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Monday, September 15, 1986

CALL TO ORDER

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

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Lorenzo M. Sumulong, to wit:

Heavenly Father, through Your Divine Guidance we are approaching the end of our labors in the making of a new Constitution for our people. Of course it was not smooth sailing all the time. It was unavoidable that many a time we see the same subject in different lights. Each of us has his or her own ideas and philosophies depending on the heredity and the environment which have influenced our lives. There were even moments when in the heat of the discussion tempers flared and emotional outbursts were exchanged causing temporary disruption in the proceedings, but these lapses in parliamentary decorum were soon tided over and tranquility in the floor discussions restored, thanks no doubt to the compassionate and merciful attitude that You, our Heavenly Father, take towards our human failings and shortcomings.

We pray, dear Lord, that in the days that remain for us to finish our work on the new Constitution, You will continue infusing in us the power of the Holy Spirit so that we may have the wisdom to carry on our task to a successful conclusion, to be more tolerant of each other's views, to be magnanimous in victory and graceful in defeat.

Let not our honest differences of opinion stand in the way of our unity. Let us respect the opinions of those with whom we disagree. Let them believe that they are right and we are wrong, even as we believe that we are right and they are wrong. For, after all, as one Spanish poet said:

En este mundo engaador
Nada es verdad ni mentira
Todo es segun el color
Del cristal con que se mira.
Kung ipahintulot ninyo na isalin ko sa ating sariling wika:
Sa mundong ito na lubhang mapanglinlang
Walang lubos na katotohanan, walang lubos na kasinungalingan,
Ang lahat ay alinsunod sa kulay
Ng palagaying ating tinataglay.

Heavenly Father, we believe in You and in Your Son, Jesus Christ, and we trust that in Your infinite goodness and kindness, You will lead us to the right paths, You will lead us to the right decisions. We pray for Your continued guidance and assistance.

Amen.

ROLL CALL

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

Azcuna, A. S.

Nieva, M. T. F.

Bacani, T. C.

Padilla, A. B.

Bengzon, J. F. S.

Muñoz Palma, C.

Bennagen, P. L.

Regalado, F. D.

Bernas, J. G.

De los Reyes, R. F.

Rosario Braid, F.

Rigos, C. A.

Calderon, J. D.

Rodrigo, F. A.

De Castro, C. M.

Romulo, R. J.

Colayco, J. C.

Suarez, J. E.

Concepcion, R. R.

Sumulong, L. M.

Davide, H. G.

Tan, C.

Foz, V. B.

Tingson, G. J.

Garcia, E. G.

Treñas, E. B.

Gascon, J. L. M. C.

Uka, L. L.

Jamir, A. M. K.

Villegas, B. M.

Natividad, T. C.

With 31 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.

Abubakar, Y. R.

Nolledo, J. N.

Alonto, A. D. .

Ople, B. F

Aquino, F. S.

Quesada, M. L. M.

Guingona, S. V. C.

Rama, N. G.

Maambong, R. E.

Sarmiento, R. V.

Monsod, C. S.

Villacorta, W. V.

P.M.

Laurel, J. B.

Tadeo, J. S. L.

Lerum, E. R.

Mr. Rosales was sick.

On September 13, 1986, Mr. Alonto who was present was inadvertently marked absent.

READING AND APPROVAL OF THE JOURNAL

On motion of Mr. Calderon, there being no objection, the reading of the Journal of the previous session was dispensed with and the said Journal was approved by the Body, with the following corrections, at the instance of Mr. de los Reyes, on page 1254.

1)

on the third line of the first paragraph, between the words "is" and "targeted", insert the word "not"; and

2)

on the first line of the second paragraph, change the word "continue" to "continuous".

REFERENCE OF BUSINESS

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

REFERRAL TO COMMITTEES OF COMMUNICATIONS

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

Communication No. 905 — Constitutional Commission of 1986

Communication from the Sangguniang Bayan of Kabayan, Benguet, signed by Mayor Alfonso P. Aroco, opposing strongly the move to grant autonomy to the Cordillera region

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 906 — Constitutional Commission of 1986

Communication from Mr. Lupo T. Carlota, transmitting a resolution adopted by the First National Convention of Filipino-Americans in the United States, Memphis, Tennessee, urging the Constitutional Commission to include in the Constitution a provision allowing Filipinos to have dual citizenship

TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL RIGHTS AND OBLIGATIONS AND HUMAN RIGHTS

Communication No. 907 — Constitutional Commission of 1986

Letter from Dean Celso B. Lantican, Acting President, Philippine Society of Foresters, Inc., pointing out some of the more serious disadvantages of the proposed 10-20-year logging ban, and expressing hope that said ban will not be acted upon favorably

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication Nos. 908, 909, 910, 911 and 912 — Constitutional Commission of 1986

Letters urging the Constitutional Commission to incorporate in the Constitution a provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines, from:

1)

Pastor Victor G. Lamarca
Malabon Church of God
World Missions of the Philippines, Inc.
Malabon, Metro Manila

2)

Faith Tabernacle Church
c/o Mr. Alfeo Namacpacan
Sta. Catalina, Negros Oriental

3)

Mrs. Cora A. Go
Tagum Christian Fellowship
Tagum, Davao del Norte

4)

Rev. Honorato Nerpiol
The Church Leadership Council
Surallah Alliance Church
Surallah, South Cotabato

5)

Rev. Mike J. Aguatis
Bible Land Mission
P.O. Box 19, Tagbilaran City
Bohol

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 913 — Constitutional Commission of 1986

Letter from Mr. Aurelio Periquet, Jr., President of the Philippine Chamber of Commerce and Industry, expressing his views on the proposed Article on National Economy and Patrimony and proposing specific amendments to Sections 1, 4 and 9 thereof

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 914 — Constitutional Commission of 1986

Communication signed by two hundred seventy signatories from the Philippine Women's University, seeking to incorporate in the new Constitution a provision obliging the State to protect the life of the unborn from the moment of conception

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

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.
It was 10:08 a.m.

RESUMPTION OF SESSION

At 10:18 a.m., the session was resumed.

QUESTION OF PRIVILEGE OF MR. SUAREZ

Thereupon, Mr. Suarez rose on a question of personal privilege relative to a portion of the prayer he recited on September 12, 1986 which appeared in Journal No. 81.

He explained that although the prayer, particularly the phrase "but who had unfortunately applied for the position of security guard at the Subic Bay shipyards", was irreverent, it was said without malice and was not intended to malign Mr. de Castro. He affirmed that such allegation was without factual basis.

He apologized to Mr. de Castro, and moved that said phrase be deleted from the records of the Commission.

In reply, Mr. de Castro accepted Mr. Suarez' apology and gentlemanly gesture of requesting for the deletion of such phrase.

Thereupon, on motion of Mr. Suarez, there being no objection, the Body approved the deletion of the phrase "but who had unfortunately applied for the position of security guard at the Subic Bay shipyards" from the records of the Commission.

UNFINISHED BUSINESS: COMMITTEE REPORT
NO. 36 ON PROPOSED RESOLUTION NO. 537
ON THE ARTICLE ON DECLARATION OF
PRINCIPLES

Thereafter, on motion of Mr. Romulo, there being no objection, the Body resumed consideration, on Second Reading, of Proposed Resolution No. 537 (Committee Report No. 36) on the Article on Declaration of Principles, entitled:

Resolution to incorporate in the Constitution an Article on the Declaration of Principles.

Mr. Romulo stated that the Body was still in the period of sponsorship.

Thereupon, the Chair recognized Mr. Tingson, and the Members of the Committee on Preamble, National Territory and Declaration of Principles.

REMARKS OF MR. REGALADO

Mr. Regalado supported Mr. Rodrigo's proposal and his reasons therefor, as further elaborated by other speakers, in support of the deletion of the provisions on the U.S. military bases. He stated, however, that his concurrence with such proposal was not based on his knowledge as to the truth of the contending arguments but on a disclaimer of an adequate knowledge as to their veracity. Adverting to the arguments for the adoption of the anti-bases provisions, namely, neutrality and the legal and political effects of the presence of U.S. military bases in the Philippines, he disagreed that a country that maintains foreign bases in its territory would be in the lower bracket of nationhood and could not claim full independence and sovereignty. He adverted to the presence of U.S. military facilities in Portugal, Great Britain, the Netherlands, Belgium, West Germany, Spain, Italy, Greece, Turkey, Iceland, Japan and South Korea; and the presence of Russian bases in North Korea, Vietnam, Poland, East Germany, Czechoslovakia, Hungary, Romania, Bulgaria, Cuba, Syria and South Yemen. He then inquired how these countries would stand under the argument thus raised. He stated that if these countries which are allies of the United States may be said to be the running dogs of the Americans, how about the so-called lackeys and surrogates of the Soviets?

He pointed out that there has been continuous influx of materials on the pros and cons on the advisability of having military bases in the country based on which the Members are expected, like armchair generals, to decide not only on the geopolitical aspects and contingent implications of the bases but also on their political, social, economic and cultural impact on the national life. He noted that the Members are asked a plethora of questions, to wit: 1) whether the bases are magnets for nuclear attack or are deterrents to such attack; 2) whether an alliance or mutual defense treaty is in derogation of the country's national sovereignty; 3) whether the criticism of the Philippines by Russia, Vietnam and North Korea is outweighed by the support of the ASEAN countries, United States, South Korea, Taiwan, Australia and New Zealand; 4) whether the social, moral and legal problems spawned by the military bases and their operation can be compensated by the economic benefits; and 5) whether

the removal of the bases would result in a power vacuum and if such vacuum would be filled by the intrusion of another power considering the contention that nature, like law and geopolitics, abhors a vacuum.

Mr. Regalado noted that the Body's attention has been drawn to esoteric theories such as: 1) the country is at a strategic crossroad near the so-called "choke points" in the Straits of Malacca, Sunda and Lombok which lead to the Indian ocean, Middle East and Europe through which one-half of Asia's oil supplies and four-fifths of its materials pass, 2) that the U.S. Subic Naval Base is a primary port training area, logistic support and maintenance base which supports American air and naval operations in the Pacific, South China Sea and Indian Ocean to counter Russian military facilities at Cam Ranh Bay and its air force at Da Nang which is only an hour flying distance from the Philippines; and 3) that even if the U.S. should transfer its bases to Wake Islands or Yap Islands the country would still be in the center of the line of fire from such islands to Cam Ranh Bay and Da Nang.

He added that the Body also had the transcripts of proceedings in Washington and the Pentagon as well as reports of military and economic analysts regarding the military bases including the countervailing views presented by the local cause-oriented groups and writers professing technical knowledge ranging from strategic worldwide planning to the destructive power of 5-megaton bombs.

Thereupon, he asked where these avalanche of arguments and welter of words would leave the Members who had been tasked with writing a Constitution but are expected to pass upon if not decide the fate of 55 million Filipinos whom they were not even elected to represent, or how the Body would verify the unverifiable data submitted by various representations.

Mr. Regalado opined that despite all diligence, his materials which are generally foreign in origin, outdated in vintage, unauthenticated in substance and slanted in presentation do not yield a desirable level of certitude which can be the basis for a well-reasoned opinion. He stressed that he is concerned, for in truth, the issue before the Body is actually a mere spin-off from the present global contest between American imperialism and Russian hegemonism. He added that this is a problem of such transcendental proportion that it would be wishful thinking for any Member to even essay or resolve.

Mr. Regalado also stated that one side of persuasion has submitted categorical, unequivocal and forceful assertions of their positions. He stressed that personally he has never been enchanted with superlatives, much less with the applause of the moment or ovation of the hour nor does he look forward to any glorious summer after a winter of political discontent. He then manifested his concurrence with Mr. Laurel who invoked the caveat not only against the tyranny of labels but also against the tyranny of slogans.

