed then to the Reference of Business?

MR. RAMA: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. RAMA: I move that we proceed to the Reference of Business.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the motion is approved.

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

The Secretary-General read the following Proposed Resolutions on first Reading, the President making the corresponding references:

PROPOSED RESOLUTIONS ON FIRST READING

Proposed Resolution No. 46, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION PROVISIONS AFFECTING THE NATIONAL ECONOMY AND CREATING A SOCIO-ECONOMIC PLANNING AND DEVELOPMENT COMMISSION.

Introduced by Hon. Davide, Jr.

To the Committee on the National Economy and Patrimony.

Proposed Resolution No. 47, entitled:

RESOLUTION PROVIDING THE POLICIES ON THE CONSERVATION AND DEVELOPMENT OF THE NATIONAL PATRIMONY AND SEEKING TO INCORPORATE IN THE NEW CONSTITUTION A SEPARATE ARTICLE ON THE NATIONAL PATRIMONY.

Introduced by Hon. Davide, Jr.

To the Committee on the National Economy and Patrimony.

Proposed Resolution No. 48, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION THAT THE GOVERNMENT SHALL REFRAIN FROM ENGAGING IN OR AUTHORIZING TORTURE, OTHER CRUEL AND DEGRADING TREATMENT OR PUNISHMENT, UNEXPLAINED DISAPPEARANCE AND EXTRA-LEGAL EXECUTION, AND TO TAKE STEPS TO ELIMINATE SUCH PRACTICES BY OTHERS.

Introduced by Hon. Sarmiento.

To the Committee on Citizenship, Bill of Rights, Political Rights and Obligations and Human Rights.

Proposed Resolution No. 49, entitled:

RESOLUTION PROVIDING THAT EMPLOYEES OF ANY MEDIA CORPORATIONS OR ASSOCIATIONS SHALL ENJOY THE RIGHT TO BE PART-OWNERS THEREOF OR TO PURCHASE SHARES OF STOCKS THEREIN.

Introduced by Hon. Foz.

To the Committee on General Provisions.

MR. RAMA: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. RAMA: We have received information that the Committee on Rules is through with the drafting of the Rules. So I move that we adjourn the session.

MR. RODRIGO: Madam President, before we adjourn.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: I would like to say something in order to set our records straight. I would like to inform our worthy colleague here, Commissioner Abubakar, who said he was absent yesterday, that there was no vote taken on the question of Sabah. I think some newsmen interviewed some of the Members and each Member gave his opinion but there was no vote.

MR. RAMA: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. GUINGONA: Madam President, before we adjourn, may I be allowed to make some brief remarks on a very important issue that we discussed yesterday regarding public hearings during which our distinguished Acting Floor Leader made a motion which was approved by this body.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Thank you, Madam President.

Our distinguished Acting Floor Leader proposed that organizations, such as those mentioned by Commissioner Garcia, that have held and perhaps are continuing to hold public hearings, be invited to send materials or reports concerning the consensus reached in those public hearings. I would like to suggest that the Commission, through the President, solicit the assistance or cooperation of prestigious and responsible organizations which, as far as we know, have not yet conducted public hearings but which have nationwide networks in the form of clubs or units. And I have in mind civic organizations like the Rotary, the Jaycees or the Lions, professional and other organizations including the media, labor, student and faculty groups. We should request the leadership of these organizations to appeal to their clubs or units, particularly outside Metro Manila, to conduct public hearings in their respective areas within two weeks and send a report to this Commission on the consensus reached in those hearings. Of course, this would be without prejudice to the materials that we shall obtain from the valuable work of the ad hoc Committee on Public Hearings. But, Madam President, considering the actual work of the Commissioners in the matter of studies, researches, attendance in sessions, committee meetings and so forth, coupled with time and budgetary constraints, I am afraid that we will not be able to obtain enough materials or information from the proposed public hearings of the Commission to enable us to adequately feel the public pulse. By way of example, I do not know how many clubs the Rotary has, but let us assume it has 300 clubs. If one-tenth of these clubs respond favorably to the appeal of their leadership, we would already have 30 responses from the Rotary alone.

And so, if I may be allowed, I would like to respectfully move that this Commission, through the President, solicit the assistance or cooperation of prestigious and responsible organizations — civic, professional and so forth — for their leadership to encourage their clubs or units — I am referring to organizations that have nationwide networks — to hold public hearings on constitutional proposals within two weeks, and to send to this Commission materials or reports on the consensus reached in those hearings.

Thank you, Madam President.

THE PRESIDENT: Commissioner Guingona, the matter of public hearings, which is among the motions of Commissioner Monsod, was deferred. Would it be all right if this motion be taken up when we take up this whole subject of public hearings?

MR. GUINGONA: Yes, Madam President, I withdraw my motion.

THE PRESIDENT: The Chair will take note of it so that it will be included.

MR. GUINGONA: Thank you, Madam President.

MR. TINGSON: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: When and if this motion is taken up on the floor, I would like to add an amendment to it. Franking privileges should be extended not to us but to the people so that they need not buy stamps for all letters, packages and books that they want to send to us within the time that we are deliberating.

MR. GUINGONA: Madam President, in my enumeration of organizations, I forgot an important one. I would like to add religious organizations also.

Thank you.

MR. RAMA Madam President.

THE PRESIDENT: Is there any other amendment? (Silence)

ADJOURNMENT OF SESSION

MR. RAMA: As I was saying, the Committee on Rules has informed us that it is ready with the Rules. It has finished the drafting of the Rules and it would be necessary to have a caucus for expeditious discussion and approval of the Rules so necessary for our function.

Therefore, I move that we adjourn the session until Monday at three o'clock, and in the meantime we hold caucus.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the session is adjourned until Monday at three o'clock in the afternoon.

It was 9:34 a.m.

[*] Appeared after the Roll Call.

ABOUT BATAS.ORG

Study smarter at BATAS.org

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

The complete Philippine law library - free for everyone.

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

Audio case-brief lectures.

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

Bar review built on the science of memory.

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

The full law-school curriculum.

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

Mock exams that tell you where you stand.

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

A study planner that keeps you on pace.

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

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

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

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

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