

R.C.C. NO. 72

VOL. IV, September 02, 1986

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Tuesday, September 2, 1986

OPENING OF SESSION

At 10:20 a.m., the President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

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

Everybody rose to sing the National Anthem.

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Rustico F. de los Reyes, Jr.

Everybody remained standing for the Prayer.

PRAYER

MR. DE LOS REYES: Supreme Ruler of the universe, today we shall tackle again an important and delicate issue involving the future of our patrimony and economy. As usual, debates could be heated and passionate because of the strength of our respective beliefs and convictions. We need Your divine guidance more than ever so that we do not forget that despite our diverse stand, we are bound together as brothers and sisters under Your Fatherhood.

Grant that these proceedings, which we start in peace, may continue in harmony and adjourn in friendship. Amen.

ROLL CALL

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

THE SECRETARY-GENERAL, reading:

Abubakar

Present [*] Rosario Braid Present

Alonto

Present [*] Calderon Present

Aquino

Present [*] Castro de Present

Azcuna Present [*] Colayco Present [*]

Bengzon Present Concepcion Present

Bennagen

Present Davide Present

Bernas Present Foz Present [*]

Garcia Present Reyes de los Present

Gascon

Present Rigos Present [*]

Guingona

Present Rodrigo Present

Jamir Present Romulo Present [*]

Laurel Present Rosales Absent

Lerum Present [*] Sarmiento Present

Maambong Present [*] Suarez Present

Monsod Present Sumulong Present [*]

Natividad

Present Tadeo Present [*]

Nieva Present Tan Present [*]

Nolledo

Present [*] Tingson Present [*]

Ople Present [*] Treñas Absent

Padilla

Present Uka Absent

Quesada

Present Villacorta Present

Rama

Present Villegas Present

Regalado

Absent

The Secretariat is in receipt of official advice of absence of official advice of absence of Commissioner Bacani.

The President is present.

The roll call shows 26 Members responded to the call.

MR. CALDERON: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

MR. CALDERON: I move that we dispense with the reading of the Journal of yesterday's session.

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

APPROVAL OF JOURNAL

MR. CALDERON: Madam President, I move that we approve the Journal of yesterday's session.

THE PRESIDENT: Is there any objection that we approve the Journal of yesterday's session? (Silence) The Chair hears none; the motion is approved.

MR. CALDERON: Madam President, 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 Communications, the President making the corresponding references:

COMMUNICATIONS

Letter from Mr. Liberato Bautista of the National Council of Churches in the Philippines, 879 EDSA, Quezon City, transmitting the NCCP's statement on the Presidential Commission on Good Government and on Religious Instruction in Public Schools, issued by Bishop La Verne Mercado and Dr. Johnny Gumban, respectively, hoping that the Constitutional Commission will find information on the thinking of the Protestant community about the subject matter treated in the statement.

(Communication No. 681 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Pastor Gil Falcone of the Marikina First Baptist Church, E. dela Paz St., Sto. Niño, Marikina, Metro Manila, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of Church and State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines.

(Communication No. 682 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Mr. Zoilo Dejaresco, Jr. of 56 Mabini St., City of Tagbilaran, submitting a position paper recommending the reconsideration or deletion from Proposed Resolution No. 215 of the prohibition of cross-media ownership in a single market area.

(Communication No. 683 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Minister Jose S. Concepcion, Jr. of the Ministry of Trade and Industry, 361 Sen. Gil J. Puyat Avenue, Makati, Metro Manila, transmitting a copy of the article "The Constitutional Protection of Economic Freedom" by Mr. Paul Craig Roberts, hoping that said article may be of interest and use in the Constitutional Commission's historic task of writing a new Constitution.

(Communication No. 684 — Constitutional Commission of 1986)

To the Steering Committee.

Communication from the Bible Believers League for Morality and Democracy, 2330 Revellin St., Sta. Ana, Manila, submitting its position paper on social justice, the new system of Philippine education, and a position paper in support of the retention of the provision upholding the principle of the separation of Church and State with the hope that the same may be considered favorably.

(Communication No. 685 — Constitutional Commission of 1986)

To the Steering Committee.

Communication from the Philippine Medical Society of Florida, Inc., signed by its President, Gonzalo A.C. Espino, and three other officers, urging the Constitutional Commission to incorporate in the Constitution a provision that would make a natural-born citizen of the Philippines who has lost his/her Philippine citizenship a transferee of private lands.

(Communication No. 686 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Communication from Mr. Edilberto R. Abentino and eighty other signatories of the Cagayan de Oro College, Carmen, Cagayan de Oro City, proposing amendments to Section 4, Article II and Section 10, Article XV of the 1973 Constitution for incorporation in the new Constitution.

(Communication No. 687 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Communication from one Atty. Florante M. Yambot proposing that "the Armed Forces of the Philippines shall be composed of officers and men recruited proportionately from all the provinces."

(Communication No. 688 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letters each from Ms. Natividad A. Umali, 100 T. Valdellon Street, Paete, Laguna; Mr. Danilo Fabella, 103 P. Jacinto Street, Caloocan City; Mr. Julius de los Santos, P.O. Box 23, Valenzuela, Metro Manila; Mr. Teody Pajaron, 4th Floor, Lola Taya Bldg., 1165 Quezon Blvd., Quezon City; and Ms. Rebecca O. Calba, Copenhagen, Denmark, all urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines.

(Communication No. 689 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Communication from 329 signatories of concerned citizens of Negros Occidental, declaring that these signatories adhere and hold fast to democracy and to the tenets and principles of the democratic form of government and

repudiate communism in all its forms and implications, and that the U.S. military bases in the Philippines be retained even beyond the expiry date in 1991.

(Communication No. 690 — Constitutional Commission of 1986)

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

Communication from 3,393 signatories with their respective addresses seeking to include in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception.

(Communication No. 691 — Constitutional Commission of 1986)

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

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: Per understanding yesterday between the chairman of the Steering Committee, Commissioner Suarez, and the chairman of the Committee on the National Economy and Patrimony, we will take up the continuation of the consideration of the Article on National Economy and Patrimony this morning. We are in the period of amendments. I so move.

SUSPENSION OF SESSION

THE PRESIDENT: Before we act on the motion, the Chair will suspend the session for a few minutes.

It was 10:31 a.m.

RESUMPTION OF SESSION

At 10:46 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: After a conference with the President, the chairman of the Committee on the National Economy and Patrimony, as well as with Commissioner Suarez, they have decided to defer the consideration of the Article on National Economy and Patrimony until this afternoon.

THE PRESIDENT: Or later in the morning, just in case; and then can we proceed with the report of the Committee on Human Resources?

CONSIDERATION OF C.R. NO. 29

(Article on Education, Science, Technology, Arts and Culture)

Continuation

PERIOD OF AMENDMENTS

MR. RAMA: I move, Madam President, that we proceed to the consideration on Second Reading of Committee Report No. 29 on the Article on Education, Science, Technology, Arts and Culture.

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

Will the honorable chairman, Mr. Villacorta, and the members of the Committee on Human Resources please occupy the front table?

Yesterday, we were discussing the section on national language. Whom do we have as speaker?

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Madam President.

Yesterday, the committee made mention of the cost of ammunitions, which is P5, the cost equivalent to a notebook, the cost of a Sikorsky helicopter, armored personnel carrier and other military hardware which, if allocated for education, would really enhance the standard of education in our country. However, I would like to remind the committee that such money for military hardware is not available for education or for any other purpose. That is part of the military assistance under the Military Bases Agreement and the Mutual Defense Treaty. So, whatever amount this may be equated with and which the committee hopes to place in education is not available because that is part of the military assistance program. This is only a clarification of what I said that one cannot put a price tag on national defense and security, and the answer of the committee is: "We cannot also put a price tag on education." Such a price tag is not available for education; it is part of the military assistance program, and it is only for military hardware.

Thank you, Madam President.

MR. GUINGONA: Madam President, perhaps this is true at present, but in the future there may be renegotiations wherein some kind of distribution other than what is existing now might be considered.

MR. DE CASTRO: If future negotiations will be had and if this body will take away the military bases as proposed in a resolution, thus making the mistake of taking that out, we shall not have that much amount in military assistance.

Thank you.

MR. GASCON: Madam President, the points we raised yesterday when we referred to the statistics on military expenditures in relation to education is that, first, comparatively speaking, it would cost less to provide for greater access and greater development in education than for military hardwares; and second, we would like to stress the point that as far as funds are concerned, we believe we do have the funds; what we have to do is reprioritize our budget.

MR. GUINGONA: In addition, aside from the schemes that we mentioned, like private contracting scheme, I think what Commissioner Gascon was trying to emphasize is that there are other activities of the government where we can probably have savings to transfer to education. Some examples would be in the area of tourism or travels abroad by officials.

MR. GASCON: Thank you, Madam President.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: There are no more registered speakers with respect to the section covering education. There is only one registered interpellator on the subtitle "Science and Technology," and he is Commissioner Tadeo. Nobody else has registered to interpellate. So, in the meantime, to save time, I move that we proceed to the period of

amendments with respect to the Article on Education, without prejudice to entertaining interpellations from Members who are absent with respect to the rest of the titles.

THE PRESIDENT: Yes. The body can hear or listen to the proposed amendments.

MR. GASCON: Madam President, I believe Commissioner Davide has some additional points for interpellation on science and technology.

MR. RAMA: Yes, but in the meantime we could start amending the article under the title "Education." There are many who would like to present their amendments now.

SUSPENSION OF SESSION

THE PRESIDENT: We shall call for a suspension of the session for a few minutes in order to enable the committee to assemble their documents.

It was 10:54 a.m.

RESUMPTION OF SESSION

At 11:37 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President, may I ask that the chairman of the Committee on Human Resources be recognized.

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: Madam President, we have integrated all the proposed amendments. Unfortunately, Commissioner Ople's amendment came just now but I think the sense of his proposal is also in this proposed Section 1 that we shall now present.

The new Section 1 will read: "The State shall give priority to education, science and technology, arts, culture AND SPORTS for the purpose of fostering NATIONALISM, NATIONAL UNITY, TOTAL HUMAN LIBERATION AND DEVELOPMENT, and expanding the frontiers of KNOWLEDGE, EQUALITY, justice and freedom." Shall I repeat that? By the way, this is the omnibus Section 1.

THE PRESIDENT: Chairman Villacorta.

MR. VILLACORTA: Yes, Madam President.

THE PRESIDENT: The one that is being read now is the one that is sponsored by the committee after taking into account the different amendments. Is that correct?

MR. VILLACORTA: That is right, Madam President, and this is the section that provides the philosophy of the entire article. So, this is the omnibus Section 1, not the Section 1 under education. We took into consideration the amendments of Commissioners Bacani, Nieva, Azcuna, Davide, Tan, Monsod and Ople. And it will read: "The State shall give priority to education, science and technology, arts, culture AND SPORTS for the purpose of fostering NATIONALISM, NATIONAL UNITY, TOTAL HUMAN LIBERATION AND DEVELOPMENT, and expanding the frontiers of KNOWLEDGE, EQUALITY, justice and freedom."

Commissioner Romulo also contributed to this amendment.