He opined that the military bases issue and the proposals on sections related thereto should be thoroughly discussed in another forum at another time and by another group of select representatives of the people. He pointed out that the Body's discussions, which are limited by time and scope, cannot exhaust all the aspects, options and agreements on the issue of military bases. He concurred with the proposal that the matter be submitted to intensive and extensive discussion by all sectors of the country since each one has a stake on the matter which, unlike the other provisions, is so directly equated with and determinative of national survival. He stressed that this is not to denigrate the Body's competence or to question its dedication.

Additionally, Mr. Regalado stated that based on established principles and accepted practices, the conduct of foreign policy and relations pertains to the Executive and Legislative departments because they are in the best position, with the expertise of their ministries or legislative committees and the domestic and overseas facilities at their command, to evaluate the international situation and assess its effects on the country. He added that the so-called legal omnipotence of the Body does not confer an affected omniscience on its Members. He disagreed that the Constitutional Commission can properly intrude into this Executive domain or usurp its function under

the guise of laying down a guideline, especially if such guideline is as inflexible as the one being proposed which would not only preempt Executive and Legislative actions but which may even be construed as virtual presumptuous assumption that only the Commission has the wisdom and patriotism to decide and effectuate such a vital decision. He added that the malicious may even say, and perhaps with some element of truth, that the very Commissioners whom the President appointed do not seem to have much confidence in her capacity to exercise her options in the national interest or, for that matter, in the competence or nationalism of her future successors. He also noted that the same inference may be levelled at the new Congress since, as shown by the Body's previous proceedings, not only has there been a perceptible patina of distrust for such future Congress but there have been subtle attempts to encroach upon its legislative prerogatives. In this connection, Mr. Regalado underscored President Aquino's suggestion to the Commission:

"Limit yourselves to your constitutional mission. Your task is to design a Constitution that will provide for a new Legislature, not to do that Legislature's work. That is for the people's elected representatives to do.

"You must define and protect our individual freedoms and rights. You must decide how our different institutions of State shall relate to each other. Do not be distracted by political debates and matters of policy that do not belong to your constitution-making exercise. You are here by the people's wish to write a Constitution. You are not here as elected politicians."

In closing, Mr. Regalado emphasized that the considerations he had stated do not detract from the basic proposition that those in favor of deleting any mention of military bases in the Constitution are not indicating a choice as to whether the same should be retained or dismantled, stressing that all that it means is that the matter should be properly and correctly submitted to the judgment not of the Commission but of the political leadership and the people in a proper exercise called for that purpose at the appropriate time and not in a rush to judgment in a state of emotionalism.

REMARKS OF MR. SUAREZ

Recapitulating the arguments in favor of a foreign bases-free Philippines, Mr. Suarez stated that: 1) every nation should be free to shape its own destiny without outside interference; 2) no lasting peace and no true sovereignty could ever be achieved so long as there are foreign military forces in the country; 3) the presence of foreign military bases deprives the country of the very substance of national sovereignty and that they are a constant source of national embarrassment, an insult to national dignity and self-respect as a nation; 4) these foreign military bases unnecessarily expose the country to devastating nuclear attacks; 5) these foreign military bases create social problems and are designed to perpetuate the stranglehold of the U.S. interests in the country's economy and development; 6) the extra-territorial rights enjoyed by them operate to deprive the country of its jurisdiction over civil and criminal offenses committed within its own territory and against Filipinos; 7) the bases agreements are colonial impositions and dictations upon the country; and 8) from the legal viewpoint and in the ultimate analysis, all the bases agreements are null and void ab initio because they do not carry the sovereign consent and will of the people.

He maintained that considering the proliferation of sophisticated nuclear weapons, these arguments are just as valid today as they were in 1898 when President McKinley received his imperialist inspiration; in 1902 when the Philippine Bill was enacted; in 1916 when the Jones Law was passed; in 1933 when the Hare-Hawes-Cutting Law was approved; in October, 1933 when Resolution No. 40 was passed by the Philippine Congress rejecting the Hare-Hawes-Cutting Law on the ground that "the military, naval and other recreations provided for in the said Act are inconsistent with true independence, violate national dignity and are subject to misunderstanding"; in March, 1934 when the Tydings-McDuffie Law was signed by President Roosevelt providing merely for "retention of

naval reservations and fueling stations for a period of only 2 years after the grant of Philippine Independence and for the perpetual neutralization of the Philippine Islands if and when Philippine Independence shall have been achieved"; in June, 1944 when Joint Resolution No. 93 of the U.S. Congress was passed authorizing the U.S. President "to withhold, or to acquire or retain such bases"; in July 4, 1946 when the independence of the Philippines was proclaimed simultaneously with the signing of the Treaty of General Relations, and in March, 1947 when the Military Bases Agreement was executed.

Mr. Suarez stated that his remarks would concentrate on two points of discussion: 1) on the claim that the American military bases are needed to protect the Philippines from external aggression; and 2) on the claim that the issue of foreign bases do not deserve a place in the Constitution.

Elaborating on the first, Mr. Suarez quoted significant portions of the proceedings which took place in the 1970 hearings before the Subcommittee on United States Security Agreements and Commitments Abroad of the U.S. Senate Committee of Foreign Relations, more popularly known as the Symington Report, in order to expose the hypocrisy of the claim that the bases are intended principally to protect the Philippines, to wit:

Senator Fulbright: We are not really there to protect the Philippines. We are there to serve our own purpose, to maintain a base for what we believe to be our forward protection against China or anybody else. That is our purpose.

Admiral Kauffman: Oh, yes sir. I believe we are there because these are very fine bases for the United States.

Senator Fulbright: For our own purpose.

Admiral Kauffman: Yes, sir.

Senator Fulbright: But is it not inevitable that because of our presence there and with this purpose, we would always use our influence for the preservation of the status quo? We will always resist any serious threat in the political and social structure of the Philippine government, which is very likely to be in the long run a detriment to the people of the Philippines.

Senator Symington: What, therefore, is the real purpose of this military assistance? Doesn't it come down to a quid pro quo for the bases and a means of contributing to the Filipino government?

Robert H. Warren. In my opinion, to a degree, sir. But it is also to help the Filipino forces to physically protect the United States forces in the Philippines.

Senator Symington: From whom?

Warren: Internally, sir; to maintain internal security and stability and thereby make our own activities over there more secure.

Senator Symington: In other words, we are paying the Philippine government to protect us from the Philippine people who do not agree with the policies of the government or do not like the Americans.

Warren: To a degree, yes, sir.

Explaining his second point, Mr. Suarez called attention to the fact that in the draft Constitution the Body had approved provisions which are less substantive and pervasive in character, impact and scope than a provision involving the paramount national interests of survival and dignity. He underscored that as a justification for the inclusion in the Constitution of such a provision, there are many other provisions which were included therein but which may be classified as essentially legislative in character, namely, provisions on the nonprescription of offense involving ill-gotten wealth; prohibition against green card holders from holding public offices; double

allegiance as inimical to national interests; sports development; standardization of compensation of government officials and employees; members of the Armed Forces of the Philippines holding positions in civilian government; submission of reports to the President and to the Senate by the COMELEC and the Judiciary; promotion of Spanish language; and other provisions in the Articles on the Judiciary, the Legislative and the Constitutional Commissions. He noted that if these provisions were accommodated, there is no reason why a provision on a matter as priceless as the nationalist values the country cherish and a matter of greatest concern for the safety and survival of the nation cannot be given a place in the new Constitution.

In conclusion, Mr. Suarez stated, that although he believes that emotionalism should not affect the Members' judgments, he would like to quote a question posed by a young student in the course of the public hearings conducted in San Fernando, Pampanga, to wit: "Why should we bargain away our dignity and our self-respect as a nation and the future of generations to come with thirty pieces of silver? "

REMARKS OF MR. BENNAGEN

Mr. Bennagen manifested that he would merely focus on three points among the arguments pro and con on the military bases, neutrality and nuclear-free Philippines.

On the argument that the Commission should not even mention anything on the U.S. bases for lack of knowledge of the intricacies of the issue, Mr. Bennagen stated that if this argument is followed, the Commission should not have enshrined a number of provisions on which its knowledge are rather imperfect. He argued that if this reasoning is adopted, the whole world would grind to a halt because of nonaction on the basis of inadequate information.

He stressed that although the Body does not have adequate information on which to base a decision to ban the U.S. bases as well as nuclear arms, the underlying principle of military bases, wherever they are found and whoever owns them, is that they are for killing people and for terrorizing humanity which is morally repugnant and which is enough reason to constitutionalize the ban on foreign military bases and nuclear weapons.

On the contention that the U.S. military bases were established for the strategic interest of the Philippines, Mr. Bennagen stated that Noam Chomsky, a professor of linguistics at the Massachusetts Institute of Technology, in a talk at Harvard University on March 19, 1985, on the U.S. intervention in Asia and Central America, pointed out that from 1935 to 1945, extensive studies on geopolitics were conducted by the Council on Foreign Relations and the State Department. He informed that one of the study groups was called "the War Peace Studies Group", and that the groups developed the so-called "Grand Area Planning" in which the Grand Area is the region subordinated to the needs of the American economy and is "strategically necessary for world control". According to their geopolitical analysis, he noted, the Grand Areas included the Western Hemisphere, the Far East, the former British Empire, Western and Southern Europe and the oil producing regions of the Middle East; in the Far East, the analysis was for Japan to be the industrial heartland of Asia but inasmuch as Japan is resource-poor, South and Southeast Asia would be needed for resources and markets. He noted that all these countries will be incorporated within the global system dominated by the U.S. Furthermore, he informed that this thinking was best expressed by George Kennan, head of the State Department Policy Planning Staff in the late 1940s, who wrote in 1948:

We have about 50% of the world's wealth but only 6.3% of its population. In this situation, we cannot fail to be the object of envy and resentment. Our real task in the coming period is to devise the pattern of relationships which will permit us to maintain this position of disparity. We need not deceive ourselves that we can afford today the luxury of altruism and world benefaction. We should cease to talk about vague and unreal objectives such as human rights, the raising of the living standard and democratization. The day is not far off when we are

going to have to deal in straight power concepts and the less we are then hampered by idealistic slogans, the better.

Mr. Bennagen stated that this was the same principle applied to Latin America for the protection of raw materials needed by the U.S. He noted that Chomsky, in this regard, queried "protect from whom" and pointed out that "whom" referred to the indigenous populations of Latin America who would naturally want to use the resources for their own and that Chomsky also asked "protection by what means" to which he responded "the final answer might be an unpleasant one but we should not hesitate police repression by the local government. This is not shameful since the communists are essentially traitors. It is better to have a strong regime in power than a liberal government if it is indulgent, relaxed and penetrated by communists."

In American political discourse, he noted that the term "communists" is regularly used to refer to the people who are committed to the belief that "the government has direct responsibility for the welfare of the people", a statement contained in a 1949 State Department Intelligence Report which warned of the spread of the doctrine which would threaten U.S. needs for raw materials. Consequently, John F. Kennedy noted that "Governments of the civil-military type as El Salvador are the most effective in containing Communist penetration in Latin America."

Mr. Bennagen stated that since World War II, the U.S. military's enemy has been world communism and that a systematic review of Congressional hearings involving the military would show that the term "communism" is interchanged with 1) "neutralist"; 2) "forces of disruption"; 3) "extremists"; 4) "dissidents"; 5) "anti-Americans"; 6) "socialists" and others. He informed that these "communists" are considered the forces of evil in the world by members of the U.S. military-industrial complex. This thinking, he noted, has been transmitted throughout the world through the extensive network of communication and U.S. propaganda, including U.S.-supported military training schools and that the same propaganda in the Philippines has translated the reference to democracy and communism into white and black.

He informed that in the mid-1950s, this U.S. policy on "communism" was further developed by a prestigious study group headed by a Harvard University Professor of Government which reached the conclusion that "communism" is the enemy because its economic transformation does not "complement the industrial economies of the West." He noted that this was Chomsky's basis in saying that the U.S. quite consistently tries to create enemies, that the country tries to free itself from U.S. domination and was also the historical basis of the "red-scare" tactic. Chomsky, he noted, in referring to Latin America had this to say: "What we do is drive a country that tries to get away from U.S. influence into being a base for the Russians because that justifies the U.S. to violently intervene in the internal affairs of the country to keep this country within its grip." This same pattern, he contended, has taken place in Asia and the Philippines.

