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Tuesday, September 30, 1986

OPENING OF SESSION

At 10:05 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 Jose D. Calderon.

Everybody remained standing for the Prayer.

PRAYER

MR. CALDERON: Let us pray.

Almighty God, we have imposed on ourselves a deadline to complete our job, at the very latest by the fifteenth of October, two short weeks away. During the last four months, we have accomplished much, enough for us to believe that the unfinished portion of our task can be completed within the next two weeks.

Grant us, Almighty God, the strength and the sagacity to enable us to keep our word to ourselves and to our people, to the end that this fundamental law over which we have labored for a third of a year shall be ready to be offered to our people so that they may render judgment.

Be to us, O Lord, the guide to rectitude so that neither personal ambition nor partisan commitment nor ideological scruples shall sway us away from the path of service to our people.

Finally, Almighty God, infuse each of us with the grace of Your benediction and Your wisdom so that whatever else we each may be, we shall be one with our people who are the only reason for our being here at all.

Through Jesus Christ, we pray. Amen.

May I now take advantage of this opportunity to greet one of our colleagues, Commissioner Felicitas Aquino, on the occasion of her birthday today. (Applause)

(Everybody sang "Happy Birthday" to Commissioner Aquino.)

ROLL CALL

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

THE SECRETARY-GENERAL, reading:

Abubakar

Present [*] Natividad Present

Alonto Present [*] Nieva Present

Aquino Present Nollado Present [*]

Azcuna Present [*] Ople Present

Bacani Present Padilla Present

Bengzon Present Quesada Present [*]

Bennagen Present [*] Rama Present

Bernas Present Regalado Present

Rosario Braid Present Reyes de los Present [*]

Calderon Present Rigos Present

Castro de Present Rodrigo Present

Colayco Present Romulo Present

Concepcion Present Rosales Absent

Davide Present Sarmiento Present

Foz Present Suarez Present

Garcia Present Sumulong Present

Gascon Present [*] Tadeo Present [*]

Guingona Present Tan Present [*]

Jamir Present Tingson Present [*]

Laurel Absent Treñas Present

Lerum Present Uka Present

Maambong Present Villacorta Present [*]

Monsod

Present

The Constitutional Commission is in receipt of official advice of absence of Commissioner Villegas.

The President is present.

The roll call shows 31 Members responded to the call.

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

MR. CALDERON: Madam President.

THE PRESIDENT: The 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 the previous session.

THE PRESIDENT: Is there any objection? (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 a concerned citizen of Bauko, Bontoc, Mountain Province, suggesting, among others, that the Philippine flag be hoisted over the U.S. military and naval bases in the Philippines, and that the U.S. aid be called rentals of the bases.

(Communication No. 1025 — Constitutional Commission of 1986)

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

Letter from Ms. Amelia D. Ortega of Caloocan Industrial Subdivision, Gen. Luis St., Kaybiga, Caloocan, Metro Manila, expressing her views on "foreign ownership of industrial lands," saying that foreign investors should be treated as partners in business allowing them to own property on which to build their factories.

(Communication No. 1026 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Letter from Mr. Procopio M. Devera, President of the Small Landowners Association of Dingle, Iloilo, transmitting Resolution No. 86-1 of said association, seeking the repeal of Presidential Decree No. 27, known as Agrarian Reform Law, so that all lands covered by certificates of land transfer containing an area of more than seven hectares and not exceeding one hundred hectares be returned to the original owners.

(Communication No. 1027 — Constitutional Commission of 1986)

To the Committee on Social Justice.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

CONSIDERATION OF PROPOSED RESOLUTION NO. 531

(Article on General Provisions)

Continuation

PERIOD OF AMENDMENTS

MR. RAMA: I move that we resume consideration of the Article on General Provisions.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the honorable chairman and members of the Committee on General Provisions are requested to please occupy the front table so that we may continue consideration of the proposed Article on General Provisions.

By the way, our chairman is the Honorable Florangel Rosario Braid; the vice-chairman is the Honorable Teodoro Bacani; the members are Commissioners Rigos, Natividad, Uka, de Castro, Gascon, Nollado, Aquino and Foz.

MR. RAMA: Madam President, I ask that Commissioner de Castro be recognized. He was sponsoring the provisions having to do with the military at the adjournment of the session yesterday.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Madam President.

Early on Monday morning I distributed to the Commissioners the consolidated report on the Armed Forces of the Philippines, which, in our original report, refers to Sections 17, 18, 19, 20 and 21. I have so consolidated it into only two sections without first referring it to the committee, but after talking with the chairperson of our committee and several members thereof, they manifested that they are confirming my consolidation on the matter. And, therefore, the two sections that I have already distributed to the honorable Commissioners may be considered now as a committee report.

The first section, Madam President, refers to the concept of our armed forces composed of the Citizen armed force and a regular force, necessary for the security of the State. This concept is embodied in Commonwealth Act No. 1 known as the National Defense Act.

The second section, Section 18, refers to the particular duty of the armed forces, that of the protection of the country and the people, and yielding no loyalty to any person but to the State. And part of subparagraph B thereof refers to the employment of the Citizen Armed Force for internal security as may be provided by law. I can explain this if our Commissioners would like an extensive explanation on this matter.

These have been used already by the armed forces lately under the "Kamagong" concept where our trainees were called to active duty for about 16 months and used in the campaign against the NPAs, and they are very effective. They are effective because they are men like Commissioner Maambong, who is an officer in the reserved force, who is called to active duty to fight NPAs, and he knows how to fight them, and there is less violation of human rights when they are used. The problem comes in, Madam President, on their mustering out. They have found themselves out of jobs and, therefore, they had stuck to the armed forces — "Sabi nila, kahit na pakainin na lamang kami. Wala rin lang kaming hanapbuhay, dito na kami sa armed forces." So, the law must provide for the mustering out of these trainees and these reserved officers who will be called to active duty.

Then, the next subparagraph is the professionalization of the armed forces. This is indeed necessary, if we want a good armed forces not violating human rights and really pursuing their objective in the security of the State. It shall be insulated from the influence of partisan politics because politics destroys professionalism.

On the matter of retirement in the next subsection B, this is a cause of great demoralization in the armed forces, Madam President, particularly when abused, as in the past regime. Unless high-ranking officers are retired, there is no chance for the low-ranking officers to rise, and this is really a cause of great demoralization. I am glad that lately, this morning, I read in the newspapers that nine generals were retired by our President. That is fine, and we will find that the officer corps in the armed forces are very happy for that because they can look forward to nine slots — nine of them to becoming generals. The President, however, exercised her option under the existing laws by allowing two of them, General Mison, the Vice-Chief of Staff and General Canieso, the army commander, two extensions for one year. I hope that it will not be longer than that because other officers are still looking forward to becoming generals, too.

Then we have the tour of duty of the Chief of Staff which somebody told me should not be in the Constitution. But that is necessary, because the old regime, I recall, took some ten to fifteen years to relieve General Romeo Espino. Until the deposed President flew to Hawaii, he had a Chief of Staff in the person of General Ver. This is, indeed, demoralizing to the armed forces. And when an armed force fighting an insurgency is demoralized, we already know what will happen. With that, Madam President, we are ready for whatever interpellations or amendments there may be.

MR. RAMA: Madam President, I ask that Commissioner Treñas be recognized to amend Section 17.

THE PRESIDENT: Commissioner Treñas is recognized.

MR. TREÑAS: Madam President, thank you.

Commissioner de Castro, I am using this new formulation.

THE PRESIDENT: Commissioner de Castro will please read Section 17 first as proposed, because I do not think it has been read.

MR. DE CASTRO: Allow me to read, Madam President, Section 17: "THE ARMED FORCES OF THE PHILIPPINES SHALL BE A CITIZEN ARMED FORCE COMPOSED OF ABLED-BODIED CITIZENS WHO SHALL UNDERGO MILITARY TRAINING AS MAY BE PROVIDED BY LAW. IT SHALL KEEP A REGULAR FORCE NECESSARY FOR THE SECURITY OF THE STATE." The same formulation may be found in the 1973 Constitution, Madam President, to include Commonwealth Act No. 1, the National Defense Act.

THE PRESIDENT: Please proceed, Commissioner Treñas.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Before Commissioner Treñas proceeds, I just want to make of record that I already indicated to the committee my reservation on the formulation of Section 17.

Thank you, Madam President.

MR. TREÑAS: May I proceed?

THE PRESIDENT: Please proceed, Commissioner Treñas.

MR. SARMIENTO: Madam President, with due respect to Commissioner Treñas, may I be allowed to present an anterior amendment?

THE PRESIDENT: Anterior to what Commissioner Treñas will propose?

MR. SARMIENTO: Yes, Madam President, I intend to make this the flagship section of the article or the sections on the Armed Forces of the Philippines.

THE PRESIDENT: Please proceed.

MR. SARMIENTO: Madam President, my proposed amendment reads as follows: "THE STATE SHALL ESTABLISH AND MAINTAIN AN INDEPENDENT AND SELF-RELIANT ARMED FORCES OF THE PHILIPPINES." Allow me to briefly explain, Madam President. The Armed Forces of the Philippines is a vital component of Philippine society depending upon its training, orientation and support. It will either be the people's protector or a staunch supporter of a usurper or tyrant, local and foreign interest. The Armed Forces of the Philippines' past and recent experience shows it has never been independent and self-reliant. Facts, data and statistics will show that it has been substantially dependent upon a foreign power. In March 1968, Congressman Barbero, himself a member of the Armed Forces of the Philippines, revealed top secret documents showing what he described as U.S. dictation over the affairs of the Armed Forces of the Philippines. He showed that under existing arrangements, the United States unilaterally determines not only the types and quantity of arms and equipments that our armed forces would have, but also the time when these items are to be made available to us. It is clear, as he pointed out, that the composition, capability and schedule of development of the Armed Forces of the Philippines is under the effective control of the U.S. government.

In an article prepared by a professor of the University of the Philippines entitled, "Militarization Philippines," he has this to say:

During the height of activism in the early 70's, U.S. military advisers, through the AID's Office of Public Safety, later on known as the Internal Security Program, helped train paramilitary units and police forces, such as the METROCOM to quell urban strikes and demonstrations; advanced military training for 14,000 officers and men of the AFP and the U.S. were also provided by U.S. military schools during the pre-martial law years. Most of those trained in these advanced institutions were later to man important government post on the eve of the proclamation of martial law and during the authoritarian years.

And he further added:

The increased aid moved the Philippines overnight from No. 16 in the ranking of countries receiving U.S. military aid to No. 9. In terms of the military assistance program alone, the Philippines received the third biggest allocation among 17 recipient countries.

Then he said that in 1976, \$800,000 was spent to train 251 Filipino officers, the 7th largest contingent among 43 participating countries. The training emphasized counter insurgency-related education, especially green beret type of training, psychological warfare, civic action and police, criminal and intelligence investigations.

THE PRESIDENT: The Gentleman's three minutes is up.

MR. SARMIENTO: Yes. May I wind up, Madam President, by citing a study conducted by Gen. Hermilo N. Ahorro, former Deputy Director of the Philippine Constabulary-Integrated National Police. In a thesis he prepared entitled, "An Appraisal of our Existing Defense Policy," he stated clearly and categorically that the Philippines relies heavily upon U.S. military assistance. It was a paper he submitted to the National Defense College of the Philippines in 1972.

Thank you, Madam President.

MR. DE CASTRO: Madam President, may I say a few words on the matters mentioned by Honorable Sarmiento.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: If the Commissioner will take note of my speech on U.S. military bases on 12 September 1986, I spoke on the self-reliance policy of the armed forces. However, due to very limited resources, the only thing we could do is manufacture small arms ammunition. We cannot blame the armed forces. We have to blame the whole Republic of the Philippines for failure to provide the necessary funds to make the Philippine Armed Forces self-reliant. Indeed that is a beautiful dream. And I would like it that way. But as of this time, fighting an insurgency case, a rebellion in our country — insurgency — and with very limited funds and very limited number of men, it will be quite impossible for the Philippines to appropriate the necessary funds therefor. However, if we say that the U.S. government is furnishing us the military hardware, it is not control of our armed forces or of our government. It is in compliance with the Mutual Defense Treaty. It is under the military assistance program that it becomes the responsibility of the United States to furnish us the necessary hardware in connection with the military bases agreement. Please be informed that there are three (3) treaties connected with the military bases agreement; namely: the RP-US Military Bases Agreement, the Mutual Defense Treaty and the Military Assistance Program.

My dear Commissioner, when we enter into a treaty and we are furnished the military hardware pursuant to that treaty, it is not in control of our armed forces nor control of our government. True indeed, we have military officers trained in the U.S. armed forces school. This is part of our Military Assistance Program, but it does not mean that the minds of our military officers are for the U.S. government, no. I am one of those who took four courses in the United States schools, but I assure you, my mind is for the Filipino people. Also, while we are sending military officers to train or to study in U.S. military schools, we are also sending our officers to study in other military schools such as in Australia, England and in Paris. So, it does not mean that when we send military officers to United States schools or to other military schools, we will be under the control of that country. We also have foreign officers in our schools, we in the Command and General Staff College in Fort Bonifacio and in our National Defense College, also in Fort Bonifacio.

THE PRESIDENT: May we now have the Gentleman's reaction to the proposed amendment of Commissioner Sarmiento. Would the Gentleman accept his proposed amendment that there be a section before Section 17 to the effect that the State shall establish and maintain an independent and self-reliant Armed Forces of the Philippines? Is that acceptable to the committee?

MR. DE CASTRO: May I have a minute to confer with our members in the committee, Madam President.

THE PRESIDENT: Is that acceptable to the committee?

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: The committee decides not to accept the suggestion of Honorable Sarmiento.

THE PRESIDENT: It does not accept.

MR. SARMIENTO: May I know the reasons behind the nonacceptance of this proposed amendment, Madam President?

MR. DE CASTRO: First, we cannot have an independent armed forces. It is under the President as Commander-in-Chief. Self-reliance is a beautiful dream. It will take several years. Perhaps it will take many, many years before we can be self-reliant in our armed forces, more particularly in military hardware.

MR. RAMA: Madam President, I ask that Commissioner Garcia be recognized.

MR. GARCIA: Thank you.

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: Thank you, Madam President.

First of all, I would like to make a parliamentary inquiry. I think some kind of a selective deletion has been exercised regarding the sections touching on the Armed Forces of the Philippines. A good number of us, although we are not members of the Committee on General Provisions, in fact, were called in to help draft the parts of the section on the subsections on the Armed Forces.

MR. DE CASTRO: May I request the Honorable Garcia to speak a little slower because sometimes I cannot understand what he is saying. Please speak a little slower so we can have a good conversation.

MR. GARCIA: All right. I think some kind of selective deletion has been exercised with the subsections pertaining to the Armed Forces of the Philippines. A good number of us who are not members of the committee were requested to sit in to help draft some of the sections here, specifically, the original Section 17 which I think provides a very important vision of what the armed forces' nature, tasks and orientation should be. I understand that the sections on the armed forces are rather critical especially after we have gone through a long period of martial rule, authoritarian rule, where the armed forces played a very important role, a very critical role in maintaining authoritarian structures of society where civilian supremacy was definitely not respected. Therefore, I would like to request, if we could go back to the original draft because I feel that the proposal now being given to us is rather delimiting.

Specifically, I would like to point out five areas which I think are rather critical. The whole of Section 17 where the armed forces is defined as belonging to the people and where its tasks are also enumerated, specifically, to preserve the sovereignty and territorial integrity of the nation is missing in this revised edition. And, finally, what I think is very important is that the State shall strengthen the military's patriotic spirit and nationalist consciousness in the performance of their sacred duty to the nation and the people. That is an important idea that is missing. Secondly, on the original Section 19, subsection (a), the concept that is missing again here is the prior loyalty to the people, to remain loyal at all times and in all places to the people, to obey the laws of the country. A third area, if the Commissioner will notice, is Section 20, subsection (b) where we have the interest of the ordinary soldier at heart where their pay and allowances must be reviewed regularly so that they are able to live in dignity as men in uniform. And then, a fourth idea, the military as impartial guardian and protector of the Constitution, which is in the first sentence of the original Section 21. And, finally, Section 22 regarding a police force which shall be both national and civilian in character. I think the original draft, Madam President, is far more comprehensive and encompassing and, in fact, touches a very important problem in our society. Commissioner de Castro himself has insisted on the importance of peace and order, of maintaining the defense of the laws of the land, of the Constitution. And, therefore, I think we have to be very careful in drafting this part on the military, especially taking into account our recent past experience.

Thank you, Madam President.

MR. DE CASTRO: Madam President.

MR. SARMIENTO: Madam President.

THE PRESIDENT: What we have before us is Commissioner Sarmiento's proposed new section which we shall consider before the proposed Section 17 of General de Castro. So, may we have comments on this?

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: May I briefly respond to the comments made by Commissioner de Castro? Not that we want the Armed Forces of the Philippines to be independent of the President, which is beyond our contemplation. The thrust of this proposed amendment, Madam President, is that the Armed Forces of the Philippines should be independent of foreign intervention. And this fact is substantially documented. For instance, Madam President, the U.S. can exercise its veto power to prevent us from availing of equipment from other sources under pertinent agreements . . .

MR. DE CASTRO: May I have that? I did not get the sentence.

MR. SARMIENTO: The U.S. can exercise its veto power, to prevent us from availing of equipment from other sources under pertinent agreements mentioned by Commissioner de Castro. The Philippine military cannot purchase its requirements from sources outside the United States without the prior approval of the U.S. government.

So, Madam President, because of this dependence, of this dictation from the U.S. government, I think it is but wise that we should be independent of this intervention under existing military agreements. Now, under this section, we will reexamine existing agreements that we have with the U.S. government.

MR. RODRIGO: Madam President.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized first.

MR. RODRIGO: I just want to have two minutes to express my opposition to that proposed amendment.

1) Every country in the world practically has military alliances with other countries. There is the NATO alliance. Countries in Europe have alliances with each other and with the United States. There is the Warsaw Pact. In our part of the globe, there is that alliance treaty between Japan and the United States, South Korea and Australia, New Zealand and Singapore, et cetera. And, of course, there is that treaty between the Philippines and the United States and because of this treaty where we are provided with hardware for our army, we are able to maintain the lowest military budget in the ASEAN except for Brunei.

2) I just want to remind my colleagues that when we were discussing the Article on Education, where we said that "the State shall give free elementary and secondary education," I said "Let us not make that promise because where will we get the money?" And they said: "Well, let us reduce the appropriation for the armed forces and add this appropriation to education." And so, that provision was passed by this body, but now this will be a contradiction. How can we have a self-reliant independent armed forces unless we double, increase or treble the appropriation for the armed forces? In which case, where shall we get the added appropriation for education, especially the provision or the money for giving free elementary and secondary education?

Thank you very much.

THE PRESIDENT: Are there any other comments?

Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Madam President. May we clear up a few points with the proponent, Honorable Sarmiento?

MR. SARMIENTO: Gladly, Madam President.

MR. SUAREZ: Thank you.

When the Commissioner speaks of a self-reliant Armed Forces of the Philippines, I suppose he is thinking of building up our own army without the need of foreign intervention or assistance. Is my understanding correct?

MR. SARMIENTO: The Commissioner is correct.

MR. SUAREZ: And when the Commissioner speaks of an independent Armed Forces of the Philippines, I suppose he practically means the same thing — that it is independent of external assistance.

MR. SARMIENTO: May I clarify, Madam President. We are not advocating absolute and complete freedom from assistance. Still, we will entertain this assistance but we have to use our resources. We have to find out what are the ways and means by which we can maintain an independent Armed Forces of the Philippines free from external dictation or control.

MR. SUAREZ: I am thankful for that clarification because, like General de Castro, I am worried about the kind of military hardware that we are going to use in our armed forces because we may be building up a "paltik" army in a manner of speaking, and I think he does not like that to happen. I do not like that to happen, neither does General de Castro. But with the Commissioner's clarification, therefore, it does not preclude the self-independent or self-reliant and independent Armed Forces of the Philippines from acquiring military hardware from other countries.

MR. SARMIENTO: Yes, Madam President, the Gentleman is correct.

MR. SUAREZ: Not necessarily from the United States.

MR. SARMIENTO: Yes, Madam President. There was a time when the Philippines was trying its best to get weapons and armaments from West Germany, but because of U.S. dictation we were prevented from doing it. So we want to have the complete freedom to relate with other countries in terms of securing armaments and weapons for our troops.

MR. SUAREZ: Thank you.

And I suppose, as envisioned by the Commissioner, if we establish an independent military armed forces we do not need organizations like the JUSMAG, the Joint United States Military Assistance Group.

MR. SARMIENTO: Yes, Madam President. The Commissioner is correct, because JUSMAG dictates our armed forces, in terms of training, in terms of weapons to be procured from the United States.

MR. SUAREZ: Thank you.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Madam President. I would like only to put the records straight.

THE PRESIDENT: Three minutes only, Commissioner de Castro.

MR. DE CASTRO: Yes, Madam President. Let us begin the three minutes now.

JUSMAG does not — and I repeat, does not — interfere in the operation and management and policies of the Armed Forces. It is there where we coordinate under the Mutual Defense Treaty of what military hardware we need; and it is with agreement with them depending also on the money capability for that year and the needs of the Armed Forces that we discuss with them. They are not there to interfere with the Armed Forces, I assure you that. I have been J-3 and I had been planning my own way and nobody can dictate to me.

Another thing — we get military hardware from other nations. Our basic military hardware now is U.S.-made. The moment we get another hardware from another country, we will need another type of ammunition, another type of spare parts for the maintenance and repair of those equipment. That will be terrific. In fact, during World War II the Allies found it very, very difficult to sustain and maintain their equipment and their guns because England had its own, Spain had its own, Australia had its own, France had its own, and others. So that there were many times when the Armed Forces of France was stymied because their military hardware was out of order and the spare parts coming to it from the United States were not good — did not fit their spare parts.

So it will be very dangerous indeed if we go to many, many nations to acquire our military hardware.

Thank you, Madam President.

MR. MAAMBONG: Madam President.

MR. RAMA: Madam President, the body is ready to vote.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Madam President, I just want to comment on this proposed amendment. I feel that this could be subjected to misinterpretation, especially in the word "independent." When we interpret or apply provisions of the Constitution, we are supposed to interpret it in the context of the provisions in other portions of the Constitution.