We would like to request Commissioner Nieva to explain the meaning of "TOTAL HUMAN LIBERATION" for the guidance of the body.

THE PRESIDENT: Commissioner Nieva is recognized.

MS. NIEVA: I think total human development would encompass the totality of the human person, his potential physically, intellectually, morally, spiritually, culturally. It is the total development of the person.

MR. VILLACORTA: The Commissioner mentioned "HUMAN LIBERATION AND DEVELOPMENT."

MS. NIEVA: Yes.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: May I be allowed to address a few questions to Commissioner Nieva.

THE PRESIDENT: Please proceed.

MR. SARMIENTO: When she speaks of "HUMAN LIBERATION," is she referring to individual liberation or does it include collective or social liberation? Because my understanding of liberation is that it is total, complete; it involves individual, social, collective liberation.

MS. NIEVA: I think we are referring to the individual, but that does not preclude collective liberation and development.

MR. SARMIENTO: So, when we say collective liberation, we are referring to liberation from all forms of injustices.

MS. NIEVA: Yes, from all forms of enslavement, injustices, and inequalities.

MR. SARMIENTO: Thank you very much for that clarification.

MR. VILLACORTA: We would like to invite reactions on this section.

THE PRESIDENT: Are there any other comments on this revised Section 1?

MR. TINGSON: Madam President, I would like to contribute a little on that particular section.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: I want an amendment on this section, but whatever the committee will say, I will accept provided that the sense of my formulation will also be acceptable to them. I am impressed by the fact that they have formulated this, taking into account the indigenous learning systems that they have mentioned in their report; the ethical and spiritual values that should be encouraged and strengthened; critical and creative thinking; promotion of scientific, technological work-oriented efficiency; and to impart liberal education. I like them, Madam President.

It was stated that the State shall give priority to education, science and technology, arts, culture and sports towards the purpose of liberating human faculties, whatever it was, and development. I did not state that correctly or perfectly well, but I got the essence of it.

I would like to add the formulation that education is the harmonious development of the psychological, intellectual, physical, moral, and spiritual faculties of the individual. I realize that this is a description of the word "education" that is given priority there and ordinarily in constitution-making we do not, of course, describe what

we are writing there. But I am so anxious that I am able to express this, if only for the record probably to take cognizance of it. But if we could put it there as an amendment, I would be very pleased.

MR. VILLACORTA: Madam President, the committee feels that it would be too long if we include that. But the description of what education is captures part of the meaning of total human liberation and development and the committee's notion of what education is, although our concept of education is not limited to what was just described; but it is included.

MR. TINGSON: In other words, I could also be a part of the Commissioners who participated in the reformulation of Section 1?

MR. VILLACORTA: Yes, Madam President.

MR. TINGSON: Would the chairman make sure that I am also mentioned there?

MR. VILLACORTA: Yes. So, we will put it on record that Commissioner Tingson is one of the cosponsors of this section.

MR. TINGSON: Thank you very much, Madam President.

MR. VILLACORTA: Thank you, Madam President.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: I have to apologize for coming late and submitting my proposed amendments rather late.

I think Section 1 is excellent. I am glad that the idea of equality has been included as among those frontiers that will be expanded by education. I look in vain, however, for the idea of social and economic progress, which is the result of the improvement of the quality of the entire population. We hear with increasing frequency of investments in man, which means the social and economic justification for assigning a high budgetary priority for education. Economic planning bodies, as a rule, are more prone to prioritize investments in natural resources, and while they may not be indifferent to the quality of the population as a valid objective of economic development planning and resource allocation, an examination of most of these economic plans in the Third World will show that the priority accorded to so-called investment in man, as a keystone of economic planning, is most of the time insufficient.

And so, I have proposed the acceleration of social and economic progress as one of the objectives and, as a matter of fact, as one of the inevitable consequences where the State, in fact, gives priority to education, science and technology, arts and culture.

So, I wanted the committee to respond to that concern, whether or not we should build a jugular link between education and the quality of the population, and, therefore, social and economic progress in this flagship section of the Article on Education and related fields.

MR. VILLACORTA: Madam President, after consulting with the other members of the committee, we are accepting the sense of the Gentleman's proposal by adding after "TOTAL HUMAN LIBERATION AND DEVELOPMENT" the words "ACCELERATING SOCIAL AND ECONOMIC PROGRESS."

Would that be satisfactory to the Gentleman?

MR. OPLE: Yes, very satisfactory. Thank you, Madam President.

MR. VILLACORTA: Thank you.

So, the revised section will read: "The State shall give priority to education, science and technology, arts, culture AND SPORTS, for the purpose of fostering NATIONALISM, NATIONAL UNITY, TOTAL HUMAN LIBERATION AND DEVELOPMENT, ACCELERATING SOCIAL AND ECONOMIC PROGRESS and expanding the frontiers of KNOWLEDGE, EQUALITY, justice and freedom." Commissioner Bengzon earlier thought that probably the last phrase "expanding the frontiers of" should have less value. For example, he felt that if we had already pointed out human liberation and social and economic progress, do we have to include equality, justice and freedom? So, we would like the reaction of the body on this.

MR. PADILLA: Madam President.

THE PRESIDENT: Yes.

MR. OPLE: I disagree with Commissioner Bengzon in that respect. I think the last phrase, "expanding frontiers of knowledge, equality, freedom and justice," just rounds off the sense of the entire paragraph, Madam President.

MR. VILLACORTA: Thank you.

THE PRESIDENT: Is there any other Comment?

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: I heard the phrase "total human liberation and development." May I suggest that instead of "total human liberation," we use MORAL, MENTAL, AND PHYSICAL DEVELOPMENT because those are the most important.

MR. VILLACORTA: Commissioner Nieva would like to Comment on that.

THE PRESIDENT: Commissioner Nieva is recognized.

MS. NIEVA: Madam President, precisely, the present interpretation of "total human development" is all encompassing — moral, intellectual, physical, cultural. The totality of man is really what is meant when we speak of "total human development." That is now an accepted interpretation.

MR. PADILLA: Yes, "total human liberation" are beautiful words but not so clear. I think the primary purpose of education is to inculcate moral virtues or even character formation, the expansion of intellectual faculties for learning and for logical reasoning and, of course, physical development. These are more concrete and clearer — moral, mental and physical. Of course, "total human liberation" are beautiful words but to the common man, these will not be understood without further explanation.

MR. BENGZON: Madam President.

MR. PADILLA: And if Commissioner Bacani were here, maybe he will ask, "Liberation from what?" Then we will add, "Liberation from social inequities, et cetera."

From my point of view, education inculcates and develops moral character so we can be good, peace-loving and energetic citizens, but we have to develop the mental faculties and, of course, the physical capability of the body. These would be more concrete. I have always understood that that is why we go to school, in addition to the instruction and education we receive from the family or the church to develop our moral, mental and physical faculties — the development of man. I hope the committee will consider it.

MR. BENGZON: Madam President.

MR. GUINGONA: With respect to the comment of Commissioner Padilla, aside from "MORAL, MENTAL AND PHYSICAL," would he also like to consider "SOCIAL DEVELOPMENT"?

MR. PADILLA: That would be a consequence if we developed the moral, mental and physical faculties of man. He becomes not only a useful citizen but he will have social consciousness, nationalistic and patriotic sentiments. I do not agree that nationalism is better than patriotism. Instead of nationalism, I would prefer to say patriotism because love of country does not mean only its territory but its people. One may be nationalistic but he may not be totally patriotic; whereas one who is patriotic will be a nationalist whenever it means improving the nation and its people. I think patriotism is the highest virtue of a citizen.

MR. BENGZON: Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: May I request Commissioner Nieva to take the microphone.

Did I hear the Commissioner right when she said that "total human development" means all those which Commissioner Padilla said?

MS. NIEVA: It does. It includes all faculties that make a man human.

MR. BENGZON: Yes. So, when we say "total human development," it is the development of the mind, the morals and all those attributes which Commissioner Padilla referred to. Am I correct?

MS. NIEVA: Yes. I agree entirely.

MR. BENGZON: When we say "human liberation," does that also mean liberation from ignorance and from poverty?

MS. NIEVA: Certainly, it does.

MR. BENGZON: And, therefore, shall we say that this is the modern way of expressing all the virtues that we have been talking about and all those that have been articulated by Commissioner Padilla?

MS. NIEVA: I definitely believe so, which is why we felt that by putting the phrase "total human liberation and development," we would be including all of these desirable and universal aspirations of man.

MR. BENGZON: The Commissioner does not believe so, but it is a fact, is it not?

MS. NIEVA: It is accepted, I think, in most documents of universal validity.

MR. BENGZON: Thank you.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: May I ask Commissioner Nieva a few questions?

When we say "human liberation and development," does that include patriotism?

MS. NIEVA: It cannot but include patriotism, because if one were a citizen of a country and he develops all virtues that makes a good citizen, then definitely, he has to have love of country.

MR. DE CASTRO: It also includes nationalism, pride and identity?

MS. NIEVA: I would think it includes all of these virtues.

MR. DE CASTRO: It also includes moral, mental, and physical attributes?

MS. NIEVA: Yes, it does.

MR. DE CASTRO: Thank you. May I then ask the committee this question. We are stating the purposes for which education is given priority. According to the Honorable Nieva, "human liberation and development" includes pride, identity, nationalism, patriotism, moral, mental and physical attributes. Are we not repeating the purposes for which education is given priority when we say pride, identity, patriotism, nationalism, etc.? They are all included in the phrase "human liberation and development."

MS. QUESADA: Madam President.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: The purpose of highlighting all the other attributes or the goals that have been expressed in this provision is really to stress the point that "human liberation and development" would lead to the improvement of the quality of life which is expressed in the terms "national unity," "nationalism," "equality," "justice," and "freedom." So, it is not to exclude all these goals of education, science and technology, arts, culture and sports.

MR. DE CASTRO: We are drafting a Constitution, Madam President. Does not the committee feel that it is redundant to mention all these "isms" — nationalism, patriotism, identity, pride, etc. — which are already included in "human liberation and development"? Is this not redundancy in a Constitution which is the framework of our government?

MR. GASCON: I shall try to answer. When we speak of "total human liberation and development." as Commissioner Nieva has expressed already, we seek to give priority to education, science and technology arts and culture, and sports; it is the individual's liberation from ignorance, poverty, fear, and for his continued human development. Just as much as this is what we wish to encourage, we also have the social dimension, like in man's love for himself and for others, which is expressed in the social context through his love for his country — nationalism; the development also of the community of man — national identity and unity; and then towards common societal goals of knowledge, equality, justice and freedom.

MR. DE CASTRO: So, Commissioner Gascon has expanded the explanation of Commissioner Nieva, who is the author of "human liberation and development."

MR. GASCON: We have just clarified it.

MR. DE CASTRO: Does Commissioner Nieva now accept the explanation of Commissioner Gascon on human liberation and development?

MS. NIEVA: I do not think that there is a contradiction. What the committee wants to say is that we want to highlight the various aspects of human liberation and development in order to give greater emphasis to the virtues and the results that they would like to achieve.