George Kennan, he informed, who linked the military strategy of forward deployment to the containment of Soviet and Communist power, agreed with General MacArthur's idea in 1948 that the strategic boundaries of the U.S. were no longer along the Western shore of North and South America but in the eastern coast of the Asiatic continent. He noted that George Kennan stated "that Japan and the Philippines will be found to be the cornerstones of such Pacific security system, and that if we can continue to retain effective control over these areas, there can be no serious threat to our security from the East within our time." Mr. Bennagen pointed out that consequently the U.S. sought to shape its "relationship with the Philippines in such a way to permit to the Philippine Government a continued independence in all internal affairs, but to preserve the archipelago as a bulwark of U.S. security in the area." This, he maintained, was the historical and geopolitical context for the Military Bases Agreement in March, 1947.

In the light of this geopolitical context of U.S. policy, he observed that the statement of Representative Stephen Solarz, Chairman of the Subcommittee on Asian and Pacific Affairs, regarding U.S. policy in the Philippines could be better understood. Solarz, he noted, stated that "on a scale of 10, our interests are 6.5 for the military bases at Subic and Clark; 2 for U.S. investments and trade; and, to be kind, 1.5 for Filipino human rights."

He stated that it is also in this context that the Filipino can begin to understand the recent statements of certain American officials, according to a Philippine News Agency dispatch from Washington D.C. which was subsequently published by Business Day on August 22, 1986, to wit:

- Richard Armitage, Assistant Secretary of Defense for Far East Affairs, told Congress that the NPA's strength had increased from 12,000 before President Aquino took over to 16,000;
- Gaston Sigur, Assistant Secretary for East Asian and Pacific Affairs, told Congress that "no one should underestimate our resolve to maintain our defense and mutual security arrangements with the Philippines and to preserve our access to the facilities at Subic and Clark through 1991 and beyond." Sigur, he noted, was quoted as saying "They (the bases) support our strategy of forward deployment in Asia and provide a secure foundation which makes possible the pursuit of our larger political and economic interests in this key part of the globe."
- One unnamed source said that "the U.S. will also have no qualms to destabilize the present government if it perceives that its interests are being jeopardized or the communists are taking the upperhand."

The same context, he maintained, would help put into perspective the Manila Declaration by the International Security Council during its recent Manila Conference on August 12-14, 1986, chaired by a right-wing scholar who was once hired by the past regime to wage a propaganda campaign in support of that regime. He noted that the document reechoed the Cold War rhetoric between democracy and communism.

All these developments, he argued, demand a thoroughgoing reexamination of the Cold War rhetoric between democracy and communism to enable the country to blaze its own path consistent with its history, cultural values, needs and aspirations.

He observed that international politics and patterns of social development are too complex to be reduced into mere opposition to "democracy" and "communism". He stated that new nations are now exploring uncharted paths of national development guided by human rights to self-determination and that the Philippines can do no less. This, he stated, can only be done by freeing the country from the clutches of old colonial masters and from anachronistic ideas, values and structures. He noted that it cannot be assumed that strategic interests and political and economic structures are for the welfare of the Filipinos.

Mr. Bennagen underscored that the time to do all of these would be now. For a start, he said that the Constitution, the fundamental law of the land, can contain a provision declaring that there shall be no foreign bases on Philippine soil, that it shall be nuclear-free and that it shall move towards a region of peace, freedom and neutrality.

STATEMENT OF MR. BACANI

Mr. Bacani added some footnotes to the ongoing discussions.

On the concepts which should be explored in this issue, Mr. Bacani referred to the concept of the necessary evil as more important. He observed that several arguments have been propounded: 1) that the U.S. Naval Bases in the country have been an evil element in history; 2) that there is no certainty that the U.S. Naval Bases are really an evil element; and 3) that the U.S. Naval Bases have been somehow beneficial to the people.

Moreover, he pointed out that another element to consider is whether these military bases are evil or good. If they are evil, he argued that there is a possibility that they may be necessary evil and therefore even if they should exist and perhaps be allowed to exist, they can be tolerated for the sake of the greater good, at least for the time being.

To elucidate on this point, Mr. Bacani drew two examples — one referring to the physical life and the other to the political life. On the physical life, he cited the example of a child who has a rheumatic heart condition and although the illness should be corrected through surgery, the doctors may advise that surgery be postponed for 10 years to enable the child to gain enough strength to undergo the surgery. In this instance, he stressed that there is an acknowledged evil, but the same is tolerated for the sake of the common good. On the political life, he cited the case of a Cabinet Minister who should be removed but has to be retained in the Cabinet so as to avoid the graver consequences, for the present, of his removal.

In the Scriptures, he observed, a similar situation found in the parable of the wheat and weeds which tells that both weeds and wheat grew from land planted to wheat seeds, prompting the laborers to ask "But did you not sow wheat? Why then are there weeds? Do you want us to root them out?" to which the Lord answered "No. Let us wait till harvest time. Let us, lest by rooting out the weeds, you also do harm to the wheat." He underscored that even God sometimes tolerates some evil, some necessary evil, precisely in order to achieve the greater good.

On the second concept involved in the issue, Mr. Bacani pointed out the social costs of the bases. He noted that there have been contentions that the bases are causes of prostitution and drug abuse and that allowing the bases to remain may mean the loss of Filipino souls. He stressed that he does not want to exonerate the bases or concur in the condemnation from the point of view of the bases' social costs to the lives of the Filipinos. He stated that he simply wanted to make some observations, as one who has lived and worked in very close proximity to two American bases — the Subic Naval Base and the U.S. Naval Communications Station in San Antonio, Zambales. He noted that one noticeable phenomenon on the prominence of hostesses and hospitality girls in these areas is that hardly any prostitute come from either San Antonio or Subic as all are migrants from the Visayas, Bicol, Manila, Pangasinan or other neighboring provinces. The same, he observed, can be said of Olongapo City. This matter, he opined, leads one to surmise that the presence of the bases in itself, does not cause or is not at least the unique cause of prostitution, because if this is so, the ones who would become prostitutes or hospitality girls would be the girls from these very areas. He informed that hostesses and hospitality girls come from afar, drawn by two reasons: 1) the need to survive and the need to support their families; 2) the hope that they would become the "steady" or the wife of an American serviceman. He observed that the remedy to prostitution does not lie primarily on the removal of the bases because even if the bases are removed, these girls would look elsewhere for clients. The remedy, he stressed, lies elsewhere — in an alert and concerned citizenry, a healthy economy, and sound educational values.

He adverted to an article entitled "Children of the Night" in the Sunday Times Magazine of September 14, 1986 in which a hospitality girl who does not work near an American base but earns her living somewhere in Manila, when asked whether she would leave her trade answered: "Ayaw kong maging patay-gutom uli. Sa trabaho ko may pag-asa pa akong umasenso. Baka isang araw may magkagusto sa aking Kano, gawin pa akong kabit." He noted that in Thailand, which according to information no longer has an American base, an American magazine pointed out that there are 1 million prostitutes or hospitality girls while the Philippines has 500,000. He underscored that he is merely trying to state that the remedy the Body may be trying to propose may not completely fit the disease.

REMARKS OF MR. JAMIR

Mr. Jamir spoke in favor of the deletion of Section 3, prompted by a desire to prevent the inclusion of any mention of the maintenance of foreign military bases in the Constitution. He opined that these matters are best left to the President and Congress so that they may act on them, as events, unfold, in accordance with the best interest of the people. He maintained that for the Constitution to mandate that the country must remain neutral at all times and prohibit the existence of foreign military bases, irrespective of what the circumstances may demand, would be unwise if not suicidal for it would put the government in a straightjacket in the conduct of foreign affairs.

On the matter of neutrality, he stated that the U.S. Congress in 1935 passed the Neutrality Act which obliged the President to place an embargo on all shipments of arms beginning September 3, 1939. He noted that as long as the law remained in effect, the U.S. could do nothing to help England and Russia against the Germans. This same Act, he stated, which was not embodied in the U.S. Constitution, was repealed on November 30, 1939 which enabled America to become the arsenal of democracy, specially after the approval of the Lend-Lease Act. This instance, he pointed out, is more than ample proof that it would be wrong to tie the hands of the President and Congress by a constitutional provision mandating neutrality irrespective of circumstances. He underscored that the better policy, as borne out by the event he just related, is not to mention neutrality in the proposed Constitution.

With reference to Switzerland, a neutral country, he stated that it has not been invaded because it serves as a useful listening post for all nations at war and not because of its neutrality.

Neutrality, he opined, has been a failure as evidenced by the following events:

- Belgium, which proclaimed itself neutral during World Wars I and II, was pillaged and plundered by the Germans in both wars — in spite of German assurances;
- Holland and Denmark, whose neutralities were guaranteed by Germany, were also invaded by the Germans in World War II; and
- Norway, whose neutrality was guaranteed by Hitler, was invaded by the Germans on the pretext that England was about to overrun the country.

He pointed out that up to the present, nations which placed so much trust on their supposed diplomatic immunities are still suffering from the grievous wounds inflicted by belligerent nations.

He raised the question as to whether the rest of the world can abide by a declaration of Philippine neutrality in its Constitution. He noted that the Philippines cannot be neutral as other countries would not be parties to the declaration and would not be bound by the declaration.

He expressed grave doubts on whether the country's neutrality would be respected by either the U.S. or Russia. He pointed out that Russia, in spite of its nonaggression pact of 1921 with Finland attacked the latter on November 30, 1939 for its refusal to lease a port in the Gulf of Finland. He recalled that Russia urged the Polish partisans to rise up in revolt against the German garrison a few days before Poland's liberation only to leave the Polish patriots to the tender mercies of the Germans inasmuch as Russia wanted the noncommunist parties out of the way. He noted that Russia even refused to allow the British and Americans to give food and military aid to the Poles. Today, he noted, Poland is still under Russian control.

Mr. Jamir reminded the Body that six or seven years ago, Russia invaded Afghanistan in order to install Russia's puppet as president of that country and since then so many Afghan lives have been lost and countless families have been driven from their homes to neighboring Pakistan. He stated that Russia continues to occupy

Afghanistan against the will of its people and these hapless victims of ruthless invasion do not know if they will ever return to their native land. In this context, he asked whether the Body, in the guise of guarantor of neutrality, is ready to offer the country as the succulent food for the Russian bear.

On the question of foreign military bases, Mr. Jamir stressed that nothing should be mentioned in the proposed Constitution regarding the maintenance of foreign bases in the Philippines. Instead, he suggested that this matter be left entirely to the determination of the President and Congress as the country's interest may demand. On the contention that the maintenance of foreign military bases in the country would impair portions of its sovereignty, Mr. Jamir expressed the view that there are times when it is necessary to do so according to the imperatives of national interest and there are, he pointed out, precedents to this effect.

Mr. Jamir cited England when, in World War II, it leased its bases in the Western Islands and in Bermuda for 99 years to the United States for use as naval and air bases in consideration of 50 overaged destroyers which the United States gave to England for use in the Battle of the Atlantic. He pointed out that a few years later, England gave the island of Diego Garcia to the United States for the latter's use as a naval base in the Indian Ocean and about the same time, the United States obtained bases in Spain, Egypt and Israel. He stated that in so doing, these countries in effect contributed to the launching of a preventive defense posture against possible troubles in the Middle East and the Indian Ocean for their own protection.

Mr. Jamir underscored the fact that the country, on its own, could not survive a full-scale war because the sheltering sea that surrounds it is not enough to guarantee freedom from hostile attack. He expressed the view that it would be foolish to suppose that in Southeast Asia, to which the country belongs, nothing untoward would happen. He stated that the best thing which the country could do is to invest in the goodwill of its neighboring nations by doing its share in common defense. He stressed that since the bases of Subic Bay and Clark Field are obviously part of the defense perimeter of Southeast Asia, the little inconvenience which the country is undergoing due to the impairment of a portion of its sovereignty is more than offset by the protection they afford and this, he stated, could be considered as the country's investment in peace and freedom.

