

R.C.C. NO. 6

VOL. I, June 09, 1986

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/596bf0b20586/>

Monday, June 9, 1986

OPENING OF SESSION

At 3:28 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 Teodoro C. Bacani.

Everybody remained standing for the Prayer.

BISHOP BACANI: Before the Prayer, I just like to state here that on June 1 the Holy Father asked the pilgrims in Rome to pray for our Constitutional Commission and then united his prayers with us.

PRAYER

Father, bless our work today. Let us know what You want for our country. Make us pursue our work with diligence, love, patience and harmony. Bring lasting results to our efforts and give us the joy of knowing we are serving You and our countrymen. Amen.

ROLL CALL

THE PRESIDENT: The Secretary General will call the roll.

THE SECRETARY GENERAL, reading:

Abubakar Present Calderon Present*

Alonto Present* Castro de Present

Aquino Present Colayco Present

Azcuna Present Concepcion Present

Bacani Present Davide Present

Bengzon Present Foz Present

Bennagen Present Garcia Present

Bernas Present Gascon Present

Rosario Braid Present Guingona Present

Brocka Present Jamir Present

Laurel Present* Rodrigo Present

Lerum Present Romulo Present

Mambong Present Rosales Present

Monsod Present Sarmiento Present

Natividad Present Suarez Present

Nieva Present Sumulong Present

Nolledo Present Tadeo Present

Ople Present Tan Present

Padilla Present Tingson Present

Quesada Present Trenas Present

Rama Present Uka Present

Regalado Present Villacorta Present

Reyes de los Present Villegas Present

Rigos Present

The President is present.

The roll call shows 44 Members responded to the call.

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

MR. RAMA: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

APPROVAL OF JOURNAL

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

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

MR. RAMA: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

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

THE PRESIDENT: Is there any objection to the motion? (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 Communications, the

President making the corresponding references:

PROPOSED RESOLUTIONS ON FIRST READING

Proposed Resolution No. 50, entitled:

RESOLUTION PROVIDING FOR THE RULES OF THE CONSTITUTIONAL COMMISSION.

Introduced by Hon. Sumulong, Bennagen, Maambong, Romulo, Sarmiento and Bengzon.

To the Steering Committee.

Proposed Resolution No. 51, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION ARTICLES ON THE CONSTITUTIONAL COMMISSIONS IN ORDER TO SAFEGUARD AND ENHANCE THEIR INDEPENDENCE.

Introduced by Hon. Guingona.

To the Committee on Constitutional Commissions and Agencies.

Proposed Resolution No. 52, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION ARTICLES ON THE JUDICIARY TO SAFEGUARD AND ENHANCE THE INDEPENDENCE OF THE SUPREME COURT.

Introduced by Hon. Guingona.

To the Committee on the Judiciary.

COMMUNICATIONS

Letter from Dr. Jose M. Alejandrino, retired Ambassador of the Philippines, transmitting his proposed draft of the Constitution.

(Communication No. 3 — Constitutional Commission of 1986)

To the Steering Committee.

Communication from Mr. Ramon J. Liwag, Service Chief, Ministry of Justice, transmitting the proposal of Mr. Ben R. Timbol of Angeles City for a Batasan composed of incumbent provincial governors and city mayors, to convene for sixty days every year during which period the vice-governors and city vice-mayors shall be the acting governors and city mayors, respectively.

(Communication No. 4 — Constitutional Commission of 1986)

To the Committee on the Legislative.

Communication from Mr. Manuel A. Sanico of 4107 Corregidor-Pitogo, Makati, Metro Manila, suggesting incorporation in the Constitution of the following, among others: to give meaning to the principle that sovereignty resides in the people and government authority emanates from them, barangay resolutions be brought to the proper legislative/executive body for deliberation/implementation, and the creation of a National Accounting Commission.

(Communication No. 5 — Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

Communication from Mr. Florencio D. Montalvo, retired government auditor, proposing an auditing power in government vested in a General Auditing Authority with a categorical auditing function of disallowing in preaudit proposed expenditures of public funds and uses of property which are irregular, unnecessary, excessive, extravagant and otherwise unconscionable.

(Communication No. 6 — Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

MR. RAMA: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

CONSIDERATION OF PROPOSED RESOLUTION NO. 50

(Rules of the Constitutional Commission)

MR. RAMA: Madam President, I move that we consider Proposed Resolution No. 50.

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

Consideration of Proposed Resolution No. 50 is now in order. With the permission of the body, the Secretary-General will read only the title of the resolution without prejudice to inserting in the Record the whole text thereof. *

THE SECRETARY-GENERAL: Proposed Resolution No. 50, entitled:

RESOLUTION PROVIDING FOR THE RULES OF THE CONSTITUTIONAL COMMISSION.

THE PRESIDENT: Commissioner Sumulong is recognized to sponsor Proposed Resolution No. 50.