Commissioner Sarmiento interpreted "independent" to mean independent from foreign domination or from foreign intervention. The Constitution is a municipal law; we cannot put in interpretations on words as against foreign nations because this is just a municipal law.

Secondly, when we say "independent," we might interpret it in the context of other constitutional bodies we have created which are independent, like the Constitutional Commissions, Commission on Human Rights, Ombudsman, and so on. As regards "self-reliant," again the interpretation here could be done in many ways, and I really fear that the approval of this provision could cause a lot of confusion.

Thank you, Madam President.

MR. RAMA: Madam President, I ask that Commissioner Monsod be recognized for two minutes.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I just wanted to clarify the situation because I would object to the wording of Commissioner Sarmiento when we talk about an independent and self-reliant military because somehow that suggests that it is not independent. And I think we owe it to our military to have positive messages to them rather than to have negative messages that we do not trust them.

And there are other sections in this Constitution anyway. Even the Preamble — and I suppose even the proposal of Commissioner de Castro — is very clear that the armed forces are the protector of the people and of the State and owe no personal loyalty to other persons.

Therefore, I would take exception to the proposal of Commissioner Sarmiento because I feel that it somehow suggests that we do not trust our military.

MR. RAMA: Madam President.

MR. OPLE: Madam President.

MR. RAMA: The body is ready to vote.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Thank you, Madam President.

I have my own amendment in the same section, but I would like to give way to the anterior amendment of Commissioner Sarmiento. But I thought I could avail of three-minute opportunity to make some comments concerning this very vital issue.

I appreciate the intention of the proponent of the amendment to describe the Armed Forces of the Philippines as independent and self-reliant. But in this context, in the light of remarks that have already been made, I think I can support the remarks of Commissioners Maambong and Monsod that the term "independent" can be susceptible to ambiguous interpretations.

The armed forces, in accordance with an earlier provision of the Constitution we have approved, is not independent of civilian authority. And if we are looking for an independent role for the armed forces, we have to begin with the political authority which is over and above the armed forces.

And I think we all agree that the AFP is merely an instrument of national policy which, of course, is the power and duty of the civilian government to determine. But more than that I think we cannot deny these social and political realities in which this discussion is taking place.

And there are many who will be ready to assign to the words "independent and self-reliant," a drastic change of orientation of the Armed Forces of the Philippines. For example, I support these ceasefire negotiations but we also know that the number one substantive demand of the National Democratic Front in this negotiation is the "reorientation and reorganization of the Armed Forces of the Philippines," and concretely this is also expressed in a demand for Ponce Enrile and General Ramos to step down in order to facilitate a reorientation and reorganization of the Armed Forces of the Philippines.

That is the kind of political context in which we are discussing Section 17. And that is the reason I have my reservations about the proposed amendment. It can be misconstrued as advocating a reorientation and a reorganization of the Armed Forces of the Philippines in terms of a demand that has been unduly published and which is not acceptable to the Armed Forces of the Philippines itself as well as to the legitimate political authority.

And it is for that reason alone that at least for the time being, I would be unable to support the amendment of Commissioner Sarmiento.

THE PRESIDENT: Are there any other speakers?

MR. RAMA: There are no more speakers, Madam President, and the issue has been sufficiently debated. So, I move that we take a vote on the Sarmiento amendment.

THE PRESIDENT: Commissioner Sarmiento will please read his proposed new section.

MR. SARMIENTO: Thank you, Madam President.

The proposed amendment reads: "THE STATE SHALL ESTABLISH AND MAINTAIN AN INDEPENDENT AND SELF-RELIANT ARMED FORCES OF THE PHILIPPINES."

VOTING

THE PRESIDENT: As many as are in favor of this proposed amendment of Commissioner Sarmiento, please raise their hand. (Few Members raised their hand.)

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

The results show 13 votes in favor and 23 against; the proposed amendment is lost.

MR. RAMA: Madam President, I ask that Commissioner Treñas be recognized.

THE PRESIDENT: We are now on Section 17?

MR. RAMA: Section 17 — proposed amendment to Section 17.

THE PRESIDENT: Proposed Section 17.

MR. DE CASTRO: Madam President, we still have Commissioner Garcia on his comments regarding Sections 17, 18, 19, 20, 21 and 22.

THE PRESIDENT: Has he formally submitted an amendment to Section 17?

MR. GARCIA: Madam President, I would like to reiterate my request that we look at the original draft before Commissioner de Castro submits his reformulation.

THE PRESIDENT: Yes, the committee report.

MR. GARCIA: But I would like to request that we take a look at the original Section 17 rather than the proposed one. Section 17, as reformulated, will already begin with who compose the armed forces. But we have not yet talked about what is the nature of the armed forces and what is its objective, and that is the purpose of the original Section 17.

MR. MAAMBONG: Madam President.

MR. TREÑAS: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: For purposes of a proper discussion, Madam President, the situation is: the original formulation stated in the committee report has been revised by Commissioner de Castro, and the revision has been accepted by the committee. I would urge the Members of the Commission now, if they disagree with the present formulation of Commissioner de Castro, to please present their amendments because if we go back to discussion of concepts, we will be bogged down all the more.

THE PRESIDENT: That is right.

MR. MAAMBONG: There are only two sections, Madam President, and I do not think the Members of the Commission will find it hard to indicate their amendments on the two sections. But I would rather oppose that. We should discuss concepts all over again, otherwise we will be bogged down.

THE PRESIDENT: Yes. Commissioner Maambong, may we have this clarified? Are these two proposed sections, now numbered Sections 17 and 18, this white paper that we have and have distributed to the Members, supposed to substitute Sections 17 to 21 of the committee report?

MR. DE CASTRO: Yes, Madam President, and the committee has accepted.

THE PRESIDENT: So then what we have discussed now, Commissioner Garcia, are the proposed Sections 17 and 18, being submitted now by the committee. Now, if the Gentleman has any amendment to Section 17, he is welcome to submit the same.

But let us hear Commissioner Treñas, first.

MR. TREÑAS: Madam President, my suggestion or my amendment is by substitution in the sense that we go back to the original provision of Section 17, as I believe it is worded properly and gives us the thrust and direction of the purposes of the armed forces. So, therefore, instead of the new Section 17, as formulated by the committee, my amendment is by substitution in going back to the old formulation.

THE PRESIDENT: The three paragraphs of Section 17 in the original committee report?

MR. TREÑAS: Yes, Madam President.

THE PRESIDENT: What does the committee say?

MR. DE CASTRO: We are sorry that the committee cannot accept the amendment of Commissioner Treñas.

THE PRESIDENT: It cannot accept. Are there any comments on the Treñas proposal?

Commissioner Bernas is recognized.

FR. BERNAS: Would Commissioner Treñas be agreeable to an amendment to his amendment in the sense that the original Section 17 will not be in substitution of the proposed Section 17, but a paragraph before Section 17?

MR. TREÑAS: If that is the suggestion, I agree, provided that the whole essence or wording of Section 17 is retained.

FR. BERNAS: Section 17 really is an amendment of the original Section 18.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended for a few minutes. If there are other suggestions, please confer with the committee.

It was 11:01 a.m.

RESUMPTION OF SESSION

At 11:23 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President, the committee is ready.

I ask that Commissioner de Castro be recognized.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Madam President, we regret that we were unable to meet on any ground. I would like to state that Section 17 is answering the question, "What is the Armed Forces?" Section 18 (a) begins now: What is the task of the Armed Forces? And so, with (b), with (c), et cetera. We would request that the body make any amendment on our proposed Sections 17 and 18. We regret that we cannot meet with Commissioner Garcia on his proposal to go back to the original formulation because we believe that they are already covered in Sections 17

and 18.

MR. TREÑAS: Madam President.

THE PRESIDENT: Commissioner Treñas is recognized.

MR. TREÑAS: Yes, I was the one who made that proposal and after the committee has explained to me the formulation and thrust of their new formulation, I have only one proposed amendment insofar as Section 17 is concerned which will read: "The Armed Forces of the Philippines shall be a citizen armed force." Omit "composed of able-bodied citizens." And then continue, because it is presumed that this armed force shall be composed of able-bodied citizens. May I inquire if the committee accepts.

THE PRESIDENT: So, the Gentleman's proposal is to delete that?

MR. TREÑAS: Yes, Madam President.

THE PRESIDENT: Is that all?

MR. TREÑAS: That is all insofar as Section 17 is concerned.

THE PRESIDENT: What does Commissioner de Castro say?

MR. DE CASTRO: Would he not like to change the word "who" to WHICH?

MR. TREÑAS: WHICH?

MR. DE CASTRO: "The Armed Forces of the Philippines shall be a citizen armed force WHICH shall undergo . . ."

MR. TREÑAS: It is all right. But will the Gentleman accept my proposal to delete the words "composed of able-bodied citizens?"

MR. DE CASTRO: We agree on the deletion of "composed of able-bodied citizens." After all, these reservists will undergo a rigid physical examination.

MR. TREÑAS: Yes. It is all right. I accept.

MR. DE CASTRO: We accept the deletion of "composed of able-bodied citizens."

MR. TREÑAS: Thank you, Madam President. Thank you, Commissioner de Castro.

MR. OPLE: I have an anterior amendment, Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Since it seems that a significant number of Commissioners really would like to introduce a philosophy in Section 17 so that it becomes what we now call a flagship section, and there must be some noble elements in the original Section 17 that should be recaptured for that purpose, may I propose, Madam President, for the consideration of the committee an anterior amendment that should precede the present section and, therefore, should be the first sentence of Section 17: "THE PURPOSE OF A MILITARY ESTABLISHMENT IS TO SECURE THE SOVEREIGNTY OF THE PEOPLE AND THE INTEGRITY OF THE NATIONAL TERRITORY AND TO SERVE THE GENERAL WELFARE." And then we proceed to "The Armed Forces of the Philippines shall be a citizen armed force composed of able-bodied citizens who shall undergo military training AND SERVE as may be provided by law. It shall keep a regular force necessary for the security of the State."

MR. DE CASTRO: Will the Commissioner not be satisfied with Section 18 (a) as the flagship? I was amenable to that a while ago. Will he not be satisfied with Section 18 (a)?

MR. OPLE: Section 18, of course, partly meets that, and I suppose if this is approved, I would move for the deletion of the second sentence in Section 18, because to defend and uphold the Constitution is self-sufficient in my opinion, Madam President. So may I repeat: "THE PURPOSE OF A MILITARY ESTABLISHMENT IS TO SECURE THE SOVEREIGNTY OF THE PEOPLE AND THE INTEGRITY OF THE NATIONAL TERRITORY AND TO SERVE THE GENERAL WELFARE . . ."

THE PRESIDENT: Is that the wording of Commissioner Ople's proposed amendment?

MR. OPLE: Yes, Madam President. It is so submitted for the committee's consideration.

MR. DE CASTRO: Madam President, may we have one or two minutes with Commissioner Ople?

MR. OPLE: May I support that proposal, Madam President.

MR. DE CASTRO: May we suspend for one or two minutes, Madam President.

THE PRESIDENT: Does the Gentleman have a copy of his proposed amendment?

MR. OPLE: I can have it copied quickly, Madam President.

MR. DE CASTRO: Even in the Gentleman's handwriting.

THE PRESIDENT: The Gentleman's handwritten copy will be enough, I believe.

MR. OPLE: Thank you. Are we then granted a one-minute recess by the honorable chairman?

MR. DE CASTRO: May we have a one-minute recess, Madam President.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 11:29 a.m.

RESUMPTION OF SESSION

At 11:44 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: May I ask that Commissioner de Castro be recognized for the new formulation.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Madam President.

After a thorough discussion and consultation, we came out with Section 17 which reads as follows:

"THE ARMED FORCES OF THE PHILIPPINES IS THE PROTECTOR OF THE PEOPLE AND THE STATE. ITS GOAL IS TO SECURE THE SOVEREIGNTY OF THE STATE AND THE INTEGRITY OF THE NATIONAL TERRITORY. IT SHALL BE COMPOSED OF A CITIZEN ARMED FORCE WHICH SHALL UNDERGO MILITARY TRAINING AND SERVE AS MAY BE PROVIDED BY LAW. IT SHALL KEEP A REGULAR FORCE NECESSARY FOR THE SECURITY OF THE STATE."

The proponents of Section 17, Madam President, include Commissioners Monsod, Ople, Maambong, Nollado, Villacorta, Aquino, Garcia and Bengzon.

MR. RAMA: May we ask for a vote on that proposal, Madam President?

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: May I ask for a clarification. Insofar as the citizens' arm is concerned, I am more particularly relating to the reserved force. The 1973 Constitution provides that it shall have a corps of trained officers and men in active duty status, as may be necessary, to train, service and keep it in reasonable preparedness at all times. This is the trained corps in the reserved force, not in the regular force.

MR. DE CASTRO: We are putting in here a flagship provision for the armed forces. When we speak of the citizen armed force, these are really the trainees, the ROTCs, who are being trained by a cadre of regular officers and enlisted men. In fact, I feel that that portion under the 1973 Constitution will not be necessary because it is practically stating in the Constitution what should be done in the training.

MR. DAVIDE: That is correct, Madam President. But as worded under this proposal, the training will only relate to the regular force.

MR. DE CASTRO: No, Madam President. The armed forces shall be composed of a citizen armed force which shall undergo military training and serve, as may be provided by law.

MR. DAVIDE: Yes. That is, in effect, the reserved force.

MR. DE CASTRO: That is, in effect, the citizen armed force.

MR. DAVIDE: Who will probably be incorporated into the regular force?

MR. DE CASTRO: Not incorporated as yet, because it shall keep a regular force necessary for the security of the State. That is the flagship.

We would request, Madam President, that we approve Section 17 first, and then whatever Commissioner Davide would like to insert later, may be placed somewhere in Section 18.

MR. DAVIDE: Yes. I would propose that we vote sentence per sentence.

MR. OPLE: Madam President, before we do so, may I just ask the committee one or two questions?

When we speak of a citizen army — and I think we should use "citizens' army" rather than "citizen armed force," which conveys to every future reader of this Constitution a much more familiar and perhaps richer and clearer meaning of what we plan to do in this Section 17. Do we have in mind a citizens' army, let us say of Switzerland? These facts, I would say, are well-known to Commissioner de Castro. Switzerland is the original model of a citizens' army. It has been copied by the Israeli army which, in turn, has been copied by the Singaporean army.

In the case of Switzerland, they are a nation of five and-a-half million people with a citizens' army of 650 thousand ready to mobilize on call in 48 hours. In other words, they are at their battle stations within 24 to 48 hours upon call. Only one-and-a-half percent of this army of 650 thousand constitutes the regular force, the so-called "professional force" of the Swiss army. We can imagine the economies that are realized through this. Only one-and-a-half percent of the citizens' army are in the professional permanent force and the rest are on training. They are in service and they are subject to call at any time. They have their rifles, their ammunitions and

their knapsacks right in their own homes.

This is the same as in Israel which copied deliberately the Swiss model and since then, under Prime Minister Lee Kuan Yew, the army of Singapore has followed that model — an expanded citizens' army ready at any time to respond to a call — and these people in the Swiss context are bankers, clerks, receptionists, dentists and doctors. One could hardly know that these people are members of one of the world's most outstanding citizens' armies. Everybody in Switzerland knows how to shoot and shoot well. And that is why in World War II, Mr. Hitler decided not to attack Switzerland because, as I said in an earlier debate, the Swiss preparedness through a citizens' army, has made the cause of entry so prohibitive that in that case it would have meant one million lives at least lost on the German side.

THE PRESIDENT: What is the question now of Commissioner Ople?

MR. OPLE: My question is: When we speak of the citizens' army and the regular force in Section 17, do we have in mind these successful models of citizens' armies in Switzerland, Israel and Singapore?

THE PRESIDENT: What does Commissioner de Castro say?

MR. DE CASTRO: Madam President, I would like to state the full concept of a citizens' armed force. Likewise, I would like to put in proper perspective a citizens' armed force not a citizens' army.

In 1935, we had only an army, and that army was the Philippine Constabulary. We had no air force. We established an air corps and a navy with only patrol boats. So we had no navy and we had no air force. However, in 1973, it intrigued me why we still use citizens' army. And when I asked Commissioner Azcuna that question, I found out that he was the one who placed in the 1973 Constitution "citizens' army." When I told him that at that time, we already had an air force and a navy.

MR. OPLE: The army is used here in a generic sense, Madam President.

MR. DE CASTRO: So, when we talk of a citizen armed force, we not only refer to its generic sense but its true and real meaning — the army, the navy and the air force.

MR. OPLE: We are not speaking of an armed service or one of the armed services but of a military establishment which is commonly known together as an army with the three armed services — air, sea and ground.

MR. DE CASTRO: Let us call it a citizen armed force, para naman tayo ay hindi mapintasan noong marunong bumasa ng ating Constitution, and one who knows what is the Armed Forces of the Philippines today. I am putting it in the proper perspective. Madam President, when we talk of national defense and national defense policy, we go back to the National Defense Act; and the policy and the concept in the National Defense Act is a citizens armed force composed of all the citizens of the Philippines, beginning from the age of ten up to the age of fourteen.

Therefore, I would request Commissioner Ople not to interject whatever he likes. I would request him to give me an opportunity to explain what the national defense policy is, otherwise, we will not be able to understand each other.

THE PRESIDENT: Will Commissioner Ople please let Commissioner de Castro finish first?

MR. OPLE: Yes, Madam President. I yield to the Gentleman from the armed forces.

MR. DE CASTRO: Thank you.

When we talk of the citizen armed force as a policy, it is the whole citizens of the Philippines, which is the armed

forces of the Philippines. We had only a regular force in 1935 because we placed the Philippine Constabulary as part of the army then, and we needed the Philippine Constabulary to maintain peace and order. In fact, the officers and men of the Philippine Constabulary became the nucleus of the Philippine Army. After the war, while our concept is a citizen armed force, we still continue to maintain a regular army because of the insurgency problem that we had immediately after the liberation and until now. And we were unable to make the necessary training for our citizen armed force, the reason being that we lack money for the purpose but it is not that we are forgetting about the policy. The truth is we have a small regular force in each of the universities called "the Commandant and his staff" to continue the ROTC training. We cannot, however, continue a training process for the 20-year olds for the reason that we lack funds for the purpose.

MR. OPLE: Just one final question before we vote, Madam President.

MR. DE CASTRO: May I be allowed to finish, Madam President?

THE PRESIDENT: The three minutes of Commissioner de Castro has expired, unless he would like to ask for an extension.

MR. DE CASTRO: May I have one minute more without disturbance, Madam President?

THE PRESIDENT: What is the final question?

MR. OPLE: Am I recognized?

MR. DE CASTRO: We will not give up the citizen armed force concept. We have a big regular force. Our reason at this time is that we are fighting an insurgency, a bigger insurgency, but because of lack of funds, we cannot continue with our citizen armed force. But the concept is there. We are a poor nation. We cannot maintain a large military force just for the defense of the State, so our concept is patterned after Switzerland, after Israel. But we do not give guns to the members of the reserved force because it is also dangerous under the circumstances here in our country. We put these in storage we call mobilization centers in many places in the Philippines.

I am now ready for interpellations, Madam President.

MR. OPLE: My final question, Madam President, is: In that case, just like in the Swiss army, there is no distinction between the army and the people under a citizen armed force because the people are their own citizen armed force?

MR. DE CASTRO: The people, the citizens — all citizen of the country — are members of the citizen armed force.

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

MR. RAMA: Madam President, the body is ready to vote.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: Before we vote, Madam President, I have two simple questions. The proposed amendment states that: "THE ARMED FORCES OF THE PHILIPPINES SHALL KEEP A REGULAR FORCE NECESSARY FOR THE SECURITY OF THE STATE." Am I correct, Madam President?

MR. DE CASTRO: Section 17?

MR. SARMIENTO: Yes.

MR. DE CASTRO: Is the Gentleman referring to the first, second or the third sentence?

MR. SARMIENTO: I think I am referring to the third sentence about the regular force necessary.

MR. DE CASTRO: Yes, the Gentleman would like the third sentence, Madam President.

MR. SARMIENTO: Yes. My question is this, Madam President: What body or entity shall determine the force necessary for the security of the State?

I asked this question because we have this article that appeared in the Manila Daily Bulletin this morning, an article written by Beth Day Romulo, and a portion of that article states, and I quote:

The army was expanded threefold during the martial law days under the guise of fighting the insurgency, while at the same time making little effort to curb it since it was being used as a political ploy, both to justify the extension of martial law and to support the demands for increased military aid to the Philippines. It was to President Marcos' interest for the insurgency to grow, or at least go unchecked.

So the determination of the force necessary for the security of the State was left entirely to the President. Under the proposed amendment, may I know from Commissioner de Castro what body or entity shall determine the force necessary for the security of the State?

MR. DE CASTRO: With due respect to Commissioner Romulo, I hope that the writer of that article knows what she is talking about.

When we talk of insurgency, our normal ratio there is: 1:15 or better yet 1:20. The NPA is now about 20,000. According to the armed forces estimate, the NPAs are about 16,000 although it is increasing up to about 20,000. If our ratio is 1:20, we will need 400,000 regular force to fight our insurgency problem. Today, we have 350,000 and 150,000 of which are the Constabulary and the Police, which maintain the peace and order and which will be the subject under Section 22 of our proposal. So we have only 200,000 regular force fighting an insurgency of 20,000, when actually they will need 400,000. That is why I have in our proposition under Section 18 (b), the use of the citizen armed force for the internal security of the State, the reason being that it is much cheaper to maintain a citizen armed force and they are much better trained since they know more about human rights, particularly if we call Commissioner Maambong who is Maj. Maambong or Lt. Maambong in the active service. Then, perhaps, we can better protect human rights in fighting the insurgency.

Therefore, my answer is, we can still go to the regular force of about 400,000 if we have the money.

MR. SARMIENTO: Commissioner de Castro has answered my question but may I go to another point, Madam President?

THE PRESIDENT: Commissioner Sarmiento may proceed.

MR. SARMIENTO: The first sentence speaks of citizen armed force. In his answer to the query made by Commissioner Ople, he said that this will include the reserved force but to be integrated in the army. Am I correct, Madam President?

MR. DE CASTRO: What does the Gentleman mean by integrated in the army?

MR. SARMIENTO: They shall be within the concept of the army. Because Commissioner de Castro said that the citizen armed force shall be limited to the three main components of the AFP — air force, navy and army — but he spoke of a reserved force consisting of ROTC, WATC, etc., the civilians who shall be integrated in that component known as the army. Am I correct, Madam President?

