

R.C.C. NO. 8

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Wednesday, June 11, 1986

OPENING OF SESSION

At 3:12 p.m., the President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

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

Everybody rose to sing the National Anthem.

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Florangel Rosario Braid.

Everybody remained standing for the Prayer.

PRAYER

MS. ROSARIO BRAID: Almighty God, may Thy Spirit guide us so that we may truly understand the needs of our country. Sensitize us so that we may feel the pulse of our people, especially the poor and the disadvantaged. As we celebrate Independence Day, we pray that our thoughts and actions will be infused with the spirit of our heroes who fought and fell in the night so that we would be free. Amen.

ROLL CALL

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

THE SECRETARY-GENERAL, reading:

Abubakar Present Concepcion Present

Alonto Present* Davide Present

Aquino Present Foz Present

Azcuna Present Garcia Present*

Bacani Present Gascon Present

Bengzon Present Guingona Present

Bennagen Present* Jamir Present

Bernas Present Laurel Present

Rosario Braid Present Lerum Present*

Brocka Present Maambong Present

Calderon Present Monsod Present

Castro de Present Natividad Present

Colayco Present Nieva Present

Nolledo Present Sarmiento Present*

Ople Present* Suarez Present

Padilla Present Sumulong Present

Quesada Present Tadeo Present

Rama Present Tan Present

Regalado Present Tingson Present

Reyes de los Present Trenas Present

Rigos Present Uka Present

Rodrigo Present Villacorta Present

Romulo Present Villegas Present

Rosales Present

The President is present.

The roll call shows 42 Members responded to the call.

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

MR. RAMA: Madam President.

THE PRESIDENT: Yes, the Floor Leader is recognized.

APPROVAL OF JOURNAL

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

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

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

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

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

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

PROPOSED RESOLUTIONS ON FIRST READING

Proposed Resolution No. 74, entitled:

RESOLUTION TO CREATE AN INDEPENDENT CONSTITUTIONAL COMMISSION ON ETHICS AND ACCOUNTABILITY TO BE CALLED "COMMISSION ON PUBLIC ACCOUNTABILITY."

Introduced by Hon. Rigos.

To the Committee on Accountability of Public Officers.

Proposed Resolution No. 75, entitled:

RESOLUTION TO, INCORPORATE IN THE NEW CONSTITUTION A PROVISION PROHIBITING THE DESIGNATION OF THE MEMBERS OF THE SUPREME COURT AND OF THE OTHER COURTS CREATED BY LAW TO PERFORM NON JUDICIAL FUNCTIONS IN QUASI-JUDICIAL AND ADMINISTRATIVE BODIES OR AGENCIES EXCEPT WITH THE APPROVAL OF THE MAJORITY VOTE OF THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

Introduced by Hon. Colayco.

To the Committee on the Judiciary.

Proposed Resolution No. 76, entitled:

RESOLUTION PROPOSING MODIFICATIONS TO THE LAW ON IMPEACHMENT TO MAKE IT MORE EFFECTIVE BY DECLARING ANY VIOLATION OF THE CONSTITUTION AS SUFFICIENT GROUND THEREFOR, PROVIDING OTHER GROUNDS FOR IMPEACHMENT, REDUCING THE REQUIRED VOTES FOR INITIATION AND FOR CONVICTION, AND PROVIDING A LESSER DEGREE OF PROOF AS BASIS FOR CONVICTION.

Introduced by Hon. Davide, Jr.

To the Committee on Accountability of Public Officers.

Proposed Resolution No. 77, entitled:

RESOLUTION TO GIVE MORE EMPHASIS TO EDUCATION AS THE KEY TO NATIONAL STABILITY AND UNITY AND THE FULLEST DEVELOPMENT OF THE PERSONALITY AND CAPABILITY OF THE CITIZEN, INCORPORATING FOR THAT PURPOSE IN THE NEW CONSTITUTION A SEPARATE ARTICLE ON EDUCATION.

Introduced by Hon. Davide, Jr.

To the Committee on Human Resources.

Proposed Resolution No. 78, entitled:

RESOLUTION PROVIDING FOR THE MANNER OF APPOINTMENT TO THE SUPREME COURT AND OTHER COURTS TO ENSURE THE INDEPENDENCE OF THE JUDICIARY.

Introduced by Hon. Davide, Jr.

To the Committee on the Judiciary.

Proposed Resolution No. 79, entitled

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION IMPOSING HIGHER RATES OF TAXES ON IDLE PRIVATE AGRICULTURAL LANDS.

Introduced by Hon. Davide, Jr.

To the Committee on the Legislative.

Proposed Resolution No. 80, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION ALLOWING SUITS AGAINST THE STATE OR ANY OF ITS POLITICAL SUBDIVISION OR INSTRUMENTALITY FOR DAMAGES SUSTAINED BY REASON OF AN ILLEGAL ACT OF OR NEGLECT OR FAILURE TO PERFORM AN OFFICIAL DUTY BY A PUBLIC OFFICIAL, MAKING THE LIABILITY SOLIDARY WITH THE LATTER, ALLOWING THE STATE OR THE POLITICAL SUBDIVISION OR INSTRUMENTALITY TO BE REIMBURSED BY THE PUBLIC OFFICIAL OF WHAT IT MAY BE LIABLE TO PAY.

Introduced by Hon. Davide, Jr.

To the Committee on General Provisions.

Proposed Resolution No. 81, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON THE ESTABLISHMENT OF THE NATIONAL POLICE COMMISSION AS A CONSTITUTIONAL AGENCY.

Introduced by Hon. de Castro.

To the Committee on Constitutional Commissions and Agencies.

Proposed Resolution No. 82, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON SOCIAL JUSTICE SEPARATE AND DISTINCT FROM THE DECLARATION OF PRINCIPLES AND STATE POLICIES.

Introduced by Hon. Bennagen.

To the Committee on Social Justice and Social Services.

Proposed Resolution No. 83, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION THE ENTIRE ARTICLE V, 1973 CONSTITUTION.

Introduced by Hon. Bengzon, Jr.

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

Proposed Resolution No. 84, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION THE WHOLE OF ARTICLE IV, 1973 CONSTITUTION EXCEPT SECTION 15 AS THE BILL OF RIGHTS OF THE PHILIPPINE CONSTITUTION OF 1986.

Introduced by Hon. Bengzon, Jr.

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

Proposed Resolution No. 85, entitled:

RESOLUTION TO ADOPT THE PREAMBLE OF THE 1973 CONSTITUTION AS THE PREAMBLE OF THE 1986 CONSTITUTION.

Introduced by Hon. Bengzon, Jr.

To the Committee on Preamble, National Territory, and Declaration of Principles.

Proposed Resolution No. 86, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION THE ENTIRE ARTICLE II OF THE 1973 CONSTITUTION.

Introduced by Hon. Bengzon, Jr.

To the Committee on Preamble, National Territory, and Declaration of Principles.

Proposed Resolution No. 87, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION PROVISIONS ON THE PROTECTION OF WOMEN'S RIGHTS.

Introduced by Hon. Aquino.

To the Committee on Preamble, National Territory, and Declaration of Principles.

Proposed Resolution No. 88, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION PROVISIONS TO DEFINE AND REORIENT THE ROLE OF THE ARMED FORCES OF THE PHILIPPINES.

Introduced by Hon. Aquino.

To the Committee on General Provisions.

Proposed Resolution No. 89, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON NATIONAL ECONOMY AND PATRIMONY.

Introduced by Hon. Guingona.

To the Committee on the National Economy and Patrimony.

Proposed Resolution No. 90, entitled:

RESOLUTION REQUESTING HER EXCELLENCY, PRESIDENT CORAZON C. AQUINO, TO DESIGNATE AND APPOINT A REPRESENTATIVE OF THE URBAN POOR TO THE CONSTITUTIONAL COMMISSION.

Introduced by Hon. Gascon and Garcia.

To the Steering Committee.

Proposed Resolution No. 91, entitled:

RESOLUTION URGING THE CONSTITUTIONAL COMMISSION TO CONSIDER THE PEOPLE'S

PROPOSAL FOR SOCIAL AND ECONOMIC SERVICES.

Introduced by Hon. Gascon and Garcia.

To the Committee on Social Justice and Social Services.

COMMUNICATION

Letter from Mr. Jose J. Ferrer, Jr., Chairman, Seventh House of Delegates of the Integrated Bar of the Philippines submitting the resolutions adopted by the Integrated Bar of the Philippines at the Second Annual Convention of the Seventh House of Delegates and the proposals of the IBP Committee on Constitutional Amendments.

(Communication No. 7 — Constitutional Commission of 1986)

To the Steering Committee.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: I ask that Commissioner Aquino be recognized.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: Madam President, may I be allowed to raise points of minor correction and amendment to the proposed resolutions read in the Order of Business?

In Proposed Resolution No. 87, the intention of the proponent was to have a co-author, Sister Christine Tan. It might have been through some oversight of the staff that the name of Sister Christine Tan was omitted. The same situation might have applied to Proposed Resolution No. 88 wherein the intention of the proponent was to have Commissioner Edmundo Garcia as co-author.

THE PRESIDENT: Let it be so recorded that Commissioners Tan and Garcia be made co-authors of Proposed Resolution Nos. 87 and 88, respectively.

MS. AQUINO: Thank you, Madam President.

This morning the Commission was presented, through the Office of the President, three copies of the draft proposal for the 1986 Constitution from the 1986 UP Law Constitution Project. I move that it be officially accepted by this Commission and that it form part of the official record for reference as working draft.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the draft proposal presented by the 1986 UP Law Constitution Project with the text in two separate volumes is hereby accepted and the same is made part of the records of the Commission and is referred to the Steering Committee.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA. In connection with the draft resolution or draft constitutions that have been submitted to us, I ask that Assistant Floor Leader Calderon be recognized.

THE PRESIDENT: The Assistant Floor Leader is recognized.

MR. CALDERON: Madam President, ladies and gentlemen of this Commission: I have been asked by my colleagues in the 1971 Constitutional Convention, who are also my colleagues here in this 1986 Constitutional Commission, to convey to Commissioner Serafin Guingona our collective and personal gratitude for having

officially presented to this body yesterday a revised draft of the 1973 Constitution from a committee of former Con-Con delegates. This committee, together with current Good Government Commissioner Ramon Diaz, Audit Commissioner Teofisto Guingona and former President Diosdado Macapagal, worked until 1985 to reframe the 1973 Constitution to make it more reflective of our people's aspirations and removed from it the objectionable provisions believed to have been imposed by former President Marcos. In effect, this reframed Constitution was the one originally framed by the 1971 Constitutional Convention minus the transitory provisions and other controversial provisions which Mr. Marcos used in order to nullify the intent of that body. Commissioner Guingona should be admired and congratulated for seeing the merit of this work and for advocating its use as our working draft even if he was not a member of the 1971 Constitutional Convention.

May I remind this body that among the framers of that original draft were great Filipinos, living and dead, whose work in the Constitutional Convention cut across long years of service to the nation. I refer to people like former Governor Miguel Cuaderno, Sr., former Senator Raul Manglapus, former Secretary Felixberto Serrano, former President Diosdado Macapagal, Mr. Ramon Diaz, Dean Vicente G. Sinco, Dean Jose M. Aruego, Dr. Salvador Araneta, former Senator Juan Liwag, Dr. Sotero Laurel and others. These great men can still help us and guide us if we use their product as one of our working drafts for our deliberations. Also, this will shorten our working time.

The original draft of the 1973 Constitution, minus the so-called Marcos provisions, was formulated after many months of discussions, debates and public hearings. If we go through the same process today, we will never finish our work in three months' time. But with the reframed 1973 Constitution as our guide, together with the 1935 and 1899 Constitutions, we can save time by simply reexamining those provisions which were already the quintessence of months of discussion and public hearings. In short, we can telescope the work of months into weeks and, perhaps, even days.

So, Madam President, in behalf of the former delegates of the 1971 Constitutional Convention who are present, I wish to reiterate our thanks to Commissioner Guingona. I move that the draft presented yesterday by Commissioner Guingona be reproduced and made available to each of the Members of this body as one of their working drafts.

I thank you.

THE PRESIDENT: Is Commissioner Calderon presenting a motion that the draft presented by Commissioner Guingona be reproduced and made available to each Member of this body?

MR. CALDERON: Yes, Madam President.

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

The Secretary-General is directed to reproduce the said document and furnish all the Members with copies of the same.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: The Ad Hoc Committee assigned to look into a possible alternative site, like the Legislative Building or the PICC, for the Constitutional Commission, instead of this Batasang Pambansa is now ready to render its report.

THE PRESIDENT: May we know who the chairman of the committee is?

MR. RAMA: Madam President, I am the Chairman of the Committee. The Ad Hoc Committee was commissioned

to do two things: First, to explore the possibility of an alternative site for the Constitutional Commission; and, second, to thresh out the problem and the question on whether we should move our session from afternoon to morning.

The first issue, Madam President, was resolved this morning by the Committee which is composed of Commissioners Bengzon, Calderon, Jamir and Romulo. This morning, we went to the Legislative Building, specifically the Senate, and found out that its hall has been converted to an elaborate session hall but without galleries. Therefore, even as a site for our committee hearings, we believe that the Senate session hall will not do.