SPONSORSHIP REMARKS OF COMMISSIONER SUMULONG

MR. SUMULONG: Madam President, our distinguished colleagues in the Commission:

The resolution now before the Commission, Proposed Resolution No. 50, contains the Provisional Rules of the Commission as revised first by the Ad Hoc Committee on Rules, and then later revised last Friday by the Commission meeting in caucus. So, Proposed Resolution No. 50 now before the Commission contains the Rules as ultimately revised by the body in a meeting in caucus last Friday. What it only needs is for these Rules to be formally adopted by the Commission now meeting in plenary session so that this will become the Rules of the Commission permanently which will guide the proceedings of this body during the time that we are deliberating on the formulation of a new constitution.

I, therefore, respectfully ask that the Commission now formally adopt the Rules contained in Proposed Resolution No. 50 as the ultimately revised Rules of the Commission.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: May I propose an amendment.

At our caucus last night, Sections 30 and 31 on page 13 of the Provisional Rules were deleted. However, I think the last sentence in Section 31 should remain. That sentence reads: "On the day set for its consideration, the resolution shall be voted on Second Reading." So my amendment is, after the end of Section 26 entitled "Amendments," and appearing on page 14 of the new proposal, to add a new section, SECTION 27 which shall read: ON THE DAY SET FOR ITS CONSIDERATION, THE RESOLUTION, AS AMENDED, SHALL BE VOTED ON SECOND READING. The reason is that after the amendments, the thing to do is to vote on the resolution, as amended, before going to Third Reading. However, when we deleted Section 30 and 31 of the

Provisional Rules, even the sentence which says: "The Resolution shall be voted on Second Reading" was deleted, so I am just moving that this sentence be brought back so that it will appear there that after the amendments, there will be the vote on Second Reading before the Third Reading.

THE PRESIDENT: Will the Gentleman please state his proposal again.

MR. RODRIGO: On page 14, between lines 21 and 22, insert a new SECTION 27, to read as follows: ON THE DAY SET FOR ITS CONSIDERATION, THE RESOLUTION, AS AMENDED, SHALL BE VOTED ON SECOND READING. And as a consequence of that, change the corresponding numbers of the succeeding sections.

MR. SUMULONG: Madam President, I have no objection to the proposal made by Commissioner Rodrigo.

MR. RODRIGO: Thank you, Madam President.

MR. SUMULONG. When we were in caucus last Friday, we agreed that after the amendments on Second Reading, the resolution need not be referred to the Committee on Style, but that does not mean that we will put the resolution to a vote on Second Reading. I think it was an oversight on the part of the one who prepared this final draft of Proposed Resolution No. 50 not to have included that last sentence that the Gentleman from Bulacan had proposed.

THE PRESIDENT: Is there any objection to the amendment proposed by Commissioner Rodrigo? Does Commissioner Sumulong have any objection or is there any clarification that has to be made? (Silence) The Chair hears none; the amendment is approved.

Commissioner Davide is recognized.

MR. DAVIDE: I would like to introduce an amendment because after going over the Rules, I noticed that we have not fixed the number for a quorum in committee meetings. I wonder if the Chairman of the Committee would accommodate an amendment on page 9.

THE PRESIDENT: So, will this be an anterior amendment?

MR. DAVIDE: If there are no anterior amendments, my amendment will be on page 9.

THE PRESIDENT: Page 9?

MR. DAVIDE: The proposed amendment is for a new paragraph to be placed between lines 9 and 10. It reads as follows: FOR PURPOSES OF CONDUCTING ITS BUSINESS, AT LEAST FIVE MEMBERS OF A COMMITTEE WITH A MEMBERSHIP OF MORE THAN TEN SHALL CONSTITUTE A QUORUM AND THREE MEMBERS OF A COMMITTEE WITH A MEMBERSHIP OF TEN OR LESS SHALL CONSTITUTE A QUORUM.

THE PRESIDENT: Is the amendment acceptable to the Chairman?

MR. SUMULONG: May we hear the Honorable Davide give the explanation for this proposed amendment.

MR. DAVIDE: Madam President, the explanation is: In view of the timetable giving the committees until July 7 to complete their committee hearings and to report on resolutions filed before them, the Members of the Commission belonging to different committees will have difficulty attending the committee meetings scheduled simultaneously in one morning. There is, therefore, a need to reduce the number to constitute a quorum so that the committees can fully conduct their business without difficulty of securing a quorum. If there are three committees working in one day but the members of these committees are practically the same, they will have to run from one

room to the other, or leave the committee meeting in one and proceed to another room just to fill up the quorum necessary for the committee meeting. I doubt very much, if this can be done within the timetable allotted to the committees to conduct and terminate the public hearings.

THE PRESIDENT: To clarify the proposed amendment, five members for a committee composed of 10 shall constitute a quorum.

MR. DAVIDE: Five for committees with a membership of more than 10.

THE PRESIDENT: Ten or more.

MR. DAVIDE: More than 10, Madam President. Then three for committees with a membership of 10 or less.

MR. SUMULONG: Madam President.

THE PRESIDENT: Commissioner Sumulong is recognized.