MR. GASCON: For example, Commissioner Ople has presented an amendment to include social and economic progress. One would also say that it would be part of human liberation and development; and yet we see the virtue of putting this phrase in it to highlight not only the role that education, science and technology, arts and culture and sports play in the individual but also in the common societal goals and needs.

MR. DE CASTRO: I have another question of the committee. We are drafting a Constitution. Do we need to put the reasons why we would like to give priority to education?

MR. VILLACORTA: Madam President, Section 1 is an omnibus section comparable to the other omnibus sections in other articles; for example, the Article on Social Justice, which presents the philosophy for the entire article.

MR. DE CASTRO: The danger in an enumeration is that if we fail to enumerate any attribute which, of necessity, belongs to education, we will be prevented in putting such a thing because of the principle of *inclusio unius est exclusio alterius*. That is the danger actually of enumerating identity, pride, enhancing quality of life, et cetera; once we miss anything there, it is excluded. Why go to a list of the purposes for which education is to be given priority? Will it not be good for a Constitution to state: "The State shall give priority to education, science and technology, arts, culture and sports" instead of narrating the purposes for which education is given priority?

MR. VILLACORTA: After consulting the Acting Floor Leader, the committee would like to throw this particular question to the body.

MR. DE CASTRO: I am proposing that amendment to eliminate the purposes for which priority to education is given by the State.

MR. GASCON: Could the Commissioner please read his proposal?

THE PRESIDENT: So, how would Commissioner de Castro phrase Section 1?

MR. DE CASTRO: Section 1 will read: "The State shall give priority to education, science and technology, arts, culture and sports."

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: I was going to say that in order to accommodate the honorable Commissioner de Castro, maybe it could be expressed here as the sense of the committee and the Commission that although we have added the second sentence for purposes of highlighting, the enumeration contained therein is not necessarily exclusive.

THE PRESIDENT: We will throw it to the body.

MR. DE CASTRO: I just received information from the Honorable de los Reyes that the purposes mentioned here are covered in the Preamble and in the rights and obligations of the citizens. Why should we repeat all these and make a big book out of our Constitution?

MR. SARMIENTO: Madam President, we have extensively discussed the de Castro proposal. May we vote on the issue as suggested by the committee?

VOTING

THE PRESIDENT: The proposed amendment of Commissioner de Castro has not been accepted by the committee. Let us vote on that first, then on the section as proposed by the committee.

As many as are in favor of the proposed amendment of Commissioner de Castro, please raise their hand. (Few Members raised their hand.)

As many as are against, please raise their hand. (Several Members raised their hand.)

As many as are abstaining, please raise their hand. (One Member raised his hand.)

The results show 14 votes in favor, 17 votes against and 1 abstention; the amendment is lost.

MR. SARMIENTO: Madam President, may I ask that Commissioner Suarez be recognized.

THE PRESIDENT: Is it on Section 1?

MR. SUAREZ: Still on Section 1, Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you.

We just would like to clarify a phrase, a beautiful expression, if I may borrow the phrase of Commissioner Padilla, and this refers to the last phrase reading: "Expanding the frontiers of knowledge, equality, justice and freedom." "Expanding the frontiers of knowledge" — that I can very well understand insofar as it relates to education, science, technology, arts, culture and sports. But will the committee please clarify the relation of education, science, etc. to the expansion in the frontiers of equality, justice and freedom? My understanding is that these undertakings like education, science, technology, arts, culture, except for sports development — which is physical in character — all have something to do with learning and knowledge. So, I am satisfied regarding the utilization or employment of the term "expanding the frontiers of knowledge." What I am trying to find out is, will the descriptive words "equality, justice and freedom" be appropriate in connection with giving priority to education, science and technology?

MR. VILLACORTA: Commissioner Bennagen will answer that question.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: I thank Commissioner Suarez for the incisive question. In this section we indicated that the State shall give priority to education, science and technology, arts and culture. Essentially, these are the three major divisions of knowledge: humanity, social sciences and natural sciences, and as bodies of knowledge, they function to expand the frontiers of human capability which are framed within an expanding nature of justice and freedom. So, what is just in a slave society would be different from what is just in a capitalist society and so on, as society develops. We are saying, therefore, that the purposes for which the humanities, the social sciences and the natural sciences are harnessed would be to constantly expand these frontiers. It gives dynamism to the idea of human liberation and development in a social context with the human being considered as a species not just as an individual. It runs off, as pointed out earlier, these items that are identified. National unity is also an expansion of one's social relationship from the individual to the ethnic group to the nation, particularly because we have already enshrined the regionalization of certain regions. I think that is an important framework within which we relate as local governments and as autonomous regions.

MR. OPLE: Madam President, in connection with the question put forward by Commissioner Suarez and with the indulgence of the committee, may I just point out that education is always a quiet revolution especially in historically benighted areas where for the first time an elementary school is opened. It becomes revolutionary in the sense that hitherto oppressed and submerged classes for the first time, when they enter the threshold of a public elementary school, start the process of becoming equal with all the rest of society. There are many people who discovered the power of education to liberate right in their boyhood. I would not exempt Commissioner Suarez from that, but certainly in my case, who came from one of the poorest families in a remote barrio of Hagonoy, Bulacan, I thought that the greatest revolution that happened to me was when I entered the threshold of the public elementary school in my home barrio. In that sense, it is revolutionary. It expands the frontiers of equality, freedom and justice, and not merely of knowledge. It is, therefore, in this direct experience that I find a justification for including this last clause in the philosophical section which I call the flagship section, Section 1, Madam President.

MR. BENNAGEN: And then, Madam President, just to round it off, we are convinced that human struggles, whenever and wherever they occur, are activated by the yearnings for justice and freedom, whatever the forms are.

MR. SUAREZ: Thank you for the clarification.

THE PRESIDENT: Is Commissioner Suarez satisfied with the explanation?

MR. SUAREZ: Thank you, Madam President. We are satisfied that the ends of equality, justice and freedom would be satisfied with giving priority to education, science and technology, arts and culture, in the light of the explanations given by the committee and by the Honorable Ople.

Thank you, Madam President.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Can we proceed now to a vote?

MR. SARMIENTO: Before voting, Madam President, may I ask that Commissioner Davide be recognized.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Madam President, I am proposing some amendments, but before doing that, I would ask the committee one question.

When the committee accepted the amendment of Commissioner Ople to include the word "EQUALITY," such that we now have "justice, EQUALITY and freedom," is it the intention of the committee to enshrine in this particular section the provision on the approved Preamble, regarding a regime of justice, freedom and equality? In short, this would now become partly the implementing principle.

MR. VILLACORTA: There was no such conscious attempt, but now that the Commissioner has mentioned it, the committee would like to look at it that way.

MR. DAVIDE: If the committee would like to view it that way, why do we not now make a complete provision here enshrining really what we prayed for in the Preamble, like truth, justice, freedom, equality, peace and love?

MR. BENNAGEN: May I say something?

There is an important consideration in the inclusion of "EQUALITY" here. So far, in spite of our fondest wishes as to the democratic character of education, in terms of its levelling potential, empirical studies show the reverse. Even in the Philippines, one recent study shows that education has, as a matter of fact, reproduced existing inequalities and, in some parts, even widened these existing inequalities. This is why in some of the provisions, we are suggesting other ways by which we might be able to "de-school," meaning, take schooling from the formal context into the informal arena to help redress these existing inequities that have not been responded to by the formal educational component.

MR. DAVIDE: Anyway, how about expanding the frontiers to include peace; that is, peace as a goal of the nation? Basically, as a matter of fact, truth is an aim of education; and knowledge must be based on truth.

MR. VILLACORTA: The committee accepts the amendment.

MR. DAVIDE: The two words — "TRUTH" and "PEACE"?

MR. VILLACORTA: Truth is knowledge. We are accepting "PEACE," Madam President.

MR. DAVIDE: So, "PEACE" is accepted?

MR. VILLACORTA: Yes, Madam President.

MR. DAVIDE: Thank you for that.

But my three other proposals are the following: Instead of saying "for the purpose of fostering," we just say, "TO FOSTER"; instead of "enhancing," "ENHANCE"; instead of "expanding," "EXPAND," so these would be stronger in effect.

MR. VILLACORTA: It is accepted, Madam President.

MR. DAVIDE: Thank you.

MR. BENNAGEN: Just one little question, Madam President.

Do I take it that we shall also include the word "love" in the amendment?

MR. DAVIDE: No, there is no need.

MR. BENNAGEN: Just "TRUTH" and "PEACE"?

MR. DAVIDE: Only "PEACE" was accepted by the committee.

MR. BENNAGEN: All right.

MR. DAVIDE: I will not insist on "TRUTH" nor "LOVE" because I really believe that these are all the foundations of everything here.

MR. BENNAGEN: Thank you, Commissioner Davide.

MR. SARMIENTO: Madam President, may I ask that Commissioner Rodrigo be recognized for his amendment on Section 1.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: My amendment, Madam President, is to delete the words "liberation and" from the phrase "total liberation and development," so that it will only read: "total human development."

I will give my reasons, Madam President.

THE PRESIDENT: Please proceed.

MR. RODRIGO: First of all, what is the meaning of "liberation"? Liberation from what?

THE PRESIDENT: From ignorance.

MR. RODRIGO: From ignorance, yes, but persons can be liberated also from so many other things. For example, what we call a "liberated woman" is one who is liberated from ordinary customs, even from religious teachings. A liberated woman does not mind "living in" with a man without the benefit of marriage. A "liberated woman" does not mind being seen going around with married men. So what is the meaning of this word "liberation" here? Besides, Madam President, this is something that will not be understood by our people. When the people in the barrio see "total human liberation," they will not know what it means. And then, I would not know how to translate this into Pilipino. And so, I think it is enough that we say: "total human development." I submit. So my proposed amendment is to delete the words "liberation and" from "total human liberation and development" so that it will only read "total human development."

MR. TINGSON: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: I should like to propose an amendment to the amendment of Commissioner Rodrigo which I believe is good — by adding the word HARMONIOUS. (Laughter) I believe that a person can be intelligent and yet can become an intelligent criminal. Look at the case of Hitler. He was obviously an intelligent, smart person but he was an intelligent criminal. We want the total development of these faculties which were mentioned a while ago by Commissioner Padilla — moral, mental, intellectual. But if we do not develop these, Madam President, so that they can all become harmonious to make the person totally and harmoniously developed, he can become, may I repeat an intelligent criminal.

I happen personally to believe that the heart of education is the education of the heart. This means to say, a man's intellect must be so developed as to be harmoniously in consonance with his spiritual and moral development. So I am just wondering if we could at least add the word HARMONIOUS, Madam President. May I suggest this to Commissioner Rodrigo?

MR. RODRIGO: I accept the amendment to the amendment which shall now read "total human HARMONIOUS development" or "total HARMONIOUS human development."

MR. TINGSON: Thank you very much.

The Commissioner has accepted my amendment to his amendment, and I appreciate that.

MR. PADILLA: Madam President.

THE PRESIDENT: Does Commissioner Padilla have anything to contribute?