Mr. Jamir disclosed that he had often asked himself whether neutrality and the removal of all foreign bases from the country stems from a desire to see this country bereft of all vestiges of self-protection or from a hatred of everything that has to do with the United States of America. He admitted that he was unable to give a credible answer to these questions. He stated that he cannot imagine why one would want his nation face a hostile world completely defenseless and neither can he understand why one could see nothing but fault in the United States of America in spite of the obvious blessings it has showered upon the nation. Whatever may be the cause of these extreme demands, he reminded everyone not to forget that the country would suffer if these issues are constitutionalized.

Finally, Mr. Jamir reminded the Body that in the discharge of its functions, it is the anxious hope of the Filipino nation that it would act with circumspection and not with folly. He appealed to everyone to cast aside all pettiness so that the youth with all his dreams; the middle-aged with his memories of causes, lost and won; and those in their twilight years could help bring the people out of bondage to the promised land.

REMARKS OF MR. TREÑAS

Mr. Treñas prefaced his remarks by stating that he was tempted to join those who favor the inclusion in the Constitution of the anti-bases provision after he heard their eloquent and sometimes emotional arguments, among them: 1) the presence of the bases may invite nuclear attack in case of war; 2) the bases have spawned social problems; 3) the insistence of the United States that it is paying rentals in the form of aid which is a measly amount compared to what is being paid to other countries; and 4) the United States has supported a corrupt and

dictatorial regime. However, after hearing the solid and sober arguments of Mr. Rodrigo as well as those who supported him, he decided to join him in this matter.

Mr. Treñas contended that the Constitutional Commission does not have the right or the duty to place in the Constitution a provision banning military bases. He recalled that during the last presidential campaign, President Aquino had repeatedly stated her stand on the matter — that her options are open and she would decide accordingly at the proper time. He expressed the view that the Members of the Commission, who were appointees of the President, should not preempt the President from exercising her option at the proper time, because he believed in the dynamism of the President who could act decisively, more so after a few years when this important issue would have been better studied by the government. He posed the query why the President should be deprived of this right which belongs to her as Chief Executive. He observed that the Commission should not deprive the future Congress, affirming or ratifying the decision of the President and the Filipino people, of the right to decide on this crucial issue after the matter has been properly debated and the pros and cons expounded. He opined that should President Aquino decide that these bases be removed and this decision is ratified by the Congress and supported by the people, such decision should be respected, otherwise, the Congress and the people should be given a chance to decide.

On the other hand, Mr. Treñas expressed support of the Committee's proposal not to allow the storage of nuclear weapons in any part of the country. He agreed with the reasons and arguments advanced by Messrs. Azcuna and de los Reyes and he stated that it is about time that the country joined all other nations in proclaiming to the world that it would not allow storage of any nuclear weapon in the country. He stated that if America and Russia should persist on the insanity of building up nuclear power and destroy each in war, these would be on their respective conscience. He said that the occasion should not be allowed to pass without expressing the sentiments of the Filipino people against storage of nuclear weapons.

Finally, Mr. Treñas expressed the hope that the two superpowers would someday realize their insanity and agree to destroy their respective nuclear weapons and, instead, use the billions spent on them to eradicate poverty, disease and hunger. He stated that he is looking forward to the day when all nations of the world would be living in peace, harmony and love.

REMARKS OF MR. TINGSON

Mr. Tingson stated that he does not intend to muddle the high level discussions and debates on this controversial subject by getting into the fray on the flimsy excuse that he is duty-bound as a Member to speak out on any and all proposals brought before the Body.

Mr. Tingson, however, stated that he must speak because, rightly or wrongly, he had been singled out by media as the unabashed American Boy Commissioner. He lamented the way he was unjustly criticized and how media tried to crucify him on the iron cross of intellectual indiscretion, just because he has been trained to articulate his honest convictions and speak out his mind after ample and prayerful consideration.

Mr. Tingson admitted he is for the retention of the American military bases in the country. He said that he was affirming this without hesitation or embarrassment because the decision to retain these bases was indicated by surveys showing that a vast majority of the Filipino people opts for this decision. He pointed out that this is an indication of vox populi vox dei which is the very essence of democracy.

Adverting to the last survey made by the Bishops-Businessmen Conference on this issue, Mr. Tingson pointed out that an overwhelming majority of the people favored the retention of the American facilities at Clark Air Base and the Subic Naval Base.

He stated that he is neither blind nor naive in advocating the retention of the US bases under strict conditions. Although it has been said that patriotism is a refuge for scoundrels, he urged everyone to equate this issue, pro or con, neither with the patriot nor with the scoundrel but with one imbued with a dispassionate and honest objective.

Mr. Tingson stated that when he filed Resolution No. 268 which seeks the extension of these bases, it was on the condition that such extension be based on justice, historical amity of the peoples of the Philippines and the United States, and their common defense interest.

He agreed with Mr. Francisco Tatad that as a sovereign nation, the Filipino people must not consider themselves hostage to any agreement which does not serve the national interest. He stressed that while it is the right and duty of every Filipino to abrogate or modify any agreement that does not find consonance with God-given rights, it is equally the right and duty of every citizen to defend every agreement entered into as a self-respecting people.

Mr. Tingson then quoted Mr. Tatad's rhetorical questions, to wit:

"Does the Bases Agreement serve our national interest? The United States, Japan and the whole of ASEAN need the bases. Do we need them as well? If the bases serve to tranquilize the water of Western Pacific, how much tranquil would they be were those bases to be removed? What chances would the country have of living a peaceful and quiet life if the balance of power in the region were to shift? Can we afford to exist as a group of islands in the middle of a vast ocean untouched and unmoved by the changing currents around us? Can we afford to pursue a policy of neutralism while the waters around us heat up?

"Can we afford to speculate on our security? Do our reasonably friendly relations with Socialist Vietnam, with its Russian-supplied army of over a million men, allow us to tempt that country with whom we have a territorial dispute over some oil-rich areas just a strip of water off Palawan, by dismantling the only structure that provides our external defense at this time?"

Mr. Tingson asked if anyone could tell whether the country should continue to rely on the U.S Seventh Fleet to provide security cover for the country's oil imports from the Middle East and on the 13th Air Force for the country's aerial defense. With the decline of the defense budget over the years, he posed the question of whether the country could possibly fill with its own resources a security vacuum arising out of a sudden American withdrawal of their military bases which serve as a mutual defense for the United States and the Philippines as well as the defense of the ASEAN countries. These, he stated, are questions that demand not wishy-washy but gut answers.

He agreed with the other Members, stating that as a self-respecting country, the Philippines must exert every effort to end its security dependence on a foreign power although this is not yet the time, but perhaps within the lifetime of the generations to come.

Mr. Tingson echoed the statements of Defense Minister Juan Ponce Enrile who batted for the retention of American facilities in the country even beyond this century to counterbalance the growing Soviet military might in the Pacific Region. Further quoting Minister Enrile, he warned that the removal of these bases would create a vacuum in this part of the world and it would not be in the interest of the country at this time considering that the Soviets have a huge military base at Cam Ranh Bay in Vietnam which is just a few flying hours from Luzon. He maintained that even the joint military forces in the Pacific, including China and Japan, would not be enough to counter the Soviet military force. He further echoed Minister Enrile's warning that if one superpower is stronger militarily than the other, the stronger one would be tempted to intrude into the national territory of the weaker nation. He stressed that in the case of the Philippines and Southeast Asian countries, the presence of American troops in the area is a projection of America's security interest. He stated that Minister Enrile also echoed the sentiments of most of the Members of the Commission that it is ideal for the country as an independent and

sovereign state to ultimately abrogate the RP-US Military Treaty and at the opportune time build its own air and naval might. This, he stated, was expressed by Mr. Enrile when he said:

"Maybe later on when we attain an economic strength to enable us to develop such capabilities to guard the boundaries of our nation against external attack."

In this light, he asked if anybody could honestly see such a possibility in the offing.

Mr. Tingson likewise adverted to Vice-President Laurel who was reported to have said that the U.S. Military Bases should not be touched by the Constitutional Commission because any such decision written into the new Charter would tie the hands of the government. He further said that with the bases out of the Constitution, the government could respond to changes of circumstances and could have more elbow room in the projected renegotiations of the bases treaty beginning 1988.

Furthermore, Mr. Tingson echoed President Aquino when she said that she wanted to keep her options open on what to do with the American military bases in the country and reiterated her advice to the Members of the Constitutional Commission "to stick to the work of writing a Constitution and not usurp the legislative and policy-making functions of the representative institutions that they are called upon to create."

Mr. Tingson also adverted to the U.S. Embassy's publication U.S. views when, in the wake of speculations that the United States would retain the bases as it did in Guantanamo Bay, Cuba, despite efforts to remove them, it was reported that the United States considers American facilities in the country vitally important to its interests but nevertheless, America would not insist on staying if the Philippine government decides to end the Military Bases Agreement in 1991. He pointed out that in the same report, it was mentioned that seven Philippine administrations and eight American presidents had found the bases serving the mutual interest of both countries and a majority of Filipinos favoring the retention of the bases. He further pointed out that quantifying the economic benefits that the Philippines derives from its military spending, there are about half a million direct and indirect jobs, and over \$1 billion added to the country's economy.

Mr. Tingson stated that all of these emphasize the need for a most thorough, scholarly and continuous study of all aspects of the matter. He stressed that the Filipino people must be prepared for the moment of truth when they would make a definite stand on the military bases issue consistent with their security and well-being.

He expressed support for the inclusion of a provision in the Transitory Provisions that when the Philippines shall have entered into another treaty with the United States, it must seek more favorable conditions and the same treaty should be presented to the Filipino people for their decision whether or not to allow the retention of the American bases in the country.

He stressed that in this endeavor, Philippine leaders could not afford to be parochial or insular because while their responsibility is to the people, they cannot discharge that responsibility unless they deal objectively and justly with the interests of other countries which may be affected by their decisions.

He expressed appreciation for the privilege of participating in the debate of an issue that would conduce to the ultimate survival or destruction of the country.

By way of recapitulation, Mr. Tingson stated that he is for the retention of the U.S. military bases provided each extension shall have the concurrence of both parties and shall be based on justice, historical amity of the Philippines and the United States and their common defense interests. He stressed that his stand is based on practical nationalism and economic realism. He stated, however, that he would join Mr. Rodrigo and other Members who proposed that nothing about the issue be written in the Constitution. He quoted former Ambassador Melchor Aquino who wrote, "Public opinion surveys, which conclusively show that the majority of the people

favor the maintenance of U.S. military presence, should give pause to the Constitutional Commission. A constitutional ban on U.S. bases could very well lead to rejection of the draft Constitution in a national plebiscite. Senator Rodrigo has raised a voice of wisdom. Other Members of the Constitutional Commission who adhere to the paramount order of reason should follow suit."

Finally, he prayed that "God grant the Filipinos with hearts ablaze, with all rights to love and all wrongs to hate . . . for these are the Filipinos the country needs, these are the bulwark of the State."

POINT OF INFORMATION AND MOTION OF MR. GASCON

At this juncture, Mr. Gascon reminded the Body that September 16-23 is the International Week of Peace, and September 16, the International Day of Peace. He stated that the United Nations requests the world to observe a million minutes of peace to begin at twelve noon every day.

He then moved that at twelve noon, the Body start the minutes of peace in line with the International Year of Peace and the International Week of Peace in relation to the discussion on neutrality and the U.S. bases in the Philippines.

In reply to the Chair's query, Mr. Gascon stated that although the celebration starts September 16, he was suggesting that the Body immediately start the International Week of Peace, which motion was seconded by Mr. Tingson.

(Thereafter, at 12:00 noon, the Body observed a minute of silent prayer for peace.)