MR. DE CASTRO: Not exactly; here is how it works: There is a small regular force which is the "cadre" that will train the incoming 20-year old trainees. Upon finishing their training, maybe for about six months, these reservists

are reverted to inactive duty and put in the reserved. They will have their own organization and they will have their own officers and when the war comes, they will just be called to duty in their unit — let us say, the 1st division, the 2nd division or the 3rd division to whichever they belong. They are not integrated into the regular force.

MR. SARMIENTO: Madam President, may I go straight to the point. May I know if this component or this group known as the reservists will also be used for international security purposes which include the counter-insurgency drive?

MR. DE CASTRO: Yes, that is the proposition under Section 18 (b), the employment of the citizen armed force for the internal security of the State. We need this now. We have no money to continuously increase our regular force.

MR. SARMIENTO: Does not the Gentleman think that that would be quite dangerous because we will be using our people against the members of the same family who could possibly be insurgents or, let us say, a father, who is a member of the reserved force, fighting against a son or a brother or an uncle or a nephew. Those are just my reservations, Madam President.

MR. DE CASTRO: Fighting, especially in war, is always dangerous.

THE PRESIDENT: Can we go back now to vote on Section 17? Will Commissioner de Castro, please read the section.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: May I request that we vote separately for every sentence?

THE PRESIDENT: Is there any objection to that suggestion?

MR. DE CASTRO: Madam President, let us vote first on the first two sentences because they are related to each other.

THE PRESIDENT: Will Commissioner de Castro, please read the first two sentences.

MR. DE CASTRO: The first two sentences, Madam President, read as follows: "THE ARMED FORCES OF THE PHILIPPINES IS THE PROTECTOR OF THE PEOPLE AND THE STATE. ITS GOAL IS TO SECURE THE SOVEREIGNTY OF THE STATE AND THE INTEGRITY OF THE NATIONAL TERRITORY."

VOTING

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

As many as are against, please raise their hand. (No Member raised his hand.)

The results show 31 votes in favor and none against; the first two sentences of Section 17 are approved.

We will proceed to the third sentence.

MR. DE CASTRO: Thank you, Madam President.

The third sentence reads: "IT SHALL BE COMPOSED OF A CITIZEN ARMED FORCE WHICH SHALL UNDERGO MILITARY TRAINING AND SERVE, AS MAY BE PROVIDED BY LAW."

VOTING

THE PRESIDENT: As many as are in favor, 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. (Few Members raised their hand.)

MR. SARMIENTO: I abstain, Madam President.

THE PRESIDENT: The results show 24 votes in favor, 3 against and 5 abstentions; the third sentence is approved.

MR. DE CASTRO: The last sentence, which is the fourth sentence, Madam President, reads: "IT SHALL KEEP A REGULAR FORCE NECESSARY FOR THE SECURITY OF THE STATE."

VOTING

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

As many as are against, please raise their hand. (No Member raised his hand.)

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

The results show 32 votes in favor, none against and 3 abstentions; the last sentence is approved.

We will now proceed to vote on the entire Section 17.

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

As many as are against, please raise their hand. (No Member raised his hand.)

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

The results show 34 votes in favor, none against and 2 abstentions; Section 17, as amended, is approved.

MR. DE CASTRO: Madam President, may we go now to Section 18 (a).

THE PRESIDENT: Will the Gentleman please read Section 18 (a)?

MR. DE CASTRO: "SECTION 18 (a). ALL OFFICERS AND MEN OF THE ARMED FORCES SHALL TAKE A SOLEMN OATH TO DEFEND AND UPHOLD THE CONSTITUTION. THEY SHALL YIELD NO LOYALTY TO ANY PERSON BUT TO THE STATE."

THE PRESIDENT: We shall now proceed to a vote.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I have some proposals, Madam President.

Did I get it correctly as: "ALL OFFICERS AND MEN OF THE ARMED FORCES"?

MR. DE CASTRO: "All officers and men of the armed forces."

MR. DAVIDE: I move for the substitution of "officers and men" to "MEMBERS" only — "ALL MEMBERS . . ."

THE PRESIDENT: So that the women can be included.

MR. DE CASTRO: The committee accepts, Madam President, so it will read: "All MEMBERS of the armed

forces."

MR. DAVIDE: And instead of "the Constitution," it should be "THIS Constitution."

MR. DE CASTRO: To uphold "THIS" Constitution?

MR. DAVIDE: Yes, Madam President, "THIS" Constitution.

MR. DE CASTRO: We accept, Madam President.

So, it reads now: "All MEMBERS of the armed forces shall take a solemn oath to defend and uphold THIS Constitution. They shall yield no loyalty to any person but to the State."

MR. RAMA: Madam President.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Rama is recognized.

MR. RAMA: May I amend the word "yield" — instead of the word "yield," "RENDER" is a better word — "RENDER no loyalty to any person."

MR. DE CASTRO: I expected that. Thank you. We accept it.

THE PRESIDENT: What does the committee say?

MR. DE CASTRO: We accept it, Madam President.

MR. MONSOD: Madam President, anterior amendment.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Will the committee yield to just one question in connection with the second sentence?

MR. DE CASTRO: It shall "RENDER."

MR. OPLE: "RENDER no loyalty to any person but to the State."

Of course, this is understood, especially after one has taken a solemn oath to defend and uphold the Constitution. But will this not be susceptible to being misconstrued as a denial of loyalty to the Commander-in-Chief, the President of the Philippines, who symbolizes the State and who takes his or her own oath to the Constitution, to faithfully execute the law?

MR. DE CASTRO: The President, as Commander-in-Chief, represents the State. Therefore, the loyalty goes to the State.

MR. OPLE: Yes, I was speaking, Madam President, of the way this might be interpreted both by members of the armed forces and by the general public. So, I would like in this respect, to yield to the Floor Leader who will propose an amendment, more to my liking, if that is allowed.

Thank you, Madam President.

MR. RAMA: Madam President, the other amendment is that he should render loyalty to any person but to "THEM." That means to the country and people. In our experience in the past administration, the President or the dictator oftentimes confused himself with the State; and such is the case in other countries. Therefore, we must be

specific that the loyalty to be rendered by the armed forces must be to the country and people so there will be no confusion.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I would like to propose the deletion of the second sentence where we talk about "yield or render no loyalty to any person but the State," because the first sentence of Section 17 already talks about the armed forces being the protector of the people and of the State. And the first part of Section 18 talks about an oath to defend and uphold this Constitution. I think reading these two ideas together, this phrase "rendering loyalty to no person but to the State," is a very negative statement but merely a reflection of disappointments on what happened during the time of Mr. Marcos. I think we should have positive statements and it is already contained in those two sentences that I quoted, Madam President. I think this is unnecessary.

THE PRESIDENT: So, Commissioner Monsod is proposing the deletion of the second sentence.

MR. MONSOD: Yes, Madam President.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Is that accepted by the committee?

MR. DE CASTRO: Madam President, I was expecting the deletion of this sentence from the body, but this is a recommendation of the armed forces because of their experience with President Marcos.

May we ask for a suspension of the session.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 12:16 p.m.

RESUMPTION OF SESSION

At 12:16 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. DE CASTRO: We accept the deletion of the second sentence, Madam President. Therefore, Section 18 (a), as amended, will only read: "All MEMBERS of the armed forces shall take a solemn oath to defend and uphold THIS Constitution." This amendment is by Commissioners Davide and Monsod.

MR. PADILLA: Madam President.

THE PRESIDENT: Are we ready to vote?

Commissioner Padilla is recognized.

MR. PADILLA: May I suggest that we delete "solemn" so that it will read: "All MEMBERS of the Armed Forces shall take an oath to uphold and defend THIS Constitution." I do not think the word "solemn" is necessary.

MR. DE CASTRO: We put "uphold," that is, "take an oath to uphold and defend."

THE PRESIDENT: What does the committee say?

MR. DE CASTRO: We accept, Madam President.

THE PRESIDENT: The committee has accepted the amendment.

Yes, Commissioner Davide is recognized.

MR. DAVIDE: May I suggest for the inclusion of the words: "OR AFFIRMATION." Even in our oath of office if the one subscribing to it does not believe in God, it only states affirmation. Even in the Article on the Executive, it is either an oath or an affirmation.

MR. DE CASTRO: We accept it, Madam President. Unless there is no more amendment, Section 18 (a), as amended, now reads: "ALL MEMBERS OF THE ARMED FORCES SHALL TAKE AN OATH OR AFFIRMATION TO UPHOLD AND DEFEND THIS CONSTITUTION."

VOTING

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

As many as are against, please raise their hand. (No Member raised his hand.)

The results show 37 votes in favor and none against; Section 18(a), as amended, is approved.

MR. BENGZON: Madam President.

THE PRESIDENT: The deletion of the second sentence was accepted by the committee. Just for the record, perhaps we could take a vote or maybe the Chair could ask if anybody has any objection to that deletion.

MR. DE CASTRO: That is right, Madam President. We accepted the deletion, but there was no affirmation from the body, Madam President.

THE PRESIDENT: Is there any objection to the deletion of the second sentence as embodied in the formulation of subsection (a) of Section 18? (Silence) The Chair hears none; the deletion is approved.

MR. DE CASTRO: Madam President, we now go to Section 18(b).

MR. REGALADO: Madam President.

MR. RAMA: Madam President, may I ask that Commissioner Regalado be recognized?

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: On paragraph (b), Madam President, may I propose an amendment by deletion of the word "internal." This is because under the present state of things, it is very hard to distinguish between internal and external security. We just call it security of the State and it will be as provided by law.

MS. AQUINO: Madam President, anterior amendment.

MR. DAVIDE: Madam President.

MR. RAMA: There is an anterior amendment by Commissioner Aquino. I ask that Commissioner Aquino be recognized.

THE PRESIDENT: There is an anterior amendment. Commissioner Davide is recognized.

MR. DAVIDE: The anterior amendment is to delete entirely paragraph (b), not just a portion of it.

THE PRESIDENT: To delete the whole paragraph?

MR. DAVIDE: Yes, Madam President. The whole paragraph (b), for the reason that that is already included in the flagship provision. That is the role of the military, among others.

MR. DE CASTRO: We do not accept the deletion, Madam President, the reason being that it is really the intendment, as I said before, to use our armed force — the reservists people — in the campaign against insurgency. It is indeed very costly to maintain a regular force which the country cannot afford. Considering the number of the insurgents, which is now about 20,000, we shall need approximately 400,000 regular army to fight them and subdue them. That is a very conservative strength, according to Commissioner Natividad, we have only at present 200,000, if we separate the Constabulary and the Police. Therefore, we will be unable, Madam President, to lick this insurgency problem. We will have it and very soon, they may be marching in Manila, Madam President.

MR. DAVIDE: Madam President.

THE PRESIDENT: Is Commissioner Davide satisfied?

MR. DAVIDE: I am not satisfied with the explanation because that is precisely the explanation given to Section 17, especially the second portion, which says "a citizen armed force which shall undergo military training and serve, as may be provided by law." It is already there. As a matter of fact, the question of insurgency was the very reason to support that particular provision — the flagship provision. And so this is really unnecessary because at anytime a law may be provided to require them to serve.

MR. RAMA: The body is ready to vote.

THE PRESIDENT: Are there any other comments on this subsection (b)?

SR. TAN: Madam President.

THE PRESIDENT: Commissioner Tan is recognized.

SR. TAN: Madam President, I would like to oppose very strongly Section 18(b). Very strongly, because first, who is to determine who really is the insurgency? Sometimes the army is the insurgent. Secondly, why are we now giving very vast powers to the army to eradicate the Filipinos? On what grounds?

MR. SARMIENTO: Madam President.

MR. RAMA: The situation calls for a vote.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: Madam President, may I just support the motion to delete. First, we will be using our own people — the reserved officers and men, all civilians — against their sons or brothers or relatives. Secondly, we will be sending wrong signals to Congress and the executive that the answer to insurgency is the military. This is a political, social and economic problem, and a military solution is not the only answer.

THE PRESIDENT: So Commissioner Sarmiento also supports the deletion?

MR. SARMIENTO: Yes, Madam President.

MR. DE CASTRO: Madam President, may I say a few words?

THE PRESIDENT: I believe we have already explained this lengthily. However, Commissioner de Castro is given only a minute to explain.

MR. DE CASTRO: Thank you, Madam President.

I hate to contradict Commissioner Tan but definitely when we talk of insurgency, Filipinos are fighting against Filipinos. But we are fighting ideology against ideology and we badly need, Madam President, at this time to use every resource of our country to fight insurgency. I hope that President Aquino will be successful in her campaign for peace. By that we can reduce the armed forces to, let us say, about 20,000 to continuously train our citizen armed force. But so long as they will not go for peace, we will be constrained to fight them because we are for democracy. We are not for communism, Madam President.

Madam President, on the matter of the statement of Commissioner Davide that they are already included in military training in reserve, we want to make it emphatic, Madam President, that the armed forces can use the citizen armed force for the internal security of our country and this is already tested under the Kamagong concept. We want to make it as clear and simple that this is the thing needed now by our country to suppress insurgency.

So we object to the deletion of the statement, Madam President.

MR. RAMA: The body is ready to vote.

VOTING

THE PRESIDENT: Let us now vote on the motion of Commissioner Davide to delete paragraph (b) of Section 18.

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

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

MR. DE CASTRO: We want . . . (deleted by order of the Chair) . . . (Laughter)

THE PRESIDENT: As many as are abstaining, please raise their hand. (Few Members raised their hand.)

MR. DE CASTRO: . . . (deleted by order of the Chair) . . .

THE PRESIDENT: The results show 25 votes in favor, 3 against and 2 abstentions; the deletion is approved.

MR. OPLE: May I suggest that Commissioner de Castro withdraw his statement from the record for the sake of goodwill in this Commission.

THE PRESIDENT: The statement of Commissioner de Castro is ordered stricken from the record.

MS. AQUINO: Madam President.

MR. DE CASTRO: I withdraw, Madam President, but communism is there.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: With the deletion of subparagraph (b), I am intending to propose an anterior amendment for the insertion of lines 25 to 27 of our original working draft as subparagraph (b) of Section 18. I have previously conferred with the committee and Commissioner de Castro was agreeable to this amendment.

MR. DE CASTRO: Will the Commissioner please read her amendment again?

MS. AQUINO: I propose a new subsection (b) which would read as follows: "THE STATE SHALL STRENGTHEN THE MILITARY'S PATRIOTIC SPIRIT AND NATIONALIST CONSCIOUSNESS IN THE PERFORMANCE OF THEIR SACRED DUTY TO THE NATION AND THE PEOPLE."

MR. DE CASTRO: How about the second sentence?

MS. AQUINO: Since we have deleted subparagraph (b), therefore, this will be the substitute provision.

THE PRESIDENT: So this will be a new subparagraph (b) and the wordings were taken from lines 25 to 27 of the original committee report.

MS. AQUINO: Yes, Madam President, of the original working draft.

MR. MONSOD: Madam President.

THE PRESIDENT: Is there a period after "nation"?

MS. AQUINO: After the words "and the people," Madam President.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Will the honorable Commissioner yield to an amendment?

MS. AQUINO: I would like to hear the amendment, Madam President.

MR. DE CASTRO: Are these in Section 18(b)?

MR. BENGZON: Yes.

MR. MONSOD: I would just like to propose that we delete the word "sacred" and put a period (.) after "duty" because "duty to the nation and people" is already stated in the previous paragraphs. So that it will just say: "THE STATE SHALL STRENGTHEN THE MILITARY'S PATRIOTIC SPIRIT AND NATIONALIST CONSCIOUSNESS IN THE PERFORMANCE OF THEIR DUTY."

MS. AQUINO: I accept, Madam President.

THE PRESIDENT: What does the committee say?

MR. DE CASTRO: We do not accept, Madam President.

MS. AQUINO: May I be allowed to defend my proposal.

THE PRESIDENT: Commissioner Aquino may proceed.

MS. AQUINO: Initially, Commissioner de Castro and I have conferred on this and he reacted favorably. It will be a costly and tedious process to instill historical knowledge in the minds of the officers and men of the army. In fact, it would be an alpine climb to make them appreciate the humanizing influence of history and culture, without meaning to offend their sensibilities.

If this is not at all possible, if by some unfortunate stroke of luck this is not at all realizable, then maybe the easiest and most convenient thing for us to do is to insure that the military does not meddle in such affairs as formulating the theories of international policy or in determining what are the books that are to be prescribed for the schools. If there is any group of men in the country today that needs to be soaked in culture and in the humanizing influence of arts and letters, it is the military. Why? It lessens the possibilities of abuse of discretions and powers. Secondly, it makes them more sensitive to the need to respect the rights of other people. And finally, with a humanist education and culture that is imbibed by the military, we can hope that the military, imbued with a sense of democracy, would think like men of action and act like men of thought.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: In two constitutions, specifically Austria's and the Dominican Republic's, they mention the need to transcend the scope of the military defense of the country, and which really expresses the spirit of this provision, that they go beyond the usual functions to help in the socioeconomic development of the country and protect the freedom which necessarily underscores the need to be patriotic and nationalist.

So the committee is divided on this matter. We would hope that our subcommittee chairman throw this particular issue to the body.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: When Commissioner Aquino approached me on this, I said, "You put it, and we will see what it is." In fact, there were so many on this table about Section 17 that it was quite difficult at that time for me to look into Section 18(c).

Section 18(c) speaks of professionalism. When we say professionalism — and I elaborated on that already — it means the patriotic spirit, the nationalistic spirit and the consciousness of our soldiers in the performance of their duty. As I said before, it takes four years in the Philippine Military Academy to inject in the minds of the cadets duty, honor, country, courage, integrity and loyalty. What more can we expect from those who for four years have been injected and have accepted in their minds those paragons of virtues?

Then we go to the enlisted men; they go through a six-month recruit training and in them is injected nationalism, patriotism and sacred duty. With these, I believe it is already covered under Section 18(c) — professionalism.

I throw this to the body, Madam President.

MS. AQUINO: Madam President.

MR. OPLE: Before we vote, Madam President, may I ask Commissioner Aquino whether she can entertain a minor amendment.

MS. AQUINO: Yes, I would like to hear the amendment.

MR. OPLE: The amendment reads as follows: "THE STATE SHALL STRENGTHEN THE MILITARY'S PATRIOTIC SPIRIT AND NATIONALIST CONSCIOUSNESS, INCLUDING RESPECT FOR THE PEOPLE'S RIGHTS IN THE PERFORMANCE OF THEIR DUTY."

MS. AQUINO: I accept, Madam President.

MR. OPLE: Thank you, Madam President.

MS. AQUINO: Madam President, may I be allowed just a brief rejoinder to the comments of Commissioner de Castro.

THE PRESIDENT: Commissioner Aquino is given three minutes.

MS. AQUINO: When he said that the ideas and concepts in the proposed amendment are already included in Section 18(c), I beg to differ with his perception, because professionalism in the context of military parlance would refer to the work ethics of the military which are, among others, training, recruitment, advancement and promotion.

In this proposed amendment, we are talking of a nation-focused army. And by a nation-focused army, we speak of one that is sensitive to the needs and sensibilities of the people; it is essentially people oriented, not just fixated on

the work ethics of militarism as an ideology.

MR. DE CASTRO: Does the honorable Commissioner Aquino know better than I with 30 years as a professional soldier? I have been trained as a professional soldier to respect the rights of people and to protect them. That is my sacred duty — be nationalistic, be pro-Filipino. Other people say that they are pro-Filipino and they make us all look like anti-Filipino.

Madam President, professionalism is "order" in one word. So I maintain that this amendment be included in Section 18(c).

MR. MONSOD: May we vote now, Madam President?

MS. AQUINO: I may be wanting in experience but that does not make me any less competent than Commissioner de Castro.

MR. DE CASTRO: I did not say Commissioner Aquino is incompetent.

THE PRESIDENT: Shall we proceed now to vote on the Aquino amendment? Will Commissioner Aquino please read the proposed new paragraph (b) of Section 18.

MS. AQUINO: Madam President, this is jointly sponsored by Commissioners Ople, Monsod, Villacorta and Rosario Braid.

The paragraph would now read: "THE STATE SHALL STRENGTHEN THE, MILITARY'S PATRIOTIC SPIRIT AND NATIONALIST CONSCIOUSNESS INCLUDING RESPECT FOR PEOPLE'S RIGHTS IN THE PERFORMANCE OF THEIR DUTY."

VOTING

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

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

MR. MONSOD: Madam President.

MR. DE CASTRO: I vote against, Madam President.

THE PRESIDENT: The results show 27 votes in favor and 1 against; the amendment is approved.

MR. MONSOD: Madam President.

THE PRESIDENT: We will now go to Section 18(c).

Commissioner Monsod is recognized.

MR. MONSOD: Before the vote, I wanted to ask for recognition but the vote was taken. I just wanted to suggest that we may not actually need that phrase "including respect for people's rights" because the first sentence says that "the armed forces is the protector of the people." One cannot protect the people, if he does not respect their rights. So, it is a redundant phrase.

MR. OPLE: Madam President, when we speak of people's rights in the context of patriotic spirit and nationalist consciousness, I do not think that we are being redundant in the light of the statement that the armed forces shall be the protector of the people and of the State in the flagship section. We are actually elaborating this philosophy of the flagship section in terms of the more detailed sections subsequent to Section 17.

At any rate, I think that this pair of redundancy is somewhat misplaced, Madam President.

THE PRESIDENT: It has been voted upon.

We will proceed to subparagraph (c). Will Commissioner de Castro please read the subparagraph.

MR. DE CASTRO: Subparagraph (c): "PROFESSIONALISM IN THE MILITARY SHALL BE THE PRIME CONCERN OF THE STATE. IT SHALL BE INSULATED FROM THE INFLUENCE OF PARTISAN POLITICS AND NO MEMBER OF THE MILITARY SHALL ENGAGE DIRECTLY OR INDIRECTLY IN ANY POLITICAL ACTIVITY, EXCEPT TO REGISTER AND VOTE."

THE PRESIDENT: Is there any objection?

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Madam President, I would like to propose an amendment, if the honorable chairman and members of the committee would accept. I propose the following: "PROFESSIONALISM IN THE MILITARY, WHICH WOULD INCLUDE ADHERENCE TO THE RULES ON SENIORITY AND MERIT."

