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Monday, July 7, 1986

CALL TO ORDER

At 5:14 p.m., the President of the Constitutional Commission, the Honorable Cecilia Muñoz Palma, called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mrs. Ma Teresa F. Nieva, to wit:

Oh good and loving Father, You created men and women as brothers and sisters, and as co-creators of the world. You gave the riches of creation for each and everyone's use so that we, Your children made in Your image and likeness, may live lives of human dignity.

Yours is the earth and the fullness thereof, we are only Your stewards. We humbly ask You, cleanse us from self-centeredness and pride, and empty us of greed and intolerance. Fill us with Your Spirit so that we may have the collective wisdom and courage to frame a Magna Carta that will lay the firm foundations for the building of a truly just and humane society.

Heavenly Father, we praise and thank You that like the Israelites of old, You freed us from the slavery and bondage and led us to the Promised Land.

Continue to protect us and guide us so that in the crucial days ahead we may be Your faithful instruments in securing to our people and our country the blessings of democracy under the rule of law and a regime of truth, justice, love, equality and peace.

All these we ask of You in the name of Your Son, Jesus Christ, and through the intercession of our Blessed Mother Mary.

Amen.

ROLL CALL

Upon direction of the Chair, the Secretary-General of the Commission called the Roll and the following Members responded:

Alonto, A. D. Nieva, M. T. F.

Aquino, F. S. Nollado, J. N.

Azcuna, A. S. Padilla, A. B.

Bacani, T. C. Muñoz Palma, C.

Bennagen, P. L. Quesada, M. L. M.

Bernas, J. G. Rama, N. G.

Rosario Braid, F. Regalado, F. D.

Brocka, L. O. De los Reyes, R.

Calderon, J. D. Rigos, C. A.

De Castro, C. M. Rodrigo, F. A.

Colayco, J. C. Romulo, R. J.

Concepcion, R. R. Sarmiento, R. V.

Davide, H. G. Suarez, J. E.

Foz, V. B. Sumulong, L. M.

Garcia, E. G. Tadeo, J. S. L.

Gascon, J. L. M. C. Tan, C.

Guingona, S. V. C. Tingson, G. J.

Jamir, A. M. K. Treñas, E. B.

Maambong, R. E. Uka, L. L.

Monsod, C. S. Villacorta, W. V.

Natividad, T. C. Villegas, B. M.

With 42 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

Abubakar, Y. R. Lerum, E. R.

Bengzon, J. F. S. Ople, B. F.

Laurel, J. B.

Mr. Rosales was absent.

READING AND APPROVAL OF THE JOURNAL

On motion of Mr. Alonto, there being no objection, the reading of the Journal of the previous session was dispensed with and the said Journal was approved by the Body.

REFERENCE OF BUSINESS

On motion of Mr. Alonto there being no objection, the Body proceeded to the Reference of Business.

REFERRAL TO COMMITTEES OF RESOLUTIONS

Upon direction of the Chair, the Secretary-General read, on First Reading, the titles of the following proposed Resolutions which were, in turn referred by the Chair to the Committees hereunder indicated:

Proposed Resolution No. 409, entitled:

RESOLUTION CREATING AUTONOMOUS REGIONS FOR THE MUSLIMS OF MINDANAO AND THE PEOPLE OF THE CORDILLERA HIGHLANDS AND PROVIDING FOR OTHER AREAS OF AUTONOMY WITHIN LARGER POLITICAL SUBDIVISIONS

Introduced by Honorable Ople

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Proposed Resolution No. 410, entitled:

RESOLUTION MAKING THE COMMISSION ON ELECTIONS THE SOLE JUDGE OF ELECTIONS, RETURNS AND QUALIFICATIONS OF ALL ELECTIVE LOCAL OFFICIALS

Introduced by Honorable Davide, Jr.