MR. PADILLA: Madam President, earlier, I suggested that instead of "total human liberation and development," we mention "MORAL, MENTAL AND PHYSICAL DEVELOPMENT" which is clearer. Now, when we say "total HARMONIOUS human development," this is almost as vague as saying "total human liberation and development." Why do we not make it simple and clear and say that education is moral, mental, intellectual, and physical development? I think that is clearer and that is what I have mentioned earlier, Madam President. I was going to request through Commissioner Nieva because it was not accepted by the committee that we vote on my prior amendment.

MR. GARCIA: Madam President.

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: Madam President, can I speak against the amendment?

THE PRESIDENT: Whose amendment, Commissioner Garcia?

MR. GARCIA: Madam President, I would like to speak against the amendment presented by Commissioner Rodrigo as amended by Commissioner Tingson. I would like to speak in defense of "total human liberation and development" precisely because in education, there is at the moment in Third World countries a whole new idea of liberative education which is rather important. Paolo Fraire, for example, in his groundbreaking efforts to bring about educational efforts in Brazil and in Guinea-Bissau in Africa, has come up with the whole theory that liberative education is important to allow people to participate in their own liberation from ignorance, from fear, from want, from poverty as part of their educational experience. This is in contrast to the banking method of education where normally we simply accumulate facts and information, rather than formation that makes one a participant in his own liberation. The loss of fear, the concept of the loss of fear is very important here, where

education must lead to liberation of the person. And so, as to the formulation of the committee on human liberation and development, I would like to speak in favor of the original formulation.

THE PRESIDENT: Thank you.

Commissioner Aquino is recognized.

MS. AQUINO: Madam President, may I request the committee chairman to read the amended section, together with all of these inclusions and insertions.

MR. VILLACORTA: Yes. This is based on the accepted amendments: "The State shall give priority to education, science and technology, arts, culture AND SPORTS to foster NATIONALISM, NATIONAL UNITY, TOTAL HUMAN LIBERATION AND DEVELOPMENT, ACCELERATE SOCIAL AND ECONOMIC PROGRESS, and expand the frontiers of KNOWLEDGE, EQUALITY, justice, freedom and PEACE."

MS. AQUINO: Madam President, I am constrained to seek a reconsideration of the vote of the amendment of Commissioner de Castro. At the rate the committee has been very liberal in accommodating concepts, there is no way that we can put a brake on very positive and nondebatable concepts that speak of motherhood, love, unity and nationalism. I have always believed that the fixed star in the constellation of education is the acquisition of knowledge for freedom, and freedom means the discovery of truth. We engage in freedom not to commit mistakes but to discover truth such that I would much rather that we recast the section again to confine it within this fixed star.

THE PRESIDENT: Did Commissioner Aquino vote in favor of the de Castro amendment?

MS. AQUINO: I did, Madam President, in favor of the majority present.

MR. SARMIENTO: On the basis of my colleague's suggestion, may I ask that Commissioner Bernas be recognized, Madam President.

THE PRESIDENT: Commissioner Bernas, is this the last word?

FR. BERNAS: Madam President, I voted in favor of the de Castro amendment; I am asking for a reconsideration.

THE PRESIDENT: Is Commissioner Bernas asking for a reconsideration also?

FR. BERNAS: Yes, Madam President.

MR. GASCON: Madam President, those who can ask for a motion for reconsideration are those who voted with the committee. Commissioner Aquino did vote with the committee.

FR. BERNAS: If Commissioner Aquino is qualified to raise the issue, then I support her.

MS. AQUINO: Madam President, I voted with the committee and that was the majority.

MR. GASCON: That is right.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 12:30 p.m.

RESUMPTION OF SESSION

At 12:48 p.m., the session was resumed.

THE PRESIDENT: The session is resumed

Commissioner Sarmiento is recognized.

MR. SARMIENTO: Madam President, considering that the committee is still formulating the controversial Section 1, may I move for the suspension of the session until two-thirty this afternoon.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended until two-thirty this afternoon.

It was 12:49 p.m.

RESUMPTION OF SESSION

At 3:17 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 move that we continue the consideration on the Article on Education.

THE PRESIDENT: The honorable chairman and members of the committee will please occupy the front desk. Before we suspended the session, we were discussing Section 1.

MR. SARMIENTO: Madam President, may I ask that the chairman of the Committee on Human Resources be recognized?

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: Madam President, I think there was a motion for reconsideration of Commissioner Aquino.

MR. SARMIENTO: Before we suspended the session this morning, the committee was trying its best to re-formulate Section 1, after it had received so many proposed amendments.

MR. NOLLEDO: Madam President, may I be recognized?

THE PRESIDENT: Commissioner Nollado is recognized.

MR. NOLLEDO: Yesterday, I made a reservation to interpellate the members of the committee, including the chairman, on the last topic of the report. Apparently, my name disappeared. Instead of proceeding with the amendments, Madam President, may I be permitted to interpellate the members of the committee? I will be the last interpellator, Madam President, so the Floor Leader can move for the closing of the period of interpellations.

THE PRESIDENT: On what particular part, Commissioner Nollado?

MR. NOLLEDO: The last, on "ARTS AND CULTURE," Madam President.

THE PRESIDENT: Has there been no interpellation yet on "SCIENCE AND TECHNOLOGY"?

MR. SARMIENTO: Madam President, with due respect to Commissioner Nollado, we are reserving "ARTS AND CULTURE, SCIENCE AND TECHNOLOGY" for tomorrow, because we are still on "EDUCATION and LANGUAGE."

THE PRESIDENT: It was also the understanding with the committee that we will finish the interpellation and debate, and then proceed to the period of amendments with respect to "EDUCATION and LANGUAGE." Then we will accept reservations. The turn of Commissioner Nollado will come when we open the debates.

MR. NOLLEDO: Thank you.

I yield, Madam President.

THE PRESIDENT: Thank you.

MR. SARMIENTO: Madam President, may I ask that Commissioner Aquino be recognized.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: Madam President, may I request Commissioner Bengzon to clarify the parliamentary situation.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: Madam President, if the body remembers, the Commission recessed this morning precisely to ask all Commissioners who had amendments to present the same. This was done — the committee accepted or rejected some of the amendments that were presented and came up with the new section. This new Section 1 contained the various amendments, some of which were the amendments of Commissioner Nieva regarding total human liberation and development.

After that came the amendment of Commissioner de Castro which put a period (.) after the word "SPORTS," eliminating all the other amendments that were introduced and accepted by the committee. That was voted down, but there were so many amendments that came in thereafter and the section started to expand more and more until Commissioner Aquino, who voted against the amendment of Commissioner de Castro which was then the majority, came up and proposed a move for a reconsideration.

If the body decides to vote in favor of the reconsideration of Commissioner Aquino, that would mean the elimination of all the amendments that were accepted by the committee. And then, thereafter, Commissioner Aquino will present a new set of amendments to expand the amendment of Commissioner de Castro.

That is the parliamentary situation, Madam President.

THE PRESIDENT: Yes, but the proposed amendment of Commissioner de Castro was voted down; it was disapproved. I understand that the amendment of Commissioner Aquino is something else.

May we be clarified on that, Commissioner Aquino?

MS. AQUINO: Madam President, if the motion for reconsideration is sustained, am I precluded from introducing any further amendments after the amendment of Commissioner de Castro?

MR. DE CASTRO: I do not believe so, Madam President.

MR. BENGZON: I do not believe that Commissioner Aquino is precluded, because she is precisely seeking a reconsideration of Commissioner de Castro's amendment. If that is approved, then Commissioner de Castro's amendment is revived, and thereafter, Commissioner Aquino can present amendments to the amendment.

MR. DE CASTRO: Amendment to the amendment.

THE PRESIDENT: Yes, but we would like to be clarified. My reading of this is that, if Commissioner Aquino desires to add certain words after the word "SPORTS" where Commissioner de Castro ended, she is free to present an amendment to the article, but she does not have to ask for a reconsideration of the action of the body.

MR. BENGZON: We submit to the ruling of the Chair.

MS. AQUINO: So, should it be in the nature of a motion to delete?

THE PRESIDENT: The amendment of Commissioner de Castro was to put a period (.) after the word "SPORTS" on the second line, so that the sentence will read: "The State shall give priority to education, science and technology, arts, culture AND SPORTS."

MS. AQUINO: Madam President, may I be guided on this? My only desire is to clear the deck after the word "SPORTS."

THE PRESIDENT: Would Commissioner Aquino wish to add some other words?

MS. AQUINO: After the word "SPORTS," clear the deck or delete all of the amendments that have been incorporated and accepted by the committee and reopen it for new concepts.

THE PRESIDENT: That is why Commissioner Aquino is free to propose her own amendment.

MR. RODRIGO: Madam President, may I give my humble opinion on this?

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: If we vote in favor of the motion for reconsideration, that means the amendment of Commissioner de Castro is revived. It does not mean, however, that we have already approved that amendment of Commissioner de Castro. It only means that we will vote on it again. So, the amendment is revived and that is when Commissioner Aquino can propose an amendment to the amendment of Commissioner de Castro.

THE PRESIDENT: Yes, but Commissioner Aquino is not qualified to move for a reconsideration of the amendment of Commissioner de Castro because she voted with the committee.

MR. RODRIGO: No, she voted with the majority.

THE PRESIDENT: Precisely.

MR. RODRIGO: She voted with the majority, so she can ask for reconsideration.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: Madam President, I think it is not necessary for Commissioner Aquino to move for a reconsideration. She can just proceed and present her own amendments.

THE PRESIDENT: Then it looks very simple.

Commissioner Aquino can submit her proposed amendment and that settles the matter.

MR. RODRIGO: Madam President, then she has to withdraw her motion for reconsideration first.

THE PRESIDENT: The Chair has refused her motion for reconsideration because it is not a proper motion for reconsideration.

MR. RODRIGO: Why, Madam President?

THE PRESIDENT: Does the Gentleman desire to appeal the ruling of the Chair?

MR. RODRIGO: No, I do not, Madam President. I will not appeal. I just want to state that Commissioner Aquino voted with the majority, with the group that rejected the amendment of Commissioner de Castro. So, she is entitled to move for reconsideration according to our Rules.

MR. BENGZON: Madam President, may I raise a point of order?

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: We have already submitted to the ruling of the Chair, and I think the Chair has ruled that the motion for reconsideration is not proper. And so be it.

May we request that the Chair recognize Commissioner Aquino to present her amendment.

THE PRESIDENT: Commissioner Aquino is recognized to present her amendment to Section 1.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you.

Is Commissioner Aquino now withdrawing her motion for reconsideration?

MS. AQUINO: I am submitting to the ruling of the Chair.

MR. DE CASTRO: Madam President, the one who voted for the committee this morning will move for a reconsideration of my amendment this morning.

THE PRESIDENT: I will explain my point further. When a motion for reconsideration is submitted, this means that the movant is in favor of the proposed amendment.

MR. DE CASTRO: Yes, Madam President.

THE PRESIDENT: But Commissioner Aquino is not. She desires only to add more words. So, it is not exactly on the point of the Gentleman's amendment.

MR. DE CASTRO: I do not wish to insist, Madam President.

THE PRESIDENT: If Commissioner de Castro can find one Member who voted in the majority but is changing his mind and would like to support the Commissioner's amendment to put a period (.) after "SPORTS," that would be in order.