MR. SUMULONG: Madam President, I remember in actual practice when I was a member of the Congress of the Philippines that usually what happens with respect to the work of the committees is that when the committee meeting opens, a majority of the members will appear just to signify that they are present and that a majority constituting a quorum is present. But after that, usually we allow the members of the committee to go to other committee meetings of which they are also members and nobody questions that procedure.

MR. DAVIDE: That may be true, Madam President, on the assumption that the meetings will be conducted in the same place. However, the meetings will be conducted outside of the Batasan, and, moreover, we will treat of constitutional issues, not issues for purposes of ordinary legislation. The public might criticize us for conducting a meeting even with a number less than the required quorum.

THE PRESIDENT: Is that satisfactory, Commissioner Sumulong?

MR. SUMULONG: I think there is no harm in including the amendment. For practical purposes, the amendment proposed by the Gentleman can also help in the work of the committees.

MR. DAVIDE: That is the principal idea of the proposal.

THE PRESIDENT: Therefore, Commissioner Sumulong is not objecting to the amendment proposed by Commissioner Davide.

SUSPENSION OF SESSION

MR. RAMA: Madam President, I move for a suspension of the session to thresh out this matter.

THE PRESIDENT: The session is suspended.

It was 3:48 p.m.

RESUMPTION OF SESSION

At 3:55 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. RAMA: May I ask that Commissioner Davide be recognized.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Madam President, I would like to modify the proposed amendment after consultation with the Committee. As modified, the amendment will consist in the addition of a paragraph to Section 8 which will start after line 9 on page 9. The new paragraph will read as follows: FOR PURPOSES OF CONDUCTING ITS BUSINESS, FIVE MEMBERS OF A COMMITTEE WITH A MEMBERSHIP OF MORE THAN TEN SHALL CONSTITUTE A QUORUM, AND THREE MEMBERS OF A COMMITTEE WITH A MEMBERSHIP OF TEN OR LESS SHALL CONSTITUTE A QUORUM: PROVIDED, HOWEVER, THAT FOR PURPOSES OF APPROVING A RESOLUTION OR ITS REPORT THE VOTE OF A MAJORITY OF ALL ITS MEMBERS IS REQUIRED.

MR. SUMULONG: Madam President.

THE PRESIDENT: Commissioner Sumulong is recognized.

MR. SUMULONG: The amendment of Commissioner Davide, as modified, is acceptable to the Committee.

THE PRESIDENT: Is there any objection to the amendment of Commissioner Davide?

MR. RODRIGO: A minor observation, Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: It says "TEN OR MORE MEMBERS" or "TEN"? But all the memberships in the different committees are in odd numbers. So, "TEN" really would be a little awkward because there is no committee with ten members.

MR. DAVIDE: For clarification purposes, Madam President, the wording of the amendment is MORE THAN TEN, and the second is TEN OR LESS.

MR. RODRIGO: It should be LESS THAN TEN.

MR. DAVIDE: Accepted — less than ten, because there is really no committee with a membership of ten.

THE PRESIDENT: The sponsor has accepted the amendment.

Is there any objection to the proposed amendment as amended by Commissioner Rodrigo and accepted by the Chairman of the Committee on Rules? (Silence) The Chair hears none; the amendment, as amended, is hereby approved

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: Madam President, I was just talking to the proponent of the amendment and he agreed to a further change.

MR. DAVIDE: For the record, the amendment to the amendment — qualifying "vote" to AFFIRMATIVE VOTE — has been accepted and, therefore, it will read: "AFFIRMATIVE VOTE OF A MAJORITY OF ALL ITS MEMBERS."

THE PRESIDENT: Is there any objection to the modification in Commissioner Davide's amendment? (Silence) The Chair hears none; the amendment is approved.

ADOPTION OF PROPOSED RESOLUTION NO. 50

(Rules of the Constitutional Commission)

MR. RAMA: Madam President, since there are no more amendments or objection to the Rules of the Constitutional Commission, I move that we adopt Proposed Resolution No. 50 on the Rules of the Constitutional Commission, as amended.

THE PRESIDENT: Is there any objection to the approval of the Rules of the Constitutional Commission, as amended? (Silence) The Chair hears none; the motion is approved.

Proposed Resolution No. 50 on the Rules of the Constitutional Commission, as amended, is adopted unanimously. (Applause)

MR. RAMA: Madam President, pursuant to the timetable set under Section 9, Rule 11 of the approved Rules of the Commission, I move for the organization of the different standing committees.

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

MR. RAMA: Madam President, I move that we adjourn the session at three o'clock tomorrow afternoon so that the committees can now schedule their public hearings or consider resolutions referred to them.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 4:01 p.m.

RESUMPTION OF SESSION

At 4:19 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President.

THE PRESIDENT. The Acting Floor Leader is recognized.

MR. RAMA. Since changes have already been made on the membership of the committees, I withdraw my motion for adjournment and I move for the organization of the committees.