Then, we went to the PICC and looked over its facilities. According to PICC Administrator Andres Navato they have all the facilities for the Constitutional Commission. There are over 100 rooms which could accommodate all the Members of the Commission. The rooms are splendidly furnished and the appointments are excellent. This is so because the PICC was really constructed to accommodate the participants to the IMF Convention held a decade ago. The facilities and the furnishings are according to the standards of a five-star hotel. The rooms which are bigger than our rooms here are fully air-conditioned unlike our present rooms which look primitive. It has facilities for caucuses and a session hall which is a little smaller than the Batasan session hall. It has also a very big plenary session hall which would be too big and too expensive for our purposes. The view is really excellent and security is not a problem. So, the Committee has agreed and is unanimously and strongly recommending that we move to that site as soon as possible.

THE PRESIDENT: How about the facilities for our personnel? Could the 369 personnel, more or less, be also accommodated in that building? We are not after ostentatious rooms and so on, but we are just concerned with the convenience not only of the Commissioners but also of our personnel.

MR. RAMA: There is enough space, as a matter of fact, Madam President. The space for the personnel here could be doubled there. As I said, there are rooms for holding caucuses; lounges are everywhere; communication facilities are perfect — it has also a post office — and it is accessible. So, it is the unanimous view of the ad hoc committee that the PICC would be a much better site than this Batasan Complex for the 1986 Constitutional Commission.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: May I pose just one question: Is this for free or are we to pay rental?

MR. RAMA: Madam President, these facilities and spaces have been idle and have not been used for many months now. Section 9, paragraph 8 of Proclamation No. 9 which creates the Constitutional Commission says:

The Batasang Pambansa building and premises are hereby made available for use of the Commission. All government entities, agencies and instrumentalities shall place at the disposal of the Commission such personnel, premises, and furniture thereof as can, in their judgment, be spared without detriment to the public service, without cost, refund or additional pay.

Madam President, of course, under normal circumstances they charge rentals but considering we are the Constitutional Commission created by Proclamation No. 9 we need not pay any rental. As a matter of fact, it is just a matter of negotiating with the Central Bank which owns the PICC.

MR. RODRIGO: Madam President, so there is need for negotiation yet. Be sure we do not pay any rental. Should we not wait until the negotiation with the Central Bank is finalized so that we would be sure whether we pay rental or not or if we do, how much because our appropriation is limited?

THE PRESIDENT: Another point the Chair would like to bring up is the inconvenience and the high transportation cost that would entail the personnel involved in committee meetings most of whom are living near the Batasan area.

MR. RAMA: At any rate, Madam President, as far as the cost is concerned, actually we also pay for the power we consume here in the Batasang Pambansa Complex.

THE PRESIDENT: Before the Commission finally acts on the report of the Committee, I suggest that we consult the Secretariat first.

MR. RAMA: We have no objection, Madam President.

THE PRESIDENT: Anyway, I understand that the Committee was given up to Monday to finish its report. Could this consultation be made on Friday or anytime today?

MR. RAMA: Yes, Madam President, we will make consultations with the Secretariat.

MR. REGALADO: Madam President.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: Just one point of inquiry, Madam President.

Since Proclamation No. 9 specifically chose the Batasan Complex as the primary venue for this Commission and provided for supplementary sites that we may use, will the committees' moving to a new site not involve or necessitate an amendment of Proclamation No. 9?

MR. RAMA: I do not think so, Madam President.

THE PRESIDENT: May I answer that in this sense: I think Commissioner Rodrigo could still remember one occasion when the President said that after we will have been fully constituted, we will be totally free to make whatever changes we may want.

MR. REGALADO: Thank you, Madam President.

MR. RAMA: May I quote again Section 9, paragraph 8 of Proclamation No. 9:

. . . All government entities, agencies and instrumentalities

shall place at the disposal of the Commission such personnel, premises, and furniture thereof as can, in their judgment, be spared without detriment to the public service, without cost, refund or additional pay.

Madam President, regarding the possible change of time of our sessions, we have talked to some of the reporters and a great majority of them said that the three o'clock session is quite all right for them because their papers are morning dailies and they have adequate time to catch up with their deadlines. And with the transfer of the Constitutional Commission to PICC, there would be no problem for them in commuting to their offices in Manila.

THE PRESIDENT: Thank you, honorable Floor Leader. So, we could take action on the whole report by Monday?

MR. RAMA: Yes, Madam President.

THE PRESIDENT: Thank you.

MR. GARCIA: Madam President.

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: Madam President, I simply would like to register an observation regarding the Committee's report.

I think in terms of process it is very important. I understand the basic reason the Commissioners would want to transfer, but I believe that we are able to do our work really because of the support staff, especially the Secretariat. To be very fair, I think we have to consult them first before we take action on the report. It is a major undertaking to transfer. I am sure they have prepared months for this Commission, and I feel it is only fair that the Secretariat be consulted.

MR. RAMA: It is also important, Madam President, that the public see and hear us without too much cost for them. The Batasan Complex is very far away, and I think PICC, which is right there in Manila, is a site where public hearings would be more accessible.

MR. GARCIA: Exactly, I understand that this is very important, but I feel this session must be a collective effort between us and the support staff without whom we cannot do our work. I feel that is very important in terms of process.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: Thank you, Madam President.

For the record, it should be explicitly stated that the consideration and reason for the intention to transfer the venue of the plenary sessions of this Commission is not so much the convenience, the comfort and the security of the Commissioners as it is really our commitment to maximum public participation in the deliberations of this Commission. The way it was presented by the honorable Commissioner Rama and the way the soft sell or the hard sell on the promise of appointments and comfort may be an unflattering reflection of the predisposition of the Commission when presented in media. It should be explicitly stated for the record that the consideration is that we want to maximize public participation in the deliberation of this Commission.

Thank you, Madam President.

MR. RAMA: I have stated that precisely. Accessibility to the public is very important here.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Madam President, may I invite the attention of the honorable Commissioners: this Commission has been provided by the Ministry of General Services, through the Administrator, Mr. Roberto San Andres, with a support staff of 93 persons who are working with and for us subject to the administrative supervision and control of our Secretary-General but are being paid from the funds of the Ministry of General Services. So, perhaps, the Committee could inquire as to whether or not we could receive the same kind of support, if we transfer to another venue. The support that we are getting consists not only of maintenance and security but also of other support activities, such as engineering, and so forth, which we get from the ministry for free in the sense that we do not pay the salaries of the personnel concerned.

Thank you, Madam President.

THE PRESIDENT: Thank you.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

CONSIDERATION OF PROPOSED RESOLUTION NO. 72

(Adopting a Preamble to the Constitution)

Continuation

PERIOD OF SPONSORSHIP AND DEBATE

MR. RAMA: I move that we proceed to the Unfinished Business, the continuation of the consideration of Committee Report No. 1 on Proposed Resolution No. 72. We are still in the period of sponsorship.

I ask that the sponsor, Commissioner Tingson, be recognized.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Thank you, Madam President.

The Committee on Preamble, National Territory, and Declaration of Principles is grateful for the careful attention and avid interest the Members of this distinguished body did show yesterday in composing the words of the Preamble to the draft Constitution. Each of us has his or her own experience with the Preambles of the 1935 and the 1973 Constitutions, especially with that of the former. It is an experience that has a moral and spiritual dimension. It is doubtless true that our schoolchildren and young people, as far as the Constitution is concerned, are molded more by the words of the Preamble than by any other provisions of the Constitution. The words would come tumbling down in sonorous cadences in their minds and even in our minds too any time of the day or night. The experience is often haunting as if the words were part of a sacred ritual. Whenever we recall the words and the phrases as they roll one after the other, it is very like an affirmation of our being a part of a nation under God. I have no doubt whatsoever, Madam President, that if God Himself were a Member of this august Commission, He would want most to become a member of this humble Committee on Preamble. The Preamble of the Constitution shows who wrote it, who ordained and promulgated it. It serves as the by-line to the sacred document. In that same breath the Preamble announces the great aims and purposes for which we are establishing a government. It is a moral exercise in words and the most important where our government is concerned. The Committee on Preamble, therefore, is only too happy to note that its work receives careful attention and the most lively interest, as evidenced by our colleagues yesterday.

Is it possible to capture in a few words the soul of our country? I doubt it very much, Madam President. But if it were possible, then I say that those words should form the Preamble to the Constitution we are writing. Our talents are woefully inadequate. And how we all wish Jose Rizal, Apolinario Mabini and Claro M. Recto were here so that we could have a Preamble we could all approve even without thinking. But we must think because these departed great men of Philippine letters cannot be present with us. While we are guided by our past Constitutions, upon us, nevertheless, has fallen the burden of distilling the words of our peoples' ideals and aspirations at the present time. But we may not go too far afield in our quest for formulas, neither are we allowed to weigh in the balance our personal emotions. Our special interests and unique experiences might not be given value as they are, but they should always be seen in the context of the whole country and the world and, more important, from the wider perspective of history. After all, we are not a unique people and neither is our national experience unique. We share a common bond with the rest of the people of the world and with history, more than our special love for the Philippines would otherwise suggest. The path to national self-respect and independence to freedom, equality and justice is well beaten. More than to experiment, we are enjoined to exorcise some evils so as to render a new Constitution, a tabula rasa, a clean slate of our most sincere intentions. Our tasks, Madam President and colleagues, are clear in their outlines. But may I say what I believe to be our deep concern — that the Preamble of the new Constitution will once more confirm the constitutional Trinity of God Almighty, the spirit of democracy and the Filipino people.

Our Committee submits to this august body that our proposed Preamble has adequately met the criteria of good Preambles: namely, (1) substance — what are the ideas which must correspond faithfully to the Filipino identity and goals; (2) syntax — how ideas are sequenced, must be consistent with the relation and prioritization of the ideas, (3) lexica — what words represent the ideas, must convey the ideas as best as possible, must be immune from misleading connotation, must minimize overlapping of meanings; (4) translation — must be translatable into Pilipino and other major dialects of our country, (5) phonology — how the composition sounds to the ear, must sound nice, although this is subjective; and (6) length — how long is the Preamble, must be brief and concise as much as possible.

To summarize, did we meet the good criteria of substance and legal craftsmanship? Our answer, Madam President, is yes, we have met this criterion adequately well. The legal minds of this body kept on telling me personally that in essence the Preamble of the Constitution is obiter dicta — that legal minds do not even go to the Preamble on which to base their legal decisions. May I ask my colleagues, if indeed the Preamble is obiter dicta, why did they insist on their own favorite proposals in this Preamble? Why not rather be satisfied that their proposals found their way into the Declaration of Principles or into the provision on social justice since they are not obiter dicta anyway? We are here to just enunciate the Preamble in beautiful language of poetry as Commissioner Ople did insinuate yesterday, and in simple words as Commissioner Rodrigo did say yesterday. We are willing to obliterate or delete the word "participatory," for instance, if that is what the body wants. What the Committee wanted to say is that we were asked by the Committee leadership to start the ball rolling so that we could come up with a Constitution before September 2. So, the Committee begs the body to give way to this advice: If the Members truly believe in their proposals, let us not lengthen the wordings of the Preamble. Rather, let their proposals be in the other portions of the Constitution, which, in the language of the wise legal minds here, are not obiter dicta.

Madam President, for the information of my colleagues here, we prayed before the Committee started its work and after it adjourned today. So, for emphasis then, may I be permitted to quote again the proposed Preamble prepared by the Committee:

WE, THE SOVEREIGN FILIPINO PEOPLE, IMPLORING THE GUIDANCE OF DIVINE PROVIDENCE,
TO ESTABLISH A GOVERNMENT THAT SHALL EMBODY OUR IDEALS AND ASPIRATIONS,
PROMOTE THE COMMON GOOD, CONSERVE AND ENHANCE OUR PATRIMONY AND SECURE
TO OURSELVES AND OUR POSTERITY THE BLESSINGS OF PARTICIPATORY DEMOCRACY
UNDER A RULE OF JUSTICE, PEACE, FREEDOM AND EQUALITY, DO ORDAIN AND
PROMULGATE THIS CONSTITUTION.

Thank you, Madam President, and in behalf of the Committee, I am now ready for interpellation.

MR. TINGSON: Gladly, Madam President.

MR. DAVIDE: Madam President, when the proposed Preamble was read yesterday by Commissioner Rosario Braid and this afternoon by the sponsor, the word "Filipino" still appeared. On page 2 of the committee report, however, the following is one of the proposed amendments: "No. 1. On line 5, delete the word Filipino." Is the Committee now withdrawing this particular amendment?

MR. TINGSON: We are not withdrawing nor are we accepting really any amendment. We will leave it to the floor, Madam President.

MR. DAVIDE: Yes. The Committee recommended the deletion of the word "Filipino."

MR. TINGSON: That is a typographical error, Madam President. We did not delete the word "Filipino."

MR. DAVIDE: So, the first recommended amendment on page 2 of the report should not really be in the report, because the first proposed amendment is to delete on line 5 the word "Filipino."

MR. TINGSON: Madam President, may I repeat. The official draft of the Committee includes the word "Filipino."

MR. DAVIDE: I see. So, we will just disregard the first proposed amendment by the Committee.