MR. DE CASTRO: Thank you, Madam President. I do not wish to contradict the move of the Chair but there is a pending motion by Commissioner Aquino for reconsideration. The fact that she will put additional words to my amendment this morning is not in the record yet. What is in the record is her motion for reconsideration.

MS. AQUINO: Madam President, in order to conform with the ruling of the Chair, I am hereby withdrawing the motion for reconsideration and in lieu of that, I present an amendment by substitution, if that is in order.

THE PRESIDENT: Please proceed.

MR. DE LOS REYES: Madam President, before the amendment of Commissioner Aquino, may we now hear how the section reads, as amended.

THE PRESIDENT: With all the amendments?

MR. DE LOS REYES: Yes, Madam President.

MR. VILLACORTA: Would Commissioner de los Reyes want me to read the section, as amended by Commissioner de Castro, or as we had last proposed it?

MR. DE LOS REYES: As the committee had accepted all these amendments.

MR. VILLACORTA: Madam President, let me read Section 1, as amended: "The State shall give priority to education, science and technology, arts, culture AND SPORTS TO FOSTER NATIONALISM, TOTAL HUMAN LIBERATION AND DEVELOPMENT, ACCELERATE SOCIAL AND ECONOMIC PROGRESS and EXPAND the frontiers of KNOWLEDGE, EQUALITY, justice, freedom AND PEACE."

The committee, however, in its caucus over lunch, had come up with a simpler Section 1.

MR. DE LOS REYES: I thought I heard the word "harmonious."

MR. VILLACORTA: Which we have not presented yet.

THE PRESIDENT: Let us listen to the proposed amendment of Commissioner Aquino.

MS. AQUINO: Madam President, after the word "SPORTS," I propose to insert the phrase "TO FOSTER NATIONALISM AND PROMOTE TOTAL HUMAN DEVELOPMENT," such that the section will now read, as proposed: "The State shall give priority to education, science and technology, arts, culture AND SPORTS TO FOSTER NATIONALISM AND PROMOTE TOTAL HUMAN DEVELOPMENT."

MR. GASCON: We believe Commissioner Ople has an amendment to the amendment of Commissioner Aquino.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: I would like to suggest strongly that the linkage to social and economic progress be retained elsewhere in this draft article. We keep talking about priority for education, et cetera, but the only test of priority is the budget. As I pointed out earlier, economic planning bodies and budget ministries will better appreciate our call for a higher priority if we do build in the sense of education by improving the quality of the human population, accelerating social and economic progress. And I think this is the context in which we are seeking a higher priority for education and the related fields.

I am in agreement about abbreviating this section, but not at the expense of the strongest budgetary argument for a priority for education by linking it to the improvement of the quality of the human population so that we also accelerate social and economic progress.

MR. VILLACORTA: Madam President, would Commissioner Aquino, who has just presented an amendment, accept an amendment to her amendment, which is now the position of the committee; and I shall read: "The State shall give priority to education, science and technology, arts, culture AND SPORTS TO FOSTER NATIONALISM, ACCELERATE ECONOMIC AND SOCIAL PROGRESS AND PROMOTE TOTAL HUMAN LIBERATION AND DEVELOPMENT."

Would Commissioner Aquino accept the amendment?

MS. AQUINO: I would accept that.

Incidentally, the original amendment is coauthored by President Muñoz Palma, Commissioners Monsod, Guingona, Bengzon and Nieva.

Just one query, Madam President. What makes "total HUMAN LIBERATION" distinct and different from

"TOTAL HUMAN DEVELOPMENT"? I have always appreciated liberation in the context of human development

MR. VILLACORTA: Madam President, during the caucus, it was emphasized by several members of the committee that liberation is more than development because it is liberating one's self from evil, want, greed and other negative forces of society, and is a prerequisite to development.

MS. AQUINO: I ask this because the way the Commissioner discusses it now, I begin to appreciate it in the concept of universal emancipation which, I think, essentially would be the proper focus of total human development. Likewise, I have reservations because the concept of human liberation is very theological. Without questioning the acceptability of that concept in the Constitution, I doubt very much its acceptability in jurisprudence and law.

MR. VILLACORTA: On the contrary, Madam President, it is not mainly a theological concept. It is used by the United Nations in many of its documents and also by the Vatican not only in its theological documents but even in its social pronouncements.

MS. AQUINO: Would it satisfy the committee if we agree to the spirit and intent of that amendment to resolve it in favor of the adoption of a settled and common usage which is human development?

MR. VILLACORTA: I think Commissioner Tan would like to say something before the committee decides on that, Madam President.

THE PRESIDENT: Commissioner Tan is recognized.

SR. TAN: I have to disagree with my good friend, Commissioner Aquino. Development is a prerequisite to liberation. Liberation is the goal where we become free from the burden of evil, greed, sloth, hunger and want. It is a goal; it is a very beautiful word which is not theological but sociological, that is why the Pope made use of theology of liberation. Therefore, we always say "development and liberation." If we just say "development," it connotes dependency, colonialism and parasitism. It is a negative word sociologically.

MS. AQUINO: Madam President, I take no exception to human liberation as a universal desire. But I would caution the body and request a little measure of mental discipline in the sense that our concern here is education.

MR. VILLACORTA: Not just education, Madam President, but also science and technology and arts and culture. All these areas of concern, including sports, would include liberation as one of its goals. The liberative aspect of all these areas of concern is very important, as we will see later on in the sections on science and technology and arts and culture.

MR. GARCIA: Madam President, can I have a few thoughts with Commissioner Aquino on this point of liberation.

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: Madam President, I think liberation is important in the context of education. That is a liberating education. Allow me to share a few thoughts which I scribbled during the break.

Liberating education frees both the teacher and the student. I want to put this in the context of education and specifically of both the classroom and the non-classroom situations. In fact, it allows them to be co-participants in the common search for truth. The class becomes an experience and a meeting place where knowledge is sought and not where it is transmitted. It is a practice in liberty precisely because it frees the educator and no less than the educatees from the twin thralldom of silence and monologue. Both partners are liberated as they begin to learn —

the want to know one's self as a being of worth, notwithstanding the stigma of illiteracy, poverty or technological ignorance and the capability to dialogue in spite of the straight jacket imposed on the role of the educator as one who knows. What is essential in this experience is the ability to dialogue, to have a real exchange of ideas and options and finally, to reflect and act in order to transform. There is no room here for imposition or manipulation, and there is no premium on propaganda or skill and persuasion. Liberating education demands that people be willing participants in the dialogue on authentic subjects and be equally capable of writing their own history.

I think total human liberation, both in its global context and in the context of education and the relationship between teacher and thought, is this whole idea of freeing the resources of the human person which education precisely provides. And I think the committee has expressed it very well during the interpellations as to the freedom from fear, ignorance and want.

MS. QUESADA: Madam President.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: In the committee discussion this lunch break, we decided to eliminate some of the terms with the understanding that total human liberation and development would encompass such values as knowledge, equality, justice, freedom and peace. So we thought this will be the phrase that would now capture the essence of all these goals, not just development but total human liberation, the process that leads to the higher goal which is really development of people.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: Madam President, may I know how the amendment as amended now reads.

MR. VILLACORTA: The amendment as amended now reads: "The State shall give priority to education, science and technology, arts, culture AND SPORTS TO FOSTER NATIONALISM, ACCELERATE ECONOMIC AND SOCIAL PROGRESS, AND PROMOTE TOTAL HUMAN LIBERATION AND DEVELOPMENT."

MR. RODRIGO: May I propose an amendment, Madam President, to delete "LIBERATION AND." I proposed this before we adjourned but we have not voted on it. We got stalled because of an amendment to my amendment proposed by Commissioner Tingson which is to add "HARMONIOUS." But now I will revive my proposed amendment to delete the words "LIBERATION AND" so that that last phrase would now read: "TOTAL HUMAN DEVELOPMENT." I have discussed this enough, so I think we can vote on it.

THE PRESIDENT: How about the word "HARMONIOUS"?

MR. GASCON: Madam President, there is no word "HARMONIOUS"; there is no proposed amendment.

MR. RODRIGO: So there is no amendment to add "HARMONIOUS."

THE PRESIDENT: Commissioner Gascon is recognized.

MR. GASCON: Madam President, we feel that this discussion on liberation has been extensively discussed and we agree with Commissioner Rodrigo to put his amendment to a vote.

THE PRESIDENT: Before we take a vote, may we have the new formulation as proposed by the committee.

MR. GASCON: The new formulation reads: "The State shall give priority to education, science and technology, arts, culture AND SPORTS TO FOSTER NATIONALISM, ACCELERATE ECONOMIC AND SOCIAL PROGRESS, AND PROMOTE TOTAL HUMAN LIBERATION AND DEVELOPMENT."

MR. TINGSON: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Since I initiated the addition of the word "HARMONIOUS" and understanding that "HUMAN DEVELOPMENT" would take in the meaning that I have in mind, I now withdraw my proposal for the use of that word. However, I endorse the deletion of the word "LIBERATION" which according to Commissioner Rodrigo is unnecessary

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Madam President. Before we vote, may I ask the committee a few questions on the phrase "ACCELERATE ECONOMIC AND SOCIAL PROGRESS." Of course, we have not yet taken the Article on Declaration of Principles and State Policies, but the acceleration of economic and social progress is included in the committee report of said article. Even nationalism, patriotism and so on are included in the Article on Declaration of Principles.

Section 5 of the Article on Declaration of Principles states:

The State values the dignity of the human person, guarantees full respect for human rights and undertakes to uplift the social, economic and political conditions of the people:

Section 7 states:

The prime duty of the State is the promotion and establishment of a socio-political and economic system that will insure the independence of the nation and aims to secure for the people the benefits of full employment, a high standard of living, equality in economic opportunities, security in old age, etc;

Section 8 states:

The State shall intensify efforts to promote social justice and in the pursuit of national development objective to this end, Congress shall give highest priority to the enactment of measures designed to reduce economic and political inequalities, including measures to regulate the acquisition, ownership, use, and disposition of property, as well as to encourage self-reliant, socio-political and economic structures; and

Section 10 states:

The State recognizes the vital role of the youth in nation-building and shall promote their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in the affairs of the nation.

In short, Madam President, I would like to show that anything that fosters nationalism, accelerates economic and social progress and promotes total human development is contained in the proposed Article on Declaration of Principles. Therefore, to me there is no necessity for its continuous repetition in our Constitution which shall form the framework of our government.

Thank you, Madam President.

MR. TADEO: Madam President.

THE PRESIDENT: Commissioner Tadeo is recognized.

MR. TADEO: Madam President, ang ibig pong sabihin ng political, economic and cultural system ay ang buong social system, kaya puwede na po nating alisin ang salitang "ECONOMIC."

MR. GASCON: Madam President, is that a proposed amendment by Commissioner Tadeo? We will decide first on the Rodrigo amendment before we go to Commissioner Tadeo's proposed amendment.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Madam President, I wanted to say, in reply to the points just made, that it is true some of these concepts appear in the Article on Declaration of Principles. But we also know that words and terms can develop new and sharper meanings when they are placed in new juxtapositions to emphasize certain jugular links between objectives. Therefore, I see no superfluity and redundancy in the committee's version.