REMARKS OF MR. ALONTO

Mr. Alonto observed that the discussion on U.S. military bases was emotional and passionate. He pointed out the warning and advice from a journalist who wrote an article "On Comedy of Errors" on September 10, 1986 about "squabbles, walkouts, and irrevocable resignation", which characterized the actions of the Constitutional Commission.

He stated that although disagreements over certain provisions were not surprising because unanimity of opinion is not human, a walkout or resignation when one's opinion is overruled would be a violation of the basic terms of one's appointment to the Commission. He stressed that the minority should abide by the decision of the majority, unless there is proof of coercion or bribery on the part of the majority. He opined, however, that no Member of the Commission could be bought or coerced.

He also stated that if outvoted, the minority could still ventilate their arguments in the print and broadcast media, or they could campaign against the approval of the Constitution in the plebiscite. He said that if the majority of the people would express approval of the Constitution, there could be no way of abandoning the Filipino people, because this is the essence of democracy.

He maintained, however, that the issue of U.S. military bases in the Philippines should not be included in the Constitution but should be left to the decision of the Executive and Legislative Departments.

He opined that the crux of the discussion may be gleaned from the President's statement that although she is not in favor of the foreign military bases, she is not ready to dismantle the bases if dismantling means a takeover by another country. He underscored that the Philippines must choose between the United States and the Soviet Union and that there could be no "fence-sitting" in international relations.

He urged the Members of the Commission to be cautious in the matter of removal of the U.S. military bases.

Otherwise, he stated that the country might experience the same fate suffered by some Latin American countries; as well as by Afghanistan, which served as a buffer between the Russians and the British but which eventually accommodated Russian help when King Brahir was overthrown by his brother-in-law. He stated that Russia began its rule over Afghanistan when it placed a more dependable puppet, Barbrac Karmal, who carried out orders from Russia no matter how bitter they might be until the Russians were killing Afghans with the use of napalm bombs and lethal gases; and poisoning their waters and burning their fields with chemicals. Afghanistan, he said, became a wasteland and a place of terror where there was nothing but darkness forcing the people to seek refuge in Pakistan, Iran and other parts of the world.

He then prayed that the Members of the Commission would be properly guided in the deliberation on the issue of U.S. military bases. He reiterated that although he was against any foreign bases, the deliberation should take into account the realities of the times.

SUSPENSION OF SESSION

At this juncture, on motion of Mr. Rama, the Chair suspended the session.
It was 12:16 p.m.

RESUMPTION OF SESSION

At 2:53 p.m., the session was resumed with the Honorable Hilario G. Davide, Jr. presiding.

REMARKS OF MR. GASCON

Speaking in support of the Committee's proposal for a commitment to a zone of peace, freedom and neutrality, and a bases-free and nuclear-free Philippines, Mr. Gascon related the story of an old man, a staunch nationalist and known worldwide as some body who harbored anti-American sentiments by writing articles calling for genuine Philippine independence. An American journalist who read his articles wrote a whole book in answer and came to the country just to show him her book. She saw the Filipino nationalist at an occasion in the Luneta and noticed that he had his hat on when the National Anthem was being played. She went up to him and introduced herself and asked him why he, a nationalist, had his hat on when the National Anthem was played. He turned to her and said: How can I remove my hat when I lost both my hands fighting your war in Vietnam? With that, the American took her book and threw it in Manila Bay.

Mr. Gascon then inquired how many more limbs would have to be lost fighting other peoples' wars before the country decides that it has had enough. He pointed out that in a nuclear war people would lose more than their pair of limbs since its effects would be so devastating that the living would envy the dead, wishing that like them they would be spared of several months of nuclear winter, fire, smoke, dust, debris and other particles, nuclear blizzard, radiation, malnutrition and other unimaginable injuries from intense bombardment of ultra-violet light. He stressed that all the existing nuclear arsenals which are capable of destroying all life on earth would make this nuclear winter very possible. He stated that the present total explosive force is equivalent to 1,500 to 2,000 megatons, 1 megaton being the equivalent of 1 million tons of TNT or roughly equal to 1 million bombs similar to that dropped in Hiroshima, or 4 tons of TNT for every person on earth. He stated that a 1-megaton nuclear explosion can cause radiation, incapacitation and death, to people within an area of at least 2,000 miles similar to what happened when a megaton bomb instantly levelled Hiroshima City to the ground and turned it into an inferno which decimated its population from 400,000 in August 6, 1945 when the bomb was dropped to only about 140,000 by the end of December, 1945.

He called attention to the fact that when the United States dropped atomic bombs on Hiroshima and Nagasaki it

was at a time when Japan was already on the verge of surrendering and there was no military but political reason for dropping the bomb, to emphasize the strategic supremacy of the United States and to intimidate any opposition to it in a cold war. He opined that this was the beginning of the American tactic of negotiating from a position of strength and of utilizing weapons of mass destruction as a coercive instrument to secure American political and economic objectives. He pointed out that the bomb was used when Japan was not in a position to retaliate, unlike the situation today when the use by the United States of even a small part of its nuclear arsenal would surely escalate the war to a total destruction of the world.

Mr. Gascon stated that should a nuclear attack be launched, the Philippines would have four major targets, namely, the San Miguel Communications Center, Clark Air Base, Subic Naval Base and the JUSMAG. He opined that the simultaneous explosion of all these targets would leave 2.4 million Filipinos dead, 2.5 million injured from the immediate effects of the blast, 1.2 million dead from severe burns, 1.3 million dead from acute radiation sickness, 250,000 cases of benign thyroid nodules, 27,000 to 470,000 cases of spontaneous abortions of developing human embryos due to chromosomal damage by radiation, and 184,000 to 840,000 cases of genetic disorders such as congenital cataracts, deafness, mental retardation and muscular dystrophy. He appealed to the Members to deeply reflect upon these possibilities and to remember that the following day, September 16, 1986, is the International Day of Peace. In this connection, he quoted the words of United Nations Secretary-General Javier Perez de Cuellar, to wit:

"We all constitute a global family. We are on this beautiful planet together. In these difficult times, the genius, labor and resourcefulness of the world's people should be directed towards the building of a better, safer, more stable and tranquil world. Civilization can only develop in an environment of peace."

Mr. Gascon pointed out that the situation of peace in the world is in such disarray with the escalation of war in the Middle East, Indochina, Central America and South Africa all because of foreign interventionists who view these conflicts through the narrow prism of East-West conflict. He stated that the United States military bases have been used as springboards for the intervention of some of these conflicts. He stated that the Philippines should not allow itself to be a party to conflicts which rely on military solutions.

He quoted an article in the day's issue of the Manila Times, to wit:

It seems that our dream of peace has never been as elusive as it is today. Nevertheless, these are the times when we must seek encouragement and inspiration from God's divine word, in Matthew 5: 3-10.

Happy are those who know they are spiritually poor, the Kingdom of Heaven belongs to them;

Happy are those who mourn, God will comfort them;

Happy are those who are humble, they will receive what God has promised;

Happy are those whose greatest desire is to do what God requires, God will satisfy them fully;

Happy are those who are merciful to others, God will be merciful to them;

Happy are the pure in heart, they will see God;

Happy are those who work for peace, God will call them His children;

Happy are those who are persecuted because they do what God requires, the Kingdom of Heaven belongs to them;

Happy are you when people insult you and persecute you and tell all kinds of lies against you because you are my followers.

Be happy and glad for a great reward is kept for you in heaven because this is how the prophets who lived before you were persecuted.

Mr. Gascon also quoted Professor Randolph David's article, "The Meaning of Peace in Asia", to wit:

From the American point of view, it is they, the superpowers alone, who have the right to determine the requisites of global security. Accordingly, all other nations must align their respective national visions to the last larger perspective that is supposed to inform the superpowers' behavior.

Furthermore, what type of security and peace have the superpowers produced? Peace that is perched precariously on the balance of terror, a peace that is fueled by the non-stop production of nuclear weapons and by periodic exhibitions of calculated recklessness and superpower machismo

He manifested agreement with Mr. David's view, adding that one cannot and should not attempt to preserve peace through violence which is much like attempting to preserve one's virginity through marriage. He stated that the country never had peace and security during the repressive Marcos regime which the United States government supported by heavily increasing economic and military aid from about \$80 million before the imposition of martial law to \$166.3 million three years after its imposition, or an increase of 106%.

He noted that the U.S. bases are springboards for intervention in the country's internal affairs and the affairs of other nations in the region. He observed that in the wake of mass demonstrations following the murder of Ninoy Aquino, the New York Times reported that the Pentagon had considered the country to be an area that might require direct military intervention by U.S. troops. He stressed that a self-respecting nation should safeguard its fundamental freedoms which should be clearly declared in the Constitution.

Mr. Gascon stated that the country must express its desire for national sovereignty to achieve national self-determination, express its desire for neutrality to follow active nonaligned independent foreign policies; and to express its desire for peace and a nuclear-free zone, to pursue a healthy and tranquil existence, and to have peace that is autonomous and not imposed.

He then asked why Thailand, which had once kept a U.S. base, was not invaded despite the fact that its neighboring countries are Kampuchea and Vietnam; and why studies done by the Foreign Affairs and National Defense Division of the U.S. Congressional Research Services show that the RP bases could be relocated and that redeployment options have been considered by the U.S. He stressed that the country has already unshackled the chains of a native dictatorship and it is time it unshackles the foreign one as well.

He stressed that the country must not be afraid of freedom for there are a lot of beneficial things the Filipinos can do again once freed. He stated that according to Patricia Ann Paez, author of *The Bases Factor*, the country has lost an opportunity to produce 8,400,000 cavans of husked rice with an estimated possible value of \$109 million based on 1978 prices; and another study by Maria Socorro Diokno shows that the largest share of total contributions that the Philippine economy receives from the Subic Naval Base comes from entertainment and recreation services which usually consist of prostitution, drug trafficking, smuggling and others.

Mr. Gascon appealed to the Members to bequeath to the youth not fear of freedom but the strength and courage to make the first step towards achieving genuine national independence and international peace. To achieve this, he stated, the Filipinos must unite and join other peoples of the world in condemning as irrational and criminal the astronomical wastage of billions of dollars in military expenditures.

He pointed out that given the real dangers of a nuclear holocaust, the struggle for independence, progress and development must be buttressed by a strong anti-war consciousness because unless war is prevented the progressive struggle of the people's will would be meaningless. He added that it is imperative that all movements

against imperialism be informed and motivated by a firm anti war program for only by combining anti-imperialist issues with the movement against weapons of mass destruction can all the people be assured of a future where different groups can work to attain their goals.

Quoting 1971 Constitutional Convention Delegate Tomas Benitez who sponsored Resolution No. 268 calling for the neutralization of the Philippines, Mr. Gascon stressed that the country could be one peaceful place, friendly with other nations with the Filipinos being the peacemakers in the Pacific — a reasonable and realizable national goal within this or the succeeding generation's lifetime. He also quoted Don Claro M. Recto who said “We must avoid war or at least involvement in one from which we cannot expect to survive.” He stressed that the country should give peace a chance.

REMARKS OF MR. TADEO

Mr. Tadeo informed that the farmers are in favor of the retention of Sections 3 and 4 of the Declaration of Principles.

He explained that to the farmers the U.S. bases signify servitude, a thorn in the chest, a yoke that continues to be borne by the Filipinos. He opined that they also symbolize the continuous abuse of the Philippines — economically, politically and culturally. He noted that to the people, the U.S. military bases mean nuclear weapons and a magnet to a nuclear war with a holocaust proportion.

The deletion of Sections 3 and 4, he opined, would mean refusal to sever that chain of bondage, to remove that thorn from the chest, to remove that yoke. It would also mean, he noted, that the U.S. would continue to abuse the country and signify the continuous presence of a nuclear threat.

On the other hand, the retention of Sections 3 and 4, he reasoned, would! sever that chain of bondage, remove that thorn and yoke and remove an abuser.