MR. TINGSON: Yes, Madam President.

MR. DAVIDE: Another point: Has the Committee finally decided on what the scope of participatory democracy should be? Should it mean direct democracy?

MR. TINGSON: I think our Committee expressed the fact yesterday that it would cover both direct and representative democracy.

MR. DAVIDE: If it would be both, what should the mechanics for its expression in terms of the system of government be?

MR. TINGSON: Madam President, I was told by legal minds here that the Committee does not have any authority to answer questions like that; that the authority is the Committee on the Legislative or the Judiciary. We just want to keep the ball rolling and approve the Preamble, a collective prayer of the country.

MR. DAVIDE: Yes.

MR. TINGSON: So, Madam President, I cannot answer that question. It should be answered by other committees, although I yield the floor to a legal mind, Commissioner Nolleto.

THE PRESIDENT: Commissioner Nolleto is recognized to answer that particular question.

MR. NOLLETO: Thank you, Madam President.

The distinguished Gentleman from Cebu will find out, if he looks at the wordings of the draft Preamble, that the basic purpose of the Preamble is:

. . . to establish a government that shall embody our ideals and aspirations, promote the common good, conserve and enhance our patrimony and secure to ourselves and our posterity the blessings of participatory democracy . . .

We will notice that the basic things should be done by the government because the purpose of the Constitution is to set forth the framework of government.

MR. DAVIDE: Yes.

MR. NOLLETO: And so when we use the expression "participatory," we would like to emphasize the need for participation by the people in the attainment of the aims of the Constitution. We do not like the government to do everything alone. We would like the government to be a partner of the people in the attainment of developmental goals. So, when we talk of participatory democracy, we do not necessarily refer to the system of government because, as indicated by the distinguished Gentleman from Cebu, Commissioner Maambong, there are two kinds of democracy: the direct democracy, which is practically mob rule and the indirect democracy, which is electing the representatives of the people. We think that these kinds of democracy have no direct bearing to the expression "participatory." So when we elect our representatives, we participate in the noble task of democratic expressions.

MR. DAVIDE: But I really see no point in discussing democracy, if it is to be qualified by the word "participatory." If we have to qualify, then we really have to qualify then we really have to give meaning to

democracy. There can be no question that we should be under a democratic system of government. But the whole trouble is: If we mean participatory democracy as direct democracy, what will happen to the other provisions of the Constitution like the legislative power, the executive power? So, it is really suggested that we clearly define what the meaning of participatory democracy is. If it is direct, then we abolish the executive and the legislative powers. If it is representative, which shall also be embodied in the Declaration of Principles when the declaration states that the Philippines is a republican state, then we exactly define in the Preamble the true meaning of "participatory."

MR. NOLLEDO: I think it is not necessary to define the true meaning of participatory democracy. I would say we could express the intention of the Commission here.

MR. DAVIDE: Madam President, I disagree that it is not necessary to define the meaning of participatory democracy in the Preamble because all the succeeding articles of the Constitution are also governed by the wordings of the Preamble.

MR. NOLLEDO: The Committee, through the sponsor, has categorically stated that the expression "participatory democracy" includes both direct and indirect democracy.

When the people vote for their representatives, then the representations enjoy a particular term; but if they cannot perform the task expected of them, perhaps the people, through peaceful means as had happened last February in a show of people's power, would take the law into their hands, not through violent means, but through peaceful means.

MR. DAVIDE: In other words, the Committee only wanted to show that our democracy must really be genuine and authentic. So, in order to avoid the possibility of misinterpretation, instead of using the word "participatory" why not use the word "authentic"?

MR. TINGSON: That does not seem to be euphonic, so I would suggest the word "vibrant."

MR. DAVIDE: Again, there was a question on whether to use "Almighty God" or "Divine Providence," the Committee had opted to use "Divine Providence" as contained in both the 1935 and 1973 Constitutions. Would Commissioner Tingson agree with me that "Divine" means of God or from God, or an attribute of God?

MR. TINGSON: "Divine" would be God himself. It is an attribute of God, but we refer to God himself.

MR. DAVIDE: The term "Divine" is an attribute of God. but it is not God himself.

MR. TINGSON: The word "Divine" is not God himself. It is an attribute of God.

MR. DAVIDE: Does the word "Providence" mean God Himself?

MR. TINGSON: Yes. The phrase "Divine Providence" in that Preamble would be "God Almighty."

MR. DAVIDE: Is divinity part of God or the attribute of God? Do we need to qualify "Providence" with "Divine" since "Providence" simply means God Himself?

MR. TINGSON: We have to because "Providence" is also the name of a state in the United States.

MR. DAVIDE: I see.

MR. TINGSON: So, it should be "Divine Providence."

MR. DAVIDE: Does the Commissioner agree with me that "Providence" simply means God Himself and God Himself is divine? So, would not the use of the word "Divine" be a superfluity?

MR. TINGSON: No. It would not. Another reason why we want to repeat that phrase "Divine Providence" is that we also want a beautiful bridge from the past to the present and this was used in the 1935 and 1973 Constitutions.

MR. DAVIDE: But would the Commissioner not agree with me that if we make reference to God, it is not a question of beautiful phraseology because God Himself is already beautiful?

MR. TINGSON: Yes, but we also need to express to Him beautiful words especially in prayer.

MR. DAVIDE: Instead of describing Him in beautiful words, can we not just simply say "Almighty"?

MR. TINGSON: Yes, we can say "Almighty God."

MR. DAVIDE: So, would the Commissioner accept a possible amendment during the period of amendments to change "Divine Providence" to "Almighty God"?

MR. TINGSON: The body would decide on that.

MR. DAVIDE: Thank you, Commissioner Tingson;

Thank you, Madam President.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO. Thank you, Madam President.

I like to hear these discussions and interpellations, including the sponsorship. In fact, I learned so much from these; but I think we have discussed this the whole afternoon yesterday and for about one hour today. Although we interpret the rules as liberally as we like to do, still we have overextended ourselves on the matter of sponsorship.

I, therefore, move that we close the period of sponsorship and debate and proceed to the period of amendments.

THE PRESIDENT: Commissioner de Castro is submitting a motion to close the period of sponsorship and debate. Is there any objection to the motion?

Commissioner Garcia is recognized.

MR. GARCIA: Madam President, yesterday I withdrew my motion for deferment of the resolution precisely to allow a freewheeling discussion on the Preamble, on the condition that there would be no amendments or voting. Since the Preamble is an important part of the Constitution, we have, therefore, agreed to postpone finalizing its draft until after a substantive debate on issues and other matters has been done. So, I propose that we follow the procedure.

MR. VILLACORTA: Madam President.

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: Madam President, I would like to quote from the Journal which says:

. . . Mr. Garcia withdrew his motion on the condition that a freewheeling discussion on the proposed Preamble be made without any amendment or voting . . .

Since there are many unresolved fundamental issues such as that on direct, participatory or representative democracy, I think it would be premature for us to close the discussions on the subject.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: Madam President, it seems that the motion of Commissioner de Castro has two parts. The first part asks for a termination of the freewheeling discussion and the second part asks that we proceed to the period of amendments. I, myself, support the idea of terminating the freewheeling discussion since we agreed yesterday that we would not yet go into the period of amendments until we have discussed the rest of the Constitution. I, therefore, suggest that we terminate the freewheeling discussion and move to the other business and lay aside the Preamble for a while.

THE PRESIDENT: What does Commissioner de Castro say?

MR. DE CASTRO. Madam President, if we approve the termination of the freewheeling discussion and debate, the next move in our Rules is the period of amendments. However, SEC. 23 of our Rules provides:

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

SECTION 24 states:

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

Madam President, these Rules are made so that we can meet the 90-day period of our work. If we continue this freewheeling discussion on such words like "participatory," "develop" and "Divine Providence," I am afraid that when we come to the meat of the Constitution, we shall never meet our deadlines.

I, therefore, move that we close the period of sponsorship and debate and proceed to the period of amendments as stated in the Rules.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 4:14 p.m.

RESUMPTION OF SESSION

At 4:21 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: I ask that Commissioner de Castro be recognized.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Madam President.

I will amend my motion, and it is to terminate the period of sponsorship and debate on the matter of the Preamble.

THE PRESIDENT: Is there any objection to the motion to terminate the period of sponsorship and debate on the Preamble?

MR. PADILLA: Madam President.

THE PRESIDENT: The Vice-President is recognized.

MR. PADILLA: May I be permitted to make some observations and interpellations before we terminate the period of sponsorship and debate as suggested? I presided over the session yesterday and I was not able to express some views.

THE PRESIDENT: I see. Is Commissioner de Castro willing to withdraw his motion for the time being?

MR. DE CASTRO: Willingly, Madam President.

THE PRESIDENT: The Vice-President may now proceed.

MR. PADILLA: Thank you, Madam President.

Personally, I approved the change of the word "aid" to "GUIDANCE" and "Divine Providence" to "ALMIGHTY GOD," as suggested by Commissioner Bacani.

We all agreed on the insertion of the words "AND ASPIRATIONS," the change of the word "general welfare" to "COMMON GOOD " and the retention of the word "develop" rather than "ENHANCE."

Yesterday, I heard Commissioner Romulo speak of the safeguard or the protection of human rights. Does the sponsor have any objection to insert after "COMMON GOOD" the phrase PROTECT HUMAN RIGHTS?

MR. TINGSON: We discussed this at our committee meeting this morning, and we agreed that the Vice-President's idea carries more force and will not be an obiter dicta, if it will be included in the other provisions of the Constitution. The idea of protecting human rights is already included in the phrase "under a regime of justice."

MR. PADILLA: It may, but perhaps a three-word phrase may be more impressive. I am also of the opinion that we should not qualify "democracy" with any adjective, not even the word "participatory."

My question is: When we speak of "blessings," it seems that we limit this word only to democracy. Will the sponsor consider the idea that after "democracy" we insert TRUTH, PEACE, FREEDOM AND PROGRESS then to be followed by "under a regime of law, justice and equity do ordain and promulgate this Constitution"?

MR. TINGSON: Instead of the word "equality" we will use the word "EQUITY"?

MR. PADILLA: Yes.

MR. TINGSON: The Committee would like to know the difference between "equality" and "equity."

MR. PADILLA: My first suggestion is to add the words PEACE, FREEDOM after "blessings of democracy." Then, as suggested by Commissioner de Castro, add the word TRUTH after "blessings of democracy." To this I would add PROGRESS OR PROSPERITY because this is our aspiration. We are suffering; many people are really poor; there is unemployment, business recession, lack of productivity and others. There is no creation of wealth. We should express the ideals and aspirations of our people for the enjoyment of the blessings of democracy and truth because in the past there have been so many deviations, if not distortions, of the truth through false propaganda. I think our people are entitled to the truth as suggested by Commissioner de Castro. I would then add AND PROGRESS OR PROSPERITY after the phrase "under a rule of law" since the Committee has changed the word "regime" to "RULE." We, lawyers, most of the time, pray in our pleadings. In accordance with the law, we end with a general relief, justice and equity. Now the word "equality" does not appear in the 1935 Constitution. It was inserted in the 1973 Constitution, and I remember the observations of Commissioner Villegas that he would prefer the word "equity" to "equality." Of course, we must have equality before the law;

we must have equal opportunity, but the word "equality" by itself might also lead some people to a misconception — that while we are all born equal, there is no such thing as economic or financial equality. All we can guarantee is equal opportunity, and, of course, equality before the law. Some of these ideas have also been the results of my observations to interpellations of the other Members of this Commission. They are just food for thought, if the Committee will consider.

MR. TINGSON: Thank you, Mr. Vice-President. It is good to hear these observations.

MR. PADILLA: I was thinking that what we want our people to enjoy, not only of this generation but also of the future generation, are blessings. However, under the proposal it seems that we are limiting these blessings only to democracy, and then we only say "under a regime of justice, peace, freedom and equality." So, these are just some suggestions for consideration.

MR. TINGSON: Thank you, Commissioner Padilla.

MR. PADILLA: Thank you.

At this juncture, the President relinquished the Chair to the Honorable Francisco A. Rodrigo.

MR. TADEO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Tadeo is recognized.

MR. TADEO: Mr. Presiding Officer, mayroon po kasing mahalagang tanong si Commissioner Blas Ople kahapon na totoong makabuluhan Ang tanong niya ay kung ano ang pagkakaiba ng Preamble ng Saligang Batas ng 1986 sa Preamble ng mga Saligang Batas ng 1898, 1935 at 1973. Napakagandang katanungan. At kahapon pa ay nag-isip na ang mga magbubukid kung ano ang mapapaloob sa ating Preamble na maglalarawan ng ideals at aspirations ng sambayanang Pilipino. Nakita ng mga magbubukid ang dalawang bagay na dapat nitong taglayin upang ito ay maiba sa 1898, 1935 at 1973 Preambles. Nakita namin na sa "Divine Providence" na pinalitan ng "ALMIGHTY GOD" ang dapat na ipalit ay GOD OF HISTORY, isang Diyos ng Kasaysayan, kung saan ang Diyos ay buhay na buhay na kasama ng mga magbubukid, manggagawa, urban poor at mga tao sa EDSA. Kung ang gagamitin natin ay "Divine Providence" o kaya ay ang "Almighty God," para bagang ang Diyos na iyan ay hiwalay sa atin. Ngunit kung ang gagamitin natin ay Diyos ng Kasaysayan, ang Diyos ay kasama sa kasalukuyan ng sambayanang Pilipino. Ito ang dahilan kaya gusto po namin itong baguhin. Kinakailangang magkaroon ito ng pagkakaiba. Tama ang sinabi ng Kasamang Commissioner Blas Ople. Ano ang pagkakaiba kapag pinalitan natin ng "God of History"? Ang Diyos ay buhay na buhay na kasama natin sa ating pakikibaka.