With respect to the deletion of the word "ECONOMIC" as suggested by Commissioner Tadeo, I agree with him since the words "SOCIAL PROGRESS" are understood to encompass social, economic and political progress.

Thank you, Madam President.

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: I remember that Commissioner Romulo was stressing on the word "knowledge," because education is to impart knowledge to the students, and for the students to imbibe knowledge.

There is no mention of "knowledge" here, and I also said that education should inculcate and foster moral, mental and physical development. But as the provision stands, it seems that it is centered on nationalism: foster nationalism. How can we have sound nationalism unless the students have knowledge — they have moral, intellectual and physical development?

And instead of the word "NATIONALISM," I would suggest "PATRIOTISM" because it is not always enough to be totally nationalistic. It may not always be for the greater good of the greatest number. But the word "PATRIOTISM" is the highest virtue of citizenship.

Will the committee accept that after the word "SPORTS," we add a period (.) and the following: "THE GOALS OR THE OBJECTIVES OF EDUCATION ARE TO IMPART KNOWLEDGE, TO FOSTER MORAL, MENTAL AND PHYSICAL DEVELOPMENT TO FOSTER OR INSTILL PATRIOTISM." I have no objection to inserting "SOCIAL AND ECONOMIC PROGRESS." In fact, I have always been insisting, even in the Preamble, to insert the word "PROGRESS" after "PEACE."

MR. BENGZON: May I raise a point of order, Madam President?

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: There is on deck now the motion to delete the word "LIBERATION," and the point of order, Madam President, is that this should be voted upon first before we talk of deleting any other terms such as "ECONOMIC" or changing "NATIONALISM" to "PATRIOTISM."

So I move, Madam President, that we first vote on the deletion of the word "LIBERATION." Thereafter, we can take the other amendments.

MR. PADILLA: Madam President, the Word "LIBERATION" comes later.

MR. BENGZON: But that is the one on deck, Madam President.

MR. PADILLA: My amendment is a prior amendment.

RULING OF THE CHAIR

THE PRESIDENT: What the Chair believes is that we have the Aquino amendment which is to add: "TO FOSTER NATIONALISM AND PROVIDE TOTAL HUMAN development" without the word "LIBERATION." I was thinking that if we put this to a vote and this is disapproved, then we go back to the formulation of the committee. That is why we asked the committee to also formulate so that the body will have an alternative.

MR. GASCON: Madam President, we presented the committee's proposal to Commissioner Aquino which she accepted but with some reservations on the word "LIBERATION," which led to Commissioner Rigos' motion to delete said word.

THE PRESIDENT: May we ask Commissioner Gascon whether or not Commissioner Aquino is agreeable to this formulation.

MR. GASCON: Except for the word "LIBERATION," Madam President. She posed some questions on the legal implications of the word "liberation" which led to Commissioner Rodrigo's motion to delete the words "LIBERATION AND," but the formulation was accepted by Commissioner Aquino.

MR. RODRIGO: Madam President, I think the parliamentary situation now is for this body to vote on my amendment to delete the word "LIBERATION AND."

THE PRESIDENT: What is the pleasure of the committee?

MR. VILLACORTA: We will throw the issue to the body.

THE PRESIDENT: There are two issues, the entire formulation and Commissioner Rodrigo's motion to delete "LIBERATION AND."

MR. RODRIGO: The situation, Madam President, as I see it is this: There is a proposed amendment by Commissioner Aquino and the committee proposed an amendment to her amendment. She has not accepted the committee's amendment to her amendment. Then I stood up to propose an amendment to the committee's amendment. So I think we should vote on my proposed amendment first; and, depending on the action of the House on this, we can vote on the amendment of the committee, or we can ask Commissioner Aquino whether or not she accepts the amendment to her amendment proposed by the committee. And after that, we vote on the amendment proposed by Commissioner Aquino, as amended.

THE PRESIDENT: May we know the comment of Commissioner Aquino because there are conflicting reports on her proposed amendment.

MS. AQUINO: Madam President, I, together with the coauthors, accept the committee amendment to my amendment, but we would rather submit the amendment of Commissioner Rodrigo to delete the words "LIBERATION AND" to the decision of the body. So, Section 1 as proposed would now read: "The State shall give priority to education, science and technology, arts, culture AND SPORTS. TO FOSTER NATIONALISM, ACCELERATE ECONOMIC AND SOCIAL PROGRESS AND PROMOTE TOTAL HUMAN LIBERATION AND DEVELOPMENT." The subject of the amendment of Commissioner Rodrigo is to delete "LIBERATION AND."

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I rise for a parliamentary inquiry. The addition of the phrase "human liberation and development"

was earlier approved as a committee amendment pursuant to a proposal by Commissioner Nieva.

THE PRESIDENT: Was that voted upon, Commissioner Davide?

MR. DAVIDE: Yes, Madam President. Would it be proper for the committee to introduce it as an amendment to the proposed amendment of Commissioner Aquino? And, secondly, Commissioner Aquino accepted that amendment, but there is now a proposed amendment by Commissioner Rodrigo on the amendment presented by the committee. That would be a third degree amendment. But basically my problem is whether or not it is proper for the committee to introduce by way of an amendment to an individual amendment its own committee recommendation.

MR. VILLACORTA: Just for a clarification, Madam President. The original recommendation which was presented by the committee this morning included the phrase "expanding the frontiers of knowledge, equality, justice, freedom and peace," which we deleted because it is already contained in the phrase "TOTAL HUMAN LIBERATION AND DEVELOPMENT."

MR. DAVIDE: Madam President, since the committee has its own modification which came up this afternoon, I think we should first vote on whether or not to accept this modification. Otherwise, it would be a clutter of amendments which have never been acted upon yet.

THE PRESIDENT: That is also the thinking of the Chair. How can we delete a word from a section that has not been even acted upon? To me it is basic; it is common sense.

MR. SUAREZ: Madam President, may I be recognized.

THE PRESIDENT: Commissioner Suarez is recognized.

SUSPENSION OF SESSION

MR. SUAREZ: Thank you, Madam President. I am sorry, but I am still looking for the beef in this constitutional hamburger. So may I ask for a suspension of the session so that we can thresh out the parliamentary situation.

THE PRESIDENT: The session is suspended.

It was 4:00 p.m.

RESUMPTION OF SESSION

At 4:10 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. SARMIENTO: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. SARMIENTO: The parliamentary situation is: We have this committee amendment which reads: "THE STATE SHALL GIVE PRIORITY TO EDUCATION, SCIENCE AND TECHNOLOGY, ARTS, CULTURE AND SPORTS TO FOSTER NATIONALISM, ACCELERATE ECONOMIC AND SOCIAL PROGRESS AND PROMOTE TOTAL HUMAN LIBERATION AND DEVELOPMENT."

Now we have the Rodrigo amendment deleting "LIBERATION AND," so before we go to constitutional hamburger and adventurism, may we vote on the Rodrigo amendment.

THE PRESIDENT: Is that the pleasure of the committee?

MR. VILLACORTA: Yes, Madam President.

MR. RODRIGO: Madam President, I think some of the Members are still in the lounge. In fairness to them, I think we should ring the bell.

THE PRESIDENT: The request is granted.

MR. RAMA: Madam President, before we vote on the Rodrigo amendment, may we be clarified on whether or not the word "LIBERATION" includes the concept of the theology of liberation which is quite popular in South America.

MS. ROSARIO BRAID: No, it is more encompassing than the theology of liberation. It means social, economic and cultural liberation. When we refer to education, it means freeing him from dogma and authoritarianism: giving him more options to choose and enabling him to communicate freely. These are all the concepts of liberation — reducing dependency, promoting dialogue and equality. The theology of liberation may be explained by Commissioner Rigos.

MR. GASCON: We did not consider the theology of liberation when this total human liberation concept came in. In fact, the reason why we deleted the phrase "expand the frontiers of knowledge, equality, justice, freedom and peace" is that we felt the phrase "PROMOTE TOTAL HUMAN LIBERATION AND DEVELOPMENT" encompasses it.

MR. RAMA: So it does not include the concept of the theology of liberation. Could the committee members confer among themselves so that they would have a categorical answer whether or not it includes the concept of the theology of liberation?

REV. RIGOS: Madam President, I think Sister Christine Tan stated a while ago that the phrase does not include the theology of liberation. I would like to say that even if we include that we should not be ashamed of it. It is a good theology and if it is properly understood, we should accept it. However, if the Commissioner is afraid of some negative understanding of the theology of liberation, it might be reassuring if we say it does not include.

MR. RAMA: No, it is not the question of being afraid. I just want to clarify this matter because earlier the chairman of the committee was quoting the Pope with respect to this new theory or concept on education and, if I understand, the Pope frowns upon the theology of liberation.

MR. VILLACORTA: Just for clarification. I did not quote the Pope; I think somebody else did.

MR. RAMA: Yes, somebody in the committee.

MR. GASCON: We made mention that the term "LIBERATION" is being used in the United Nations documents, in socio-pastoral letters of the Vatican and among other things. In fact, Commissioner Tan said it is a sociological term, not a theological term.

MR. ABUBAKAR: Madam President, we must use the term to encompass the whole Filipino people. The whole Filipino people are not Protestant, Catholic or what. There are free thinkers here. There are also Muslims here. So, let the word be understood in the concept of universal application, not in its religious connotation or on the fact that this has been used by the Pope in his sermons and all that. This is for the entire Filipino people and the whole Filipino nation is not only composed of Catholics. There are unbelievers or atheists and Muslims. We should encompass them all.

MR. GASCON: Yes, we totally agree with the Commissioner.

MR. ABUBAKAR: Since this term is said so by the Pope, then there is no place here for the unbelievers and for the Muslims. So, if we are going to make the Constitution a Constitution of the Filipino people, let us use a word that is applicable to a person as a human being not by virtue of whether or not he belongs to one sect or group.

MR. GASCON: Thank you.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Madam President, may I just add a few words on the theology of liberation. There has been an in-depth study by different kinds of seminaries in America and even in the Philippines on the subject of liberation theology. Unfortunately, it has been a very controversial subject. There are those who favor both the liberal and conservative sides, and there are those who oppose it violently. The word "liberation" has also implications in the political usage of the word. If we can help it, let us not put controversial phrases and words in our Constitution to make the common people of our country understand our work better.

Thank you. Madam President.

THE PRESIDENT: Commissioner Nieva is recognized.

MS. NIEVA: Madam President, I do not know if this is in order but I received a phone call from Commissioner Bacani who is my cosponsor for this total human liberation and development. I just informed him that this matter was the center of the storm of debates and controversies and he said he wished he would be here. But if it would help allay the fears and the doubts of those who think that this has anything to do with communism or extreme ideologies, this integral or total human liberation and development has been stressed over and over again by the past two holy Fathers, Pope John Paul I and Pope Paul VI.

THE PRESIDENT: That is why they are objecting to that, Commissioner Nieva.

MS. NIEVA: There is no need to stress that point. I am just saying this as an argument because the Commissioner said it will be too late tomorrow. So, if I could just add that this is an appeal raised by Pope Paul VI and by the present Holy Father that this integral or total human liberation and development is an aspiration and a goal we should seek for all the people so that they may be liberated from all kinds of oppression, sufferings and inequalities. So, this is just the context why we have introduced this goal or aspiration of total human liberation and development.