He informed that the late Constitutional Convention Delegate Tomas C. Benitez who was then very ill, noted, in response to inquiries why he favored including a neutrality provision in the 1973 Constitution, that there would be a need for neutrality to free the Philippines from U.S. influence in order to enable it to freely respond to the changing events in the world. He adverted to Mr. Benitez' statement that despite being a U.S. colony under the Commonwealth government in 1941, the Japanese still invaded and occupied the Philippines, and that Mr. Benitez also raised the question as to what would deter a superpower from using its nuclear bombs against the Philippines.

Thereafter, he read Resolution 268 authored by the late Mr. Benitez to wit:

PALIWANAG

Likas sa mga Pilipino ang magmahal sa kalayaan at pambansang karangalan, at ang gumagalang sa pundamental na mga karapatan ng alin mang bansa o mamamayan. Umaasa rin tayo na ang ibang mga bansa'y igagalang ang ating mga karapatan at kalayaan at hindi lalapastanganin ang ating mga pambansang kalupaan.

Sa pagkakasakop sa atin ng mga Kastila at sinundan ng mga Amerikano, at ang patuloy na kalagayang koloniyal ng ating pamahalaan kahit na tayo ay maturing ng malaya ay siyang nagtulak sa ating gobyerno upang pumasok sa mga taliwas na mga kasunduang militar sa gobyerno ng Estados Unidos na nagpapahintulot ng paglalagay ng kanilang mga base militar, nagkaloob ng mga labis na Karapatan sa mga Amerikano at dahil dito'y nasangkot tayo sa pakikipagkasundong panglabas, kabit sa mga Amerikano upang makialam sa mga alitang militar ng ibang bansa — ang lahat ng ito'y salungat sa ating maalamat na kasaysayang mapagmahal sa kapayapaan at Kalayaan.

Ang mga makapangyarihang bansa na ngayon ay interesado sa Timog-Silangang Asya ay ang Estados Unidos, ang Hapon, ang Unyong Sobyet, at ang Republika ng mga Mamamayang Intsik. Ngayon ang lalong tumpak na pagkakataon upang ang Pilipinas ay gumawa ng isang saligang pagpapahayag sa kanyang nilalayon na maging isang estadong neutral o walang kinakampihan at upang higit na madaling makuha natin ang unawa, pagsang-ayon at garantiya ng malalaking bansang iyan.

Maraming hira ang ating haharapin, nguni't ang ginintuang pagkakataon ay narito na. At ang unang hakbang na dapat gawin ay ang pagdedeklara sa likas na karapatan ng Bansang Pilipino o sa kanyang kalayaan at pagmamahal sa sarili. Ito ay dapat ipahayag sa ating bagong Saligang Batas.

Ang ibang mga Estado dito sa Timog-Silangang Asia, gaya ng Malaysia, Indonesia at Singapore, ay nagpapahayag na rin sa pamamagitan ng kani-kanilang Ministryong Panlabas ng kanilang hangad na maging neutral. Ito ay magiging sagka sa kanilang balkanisation o pagkakahigop sa panig ng alin man sa mga malalaking bansang interesado sa rehiyong ito.

Ang Pilipinas ay isang kapuluan na malapit sa lupalop ng Tsina, nguni't nakahiwalay dahil sa namamagitanag dagat. At lalong malawak na dagat din ang namamagitan sa kaniya at sa lupalop ng Hilaga at Timog Amerika. Dahil dito, ang Pilipinas ay may higit na katuwirang manindigang neutral o walang kinakampihan dahil sa may likas siyang tanggulan sa paglusob ng mga sandatahang lakas sa katihan ng alin mang bansang magbalak niyan.

Ang pagsulat ng isang Saligang Batas ng tunay na malaya at Pilipino ay kasalukuyang ginagawa ng Kombensiyong ito — parang pinagtiyap ng pagkakataon. Kaya't tumpak at napapanahon na dapat ipahayag sa Saligang Batas ang marubdub na nais ng ating mga kababayan na sila ay naghahangad sa lahat ng mga bansa sa daigdig at dahil dito, ang ating bansa ay dapat manindigan sa prinsipyo ng neutralisasyon sa habang panahon.

Dahil dito, iminumungkahi namin ang kagyat na pagpapatibay sa resolusyong ito upang ilakip sa bagong Saligang Batas ng Pilipinas.

KOMBENSIYONG PANGSALIGANG BATAS

NG TAONG 1971

Republika ng Pilipinas

RESOLUSYONG BILANG 268

Iniharap ni Delegado Benitez

ISANG RESOLUSYON NA NAGNANAIS MAGLAKIP SA PAMAMAHAYAG NG SIMULAIN NG ISANG PATAKARANG NAGTATAKDA NG PANG-HABANG PANAHONG NIYUTRALIDAD NG REPUBLIKA NG PILIPINAS.

Dapat pagpasiyahan ng Kombensiyong Pang-Saligang Batas na ngayon ay nagpupulong:

Sapagka't, kung isasa-alang-alang ang kalagayang pang-heograpiya, pampolitika, pang-kabuhayan, pang-militar, at pang-diplomasya ng Pilipinas, gayun din ang kasaysayan at pag-uugali ng mga Pilipino, ang kalagayang pang-habang panahong niyutralidad, na ginagarantiyahan ng lahat ng mga bansa sa daigdig, ay siyang nararapat na katayuang panlabas ng Pilipinas upang manatili siyang malaya at nagsasarili;

Sapagka't, ang ideyang pang-habang panahong niyutralidad ay hindi bago, bagkus ito ay nakatakda sa Seksiyon 11 ng Philippine Independence Act at ang Pangulo ng USA ay hinilingan ng Kongreso ng USA upang makipag-usap sa mga ibang bansa sa daigdig upang makipagkasundo ukol sa pang-habang panahong niyutralidad ng Pilipinas;

Sapagka't ang isang Pilipinas na niyutral, na nakikipagkaibigan sa lahat ng mga bansa sa daigdig, ay nasa higit

na mabuting katayuang humanap at tumanggap ng tulong buhat sa alin mang panig ukol sa kaniyang kaunlarang pang-kabuhayan, at maging sa kaanyuang lakas militar ukol sa pagtatanggol sa sarili;

Dahil dito, dapat pagpasiyahan, at ngayon ay pinagpasiyahan, na ang sumusunod na patakaran ay dapat na maisama sa PAHAYAG NG SIMULAIN ng Bagong Saligang-Batas:

ANG MGA MAMAMAYANG PILIPINO AY MATAIMTIM NA IPINAHAYAG ANG KANILANG MALAYA, MATATAG AT WALANG KATAPUSANG MITHIING MAKIISA SA KAPAYAPAAAN SA LAHAT NG MGA BANSA AT HINDI MAKIDIGMA SA KANINO PA MAN LIBAN LAMANG KUNG PAGTATANGGOL SA SARILI AT DAHIL DITO PANGANGALAGAAN NAMIN ANG PANGHABANG PANAHONG NIYUTRALISASYON AT PAKIKIPAGTULUNGAN SA LAHAT NG MGA KAIBIGANG NASYON.

He observed that the farmers' stand on the issue is based on a study of history. He noted that the Constitutional Commission can be likened to a doctor who, in examining a patient, should know the root causes of the illness and the medical history of the patient. He stated that the same procedure is being followed in the issue of the U.S. military bases, so that the Commission should trace the roots of the issue. He stated that the farmers consider the Military Bases Agreement as null and void, illegal and immoral.

He noted that the Hare-Hawes-Cutting Act which took effect on October 17, 1933 was rejected by the Philippine Legislature. He informed that according to President Quezon, the maintenance of American military reservations after independence would make independence a farce. He stated that as long as the U.S. military bases remain, independence would be an empty one. He opined that under the Tydings-McDuffie Law, the Americans were allowed to maintain naval reservation for refuelling purposes only and that after two years, neutrality would be effected as provided under the 1935 Constitution.

Mr. Tadeo, however, stressed that on June 29, 1944 the U.S. Congress, through Resolution No. 93, approved the continuation of the U.S. Military Bases and on July 28, 1944 the Philippine Congress passed Resolution No. 4 giving the President of the Commonwealth the power to negotiate with the U.S. for their retention. After the Second World War, he stated that the U.S. refused to grant independence to the Philippines and pay the war damage claims unless the U.S. Military Bases were retained. Furthermore, he opined that the "Bell Trade Act" and "parity rights" were forced on the Filipinos.

He maintained that the United States' desire to retain the bases has led to the U.S. Government's interference in Philippine political affairs. He noted that U.S. Senator Fulbright foresaw this years ago and stated:

"Is it not inevitable . . . that because our presence there and with this purpose, we would always use our influence for the preservation of the status quo. We will always resist any change in political and social structure of the Philippine government, a policy which is very likely to be in the long run detrimental to the people of the Philippines."

On the US\$500 million military aid to the Marcos government, Mr. Tadeo stated that this resulted in greater militarization of the country. He averred that as long as the U.S. Military Bases remain, the Philippines would never be able to institute the needed reforms and changes.

He informed that according to Task Force Detainees, for the period 1977-1984, political arrests numbered 13,308, 71% of which involved farmers; massacres or salvaging totalled 2,467 of which 52% affected farmers. He pointed out that before martial law there were 62,000 soldiers while today the figure stands at 300,000 including paramilitary personnel.

On the economic life, he observed that the presence of the U.S. military bases has contributed to the mal-development of the economy. He adverted to an article of Luis Mauricio, entitled "Who Needs Enemies"

on July 3, 1986 which stated:

"The assistance rental package of \$900 million promised by the U.S. in connection with the Bases Agreement as amended in 1983 was broken up into three components, namely:

- \$300,000,000 as foreign military sales credit;
- \$125,000,000 as military assistance;
- \$475,000,000 as economic support fund.

Only the second and third components involving a total of \$600,000,000 may be considered effective assistance or rentals. The first component is credit available to the Philippines, if she wanted to buy military weapons, planes, tanks and the like but that is a debt to be paid with interest. By no means can it be deemed assistance or rental. If anybody is being assisted at all, it is the U.S. military arms and supplies manufacturers. The second component consists of assistance in kind — out-moded guns and military transport used in or surplus from the Vietnam War and pay allowances of American military advisers and weapons training officers. The third component is intended to finance social and economic projects to improve the living conditions in Angeles and Olongapo cities and other areas surrounding the U.S. Bases. This money is subject to the joint control of the Philippine and American governments through their respective representatives.

In essence, therefore, it is this and only this third component, the economic support fund which is the rental for the bases and even then the supposedly independent Philippines does not have the final say on how it could be spent. That is why when \$200,000,000 of the total \$475,000,000 of this third component was delivered by Shultz recently, President Laurel had to sign the agreement containing the terms governing its availment as dictated by the U.S. Congress. Thus, as earlier stated, the security assistance under the military bases package is not only a misnomer; the amount involved in the package is pure deception, too."

On the employment aspect, he read the following statement:

"The U.S. Embassy claims that American facilities in 1985 employed 20,581 full time workers, 14,249 contract workers, 5,064 domestics and 1,746 concessionaires or a total direct employment of 41,680. It also said that annual salaries of the Filipino workers total \$82,885,042 or about P1.658 billion, the second largest payroll in the Philippines after the Philippine Government.

"The number of Filipino employees and workers does not even amount to 5% of the 1.18 million. persons employed by the Philippine government. It is therefore misleading to say that the U.S. bases ranks second only to the Philippine Government as the biggest employer. The bases also employ less than 1% of the Philippine non-agricultural labor force (Paez, page 165)."

On the question of whether the U.S. pays Filipino base workers less than foreigners working in American bases in other countries, he stated that the U.S. pays Filipino workers in the bases only one-half of what it pays Korean workers; one-fourth of what it pays Japanese workers, and one-eighth of what it pays U.S. workers doing the same kind of work with the same productivity. He contended that under these circumstances, he cannot fully comprehend the meaning of sovereignty.

