

R.C.C. NO. 12

VOL. I, June 18, 1986

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Wednesday, June 18, 1986

OPENING OF SESSION

At 5:09 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 Honorable Roberto C. Concepcion.

Everybody remained standing for the Prayer.

PRAYER

MR. CONCEPCION: God Almighty and Fountain of all blessings, we thank Thee for the honor of being Members of this Constitutional Commission.

Help us capture the spirit of the fateful days of February 22 to 25 when we found our national identity. We are filled with pride at being Filipinos and have developed a renewed faith in our capacity to govern ourselves.

Infuse in us the essence of a truly representative democracy, which is founded upon a recognition of the extraordinary potentialities of the ordinary man, relies upon the majority rule, and upholds the rights of minorities.

Guide us in the awesome task of fashioning our basic political structure, with a government deriving its powers from the governed, always responsive to the will of the people and subject, at all times, to their authority as sole repositories of state sovereignty.

Give us the light to ensure full protection of human rights without any limitations or restrictions except only those clearly demanded by the defense or survival of those very human rights.

This we humbly beseech Thee.

In the name of the Father, the Son, and the Holy Spirit. Amen.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended for a few minutes.

It was 5:14 p.m.

RESUMPTION OF SESSION

At 5:15 p.m., the session was resumed with the Honorable Francisco A. Rodrigo presiding.

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

ROLL CALL

THE PRESIDING OFFICER (Mr. Rodrigo): The Secretary-General will please call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar Absent Natividad Present

Alonto Present Nieva Absent

Aquino Present Noledo Present

Azcuna Present Ople Present

Bacani Present Padilla Present

Bengzon Present Quesada Present

Bennagen Present Rama Present

Bernas Present Regalado Present

Rosario Braid Present Reyes de los Present

Brocka Present Rigos Present

Calderon Present Rodrigo Present

Castro de Present Romulo Present

Colayco Present Rosales Present

Concepcion Present Sarmiento Present

Davide Present Suarez Present

Foz Present Sumulong Present

Garcia Present Tadeo Present

Gascon Present Tan Present

Guingona Present Tingson Present

Jamir Present Treñas Present

Laurel Present Uka Present

Lerum Present Villacorta Present

Maambong Present Villegas Present

Monsod Present

The President is present.

The roll call shows 39 Members responded to the call.

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

The Assistant Floor Leader is recognized.

APPROVAL OF JOURNAL

MR. CALDERON: Mr. Presiding Officer, I move that we dispense with the reading of the Journal of the previous session and that we approve the same.

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

MR. CALDERON: Mr. Presiding Officer, I move that we proceed to the Reference of Business.

THE PRESIDING OFFICER (Mr. Rodrigo): 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 Communications, the Presiding Officer making the corresponding references:

PROPOSED RESOLUTIONS ON FIRST READING

Proposed Resolution No. 142, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION PROVISIONS ON NATIONAL DEFENSE AND SECURITY AND THE POLICE FORCE TO ENSURE THAT THE OFFICERS AND MEN OF THE ARMED FORCES SHALL OWE LOYALTY TO NO ONE EXCEPT TO THE PEOPLE AND THE CONSTITUTION AND TO ENHANCE THEIR HIGH MORAL STANDARDS, AND TO SEPARATE THE POLICE FORCES FROM THE MILITARY AND RETURN ITS CONTROL AND ADMINISTRATION TO LOCAL GOVERNMENTS.

Introduced by Hon. Davide, Jr.

To the Committee on General Provisions.

Proposed Resolution No. 143, entitled:

RESOLUTION PROHIBITING COURTS FROM ISSUING MINUTE RESOLUTIONS, AMENDING FOR THE PURPOSE SECTION NINE OF ARTICLE TEN OF THE 1973 CONSTITUTION.

Introduced by Hon. Davide, Jr.

To the Committee on the Judiciary.

Proposed Resolution No. 144, entitled:

RESOLUTION TO INCORPORATE IN THE CONSTITUTION A PROVISION INCREASING THE QUALIFICATIONS FOR APPOINTMENTS TO THE JUDICIARY, AMENDING FOR THAT PURPOSE SECTION 3 OF ARTICLE X OF THE 1973 CONSTITUTION.

Introduced by Hon. Davide, Jr.

To the Committee on the Judiciary.

Proposed Resolution No. 145, entitled:

RESOLUTION INCREASING THE SALARIES OF JUSTICES AND JUDGES AND PROVIDING THAT THE SAME CANNOT BE DIMINISHED IN ANY MANNER.