May I please be allowed to explain?

THE PRESIDENT: Commissioner Guingona has three minutes.

MR. GUINGONA: Madam President, a provision mandating adherence to seniority and merit is, in my opinion, the anchor insofar as the professionalization of the armed forces is concerned. Without such adherence we cannot expect to build the morale of the members of our armed forces, and we would invite the encroachment of undesirable partisan decisions.

The section on the Civil Service Commission contains a similar provision regarding appointments which should be made only according to merit and fitness. But as has been clearly pointed out during the deliberations of the section on the Civil Service Commission, the military is not, strictly speaking, included in the classification of civil servants or civil service.

Clearly, therefore, there is need for a separate provision on seniority and merit in this particular section.

MR. DE CASTRO: Will the Gentleman please repeat his amendment?

MR. GUINGONA: Yes, Madam President. It would read: "PROFESSIONALISM IN THE MILITARY, WHICH WOULD INCLUDE ADHERENCE TO THE RULES ON SENIORITY AND MERIT, SHALL BE THE PRIME CONCERN OF THE STATE."

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: We do not accept it because when we talk of the rule of seniority and merit, that is the existing policy on promotion by the armed forces today. And when we said that it is in the Civil Service, it is because, in the appointment of officers in the armed forces, they are appointed on the basis of the training that they have already undergone.

For example, four years in the Philippine Military Academy make them already officers in the regular force. Four years in the ROTC, after completing successively the required training, make them officers in the reserved force.

So when we speak of seniority and merit in the professionalism, it does not sound well because seniority and merit is in the promotion of officers, Madam President.

MR. GUINGONA: Would the committee consider "with emphasis on the rules on seniority and merit"? In other words, we are stating this for purposes of emphasis.

MR. DE CASTRO: I do not think it fits in what we call professionalism in the military.

MR. GUINGONA: As long as the manifestation of the subcommittee chairman is that this professionalism already includes the concept of seniority and merit, I withdraw my amendment.

MR. MONSOD: Madam President.

MR. DE CASTRO: It is in the policy of the armed forces.

MR. RAMA: Madam President, I ask that Commissioner Villacorta be recognized.

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: Madam President, would the committee consider this amendment, coauthored by Commissioners Bacani, Bengzon, Romulo, Rama, Abubakar, Guingona, and this Representation: "PROFESSIONALISM IN THE MILITARY SHALL BE A PRIME CONCERN OF THE STATE WITH DUE REGARD TO ADEQUATE COMPENSATION ESPECIALLY AT THE LOWER LEVELS."

Madam President, the reason for this proposal is to enhance the morale, commitment and professionalism of the lower rank military men. Much of the military abuses experienced, particularly in the countryside, are due to the very low salary and allowances given the enlisted men. They usually have to buy their own medicines and a few are driven to stealing chickens and other food items because they and their families cannot survive on their meager income.

This provision will also ensure that allocations for the military trickle down to the lower levels so that their quality of life in the course of serving the people is improved.

MR. DE CASTRO: Madam President.

THE PRESIDENT: What does the committee say?

MR. DE CASTRO: It is with deep gratitude that Commissioner Villacorta adds this amendment because certainly, the members of the armed forces are poorly paid; they are always slighted and yet they offer their lives everyday for the service of their country. But I request the Commissioner to accept my amendment to delete "SPECIALLY AT THE LOWER LEVELS" and to put a period (.) after "COMPENSATION." The reason is that if we put "SPECIALLY," it appears that we are having a class legislation — that the corporal is excluded and only the private is included. So we are putting a class legislation in that manner.

MR. VILLACORTA: Madam President, after getting signals from the cosponsors, as long as there is the intendment that we are really looking after the interest of the lower levels, then we accept the Commissioner's amendment to the amendment.

MR. OPLE: Madam President, will Commissioner Villacorta yield to an amendment to his amendment?

MR. VILLACORTA: Gladly, to the Commissioner.

MR. OPLE: Can we say "ADEQUATE REMUNERATION AND BENEFITS" and a period (.) which will be wider in scope than merely saying "COMPENSATION"?

MR. VILLACORTA: It is accepted, Madam President.

MR. OPLE: So it will be "ADEQUATE REMUNERATION AND BENEFITS."

MR. DE CASTRO: "ADEQUATE REMUNERATION AND CARE"?

MR. OPLE: This will include retirement benefits.

MR. DE CASTRO: Madam President, allow me to explain these benefits if the Commissioner speaks of retirement.

The retirement benefits of the members of our armed forces today are 75 percent of their actual pay at the moment of retirement. And this is assured because of the Retirement, Separation and Benefit System which we have in the armed forces today by deducting 5 percent of their monthly pay and putting it under the Retirement, Separation and Benefit System. So "REMUNERATION AND BENEFITS" should not include retirement.

MR. OPLE: Unless Commissioner de Castro feels that in the future it may be possible to adjust the retirement benefits upward when the means allow it.

MR. DE CASTRO: Thank you.

We accept that, Madam President; that is for the benefit of our men.

MR. OPLE: I thank the Commissioner.

MR. RAMA: Madam President, the body is ready to vote.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Can we have the full text of the proposal?

MR. DE CASTRO: As read, Madam President, and I quote: "PROFESSIONALISM IN THE MILITARY SHALL BE THE PRIME CONCERN OF THE STATE WITH DUE REGARD TO ADEQUATE REMUNERATION AND BENEFITS. IT SHALL BE INSULATED FROM THE INFLUENCE OF PARTISAN POLITICS . . . "

MR. OPLE: Parliamentary inquiry, Madam President. Are we going to vote on the first sentence only? I have risen earlier to propose an amendment to the second sentence.

MR. DE CASTRO: Let us vote on the first sentence, Madam President.

MR. OPLE: Yes, thank you.

MR. DAVIDE: I have some amendments on the first sentence, Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I would seek for its reformulation such that it would read as follows: "PROFESSIONALISM IN THE ARMED FORCES AND ADEQUATE REMUNERATION AND BENEFITS OF ITS MEMBERS SHALL BE THE PRIME CONCERN OF THE STATE."

THE PRESIDENT: It is a matter of style. Is it acceptable?

MR. DE CASTRO: Will the Commissioner please read it again?

MR. DAVIDE: "PROFESSIONALISM IN THE ARMED FORCES AND ADEQUATE REMUNERATION AND BENEFITS OF ITS MEMBERS SHALL BE THE PRIME CONCERN OF THE STATE."

MR. DE CASTRO: I think that is a much better formulation. It is accepted, Madam President.

VOTING

THE PRESIDENT: As many as are in favor of this first sentence of Section 18(c), please raise their hand. (Several Members raised their hand.)

As many as are against, please raise their hand. (No Member raised his hand.)

The results show 30 votes in favor and none against; the first sentence, as amended, is approved.

SUSPENSION OF SESSION

MR. RAMA: Madam President, I move that we suspend the session until two-thirty this afternoon.

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

It was 12:50 p.m.

RESUMPTION OF SESSION

At 3:06 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

The Floor Leader is recognized.

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

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Madam President.

We have already taken action up to Section 18(c). We will now go to Section 18(d), which reads: "THE PROVISIONS OF EXISTING LAWS ON RETIREMENT OF MILITARY OFFICERS SHALL BE STRICTLY ADHERED TO."

Madam President, this is a cause of great demoralization in the armed forces; those who are due for retirement are always kept there. And this is also a cause for political activities of those who are for extension, so we would like that the retirement of military officers be strictly adhered to. Just this morning, the President retired 9 general officers and extended only two of them.

THE PRESIDENT: This noon, we had approved only the first sentence of Section 18(c), so there is still a second sentence.

MR. DE CASTRO: That is correct. I am sorry, I go back, Madam President.

MR. OPLE: Madam President, I made a reservation to amend the second sentence of Section 18(c).

THE PRESIDENT: We will ask Commissioner de Castro to read the second sentence first.

MR. DE CASTRO: It reads: "IT SHALL BE INSULATED FROM THE INFLUENCE OF PARTISAN POLITICS AND NO MEMBER OF THE MILITARY SHALL ENGAGE DIRECTLY OR INDIRECTLY IN ANY POLITICAL ACTIVITY EXCEPT TO REGISTER AND VOTE."

MR. MONSOD: Madam President, anterior amendment.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Is there an anterior amendment, Madam President?

MR. MONSOD: Yes, Madam President. I would like to move for a deletion and reformulation which we had submitted to the committee earlier. But we have had no response from the committee. I was wondering whether or not we can do it now with the indulgence of Commissioner Ople.

MR. OPLE: Is Commissioner Monsod referring to the second sentence of Section 18(c)?

MR. MONSOD: Yes, the second sentence of Section 18(c) and also paragraphs (d) and (e) to consolidate them in just one sentence and to delete the existing ones.

MR. OPLE: But that will be prejudicial to my proposed amendment.

MR. MONSOD: Yes, Madam President.

MR. OPLE: So it is not an anterior amendment then.

MR. MONSOD: It is to delete the second sentence of Section 18(c) and also paragraphs (d) and (e).

THE PRESIDENT: Let us proceed first to the consideration of the second sentence of Section 18(c). What does the committee say to its deletion?

MR. MAAMBONG: Madam President, we will first ask Commissioner Monsod because we are not really sure what he wants.

Is it the Commissioner's submission that the second sentence of Section 18(c), including paragraphs (d) and (e), should be substituted by his formulation which would read: "THE MILITARY SHALL STRICTLY OBSERVE THE RULES ON RETIREMENT, SENIORITY AND MERIT AND NON-PARTISANSHIP IN POLITICS IN ITS ORGANIZATION AND CONDUCT OF OPERATIONS"?

MR. MONSOD: Without the phrase "SENIORITY AND MERIT" because that is already included in the word "PROFESSIONALISM." My only proposal would be to put a sentence which says: "THE MILITARY SHALL STRICTLY OBSERVE THE RULES ON RETIREMENT AND NONPARTISANSHIP IN POLITICS IN ITS ORGANIZATION AND CONDUCT OF OPERATIONS."

MR. MAAMBONG: It is, therefore, an amendment by substitution of the second sentence of paragraphs (c), (d) and (e)?

MR. MONSOD: Yes, Madam President.

MR. MAAMBONG: Thank you.

MR. DE CASTRO: Madam President, we are sorry we cannot accept the amendment of Commissioner Monsod on that regard because he is taking in several matters: retirement and nonpartisanship in politics. We would like to stress in one sentence the insulation of the Armed Forces of the Philippines from politics because we talk here of professionalization. We cannot professionalize any organization, if we will not insulate it from partisan politics.

The next thing is the rule on retirement. That must be a separate subparagraph, rather than bunching them into one sentence in order to impress upon those concerned that these are matters of importance. So we are sorry we cannot accept the proposal of Commissioner Monsod.

MR. MONSOD: Madam President, may I ask for a vote?

THE PRESIDENT: So, actually, it is not a motion to delete but to rephrase. Does the Commissioner have another proposal to substitute for that second sentence which covers paragraphs (d) and (e)?

Before we vote on that, may we first hear the amendment of Commissioner Ople?

MR. MONSOD: I submit, Madam President.

MR. OPLE: Thank you, Madam President.

This deals only with the second sentence of Section 18(c). I would like to propose that the sentence stop at the word "POLITICAL." So it will read: "IT SHALL BE INSULATED FROM THE INFLUENCE OF PARTISAN POLITICS." We delete "AND NO MEMBER OF THE MILITARY SHALL ENGAGE DIRECTLY OR INDIRECTLY IN ANY POLITICAL ACTIVITY EXCEPT TO REGISTER AND VOTE." This will be followed immediately by the following proposed text: "BONA FIDE SOLDIERS MAY FORM THEIR OWN PEOPLE'S ORGANIZATIONS AND RETIRED SOLDIERS OR VETERANS SHALL BE ENTITLED TO SECTORAL SEATS OF THEIR OWN TOGETHER WITH THE OTHER SECTORS IN THE HOUSE OF REPRESENTATIVES AS MAY BE PROVIDED BY LAW, PROVIDED THAT NOTHING IN THIS PROVISION SHALL BE CONSTRUED AS IMPAIRING MILITARY DISCIPLINE WITHIN THE SPHERE OF MILITARY RULES AND REGULATIONS."

Am I allowed to say a few words?

THE PRESIDENT: The Commissioner has three minutes.

MR. OPLE: Thank you, Madam President.

The members of the armed forces, both active and retired, constitute a pivotal sector of the national community, no less qualified to contribute to the strengthening of democratic institutions than labor, peasants, youth, women and the indigenous cultural communities.

In at least one public hearing organized by the Constitutional Commission through cooperating organizations, that one held in Davao City, which Commissioner Garcia and I attended, several enlisted men were among the delegates. They were active participants and had their own vantage points of experience from which they made excellent contributions to that dialogue. Their presence was, in fact, generally welcomed by the representatives of workers, farmers, youth and women who attended the hearing. This is an example of how soldiers may form their own people's organizations for the purpose of joining public consultations and participating "in decision-making at all levels," under the Article on Social Justice of the Constitution which has already been approved.

The fear that this may lead to the breakdown of military discipline is entirely unfounded. Rights such as these — to be considered people's organizations like other sectors — are already exercised by members of the armed forces in Western European countries, notably in West Germany and the Netherlands. By being authorized to form their own people's organizations, regardless of the privileges of rank and social station, members of the armed forces can broaden their experience in democratic participation. And by interaction with other people's organizations, they can improve their own insights into national problems and their own motivation in fighting for democracy and for the welfare of the country.

The original preference is for soldiers to be represented in the sectoral seats reserved by the Constitution in the House of Representatives for different groups. But since the chairman of the subcommittee, General de Castro, considers this possibly unsettling, then I propose, as an alternative option, the representation of soldiers, both active and retired through recognized veterans or retired officers of the armed forces.

There are groups in the AFP, such as the Reform the Armed Forces Movement, that are constituted as a limited version of "people's organizations" without the benefits of constitutional and legal guidelines. These groups can proliferate in the future. Their existence demonstrates the new vitality of the men in uniform in searching for

ideals and goals they can support and for which they are ready to lay down their lives.

Finally, Madam President, authorizing soldiers to form their own people's organizations and acquire representation in the House of Representatives under the reserved seat system is a meaningful step to assure them of a role in the country's democratic process, without having to be exposed to partisan politics. Many young officers of the AFP already feel that the values for which they fight are not sufficiently articulated in national debates. They have floated feelers in the newspapers towards forming a military-based political party, like the Golkar of Indonesia. Instead of suppressing the new awareness and intellectual vitality on the part of young officers, the framers of the 1986 Constitution ought to provide for them a status merely equivalent to that of youth, labor, peasants, women and indigenous cultural groups for the purpose of forming people's organizations and acquiring representation in the House of Representatives.

So I would like to ask the committee's consideration of this amendment.

MR. DE CASTRO: Madam President, there are two proposals for consideration.

THE PRESIDENT: We have before us Commissioner de Castro's and that of Commissioner Monsod, which involves also a deletion of paragraphs (d) and (e) and a reformulation or a substitution for this second sentence of paragraph (c) and then the deletion of paragraphs (d) and (e).

So maybe we can take these up first and we will consider Commissioner Ople's later.

MR. OPLE: Thank you, Madam President.

THE PRESIDENT: What is the reaction of the committee to Commissioner Monsod's proposal?

MR. DE CASTRO: We do not accept the proposal of Commissioner Monsod because we would like to impress upon the Armed Forces of the Philippines and upon the President that the armed forces should be insulated from politics, from partisan political activities and that no member of the armed forces shall directly or indirectly participate in any political activity, except to register and vote. That is one.

Also, we would like to have a separate provision on the retirement because this is one matter which affects the morale of the members of the Armed Forces of the Philippines because some who are retirable are not retired, just what happened during the deposed regime when officers stayed in their posts for such a long time that the other officers were not allowed to be promoted. This is important insofar as morale is concerned.

On the tour of duty of the Chief of Staff, we have had experiences on this. General Espino was Chief of Staff for about 10 years and Ver for about 12 years until he flew to Hawaii. This is most demoralizing, Madam President, because we need young blood as head of the armed forces in order to keep it young and modernized. That is why we would like to have separate subsections on this subject matter. That is our reason for not accepting the proposal of Commissioner Monsod. As for Commissioner Ople, let us first discuss Commissioner Monsod's proposal.

THE PRESIDENT: Yes, we will have that later on.

BISHOP BACANI: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: I am a member of the committee. I would just like to register that I dissent from the committee stand of Commissioner de Castro on this particular point alone. I would like to support the Monsod amendment because I think it expresses comprehensively although briefly, what is stated there. I think our concerns as stated in paragraphs (c), (d) and (e) are all encompassed very well and briefly.

Thank you.

THE PRESIDENT: Commissioner Monsod, may we have your formulation.

MR. MONSOD: It states: "THE MILITARY SHALL OBSERVE THE RULES ON RETIREMENT AND NONPARTISANSHIP IN POLITICS IN ITS ORGANIZATION AND CONDUCT OF OPERATION."

THE PRESIDENT: This will be part of subparagraph (b).

MR. MONSOD: Yes, it is part of Section 18, Madam President. It will be part of Section 18(b).

THE PRESIDENT: And should that be approved, subparagraphs (d) and (e) would be considered deleted.

MR. MONSOD: Yes, Madam President.

THE PRESIDENT: We can submit it to a vote, if there are no further comments.

MR. MONSOD: Also, I think that would also replace subparagraph (e) because of the tour of duty provision. I stand to be corrected here. Would it not be within the rules on retirement?

MR. DE CASTRO: No.

MR. MONSOD: So it would not include subparagraph (e) then. So it is only the second sentence of subparagraphs (c) and (d). So the proposal reads: "THE MILITARY SHALL OBSERVE THE RULES ON RETIREMENT AND NONPARTISANSHIP IN POLITICS IN ITS ORGANIZATION AND CONDUCT OF OPERATION."

MR. DE CASTRO: May I ask a few questions of Commissioner Monsod, Madam President?

THE PRESIDENT: The Commissioner will please proceed.

MR. DE CASTRO: When the Commissioner speaks of rules on retirement, what rules is he referring to?

MR. MONSOD: The existing laws, Madam President.

MR. DE CASTRO: What are these?

MR. MONSOD: The applicable laws on retirement for members of the armed forces.

MR. DE CASTRO: May I know what these existing laws are?

MR. MONSOD: In the Commissioner's own draft, it has the provision citing existing laws and since he is the expert, maybe I should ask him what those laws are. I am assuming that there are existing laws since he put them in his own formulation.

MR. DE CASTRO: One of these existing laws, Madam President, is the retirement of officers upon reaching the age of 56 and/or after 30 years of service, whichever comes first. However, this retirement policy is subject to an exception where the President may extend the service of such officers. And this had been proven to have been abused, such that retirable officers have been extended for about five or seven years which is indeed demoralizing.

MR. MONSOD: Madam President, I am not changing the substance of the Commissioner's formulation. I am just trying to concisely put it in just one sentence because the principle is what we want in the Constitution.

MR. DE CASTRO: I will accept the Commissioner's principle. But when he put that principle and again put another one — "NONPARTICIPATION AND NONPARTISANSHIP IN POLITICS" — it is another principle. So he is putting two principles in there. And then he puts here "IN ITS ORGANIZATION AND CONDUCT OF OPERATION," so he is putting another principle. Do I understand that in one sentence the Commissioner wants

three principles?

MR. MONSOD: As a matter of fact, I was just overtaken by the vote this morning. My original proposal was: "THE MILITARY SHALL OBSERVE PROFESSIONALISM, THE RULES ON RETIREMENT AND NONPARTISANSHIP IN POLITICS IN ITS ORGANIZATION AND CONDUCT OF OPERATIONS." Since the professionalism aspect was voted on this morning, it has to be taken out of here. And this will not be the first formulation we have where several principles will have been included. If we recall, just the other day when we passed that section on communications, there were at least five principles involved there. And I do not think it is irregular or abnormal because we have done this in this Constitution. All I am trying to say is, the importance of the subject is already underlined by putting it in the Constitution without going into details.

MR. DE CASTRO: Madam President, may I ask for a two-minute suspension so that Commissioner Monsod and I can convince each other.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 3:26 p.m.

RESUMPTION OF SESSION

At 3:33 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. DE CASTRO: Madam President, we agreed on a certain formulation, and may I request that Commissioner Monsod be recognized.

MR. MONSOD: There are three short sentences, Madam President. The first one is: "THE ARMED FORCES OF THE PHILIPPINES SHALL BE INSULATED FROM THE INFLUENCE OF PARTISAN POLITICS." I think Commissioner Davide has a suggestion here. Maybe we can hear him, Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I would like to ask for the deletion of the words "THE INFLUENCE OF." So it shall only read: "THE ARMED FORCES OF THE PHILIPPINES SHALL BE INSULATED FROM PARTISAN POLITICS."

MR. MONSOD: I accept that, Madam President.

The second sentence is: "THE LAWS ON RETIREMENT SHALL BE OBSERVED."

MR. DE CASTRO: That is on the second subparagraph, on the next subparagraph.

MR. MONSOD: Yes, Madam President. The first subparagraph will be: "THE ARMED FORCES. . ."

THE PRESIDENT: Is it a paragraph or a sentence?

MR. MONSOD: It will be three short enumerations, Madam President.

MR. DE CASTRO: It will be the second sentence of subparagraph (c), Madam President.

THE PRESIDENT: The Commissioner will please proceed.

MR. MONSOD: "THE ARMED FORCES SHALL BE INSULATED FROM PARTISAN POLITICS. THE

LAWS ON RETIREMENT SHALL BE OBSERVED."

MR. DE CASTRO: Is that subparagraph (d)?

MR. MONSOD: Yes. And then the last paragraph is: "THE TOUR OF DUTY OF THE CHIEF OF STAFF SHALL BE PROVIDED BY LAW."

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: I just have a clarificatory question. When the Commissioner says: "THE ARMED FORCES OF THE PHILIPPINES shall be insulated FROM PARTISAN POLITICS," what would be the meaning of that? Would the meaning of that be the phrase the Commissioner is dropping?

MR. MONSOD: I beg the Commissioner's pardon, Madam President.

FR. BERNAS: What would be the meaning when the Commissioner says: "THE ARMED FORCES OF THE PHILIPPINES SHALL BE INSULATED FROM PARTISAN POLITICS"?

MR. MONSOD: That means they would not be required to engage in partisan politics or for them, on their own initiative, to engage in partisan politics.