Pangalawa na ginugusto ng magbubukid: Gaya ng sinabi namin, ang "participatory democracy" ay humihikayat ng two-party system na siyang humuhubog naman ng "elite democracy." Upang makahulagpos na tayo sa American model, sa kuko ng lawin at agila, at upang ipakilala ng 1986 Con-Com ang kanyang pagkakaiba, kinakailangang lagyan na natin ito ng "popular democracy" na siyang magwawasak sa "elite democracy."

Minsan pa akong tumindig. Sinasabi ninyo na ang mapapaloob sa ating Preamble ay ang ideals and aspirations of the Filipino people. Nagsasalita sa inyong harapan ngayon ang kinatawan ng mga magbubukid na bumubuo ng 75 percent ng ating populasyon. Sinasabi nating ang Preamble ang magbibigay direksyon; "bed-rock" and "destination." Kapag pinalitan natin ang "Almighty God" ng "God of History" at nilagyan natin ng "popular democracy," masasabi nating tama si Ginoong Ople na nabago natin ang Preambles ng 1898, 1935 at 1973 Constitutions.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Maambong is recognized.

MR. MAAMBONG: With the indulgence of Commissioner de Castro and before he rises on his motion, I rise on a point of parliamentary inquiry. I would like to know the parliamentary situation now, but before the Chair rules on the inquiry, I would like to recall that under our Rules, once the Committee to which a resolution has been referred makes a committee report within 10 days, that committee report should be scheduled for Second Reading. Within that period on Second Reading, the resolution is submitted for sponsorship, after which it is again scheduled for further consideration. Then, there will be amendments to the resolution. As stated in Commissioner Rodrigo's amendment which is Section 27 of our Rules, after the period of amendments we will have the approval of the resolution on Second Reading.

I would like to find out if we are indeed on Second Reading, specifically on sponsorship. If we are on the period of sponsorship, the Rules does not provide the time limit for the sponsorship and debates. I believe that in the absence of the Rules, since we are under time constraint, it would be for the good and sound judgment of the Constitutional Commission to limit the time for this period. So, I would like to know if we are indeed in the period of sponsorship and debate.

THE PRESIDING OFFICER (Mr. Rodrigo): The Chair sees the situation that we are in the period of interpellations on Second Reading. We are not yet in the period of amendments. However, there was a motion filed by Commissioner de Castro asking for a suspension of the discussion. Somebody, I think Commissioner Padilla, stood up, wanting to make some statements, and Commissioner de Castro withdrew his motion temporarily. So, that is the situation now.

MR. MAAMBONG: Mr. Presiding Officer, if such is the situation, then I would like to believe that the motion of Commissioner de Castro would be to end the debate and sponsorship on Second Reading. Would that be correct?

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner de Castro can answer that better.

MR. MAAMBONG: Thank you.

MR. DE CASTRO: Yes, that is my motion. The Rules is very specific and the intention is to shorten our debate with better understanding because we have only 90 days to finish the draft of our Constitution. I was just thinking that if the Preamble of the Constitution which, according to the sponsor is an obiter dicta, takes time to discuss, then the meat of the Constitution will take more time; so, heaven knows when we shall be able to finish this Constitution. I, therefore, move for the resolution of my motion, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): If the Commissioner is withdrawing his motion he will have to refile it.

MR. DE CASTRO: I am not withdrawing my motion. I just gave our Vice-President the floor for the meantime. I will repeat my motion. Having discussed the Preamble since yesterday and for two hours the whole afternoon today, I move that we close the period of discussions, interpellations, sponsorships and debates on the said Preamble.

THE PRESIDING OFFICER (Mr. Rodrigo): Is the motion seconded?

SEVERAL MEMBERS: We second the motion.

THE PRESIDING OFFICER (Mr. Rodrigo): Is there any objection? (Silence) The Chair hears none; Commissioner de Castro's motion is approved.

Commissioner Tingson is recognized.

MR. TINGSON: Mr. Presiding Officer, am I needed here or can I go back to my seat?

SUSPENSION OF SESSION

MR. RAMA: I ask for a suspension of the session.

THE PRESIDING OFFICER (Mr. Rodrigo): The session is suspended.

It was 4:40 p.m.

RESUMPTION OF SESSION

At 4:45 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Rodrigo): The session is resumed.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): The Floor Leader is recognized.

MR. RAMA: I ask that Commissioner Garcia be recognized.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Garcia is recognized.

MR. GARCIA: Thank you, Mr. Presiding Officer.

I move that we defer consideration of the Preamble until after substantial debate on other issues on the Constitution is made.

THE PRESIDING OFFICER (Mr. Rodrigo): Is there anyone who will second the motion?

A MEMBER: I second the motion.

THE PRESIDING OFFICER (Mr. Rodrigo): Is there any objection to the motion? (Silence) The Chair hears none; the motion is approved.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): The Floor Leader is recognized.

COMMITTEE MEMBERSHIP

MR. RAMA: I move for the approval of some changes in the composition of the committees. I move for the transfer of Commissioner Teodoro C. Bacani from the Committee on Human Resources to the Committee on Social Justice and Social Services.

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

MR. RAMA: I move for the approval of another change in the composition of committees. I move for the transfer of Commissioner Efrain B. Treñas from the Committee on Social Justice and Social Services to the Committee on Human Resources.

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

MR. RAMA: Mr. Presiding Officer, I move for the election of Commissioner Ponciano L. Bennagen to the Committee on Local Governments in lieu of Commissioner Jose C. Colayco.

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

MR. RAMA: I ask that Commissioner Tingson be recognized.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Tingson is recognized.

MR. TINGSON: I had to be there at the back for a little while and I was caught unaware regarding the motion that Commissioner Garcia presented a while ago. And when the Presiding Officer asked for any objection, I was on my way to the rostrum that I did not have a chance to object to it. I would like to ask for a reconsideration of that motion.

THE PRESIDING OFFICER (Mr. Rodrigo): There is a motion to reconsider the approval of the motion of Commissioner Garcia.

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

MR. GARCIA: I move that we defer consideration of the Preamble until after substantive debate on other issues on the Constitution is made.

THE PRESIDING OFFICER (Mr. Rodrigo): We have reconsidered the approval of that motion, so would Commissioner Tingson want to propound some questions?

MR. TINGSON: If I am not mistaken, there is no other Business for the Day. If we consider Commissioner Garcia's motion and then we adjourn, we will be wasting several hours of work here in our session. Besides, as a Committee, we feel that we have a substantially good and acceptable basis of a working Preamble that we could, in substance, approve. Perhaps, after the period of amendments, we can finish the discussion of the proposed Preamble even today. And if we do, I think the reaction today from the public will be much better than the reaction we initially got yesterday. We were criticized for quibbling too much on some of the phrases and words in the Preamble. And I understand that even if we approve portions of this Preamble, those who have better ideas can later on present amendments by substitution or whatever before the proposed Preamble is finally incorporated into our Constitution.

Thank you, Mr. Presiding Officer.

FR. BERNAS: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): The Chair wants to make a statement. In order to give way to the discussion of this matter, I think that the motion of Commissioner de Castro, which was twice approved, has to be reconsidered. The motion of Commissioner de Castro is to stop the period of sponsorship and debate. May we know again the motion of Commissioner de Castro which was approved?

MR. DE CASTRO: My motion was to terminate the period of sponsorship and debate, and for us to go to other matters regarding the Preamble. According to the Rules, if we continue, the next procedure is the period of amendments.

MR. GARCIA: That is precisely what I have objected to.

MR. DE CASTRO: So, I support the statement of Commissioner Tingson that we proceed to the period of amendments since we have all the time this afternoon.

THE PRESIDING OFFICER (Mr. Rodrigo): So, the motion now is to proceed to the period of amendments.

Is there any objection?

FR. BERNAS: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Bernas is recognized.

FR. BERNAS: I move for a nominal vote on the motion of Commissioner Garcia.

THE PRESIDING OFFICER (Mr. Rodrigo): Will Commissioner Garcia restate his motion?

MR. GARCIA: I move that we defer the consideration of the Preamble until after a substantive debate on other issues on the Constitution is finished.

THE PRESIDING OFFICER (Mr. Rodrigo): The Chair wants to clarify the situation. A motion to stop the debate has been approved.

MR. GARCIA: Exactly.

THE PRESIDING OFFICER (Mr. Rodrigo): And so we now go to the period of amendments. That is the matter at issue.

Is there any objection to the motion that we now proceed to the period of amendments?

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Maambong is recognized.

MR. MAAMBONG: I am constrained again to pose a parliamentary inquiry because there seems to be a mix-up in the procedure here. As I mentioned a while ago, under the Rules, the next step after the period of sponsorship is not the period of amendments but the period of consideration of the resolution for Second Reading. This makes a lot of difference. Commissioner de Castro seems to be of the impression that the next period is the period of amendments, but I would maintain that we are still on the next step which is the consideration of the resolution for Second Reading. I would like to read Section 23 of Rule VI:

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

This debate, under Section 24, is the one mentioned by Commissioner de Castro which is limited to three speeches for and two against. That is why I am now posing a parliamentary inquiry as to the exact parliamentary situation. Are we going to the period of amendments or are we going to the correct procedure, which is the period of consideration of the resolution for Second Reading?

THE PRESIDING OFFICER (Mr. Rodrigo): The regular procedure is that after the period of debate, we go to the period of amendments. The rule read by Commissioner de Castro upholds this since it says that we vote on the resolution, as amended. So we should not vote on the resolution until we have gone into the period of amendments.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Rodrigo): The session is suspended.

It was 4:55 p.m.

RESUMPTION OF SESSION

At 5:00 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Rodrigo): The session is resumed.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): The Floor Leader is recognized.

MR. RAMA: I ask that Commissioner Garcia be recognized.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Garcia is recognized.

MR. GARCIA: I make this intervention because of the importance of the Preamble. I would like to recommend that we make haste slowly. I appreciate the fact that we are all very conscious of our responsibility to work within the limit of three months, but I think we should not sacrifice substance for speed. I think we have had debates on this Preamble, and that is why I would like to restate my motion. I would like to move that we defer further consideration of the Preamble until such a time that we have made more substantial debates on other issues on the Constitution.

THE PRESIDING OFFICER (Mr. Rodrigo): Is there any objection to the motion?

MR. SUAREZ: Parliamentary inquiry, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Suarez may state his parliamentary inquiry.

MR. SUAREZ: Is it theoretically possible to defer the consideration of the Preamble until after the period of amendments has been completed without prejudicing the point of Commissioner Garcia to "make haste slowly"? In other words, instead of deferring the consideration at this stage, let us go through the process of amendments; then stop at that point and consider the motion for deferment submitted by Commissioner Garcia. So, it is still open-ended up to that point. My parliamentary inquiry is: Is that theoretically possible now?

THE PRESIDING OFFICER (Mr. Rodrigo): That is possible; that is in order. After the amendments shall have been presented and approved, and after the period of amendments shall have been closed, it is possible to consider a motion to defer final vote on the resolution, as amended.

MR. SUAREZ: No, the point is we will not call a final vote on the amendment even after the period of amendments shall have been completed because we are afraid that if we come up with this Preamble without consulting the people; as we had agreed upon previously, we may be subjected to vicious attacks by the public. So, what I am trying to suggest is that even without calling a vote, let us proceed and go to the period of amendments, and at that point, we will stop in the deliberations until we get the complete feedback about the Preamble from public hearings to be conducted all over the country.

THE PRESIDING OFFICER (Mr. Rodrigo): On the parliamentary inquiry, the Chair opines that after the period of amendments shall have ended, we automatically proceed to vote for the resolution, as amended, unless there is a motion to defer.

MR. SUAREZ: That is my parliamentary inquiry.

THE PRESIDING OFFICER (Mr. Rodrigo): That is the Chair's answer.

MR. SUAREZ: Thank you.

THE PRESIDING OFFICER (Mr. Rodrigo): We can go to the period of amendments, and after this, proceed to the final voting, unless there is a motion to defer.

MR. TINGSON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Tingson is recognized.

MR. TINGSON. Mr. Presiding Officer, the Committee on Preamble, National Territory, and Declaration of Principles would like to manifest its objection to the motion presented by Commissioner Garcia for reasons I already explained a while ago.

Thank you very much.

FR. BERNAS: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Bernas is recognized.

FR. BERNAS: I would like to reiterate my motion for a vote on the motion of Commissioner Garcia.

THE PRESIDING OFFICER (Mr. Rodrigo): Has Commissioner Bernas' motion been seconded?

MR. RAMA: Yes, Mr. Presiding Officer.

VOTING

THE PRESIDING OFFICER (Mr. Rodrigo): Let us vote.