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

ELECTION TO COMMITTEES

MR. RAMA. Madam President, I move for the election of the following officers and members of the Committee on Preamble, National Territory, and Declaration of Principles: Commissioner Rosales, Chairman; Commissioner Tingson, Vice-Chairman; and Commissioners Villegas, Aquino, Rosario Braid, Nollado and Quesada, members.

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

MR. RAMA: Madam President, I move for the election of the following officers and members of the Committee on Citizenship, Bill of Rights, Political Rights and Obligations and Human Rights: Commissioner Laurel, Chairman; Commissioner Bernas, Vice-Chairman; and Commissioners Abubakar, Sarmiento, Garcia, Rodrigo, Lerum, Padilla, Tan, Colayco, Tadeo, Villegas, Bennagen, Bacani and Natividad, members.

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

The Chair calls the attention of the Acting Floor Leader that necessary adjustments in committee membership may be made later on by the Chair as recommended by the Members.

MR. RAMA: Madam President, I move that membership to the committees be subject to changes or adjustments by the President as recommended by the Members.

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

MR. RAMA: Madam President, I move for the election of the following officers and members of the Committee on the Legislative: Commissioner Davide, Chairman; Commissioner Azcuna, Vice-Chairman; and Commissioners Sumulong, Abubakar, Calderon, Rodrigo, Alonto, Aquino, Jamir, Concepcion, Lerum, de los Reyes, Guingona, Garcia and Treñas, members.

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

MR. RAMA: Madam President, I move for the election of the following officers and members of the Committee on the Executive: Commissioner Sumulong, Chairman; Commissioner Regalado, Vice-Chairman; and Commissioners Rama, Calderon, Alonto, Concepcion, Foz, Maambong, Jamir, Davide, Natividad, Sarmiento, Aquino, Bernas and Lerum, members.

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

MR. RAMA: Madam President, I move for the election of the following officers and members of the Committee on the Judiciary: Commissioner Concepcion, Chairman; Commissioner Romulo, Vice-Chairman; and Commissioners Colayco, Sumulong, Jamir, Regalado, Suarez, Treñas, Sarmiento, Uka, Davide, Natividad, Bengzon and Azcuna, members.

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

MR. RAMA: Madam President, I move for the election of the following officers and members of the Committee on Constitutional Commissions and Agencies: Commissioner Foz, Chairman; Commissioner Rigos, Vice-Chairman; and Commissioners de Castro, Monsod, Abubakar, Villegas, Nieva, Regalado, Concepcion, Guingona and Jamir, members.

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

MR. RAMA: Madam President, I move for the election of the following officers and members of the Committee on Local Governments: Commissioner Nollado, Chairman; Commissioner Calderon, Vice-Chairman; and Commissioners Tingson, Rosales, Alonto, de Castro and Colayco, members.

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

MR. RAMA: Madam President, I move for the election of the following officers and members of the Committee on Accountability of Public Officers: Commissioner Monsod, Chairman; Commissioner Colayco, Vice-Chairman; and Commissioners Nieva, Azcuna, Padilla, Tan, Calderon, Tingson, Romulo, Brocka and Nollado, members.

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

MR. RAMA: Madam President, I move for the election of the following officers and members of the Committee on the National Economy and Patrimony: Commissioner Villegas, Chairman; Commissioner Tadeo, Vice-Chairman; Commissioners Gascon, Bennagen, Romulo, Monsod, Sarmiento, Bengzon, Ople, Suarez and Uka, members.

THE PRESIDENT: Just a minute, honorable Floor Leader. There are four additional members to said Committee

because the membership has been increased to 15: Commissioners Bacani, Natividad, Foz and Villacorta.

MR. RAMA: I move that the Commissioners mentioned by the President be included as members of the Committee on the National Economy and Patrimony.

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

MR. RAMA: Madam President, I move for the election of the following officers and members of the Committee on General Provisions: Commissioner Rosario Braid, Chairman; Commissioner Bacani, Vice- Chairman; and Commissioners Rigos, Brocka, Natividad, Uka, de Castro, Gascon, Nieva, Maambong and Bennagen, members.

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

MR. RAMA: Madam President, I move for the election of the following officers and members of the Committee on Amendments and Transitory Provisions: Commissioner Suarez, Chairman; Commissioner Ople, Vice-Chairman and Commissioners de los Reyes, Foz, Padilla, Maambong and de Castro, members.

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

MR. RAMA: Madam President, I move for the election of the following officers and members of the Steering Committee: Commissioner Bengzon, Chairman; Commissioner Rama, Vice-Chairman; and Commissioners de los Reyes, Guingona, Romulo, Bernas, Rodrigo, Nieva, Quesada and Alonto, members.

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

MR. RAMA: Madam President, I move for the election of the following officers and members of the Committee on Privileges: Commissioner Abubakar, Chairman; Commissioner Quesada, Vice-Chairman; and Commissioners Calderon, Tingson, de los Reyes, Nollado and Concepcion, members.