In the section in the Civil Service Article, we focused a little more sharply on that and said these would be activities in the nature of political campaigning.

FR. BERNAS: In other words, what the Commissioner means is precisely what the clause he is eliminating says?

MR. MONSOD: Yes.

FR. BERNAS: Namely, that no member of the military shall engage directly or indirectly in any political activity except to register and vote. So rather than put a vague principle, why not spell it out? Instead of saying: "SHALL BE INSULATED FROM PARTISAN POLITICS," why not just say: "THE MILITARY SHALL NOT ENGAGE DIRECTLY OR INDIRECTLY IN ANY POLITICAL ACTIVITY EXCEPT TO REGISTER AND VOTE." That becomes very clear.

MR. MONSOD: Madam President, with the permission of the committee, the reformulation would now read: "THE MEMBERS OF THE MILITARY SHALL NOT ENGAGE IN ANY POLITICAL ACTIVITY EXCEPT TO REGISTER AND VOTE."

FR. BERNAS: ". . . DIRECTLY OR INDIRECTLY EXCEPT TO REGISTER AND VOTE."

MR. MONSOD: Does the Commissioner want to include the words "DIRECTLY OR INDIRECTLY"?

FR. BERNAS: I would favor that because it does not leave one guessing as to what we mean.

MR. MONSOD: I am willing to take the second sentence rather than the first. Actually, from the original they mean the same thing. I am willing, if it is all right with the committee.

MR. DE CASTRO: How will it read now?

FR. BERNAS: It will read: "THE MEMBERS OF THE MILITARY SHALL NOT ENGAGE DIRECTLY OR INDIRECTLY IN ANY POLITICAL ACTIVITY EXCEPT TO REGISTER AND VOTE."

MR. OPLE: Madam President, will Commissioner Bernas yield to a question? I think it is a vital point.

FR. BERNAS: Willingly, to the Commissioner.

THE PRESIDENT: Commissioner Ople may proceed.

MR. OPLE: Thank you.

When the Commissioner says that the members of the armed forces shall not engage in any political activity except to register and vote, will this mean constitutional prohibition on groups of officers who seek urgent reforms in the Armed Forces of the Philippines? Let me give a concrete example, the Reformed Armed Forces Movement, which was a force that helped bring about an uprising and a change of government in the last days of February of this year. Is this activity, let us say, of helping promote or defend certain values, which are partly political in their dimension, prohibited?

FR. BERNAS: Madam President, I am not referring to that. I think partisan political activity has a definite meaning in Philippine jurisprudence now. It means campaigning for a candidate. The provision does not prohibit a person from expressing his preferences, either preferences as to candidates or as to policy. But it prohibits him from campaigning for a specific candidate.

MR. OPLE: That is very reassuring. And in that context, I feel I can endorse this proposed amendment, Madam President.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: It seems that we have misread the meaning of "INSULATED FROM POLITICS" in equating it with "NOT TO ENGAGE DIRECTLY OR INDIRECTLY WITH POLITICS." There are two different meanings and two different problems that now confront the military. And I think we should not confuse these two things or make them merge into one meaning.

The insulation of the armed forces from politics precisely addresses a great evil which has been existing for many years. For instance, the politicians have been meddling in the military in appointing their own men, in the promotion of even the misfits and in the extension of some generals.

There are many other meddlings by the politicians which have created a problem in the military. So we must have two separate concepts — insulation from politics and the prohibition of the military from engaging in political activities. We should not merge these two.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I believe that is covered by the mandate for professionalism. If the military people are not insulated from politics, they would engage in partisan political activity. I was going to suggest that we now formulate it to say: "THE MEMBERS OF THE MILITARY SHALL NOT ENGAGE DIRECTLY OR INDIRECTLY IN PARTISAN POLITICAL ACTIVITY, EXCEPT TO VOTE."

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I object to the deletion of the original proposal regarding "INSULATION. " And I would support Commissioner Rama on that.

The idea of insulating the members of the Armed Forces of the Philippines is precisely not merely to prohibit them from engaging in political activities but basically control the government from using the Armed Forces of

the Philippines for partisan political activity.

We must remember that the President of the Philippines is the Commander-in-Chief of all the armed forces. Insulating the armed forces would actually be a control on any act on the part of the President to use the armed forces of the Philippines for partisan political activity. So let us not confuse the totality of the body of the armed forces from the individual members of the armed forces. The entity known as the "Armed Forces of the Philippines" must at all times be insulated from partisan politics. And that is a mandate on the leadership, more particularly on the Commander-in-Chief, who can use it any time.

Then, we go to the individual responsibility of the members of the Armed Forces of the Philippines — that they should not engage in any partisan political activity.

So I would propose a combination of the two, so that the amendment would now read as follows: "IT SHALL, AT ALL TIMES, BE INSULATED FROM PARTISAN POLITICS AND NO MEMBER THEREOF SHALL ENGAGE DIRECTLY OR INDIRECTLY IN ANY PARTISAN POLITICAL ACTIVITY, EXCEPT TO VOTE." "TO REGISTER" may be deleted because "registration" is not a partisan political act. It is the voting which is partisan.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: In the light of the various manifestations, I would propose a reformulation which would join the first clause of the second sentence with the first sentence. The reason is that the insulation of the armed forces from the influence of partisan politics is really an elaboration of the concept of professionalism. It is addressed to those who have any power over the military; whereas the second clause of the second sentence is addressed to the military officers themselves.

So the reformulation would read as follows: "PROFESSIONALISM IN THE MILITARY SHALL BE THE PRIME CONCERN OF THE STATE," which shall insulate the military from the influence of partisan politics.

And then, we start a new sentence: "NO MEMBER OF THE MILITARY SHALL ENGAGE DIRECTLY OR INDIRECTLY IN PARTISAN POLITICAL ACTIVITY EXCEPT TO VOTE."

MR. DE CASTRO: Madam President, may I remind the Honorable Bernas that there is still a phrase after "STATE" which states: "WITH DUE REGARD TO ADEQUATE REMUNERATION AND BENEFITS." Will he include that in his proposition?

FR. BERNAS: I am indifferent about that.

MR. DE CASTRO: That was already approved this morning.

FR. BERNAS: I will not object to it.

MR. DE CASTRO: How will the Commissioner do that now?

FR. BERNAS: Perhaps we could have a recess.

MR. MAAMBONG: Madam President, just to clarify the matter. The first sentence has already been approved so I would suggest to Commissioner Bernas that our starting point would have to be the second sentence. And from what I heard, what Commissioner Bernas was saying is practically the same as Commissioner Davide's formulation.

FR. BERNAS: I think what I am saying is that I accept the explanation of Commissioners Rama and Davide that

these are really two concepts. But the concept in the first clause of the second sentence is more related to the first sentence than to the second clause of the second sentence.

MR. MAAMBONG: Yes, but I would just like to read the formulation of Commissioner Davide and find out from the Commissioner whether it is the same as his. It says: "THE ARMED FORCES SHALL AT ALL TIMES BE INSULATED FROM PARTISAN POLITICS AND NO MEMBER OF THE MILITARY SHALL ENGAGE DIRECTLY OR INDIRECTLY IN ANY POLITICAL ACTIVITY EXCEPT TO VOTE." Would that be all right?

FR. BERNAS: What I am saying, Madam President, is that I would much rather split the second sentence into two, because the first clause is addressed to those who have power over the military, whereas, the second clause is addressed to the military itself.

SUSPENSION OF SESSION

THE PRESIDENT: We will suspend the session for a few minutes.

It was 3:47 p.m.

RESUMPTION OF SESSION

At 3:53 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: In view of the pressure for the body to legislate, I would like to yield to Commissioner Bernas for a reformulation of the paragraph that I had alluded to later which is the second paragraph of subparagraph (b).

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: There have been so many contributors and with the indulgence of Commissioner Bernas, I would rather that the committee will read it so that we can incorporate the thoughts of Commissioners Davide, Monsod, Bernas and Guingona.

THE PRESIDENT: The Commissioner will please proceed.

MR. MAAMBONG: Subparagraph (c) of Section 18 would read as follows: "PROFESSIONALISM IN THE ARMED FORCES AND ADEQUATE REMUNERATION AND BENEFITS OF ITS MEMBERS SHALL BE THE PRIME CONCERN OF THE STATE. THE ARMED FORCES SHALL BE INSULATED FROM PARTISAN POLITICS.

"NO MEMBER OF THE MILITARY SHALL ENGAGE DIRECTLY OR INDIRECTLY IN ANY PARTISAN POLITICAL ACTIVITY, EXCEPT TO VOTE."

I will now turn over the microphone to Commissioner de Castro.

MR. DE CASTRO: Madam President, we accept the reformulation by the four Commissioners of subparagraph (c) of Section 18. May I ask for a vote?

VOTING

THE PRESIDENT: As many as are in favor of the new formulation which has been read by Commissioner Maambong, please raise their hand. (Several Members raised their hand.)

As many as are against, please raise their hand. (No Member raised his hand.)

The results show 25 votes in favor and none against; these particular sentences are approved as part of paragraph (c).

MR. DE CASTRO: As part of Section 18, subparagraph (c), Madam President.

MR. RAMA: Madam President, may I ask that Commissioner Monsod be recognized.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I just want to propose the next sentence as part of subparagraph (c): "THE LAWS ON RETIREMENT SHALL BE OBSERVED."

MR. MAAMBONG: Madam President, I think there was an anterior amendment proposed by Commissioner Ople. If he will pursue it, with the indulgence of Commissioner Monsod, the committee would rather that Commissioner Ople be first recognized.

MR. OPLE: Yes, by arrangement with the chairman of the committee, Madam President, my proposed amendment should now follow and it may be treated as a separate subsection, if approved.

MR. MONSOD: Madam President, if it is a separate section, then I have precedence because mine is to delete subparagraphs (d) and (e) of Section 18, and I believe Commissioner Ople's would then become Section 19.

MR. OPLE: It is not a separate section but a separate subsection. And the only reason I rise, Madam President, is that the chairman of the committee has arranged with me to present this now. So, if Commissioner Monsod will graciously give way to this prior amendments I will appreciate it.

MR. MONSOD: I submit.

MR. OPLE: May I proceed to read the text of this proposed amendment, Madam President: "BONAFIDE SOLDIERS MAY FORM THEIR OWN PEOPLE'S ORGANIZATIONS AND RETIRED SOLDIERS OR VETERANS SHALL BE ENTITLED TO SECTORAL SEATS OF THEIR OWN TOGETHER WITH THE OTHER SECTORS IN THE HOUSE OF REPRESENTATIVES AS MAY BE PROVIDED BY LAW, PROVIDED THAT NOTHING IN THIS PROVISION SHALL BE CONSTRUED AS IMPAIRING MILITARY DISCIPLINE WITHIN THE SPHERE OF MILITARY RULES AND REGULATIONS."

May I seek the committee's kind consideration?

MR. DE CASTRO: May I ask the honorable proponent whether or not he is amenable to certain amendment to his proposal?

MR. OPLE: I shall be very happy to hear the proposal, Madam President.

MR. DE CASTRO: May we remove the phrase "BONAFIDE SOLDIERS MAY FORM THEIR OWN PEOPLE'S ORGANIZATION AND". The reason for this, Madam President, is that we do not like an organization within the organization of the armed forces. It is very divisive in nature. Right now, several organizations within the military, like RAM-MND, RAM-AFP and "El Diablo" are the ones destroying the morale and the efficiency of our armed forces.

MR. OPLE: And also the Guardians.

MR. DE CASTRO: And the Guardians, yes. And this worries the Chief of Staff more than the insurgency problem. And this is what we are working on in the armed forces. We retired officers are working in the armed forces to take out these organizations within the organization because they are divisive.

If we will still form another people's organization within the armed forces, I really wonder what kind of armed forces we shall have. So I am proposing to the Honorable Ople whether he can delete the words "BONAFIDE SOLDIERS MAY FORM THEIR OWN PEOPLE'S ORGANIZATIONS AND." I will simplify the amendment to read as follows: "MILITARY PERSONNEL SHALL BE ENTITLED TO SECTORAL SEATS OF THEIR OWN TOGETHER WITH THE OTHER SECTORS IN THE HOUSE OF REPRESENTATIVES, AS MAY BE PROVIDED FOR BY LAW." The other remaining sentence will be deleted.

MR. OPLE: Madam President, I am not inflexible concerning this proposal. I just wanted to point out that the formation of organizations outside the chain of command, like the Reformed Armed Forces Movement, "El Diablo," especially among enlisted men and the Guardians, for mixed officers and men of the Armed Forces of the Philippines, should be treated as symptoms of an apparent growing demand within the ranks of the Armed Forces of the Philippines for democratic means of participation in their own organization. And since they exist and they have not been banned by the military authorities — apparently they are useful in some respect — why should we object to putting a kind of both a constitutional recognition and a constitutional bridle or a check on these various organizations under the umbrella of the Armed Forces of the Philippines? Nevertheless, if General de Castro insists upon it, I am willing to settle for a much reduced scope of this amendment.

MR. DE CASTRO: Thank you.

MR. OPLE: So that what will remain is the following, precisely as he has read it: "VETERANS SHALL BE ENTITLED TO SECTORAL SEATS OF THEIR OWN TOGETHER WITH THE OTHER SECTORS IN THE HOUSE OF REPRESENTATIVES AS MAY BE PROVIDED BY LAW."

THE PRESIDENT: Would that be accepted now by the committee?

MR. DE CASTRO: The reformulation is accepted, Madam President.

MS. AQUINO: Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: I am constrained to register my strong objection to the Ople amendment which was accepted by the committee. However, summarily the rumors of a military coup d'etat are dismissed, or whatever denials are made to discredit the rumors of a military takeover. We cannot forget the fact that the military has been infected by the virus of politics a long time ago. And the trend and pattern of the military's intrusion into the civilian affairs is an interesting story that began with the administration of President Magsaysay. It is interesting in the sense that it unfolded with the way President Magsaysay was enamored by the military in his campaign to bring his government closer to the people, such that all too soon the people were witnesses to the military finding themselves in government offices, in the hierarchy of civilian affairs, in the foreign affairs. It did not take long; the public consciousness was captured by the soldier's popularity and heroism which were drummed up by media. Whenever one petty bandit was caught in the hills, it was glorified and glamorized to be in the context of the military's heroic adventures and dramatized as an epic in the popular psyche. But in the context of the supremacy of the civilian authority over the military, the military has no place in the civilian government. Maybe, in the government setups in South Africa, they are a welcome and inevitable development. But not in the context of the

Philippine politics where the tradition of the supremacy of civilian authority, despite a relatively long history, has not secured the levels of stability. This increasingly common suspicion that the supremacy of the civilian authority over the military is being threatened cannot be dismissed in so cavalier a fashion. And giving them representation in the House of Representatives is indeed the first step to facilitating the final dismantlement of the concept of supremacy of civilian authority. Besides, the military is a base of power by itself. As I have said before, it has the monopoly over the use of legitimate force, or, one way of putting it, it has the legitimate monopoly of the use of force. Culturally, and that is the second point, the Filipinos are not given to accepting the military as their representatives in Congress. It does not complement with the temperament of the Filipinos to have a military officer in Congress. And we do not have to apologize for this kind of a difficulty of the military. I do not intend to say that the military are less competent in civilian affairs, but I would say that soldiery and the training in soldiery are great setbacks in the context of the primacy of civilian rule.

MR. REGALADO: Madam President.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: May I ask some clarification of the committee.

It seems that there is being created herein another sector for purposes of sectoral representation, and what is mentioned here are the retired military personnel or veterans. Does this phrase include reservists or reserved officers in the inactive status who are neither retired nor veterans?

MR. OPLE: Madam President, may I answer that.

In this new formulation we have eliminated retired military personnel or soldiers, and we just say "VETERANS."

MR. REGALADO: Limited only to veterans.

MR. OPLE: To veterans as defined in the previous provisions of this draft Constitution.

MR. REGALADO: Thank you.

MR. OPLE: May I briefly reply to the points of Commissioner Aquino, Madam President. Just a minute will do.

THE PRESIDENT: The Commissioner will please proceed.

MR. OPLE: I want to point out that as now formulated, we are not speaking of the sitting of soldiers in the House of Representatives. We are talking of about 650,000 recognized veterans in this country, and we are claiming for them just a parity of status with women, indigenous communities, youth, labor and the peasantry. As a matter of fact, I want to make clear the intent of the proponent that even a single seat will do, so that it will not unnecessarily detract from the claims of the other groups who are already recognized in the Article on Social Justice, and there are 25 such seats available for sectoral representation. I am aware that Commissioner Villacorta and others, this Representation included, are going to propose an amendment in the Transitory Provisions that will make this constitutional provision for sectoral seats immediately operational, when the House of Representatives is convened after the elections next year.

So all I am asking on behalf of all the veterans and also those who will become veterans in their own days is a kind of parity with all the other sectoral groups. And I am glad that the committee has accepted the amendment, Madam President.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Is it now the turno en contra? Because I am going to speak against the proposal basically on a procedural ground.

Section 5 of the proposed Article on the Legislative reserves 20 percent of the total membership of the Lower House to the party-list representatives of national, sectoral or regional parties or organizations. Insofar as the sectoral representation is concerned, it will only be for three consecutive terms following the ratification of the Constitution, and they will get only 50 percent of the seats allotted to the party-list representatives. Insofar as the sectoral representations are concerned, Section 5 is very clear; it reads as follows:

The party-list representatives shall constitute 20 percent of the total membership of the House of Representatives. For three consecutive terms after the ratification of this Constitution, twenty-five of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, women, youth and such other sectors as may be provided by law, except the religious sector.

It is very clear that the proposal of Commissioner Ople would be deemed already included because the representation of the veterans as a sector may be provided by law, which is already here in Section 5. Upon the other hand, if such is not the intention, we will be creating a three-tiered Lower House, three-tiered in the sense that we have regular representatives; we have party-list representatives; and now indirectly a sectoral representation, which representation is already limited to three consecutive terms but within the purview of the party-list representation. And so, Madam President, there seems to be no need for that, or otherwise, it will now amount to a reopening of Section 5 — if it is to be interpreted as not already being included in the sectors to be provided for by law.

MR. OPLE: Madam President, may I say that this is a very farfetched and highly technical observation. I do not think that the Commission is foreclosed from recognizing the veterans as a sector, deserving representation in the House of Representatives just because this recognition now appears in a very pertinent and appropriate place of the Constitution when we are talking of the role of the Armed Forces of the Philippines. As a matter of fact, this would not foreclose an amendment by Commissioner Davide that will relate this directly to the provision he mentioned in the Article on the Legislative with respect to sectoral representation. Madam President, I reiterate that this is the more appropriate place for recognizing the veterans and those would be veterans who are still in active service as a sector, not inferior in status and moral claims upon this nation to those other sectors earlier recognized in the Committee on the Legislative.

MR. DAVIDE: Madam President, may I be allowed to respond?

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: When we took up that particular portion of Section 5, which I have read, especially on the enumeration of sectors and we have a proviso which states: "and such other sectors as may be provided by law," we already took into account the possibility of a law allowing the entry of other sectors including the veteran sector. We even mentioned the possibility of the Professional sector, the teacher sector.

THE PRESIDENT: In other words, this should be addressed to Congress.

MR. DAVIDE: To the Congress. As a matter of fact, the very proposal itself states that, "as may be provided by law" which is practically present also in Section 5 of the Article on the Legislative.

MR. OPLE: Madam President, there is nothing to prevent this Commission from sending constitutional guidelines to Congress in the form of this proposal so that it says, "as may be provided by law." It is completely consistent and synchronous with the earlier provision on sectoral representation in the Article on the Legislative. At any rate,

I believe that this has been approved by the committee. It has been exhaustively debated on and I see no reason why the Chair should not put this to a vote now.

MR. TINGSON: Madam President.

THE PRESIDENT: We will call on Commissioner Tingson first.

Commissioner Tingson is recognized.

MR. TINGSON: Madam President, may I add my small voice by way of saying against this amendment the following words: No matter how remotely related it might be, but in our principle — Declaration of Principles — we did write that civilian authority shall be supreme over the military at all times. I realize now that the proponent of this amendment is referring to veterans. However, with the attitude of our people towards the military, I would say that we cower before them. We are afraid of them; we overly give them respect because of fear, that even when they are still in their uniform, they could exert their influence in order that later on, when they shall have retired, they are sure that their own candidate will have that particular place in the Congress.

Therefore, Madam President, I would rather suggest that the military people fuse into the strictly civilian sector of our community the moment that they shed their uniforms. We should not continually give them that particular aura of power even though they no longer have their uniform by giving them sectoral representation in the House of Representatives.

Madam President, because of this, I should like to vote against the amendment.

MR. COLAYCO: Madam President.

THE PRESIDENT: Commissioner Colayco is recognized.

MR. COLAYCO: Just one question, Commissioner Ople.

MR. OPLE: Yes, very gladly.

MR. COLAYCO: The rationale of this Commission in granting special seats to certain groups is to enable certain groups of people who have interest of their own which cannot otherwise be represented in Congress. So, we have easily recognized the farmer groups and others.

May I know what the Commissioner has in mind which could be of special interest that needs special protection insofar as veterans are concerned?

MR. OPLE: Madam President, the veterans of this country as defined in an earlier provision that we have approved do constitute a very significant social force in our midst. We all know how they are treated, but they also tend to have a feedback effect on the motivation of our own soldiers who are still in active service. It is a gauge on how a country treats its former men-at-arms who had fought for their country. That is the reason veterans can be legitimately considered a sector worthy of representation under a sectoral seat system in the House of Representatives. In this own Commission, there are veterans. I am a veteran. Commissioner de Castro is a veteran also. Commissioner Natividad is also a veteran. We are veterans of a war that was concluded long ago. I do not think that there is any stigma of a military bearing, specially in the overbearing context of the word that attaches to those who have been soldiers in the past.

MR. COLAYCO: In specific terms, I suppose the Commissioner has in mind a representation that would protect their rights of retirement as former members of the military force.

Would that not be true?

MR. OPLE: That, together with their continuing interest in the values that they have fought for as soldiers.

MR. COLAYCO: We have just approved yesterday a special section where the rights of soldiers, veterans and their families have been greatly protected by a provision that Congress shall pass laws which will protect their rights and provide even the funds to support these laws.

Does not the Commissioner think that is a sufficient protection?