Those in favor of the motion of Commissioner please raise their hand. (Several Members raised their hand.)

Those against, please raise their hand. (Several Members raised their hand.)

The result of the voting is a tie-15-15.

So, the Chair has to vote.

Considering that the question is on whether or not this same matter can be brought up after the amendments, I vote against the motion. (Applause)

PERIOD OF AMENDMENTS

MR. RAMA: Mr. Presiding Officer, I move that we proceed to the period of amendments.

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

We are now in the period of amendments.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Maambong is recognized.

MR. MAAMBONG: Mr. Presiding Officer, I would like to manifest that under the Rules, we cannot go to the period of amendments because we are supposed to be in the period of debate on Second Reading.

THE PRESIDING OFFICER (Mr. Rodrigo): The Chair rules that we are through with the debate and the interpellations and we are now in the period of amendments.

Is there any amendment?

BISHOP BACANI: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Bacani is recognized.

BISHOP BACANI: I would like to make an amendment supporting Commissioner Tadeo's comment made during the period of interpellations. Earlier, I suggested ALMIGHTY GOD, but if that would not be to Commissioner Tadeo's suggestion, I propose LORD OF HISTORY instead.

THE PRESIDING OFFICER (Mr. Rodrigo): So, the proposed amendment is: Change "Divine Providence" to "LORD OF HISTORY. "

Is there any comment?

MR. DAVIDE: Anterior amendment, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): What is the anterior amendment of Commissioner Davide?

MR. DAVIDE: The anterior amendment consists in the retention of the word "aid," together with the proposal of the Committee. But before retaining "aid," I propose to add the word AND so that the phrase would read: GUIDANCE AND AID OF DIVINE PROVIDENCE.

THE PRESIDING OFFICER (Mr. Rodrigo): What does the Committee say?

MR. TINGSON: Mr. Presiding Officer, we do not feel that the proposal would really be of help to the draft that we presented. We would rather let the body decide.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Bacani is recognized.

BISHOP BACANI: Mr. Presiding Officer, due to my ignorance of procedure, I did not explain the reason for my proposal to use LORD OF HISTORY.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Bacani, there is an anterior amendment so we can go back to the Gentleman's amendment later.

MR. DAVIDE: May I be allowed to explain my anterior amendment.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Davide may proceed.

MR. DAVIDE: The word "aid" has already gained historical implications. We find the word "aid" in the 1935 and the 1973 Constitutions because of its significance and meaning. We need the aid of Divine Providence, not just guidance. Guidance is a state of the mind, but aid is more positive and affirmative. And so, if we want to have His guidance, we must also follow it up by imploring His aid.

MR. TINGSON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Tingson is recognized.

MR. TINGSON: I think the Committee will gladly accept Commissioner Davide's amendment.

MR. DAVIDE: Thank you.

MR. TINGSON: So, instead of "guidance" we will revert to the word "AID."

THE PRESIDING OFFICER (Mr. Rodrigo): So, instead of "guidance" we revert to the word "AID."

Is there any objection to the amendment? (Silence) The Chair hears none; the amendment is approved.

Commissioner Bacani is recognized.

BISHOP BACANI: I beg the indulgence of my colleagues for my coming back to explain.

The reason I would like "Divine Providence" changed to LORD OF HISTORY is this: The use of "Divine Providence" is not a Filipino way of articulating God, if we are referring to God. It is very difficult to translate the phrase into Pilipino. If we try translating that into Pilipino when the Preamble and the whole Constitution is finally translated, we will find that we will really have difficulties. Secondly, "Divine Providence" is less personal

than when we speak of God or the Lord of History. That is why I would prefer that this be changed to something else.

LORD OF HISTORY is a very appropriate term because we are undergoing a historical process of liberation and, I might say, reconciliation towards full peace. And in order to show that we are a people on the march, and that this guidance is with us as we march along the way, the words LORD OF HISTORY would be more meaningful. The term "Almighty God" that I proposed earlier is meaningful enough; I think, it is even more personal than "Divine Providence," but I fully support Commissioner Tadeo's concept and suggestion for that reason.

MR. TINGSON: Mr. Presiding Officer, the Committee feels that "LORD OF HISTORY" would be, in a sense, limiting the concept of God because we, Christians, believe not only in the Lord of History, but especially in the Lord of Calvary, both of which are joined together in the phrase "Divine Providence." We would rather stick to the phrase "Divine Providence."

BISHOP BACANI: Mr. Presiding Officer, the term "Lord of History" within the Christian context precisely includes Calvary which is the center of the history of salvation. So, if you are speaking from the Christian point of view, the objections will be even less. The difficulty with the notion of "Divine Providence," even though it is a good notion in itself, is that it can speak of a God who may not be as involved as the Lord of History would show Him to be.

MR. TINGSON: Mr. Presiding Officer, translating the Preamble or the Constitution does not need to be transliteral. It could be translation by idea. So, if it is awkward to translate "Divine Providence" in Pilipino, let us translate it with the idea of God. So, we feel that "Divine Providence" could be more adequate.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Rodrigo): The Chair suspends the session.

It was 5:15 p.m.

RESUMPTION OF SESSION

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

Commissioner Bacani is recognized.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Bacani was recognized ahead.

BISHOP BACANI: Thank you very much, Mr. Presiding Officer.

If there is difficulty for a big group to accept the term "Lord of History," I propose ALMIGHTY GOD as a second choice.

THE PRESIDING OFFICER (Mr. Rodrigo): So, Commissioner Bacani's motion now is to change "Divine Providence" to ALMIGHTY GOD. However, I would like to ask the reaction of the Chairman of the Committee.

MR. TINGSON: Mr. Presiding Officer, I would rather leave it to the body to accept or reject the proposal.

MR. OPLE: Thank you, Mr. Presiding Officer.

May I ask the Chairman of the Committee a few questions.

MR. TINGSON: I would be glad to.

MR. OPLE: This may require recalling Commissioner Bacani for a while to the microphone because I intend to

go deeper into the meaning of the terms "Lord of History" and "God of History," although this is now somewhat academic. But I think it will enrich the proceedings of this Commission, if this very innovative concept is discussed a little bit more.

I am glad to support Commissioner Bacani's proposed amendment in its final form, substituting ALMIGHTY GOD for "Divine Providence," and I could also support "Lord of History." But, first of all, I want to understand it in its true context.

I am not a theologian, of course, but we all know that the Marxist vision of history precisely enthrones history in the place of God. This is also known as historical materialism and, therefore, there are many scholars of political science, especially of Marxism, that might see in these some false expectations that we may be actually talking of history as God, whereas, that might not be the intention of the proponent and of this Commission itself.

I have no objection to the notion of a Lord of History, an overarching presence that guides in the formulation of the founding fathers of the United States, that guides the destinies of men and nations. But, again, this could be susceptible to misinterpretation. I think the historians could also say that the historical Christ is different from the Christ that the average Christian knows and worships. The historical Christ is the forerunner of one who is celebrated in the Dead Sea Scrolls, not the God that we worship, the Son of the Father; but the Christ studied according to the methods of historians. It is not the Christ of the Bible. It is the Christ of historiography applying the technology of the historian rather than the theologian or the evangelist.

And so, these proposals are located within a context that can distract attention and can cause some confusion which is wholly unintended by the proponents. But I am pointing out that there are communities in the world where terms such as the "Lord of History" and "God of History," as defined, can be given a dual meaning. Therefore, while I would completely support Commissioner Tadeo's motive in offering the "God of History" as an amendment and Commissioner Bacani's original version of "God of History," I think we will all be immensely reassured if the latest version of the amendment of Commissioner Bacani, which is ALMIGHTY GOD, is accepted instead of the more innovative terms earlier offered.

Thank you.

MR. TINGSON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Tingson is recognized.

MR. TINGSON: After conferring with the Committee and talking to Commissioner Bacani, and hearing the eloquent dissertation of Commissioner Ople, the Committee hereby joyfully accepts the amendment.

THE PRESIDING OFFICER (Mr. Rodrigo): The Committee has accepted the amendment.

Is there any objection to the amendment to change "Divine Providence" to ALMIGHTY GOD? (Silence) The Chair hears none; the amendment is approved.

MR. TINGSON: Mr. Presiding Officer, the Committee on Style could study and decide on that because it could also be "God Almighty" instead of "Almighty God."

MR. SUAREZ: Mr. Presiding Officer, may I be recognized.

THE PRESIDING OFFICER (Mr. Rodrigo): Yes, Commissioner Suarez.

MR. SUAREZ: I suppose Commissioner Tingson remembers the discussions we had in the 1971 Constitutional Convention regarding the possible employment of the phrase "Almighty God." One of the questions raised and which appeared to have been validly accepted in the Convention was that the word "God" already encompasses

the word "Almighty." When you speak of God, He is omnipresent, He is omniscient, He is almighty. So is that not a redundancy, to use the phrase "Almighty God"? In other words, let us confine the word "God" without an antecedent description of "Almighty" since "Almighty" would be a surplusage.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Tingson is recognized.

MR. TINGSON: The Committee certainly does not feel we have the monopoly of truth, wisdom, and knowledge. So may we call on a theologian, Commissioner Rigos.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Rigos is recognized.

REV. RIGOS: Mr. Presiding Officer, I believe it is not redundant to describe God as Almighty. As a matter of fact, we call Him loving, righteous and we do not consider the terms redundant. It is beautiful to describe God as Almighty. Whether we call Him Almighty God or God Almighty is the same. So I suggest that we support the phrase "Almighty God" or "God Almighty."

MR. TINGSON: Mr. Presiding Officer, the Committee is very happy to accept the amended statement: "We, the sovereign Filipino people, imploring the aid of ALMIGHTY GOD."

MR. UKA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Uka is recognized.

MR. UKA: My friends and brothers in the belief in the Almighty God: I think if we use the word "Almighty God" instead of the other appellations, there will be no objections from the other sects because your brother Muslims, who also believe in God, always say this before doing anything or before prayers: All praise is due to God, the Beneficent, the Merciful, the Compassionate. Arabic: (Alhamdu lillah ir Rahman ir Rahim).

I would like to say, too, that the Muslims have many similar concepts of God, the Father of all men. The Muslims believe that all men are but one single nation — that is a verse in the Holy Koran. There are several chapters in the Bible, describing Jesus and His Mother, Sitti Mariam, or Mary. In fact, the Ten Commandments are in the Holy Koran. Father Mercado has been studying this.

Islam and Christianity are but two forms of one religion, and the latest exponent of that divine message — the Prophet Mohammad — said. "Verily, I have not brought a new religion. The religion that I preach is the same religion that began from Adam, Noah, Moses and Jesus." He did not bring a new religion.

And so the word "Almighty God" would be nice. I have to say this because we do not understand each other, although we are all brothers in faith. The Lord's Prayer in the Holy Bible is practically the same as the Lord's Prayer in the Holy Koran. There is only one verse there that is not found in the Lord's Prayer of the Muslim: "Al Fathiya."

With your indulgence — anyway what is ten or five minutes among friends — may I repeat this since this is very short. The Christian Lord's Prayer, found in the Christian Bible, says, as Jesus said: When you pray, pray thou likewise:

Our Father, Who art in Heaven, Hallowed be Thy name. Thy Kingdom come, Thy will be done on earth as it is in Heaven.

Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us, and lead us not into temptation but deliver us from evil, for Thine is the kingdom and the power and the glory, forever. Amen.

Here is the Muslim Lord's Prayer as found in the Al Fathiya, the first chapter of the Holy Qur'an. I better translate it in English because you do not understand Arabic.

In the name of God, the most merciful and compassionate. All praise is due to God, the Lord of all the worlds. Thee do we worship and Thee we beseech for help.

Guide us on the right path. The path of those upon whom Thou hast bestowed favors, not of those upon whom Thy anger has been brought down nor of those that go astray. Amen.

Where is the difference? It is seen that both ask for guidance. When I delivered that in an ecumenical meeting, one friendly priest told me: "Sir, indeed they are the same. However, I found one difference in our Lord's Prayer in the Christian faith. There is that phrase which says 'give us this day our daily bread' — I have not heard it in your Lord's Prayer in the Holy Qur'an. Why? "

I say the daily bread is simply a sort of reference to God's grace. Anyway, the Muslims believe that God is so high and almighty, that we are not supposed to ask for hot pan de sal. And that is the reason why most of the hot pan de sals are found in the Christian areas because my Christian brothers pray for it; the Muslims forget to ask for bread. (Laughter)

Thank you very much for giving me this opportunity. (Applause) In the course of our meetings, I will tell you more about our similarities, so I hope we will use the term ALMIGHTY GOD.

MR. TINGSON: Mr. Presiding Officer, our Committee was wondering whether our Muslim brothers from the South would accept the phrase ALMIGHTY GOD when we discussed this even this morning. We are very happy that our Muslim brother, Commissioner Lugum Uka, has now placed upon the record that they are also accepting the phrase ALMIGHTY GOD.

Thank you.

THE PRESIDING OFFICER (Mr. Rodrigo): Before the Commission now is the proposed amendment to change "Divine Providence" to ALMIGHTY GOD.

MR. TINGSON: We have accepted that already, Mr. Presiding Officer. The Committee will be glad to hear the next amendment, if there is any.