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

MR. RAMA: Madam President, I move for the election of the following officers and members of the Committee on Style: Commissioner Rodrigo, Chairman; Commissioner Treñas, Vice-Chairman; and Commissioners Villacorta, Sumulong, Guingona, Rama, Nollado, Padilla, Abubakar, Davide, Garcia, Ople, Azcuna, Sarmiento and Gascon, members.

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

MR. RAMA: Madam President, I move for the election of the following officers and members of the Committee on Sponsorship: Commissioner Guingona, Chairman; Commissioner Garcia, Vice-Chairman; and Commissioners Villacorta, Sumulong, Monsod, de los Reyes, Nieva, Tingson, Aquino, Bengzon, Brocka, Alonto, Tadeo, Gascon and Maambong, members.

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

MR. RAMA: Madam President, I move for the election of the following officers and members of the Committee on Human Resources: Commissioner Villacorta, Chairman; Commissioner Uka, Vice-Chairman; and Commissioners Guingona, Brocka, Quesada, Tan, Bennagen, Rosales, Rigos, Rosario Braid and Bacani, members.

THE PRESIDENT: Honorable Floor Leader, instead of Commissioner Rosales, it be Commissioner Gascon as member of the Committee on Human Resources.

MR. RAMA: I move for the substitution of Commissioner Gascon for Commissioner Rosales.

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

MR. RAMA: Madam President, I move for the election of the following additional members of the Committee on the National Economy and Patrimony.

THE PRESIDENT: That has already been announced. Mr. Floor Leader

Thank you. '

SUSPENSION OF SESSION

MR. RAMA: I move for the suspension of the session.

THE PRESIDENT: The session is suspended.

It was 4:31 p.m.

RESUMPTION OF SESSION

At 4:40 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. RAMA: With the unanimous consent of the body, I move for an increase in the membership of the Committee on Social Justice and Social Services from 15 to 17.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the motion of the Acting Floor Leader to increase the membership of the Committee on Social Justice and Social Services from 15 to 17 is approved.

MR. RAMA: Madam President, I now move for the election of the following officers and members of the Committee on Social Justice and Social Services: Commissioner Nieva, Chairman; Commissioner Gascon, Vice-Chairman; and Commissioners Tadeo, Monsod, Aquino, Brocka, Suarez, Uka, Quesada, Treñas, Garcia, Lerum, Tan, Villacorta, Bennagen, Bengzon and Romulo, members.

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

MR. RAMA: Madam President, I ask that Commissioner Tingson be recognized for a simple motion.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Madam President, I am very happy to inform this body of the very favorable reaction of the public, at least from my province of Negros Occidental, to what we have done so far. And when I mentioned the possibility of this body making representations to give the pueblo franking privilege, they also were very elated about it.

Allow me then, Madam President, along with Commissioner Christine Tan. to recommend that the President of the Commission make representations with the national government to grant the public franking privilege on all communications sent to the Members of the Commission relative to the drafting of the new Constitution. Also, I would like to furnish the Office of the President of the Philippines, through the Executive Secretary, a copy of the resolution regarding this recommendation.

Madam President, Her Excellency, President Corazon C. Aquino, has created and organized the 1986 Constitutional Commission pursuant to Proclamation No. 9 for the primary purpose of proposing a new charter

truly reflective of the ideals and aspirations of the Filipino people. In order to effectively achieve this purpose, it is particularly tasked, per provision of Section 9, paragraph 7 of Proclamation No. 9, to conduct public hearings and other forms of consultations in order to adequately insure the people's participation in the formulation of the new Constitution.

Whereas, one of the most effective means by which the public at large can have maximum expression of their sentiments and opinion is through written communications addressed to the honorable Members of this Commission. Sending such communications entails considerable expenses on the part of the sender. This is the reason, Madam President, Commissioner Christine Tan and this humble Member would like to make this motion.

Thank you very much.

THE PRESIDENT: Is there any objection to the motion of Commissioner Tingson?

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Basically, I have no objection. But I think the recommendation must put a time limit as to when the franking privilege should be used by the public. I take it that our deadline to approve on Second Reading various proposals would be August 15. So, the franking privilege must be only up to August 15 and only to communications addressed to the Commission or to its officers and members; otherwise it might be used for some other purposes.

THE PRESIDENT: Is that acceptable?

MR. TINGSON: Madam President, I accept the amendment.

THE PRESIDENT: The amendment is accepted.

Are there any further comments?

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

MR. SARMIENTO: Madam President, for a parliamentary inquiry.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: The Rules, as adopted, provides for the election of a Floor Leader and two Assistant Floor Leaders. May I know from the Chair the date set for the election of these officers?

THE PRESIDENT: The Chair awaits the pleasure of the body to elect the remaining officers: the Floor Leader and the two Assistant Floor Leaders.

In fact, the Chair wishes to recommend and suggest that the election be held today, before we adjourn. We have already formalized our committees, so the election of the Floor Leader and the two Assistant Floor Leaders is very important, considering their membership in the Steering Committee.