MR. OPLE: That is a heartwarming expression of concern by this Constitutional Commission. It is not the same thing as conferring a constitutional recognition on this group of people that will elevate them to the status of the youth, the women, labor, the peasantry and the indigenous communities, Madam President.

MR. COLAYCO: Thank you, Madam President.

MR. OPLE: May we ask that this be submitted to a vote.

THE PRESIDENT: Commissioner Tan is recognized.

SR. TAN: Madam President, I am a little bit shocked at the provision that will give more privileges to the veterans or, in other words, the ex-military men. Many of us, thousands of us, would bear the wounds of martial law which were inflicted correctly or incorrectly by the military. Our Constitution has given them so much recognition. The 1973 Constitution has four paragraphs; we have already 14. We have given them so many privileges and then now we are even thinking of grabbing the seats of the sectoral poor and giving the veterans a seat. I would not even consider that even if they are 650,000; the urban poor are 8.2 million, the women are 24 million. But more than this I think, for the veterans and the military, we should be more vigilant rather than give them more and more power.

Thank you.

MR. OPLE: Madam President, I do not feel obliged to answer that except to say that the great majority of the officers and men of the Armed Forces of the Philippines do not fall in that odious classification.

Thank you.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: I have one question before we vote. The wording is: "VETERANS SHALL BE ENTITLED TO SECTORAL SEATS OF THEIR OWN TOGETHER WITH OTHER SECTORS IN THE HOUSE OF REPRESENTATIVES AS MAY BE PROVIDED BY LAW." Does this give discretion to Congress to include or not to reinclude veterans as a sector?

MR. OPLE: I think there is no discretion with respect to that, Madam President.

MR. RODRIGO: So, it is compulsory.

MR. OPLE: It is compulsory in the sense that the other five sectoral groups, in effect, are entitled as a right.

MR. RODRIGO: Then what is the meaning of that last phrase: "AS MAY BE PROVIDED BY LAW"?

MR. OPLE: In this respect, I think Congress may determine how this subsection can be implemented in conjunction with the appropriate article.

MR. RODRIGO: But that is provided for in Section 5 of the Article on the Legislative.

MR. OPLE: Yes, in effect, this is detached from the Article on the Legislative for the simple reason that it now belongs to the most appropriate place in the draft Constitution; namely, the sections dealing with the role of the Armed Forces of the Philippines.

MR. RODRIGO: Thank you.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: After that manifestation saying that Congress is not given a choice but to give the veterans a seat, I would like to formalize the point of order raised by Commissioner Davide and also implicitly touched upon by Commissioner Rodrigo. The composition of the House of Representatives has already been closed by the approval of Section 5 of the Article on the Legislative; so, in effect, this is an amendment to Section 5.

MR. OPLE: I maintain that it is not an amendment to Section 5, Madam President. It can stand on its own by virtue of the powers of the Constitutional Commission.

SUSPENSION OF SESSION

THE PRESIDENT: The Chair sees that there is a procedural question that is being raised by Commissioner Davide, but before the Chair rules on that, we will suspend the session so that we can conform with Commissioners Davide and Ople.

It was 4:25 p.m.

RESUMPTION OF SESSION

At 4:29 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

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

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Madam President, after a sustained conference with all the parties concerned, I have agreed to withdraw this proposed amendment provided that it will be the intent of the Commission that the veterans can be considered by the Congress to fall under the phrase 'such other sectors as may be provided by law' which is in the Article on the Legislative and in this respect, may I call on Commissioner Davide for support.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Thank you, Madam President.

Section 5 of the proposed Article on the Legislative, more particularly on the sectors, provides as follows: "and such other sectors as may be provided by law." Therefore, Congress can consider the veterans sectors as among the sectors to be represented in the Lower House and, personally, I believe that the veterans sectors can qualify as any other sectors especially for having rendered great service to our country and that the husband of our own President is a Filipino veteran.

THE PRESIDENT: Thank you.

MR. OPLE: Would Commissioner Davide consider them eminently qualified for consideration by Congress?

MR. DAVIDE: I will not preempt the judgment of the Lower House, but personally I really feel that it should be one of the sectors to be adequately recognized as additional sectors.

MR. OPLE: May I know the reaction of the committee?

MR. DE CASTRO: We are willing to withdraw our acceptance of this provision provided the proponent withdraws.

MR. OPLE: Yes, on the grounds that have now been recorded.

MR. DE CASTRO: On the grounds so stated by the Commissioner and that of Commissioner Davide.

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

MR. DE CASTRO: Madam President, we then withdraw our acceptance of the provision recommended by Commissioner Ople.

THE PRESIDENT: Yes, can we proceed now to another point?

MR. RAMA: Madam President, we still have to vote.

THE PRESIDENT: I do not think we have voted. We have not yet voted on the entire paragraphs that will compose subsection (c).

MR. RAMA: Madam President, there is one more amendment to the same section. Commissioner Garcia will restate his amendment.

MR. GARCIA: Madam President.

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: Thank you, Madam President.

I would like to add a concept which logically belongs to this subsection.

MR. MAAMBONG: May I interrupt, Madam President?

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: For the record, will Commissioner Garcia favor the Commission with a motion for reconsideration considering that subparagraph (c) has already been approved in its entirety? It is only a procedural matter anyway.

MR. DE CASTRO: We have already voted on this.

MR. GARCIA: Yes. Could I request the Chair's consideration so that we could include this concept in the consideration for inclusion? In the subsection prohibiting the military from engaging in partisan political activity, I think this phrase could be logically added: "NEITHER SHALL THEY DISCHARGE PUBLIC FUNCTIONS WHICH ARE CIVILIAN IN NATURE EXCEPT IN PERIODS OF EMERGENCY."

MR. DE CASTRO: That is prohibited already in the Civil Service Article.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I would like to call the attention of Commissioner Garcia to that contingency that is already

contained in the Article on the Civil Service.

MR. DE CASTRO: Yes, that is already in the Article on Civil Service.

MR. GARCIA: If that is contained in the Article on Civil Service, then I think it is not necessary.

MR. MONSOD: Yes, but there is a prohibition on the military to occupy civilian positions.

MR. GARCIA: . . . civilian positions because this was the experience of the past regime.

MR. DE CASTRO: Yes.

MR. GARCIA: Thank you.

MR. RAMA: Madam President.

THE PRESIDENT: Yes, can we vote now on the entire section.

MR. DE CASTRO: We have voted already, Madam President.

MR. RAMA: There is still an additional paragraph.

MR. MAAMBONG: We still have subparagraph (d), Madam President.

THE PRESIDENT: Yes, that is subparagraph (c).

MR. RAMA: Madam President, I ask that Commissioner Monsod be recognized.

MR. MONSOD: These would be subparagraphs (d) and (e).

THE PRESIDENT: Let us first settle subparagraph (c). I do not think we have voted on it. We have not approved the new formulation on the second sentence or the third sentence.

MR. MONSOD: I submit; we have not yet voted on subparagraph (c).

THE PRESIDENT: Will Commissioner Maambong please read now the other sentences so that we can vote on the entire paragraph (c) before we go to subparagraph (d).

MR. MAAMBONG: Madam President, we have actually voted on subparagraph (c).

THE PRESIDENT: The first sentence?

MR. MAAMBONG: No, the whole paragraph, Madam President, which consists now of three sentences.

THE PRESIDENT: No, according to our Secretariat here, we have not yet voted on it.

MR. MAAMBONG: Then I ask for a vote on subparagraph (c), if it has not been acted upon.

THE PRESIDENT: So, the Commissioner may read how it is formulated now.

MR. MAAMBONG: It reads as follows: "PROFESSIONALISM IN THE ARMED FORCES AND ADEQUATE REMUNERATION AND BENEFITS OF ITS MEMBERS SHALL BE A PRIME CONCERN OF THE STATE. THE ARMED FORCES SHALL BE INSULATED FROM PARTISAN POLITICS. NO MEMBER OF THE MILITARY SHALL ENGAGE DIRECTLY OR INDIRECTLY IN ANY PARTICULAR POLITICAL ACTIVITY, EXCEPT TO VOTE."

VOTING

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

As many as are against, please raise their hand. (No Member raised his hand.)

The results show 32 votes in favor and none against; so subparagraph (c) is approved.

Commissioner Monsod, we now go to subparagraph (d).

MR. MONSOD: I would like to propose a reinstatement of that paragraph to say: "THE LAWS ON RETIREMENT SHALL BE OBSERVED."

MR. DE CASTRO: Would the Commissioner accept that we insert the phrases "OF MILITARY OFFICERS" between the words "RETIREMENT" and "SHALL" so it will read: "THE LAWS ON RETIREMENT OF MILITARY OFFICERS SHALL BE OBSERVED."

MR. MONSOD: This is already part of the whole section on the military, and it is only a subparagraph of Section 18.

MR. DE CASTRO: I suggested so because there are technical men in the enlisted ranks who are normally extended in their service even if they are already about 56 years old. An example is a good technician in the motorpool. Although he is already 56 years old and subject to retirement already, but under the retirement law, he can still be given another term of three years because of his technical knowledge. So we must limit these retirement matters on the military officers.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: It would seem to me that if we single out the laws of retirement for a command that they must be observed, we do not care if other laws are not observed. I mean if the law is there, it has to be observed; we do not have to put a provision for that.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: I would like to ask for clarification from Commissioner Monsod. These existing laws that he speaks about, if I remember correctly, were explained by Commissioner de Castro to mean that the retirement of officers, including generals, is not mandatory in the sense that the President can extend.

I am wondering if the Commissioner would support that provision which will give the President a very strong power over the military through the extension of service of the officers in the armed forces. May I elaborate, Madam President.

THE PRESIDENT: The Commissioner may proceed.

MR. MONSOD: Does the Commissioner have an amendment to this amendment?

MR. GUINGONA: Yes. I think the provision formulation of the committee as found in the original proposal might be better.

MR. OPLE: Madam President, may I support Commissioner Bernas.

THE PRESIDENT: We will allow Commissioner Guingona to finish his statement.

MR. GUINGONA: May I just finish, Commissioner Ople.

The original formulation is:

All officers of the armed forces due for retirement from the service in accordance with existing laws shall be retired without any exception.

May I please be allowed to explain.

THE PRESIDENT: The Commissioner is given three minutes to explain.

MR. GUINGONA: Thank you, Madam President.

Madam President, I believe that it is necessary for us to give meaning and substance to the professionalization of the military by providing that all officers of the armed forces due for retirement from the service, in accordance with existing laws, shall be retired without exception.

Of course, the existing laws may be changed. The age of 56 may be increased to 58. But once the law is there, the law should be applied uniformly without exception. With this provision, we make sure that no future would-be dictator could manipulate the officers of the army as Marcos did in seeking to perpetuate himself in power. With this provision, we will minimize, if not do away, with the possibility, a very real one, that officers of the armed forces who have been extended would owe their loyalty to an individual and not to an institution and to the people, especially these extendees who are looking forward to more extensions.

This practice would affect the junior officers, many of whom are deserving and capable, whose promotions are adversely affected because of the overstaying officers and this would have a direct effect on the morale of these younger officers.

Thank you, Madam President.

FR. BERNAS: Madam President.

MR. MONSOD: Madam President.

THE PRESIDENT: Does Commissioner Monsod accept?

MR. MONSOD: Madam President, I believe that such a detailed type of formulation belongs to legislation. If we are going into that detail as an alternative to a general principle, I would rather propose that these two subparagraphs be deleted. In fact, I would like to defer to Commissioner Bernas because this is an anterior amendment. I believe he is proposing a deletion.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: Madam President, I would like to propose a deletion of this. If the problem is the fact that the President has given exceptions, it could be because the law itself is loose. Then the remedy should be in the laws. Congress should pass strict laws.

The problem would not be solved if we will just tell the President. We should follow the law strictly because the law itself may not be strict. So, the President would be following the law strictly, if he gives exceptions which are allowed by the law.

MR. GUINGONA: May I be allowed to react, Madam President?

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: The formulation that I read specifically says "without exception." Therefore, the law cannot provide exceptions in its enactment. It could only provide for the retirement age or the number of years of service. But it could not allow the President to make any exceptions, precisely, because it would be unconstitutional.

MR. MONSOD: Madam President.

FR. BERNAS: The problem is not with the President, but with the law. The law allows the President to make the exceptions. So, if we want to make a command to the legislature to pass retirement laws that do not allow exception, then that is what should be said. But I would oppose such a provision.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I believe that that is really going too much into legislation. I do not think that our task here in this Constitution is to put inflexible rules here that would not admit certain emergencies or situations that only the Commander-in-Chief of the armed forces would be able to properly evaluate.

If we are going into such detail, I would rather that the whole section be deleted.

THE PRESIDENT: So, what is the Commissioner proposing now?

MR. MONSOD: I am deferring to the anterior motion of Commissioner Bernas, which I believe is for deletion.

MR. GUINGONA: Madam President.

THE PRESIDENT: This is just to clarify. Commissioner Monsod proposes to delete subparagraph (d).

MR. MONSOD: Yes.

THE PRESIDENT: The Commissioner originally had a similar suggestion — to delete subparagraphs (d) and (e).

MR. MONSOD: Yes.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: May I just be allowed to clarify before we vote? Pursuant to the manifestation of Commissioner de Castro, these provisions are applicable or effective during normal times. So, in times of war or emergency this provision would not necessarily apply.

So, if Commissioner Monsod is thinking of exceptional cases due to war or due to emergency, then obviously this provision that we have read would not apply pursuant to the manifestation or explanation made earlier by Commissioner de Castro.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: I would like to reiterate my motion and ask for a vote. The motion is for deletion with prejudice against putting in any provision on this subject.

MR. DE CASTRO: President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: We are sorry to object to the deletion because as I said before, it is the keeping of the retireable officers in the armed forces that is causing so much demoralization among the officer corps. When we speak of without exception, as proposed by Commissioner Guingona, it does not mean that in times of emergency, we shall continue to retire officers. No, Madam President, we shall continue their services. In fact, even officers who are already retired may be called to active duty because it is a national emergency. I want to recall the incident in Thailand where the present Prime Minister was extended for one year as General of the armed forces. The armed forces nearly revolted just for that extension and so he became a Prime Minister and not General of the armed forces anymore. They were about to revolt because of the demoralization of officers of the officer corps when this Prime Minister was given an extension and who, in fact, was already retireable under the existing laws.

When we talk of existing laws here, we refer to those who reach the age of 56 and/or those who have rendered 30 years of service, whichever is earlier. I say the cause of the demoralization of armed forces officers, because normally — if Madam President will allow me to explain further — a graduating class in the PMA ranges about 80 to 100. Madam President, there are only about 10 or 15 of them who will become generals. Again, here comes another class of about 80 to 100. If these 15 here in this upper portion will not be retired when they are already retireable, the poor succeeding class will have no chance to become generals and this is why there is a demoralization and this goes through as the services of these people are extended. This goes through to the succeeding classes. That is the reason for demoralization, Madam President.

That is why we propose this provision on the Constitution.

MR. NOLLEDO: Madam President.

THE PRESIDENT: May the Chair propound this question to Commissioner de Castro. From what the Commissioner has just stated, is it correct to state that we get the impression or I get the impression that the formulation of Commissioner Guingona is acceptable to the Commissioner?

MR. DE CASTRO: Yes, Madam President.

MR. NOLLEDO: Madam President.

THE PRESIDENT: Commissioner Nolleddo is recognized.

MR. NOLLEDO: Thank you, Madam President.

I am also against the deletion of the Guingona formulated provision, in addition to the arguments of Commissioner de Castro that there will be demoralization in the Armed Forces of the Philippines if there is no such provision and the President extends the terms of retiring generals. If we do not provide for this provision, we will be giving the President an opportunity to retain generals who are friendly to him. An ambitious President may become a dictator and thereby, we create another dictatorship. We will notice that this was the practice of President Marcos because he could not trust the colonels who should take the place of retired generals and so he extended the terms of the generals in order that an existing dictatorship may continue.

Thank you, Madam President.

THE PRESIDENT: Will Commissioner Guingona please read his formulation so that the Commissioners will have these two things in their mind when they vote to delete or is there any alternative?

MR. GUINGONA: Madam President, I am reading only the formulation as contained in the committee report. It says: "All officers of the armed forces due for retirement from the service in accordance with the existing laws shall be retired without any exception."

THE PRESIDENT: Then we have the motion to delete.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: Will Commissioner Guingona yield to one or two questions?

THE PRESIDENT: Can we have the motion first? We have the motion to delete and on which we have to vote upon first.

MR. RODRIGO: To delete first.

VOTING

THE PRESIDENT: Then we will consider that.

So, we have before us a motion to delete subparagraph (d) which has not been accepted by the committee.

As many as are in favor of deleting subparagraph (d), 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. (One Member raised his hand.)

The results show 16 votes in favor of the motion to delete, 11 against and 1 abstention; so subparagraph (d) is deleted.

MR. RAMA: We have the last section, Madam President.

THE PRESIDENT: So, we go to subparagraph (e).

The Floor Leader is recognized.

MR. MONSOD: This is the section on the tour of duty of the Chief of Staff. I had reserved the right to move for an amendment here. By reason of the deletion of the previous one on retirement, I would like also, at this time, to move for the deletion of this one because this is also quite a detailed matter that should be left to the legislature.

THE PRESIDENT: What does the committee say?

MR. DE CASTRO: Madam President, we object to the deletion for the reason that this will create another dictator. We already allowed a dictator by deleting subparagraph (d) and we will allow another dictator by deleting subparagraph (e). This is the practice that Mr. Marcos had done when he continuously allowed a Chief of Staff, Gen. Romeo Espino 12 years. Then, when Gen. Romeo Espino could not do anything more in the armed forces, he put his own man, General Ver, who was not relieved as Chief of Staff until he ran to Hawaii.

We object to the deletion of subparagraph (e) for the reason that we need a new Chief of Staff every 3 years, fresh blood, so that there can be more reinvigoration of the Armed Forces of the Philippines.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: I would support the motion to delete, precisely because the provision has a built-in clause for creating dictators; namely "SUBJECT TO EXTENSION ONLY DURING NATIONAL EMERGENCY." All

those instances cited by Commissioner de Castro precisely happened during a national emergency. So this is the clause which creates the dictator.

MR. DE CASTRO: In that case, I will even remove the words "SUBJECT TO EXTENSION ONLY DURING NATIONAL EMERGENCY." It is very necessary, Madam President. It is very necessary that a Chief of Staff shall not be extended by the President, because if he wants to be a dictator, that would be the very reason why he should keep that man under his thumb so that he can command.

This is the very reason we like to put a prohibition on the term of duty of the Chief of Staff. Remember the Chief of Staff is the Commanding General of all the Armed Forces of the Philippines, and the President is the Commander-in-Chief. Pag nagkasundo iyang dalawang iyan, patay na ang bayan. That is the very reason I would like that the tour of duty of the Chief of Staff shall be for a three-year period without any extension.

MR. OPLE: May I be recognized, Madam President?

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Thank you very much.

If the committee will eliminate the conditionality in the last clause which Commissioner Bernas noted as constituting a ready loophole for circumventing the first part, then I would like to be able to support this subparagraph (e), Madam President. May I state the reasons for this.

This may look innocent and actually mundane, but this can rise above, in terms of the constraint on a future tyranny. The same majesty of what we previously approved as checks and balances on the power to proclaim martial law and suspend the writ of habeas corpus is the reason I say this, Madam President, from a direct observation of this problem over many years in the Armed Forces of the Philippines. Indeed, a President or a Commander-in-Chief, after a while, develops a kind of total dependence on his Chief of Staff. A kind of mutual attachment grows that in most ways constitutes a kind of confabulation. There are many secrets of State that are mutually shared and actually denied to many others even to the regular military establishment which is a circumvention of the legal structure of the Armed Forces of the Philippines. As a matter of fact, this can lead to assassinations of political enemies through confabulations. That is the reason that the committee is very right in building this precaution into the Article on the Armed Forces of the Philippines. I think that if we approve this, the effect will also help meet what was intended to be achieved by the previous section that was deleted concerning the retirement of military officers. It will be a partial reclamation or redemption of this precaution that was lost in subparagraph (d). And so, for this reason, I would like to be able to support the committee's position provided that they will eliminate "SUBJECT TO EXTENSION ONLY DURING NATIONAL EMERGENCY." This will lead to a real professionalization of the Armed Forces of the Philippines.

MR. DAVIDE: Madam President.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Regarding the interpretation of "NATIONAL EMERGENCY," I do not know if Commissioner Bernas will subscribe to my thinking that the term "NATIONAL EMERGENCY" could be defined in the context of Section 24 of the Article on the Legislative which provides:

In times of war or other national emergency, the Congress may by law authorize the President for a limited period

I do not know if Commissioner Bernas can respond to this thinking of mine.

FR. BERNAS: I was going by the examples given by Commissioner de Castro. I think he cited the examples of the Chiefs of Staff during the period of martial law, which admittedly was considered a period of national emergency. So, if we expand that even more beyond the period of martial law, a great labor unrest, for instance, or student unrest, or national calamity, then, we are expanding the possibility of more exceptions.

MR. MAAMBONG: What I am saying actually, is that if we define national emergency as the national emergency which is declared by Congress under Section 24 (2), would the Commissioner's objection to the deletion of the words "NATIONAL EMERGENCY" still be maintained?

FR. BERNAS: Yes, because the emergency the Commissioner has cited, as defined by Congress, would be a type of emergency which is less of an emergency than a martial law situation. I remember that the only grounds we have now for martial law are invasion and rebellion.

MR. MAAMBONG: Just one more point. So, the Commissioner is actually saying that even if Congress declares a national emergency under the provisions cited, he still maintains that this would not provide the proper exception for the Commander-in-Chief to extend the term of the Chief of Staff of the armed forces.

FR. BERNAS: Yes, and I support the reasoning of Commissioner Ople that this term, if we are going to give it a term at all, should be completely inextendible. Precisely, as Commissioner Ople has pointed out, the Chief of Staff and the Commander-in-Chief could, between themselves, share secrets which are not given to others. But if they are in the anticipation or the President is in the anticipation of having to relieve the Chief of Staff, and if the Chief of Staff himself knows that he will be relieved, and if they are interested at all in the welfare of the nation, then they will share these secrets with possible successors.

MR. MAAMBONG: One last point. In the assumption that Congress has declared a national emergency, and at that precise moment the term of the Chief of Staff expires, is the Commissioner saying that we should be inflexible and that the President can no longer extend, even for one day, the tour of duty in spite of that specific declaration of Congress that there is indeed a national emergency?