MR. JAMIR: Mr. Presiding Officer, may I be recognized.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Jamir is recognized.

MR. JAMIR: Our amendment consists of inserting the word HIGHEST between the words "our" and "ideals," appearing on line 9 of the draft.

MR. DAVIDE: Mr. Presiding Officer, may I propose an anterior amendment.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Davide is recognized.

MR. DAVIDE: The anterior amendment will be on line 6 of the committee report on Proposed Resolution No. 72.

THE PRESIDING OFFICER (Mr. Rodrigo): I thought we were using this (showing a sheet of paper) with the two Preambles side by side.

MR. DAVIDE: Then it would be on line 8 of the comparative chart.

THE PRESIDING OFFICER (Mr. Rodrigo): No, I think number 8 in the chart means the number of words, not the number of the line.

MR. DAVIDE: I would like to propose the insertion of the following words between the words "to" and "establish": PRESERVE AND STRENGTHEN OUR NATIONAL UNITY AND IDENTITY AND.

THE PRESIDING OFFICER (Mr. Rodrigo): What does the Committee say?

MR. TINGSON: Mr. Presiding Officer, we are very careful about adding words. As it is, we have already succeeded in subtracting three words from the Preamble of the 1973 draft and we are very wary about adding more words to this Preamble. I would rather that the body consider it.

MR. DAVIDE: We appreciate the concern of the Committee in maintaining a very short Preamble. But the Preamble of the Federal Republic of West Germany contains 117 words, that of the Fifth French Republic contains 87 words. I do not think we should really be guided by the number of words contained in the Preamble, but rather by its substance.

So, if the Committee will not accept the proposal, I would request that it be submitted to the body. And the wording would lead to the insertion between the word "to" and the word "establish" the following: PRESERVE AND STRENGTHEN OUR NATIONAL UNITY AND IDENTITY AND.

VIVA VOCE

THE PRESIDING OFFICER (Mr. Rodrigo): Is there any comment on the proposal before we vote?

As many as are in favor of the amendment, say yea.

FEW MEMBERS: Yea.

THE PRESIDING OFFICER (Mr. Rodrigo): As many as are against, say nay.

SEVERAL MEMBERS: Nay.

THE PRESIDING OFFICER (Mr. Rodrigo): The nays have it; the amendment is lost.

MR. SARMIENTO: Mr. Presiding Officer, may I propose an anterior amendment. I know the Committee will be wary of my amendment, it being an addition to the draft Preamble.

After the words "in order to," I propose the addition of the words BUILD A JUST AND HUMANE SOCIETY. I know that the concern of the Almighty God is not only the establishment of a government, but also the building of a just and humane society.

MR. SUAREZ: Mr. Presiding Officer, will the Gentleman yield?

THE PRESIDING OFFICER (Mr. Rodrigo): Will the Gentleman please restate his proposed amendment before we go into that.

MR. SARMIENTO: My proposed amendment is on the second line: "in order to BUILD A JUST AND HUMANE SOCIETY."

MR. SUAREZ: Would Commissioner Sarmiento transpose the words "JUST AND HUMANE" to be attached to the word "government." In other words, the proposed amendment would read: "to establish a JUST AND HUMANE SOCIETY government."

MR. SARMIENTO: Commissioner Suarez, with regrets, I cannot accept because it is my personal belief that "government" is too restrictive, too limited. When we speak of a society, it is broader in scope; it is unlimited, unlike the use of the word "government."

MR. SUAREZ: So, the Commissioner would make a distinction between "society" and "government."

MR. SARMIENTO: Society and government are two different concepts — society being broader in meaning and scope.

MR. SUAREZ: Will Commissioner Sarmiento kindly restate his proposed amendment so that we can be guided accordingly.

MR. SARMIENTO: So, my proposed amendment reads: "We, the sovereign Filipino people, imploring the aid of the Almighty God, in order to BUILD A JUST AND HUMANE SOCIETY establish a government," etc.

MR. TINGSON: Mr. Presiding Officer, the Committee's draft does not include the words "in order."

MR. SARMIENTO: Mr. Presiding Officer.

MR. SUAREZ: I would like to second the motion, as modified.

MR. TINGSON: Mr. Presiding Officer, we feel that the intended amendment is already covered by the following phrase: "the blessings of participatory democracy under a regime of justice, peace, freedom and equality." We would rather let the body decide on it.

REV. RIGOS: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Rigos is recognized.

REV. RIGOS: May I point out that the amendment proposed by Commissioner Sarmiento is the same proposal submitted by the 1986 UP Law Constitution Project and which we will find in the document distributed to us.

MR. AZCUNA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Azcuna is recognized.

MR. AZCUNA: While I agree with the direction and substance of the proposed amendment, I believe it does not belong to the Preamble, the statement in which we ordain and promulgate the Constitution, for we are talking of establishing primarily a government, not building a society. The society already exists and this society, by the act of promulgating a Constitution, establishes a government.

So I believe that if the amendment should be inserted at all, it should be after the words "under a regime," rather than ask the Almighty to help us establish a society. That society antedates the act of promulgating the Constitution.

MR. TINGSON: Mr. Presiding Officer, the Committee would suggest that Commissioner Sarmiento do his best to get his proposal incorporated under other articles that are not obiter dicta.

THE PRESIDING OFFICER (Mr. Rodrigo): Is there any other comment?

MR. SARMIENTO: Mr. Presiding Officer, just a rejoinder to the comment made by Commissioner Azcuna.

I believe that the purpose of this Constitutional Commission is not only to establish a government that shall embody our ideals and aspirations, but also to build a just and humane society. It is true that we have an existing society, but we long, we yearn and we aspire for the building of a just and humane society. So the Preamble, using the words of Commissioner Tingson, being the soul of the Constitution that announces the broad purposes and aims of the Constitution, should contain the words "TO BUILD A JUST AND HUMANE SOCIETY." The proposal cannot be covered by the "regime of justice, peace, freedom and equality" as adverted to earlier by Commissioner Tingson.

VIVA VOCE

THE PRESIDING OFFICER (Mr. Rodrigo): Is the Chamber ready to vote on the proposed amendment?

As many as are in favor of the amendment, say yea.

SEVERAL MEMBERS: Yea.

THE PRESIDING OFFICER (Mr. Rodrigo): As many as are against, say nay.

FEW MEMBERS: Nay.

THE PRESIDING OFFICER (Mr. Rodrigo): The yeas have it; the amendment is approved.

MR. JAMIR: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Jamir is recognized.

MR. JAMIR: I have a very simple amendment which was interrupted twice by two anterior amendments. The amendment consists of inserting the word HIGHEST between the words "our" and "ideals" appearing on line 11 of the draft. So the phrase will read: "embody our HIGHEST ideals and aspirations."

THE PRESIDING OFFICER (Mr. Rodrigo): What does the Committee say?

MR. SARMIENTO: Mr. Presiding Officer, with the kind indulgence of Commissioner Jamir, yesterday I proposed the inclusion of the word HERITAGE before ideals and aspirations," HERITAGE referring to our tradition of struggle for freedom and liberty.

THE PRESIDING OFFICER (Mr. Rodrigo): We have to consider first Commissioner Jamir's proposed amendment: to insert between "our" and "ideals" the word HIGHEST. So the phrase will read: "embody our HIGHEST ideals and aspirations." What does the Committee say?

MR. TINGSON: Mr. Presiding Officer, for the sake of clarity, will Commissioner Jamir state again which word he wants to insert.

MR. JAMIR: Mr. Presiding Officer, I move to insert the word HIGHEST between the words "our" and "ideals" on the third line of the draft so that the phrase will read: "embody our HIGHEST ideals and aspirations."

MR. TINGSON: Mr. Presiding Officer, the Committee feels that it is not really necessary to insert the word "HIGHEST." Nevertheless, we would rather that the body decide on it.

VIVA VOCE

THE PRESIDING OFFICER (Mr. Rodrigo): Is there any comment or observation? (Silence)

Is the Chamber ready to vote?

As many as are in favor of the amendment, say yea.

FEW MEMBERS: Yea.

THE PRESIDING OFFICER (Mr. Rodrigo). As many as are against, say nay.

SEVERAL MEMBERS: Nay.

THE PRESIDING OFFICER (Mr. Rodrigo): The nays have it; the amendment is lost.

MR. SARMIENTO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Sarmiento is recognized.

MR. SARMIENTO: Yesterday I proposed that we incorporate in the Preamble the word HERITAGE before the phrase "ideals and aspirations." It is my humble position that the phrase "ideals and aspirations" does not embrace the word HERITAGE — HERITAGE referring to our tradition of struggle for liberty, freedom and popular democracy. So, may I respectfully request that we consider the incorporation of the word HERITAGE — HERITAGE referring to our tradition of struggle for liberty, freedom and popular democracy. So, may I respectfully request that we consider the incorporation of the word HERITAGE before the phrase "ideals and aspirations."

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Sarmiento's proposed amendment is to insert "HERITAGE" between "our" and "ideals" and a comma (,) after it, so the amended phrase will read: "that shall embody our HERITAGE, ideals and aspirations." What does the Committee say?

MR. TINGSON: Mr. Presiding Officer, could we ask Commissioner Nollado to please say something?

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Nollado is recognized.

MR. NOLLEDO: Thank you, Mr. Presiding Officer.

As indicated in the remarks of Commissioner Guingona yesterday, quoting the venerable Dean Sinco of the University of the Philippines, the term HERITAGE is included in the word "patrimony" because "patrimony" talks not only of human and natural resources but also of the Filipino culture, HERITAGE, the intelligence of the Filipino people and the like.

MR. TINGSON: Mr. Presiding Officer, the Committee would rather that the body decide on it.

VIVA VOCE

THE PRESIDING OFFICER (Mr. Rodrigo): Is the body ready to vote on the proposed amendment?

As many as are in favor of the amendment, say yea.

FEW MEMBERS: Yea.

THE PRESIDING OFFICER (Mr. Rodrigo): As many as are against, say nay.

SEVERAL MEMBERS: Nay.

THE PRESIDING OFFICER (Mr. Rodrigo): The nays have it; the amendment is lost.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner de Castro is recognized.

MR. DE CASTRO: On the same line, third line, between the words "conserve" and "enhance," I propose to insert the word DEVELOP so that the phrase will read: "conserve, DEVELOP and enhance our patrimony." The words "conserve," "develop" and "enhance" are three different things. While you conserve and you enhance, it is necessary that you develop something first before you can enhance it.

THE PRESIDING OFFICER (Mr. Rodrigo): What does the Committee say?

MR. TINGSON: The Committee would partly accept the amendment and that is, to use the word "DEVELOP" and we would be ready to eliminate the word "enhance" because we feel that "enhance" would already be within the purview, the meaning of the word "develop." We would partly accept the amendment. Does Commissioner de Castro agree?

MR. DE CASTRO: I will agree. So we will leave "conserve and DEVELOP."

THE PRESIDING OFFICER (Mr. Rodrigo): The Committee proposes to delete the word "enhance" and in lieu thereof insert the word "DEVELOP," so the phrase will read: "conserve and DEVELOP our patrimony."

MR. TINGSON: That is right.

THE PRESIDING OFFICER (Mr. Rodrigo): Is there any objection? (Silence) The Chair hears none; the proposed amendment is approved.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Davide is recognized.

MR. DAVIDE: I would like to propose an amendment by restoring the words "of our nation."

MR. TINGSON: What line is the Commissioner referring to?

MR. DAVIDE: After the word "develop" what follows is "the patrimony" because the Committee has recommended the deletion of the phrase "of our nation." I want its restoration so that the phrase will read: "the patrimony OF OUR NATION."

MR. TINGSON: So that is between "patrimony" and the comma (,).

THE PRESIDING OFFICER (Mr. Rodrigo): What does the Committee say?

MR. TINGSON: Mr. Presiding Officer, we feel that "our patrimony" certainly refers to the patrimony of our nation.

MR. DAVIDE: There was a distinction made yesterday on the scope of "patrimony of the nation" and just "patrimony." There was a brilliant disquisition on the distinction: the patrimony of the nation is all-inclusive, not only of natural resources but also of heritage. And so, I propose the broader concept of patrimony, patrimony of the nation.

MR. NOLLEDO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Nollado is recognized.

MR. NOLLEDO: With the kindest indulgence of the proponent, I find no fundamental difference between the expression "the patrimony of our nation" and "our patrimony." So I beg to disagree with the contention that it is all-embracing. On the other hand, when we say "our patrimony," we are more emphatic and possessive. We are jealous of our patrimony when you say our patrimony. Amin iyan.

Thank you.

MR. DAVIDE: Mr. Presiding Officer, we submit to the body.

VIVA VOCE

THE PRESIDING OFFICER (Mr. Rodrigo): So, what does the Committee say? (Silence)

Is the Chamber ready to vote?

As many as are in favor of the amendment, say yea.

FEW MEMBERS: Yea.

THE PRESIDING OFFICER (Mr. Rodrigo): As many as are against, say nay.

SEVERAL MEMBERS: Nay.

THE PRESIDING OFFICER (Mr. Rodrigo): The nays have it; the amendment is lost.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner de Castro is recognized.