In the Rules that we have approved, the body recalls that the Floor Leader and the Assistant Floor Leaders are ex-officio members of the Steering Committee. So if the body is ready for the election, the Chair is now open for nominations for the positions of Floor Leader and two Assistant Floor Leaders.

MR. ABUBAKAR: Madam President.

THE PRESIDENT: Commissioner Abubakar is recognized.

MR. ABUBAKAR: In order to maintain the independence and free choice of the Commissioners, voting should not be done in the presence of the public. Let the voting be by secret balloting as when we vote for our public officials like the President and the Vice-President. If we desire to have the voting by acclamation, then we give every Member a chance to state his reasons for his support to a particular nominee presented to the Commission.

So, I believe in an independent judgment, not that I feel that each Member lacks the courage to stand up and vote for the ones whom he believes should be the Floor Leader and Assistant Floor Leaders. However, the choice should not be influenced by any other consideration, except by his conscience, his patriotism and his belief that the men he voted for are the best that he can pick from this distinguished crowd.

Thank you, Madam President.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 4:48 p.m.

RESUMPTION OF SESSION

At 5:10 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

Before we proceed to any other business, the Chair desires to make some announcements. On motion of Commissioner Nollado, the President was authorized to form an Ad Hoc Committee on Public Hearings. May I announce now the following as members of this Committee: Commissioners Garcia, Gascon, Bernas, Nieva, Monsod, Bennagen, Guingona, Nollado, Rosario Braid, Suarez, Aquino, Villacorta, Quesada, Azcuna, Brocka, Tadeo, Bengzon, Jr., Davide, Jr., de los Reyes and Rosales. If anyone among those named does not desire to be a member of this Committee, will he please inform the Chair later on?

Here are certain announcements: The meeting of this Ad Hoc Committee will be on Wednesday, June 11, at eight o'clock in the morning, at the South Caucus Room. Then the same Committee will conduct a workshop for all Commissioners on Friday, June 13, also at the South Caucus Room, after the morning session.

The Chair is now ready for any motion from the Acting Floor Leader.

MR. PADILLA: Madam President.

THE PRESIDENT: The Vice-President is recognized.

MR. PADILLA: I think the next order is the election of the Floor Leader and the two Assistant Floor Leaders. I heard Commissioner Abubakar make a comment on this matter, but he did not make any motion. We have two alternatives, Madam President: Either we hold this election in the session hall this afternoon, or we follow the same procedure we had in the caucus for the election of the President and the Vice-President. I have no objection to having an election in the session hall, but perhaps we could save time if we follow the procedure that we adopted in the election of the President and the Vice-President. We will ask those who are not interested in the positions first. The rest may be considered interested, subject to the votes of the Members. Then, we could just have one voting. The candidate or the Member who has received the highest number of votes may be considered as the Floor Leader. The Member who has received the second and the third highest number of votes may be considered as the two Assistant Floor Leaders.

Perhaps, we can save a little time without the necessity of formal nominations, seconding of the nominations and

speeches to sponsor our respective candidates. I believe that the procedure adopted before can easily be applied in electing the Floor Leaders. So, I move that we go to the caucus room this afternoon to elect the Floor Leaders, perhaps, by secret balloting instead of holding it in this session hall.

THE PRESIDENT: Does the Chair understand that we will suspend the session for a caucus?

MR. PADILLA: Yes, Madam President.

THE PRESIDENT: Then we resume the session to formalize the election of the Floor Leader and the two Assistant Floor Leaders.

Is there any objection to the motion of Vice-President Padilla?

Commissioner Bernas is recognized.

FR. BERNAS: May I propose a modification to the motion. Why not do it here, rather than spend time moving to the caucus room?

THE PRESIDENT: Commissioner Abubakar is recognized.

MR. ABUBAKAR: I do not question the wisdom of the proposal of Commissioner Padilla. I think it would be wiser and to the interest of all the Members that we elect the Floor Leader and his two Assistants only in our presence, meaning without the benefit of public participation as we have here. Whether we like it or not some may be sensitive to defeat. So I think it would be more proper for this distinguished body to conduct the election and all other related matters in a caucus.

Thank you, Madam President.

THE PRESIDENT: The proposal of Commissioner Bernas is to hold the election in this hall instead of going to the caucus room in order to save time. There are ballots here and election could be by secret balloting.

Is there any other comment?

MR. PADILLA: Madam President.

THE PRESIDENT: The Vice-President is recognized.

MR. PADILLA: I have no objection to the proposal of Commissioner Bernas, provided that we adopt the procedure we followed in the election of the President and the Vice-President which is by secret balloting without the need of formal nominations, seconding of nominations and so forth.

THE PRESIDENT: Commissioner Abubakar, we can request the public to leave the session hall for the time being and then we will suspend the session to have a caucus right here in this hall.

Commissioner Rodrigo is recognized.

MR. RODRIGO: I was going to remark that if we use the secret balloting, there should be nominations. Because if we follow the procedure that we had in the last caucus, anybody could vote for anybody without definite nominees, the highest number of votes might possibly be only five, and he who gets it will be declared elected. Or, should we follow the rule that if nobody gets la mitad mas uno, we will hold another balloting. However, if there are no nominees, it would be most difficult to reach la mitad mas uno. So, why do we not have nominations?