FR. BERNAS: That provision should really be addressed to Commissioner de Castro because what I was supporting was the total deletion of this.

MR. MAAMBONG: No, I was just trying to get the Commissioner's interpretation because he is the constitutionalist in this Commission.

Thank you very much.

FR. BERNAS: The Commissioner is also a constitutionalist.

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Let us hear Commissioner Suarez first.

MR. SUAREZ: Thank you, Madam President.

Will Commissioner de Castro yield to some questions?

MR. DE CASTRO: Willingly.

MR. SUAREZ: Thank you.

When we use the title "CHIEF OF STAFF" which refers to a position, are we not saying that we are constitutionalizing this office?

MR. DE CASTRO: It is. When we constitutionalize the Armed Forces of the Philippines, we are automatically constitutionalizing the office of the Chief of Staff because any armed forces has always a Chief of Staff.

MR. SUAREZ: That is exactly what we are saying. Is it necessary that we should constitutionalize this office of the Chief of Staff?

MR. DE CASTRO: It is constitutionalized when we constitutionalize the Armed Forces of the Philippines. It is the Armed Forces.

MR. SUAREZ: No, it is not necessary, because the Armed Forces of the Philippines is an organization.

MR. DE CASTRO: Yes.

MR. SUAREZ: But this is a position.

MR. DE CASTRO: Yes.

MR. SUAREZ: We are saying, therefore, that, as proposed by the Commissioner, we are indeed amenable to this situation; that is to say, that this office of Chief of Staff is now a constitutional office.

MR. DE CASTRO: Only to the extent as Commissioner Nollado said, only to the extent of this provision, but we know that every armed forces has a Chief of Staff.

MR. SUAREZ: So, in the same manner, or by the same token, if we have an acting Chief of Staff, that is also a constitutional office, for purposes of this provision, according to the Commissioner.

MR. DE CASTRO: Whether acting or Chief of Staff, he is a Chief of Staff for all legal purposes.

MR. SUAREZ: Thank you.

When we speak of a tour of duty, I suppose we mean a tenure or term of office?

MR. DE CASTRO: Yes, it means the tenure of office. We call that in the armed forces a tour of duty.

MR. SUAREZ: Yes, therefore, that is the second point we are constitutionalizing: That the tenure or term of office or tour of duty or position of the office of the Chief of Staff is three years?

MR. DE CASTRO: Yes.

MR. SUAREZ: Let us give this a little thought. If we constitutionalize the office of the Chief of Staff and give him or her a tenure, for that matter, by way of equalizing men and women in the military, we are saying that they will have a constitutional term of three years. We are not giving the President, as the Commander-in-Chief, the right to terminate that 3-year constitutional term. Is that the implication of the Commissioner's proposal?

MR. DE CASTRO: So I will say: "The TOUR OF DUTY SHALL NOT BE MORE THAN THREE YEARS," so that the President can relieve the Chief of Staff anytime before three years.

MR. SUAREZ: But as originally drafted, that thought has not been conveyed.

MR. DE CASTRO: With your questioning now I am amending it: "SHALL NOT BE MORE THAN THREE YEARS."

MR. SUAREZ: My last question is: When we speak of professionalization of the military, do we not think that

this matter of termination of the tour of duty should be done automatically because we are professionalizing the military?

MR. DE CASTRO: Yes, that is why we are saying: "SHALL NOT BE MORE THAN THREE YEARS."

MR. SUAREZ: No, what I mean is, is it not clearly understood from the utilization of the expression "PROFESSIONALIZATION OF THE MILITARY" that this tour of duty upon termination should not be extended anymore?

MR. DE CASTRO: That is not the full meaning of professionalization, because the President can always extend the tour of duty of the Chief of Staff and he can say that is still professionalization.

MR. SUAREZ: Thank you for the clarification.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I would like to speak for the deletion and against the retention. The retention would be fraught with dangers. We should consider the fact that the President now has a fixed term of six years, according to the proposal of the Executive Committee. The President will not be entitled to any reelection. Necessarily during the term of the President, he can appoint two Chiefs of Staff if the term is fixed at a maximum of three years. After the lapse of the term of the first Chief of Staff, he might appoint a Chief of Staff who will retire within two years. It will, therefore, even give the President a chance to appoint three Chiefs of Staff in a given term, and therefore, we will already foreclose the authority of the succeeding President to choose a Chief of Staff of his or her own choice. And so, we might be prolonging, probably, the tenure of the last or the third Chief of Staff appointed by an incumbent President and, therefore, to necessarily affect the right of the succeeding President to appoint one of his own choice.

Secondly, if we fix the term at not exceeding three years, it would not be conducive to professionalization and it will not be conducive to the stability of policies in the military. During the term of a President for six years, two Chiefs of Staff may have different views on the professionalization and stabilization of policies.

MR. DE CASTRO: Madam President, may I just say a few words on the stabilization of policies in the armed forces, if we have a Chief of Staff for only three years.

Madam President, the policies of the Armed Forces of the Philippines are established through a general staff and these are approved by the Chief of Staff. The next Chief of Staff will not be foolish enough to change all these policies. He may perhaps choose those policies which are not consistent with professionalization or which, according to his conscience or according to his belief, are not conducive to the military service. So when we talk of policies, these are established policies through the general staff approved by the President. I would like to cite a precedent at the height of the Korean war when U.S. President Truman relieved Gen. Douglas MacArthur — naturally with people saying that the President was relieving his general in midstream — and yet the next general prosecuted the war successfully like General MacArthur. It is because, according to the line of succession in the armed forces, every man from the rank of colonel is prepared to be Chief of Staff at any time.

MR. RAMA: We are ready to vote, Madam President.

VOTING

THE PRESIDENT: We are ready to vote on the motion to delete Section 18 (e).

As many as are in favor to delete Section 18 (e), 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. (No Member raised his hand.)

The results show 13 votes in favor, 17 against and no abstention; the proposed deletion of Section 18(e) is lost.

MR. DE CASTRO: Madam President, Section 18(e) now reads: "THE TOUR OF DUTY OF THE CHIEF OF STAFF SHALL NOT BE MORE THAN THREE YEARS."

MR. DAVIDE: May I propose an amendment, Madam President?

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Instead of "NOT BE MORE THAN," it should be "shall IN NO CASE EXCEED three years."

MR. DE CASTRO: That is acceptable.

VOTING

THE PRESIDENT: We shall submit that to a vote.

As many as are in favor of the amendment in Section 18(e), 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 20 votes in favor, 5 against and 2 abstentions; the amendment on Section 18(e) is approved.

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Just a point of clarification because of the approval of this particular section. May we know if this will have a retroactive application? Will it apply to the present Chief of Staff, General Ramos?

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: I presume that upon the ratification of this Constitution, we will fix the tour of duty of the Chief of Staff to not more than three years. It is up to the President to decide whether after the ratification of this Constitution, the tour of duty of the Chief of Staff will not be more than three years.

MR. SUAREZ: So, are we saying that the interpretation of this three-year tour of duty would fall on the hands of the Commander-in-Chief, the President, and not on the hands of the Constitutional Commission?

MR. DE CASTRO: I think so because when the Constitution is ratified, the incumbent now is already perhaps two years in office. So, it is now up to the President.

MR. SUAREZ: That is exactly what we would like to clear up because of the approval of this provision. So, will the Commissioner be leaving the matter of interpretation to the President?

MR. DE CASTRO: I think so; yes.

MR. OPLE: Madam President, there would be something highly controversial about leaving the intent of the Constitutional Commission to another party no matter how worthy and exalted. I think we have to settle this here. In my opinion, as one of those who participated in the amendment, Madam President, this provision can only have prospective application. It shall not have any retroactive effect.

Thank you, Madam President.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: May I just ask a point of clarification of the committee?

Would this restriction apply in times of war or rebellion?

MR. DE CASTRO: It can. As I said, during the height of the Korean war, President Truman relieved Gen. Douglas MacArthur and another officer, but another general took General MacArthur's place, and the war was prosecuted successfully.

Remember that in the armed forces, the succeeding officer is always prepared to take the place of another. In times of war, when a corporal is killed, the assistant corporal takes over. When a battalion commander is killed, his executive officer takes over. So, there is always a system of taking over in the armed forces so that whether emergency or not, there is always an officer prepared to take the position of the officer who dies.

MR. MONSOD: No, I just wanted to ask whether in times of actual rebellion or state of rebellion or in times of actual war, the President can extend.

MR. DE CASTRO: Under this provision, no; there will always be a next Chief of Staff.

MR. MONSOD: Thank you.

MR. OPLE: Madam President, I think it is very important to establish the intent of the Constitutional Commission in this regard. I am not imposing my own views on the committee, but I believe that, first, this provision does not mean that the President as Commander-in-Chief cannot relieve a Chief of Staff during the three-year period. The Commander-in-Chief has the power to relieve the Chief of Staff at any time; second, I think that during very extraordinary times when the country faces an actual invasion or an insurrection, this constitutional provision should be more liberally construed in favor of the prerogative of the Commander-in-Chief during a time of critical national emergency.

Thank you, Madam President.

MR. MONSOD: Madam President, may I ask for a definitive interpretation from the committee because I believe that the interpretation of Commissioner Ople is not the same as the interpretation of Commissioner de Castro.

MR. DE CASTRO: The tour of duty of the Chief of Staff, according to our provision, shall in no case exceed three years.

Most of us here are lawyers. Perhaps a liberal interpretation may be made here by the President.

MR. MONSOD: I am sorry, Madam President; I do not understand the interpretation.

Is the Commissioner saying that it is possible to have an exception to that rule of liberality of interpretation?

THE PRESIDENT: The phraseology of the section is very clear. I do not see how there can be any doubt. This is my own opinion, I am not speaking for the committee, but I just want to solve the impasse. We are 47 here and

each one may have his own interpretation or concept.

SUSPENSION OF SESSION

MR. DE CASTRO: Madam President, may we request a suspension of the session for a consultation with the members of the committee?

THE PRESIDENT: The session is suspended.

It was 5:20 p.m.

RESUMPTION OF SESSION

At 5:55 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President, with the indulgence of the body, Commissioner Uka has been asking me since this morning for recognition because of a motion that cannot wait for tomorrow. So may I ask that Commissioner Uka be recognized.

THE PRESIDENT: Commissioner Uka is recognized.

MR. UKA: Madam President, I would like to reserve the right to seek reconsideration of a portion of Section 11 regarding the equity ratio after having voted on it.

Thank you, Madam President.

THE PRESIDENT: What is the next matter we shall consider this afternoon, Mr. Floor Leader, after we have finished Sections 17 and 18?

MR. RAMA: There is still one amendment, Madam President, in connection with the military provision. I ask that Commissioner Sarmiento be recognized.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: Thank you, Madam President.

We have this proposed amendment sponsored by this Representation and Commissioners Nollado, Colayco, Tingson, Rama, Guingona, Villacorta, Tan, Davide, Suarez, Monsod and Quesada.

The amendment reads: "THE OFFICERS AND MEN OF THE REGULAR FORCE OF THE ARMED FORCES OF THE PHILIPPINES SHALL BE RECRUITED PROPORTIONATELY FROM ALL THE PROVINCES AND CITIES." May I briefly explain, Madam President.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: When we suspended the session, we had a pending issue regarding the tour of duty of the Chief of Staff. With the indulgence of Commissioner Sarmiento, may we take this up?

MR. SARMIENTO: Graciously, Madam President.

MR. MAAMBONG: Madam President, in the context of my interpellation of Commissioner Bernas and having been designated by the committee, I would like to present before the body a formulation which will perhaps solve

the problem of the tour of duty of the Chief of Staff. It would consist of the second sentence of Section 18(e) and it would read as follows, Madam President: "HOWEVER, IN TIMES OF WAR OR OTHER NATIONAL EMERGENCY DECLARED BY CONGRESS, THE PRESIDENT MAY EXTEND SUCH TOUR OF DUTY FOR THE DURATION THEREOF."

I will now turn over the microphone to our chairman of the Committee on General Provisions, Madam President.

MR. DE CASTRO: Thank you, Madam President.

The reason is that in case of emergency, it is difficult to change leaders in midstream although as in my example of the Korean war, it will also appease the doubts of many Commissioners on what will happen in the event that there is an actual emergency, and the tour of duty of the Chief of Staff expires. So we put that provision, Madam President.

MR. JAMIR: Madam President.

THE PRESIDENT: Commissioner Jamir is recognized.

MR. JAMIR: I would like to ask Commissioner Maambong a clarificatory question.

MR. MAAMBONG: Yes, Madam President.

MR. JAMIR: As read by the Commissioner, the last part of the second sentence, if I remember correctly, says: "FOR THE DURATION THEREOF." Is that correct?

MR. MAAMBONG: Yes, Madam President. We said "FOR THE DURATION THEREOF."

MR. JAMIR: But does that mean to say that if the tour of duty of the Chief of Staff is extended because of an emergency declared by Congress, his tour of duty will continue as long as the emergency existed?

MR. MAAMBONG: Yes, because the concept of national emergency is tied up with the declaration of Congress which has been provided in the Article on the Legislative provision of Article 24(2), and it is presumed that that national emergency would not last very long considering that the Congress declared it precisely because of such emergency. And when the emergency is no longer present, then naturally, if the tour of duty of the Chief of Staff had already expired at the time when the emergency started, he will have to go.

MR. JAMIR: But supposing the President finds that his services as Chief of Staff during that emergency were not satisfactory, would he be relieved?

MR. MAAMBONG: Madam President, we have already settled that earlier — that even with or without an emergency, the Commander-in-Chief, the President, can always relieve the Chief of Staff.

MR. JAMIR: But I think that last part of the committee's formulation should be clarified so that there will be no doubt as to the right of the President or the power of the President to relieve the Chief of Staff just in case he proves to be incompetent.

Thank you very much.

MR. MAAMBONG: Then that would be the interpretation.

MR. PADILLA: Madam President.

THE PRESIDENT: Vice-President Padilla is recognized

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MR. PADILLA: I am in favor of the proposal of Commissioner Maambong that, as an exception in case of war or

national emergency, the President may keep his Chief of Staff even if it were beyond the three-year tour of duty. Naturally, the President has the prerogative of changing the Chief of Staff at her pleasure, even within the three-year period. In other words, this three-year tour of duty does not give the Chief of Staff a vested right to the term. But for precaution, it should not exceed three years. Madam President, the committee report says "shall be for three (3) years." Then that was amended with "SHALL IN NO CASE EXCEED THREE YEARS." So I suppose we should eliminate the words "IN NO CASE" because these should admit of exception in extraordinary situations.

MR. MAAMBONG: Madam President, the formulation, as approved by the body, reads: "THE TOUR OF DUTY OF THE CHIEF OF STAFF SHALL IN NO CASE EXCEED THREE YEARS."

What is the Vice-President's suggestion?

MR. PADILLA: I suggest to eliminate the words "IN NO CASE" and just say "SHALL NOT EXCEED THREE YEARS" followed by the exception "IN CASE OF WAR OR OTHER NATIONAL EMERGENCY DECLARED BY CONGRESS."

MR. MAAMBONG: We have a slight procedural problem there because this sentence has been approved by the body. But perhaps when we present the whole subsection for approval, we should take up the suggestion, Madam President.

MR. PADILLA: Maybe it should be considered as a motion for reconsideration just to eliminate the words "IN NO CASE," and I suppose Commissioner Davide would have no serious objection thereto.

MR. DAVIDE: Madam President, with the proposal of an exception, the words "IN NO CASE" really become impertinent. So, they can be deleted.

MR. MAAMBONG: So how would it read now?

MR. DAVIDE: "THE TOUR OF DUTY OF THE CHIEF OF STAFF SHALL NOT EXCEED THREE YEARS." Then, the exception shall be provided; without the exception, the phrase "SHALL IN NO CASE EXCEED" would be necessary.

MR. MAAMBONG: In that case, it only conforms with the second sentence.

MR. DAVIDE: Yes.

MR. MAAMBONG: It does not affect the substance at all.

May we ask, Madam President, that we put the committee's formulation of the second sentence to a vote.

MR. RAMA: We are ready to vote, Madam President.

THE PRESIDENT: Will Commissioner Maambong please read it again?

MR. MAAMBONG: "HOWEVER, IN TIMES OF WAR OR OTHER NATIONAL EMERGENCY DECLARED BY CONGRESS, THE PRESIDENT MAY EXTEND SUCH TOUR OF DUTY FOR THE DURATION THEREOF."

MR. RAMA: We are ready to vote, Madam President.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I would seek for the deletion of the phrase "FOR THE DURATION THEREOF" to read:

"HOWEVER, IN TIMES OF WAR OR NATIONAL EMERGENCY AS DECLARED BY CONGRESS, THE TOUR OF DUTY MAY BE EXTENDED."

MR. DE CASTRO: The deletion is accepted, Madam President

MR. MAAMBONG: May I read it: "HOWEVER, IN TIMES OF WAR OR OTHER NATIONAL EMERGENCY DECLARED BY CONGRESS, THE PRESIDENT MAY EXTEND SUCH TOUR OF DUTY."

VOTING

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

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

As many as are abstaining, please raise their hand. (No Member raised his hand.)

The results show 22 votes in favor, 2 against and no abstention; the second sentence is approved.

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: May I be recognized for a clarification regarding the phrase "NATIONAL EMERGENCY." I suppose this has something to do with an emergency that is military in character, not a catastrophe or a calamity like an earthquake or a natural disaster. Is my understanding of the term "NATIONAL EMERGENCY" correct, Madam President?

MR. MAAMBONG: Yes, but I would like to be more specific. When the committee said "NATIONAL EMERGENCY," we are interpreting it in the context of Section 24(2) of the Article on the Legislative. And by reading the whole subsection, it is very clearly indicated what the phrase "NATIONAL EMERGENCY" means.

MR. SUAREZ: So this matter of natural calamities bringing about a national emergency is excluded from the application of this provision, Madam President?

MR. MAAMBONG: We would rather say that as long as Congress declares a situation as a national emergency, then that is the national emergency as interpreted by Congress, Madam President.

MR. SUAREZ: Even if it is not military in character or in implication, I am referring to the phrase "NATIONAL EMERGENCY."

MR. MAAMBONG: Under Section 24(2), it does not say whether it is military or not, but the discretion is on the part of Congress to declare a national emergency. So the committee would not want to be limited to an interpretation which may not be the interpretation of Congress.

MR. SUAREZ: Does the Commissioner not feel that it may be a little bit uncomfortable to grant an extension when there is no military matter involved in the national emergency?

MR. MAAMBONG: But the problem is that from the standpoint of Congress it may be a national emergency.

MR. SUAREZ: Yes, but it does not need an extension of the tour of duty of the Chief of Staff no less. Does the Commissioner not agree?

MR. MAAMBONG: From the standpoint of the committee, considering that we are discussing the tour of duty of a Chief of Staff which by the very nature of his position is running the military establishment, it would have to be related to lawless violence, invasion or situations which have military implications.

MR. SUAREZ: That is what we are trying to suggest: That we limit the interpretation of the term "NATIONAL EMERGENCY" to what the Commissioner just stated a while ago about lawless violence, imminent danger of rebellion or insurrection but not in matters such as an earthquake or a typhoid epidemic which could constitute a national emergency.

MR. MAAMBONG: I have been informed by the committee that that is the interpretation as far as this national emergency clause is concerned.

MR. SUAREZ: Thank you.

MR. RAMA: Madam President, I ask that Commissioner Sarmiento be recognized.

MR. MAAMBONG: Madam President, we have not yet voted on the whole subsection. May we now be allowed to read the whole subsection so that we can vote?

THE PRESIDENT: The Commissioner will please proceed.

MR. MAAMBONG: Section 18(e) reads: "THE TOUR OF DUTY OF THE CHIEF OF STAFF OF THE ARMED FORCES SHALL NOT EXCEED THREE YEARS.

HOWEVER, IN TIMES OF WAR OR OTHER NATIONAL EMERGENCY DECLARED BY CONGRESS, THE PRESIDENT MAY EXTEND SUCH TOUR OF DUTY."

May we ask for a vote, Madam President?

THE PRESIDENT: Is there any objection to Section 18(e) as read? (Silence) The Chair hears none; Section 18(e) is approved.

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

MR. SARMIENTO: Thank you, Madam President.

The additional proponents of this amendment are Commissioners Ople and Romulo. May I briefly explain, Madam President, the reasons we submitted this proposed amendment? The purpose of this amendment, Madam President, is to prevent the development of exclusive clubs and enclaves within the military. This is to prevent the existence of the so-called Ilocano blocs, Bicolano blocs, Visayan blocs in the military.

Madam President, this provision is a self-checking mechanism implanted in the army organization itself. An army composed of officers and men coming from all the provinces fulfills this requirement because it is truly representative of the people. This composite army cannot be a threat to government because the people cannot be disloyal to itself. It will be extremely difficult, if not impossible, for one group to control or manipulate the will of the rest because its merest suggestion will find strong resistance within the organization itself. Since it can safely be said that each soldier or officer is loyal to the place of his birth, he could be counted upon to be loyal to the nation whose general interest and welfare promotes that of his province and home. It is an unswerving loyalty dictated by instinct, under pain of subjugation of his own people and kin by those from other provinces or regions. In the first days of the February revolution, General Ramos complained of an army within the army, referring to the troops loyal to General Ver and former President Marcos. In a composite army, no such army within the army is possible.

Thank you, Madam President.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Commissioners Tingson, Ople and this Representation would like to propose an amendment to the amendment of which we have already informed the Honorable Commissioner Sarmiento, and this is to add the words "AS FAR AS PRACTICABLE."

MR. SARMIENTO: The amendment is accepted, Madam President.

MR. NATIVIDAD: Madam President.

THE PRESIDENT: Commissioner Natividad is recognized.

MR. NATIVIDAD: May I ask a few questions of the distinguished Commissioner Sarmiento?

MR. SARMIENTO: Gladly, Madam President.

MR. NATIVIDAD: Is the Commissioner proposing that the recruitment program of the armed forces be proportionate among provinces?

MR. SARMIENTO: Yes, proportionate to the population of each province and city.

MR. NATIVIDAD: But recruitment needs are sometimes based on definite qualifications. For example, the navy or the air force tests its recruits insofar as qualifications are concerned.