MR. GASCON: Madam President, we would also like to clarify further that this is not an ecclesiastical term or a Catholic term. This phrase "total human liberation and development" is an accepted secular term.

MS. ROSARIO BRAID: Yes, as a matter of fact, this is found in several Constitutions, as well as in many United Nations documents.

MR. GASCON: We are ready now to vote on the proposed amendment of Commissioner Rodrigo.

VOTING

THE PRESIDENT: As many as are in favor of the Rodrigo amendment to delete the words "LIBERATION AND" between the words "HUMAN" and "DEVELOPMENT," please raise their hand. (Few Members raised their hand.)

As many as are against, please raise their hand. (Several Members raised their hand.)

As many as are abstaining, please raise their hand. (One Member raised his hand.)

The results show 15 votes in favor of the proposed amendment, 17 against, and 1 abstention; the amendment is lost.

So, we keep the words "LIBERATION AND," Can we proceed now to vote on the whole section as submitted by the committee?

MR. SARMIENTO: Yes, Madam President.

May I ask the chairman of the committee to read the whole section.

MR. VILLACORTA: Madam President, Section 1 reads: "The State shall give priority to education, science and technology, arts, culture AND SPORTS TO FOSTER NATIONALISM, ACCELERATE SOCIAL AND ECONOMIC PROGRESS AND PROMOTE TOTAL HUMAN LIBERATION AND DEVELOPMENT."

MR. OPLE: Madam President, by prior arrangement with the committee, may I ask the committee's permission for a minor amendment concerning the clause "SOCIAL AND ECONOMIC PROGRESS." I had previously agreed to delete "AND ECONOMIC" and reword this to become "SOCIAL PROGRESS AND EQUALITY."

MR. GASCON: Would the Commissioner not agree with us that "EQUALITY" could be understood as part of the total human liberation and development, as we have explained and instead, we just reword it to become "SOCIAL PROGRESS"?

MR. OPLE: Yes, I could agree with the greatest possible reluctance to the omission of "EQUALITY," if the committee so requires.

MR. VILLACORTA: In other words, it should read: "ACCELERATE SOCIAL PROGRESS" only. It is all right.

MR. GASCON: Madam President, this is the Ople amendment. He is making an amendment to his own original amendment. Instead of retaining the words "ECONOMIC AND SOCIAL PROGRESS," he proposes to delete the words "ECONOMIC AND" because it is already a part of "SOCIAL PROGRESS."

THE PRESIDENT: So, the phrase will read: "ACCELERATE SOCIAL PROGRESS"?

MR. OPLE: Yes.

MR. VILLACORTA: The committee accepts that minor amendment, Madam President.

MR. OPLE: Thank you, Madam President.

THE PRESIDENT: The committee has accepted the amendment.

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

Commissioner Padilla is recognized first. He was ahead.

MR. PADILLA: I propose to substitute the word "NATIONALISM" with "PATRIOTISM."

MR. VILLACORTA: We regret that the committee cannot accept that amendment for reasons we had already mentioned.

MR. PADILLA: Then I ask for a vote by the body.

I do not believe in the statement that nationalism is over and above patriotism. I do not believe that nationalism is a higher virtue than patriotism. I am firm in my belief that patriotism is the highest virtue of a citizen.

THE PRESIDENT: Is Commissioner Padilla insisting on his amendment?

MR. PADILLA: Yes.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: In line with the amendment of Commissioner Padilla, may I ask the committee if the word "NATIONALISM" in Section 1 is the same as the word "nationalism" in Section 2 (a) which states: "All educational institutions shall inculcate nationalism."

MS. ROSARIO BRAID: The committee has decided to delete the word "nationalism" on page 2, if it will be accepted in the first section. Therefore, we will only mention the word "nationalism" once. So when we go to page 2, Section 2 (a), we will delete "nationalism."

MR. DE CASTRO: But I still believe that the word "patriotism" will be a better and broader term than "nationalism." So as I understand from the committee, the word "nationalism" on line 15, page 2 will be eliminated. Is that correct?

MS. ROSARIO BRAID: Yes.

MR. DE CASTRO: Thank you.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: With due respect to our Vice-President, may I object to his proposal that we use "patriotism" instead of "nationalism." Yesterday, I shared with the body our definition of "nationalism." We said that Filipino nationalism is more than patriotism. It is more than love of land and people, loyalty to our flag and our country and readiness to sacrifice personal interest for the common good. This was the definition given to us by Senator Diokno. However, we have this definition of nationalism by Recto who said that it is a devotion to or an advocacy of national interests or national unity and independence, zealous adherence to one's own nation or to its principles. So with that definition, I submit that we use "nationalism" instead of "patriotism."

MR. PADILLA: Madam President.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: May I propose an amendment to the amendment of Commissioner Padilla? I propose to retain "NATIONALISM" and incorporate the word "PATRIOTISM." So, the amendment will be both "PATRIOTISM AND NATIONALISM."

MR. PADILLA: If we put "PATRIOTISM" first, I will agree.

MR. DAVIDE: Yes. It should be "PATRIOTISM AND NATIONALISM."

THE PRESIDENT: Is that acceptable?

MR. VILLACORTA: That amendment is acceptable to the committee.

THE PRESIDENT: What does the committee say?

MR. VILLACORTA: The Davide amendment to the Padilla amendment is acceptable to the committee.

MR. PADILLA: Thank you.

THE PRESIDENT: The committee has accepted the amendment.

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

MR. SARMIENTO: May I ask the chairman of the committee to read the entire section.

MR. VILLACORTA: "The State shall give priority to education, science and technology, arts, culture AND SPORTS TO FOSTER NATIONALISM, ACCELERATE SOCIAL PROGRESS AND PROMOTE TOTAL HUMAN AND LIBERATION AND DEVELOPMENT."

VOTING

THE PRESIDENT: As many as are in favor of Section 1, please raise their hand. (Several Members raised their hand.)

As many as are against, please raise their hand. (Few Members raised their hand.)

As many as are abstaining, please raise their hand. (Two Members raised their hand.)

The results show 30 votes in favor, 2 against and 2 abstentions. So, Section 1 is approved.

MR. SARMIENTO: Madam President, after our complete liberation from Section 1, may I ask that Commissioner Tingson be recognized for his amendment to Section 1 (a).

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: I am through with Section 1 (a). The Chair did accept that for the record.

MR. SARMIENTO: Madam President, I ask that Commissioner Padilla be recognized for an anterior amendment.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: It is a matter of form on the heading of the title. After the word "CULTURE," add "AND SPORTS" so it will be in consonance with Section 1.

MR. GASCON: We transposed the word "AND" between "ARTS" and "CULTURE" and then put it between "CULTURE" and "SPORTS."

MR. PADILLA: Yes. What I mean here is to just add in the title "AND SPORTS."

MR. GASCON: Yes.

MR. VILLACORTA: Certainly.

MR. GASCON: So, the title would be "EDUCATION, SCIENCE, TECHNOLOGY, ARTS, CULTURE AND SPORTS."

THE PRESIDENT: What does the committee say?

MR. VILLACORTA: The committee accepts.

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

MR. SARMIENTO: Madam President, may I ask that Commissioner Davide be recognized.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Madam President, I propose for the rewording of Section 1 (a) such that it will read as follows: "THE STATE SHALL PROTECT AND PROMOTE THE RIGHT OF ALL CITIZENS TO QUALITY EDUCATION."

In my omnibus amendment, there is still the clause "FOR THE FULLEST DEVELOPMENT OF THEIR PERSONALITY AND HUMAN CAPABILITY AND SHALL INSURE EQUAL ACCESS AND OPPORTUNITY TO IT." In view of the amendment to Section 1, this would become unnecessary. However, I will further reword it to read, finally, as follows: "THE STATE SHALL PROTECT AND PROMOTE THE RIGHT OF ALL CITIZENS TO QUALITY EDUCATION AND SHALL ENSURE EQUAL ACCESS AND OPPORTUNITY TO IT."

MR. SUAREZ: Madam President, point of inquiry.

THE PRESIDENT: What does the committee say?

Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Madam President.

Is Commissioner Davide proposing an amendment to Section 1 (a) and 1 (c)?

MR. DAVIDE: Yes. I really have a reformulation of the entire section including the paragraphs, but I understand that the committee is going over it on the basis of the paragraphs. I have several rewordings.

MR. GASCON: I have a question before we decide on it. Does this diminish the basic principle that education is a right of every citizen?

MR. DAVIDE: It does not. As a matter of fact, we assume that it is basic and that is the reason why it would now be formulated to read: "THE STATE SHALL PROTECT AND PROMOTE THE RIGHT OF ALL CITIZENS TO QUALITY EDUCATION AND SHALL ENSURE EQUAL ACCESS AND OPPORTUNITY"; mine is to be followed by "TO IT" but there is the recommendation "THERE TO."

MR. SUAREZ: So, "THERE TO"?

MR. DAVIDE: Yes, it will now read: "EQUAL ACCESS AND OPPORTUNITY THERE TO."

MR. SUAREZ: Is this a merger of the two sections (a) and (c)?

MR. DAVIDE: It is.

MR. SUAREZ: Thank you.

MR. VILLACORTA: The committee accepts the amendment.

MR. GASCON: So, as long as it is understood that this does not at all diminish that basic right to education of every citizen, we accept.

MR. DAVIDE: It will strengthen.

MR. GASCON: In fact, Commissioner Monsod has a similar amendment to that section.

MS. ROSARIO BRAID: Yes. So, the cosponsors for this amendment will be Commissioners Davide and Monsod.

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: Will the proponent, Commissioner Davide, consider the deletion of the word "QUALITY"? Not that I do not want or would not cherish quality education, but in discussing this matter on education, this usually refers to Section 1 with its goals. Moreover, education covers the primary, elementary, the secondary and tertiary. And while quality education is ideal, many schools for some reason or another may not be able to give the highest quality of education. Earlier, I was saying that the Ministry of Education, Culture and Sports, under the Executive or the Congress, may provide for minimum requirements for the establishment, recognition, and operation of schools. That is more realistic because we cannot expect all educational institutions to give the highest form of imparting knowledge and inculcating what I have said, moral, mental, and physical education. I should not be misunderstood as not wanting quality education.

MR. VILLACORTA: Since the committee has accepted the amendment, I think that question should be addressed to the proponent of the amendment, Commissioner Davide.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas desires to speak.

FR. BERNAS: I would like to support the retention of the words "QUALITY EDUCATION" precisely to emphasize the fact that the State should take an active part in trying to improve substandard schools. I would also emphasize "ACCESS" because what we are looking for here is not just quality education but also equity in education.

So the State should make every effort to make good education accessible to all rich and poor alike. Incidentally, this was the theme of the address of the President when she accepted an honorary degree from a university recently. She emphasized in her address to the Ateneo students that the State supports quality education and equal access to education.

So the State supports the University of the Philippines and as a desirable goal, this could be an ideal. But the State should make an effort to raise the quality of education everywhere. In other words, it should make a positive effort to discourage the proliferation of mere diploma mills.