Thereafter, he cited the total land area occupied by the U.S. military bases, to wit:

Camp O'Donnell

-

1,000 hectares

Crow Valley Weapon's Range

-

20,000

Clark Air Base

-

55,000

Wallace Air Station

-

150

John Hay Air Station

-

400

Subic Naval Base

-

15,000

San Miguel Naval Communication

-

1,000

Radio Transmitter in Capas, Tarlac

-

750

Radio Bigot Annex at Bamban, Tarlac

-

900

Mr. Tadeo stated that the total area occupied by the bases is 94,200 hectares while in Central Luzon a farm is estimated at 1.5 hectares. He argued that this land area could give 62,800 farmers work as compared to 42,000 who are presently working in the bases. He noted that there are a total of 368,000 farmers in Central Luzon and converting the U.S. military bases into farm lands would give 17% of these farmers a source of livelihood.

He stressed that according to Fr. Cullen there are 16,000 prostitutes aged 9 to 14 and 71% of the young males and 18% of the young females around the military bases are drug addicts.

He stated that during the Marcos regime the people were angered by human rights abuses, as a result of which the Body had improved on the Bill of Rights by including provisions banning torture, hamletting and maintaining of safehouses; and creating a Commission on Human Rights. He stressed that the foreign military bases have abused the human rights of the entire Filipino nation and history would condemn the Body if Sections 3 and 4 were deleted.

He stated that he respects Mr. Francisco Rodrigo whom he had followed in his campaign trails. He recalled that when Mr. Rodrigo disagreed with Mr. Recto on Noli Me Tangere and El Filibusterismo, he was criticized by commentator Soto in his radio program. He pointed out that he had defended Mr. Rodrigo all these years but he was saddened when Mr. Rodrigo proposed to delete Sections 3 and 4.

Mr. Tadeo recounted that his Israeli friend commented that he envied the rich vast natural resources of the country but observed that Filipinos remain poor and live in hunger. He said that this Israeli friend, whose country is a desert land, even hurled a challenge that if the Philippines were given to the Israelis, within five years they would make it the most powerful nation on earth. Mr. Tadeo stated that this friend noted that the Philippines remains poor because the Filipinos do not have confidence in their capability to develop and prosper. He cited the fact that the Vietcong defeated the Americans in the Vietnam War by using guerrilla warfare learned from the Filipinos. He recalled that Winston Churchill during the war observed that the Filipino soldier is the bravest and the best in the entire world.

Mr. Tadeo emphasized that nationalism is belief and confidence in one's self. He said that according to Rizal, for the Filipinos to move forward, the spirit of the revolution must run through their veins.

Mr. Tadeo finally adverted to Luke 4:11 as a revolutionary verse, when it says "The oppressed will soon become free and the prisoners will soon be saved". Thus, he said, if provisions on the removal of the foreign military bases and nuclear weapons free-zone are placed in the Constitution, the Filipino nation will become free and will be saved from the claws of the foreigners.

REMARKS OF MRS. QUESADA

Mrs. Quesada stated she was speaking without any illusion that most of her colleagues in the Commission would still change their minds on voting time, cognizant of the fact that the drift in the voting on issues related to freeing the country from the instruments of domination and subservience has been clearly defined during the past weeks. She stated that because everyone has publicly made his or her stand on the issues, she has learned to be less emotional, has been more philosophical about many things, and has adopted the line, "Madame President, this is for the record only", knowing that many have already confirmed their positions and arguments even if in her view, these positions defy logic and rationality and do not serve the interest of the majority of the Filipino people.

Mrs. Quesada declared for the record her support for the Committee's position to enshrine in the Constitution a fundamental principle forbidding foreign military bases, troops or facilities in any part of the Philippine territory as a clear and concrete manifestation of the country's inherent right to self-determination, independence and sovereignty.

Relating the attributes of genuine nationhood to social costs of allowing foreign countries to maintain military bases in the country, Mrs. Quesada stressed that the social dimension of the military bases issue is just as important as the other aspects because it involves thousands of Filipinos, the quality of whose lives are directly affected by the presence of military bases in the country. This, she said, refers to the degradation of human values, the loss of human dignity and self-respect, the slow wasting of human lives attributable to sex and drug abuse which are concomitant to the presence of military bases in the country. She asked how the Body could be concerned with the right to life of the unborn and not be concerned with the living who are slowly being dehumanized and destroyed as a consequence of catering to the baser instincts of man. She said that she could not help but be emotional when a Member spoke of prostitution as something like a necessary evil. She argued that the term "necessary evil" dates back to Spanish colonialism when Jose Rizal, in Noli Me Tangere, assailed that opportunist position of certain Filipinos, through Crisostomo Ibarra, who argued that tolerance for the friar and military abuses should be seen as a necessary evil when the nationalist movement was rising. She also admitted

that she has started questioning the words "common good" whenever it was used as an excuse for many of the things that were enshrined in the Constitution. She lamented that "common good" has been so prostituted and has totally lost its essence for self-serving interest.

Mrs. Quesada posed the question on how much it really cost the Filipinos to have these American bases and whether the claimed benefits justify or make up for the moral and social damages inflicted on the people. She stated that not even the American authorities deny the sad fact that social and moral problems do develop in areas close to their bases but they consider these problems as just unfortunate realities near any base. This, she stated, reminded her of a young Thai woman who told an American soldier, "Joe, whenever yu gip me yu dolah, yu gip me yuh syphilis and gonorrhea."

Mrs. Quesada pointed out that prostitution, like any industry, thrives on the principle of supply and demand. She pointed out that in Olongapo City prostitutes account for about 10% of the city's population and that statistics show that there are 16,000 registered hospitality girls in addition to some 3,000 waitresses who work on the side as non-registered prostitutes. She adverted to a report from the Regional Development Council in Central Luzon which stated that, apart from adult prostitutes, children aged 9 to 13 were also found engaged in the flesh trade.

In Angeles City, Mrs. Quesada stated that there are about 4,500 hospitality girls officially defined as "female workers in amusement centers", such as ago-go dancers, waitresses, hostesses, entertainers; chambermaids, show girls, masseuses and barmaids. Most of these women, she pointed out, come from the most depressed regions like Eastern Visayas and Bicol who were lured by the prospects of earning easy money from American servicemen.

Mrs. Quesada pointed out that one of the natural byproducts of prostitution is the outbreak of venereal diseases in the Philippines which has already reached epidemic proportions with the prevalence rate of 15.22%, surpassing the tolerable 4% normal rate in the first half of 1980. She revealed that Manila has the highest number of cases with 6,455, followed by Angeles City with 3,997 and Olongapo City with 2,948 reported cases. She further pointed out that of about 7,000 hospitality girls in Angeles City, 17% or a total of 1,190 were reported suffering from these sexually-transmitted diseases and it was reported by health officials that these sexually-transmitted diseases, including penicillin-resistant gonorrhea, were brought to the country by American servicemen. She disclosed that these American servicemen were rarely checked before they set foot on the city streets unless they reported some physical ailments beforehand. It was found, she stated, that few sailors report sexually-transmitted ailments because it would jeopardize their chances for rest and recreation after months at sea. She stated that Regional Development Council officials reported that the number of hospitality girls seeking treatment for sexually-transmitted diseases increases in proportion to the number of servicemen on rest and recreation in Olongapo and Angeles cities, relative to which, official figures show that two million servicemen go through Subic Naval Base and Clark Air Base every year.

Mrs. Quesada stated that another consequence of the presence of foreign bases in the country is the increase of Amerasians or in the Olongapo street lingo "souvenir babies". These, she stated, are the abandoned children of prostitutes and unwed Filipinas who consort with American servicemen. She pointed out that about one souvenir baby is born everyday and this does not include the babies born out of legitimate marriages who are loved and pampered by their grandfathers who allow their daughters to marry foreigners. She stated that these children are bastards, products of unjust situations who are despised, teased, sneered at, oppressed and hidden and they are part of the growing number of the "wretched of the earth" in a country which prides itself as the only Christian country and bastion of American style democracy in this part of the world. She bewailed the fact that existing rehabilitation centers and social welfare agencies could hardly cope with the needs of these abandoned children, a problem that has become a permanent feature of American military presence.

Mrs. Quesada revealed the prevalence of drug-related problems around the bases which has alarmed even the American authorities who extended assistance to control them. She pointed out that from 1972 to 1975, a total of approximately \$1.1 million was extended by the U.S. International Development for Narcotics Control Assistance to the Philippines. She stated that Manila, Olongapo City and Angeles City were reported to have the most acute drug addiction problem and this, she opined, could be directly attributed to the presence of the bases. She disclosed that the Constabulary Anti-Narcotics Unit (CANU) of Central Luzon has reported that the U.S. naval and air facilities provided illicit drug traffickers with a lucrative market and a route for smuggling dangerous drugs in and out of the Philippines, and it was revealed in the 1982 Yearend Report of the CANU that locally grown marijuana had been shipped from Clark Air Base to the Kadena Air Force Base in Japan. She further adverted to Fr. Shay Cullen, a Columban priest who runs the Prevention and Rehabilitation of Drug Abusers (PREDA) who cited a 1982 survey which revealed that 77.92% or 8 out of 10 fourth year high school boys in the city were using dangerous drugs which came from American servicemen. She pointed out that racketeering and organized crimes also flourish in these base communities and the incidence of crime was also quite high, as indicated in a government study that in Olongapo, the crime rate rose by 16.41% per 100,000 residents in 1982 aside from the 15% increase in crime rate when U.S. navy ships were in port. She revealed that in Angeles City a local gang engaged in protection racket preying on nightclub and brothel operations reportedly reap an estimated \$1 million annually. She pointed out that the prevalence of crimes in these base communities reflects the growing deterioration of moral and social values of the people in these cities.

Mrs. Quesada stated that another serious problem that stems from the bases is the illicit PX trading where consumer goods from the post commissary system enter the Philippine market in spite of customs barriers. She also mentioned as another problem the illegal logging by unnamed American military operators whose operations have been reportedly denounced in the past by the Ministry of Justice.

Mrs. Quesada expressed the view that the proposed deletion of Section 3 of the Committee Report would contribute to any of the following implications:

- failure of the Constitutional Commission to decisively respond to the continuing violation of the country's territorial integrity via the Military Bases Agreement which permits the retention of U.S. facilities within the Philippine soil over which the government authorities have no exclusive jurisdiction contrary to the accepted definition of the exercise of sovereignty;
- consent by this constituent assembly to an exception in the application of a provision in the Bill of Rights regarding "equal application of the laws of the land" to all inhabitants, permanent or otherwise, within its territorial boundaries;
- continued exercise by the United States of extraterritoriality despite condemnations of such practice by the world community of nations in the light of overwhelming international approval of eradicating all vestiges of colonialism;
- tacit approval of the validity of the Military Bases Agreement contrary to historical data reflecting the fact that the Philippine Government was pressured to consent to the same without the required consent of the sovereign people as reflected in a plebiscite (reference to Section 3 of the First Ordinance appended to the 1935 Constitution which in effect elevated the provisions of the Tydings-McDuffie Act to the level of constitutional provisions which can be amended only through defined constitutional standards set forth therein);
- tacit approval of the acts of deposed President Marcos in entering into negotiations regarding the bases by virtue of a self-serving provision found in the 1973 Constitution which permitted him to enter into treaties and similar international agreements for the sake of national security;

- deification of a new concept called pragmatic sovereignty in the hope that such can be wielded to force the United States Government to concede better terms and conditions concerning the Military Bases Agreement including the transfer of complete control to the Philippine Government of the U.S. facilities while in the meantime the country has to suffer all existing indignities and disrespect towards its right as a sovereign nation;
- this Constitutional Commission will concede to the subtle blackmails of the Reagan Administration regarding the country's economic recovery if the country fails to maintain the status quo particularly to that affecting the Military Bases Agreement;
- the utter failure of the Commission to view the issue of foreign military bases as essentially a question of sovereignty which does not require in-depth study or analysis and which the Commission has, as a constituent assembly drafting a Constitution, the expertise and capacity to decide on except that it lacks the political will that brought it to existence and that it presently engages in elaborate scheme of buck-passing;
- failure to appreciate that a position of non-alignment and neutrality is in fact giving the Philippine Government more options in developing its foreign relations and, to state otherwise, that a position of neutrality could be valid only if a conclusion has been reached that U.S. foreign policy should be the policy that must be adopted by the Philippines. Noteworthy is the country's selective posture to international incidents whereby the country parallels the stance taken by the United States; and
- a cavalier attitude of the Commission to treat the degrading social costs of the bases (prostitution, drug trafficking, souvenir babies, STD, discrimination in work and pay, etc.) as mere problems of law enforcement rather than base-related issues.