MR. SARMIENTO: If the Commissioner will consider the amendment proposed by Commissioner Guingona, we have the phrase "AS FAR AS PRACTICABLE." So we shall also consider qualifications and other relevant matters.

MR. NATIVIDAD: It might be incongruous to recruit people from a province although they do not live up to the qualifications necessary for the technical jobs called for by the air force, for example, or by the navy, just because that province has its quota still unfilled. Or how can we implement if there are no applicants from a certain province? The armed forces do not offer attractive rates of pay and there are very few applicants for recruitment programs of the armed forces. If that happens, what do we do? Do we simply stop recruiting because we have to fill up the quotas of different provinces?

MR. SARMIENTO: That is why we have the saving clause "AS FAR AS PRACTICABLE."

MR. NATIVIDAD: Again, among the officers, especially those who undertake the Philippine Military Academy cadetship program, they will have to undertake extensive physical and mental examinations, with absolutely no regard for a person's roots, wherever he comes from. And even in the other branches of the armed forces, the last question they will ask is where one comes from. It is one's qualification, physical ability, mental ability and psychological examinations that count. I am just testing the proposal against the actual requirement of the armed forces, Madam President.

MR. RAMA: Madam President.

THE PRESIDENT: Commissioner Rama is recognized.

MR. RAMA: This is not a new provision; the concept is not new. As a matter of fact, before Mr. Marcos came into power, there was a policy to recruit the top PMA students from all over the country. During the time of President Marcos, about 80% came from Ilocandia. And that is why this provision is necessary because it addresses that very serious problem where you have an Ilocano armed forces.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you.

With reference to officers mentioned here and apropos of the explanation of Commissioner Natividad, the officers of the armed forces principally come from the Philippine Military Academy. Some come from colleges where they finished the four-year ROTC training with distinction.

In the case of the Philippine Military Academy, everybody can apply. They will be subjected to a rigid physical examination. After that, they will be given a competitive examination so that sometimes out of 8,000 taking the examination and the armed forces needing only 150, the first 150 are selected. Under that, it is possible that those 150 can all come from Metro Manila. And we cannot do anything because that is really the way to select our officers.

Formerly, before the war, the Members of Congress were given one slot for every district for their recommendees to go to the academy while the Senators, by region, were authorized to give two slots. So in that region, it is possible that there are about 10 candidates for the Philippine Military Academy, but they will still have to pass the mental and physical examinations. If these 10 recommendees in one region fail in the physical or in the mental examination, they cannot be taken in the Philippine Military Academy.

It happened in our class. There were more cadets from Rizal than there were from any other province, but this was competitive.

With regard to officers coming from the ROTC training, all colleges all over the Philippines have their own ROTC training with a small cadre from the regular force. If they did not show distinction during that period of training for four years, it is very possible that they may not be selected for active duty training. So, insofar as officers are concerned, it will be very difficult to proportionately give each province the number of officers for the Armed Forces of the Philippines.

In the case of the enlisted men, they are also required physical examination plus their educational attainment. If we say 10 people are for Cotabato and those 10 people and the others who applied fail in the physical examination or they lack the necessary educational attainment, certainly, they will not be accepted. However, the policy of the armed forces today is to select men from the province where they are expected to serve. It is very difficult to put this in the Constitution even if we put the phrase "INSOFAR AS PRACTICABLE."

Thank you, Madam President.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: As one of the coauthors, may I defend the proposal. In 1984 it was the last time I looked at the regional distribution of the generals and flag officers of the Armed Forces of the Philippines. There were about 100 generals. Eighty-two of them came from the Ilocos region. Would the Commissioner consider such a distribution equitable and sustainable, considering that the Ilocano-speaking Filipinos represent 13 percent of the entire population? They had more than 80 percent of all officers of flag rank in the Armed Forces of the Philippines in 1984. Was this the result of a natural evolution and a kind of division of labor among Filipinos so that 80 percent of all the generals of the armed forces at one time would come from only one region? Or was there a kind of insidious intervention so that 80 percent of all the generals and flag officers would come from only one region of the country?

MR. DE CASTRO: I do not believe the Commissioner's statements are reflective of the proposed section which says "The officers and men of the armed forces . . ."; the Commissioner is speaking now of generals in one region.

That is the reason we are putting provisions on professionalism and provisions against partisan politics, and unluckily, we deleted the provision on retirement. But this is a matter of choice of the President. As we say, when the Chief of Staff and the President connive in order to destroy the whole nation and the armed forces, then that is the very reason the tour of duty of the Chief of Staff has been approved. The Commissioner is talking of generals; it is within the discretion of the President to appoint those generals who will follow the merit system and instill professionalism in the armed forces.

MR. OPLE: Does the committee agree with me, Madam President, that at least 60 percent of the Armed Forces of the Philippines at the enlisted men's level come from only one region of the country?

MR. DE CASTRO: I do not have enough data on that matter, Madam President.

MR. OPLE: Yes, that is a figure I have not verified but only a figure suggested by many people knowledgeable about the regional distribution of our armed forces. The committee undoubtedly also knows that the Presidential Security Command, prior to this government, consisted almost entirely of people from one region and a great majority actually came from only one province. The committee is aware of that. I am speaking of the old Presidential Security Command.

MR. DE CASTRO: I was informed about that.

MR. OPLE: Yes. I think this is the sort of practice, Madam President, that this proposed amendment intends to address. It does not say precisely how the armed forces can achieve a more optimal balance in terms of the representation of regions but we know the ethnographic configuration of the country. For example, 24 percent of all Filipinos have Cebuano as their mother tongue. I am sure that their representation in the armed forces is enormously below that figure. The Tagalog-speaking Filipinos are 23 percent of the nation; the Ilocano-speaking Filipinos are 13 percent; the Hiligaynon-speaking Filipinos are 11 percent; the Pampanga-speaking Filipinos are 3 percent. This is not a hard-and-fast rule, Madam President. It merely suggests some kind of an optimal goal of distribution, fair representation in the composition of the Armed Forces of the Philippines, both at officer and enlisted men levels and then we leave it to the leadership of the armed forces, the President and maybe Congress, at some point, just to ensure a kind of equitable distribution which they can merely approximate but will never really be fully realized. We also know that there is a kind of ethnographic specialization in any nation. In India, we all know the Shikh population in Punjab constitutes 3 percent of the Indian nation. But in the Indian army, they account for 12 percent of the entire Armed Forces of India. I think in this case it cannot be helped if a long history of warrior experience has predisposed them to become soldiers. We make allowances for that but at the same time, we insist, Madam President, that this amendment will do a lot of wonders in order to rectify the notorious imbalances in the composition of our armed forces in favor only of certain regions.

Thank you.

MR. RAMA: Madam President.

MR. TINGSON: Madam President.

MR. UKA: Madam President.

THE PRESIDENT: Commissioner Uka is recognized, to be followed by Commissioner Tingson.

MR. UKA: May I be allowed to make a suggestion. I have to do this because fortunately or unfortunately for our country, it is a modern Tower of Babel with 87 major languages. I think it is possible for each province or even region to have a sort of a quota of qualified men. Then, if the quota for that region is already filled up, then we can go to another region. In that way, they will not feel that they are neglected or slighted. And it is nice to have it

that way because whether we like it or not, as I say, we cannot avoid this tribal dissension that we have. The more, the merrier.

Thank you.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Madam President, I just want to ask one or two questions for my own satisfaction of the principal proponent. Did we not approve the idea of professionalizing our armed forces?

MR. SARMIENTO: Yes, Madam President.

MR. TINGSON: We want the best officers and the best men that we can get. That is what we mean by professionalism is it not?

MR. SARMIENTO: Yes, Madam President.

MR. TINGSON: And so, when the Commissioner proposes a proportionate recruitment from all provinces and cities, that would not, of course, run counter to that idea because we will only accept those who are naturally eligible and well trained.

MR. SARMIENTO: Yes, the Commissioner is correct.

MR. TINGSON: The Commissioner speaks about recruiting from all provinces. Would that be practical? Would the Commissioner rather not say "FROM ALL REGIONS OF OUR COUNTRY? What does he really mean by "FROM ALL PROVINCES"?

MR. SARMIENTO: There will be difficulty if we say "REGIONS" considering that regions consist of so many provinces. But I think it will be more practical if we say "PROVINCES AND CITIES."

MR. TINGSON: Is this amendment supposed to solve the problem of our people's clannishness and jealousy if they belong to one region and thus become sensitive with each other? Does the Commissioner not want to avoid this in our armed forces?

MR. SARMIENTO: This section will, I think, prevent factionalism and clannishness because it will be for Congress to implement programs for all these soldiers to interact with each other. So, I do not think this will foster clannishness and factionalism within the Armed Forces of the Philippines.

MR. TINGSON: I am glad to be a coauthor of the Commissioner's amendment.

MR. NOLLEDO: Madam President.

THE PRESIDENT: Commissioner Nolleto is recognized.

MR. NOLLEDO: Thank you, Madam President.

I would like to speak in favor of the amendments for only two minutes.

THE PRESIDENT: The Commissioner has three minutes.

MR. NOLLEDO: Adverting to the statement of Commissioner Uka, Madam President, each province or city will never run out of qualified men for the armed forces considering the innate intelligence of Filipinos in many respects. I would like to support, Madam President, the Sarmiento amendment which was based on a proposal of a concerned citizen, Atty. Florante Yambot, for the following reasons:

First: The recruitment system, based on the Sarmiento amendment, will prevent the organization of different blocs

in the armed forces, doing away with the Ilocano bloc, the Visayan bloc or the Muslim bloc because all Filipinos of different persuasions, representing different provinces, shall form the Armed Forces of the Philippines.

Second: The Sarmiento amendment would bring about equality and opportunities to Filipinos in different provinces and cities in their aspiration to serve the armed sector of the republic.

Third: There will be promoted national unity because Filipinos from different regions and of different idiosyncrasies come together, united in their goal to protect the people and the State.

Fourth: The Sarmiento amendment lays down a basic rule in the formation of the structure of the armed forces. Its details shall be provided for by Congress and this amendment, Madam President, is precisely to resist the present practices talked about by Commissioners de Castro and Natividad.

Fifth: It will be difficult for a President who is the Commander-in-Chief to control a bloc within the army whose members have clannish inclinations towards the President. Thereby, Madam President, we prevent the existence of an army within the army.

Thank you, Madam President.

MR. RAMA: Madam President, it is now time to take a vote on the Sarmiento amendment.

THE PRESIDENT: The committee did not accept this amendment.

MR. DE CASTRO: Madam President, we do not accept the proposals.

THE PRESIDENT: Yes, that has been explained by Commissioner Bacani.

BISHOP BACANI: Madam President, the reason I cannot accept the amendment is that I do not think a constitutional provision is needed for this.

MR. RAMA: So, the body is ready to vote.

THE PRESIDENT: Will Commissioner Sarmiento please read the amendment so that we can put it to a vote?

MR. SARMIENTO: "THE OFFICERS AND MEN OF THE REGULAR FORCE OF THE ARMED FORCES OF THE PHILIPPINES SHALL BE RECRUITED PROPORTIONATELY FROM ALL PROVINCES AND CITIES AS FAR AS PRACTICABLE."

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Could we delete the word "OF THE PHILIPPINES" because in all other provisions, we have always referred to "ARMED FORCES" only?

MR. SARMIENTO: The proposal is accepted.

MR. MAAMBONG: Thank you.

VOTING

THE PRESIDENT: As many as are in favor, 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. (No Member raised his hand.)

The results show 17 votes in favor, 4 against and no abstention; Commissioner Sarmiento's amendment is approved.

MR. SARMIENTO: Madam President, for the record, may I just state the coauthors of this proposed amendment. They are Commissioners Nollado, Colayco, Tingson, Rama, Guingona, Tan, Villacorta, Davide, Suarez, Monsod, Quesada, Ople and Romulo.

Thank you, Madam President.

MR. RAMA: Madam President, there is just one last section and there is no registered speaker to propose an amendment. So may I ask the committee to read the last section.

MR. MAAMBONG: Madam President, before that, I do not think we have approved the whole Section 18. Could we put Section 18 to a vote, Madam President?

MR. RAMA: Madam President, there is one more amendment coming from Commissioner Ople.

THE PRESIDENT: Commissioner Maambong wants a vote on the whole Section 18.

MR. MAAMBONG: If there is still an amendment to Section 18, then we cannot put the whole section to a vote, Madam President. So may I know from Commissioner Ople if that is an amendment to Section 18.

MR. OPLE: No, Madam President, it is not.

THE PRESIDENT: Will Commissioner Maambong please read Section 18?

MR. MAAMBONG: I will read Section 18 but may I request individual proponents to listen so that if I commit some mistakes they can be corrected immediately. "SEC. 18(1) ALL MEMBERS OF THE ARMED FORCES SHALL TAKE A SOLEMN OATH OR AFFIRMATION TO UPHOLD AND DEFEND THIS CONSTITUTION.

(2) THE STATE SHALL STRENGTHEN THE MILITARY'S PATRIOTIC SPIRIT AND NATIONALIST CONSCIOUSNESS, INCLUDING RESPECT FOR PEOPLE'S RIGHTS IN THE PERFORMANCE OF THEIR DUTY.

(3) PROFESSIONALISM IN THE ARMED FORCES AND ADEQUATE REMUNERATION AND BENEFITS OF ITS MEMBERS SHALL BE A PRIME CONCERN OF THE STATE. THE ARMED FORCES SHALL BE INSULATED FROM PARTISAN POLITICS.

NO MEMBER OF THE MILITARY SHALL ENGAGE DIRECTLY OR INDIRECTLY IN ANY PARTISAN POLITICAL ACTIVITY, EXCEPT TO VOTE.

(4) THE TOUR OF DUTY OF THE CHIEF OF STAFF OF THE ARMED FORCES SHALL NOT EXCEED THREE YEARS.

HOWEVER, IN TIMES OF WAR OR OTHER NATIONAL EMERGENCY DECLARED BY CONGRESS, THE PRESIDENT MAY EXTEND SUCH TOUR OF DUTY.

(5) THE OFFICERS AND MEN OF THE REGULAR FORCE OF THE ARMED FORCES SHALL BE RECRUITED PROPORTIONATELY FROM ALL THE PROVINCES AND CITIES AS FAR AS PRACTICABLE."

May I ask for a vote on the whole Section 18, Madam President?

VOTING

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

As many as are against, please raise their hand. (No Member raised his hand.)

As many as are abstaining, please raise their hand. (No Member raised his hand.)

The results show 23 votes in favor, none against and no abstention; Section 18 with all its corresponding subsections is approved.

MR. RAMA: May I ask, Madam President, that Commissioner Ople be recognized.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Thank you, Madam President.

May I just recall for the benefit of the Commission that at the beginning of the consideration of the Article on General Provisions, after Section 1 was reformulated, Commissioners de Castro, Nollado and myself sought the committee's approval to present later on a separate amendment concerning retirees, specifically, government retirees.

Originally, they were included with veterans in Section 1, but then the consensus was to separate the government retirees. And I made a reservation to present a separate amendment.

This is now how the amendment reads, subject to proper placement by the committee on the Article on General Provisions: "THE STATE SHALL FROM TIME TO TIME REVIEW AND UPGRADE THE PENSIONS AND OTHER BENEFITS DUE TO RETIREES OF BOTH THE GOVERNMENT AND THE PRIVATE SECTORS."

May I explain briefly, Madam President? There are almost 2 million government employees that are either in active service or are retired. And, of course, the bulk of those in active service now will be retiring in a few years.

In the private sector, there are 8 million members of the Social Security System. May I point out, Madam President, that whether in the GSIS or in the SSS or, let us say, in the military's own Mutual Assistance Fund, these people contribute during the prime of their working lives to their own future security through retirement benefits.

It is unfortunately true, Madam President, that many of these retirees now feel that what is given them by the GSIS or by the SSS is actually a pittance compared with what they have slaved for during their working lives.

I already made reference recently to the case of a government retiree in San Miguel, Bulacan who told me that 10 years ago, his pittance of about P100 could buy more than a cavan of rice but today, it can buy only one-third of a cavan of rice. These complaints of retirees, whether of the SSS or of the GSIS, are very well founded, Madam President. They are victims of situations, but lacking voice, unlike organized workers in trade unions, they just have to depend on the understanding and concern of a body such as the Constitutional Commission so that they are not cheated of what they have contributed in the past.

And so, I ask that the committee consider this amendment which was originally contributed by Commissioners de Castro and Nollado.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: The committee accepts, and since there has been a discussion on this matter during the

period of interpellations, may we request a vote at this time?

MR. OPLE: Thank you.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: As worded, it would be very innocuous if it is just to review. Can we not change "AND" between the words "REVIEW" and "UPGRADE" to "TO" so that it will read: ". . . REVIEW TO UPGRADE THE PENSIONS . . ."?

MS. ROSARIO BRAID: The committee accepts the amendment to the amendment.

VOTING

THE PRESIDENT: As many as are in favor of this amendment which has been accepted by the committee, please raise their hand. (Several Members raised their hand.)

As many as are against, please raise their hand. (No Member raised his hand.)

As many as are abstaining, please raise their hand. (No Member raised his hand.)

The results show 21 votes in favor, none against and no abstention; the amendment is approved.

MR. RAMA: May I ask, Madam President, that Commissioner Rosario Braid be recognized.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Madam President, Commissioner Rigos and a few others submitted a proposal which has been distributed to everybody and the proposal seeks a substitute amendment to the provision on a population policy that was voted down. Their proposal is a different concept because it is on education. May I read the provision since Commissioner Rigos is not around. It states: "THE STATE SHALL PROMOTE THROUGH EDUCATION A POLICY OF RESPONSIBLE PARENTHOOD." The sponsors are Commissioners Rigos, Romulo, Aquino and this Representation.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Considering that the proponent is not here, I would like to inform the body that there is another paper here which is against this formulation. I do not know if this came from one of the Commissioners as it does not have any indication. I wonder if Commissioner Romulo is here.

MR. ROMULO: Yes.

MR. MAAMBONG: I then withdraw that manifestation. I was thinking that if there is no Commissioner who will propose it, then we will have to suspend it.

MR. ROMULO: Yes. I can briefly explain that the thought of Commissioner Rigos really is from the point of view of education. What we mean by "RESPONSIBLE PARENTHOOD" is not population control or family planning. What we really mean by that is to enlighten prospective parents with regard to their responsibility in child-rearing in the context of their own family limitations, health and resources.

MR. UKA: Madam President.

THE PRESIDENT: Commissioner Uka is recognized.

MR. UKA: I was one of those who framed this idea because I believe that "RESPONSIBLE PARENTHOOD" is already covered by Section 3(a) of the Article on Family Rights so this will be a repetition or redundancy.

MR. ROMULO: Madam President, this has to do with education. In fact, I was corrected by Commissioner Nieva; originally, I thought this concept was included in the Article on Family Rights. But what we are emphasizing here is the education for responsible parenthood. And, again, if I may elaborate on the thought of Commissioner Rigos, what he does not want to lose are the impetus and the success which have taken place with regard to educating parents on their responsibility.

THE PRESIDENT: Yes, but the proposed amendment, I understand, would want the State to adopt a policy of responsible parenthood. Is that it?

MR. ROMULO: No. It says: "THE STATE SHALL PROMOTE THROUGH EDUCATION A POLICY OF RESPONSIBLE PARENTHOOD."

BISHOP BACANI: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: The portion that we deleted rejected the formulation by the State of population policies. That is why I am wondering whether this would not amount to a certain reconsideration of that deleted portion because it is asking for an education carried out by the State an a policy of responsible parenthood; it will promote through education a policy of responsible parenthood.

And then, while Commissioner Romulo very correctly says that by responsible parenthood he does not really mean population control or family planning, unfortunately, in the context of the population questions, the words "RESPONSIBLE PARENTHOOD" are very closely associated with that.

I have here a brochure on responsible parenthood which is commonly used, and one of the points of emphasis of this is precisely the small family. I have underlined some portions here; for example, translated into English, one advises that it is best if one aspires to have a small family so that he can properly care for his children and fully prepare for their future.

The next page says: "Ano'ng mga mabuting idudulot ng pagkakaroon ng maliit na pamilya? Mapa-aaral sila ng nais nilang kurso."

Another page says: "Sa inyong pagmamahalang mag-asawa, mag-agwat ng mga anak, hangaring magkaroon ng maliit na pamilya."

And then, the next page advises: "Sa inyong pagmamahalan, planuhin ngayon din ang pag-aagwat ng mga anak. Hangaring magkaroon ng maliit na pamilya."

What I am trying to say is that there is a policy bias towards a small family when one speaks today of responsible parenthood in the context of the population question, and that is why, perhaps, it is best to leave that deleted.

As regards education, I think the Article on Education will take care of what would be necessary.

MR. UKA: Madam President, if I may, I saw a brochure on responsible parenthood with some pictures of how they go about it with even some drawings of "spare parts" there; there is sterilization, contraception and all that sort of thing. So, "RESPONSIBLE PARENTHOOD" is a very naughty phrase and besides it is already covered, as I said, in Section 3 of Article VIII in the Article on Family Rights. It will be a redundancy and I think will

become very ambiguous. I suggest that we just leave that to our legislature.

MR. ROMULO: We are willing to submit, Madam President, to a vote.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: May I briefly speak against the proposal, with due respect to the proponents.

In its strict sense, the term "RESPONSIBLE PARENTHOOD" is laudable since it denotes a virtue of those tasked with the procreation, education and material support of citizens. However, when it is associated with population issues understood in the current context, that is with the motive of limiting family size, then it assumes unpopular meanings and contraceptive connotations. To constitutionally mandate the State to educate the citizenry in responsible parenthood paves the way for abuse of family rights by the State.

Presently, Madam President, responsible parenthood is candycoated family education whose goal is the reduction of family size. Training in responsible parenthood forms part of the Commission on Population's Outreach Program, a failure for which close to P340 million has been spent from 1981 to the present.

Thank you, Madam President.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: I rise to support this amendment because it represents population policy which I believe in.

Thank you, Madam President.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

ADJOURNMENT OF SESSION

MS. ROSARIO BRAID: In view of the lateness of the hour and since the major proponent is not here, could we defer this and adjourn at this time?

THE PRESIDENT: Furthermore, there is no more quorum.

MS. ROSARIO BRAID: Yes, Madam President.

THE PRESIDENT: The session is adjourned until tomorrow at 9:30 a.m.

It was 6:56 p.m.

[*] Appeared after the roll call.

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