MR. DE CASTRO: On line 5, I propose to eliminate the word "participatory" because when we talk of democracy, it is the whole thing, not only participatory; it can be collective, it can be anything. The word "democracy" is broad and sufficient enough to describe the blessings that we are asking for. By putting "participatory," it becomes particular for that particular thing; it eliminates collectiveness. So, I move that the word "participatory" be eliminated.

THE PRESIDING OFFICER (Mr. Rodrigo): What does the Committee say?

MR. TINGSON. Our Committee discussed this quite lengthily this morning, and I think the sense of the Committee is, first, we do not want to make our Preamble overly long. Second, we do agree with the honorable Commissioner de Castro that the word "democracy" would be sufficient, so we would gladly accept the amendment to eliminate the word "participatory."

MS. ROSARIO BRAID: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: May I suggest an amendment which reads this way: "and secure to ourselves and our posterity the blessings of A BALANCED SOCIAL ORDER under a RULE of justice, peace, freedom, EQUITY AND DEMOCRATIC PARTICIPATION." We do not want to use the word "participatory." The notion of a "balanced social order" means that we try to redress the imbalances and reduce the gaps and inequities, which imply the harmonization of all sectors. In lieu of "participatory democracy," I suggest A BALANCED SOCIAL ORDER; in lieu of "equality," EQUITY; and the inclusion of the phrase DEMOCRATIC PARTICIPATION after it.

THE PRESIDING OFFICER (Mr. Rodrigo): The parliamentary situation is, there is a pending proposed amendment by Commissioner de Castro to delete the word "participatory." So, this proposal of Commissioner Rosario Braid would be in the nature of an amendment to that amendment. What does Commissioner de Castro say?

MR. DE CASTRO: I do not accept the amendment to my amendment.

VOTING

THE PRESIDING OFFICER (Mr. Rodrigo): So, are we ready to vote on the proposed amendment to delete the word "participatory"?

Those in favor of the amendment, please raise their hand. (Several Members raised their hand.)

Those against, raise their hand. (Few Members raised their hand.)

The results show 27 votes in favor and 4 against; the amendment is approved.

MR. GASCON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Gascon is recognized.

MR. GASCON: I would like to make an amendment to the Preamble. Since we have taken out the word "participatory," I would like to place the adjective POPULAR before "democracy" so as to differentiate it from

elite democracy.

THE PRESIDING OFFICER (Mr. Rodrigo): So, the proposed amendment is on the fifth line between the words "of" and "democracy."

MR. GASCON: Between the words "of" and "democracy," insert the word POPULAR.

THE PRESIDING OFFICER (Mr. Rodrigo): So, it will read: "blessings of POPULAR democracy." What does the Committee say?

MR. TINGSON: The word "democracy" has been honored for so many centuries and has been enshrined in the hearts of those who believe in it. It is the real meaning of democracy, and we feel that using an adjective before it might not even improve its meaning. So, we would rather that the body decide on it.

MR GASCON: Mr. Presiding Officer, I believe that my amendment does not diminish the honor placed on the word "democracy." In fact, it enhances its real meaning. So many regimes in the past which should have been called dictatorships claimed to be democratic, and there are regimes also which seem to practice democracy which is of the elite nature. As such, because of the people's power revolution and the learnings we have had since the martial law regime, I guess we must enshrine it in our Preamble by emphasizing that such "democracy" is genuinely of the people. Therefore, I would like to push through my amendment.

VOTING

THE PRESIDING OFFICER (Mr. Rodrigo): The proposed amendment is to insert the word "POPULAR" between "of" and "democracy" on line 5, so that it will read: "blessings of POPULAR democracy."

Those in favor of the proposed amendment, please raise their hand. (Few Members raised their hand.)

Those against the amendment, please raise their hand. (Several Members raised their hand.)

The results show 12 votes in favor and 21 against; the proposed amendment is lost.

MR. PADILLA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): The Vice-President is recognized.

MR. PADILLA: I propose that after the word "democracy," insert the word TRUTH and a comma (,) after it; transpose "peace" and "freedom" after TRUTH and add AND PROGRESS after "freedom," so that this will read: "the blessings of democracy, TRUTH, peace, freedom AND PROGRESS."

THE PRESIDING OFFICER (Mr. Rodrigo): So, is the Vice-President proposing to delete also the words "justice and equality"?

MR. PADILLA. No; that phrase will follow after "under a rule of LAW." That will be my second amendment; "under a rule of LAW, justice and EQUITY."

But, first, line 5 should read: "and our posterity, the blessings of democracy, TRUTH, peace, freedom AND PROGRESS. "

THE PRESIDING OFFICER (Mr. Rodrigo): Would the proponent want the Chamber to consider that as one amendment instead of two?

MR. PADILLA: No, I would propose two separate amendments. So, the first is, line 5 should read. "and our posterity the blessings of democracy, TRUTH, peace, freedom AND PROGRESS."

THE PRESIDING OFFICER (Mr. Rodrigo): What does the Committee say?

MR. TINGSON: That sounds acceptable to me. However, would this not be redundant in a sense, considering the amendment proposed by Commissioner Sarmiento which was accepted by this body?

MR. SARMIENTO. I think the inclusion of the words "PROGRESS" and "EQUITY" will add redundancy to the inclusion of "to build a just and humane society." So, I will object to the inclusion of the words "PROGRESS" and "EQUITY."

MR. PADILLA: No, I did not mention "equity"; in fact, I propose to remove it. We are talking of "'blessings " in the plural, so the blessings should include not only blessings of democracy, but TRUTH — as suggested by Commissioner de Castro — and "peace, freedom AND PROGRESS," as I suggested.

The idea is we should enjoy the blessings of democracy, then TRUTH to avoid a distortion of facts that misleads and confuses the people. There is no problem regarding "peace" and "freedom," and I would just add the words AND PROGRESS because we are aiming not only at the enjoyment of a democratic rule but likewise the advancement of our economy towards progress and prosperity.

THE PRESIDING OFFICER (Mr. Rodrigo): Will the Gentleman restate his first amendment so the body can vote?

MR. PADILLA: Yes. My first amendment is: After the word "democracy," add TRUTH, then transpose the words "peace, freedom" and add AND PROGRESS. So line 5 should read "and our prosperity the blessings of democracy, TRUTH, peace, freedom, AND PROGRESS. "

THE PRESIDING OFFICER (Mr.- Rodrigo): What does the Committee say?

MR. TINGSON: Does that mean we eliminate the word "justice"?

MR. PADILLA: No, that will follow later.

MR. TINGSON: Then what would follow is what appears now.

MR. PADILLA: After "rule of," add LAW and change "equality" to EQUITY. That is the second portion of my amendment.

MR. TINGSON: The Vice-President is proposing that the word "TRUTH" follow immediately after the word "democracy"?

MR. PADILLA: Yes.

MR. TINGSON: Would it not be better to place the word "TRUTH" after "rule of" instead of placing it after "democracy," so that line should read: "under the rule of TRUTH, peace, freedom," etc., as the Vice-President has proposed?

MR. PADILLA: Yes. But as it appears in both the 1935 and 1973 Constitutions, the word "blessings" is plural — "blessings of democracy"— so I feel that these should include "TRUTH, peace, freedom, AND PROGRESS."

MR. TINGSON: If the Committee on Style could look into this and arrange it in such a way that we would not mangle the beauty of the Preamble, perhaps we would accept this proposal; but I am just wondering whether the other members of the Committee would like to express themselves, too.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: I agree with Vice-President Padilla to the insertion of the concept "truth," but I believe that progress is a result of the presence of all these transcendental goals of peace, freedom and truth. So that

instead of the word "progress" or "prosperity," I would prefer to put the concept of COOPERATION or HARMONY, or some other word that approximates that cultural tradition of the Filipino which is bayanihan, "bayanicracy."

MR. SARMIENTO: May I comment on that, Mr. Presiding Officer.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Rodrigo): The session is suspended for a few minutes.

It was 6:12 p.m.

RESUMPTION OF SESSION

At 6:16 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Rodrigo): The session is resumed.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): The Floor Leader is recognized.

MR. RAMA: I ask that Commissioner Tingson be recognized.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Tingson is recognized.

MR. TINGSON: I think we are at the end of the proposed amendments, so we would be very happy indeed if we could read the entire Preamble as amended by this august body before we leave this hall.

The Committee would accept the proposal of the Vice-President, subject to revision by the Committee on Style.

THE PRESIDING OFFICER (Mr. Rodrigo): Will the Vice-President restate the amendment?

There will be two amendments, or is the Gentleman consolidating the two now?

MR. PADILLA: My proposed amendment on lines 5 to 8 would read: "and our posterity the blessings of democracy, TRUTH, peace, freedom AND PROGRESS under a rule of LAW, justice and EQUITY, do ordain and promulgate this Constitution."

MR. GASCON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Gascon is recognized.

MR. GASCON: I would like to inquire about the amendment to the amendment proposed by Commissioner Rosario Braid, that instead of "progress," the word "HARMONY" be used.

THE PRESIDING OFFICER (Mr. Rodrigo): During the recess, there was a conversation on the matter.

MR. GASCON: So, is Commissioner Rosario Braid withdrawing the amendment?

THE PRESIDING OFFICER (Mr. Rodrigo): Yes.

MR. PADILLA: I regret I cannot accept the amendment because while "harmony" and "cooperation" are necessary, I think they are already understood even in the words "truth" and "peace." What I was adding is the concept of "progress" which is an ideal, an aspiration of the Filipino people.

These are the blessings that our people should enjoy — democracy, truth, peace, freedom and progress. These are the blessings, the effects, we might say, of good government and the cooperation of our people for more productivity and the creation of more wealth.

With regard to the other portion, the former text said "under a regime of," which the Committee has changed to "under a RULE of." So, I propose to add LAW and retain "justice," then change the word "equality" to EQUITY.

BISHOP BACANI: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Bacani is recognized.

BISHOP BACANI: Will the Vice-President accept an amendment to his amendment, such that instead of saying just simply: "a regime of law, justice and equity," we say "... law, justice, LOVE and equity."

I will explain the reason. I would really like to insert a very important factor in the people's revolution, and it is the element of "pakikipagkapwa-tao" — love. I was touched seeing and reading the report of how people acted in a nonviolent way, and these are the words in one film that was actually taken: "Pilipino din naman kayo." And then, in saving one of the loyalists, one of those who besieged Malacañang Palace said: "Huwag ninyong sasaktan, Pilipino din naman siyang tulad natin." I think we should be aiming at the civilization of love, because a rule simply of justice and law, and even of equity will not be able to bring peace. At least, here I wish to bring the thought of the popes who had insisted that a rule of justice alone is not sufficient to bring about peace in the world. And so, I want to add the word LOVE even though it may not be very legalistic to hear.

MR. PADILLA: Mr. Presiding Officer, I have no objection to the insertion of the word "LOVE," so that the line would read: "under a rule of LAW, justice, EQUITY and LOVE."

THE PRESIDING OFFICER (Mr. Rodrigo): What does the Committee say of the amendment, as amended?

MR. TINGSON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Tingson is recognized.

MR. TINGSON: Mr. Presiding Officer, may the Committee hear from Commissioner Sarmiento?

MR. SARMIENTO: May I make an amendment to the amendment.

I suggest that we delete the word "peace" because the fruit of truth, freedom and justice is peace."

I also propose the deletion of the word "progress" because, to me, progress is included in the promotion of the common good, in the building of a just and humane society.

I also propose the deletion of the word "equity" because if there is law, there is justice; so there is equity.

THE PRESIDING OFFICER (Mr. Rodrigo): What does the proponent of the amendment say?

MR. PADILLA: I do not accept the proposed amendments to my amendment.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Concepcion is recognized.

MR. CONCEPCION: I propose that the phrase "to enjoy the blessings of democracy," be followed by "under the rule of law and a regime of truth, justice, freedom or liberty." That is how I will put it, because we cannot enjoy the blessings of democracy without a regime that seeks to establish truth, without which there can be no justice. Truth and justice are essential to enjoy freedom. If we have truth, justice and freedom, we will have peace. That is how I look at it. I submit this for the consideration of the Committee.

THE PRESIDING OFFICER (Mr. Rodrigo): That is a proposed amendment to the amendment.

MR. TINGSON: Mr. Presiding Officer, I think the Committee would be very interested in the proposal of Commissioner Concepcion.

THE PRESIDING OFFICER (Mr. Rodrigo): That is in the nature of an amendment to the amendment. So I would like to ask for the reaction of the proponent of the amendment, the Vice-President.

MR. PADILLA: May we hear the proposed amendment again?

MR. CONCEPCION: I propose that this part read: "and secure to ourselves and our posterity the blessings of democracy under the rule of law a regime . . ." There is no rule of truth but there is a regime of truth which is essential to justice and both are essential to the enjoyment of freedom. And with freedom, justice and truth, we can enjoy peace.

I assume that justice includes equity which actually means fairness, but fairness cannot be established without justice. So I think the essentials are "the rule of law and a regime . . ." not a rule of justice nor rule of truth, but a regime of truth, justice, freedom and peace.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Rodrigo): This is a sort of an amendment by substitution.

The Chair declares a suspension of the session for a few minutes.

It was 6:27 p.m.

RESUMPTION OF SESSION

At 6:34 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Rodrigo): The session is resumed.