Introduced by Hon. Davide, Jr.

To the Committee on the Judiciary.

Proposed Resolution No. 146, entitled:

RESOLUTION ON THE SPECIFICITY AND REQUISITES FOR THE EXERCISE OF THE POWER OF THE SUPREME COURT TO DECLARE THE UNCONSTITUTIONALITY OR INVALIDITY OF TREATIES, EXECUTIVE AGREEMENTS AND LAWS.

Introduced by Hon. Regalado.

To the committee on the Judiciary.

Proposed Resolution No. 147, entitled:

RESOLUTION PROVIDING FOR THE REQUISITES FOR THE IMPOSITION OF THE DEATH PENALTY IN CRIMINAL CASES BY THE SUPREME COURT.

Introduced by Hon. Regalado

To the Committee on the Judiciary.

Proposed Resolution No. 148, entitled:

RESOLUTION TO INCLUDE IN THE NEW CONSTITUTION AN ARTICLE PROVIDING THE PROCEDURE FOR ITS AMENDMENTS.

Introduced by Hon. Suarez and Jamir.

To the Committee on Amendments and Transitory Provisions.

Proposed Resolution No. 149, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A SECTION IN THE TRANSITORY PROVISION FIXING THE TERM OF THE INCUMBENT PRESIDENT AND VICE-PRESIDENT OF THE PHILIPPINES.

Introduced by Hon. Bengzon, Jr.

To the Committee on Amendments and Transitory Provisions.

Proposed Resolution No. 150, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION FIXING THE TERM OF OFFICE OF THE MEMBERS OF THE PHILIPPINE CONGRESS/ NATIONAL ASSEMBLY.

Introduced by Hon. Bengzon, Jr.

To the Committee on the Legislative.

Proposed Resolution No. 151, entitled:

RESOLUTION TO LIMIT THE POWER OF THE PRESIDENT TO DECLARE MARTIAL LAW OR SUSPEND THE WRIT OF HABEAS CORPUS TO THIRTY DAYS ONLY UNLESS AUTHORIZED BY CONGRESS/NATIONAL ASSEMBLY FOR A LONGER PERIOD.

Introduced by Hon. Bengzon, Jr.

To the Committee on the Executive.

Proposed Resolution No. 152, entitled:

RESOLUTION TO PROVIDE LIMITS TO THE EXERCISE OF MARTIAL LAW POWERS BY THE EXECUTIVE.

Introduced by Hon. Romulo.

To the Committee on the Executive.

Proposed Resolution No. 153, entitled:

RESOLUTION PROPOSING THE CREATION OF A JUDICIAL COUNCIL

Introduced by Hon. Romulo.

To the Committee on the Judiciary.

Proposed Resolution No. 154, entitled:

RESOLUTION TO LIMIT THE POWER TO ISSUE SEARCH AND ARREST WARRANTS TO JUDGES.

Introduced by Hon. Romulo.

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

Proposed Resolution No. 155, entitled:

RESOLUTION PROPOSING PRESIDENTIAL POWER TO DISSOLVE THE NATIONAL ASSEMBLY UNDER CERTAIN CONDITIONS

Introduced by Hon. Azcuna.

To the Committee on the Executive.

Proposed Resolution No. 156, entitled:

RESOLUTION PROPOSING A SIX-YEAR TERM OF THE PRESIDENT, PROHIBITING IMMEDIATE RE-ELECTION, AND PROVIDING FOR A POSSIBLE MID-TERM ELECTION.

Introduced by Hon. Azcuna.

To the Committee on the Executive.

Proposed Resolution No. 157, entitled:

RESOLUTION PROPOSING THE POWER OF THE NATIONAL ASSEMBLY TO CALL SPECIAL MID-TERM PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS.

Introduced by Hon. Azcuna.

To the Committee on the Legislative.

Proposed Resolution No. 158, entitled:

RESOLUTION PROPOSING RESTRICTIONS ON THE POWER OF THE PRESIDENT TO SUSPEND THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS OR TO DECLARE MARTIAL LAW BY

PROVIDING FOR THE CONCURRENCE OF THE NATIONAL ASSEMBLY, REVIEW BY THE SUPREME COURT UPON A WRIT OF AMPARO, AND OTHER LIMITS.

Introduced by Hon. Azcuna.

To the Committee on the Executive.

Proposed Resolution No. 159, entitled:

RESOLUTION PROPOSING TO CONFER ON THE SUPREME COURT JURISDICTION TO REVIEW VIOLATIONS OF THE CONSTITUTION BY THE PETITION FOR A WRIT OF AMPARO.