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: Madam President, as I understand the proposal of Commissioner Padilla, we will go through a

process of reducing the number of candidates by identifying those who are not interested in the office. I have a feeling that if we ask the Members of the Commission to indicate whether they are interested or not, those who will be valiant enough to want to hold the office will be very few, so that will be equivalent to a nomination.

THE PRESIDENT: Shall we not consider the first balloting as a straw vote only to indicate who will be the candidates, not as the final voting?

What does Commissioner Rodrigo say?

MR. RODRIGO: What is the objection to having nominations? That is the ordinary normal procedure. Why should we depart from that? If it is embarrassing to have nominations, I think it is more embarrassing to ask those who are not interested to run.

THE PRESIDENT: So, is Commissioner Rodrigo agreeable that we suspend the session to have a caucus right here and then have the nominations during the caucus, excluding the public?

MR. RODRIGO: Madam President, I have no objection to that.

FR. BERNAS: Madam President, may I move for a vote on the motion of Commissioner Padilla, as amended.

MR. GASCON: Madam President, I will make a further amendment to the amendment.

THE PRESIDENT: Commissioner Gascon is recognized.

MR. GASCON: Commissioner Padilla proposed that we reduce the number of nominees and then elect from them. Whoever gets the highest number of votes would become the Floor Leader and then the next two, the Assistant Floor Leaders. I would like to propose that we do not follow this but instead make separate nominations for the Floor Leader and for the two Assistant Floor Leaders. It is possible that some Members of the Commission would prefer to act as Assistant Floor Leaders and not as a Floor Leader.

THE PRESIDENT: Is that proposed amendment of Commissioner Gascon acceptable to Vice-President Padilla?

MR. PADILLA: Madam President, I do not accept the amendment because the precise purpose of my motion is to prevent formal nominations, and if we can make the nomination in caucus, that is all right with me. But I am trying to avoid many nominations because we should expedite this.

THE PRESIDENT: So, may we have the Vice-President's motion now as amended by Commissioner Bernas, because the motion of Commissioner Gascon was not accepted.

Commissioner Gascon is recognized.

MR. GASCON: Madam President, in that case, I would like to make a second motion that we hold nominations for the Floor Leader and then afterwards we hold nominations for the Assistant Floor Leaders and vote accordingly.

THE PRESIDENT: Also in caucus?

MR. GASCON: Yes.

MR. PADILLA: The idea is to conduct three votings instead of one because there are three positions — one Floor Leader and two Assistant Floor Leaders.

MR. GASCON: Madam President, that would mean there would be two ballotings; one, for the Floor Leader and the second, for the two Assistant Floor Leaders.

MR. PADILLA: Just to expedite matters, I accept that we will have two ballotings.

SUSPENSION OF SESSION

THE PRESIDENT: Is there any objection to the motion to suspend the session, then go in caucus right here in this session hall, excluding the public, and to vote for the Floor Leader?

MR. PADILLA: Madam President, we do not even have to exclude the public since the nominations would be in caucus.

THE PRESIDENT: There is no need. The session is suspended.

It was 5:25 p.m.

RESUMPTION OF SESSION

At 6:06 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. ROMULO: Madam President.

THE PRESIDENT: Commissioner Romulo is recognized.

MR. ROMULO: I move for the election of the Floor Leader.

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

MR. RODRIGO: Madam President, consonant with what was agreed upon in the caucus of the Commission, I move that Commissioner Napoleon Rama be deemed elected unanimously as Floor Leader.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; Commissioner Rama is declared elected as Floor Leader of the Commission. (Applause)

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: Also, consonant with what was agreed upon in the caucus, I move that Commissioner Calderon be declared elected as Assistant Floor Leader for Luzon.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; Commissioner Calderon is declared elected as Assistant Floor Leader for Luzon.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: May I interrupt the Gentleman on the floor.

Under the Rules, we do not distinguish the place to be represented by the Assistant Floor Leaders — whether they be from Luzon, Visayas or Mindanao. So, may I suggest that the nomination be for the Assistant Floor Leader only.

THE PRESIDENT: The motion is well taken.

MR. RODRIGO: I modify my motion accordingly.

So, consonant with what was agreed upon in the caucus, I move that Commissioners Jose Calderon and Domocao Alonto be declared elected as Assistant Floor Leaders.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none Commissioners Calderon and Alonto are declared elected Assistant Floor Leaders. (Applause)

Is there any other business? The Floor Leaders should now take over.

Mr. Floor Leader, is there any other business? If there is none, we will have the oath-taking.

At this juncture, the Honorable Napoleon G. Rama, Jose Calderon and Ahmad Domocao Alonto ascended the rostrum.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 6:11 p.m.

RESUMPTION OF SESSION

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

THE PRESIDENT: The session is resumed.

The Chair will now administer the oath to the Floor Leader and the Assistant Floor Leaders.