The Vice-President is recognized.

MR. PADILLA: Mr. Presiding Officer, Commissioner Concepcion has proposed an amendment to my amendment. May I, therefore, request him to restate his amendment.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Concepcion is recognized.

MR. CONCEPCION: The amendment to the amendment refers to the last part of the proposed Preamble, and it reads: "and secure to ourselves and our posterity the blessings of democracy under the rule of law and a regime of truth, justice, freedom (or liberty), and peace do ordain and promulgate this Constitution."

MR. PADILLA: I accept the amendment. (Applause)

MR. TINGSON: The Committee is very happy to accept that amendment.

THE PRESIDING OFFICER (Mr. Rodrigo): Is there any objection to the amendment? (Silence) The Chair hears none; the amendment, as amended, is approved.

MR. TINGSON: Mr. Presiding Officer, may the Committee be allowed too read the entire Preamble, as amended.

BISHOP BACANI: Mr. Presiding Officer, could I still propose a short amendment?

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Bacani is recognized.

BISHOP BACANI: I would still like to insert the word LOVE before "peace" to make our Constitution, as Commissioner Romulo said, unique and to express our own experience in the Philippines.

THE PRESIDING OFFICER (Mr. Rodrigo): The amendment to the amendment proposed by Commissioner Concepcion has been approved. Now, between what words does Commissioner Bacani want to insert his amendment?

BISHOP BACANI: Just prior to the word "peace" such that the phrase should read: "freedom, LOVE, and peace."

MR. OPLE: Mr. Presiding Officer, I would like to support the proposed amendment, looking to the distinction of this Constitution as probably the first in the world that will embody the principle of love which, I think, translates into the fraternity, the brotherhood of all men, but especially those who are united into a single nation.

Thank you.

MR. GASCON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Gascon is recognized.

MR. GASCON: Mr. Presiding Officer, I would like to make an additional amendment. I propose to add AND EQUALITY after "love."

THE PRESIDING OFFICER (Mr. Rodrigo): What does the proponent say? I think we should take this one by one.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Would Commissioner Maambong like to comment on the proposed amendment to insert the word "LOVE"?

MR. MAAMBONG: Mr. Presiding Officer, I think that matter should be taken up first. Mine is only a minor point of clarification, so it can wait.

THE PRESIDING OFFICER (Mr. Rodrigo): So, the proposed amendment is to insert the word "LOVE" between "freedom" and "peace."

Is there any objection?

MR. GASCON: How about the word EQUALITY? I wonder if the proponent would accept my amendment right now.

THE PRESIDING OFFICER (Mr. Rodrigo): We will take that up later.

BISHOP BACANI: Yes.

MR. GASCON: I think the proponent is willing to accept the addition of EQUALITY.

BISHOP BACANI: It should read "freedom, EQUALITY, LOVE, and peace."

THE PRESIDING OFFICER (Mr. Rodrigo): Is the Chamber ready to vote?

MR. BENZON: Mr. Presiding Officer, may I request that we take the amendments one after the other, because some people may want to include the word "LOVE" but others may feel that the word "EQUALITY" is already embodied in the concept of justice. Precisely, that was one of my questions earlier: Why was the word "equality" eliminated in the original draft? And it was explained to me by the proponent that the word "justice" already embodies the concept of equality, that is why I kept quiet.

But if Commissioner Gascon would like to insist on his amendment after that explanation, we could break that amendment.

THE PRESIDING OFFICER (Mr. Rodrigo): The Chair would like to ask Commissioners Gascon and Bacani.

MR. GASCON: I would agree with Commissioner Benzon if, for purposes of facilitating, he would wish to

decide on each word one by one. That is all right with me.

THE PRESIDING OFFICER (Mr. Rodrigo): First, on the insertion of the word "LOVE."

Is there any objection? (Silence) The Chair hears none; the amendment is approved.

On the proposed amendment to insert the word EQUALITY?

MR. GASCON: Yes, between "love" and "peace."

MR. ROMULO: Mr. Presiding Officer, I think the term "equality". is included in Commissioner Sarmiento's concept of a humane society. We cannot have a humane society if it does not adhere to the principles of equality.

MR. PADILLA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): The Vice-President is recognized.

MR. PADILLA: In addition to that, I was changing the word "equality" to EQUITY, but the Committee said that EQUITY is also included in "law and justice"; so I did not insist on that anymore.

THE PRESIDING OFFICER (Mr. Rodrigo): So, is the body ready to vote?

MR. AZCUNA: Just one last word, Mr. Presiding Officer, I do agree that the word "justice" implies equality. However, I am afraid that taking out "equality" where it was already in the 1973 Constitution might be construed as a trend towards inequality in our society. After all, although it is redundant, emblazoned on the US Supreme Court building are the words "Equal Justice under Law." It is a redundancy, but we want to emphasize equality.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Ople is recognized.

MR. OPLE: I am unable to accept that "equality" is redundant when it is added to other noble principles like justice and freedom. I think there is a general hesitation to commit to the principle of equality which has its historical meaning fully developed through the centuries of human struggle for equality. It can merely be a civil equality so that all men are equal before the law. It can be a political equality in the sense that the richest and the poorest may cast only one vote each.

It can, however, go beyond that according to the evolution of humane society — to comprehend newer forms of equality, especially in the economic or social sense.

And, therefore, I share Commissioner Azcuna's concern that because this already appears in the Preamble of the 1973 Constitution, it should stay. Commissioner Bernas, on one occasion, told us that the Preamble of the 1973 Constitution, in some respects, improves upon the Preamble of the 1935 Constitution precisely because of the introduction of the word "equality." It is no longer a revolutionary idea. I think, by and large, all of mankind, including those debaters in the United Nations, have accepted equality as an orthodoxy in our own time. It used to be radical and revolutionary; but it is already an orthodox principle in the community of nations.

And so, I feel that the Preamble of the 1986 Constitution certainly cannot be seen as having reduced the rights to equality already earned by our people in the 1973 Constitution. And it is in that sense that I wish to support the proposed amendment of Commissioner Gascon to the word "EQUALITY" to be added to a string of similarly noble words in this concluding clause of the Preamble of the Constitution.

Thank you.

MR. BROCKA: May I be recognized?

THE PRESIDING OFFICER (Mr. Rodrigo): Yes, Commissioner Brocka.

MR. BROCKA: This has nothing to do with the concept. I just want to make a comment on the structure that is coming out now. As Commissioner Ople said, it is a "string of noble words."

So, if we read the amendments to the amendments to the amendments, the clause will be: "a regime of truth, justice, freedom, love, peace and EQUALITY." It sounds as though we are trying to put all the noble words there. And in the words of Commissioner Ople, it does look like "a string of noble words."

MR. TINGSON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Commissioner Tingson is recognized.

MR. TINGSON: The Committee would be glad to accept the addition of the word "EQUALITY."

MR. GASCON: I thank Commissioner Tingson.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Yes, Commissioner Maambong is recognized.

MR. MAAMBONG: As I stated earlier, this is just a very minor point of clarification. There was an approved amendment introduced by Commissioner Sarmiento. I did not get it very well, but was there a comma after the words "humane society"?

MR. SARMIENTO: There is no comma, but a conjunction "and" followed by "establish a Government. . ."

MR. MAAMBONG: So, it would read: "to build a just and humane society."

Thank you, that clarifies everything.

THE PRESIDING OFFICER (Mr. Rodrigo): The Committee has accepted the amendment to insert the word "EQUALITY."

MR. TINGSON: Yes, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo). Is there any objection? (Silence) The Chair hears none; the proposed amendment is approved.

MR. TINGSON: Mr. Presiding Officer, it seems to me that the Preamble, as amended, is now ready to be read.

MR. DAVIDE: One final amendment, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo): Yes, Commissioner Davide.

MR. DAVIDE: In view of the deletion of the words "in order," I propose that we insert the word HEREBY before "ordain" to make it really very emphatic.

MR. TINGSON: We already eliminated the words "in order."

MR. DAVIDE: Precisely, because of the elimination of those words, I would like to insert HEREBY before "ordain" to make it more emphatic, so that it reads: "do HEREBY ordain and promulgate this Constitution."

THE PRESIDING OFFICER (Mr. Rodrigo): What does the Committee say?

MR. TINGSON: We accept the amendment.

THE PRESIDING OFFICER (Mr. Rodrigo): Is there any objection to the proposed amendment to insert between

the words "do" and "ordain" the word "HEREBY"? (Silence) The Chair hears none; the amendment is approved.

If there are no more amendments, may I request the Committee Chairman to read now the whole proposed Preamble, as amended.

MR. TINGSON: Gladly so, Mr. Presiding Officer. After two days of deliberations by this Committee and the active participation of the Members of this august body, the following is the proposed Preamble to our Charter:

We, the sovereign Filipino people, imploring the aid of ALMIGHTY GOD, TO BUILD A JUST AND HUMANE SOCIETY AND to establish a Government that shall embody our ideals AND ASPIRATIONS, promote the COMMON GOOD, conserve and DEVELOP our patrimony and secure to ourselves and our posterity the blessings of democracy under THE RULE OF LAW and a regime of TRUTH, justice, freedom, LOVE, EQUALITY and peace do HEREBY ordain and promulgate this Constitution. (Applause)

MR. RAMA Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Rodrigo) The Floor Leader is recognized.

MR. RAMA I move that we close the period of amendments.

THE PRESIDING OFFICER (Mr. Rodrigo) Is there any objection? (Silence) The Chair hears none; the period of amendments is closed.

APPROVAL OF PROPOSED RESOLUTION NO. 72

ON SECOND READING

(Adopting a Preamble to the Constitution)

MR. TINGSON Mr. Presiding Officer, I move that we approve the proposed Preamble on Second Reading.

THE PRESIDING OFFICER (Mr. Rodrigo) There is a move to approve Proposed Resolution No. 72 on the proposed Preamble, as amended.

Those in favor, please raise their hand. (Several Members raised their hand.)

Those against, please raise their hand. (Two Members raised their hand.)

The results show 27 votes in favor and 2 against.

Proposed Resolution No. 72 on the proposed Preamble, as amended, is approved on Second Reading. (Applause)

MR. RAMA Mr. Presiding Officer, before we adjourn, there is a suggestion to be made by Commissioner Gascon regarding the Independence Day ceremonies tomorrow.

THE PRESIDING OFFICER (Mr. Rodrigo) Commissioner Gascon is recognized.

MR. GASCON I believe that everyone in the Commission knows that tomorrow is Independence Day for which we have all received invitations to three different activities. I would like to inquire as to what the idea of the body is regarding the participation of the Commission as a group in the three activities, namely: the flag-raising ceremony at the Luneta Grandstand at seven o'clock in the morning, the Vin d'Honor at 10:00 a.m. at Malacañang, and the one o'clock celebration also at the Luneta Grandstand.

THE PRESIDING OFFICER (Mr. Rodrigo) The Floor Leader is recognized.

MR. RAMA Commissioner Garcia suggests that we should group together as one body so that our presence will be seen and felt by the people, since the Commission is quite an important office.

THE PRESIDING OFFICER (Mr. Rodrigo) Where do we congregate?

MR. RAMA We can group during the flag-raising ceremony at the Luneta. We have to go together and stick together.

THE PRESIDING OFFICER (Mr. Rodrigo) But we do not go there together. We just congregate. When we are there, we should form one group.

MR. GASCON Mr. Presiding Officer, the flag raising is at seven thirty, so can we meet by seven o'clock at the Rizal Monument or in front of the Army and Navy Club?

MR. BENGZON Mr. Presiding Officer, in our invitations, there is a small card which says that everybody should be at the Luneta at seven. So if we want to meet at the Army and Navy Club, it has to be earlier. Why do we not meet at the Luneta at seven, so we do not have to transport ourselves from one place to the other?

MR. GASCON With regard to the one o'clock ceremony, the proposal is that we meet at Manila Hotel prior to one o'clock and then march with other groups to the grandstand.

MR. BENGZON That will include our spouses, because our ticket says "Mr. and Mrs."

MR. GASCON I think that will be difficult. Maybe they may go ahead and we will just join them at the grandstand.

THE PRESIDING OFFICER (Mr. Rodrigo) How about this Vin d'Honor?

MR. BENGZON The Vin d'Honor is at ten o'clock in Malacañang. I do not know if we can group together because it is very hard to move in. There we have our gate passes, and we have to pass through so much security. We can just meet at the hall itself.

MR. MONSOD: Mr. Presiding Officer, with all due respect to the desires of some of the Commissioners to go together and move as a unit, I would like to suggest that perhaps those who wish to go can go their own way. There are some of us who may not want to go to the Vin d'Honor. There are some of us who will be marching with our own groups in the parade. I appreciate the sentiment here, but we have other commitments and perhaps we have other preferences.

THE PRESIDING OFFICER (Mr. Rodrigo) So kanya-kayang lakad.

ADJOURNMENT OF SESSION

MR. RAMA Mr. Presiding Officer, I move for the adjournment of the session until Friday at nine o'clock in the morning.

THE PRESIDING OFFICER (Mr. Rodrigo) Is there any objection? (Silence) The Chair hears none; the session is adjourned until Friday at nine o'clock in the morning.

It was 6:55 p. m.

[*] Appeared after the Roll Call.

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