Maybe it will take time. But putting it down there as a goal of education would be a very important signal to the legislature.

THE PRESIDENT: Is Commissioner Padilla insisting on his amendment to remove the word "QUALITY"?

MR. PADILLA: If the proponent does not accept my proposal.

MR. DAVIDE: Madam President, it is with deep regret that this proponent cannot accept the proposed deletion of the word "QUALITY," not only because the committee itself, after a very extensive study and public hearings, adopted that concept in Section 1 (c) of this subheading on Education, but also due to the fact that that should really be the goal.

Somebody said that we should rather aim at the sky, at the moon and hit the garden fence than merely aim at the sky and hit the ground.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Will Commissioner Davide yield to a question, or maybe Commissioner Bernas can acknowledge

this question.

The Commissioner brought up Section 1 (c) which says that the State ensure equal access to education.

MR. DAVIDE: That is correct.

MR. OPLE: So, this Section 1 (c) now gets merged into Section 1. Is this a state guarantee or merely an expression of a policy to attain this goal of ensuring equal access to quality education at some future time?

Commissioner Bernas was talking about the State endeavoring to insure equal access, but what I see in the text is a guarantee of equal access to quality education, and this starts me getting worried about the level of plausibility and sincerity of a clear and unequivocal guarantee for equal access in the Constitution.

MR. DAVIDE: The wording of the proposed amendment is not just "guarantee"; it reads: "AND SHALL ENSURE EQUAL ACCESS AND OPPORTUNITY TO IT."

MR. OPLE: So, it is a guarantee and not just the statement of a goal which may not be immediately realized, considering all the resource constraints of the government and of the society itself.

MR. DAVIDE: The Commissioner is correct. It is a guarantee that should really be done, pursued and implemented.

MR. OPLE: Let us talk of equal access then and what it means. As soon as this Constitution is ratified, this guarantee will have to be taken seriously and the Commissioner will undoubtedly agree with that.

MR. DAVIDE: Yes.

MR. OPLE: Let us take some of the Commissioner's own constituents in Bantayan, Cebu, who will immediately clamor for equal access to quality education, perhaps of an Ateneo or a La Salle type of education in accordance with this solemn guarantee of the Constitution in Section 1.

Will they not be disappointed if, because of the social inertia, the lack of budgetary capacity, the scarcity of quality education in that area, that when they invoke this guarantee of equal access to quality education as stated in Section 1, they will feel frustrated and may hold the existing government, or maybe the Constitutional Commission to account for making a guarantee which is unequivocal in character for equal access to quality education, with the foreknowledge that this is not going to be attained easily or quickly?

Would the Commissioner consider raising the level of plausibility of this guarantee by saying what Commissioner Bernas had earlier stated that the State shall endeavor or shall take steps — maybe through Congress — to ensure equal access to quality education?

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: May I react. As mentioned earlier by Commissioner Padilla, he envisioned the setting up of minimum requirements by the Ministry of Education, Culture and Sports which, in fact, have already been set. Therefore, when we talk of quality education, it should be within the framework of these minimum requirements. Those schools that comply with the minimum requirements would be considered as providing quality education. Of course, "quality" is a relative term. In other words, we can still improve the quality of education. However, we are now talking of the minimum requirements when we relate this to the quality of education that we are providing for in the same way that a Corolla car could already provide quality transportation, but a Mercedes Benz would be an improvement to that. Thus, as the educational endeavor progresses, the quality will naturally be

higher. However, that does not mean that there is no quality when we have already the minimum requirements as provided for by the government.

MR. OPLE: Madam President, may I put forward a very concrete and disturbing example. Out of the 5,000 public high schools in the Philippines, 2,500, almost exactly one-half, are barangay high schools, most of which are substandard. Seventy percent of the graduates of barangay high schools flunked the NCEE, the nationwide competitive examination. Under this definition of "quality education," will the State be obliged to close down all of these 2,500 barangay high schools which the Ministry of Education, Culture and Sports admits to be grossly substandard?

MR. VILLACORTA: Is the Commissioner addressing that to the Committee? There is no such intention. As a matter of fact, the contemplation is to improve the standard of such schools.

MR. OPLE: Yes, because Commissioner Bernas, in his earlier intervention, was talking about a policy of closing down diploma mills in order to improve the quality of education. Then there is an example of about 2,500 barangay high schools where most of the underprivileged youth actually take their secondary education and in which 70 percent of these youth flunk the NCEE according to the MECS figures.

Therefore, under this policy I would plead to the government to preserve these barangay high schools because there are no other high schools available in these hinterland areas. Instead of closing them, we should improve the standard. Of course, we will go into another sphere when we calculate how much it will take for the government to fund the improvement of these substandard schools. What is bothering me now is what I said about the level of plausibility and sincerity of a constitutional guarantee for equal access to quality education. If this can be formulated as a statement of aspiration, then I think we fulfill that standard of intellectual honesty relative to the guarantees of the Constitution. Will Commissioner Davide entertain an amendment.

MR. DAVIDE: We will willingly listen to any proposed amendment. But I would just like to comment, first, on the so-called "substandard barangay high school." We put up a barangay high school in our own barangay, 18 kilometers away from the poblacion of Argao, and we know for a fact that every year, the performance in the NCEE dwindles and it is really a very sad commentary on its performance. But I do not think the government is to be blamed. Basically the problem is the teachers themselves. Because of the very substandard compensation given to teachers, we cannot guarantee quality teachers to accept employment in the barangay high schools especially that 30 per centum of the expenses for maintaining a barangay high school is assumed by the barangay unit or the municipal government. In short, the point is that it is not that the government cannot provide quality education as a goal. The government can, but it should be taken in the context of adequate compensation precisely for our teachers. The report of the committee itself has provisions for special care and attention to the teachers. With this, we can be guaranteed good teachers and, therefore, they could impart quality education as an objective and goal of the Constitution.

I would disagree with the contention that if we approve this, we would commit mental dishonesty. No, certainly it is not. To aspire for a greater goal is not committing mental dishonesty.

MR. OPLE: If it is a statement of an aspiration and a goal, Madam President, there can be no disagreement. What I am challenging is the blanket, unqualified, categorical guarantee of equal access to quality education

MR. DAVIDE: As a matter of fact, the Education Act of 1982 — although it was already known as the Education Act of 1980 of which the Commissioner was among those who voted in favor of it since it was a product of the Interim Batasang Pambansa — also provided for guarantee for equal access to education and to opportunities to education.

MR. GUINGONA: Additionally, the inclusion of the word "QUALITY" precisely mandates the State to improve the barangay high schools and the economic constraints that we find ourselves now, as pointed out by Commissioner Nollado, are temporary circumstances. For the information of the honorable Commissioners, during our caucus, we had the Deputy Minister of Education, Culture and Sports, Minister Ordoñez, who had a telephone conversation with Minister Quisumbing. This has relation to the quotation or to the readings by our distinguished Vice-President of a news item where Minister Quisumbing said that she believed the implementation of secondary education would be impossible. Minister Quisumbing has been quoted by Deputy Minister Ordoñez to be in favor of the extension of free secondary education because she thinks that the inability of the government to provide this is going to be a very temporary one.

THE PRESIDENT: Can we vote now because there is a request for early adjournment due to bad weather.

MR. OPLE: Madam President, before we leave the subject, I want to reassure Commissioner Davide that when we reach Section 5, we have a proposed amendment that will give a more concrete guarantee of the highest budgetary priority to insure that the teaching profession will attract and retain the best talents available that will probably meet his concern about the low-paid teachers in the barangay high schools.

THE PRESIDENT: What is the proposed amendment?

MR. OPLE: In any case, I just want to propose, if Commissioner Davide will not mind it, a rephrasing which I leave to him. This will transform this categorical guarantee into a statement of a goal or of an aspiration so that we do not arouse false hopes and expectations.

Thank you, Madam President.

THE PRESIDENT: How is it to be rephrased?

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: When I mentioned minimum requirements, that did not mean quality education because if a school does not even comply with minimum requirements, that is below standard, and probably it should not be allowed to operate. We want to improve education, but we cannot guarantee the right of all the citizens to quality education.

Madam President, if the distinguished proponent and also Commissioner Bernas do not want to eliminate the word "QUALITY," by way of compromise, may I propose the following: "THE STATE SHALL PROTECT THE RIGHT OF ALL CITIZENS TO EDUCATION AND ENDEAVOR TO PROMOTE QUALITY EDUCATION."

THE PRESIDENT: What does Commissioner Davide say?

MR. DAVIDE: May we request a suspension of the session. Madam President?

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Before we suspend the session, may I just indicate something because I understand the issue is whether the quality education should be guaranteed or it would just be a question of a goal or aspiration. May I just inform the committee and the body that under the law creating the National Board of Education, which is RA 1124 as amended, the wording of the law is to the effect that the National Board of Education is directed to insure the continual upgrading of the quality of education. It will be noted that there is no guarantee that quality

education should be given. It is only to insure the continual upgrading of the quality of education. So there is no guarantee that quality education should be given; it is, more or less, a goal or an aspiration.

Thank you, Madam President.

MS. ROSARIO BRAID: Point of inquiry, Madam President.

THE PRESIDENT: Do we still need a suspension?

MS. ROSARIO BRAID: Madam President, this is just an inquiry. It is a clarificatory question to Commissioner Maambong. Is it true that the National Board of Education has been abolished, per Education Act of 1982, and that it has been superseded by other units created under the Ministry of Education, Culture and Sports? In this case, a proposal would be to restore the National Board of Education.

MR. MAAMBONG: I do not really think so. As a matter of fact, the National Board of Education was created under RA 1124, amended by RA 4372, and finally, it has been amended by P.D. No. 6-A. I do not know for a fact whether or not this has been abolished. To my knowledge, this has not yet been abolished. Maybe educators here could give us some indications. But what I am just trying to point out is that, in this law, there is no indication of any guarantee for quality education. On the other hand, the law only states that procedures and requirements will insure the continual upgrading of the quality of education, the nationalization of institutional growth, and the democratization of access to education. I am just trying to support the contention of Commissioners Ople and Padilla that it is dangerous to insure quality education, rather it would be safer just to put the goals of quality education as an aspiration.

THE PRESIDENT: What does Commissioner Davide say? Does Commissioner Davide accept?

MR. DAVIDE: There are several proposals for amendments. Can we take these up tomorrow morning?

MR. GUINGONA: Madam President, just for a point of information. The Board of National Education has already been abolished by the Education Act of 1982. What has been created is the Board of Higher Education. Under Chapter 2, Section 4 of this Education Act, there is a provision which says: "Higher education will be geared towards the provision of better quality education." This implies that there can be quality education and there can be a better quality of education.

MR. MAAMBONG: Precisely, it is a mere aspiration, but not as a direct mandate.

ADJOURNMENT OF SESSION

THE PRESIDENT: So, we will continue the discussion of Mr. Davide's amendment tomorrow.

MR. SARMIENTO: Madam President, with the manifestation of Commissioner Davide and because of the bad weather, may I move that we adjourn until nine-thirty tomorrow morning.

THE PRESIDENT: As prayed for, the session is adjourned.

It was 5:00 p.m.

[*] Appeared after the roll call.

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