Introduced by Hon. Azcuna.

To the Committee on the Judiciary.

Proposed Resolution No. 160, entitled:

RESOLUTION TO INCLUDE IN THE BILL OF RIGHTS CERTAIN RIGHTS IN BEHALF OF VICTIMS OF CRIMES.

Introduced by Hon. de los Reyes, Jr.

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

Proposed Resolution No. 161, entitled:

RESOLUTION PROVIDING FOR A SEPARATE ARTICLE ON SUFFRAGE, INITIATIVE AND REFERENDUM, AND RECALL.

Introduced by Hon. de los Reyes, Jr.

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

Proposed Resolution No. 162, entitled:

RESOLUTION PROVIDING FOR THE MAINTENANCE OF A SYSTEM OF COMPREHENSIVE NON FORMAL EDUCATION IN THE COUNTRY.

Introduced by Hon. Rosario Braid.

To the Committee on Human Resources.

Proposed Resolution No. 163, entitled:

RESOLUTION ENSURING EQUAL ACCESS AND OPPORTUNITY TO EDUCATION TO ALL CITIZENS THROUGH SCHOLARSHIPS, GRANTS AND OTHER SUPPORT SYSTEMS.

Introduced by Hon. Rosario Braid.

To the Committee on Human Resources.

Proposed Resolution No. 164, entitled:

RESOLUTION PROVIDING THAT MEDIA OF COMMUNICATION SHALL PROMOTE, STRENGTHEN AND PROTECT OUR NATIONAL CULTURAL IDENTITY, FOSTER CONSTRUCTIVE VALUES, CUSTOMS AND TRADITIONS AND AFFORD RESPECT TO THE CULTURE OF NATIONAL MINORITIES.

Introduced by Hon. Rosario Braid.

To the Committee on General Provisions.

Proposed Resolution No. 165, entitled:

RESOLUTION PROVIDING FOR THE RECOGNITION OF THE RIGHT OF THE PEOPLE TO HAVE ACCESS TO INFORMATION OF PUBLIC CONCERN AS WELL AS TO UNFETTERED PARTICIPATION IN THE DISSEMINATION OF INFORMATION.

Introduced by Hon. Rosario Braid.

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

Proposed Resolution No. 166, entitled:

RESOLUTION PROVIDING FOR A DECENTRALIZED SYSTEM OF FORMULATING EDUCATIONAL POLICIES AND PROGRAMS WITH THE BROADEST PARTICIPATION OF ALL SECTORS OF THE COMMUNITY.

Introduced by Hon. Rosario Braid.

To the Committee on Human Resources.

Proposed Resolution No. 167, entitled:

RESOLUTION TO DECLARE RURAL DEVELOPMENT AS A PRIMARY OBLIGATION OF THE STATE.

Introduced by Hon. Rosario Braid

To the Committee on Social Justice and Social Services.

Proposed Resolution No. 168, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION REQUIRING THE STATE TO INSURE THAT THE MEMBERS OF THE FACULTY AND THE STUDENT BODY OF AN INSTITUTION OF HIGHER LEARNING SHALL ENJOY FULL AUTONOMY, FREEDOM FROM ALL POLICE AND MILITARY SURVEILLANCE AND HARASSMENT, FULL ACCESS TO INFORMATION ABOUT INSTITUTIONAL AND PUBLIC AFFAIRS, AND THE RIGHT TO PARTICIPATE IN THE MAKING OF POLICY AND IN THE MANAGEMENT OF THE INSTITUTIONS OF LEARNING TO WHICH THEY ARE A PART.

Introduced by Hon. Sarmiento and Gascon.

To the Committee on Human Resources.

Proposed Resolution No. 169, entitled:

RESOLUTION PROVIDING ADDITIONAL SAFEGUARDS TO THE CIVIL RIGHTS OF INDIVIDUALS VERSUS THE GOVERNMENT.

Introduced by Hon. Tadeo and Tan.

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

COMMUNICATIONS

Letter from the Maternal and Child Health Association of the Philippines (MCHAP) signed by Dr. Fe del Mundo

and Dr. Aquilino B. Esguerra, transmitting proposals for the protection of Filipino mothers and children.

(Communication No. 17 — Constitutional Commission of 1986)

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

Letter from Honorable Celerina G. Gotladera, Officer-in-Charge, Civil Service Commission, transmitting proposals bearing on the Civil Service.