OATH-TAKING OF THE FLOOR LEADER AND THE ASSISTANT FLOOR LEADERS

THE PRESIDENT: Will the Gentlemen please raise their right hand and repeat after me, stating their name and the positions to which they have been elected.

OATH OF OFFICE

I, _____ do solemnly swear that I will faithfully and conscientiously fulfill my duties as _____, preserve and defend the fundamental law of the land, execute its laws, do justice to every man, and consecrate myself to the service of the nation.

So help me God.

THE PRESIDENT: Mr. Floor Leader, is there any other business for the day?

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: We will, of course, be dutifully attending to our duties in our respective committees but it will help if the Commission as a whole and the individual Member can be kept abreast of what is going on in all the committees. May I know if a provision has been made for the minutes of the committee meetings to be distributed as promptly as possible for the benefit of all the Members of the Commission?

THE PRESIDENT: What does the Secretary-General say? The Chair believes that it is very necessary that minutes of the sessions be taken. That is why we have a committee secretary. There are stenographers also who attend the committee meetings.

MR. OPLE: Madam President, I am referring to the distribution of these minutes. Can we obtain a commitment

from the Secretariat, unless it is too much of an imposition, that the minutes of all these meetings be circulated within 48 hours from the time that they took place?

THE PRESIDENT: Yes, for the information and guidance of all the Members. Is that right?

MR. OPLE: Yes, on a best-effort basis, Madam President.

THE PRESIDENT: Thank you.

MR. OPLE: Thank you.

THE SECRETARY-GENERAL: Yes, Madam President, we will do our best especially if the committees are meeting all at the same time. Just give us a little bit more time when they are all meeting practically simultaneously. But we shall provide everyone copies of the minutes of all committee meetings.

And may I announce, therefore, Madam President, that the Committee on Accountability of Public Officers under Commissioner Monsod will meet tomorrow at two o'clock in the afternoon. We will announce all of the venues tomorrow. There is a blackboard where everyone will see all the places and time of the different committee meetings.

THE PRESIDENT: The Chair has originally announced that there will be a meeting of the chairmen so that we can take up all these matters right now after the adjournment of the session. It can be done in the lounge. There will be only 17 people.

MR. PADILLA: Madam President.

THE PRESIDENT: Yes? the Vice-President is recognized.

MR. PADILLA: The various committees will be holding their respective meetings to decide on several resolutions that have been assigned to them. And there will also be the Ad Hoc Committee on Public Hearings, etc. I was thinking, Madam President, what would be the subject or the agenda of the Assembly tomorrow afternoon. There may be some matters, like the Preamble, but there are several resolutions for inclusion in the Preamble. And we have adopted as working drafts the 1935, 1973 and the Malolos Constitutions. May I suggest that the committee to which these resolutions on the Preamble have been referred decide on the exact proposed text of the Preamble and refer this to the Commission for Second Reading, which would mean that there will be some sponsorships, comments, objections, debates, etc., up to the period of amendments so that we can show our people that we are trying to hasten our work in consonance with our time constraints. Perhaps, these matters, say, of the Preamble, then afterwards the National Territory, the Declaration of Principles and State Policies, can be successively discussed seeking the sentiment and the opinions of all as to what changes we have decided to make, what word to be inserted or deleted in order to adopt the Preamble for the 1986 Constitution. That is my suggestion, Madam President, which, if necessary, I will convert into a motion.

THE PRESIDENT: The Chairman, Commissioner Rosales, is not here, but the Vice-Chairman, Commissioner Tingson, is here. Maybe Commissioner Tingson would welcome the suggestion of Commissioner Padilla so that this can be taken up in the meeting tomorrow, if there is one.

MR. TINGSON: Madam President, that is a very well-taken suggestion because, if I remember right, that was precisely what we did in the 1971 Constitutional Convention. We began with this particular committee.

THE PRESIDENT: Thank you.

Is there any other business?

Yes, Commissioner Foz is recognized.

MR. FOZ: Madam President, I made a previous announcement that the Committee on Constitutional Commissions and Agencies would meet at ten o'clock tomorrow morning, but I would like to revise the schedule to two o'clock tomorrow afternoon.

THE PRESIDENT: That is just one hour before the session. The session will resume at three.

MR. FOZ: I think in an hour's time we can do something in the committee, Madam President. So, that is the notice to the members.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

ADJOURNMENT OF SESSION

MR. RAMA: I move for the adjournment of the session until three o'clock tomorrow afternoon.

THE PRESIDENT: The session is adjourned until tomorrow at three o'clock in the afternoon.

It was 6:26 p.m.

[*] Appeared after the Roll Call.

[*] See Appendix.

ABOUT BATAS.ORG

Study smarter at BATAS.org

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

The complete Philippine law library - free for everyone.

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

Audio case-brief lectures.

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

Bar review built on the science of memory.

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

The full law-school curriculum.

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

Mock exams that tell you where you stand.

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

A study planner that keeps you on pace.

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

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

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

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

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