Finally, Mrs. Quesada stressed that this is the untarnished, unalloyed truth that many of the Members, in the comfort of their middle-class existence, refuse to confront directly. She pointed out that the Body is framing a Constitution and it could, with its political determination, write a new social contract that would rescue society and bring order, justice and human dignity to the people. She expressed confidence that the Constitutional Commission could establish a new social order in the country provided the Members reclaim, restore, uphold and defend the national sovereignty. She stated that national sovereignty is what the military bases is all about and that only a sovereign people exercising their national sovereignty can design an independent course and take full control of their national destiny.

INQUIRY OF MR. BACANI

In reply to Mr. Bacani's query whether Mrs. Quesada was referring to him when she stated that somebody said that prostitution is a necessary evil, Mrs. Quesada replied in the affirmative.

Thereupon, Mr. Bacani denied having said the statement attributed to him, a fact which he maintained is borne out by the record. He stated that if such message reached her, the parable he related in the previous day's mass could apply in this particular instance.

REMARKS OF MR. PADILLA

Mr. Padilla observed that the views expressed on the issue of U.S. military facilities in the Philippines offer the following alternatives, namely, 1) immediate termination of the 1947 RP-US Military Bases Agreement; 2) irrevocable removal of said bases after expiration of the Agreement in 1991; 3) retention until 1991 only; 4) renegotiation in 1988 for its continuance after 1991; and 5) keeping options open for negotiations even after 1991, which may either be removal or retention.

Mr. Padilla recalled that President Aquino had publicly stated her decision that the government would respect the Military Bases Agreement until its expiry date in 1991 and keep her options open.

He observed that in advocating the majority Committee Report, specifically on neutrality, nuclear-free and bases-free country, some views stress sovereignty of the Republic and even invoke survival of the Filipino nation and people. He stressed that everyone's common objective and prayer to Almighty God is for the Philippines to be politically stable, economically progressive under an honest and responsive administration, which would respect the Bill of Rights, encourage individual initiative and foster free private enterprise, with proper solution of the insurgency problem, for the peace and prosperity of all and one united people.

He pointed out that the political miracle of February 1986, through Divine Providence, has entrusted the national leadership to President Aquino as the clear choice of the sovereign people in toppling down a well-entrenched dictatorship and in restoring the blessings of democracy, truth, freedom, justice and progress. He stated that the national leadership of President Aquino is pro-Deo and pro-Patria and he expressed confidence that her leadership for the next six years would direct the course of government authority to what is best for the country and people.

Mr. Padilla opined that the Constitutional Commission cannot claim national leadership. Despite varying views and contradictory opinions on the RP-US Military Bases Agreement, he urged everyone to strengthen the position of the national leadership under President Aquino. He asked if this could be achieved by prescribing as a fundamental principle or State policy a provision on the controversial issue of being neutral nuclear-free and bases-free. He further asked whether the Body should enshrine in the 1986 Constitution as the fundamental law for many years in the future the majority or minority opinion of the 47 Members of the Constitutional Commission to bind the sound judgment of the national leadership.

Finally, Mr. Padilla concurred with the views advanced by Messrs. Rodrigo, de Castro, Laurel and others, that the new Constitution should not decide prematurely this very important and far-reaching issue, especially if it is not in accord with, but is contrary to, the wise and sound decision of the national leadership.

MANIFESTATION OF MR. RAMA

Thereafter, Mr. Rama stated that considering the absence of the other speakers, Messrs. Natividad and Azcuna, and Ms. Aquino, and upon request of the Committee, Mr. Nollado would speak in rebuttal.

Thereupon, the Chair recognized Mr. Nollado.

REBUTTAL OF MR. NOLLEDO

Mr. Nollado pointed out that the anachronistic and ephemeral arguments against the provisions of the Committee Report on the dismantling of U.S. bases in the Philippines after 1991 showed the urgent need to free the country from entangling alliance with any power bloc.

He recalled that the presence of U.S. bases has been argued as necessary to the security of the country and people; but, on the contrary, the existence of such military bases imperils the country's national security because the Philippines has become a nuclear target by the enemies of the United States, thus making every Filipino live under the shadow of death. He pointed out that U.S. military experts had admitted that there would be no immediate threat to the Philippines even in the absence of U.S. bases. He observed that Malaysia, Indonesia, Thailand, and Taiwan have enjoyed tranquility and peace in the absence of U.S. bases.

He opined that the argument on national security would make the Philippines appear like a nervous child holding on to his mother's apron for military protection, and the Filipinos like a group of cowards incapable of defending

their country from internal and external aggression, which situation would, in turn, make the country unworthy of the independence which our forefathers fought for, a legacy that the present Filipinos should carry on with stout hearts, dignity and honor.

He also stated that the argument on the need of American military facilities because of the increasing insurgency would never be convincing since for the past forty years, insurgency was not contained but even increased.

On the argument that American bases are necessary to preserve democracy in the Philippines, Mr. Nollado underscored that democracy is never maintained by threat or force, instead, it must show workability and value under the acid test of favorability to the people, and it could only work through leaders who are sincere, capable and honest. He stated that the U.S. bases did nothing to prevent the dictatorship of President Marcos, but supported him instead.

He opined that the principle of neutrality or nonalignment would foreclose the options in the conduct of foreign relations is non sequitur because such policy would, in fact, liberate the Philippines from one power bloc and would enable the country to freely deal with all the nations of the world, regardless of ideology. He stressed that nonalignment is not being isolationist but would rather allow the country to cooperate in economic, social and political affairs with other nations. He added that it would also give meaning and substance to the status of independence.

On the argument that the Philippines as a nuclear-free country, would be behind other countries when nuclear power proliferates, Mr. Nollado stressed that the bombing of Nagasaki and Hiroshima, the Chernobyl incident and other nuclear accidents should serve as warnings to the country on the catastrophic effects of nuclear power, not to mention the high cost of maintaining nuclear plants. He explained that nuclear plants and weapons might convert this world into a graveyard and would provide for man's final war.

On the contention that the Constitutional Commission is not adequately prepared to deal with the question on whether or not the U.S. military bases would be dismantled, he pointed out that as early as 1953, debates on the bases issue had begun and even pro-American Presidents Roxas and Magsaysay had expressed apprehensions on the continued existence of said military bases. He said that the Members of the Commission do not need the expertise to know that the RP-US Military Bases Agreement will expire in 1991, which agreement infringes on the sovereignty, jurisdiction, national dignity and honor of the Filipino people and violates the United Nations policy on disarmament

On the other hand, Mr. Nollado pointed out that the arguments against the American bases were based on fundamental and concrete reasons that are *res ipsa loquitur*, without overemphasizing the importance of dignity and honor to country whose traditions are rooted in fervent love of freedom and adherence to justice.

Finally, he cited a proverb in Pilipino which compares the honor of country to a jar of water which if spilled with even a drop of oil, could not be of use anymore.

MOTION TO PROCEED TO THE PERIOD OF INTERPELLATIONS

Thereafter, on motion of Mr. Rama, there being no objection, the Body proceeded to the period of interpellations, without prejudice to the reservation of Messrs. Natividad and Azcuna and Ms. Aquino to make their sponsorship remarks in the next session.

Thereupon, considering the presence of Ms. Aquino and her willingness to make her sponsorship remarks, Mr. Rama withdrew his motion to proceed to the period of interpellations.

The Chair then recognized Ms. Aquino for her sponsorship remarks.

SPONSORSHIP REMARKS OF MS. AQUINO

Ms. Aquino expounded on the merits of the provisions of Section 3 on neutrality.

She pointed out that neutrality today is a form of peaceful coexistence and the only way by which countries that are subjected to nuclear imperialism through military blocs attempt to achieve peace and independence, which would include the refusal to participate in nuclear war, in the disruption of military alliances, the relaxation of tensions in the cold war, and in the end makes impossible the outbreak of war itself.

She explained that neutrality is not a middle-of-the-road position between peace and war, or a different road altogether but a status or policy of a country advocating peace and opposing a policy of war and aggression. She underscored that nuclear war involves the danger of annihilating not only the parties involved in the conflict but even the neutral countries, both large and small, and practically all of humanity. She said that nuclear peace and cold war are the continuation of war in another form.

On the definition of neutrality in the context of "positive peace" as contained in the United Nations Charter, she stated that peace does not mean the absence of war but the eradication of the causes of war by creating the economic, cultural, social and political conditions that would eliminate tension and the objective causes of conflicts. She pointed out that the military alliances subjugate countries to the Great Powers, hence, the restriction on national independence and state sovereignty.

Therefore, she stated that neutrality would emancipate the countries from military blocs and would restore their sovereign rights, which eventually would lead to the following conclusions:

- Neutrality is a form of peaceful co-existence in the present times when forces of peace are gaining on the forces making for war, and when it is necessary for countries with different political systems to live in peace and cooperate with each other;
- This new type of neutrality is inseparable from peace, and thus, a peace neutrality that contributes to world peace; excludes the participation in military alliances; rejects all foreign military bases; and opposes the stockpiling of nuclear weapons in the territory of the country concerned, and the nuclearization of its armies;
- In a period when countries adopting a policy of peace makes advancement, neutrality may take new forms including concurrence in nonaggression pacts;
- Neutrality is an essential guarantee of the independence of countries that gained it at the cost of immense sacrifice and suffering in their fight against colonialism; and it has found a new meaning of nonbelligerence which is consistent with the United Nations Charter, considering their flexibility and precision; and
- The adoption of a neutralist policy could be made in a unilateral declaration by law or decree and the recognition of the state or government presupposes the recognition of such law or decree, which form was followed by Austria in 1955; or in a multilateral treaty, such as those which recognized the permanent neutrality of Switzerland in 1815, of Belgium in 1831 and Luxembourg in 1867.

She explained that the contemporary concept of neutrality sprung from the people of countries unwilling to take part in the Cold War or in aggressive military alliances, which young states consider as an attack on their sovereign rights.

She stressed that a policy based on the balance of power is an obstacle to a world system of peace and international security, and it would be important that the Asian nations unite in their efforts for the maintenance of peace by adopting an independent foreign policy.

Finally, she pointed out that neutrality is related to national sovereignty and independence, and inconsistent with the adherence to or membership in any military pact; it is a concrete product and not an abstract hypothesis of the community of nations; it is not an expression of national egoism or indifference to a just cause, but a position that is justified by historical and geographical circumstances in the region; and therefore, it serves the cause of peace and in fact is a force of peace.

TERMINATION OF THE PERIOD OF SPONSORSHIP

Thereafter, subject to the reservations of Messrs. Natividad and Azcuna, on motion of Mr. Rama, there being no objection, the Body terminated the period of sponsorship and proceeded to the period of interpellations.

SUSPENSION OF SESSION

At this juncture, on motion of Mr. Rama, the Chair suspended the session.
It was 4:42 p.m.

RESUMPTION OF SESSION

At 4:48 p.m., the session was resumed with the Honorable Rene V. Sarmiento presiding.

ADJOURNMENT OF SESSION

Thereupon, Mr. Rama stated that there was a consensus that the interpellations be made in the next session.

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

It was 4:48 p.m.

I hereby certify to the correctness of the foregoing.

(SGD.) FLERIDA RUTH P. ROMERO
Secretary-General

ATTESTED:

(SGD.) CECILIA MUÑOZ PALMA
President

Approved on September 16, 1986

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