(Communication No. 18 — Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

Letter from the PLUM Federation signed by Messrs. Jesus P. Robleza and Salvador A. Purisima, proposing provisions on free choice of employment; just and fair conditions of work; a unicameral legislature; creation of a People's Tribune to nominate judicial and executive officers; limiting to Filipinos the exploitation of natural resources and operation of public utilities; use of government funds for social services; and the inclusion of labor and industrial relations courses in all levels of education.

(Communication No. 19 — Constitutional Commission of 1986)

To the Steering Committee.

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

MR. CALDERON: May I request that Commissioner Tingson be recognized.

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

MR. TINGSO: Mr. Presiding Officer, on the desk of everyone of the honorable Commissioners is a copy of a personalized Good News Bible which is a loving gift from the Philippine Bible Society which has existed in our country since the year 1899. On behalf of my colleagues in this Commission, I would like to express our gratitude for this beautiful gift which is indeed a commendable gift to receive today as expressed by Commissioner Tan to me a while ago.

The present Chairman of the Philippine Bible Society is Ambassador Emmanuel Pelaez, who is also our Ambassador to Washington, D.C.; the Vice-Chairman, who is present in our hall today, is Bishop George Castro; the Corporate Secretary is Justice Jose Feria; and the members of the board are Dr. Saturnino P. Garcia and Mr. Johnny K. Sy. The head or the Chairman of the Translation Committee is none other than Monsignor Moises Andrade, Jr.

May I also mention that aside from these officers, present in our midst today are the following management officers — Mr. Medarlo Rivera, General Secretary; Mr. Querubin Canlas, Jr., head of the Communications and Development Section; and Messrs. Dominador Lorente and Gaylord Massido, staff representatives. Our own Commissioner Cirilo Rigos was President of the Philippine Bible Society for two consecutive terms immediately preceding the presidency of Ambassador Emmanuel Pelaez.

This particular copy, Mr. Presiding Officer, has the imprimatur of His Eminence, Jaime Cardinal Sin.

The Bible, according to the Gideons, contains the mind of God, the state of man, the way of salvation, the doom of sinners, and the happiness of believers. Its doctrines are holy; its precepts are binding; its histories are true; and its decisions are immutable. Read it to be wise; believe it to be safe; and practice it to be holy. It contains light to direct you, food to support you, and comfort to cheer you.

It is the traveller's map, the pilgrim's staff, the pilot's compass, the soldier's sword, and the Christian's charter. Here, paradise is restored, heaven opened, and the gates of hell disclosed.

Christ is its grand subject, our good its design and the glory of God its end. It should fill the memory, rule the heart and guide the feet. We should read it slowly, frequently and prayerfully. It is a mine of wealth, a paradise of glory and a river of pleasure. It is given us in life, will be opened at the judgment and be remembered forever.

It involves the highest responsibility, for it will reward the greatest labor and will condemn all who trifle with its sacred contents.

May I then say and repeat, on behalf of everybody here, a big thank you, maraming salamat po to the Philippine Bible Society.

Thank you. (Applause)

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

MR. CALDERON: I request that Commissioner Romulo be recognized.

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

MR. ROMULO: Mr. Presiding Officer, I move that the Members of the Constitutional Commission approve a resolution, appropriately worded by the Committee on Style, extending our condolence and sympathy to our Vice-President and colleague Ambrosio Padilla on the recent loss of his distinguished brother, the late Justice Sabino Padilla.

MR. ALONTO: I second the motion.

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

The Assistant Floor Leader is recognized.

MR. CALDERON: There is no business at hand, so I think we better suspend the session or adjourn.

THE PRESIDING OFFICER (Mr. Rodrigo): What does the Assistant Floor Leader say?

SUSPENSION OF SESSION

MR. CALDERON: I move that we suspend the session for five minutes.

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

It was 5:32 p.m.

RESUMPTION OF SESSION

At 5:35 p.m., the session was resumed.

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

MR. CALDERON: Mr. Presiding Officer.

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

MR. CALDERON: I request that Commissioner Tingson be recognized.

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

MR. TINGSON: Mr. Presiding Officer, I only have one small request, and that is, regarding my Resolution No. 70 that was referred to the Committee on General Provisions. By their advice and at my request, I move that my resolution be referred to the Committee on Preamble, National Territory, and Declaration of Principles.

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

MR. CALDERON: Mr. Presiding Officer.

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

ADJOURNMENT OF SESSION

MR. CALDERON: To afford the Members a chance to attend the committee meetings, I move that we adjourn until tomorrow at five o'clock in the afternoon.

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

It was 6:36 p.m.

[*] Appeared after the Roll Call.

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