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

Proposed Resolution No. 411, entitled:

RESOLUTION PROVIDING FOR THE CREATION OF A SEPARATE ARTICLE IN THE CONSTITUTION INSTITUTIONALIZING THE CONCEPT OF PEOPLE POWER

Introduced by Honorable Rosario Braid

TO THE COMMITTEE ON THE LEGISLATIVE

Proposed Resolution No. 412, entitled:

RESOLUTION LIMITING THE PRACTICE IN THE PHILIPPINES OF THE VARIOUS PROFESSIONS TO FILIPINO PROFESSIONALS

Introduced by Honorable Rosario Braid

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

Proposed Resolution No. 413, entitled:

RESOLUTION PROPOSING FOR A CONSTITUTIONAL COMMITMENT OF THE STATE TO ASSIST THE DISABLED INTO BECOMING PRODUCTIVE AND USEFUL MEMBERS OF SOCIETY

Introduced by Honorable de los Reyes

TO THE COMMITTEE ON SOCIAL JUSTICE

Proposed Resolution No. 414, entitled:

RESOLUTION TO RESTORE THE PRE-MARTIAL LAW POLICY OF ALLOWING VOTERS IN HIGHLY URBANIZED CITIES TO VOTE FOR PROVINCIAL OFFICIALS

Introduced by Honorable Rama

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Proposed Resolution 415, entitled:

RESOLUTION PROVIDING IN THE NEW CONSTITUTION THAT THE STATE SHALL ENCOURAGE THE ESTABLISHMENT AND GROWTH OF POLITICAL PARTIES ORGANIZED ALONG SECTORAL LINES AND WHICH SHALL STAND FOR WELL-DEFINED PRINCIPLES AND PROGRAMS OF GOVERNMENT

Introduced by Honorable Sarmiento and Brocka

TO THE COMMITTEE ON GENERAL PROVISIONS

Proposed Resolution No. 416, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE TO UPGRADE THE QUALITY OF EDUCATION

Introduced by Honorable Guingona

TO THE COMMITTEE ON HUMAN RESOURCES

Proposed Resolution No. 417, entitled:

RESOLUTION PROPOSING TO ADOPT SECTION 4, ARTICLE XV OF THE 1973 CONSTITUTION IN THE NEW CONSTITUTION AND INSERTING THE "RIGHTS AND" BEFORE WORD "DUTIES" AND "FAMILY LIVING" AND BEFORE "CITIZENSHIP"

Introduced by Honorable Tan, Rigos and Villacorta

TO THE COMMITTEE ON HUMAN RESOURCES

Proposed Resolution No. 418, entitled:

RESOLUTION TO ADOPT SECTIONS 4 AND 5, ARTICLE II OF THE 1973 CONSTITUTION AND ADD THE WORDS, "IN THE NURTURE AND CARE OF CHILDREN AND YOUTH FOR THEIR SURVIVAL AND TOTAL DEVELOPMENT AND" AND "MORAL, EMOTIONAL," RESPECTIVELY.

Introduced by Honorable Tan, Villacorta and Rigos

TO THE COMMITTEE ON HUMAN RESOURCES

Proposed Resolution No. 419, entitled:

RESOLUTION PROPOSING TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION GUARANTEEING A DECENT SHELTER FOR EVERY FILIPINO, PROTECTION AGAINST ARBITRARY AND INHUMAN DEMOLITION OF DWELLINGS AND AN ASSURANCE FOR PROPER RESETTLEMENT UNDER A COMPREHENSIVE SHELTER PROGRAM

Introduced by Honorable Tan, Villacorta and Rigos

TO THE COMMITTEE ON SOCIAL JUSTICE

Proposed Resolution No. 420, entitled:

RESOLUTION PROPOSING FOR THE CREATION OF CITIZENS ARMY THAT SHALL TAKE ON THE PRIMARY RESPONSIBILITY OF DEFENDING THE STATE AGAINST FOREIGN AGGRESSION

Introduced by Honorable Suarez and Tadeo

TO THE COMMITTEE ON GENERAL PROVISIONS

Proposed Resolution No. 421, entitled:

RESOLUTION INCORPORATING IN THE NEW CONSTITUTION A PROVISION TO INSURE THAT THE STATE SHALL UNDERTAKE AND IMPLEMENT AN URBAN LAND REFORM AND SOCIAL HOUSING PROGRAM

Introduced by Honorable Nieva, Monsod, Tan, Bacani and Gascon

TO THE COMMITTEE ON SOCIAL JUSTICE

Proposed Resolution No. 422, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION ESTABLISHING A SYSTEM OF FREE LEGAL ASSISTANCE

Introduced by Honorable Nieva

TO THE COMMITTEE ON GENERAL PROVISIONS

Proposed Resolution No. 423, entitled:

RESOLUTION PROVIDING FOR CONSUMER PROTECTION IN THE NEW CONSTITUTION

Introduced by Honorable Suarez, Bennagen, Quesada, Tan, Rosario Braid, Sarmiento, Aquino and Tadeo

TO THE COMMITTEE ON GENERAL PROVISIONS

Proposed Resolution No. 424, entitled:

RESOLUTION PROVIDING FOR CONSUMER PROTECTION IN THE NEW CONSTITUTION

Introduced by Honorable Suarez, Bennagen, Quesada, Tan, Rosario Braid, Sarmiento, Aquino and Tadeo

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

Proposed Resolution No. 425, entitled:

RESOLUTION PROPOSING TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION GUARANTEEING INALIENABILITY AND INSURANCE OF A MINIMUM PATRIMONY OF EACH FAMILY THAT ENSURE DECENT FAMILY LIFE

Introduced by Honorable Sarmiento, Quesada and Tadeo

TO THE COMMITTEE ON SOCIAL JUSTICE

Proposed Resolution No. 426, entitled:

RESOLUTION PROPOSING TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION ESTABLISHING WORK AS A RIGHT AND SOCIAL RESPONSIBILITY, STATE ENDEAVOR TO ACHIEVE FULL PRODUCTIVE EMPLOYMENT AND CREATION OF A CENTRALIZED MONITORING SYSTEM AND UNEMPLOYMENT WELFARE PROGRAM

Introduced by Honorable Sarmiento, Quesada, Tadeo and Bennagen

TO THE COMMITTEE ON SOCIAL JUSTICE

Proposed Resolution No. 427, entitled:

RESOLUTION TO INCORPORATE IN THE ARTICLE ON TRANSITORY PROVISIONS A PROVISION
FOR THE DEMONETIZATION OF ALL CURRENCY ISSUED UNDER THE PREVIOUS REGIME

Introduced by Honorable De Castro and Suarez

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Proposed Resolution No. 428, entitled:

RESOLUTION PROPOSING THE MECHANICS FOR A SYSTEM OF MULTI-SECTORAL
REPRESENTATION IN THE NATIONAL LEGISLATURE

Introduced by Honorable Villacorta, Aquino, Ople, Suarez, Sarmiento, Quesada, Tadeo, Garcia, Azcuna, Uka,
Bennagen, Jamir, Nieva, Davide, Brocka, Rosario Braid and Villegas

TO THE COMMITTEE ON THE LEGISLATIVE

COMMUNICATIONS

Communication No. 116 — Constitutional Commission of 1986

Letter from the Honorable Salvador H. Laurel, Vice-President and Minister for Foreign Affairs, recommending
the restoration of the specific provision in the 1935 Constitution that the President shall have the power to
appoint "Ambassadors, other public Ministers and Consuls"

TO THE COMMITTEE ON THE EXECUTIVE

Communication No. 117 — Constitutional Commission of 1986

Letter from Mr. Potenciano M. Alcala, Sr., of Bakyas, Bacolod City, proposing provisions on free education up
to high school level, land reform, the Sabah issue, among others

TO THE STEERING COMMITTEE

Communication No. 118 — Constitutional Commission of 1986

Letter from Mr. Gonzalo (Lito) Puyat of Manila, requesting a constitutional mandate on youth and sports
development

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF
PRINCIPLES

Communication No. 119 — Constitutional Commission of 1986

Letter from Commissioner Mario D. Ortiz of the Commission on Elections transmitting the draft of proposals
on election matters discussed by the COMELEC en banc

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

Communication No. 120 — Constitutional Commission of 1986

Letter from Mr. Antonio A. Lobitana proposing the elevation of the Bureau of Internal Revenue to a
constitutional body

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

Communication No. 121 — Constitutional Commission of 1986

Letter from the Senior Citizens Government Retirees Association of Agusan del Norte and Agusan City,
signed by Ms. Caridad V. Artega, proposing a presidential form of government, bicameral legislature, retention

of the US bases, and limited autonomy of Muslim regions, among others

TO THE STEERING COMMITTEE

Communication No. 122 — Constitutional Commission of 1986

Report of "mini ConCom" assigned to Iloilo City composed of President Cecilia Muñoz Palma, Commissioners Ma. Teresa F. Nieva, Efrain B. Treñas, and Wilfrido V. Villacorta, entitled "Highlights of the Public Hearing held at the University of San Agustin Auditorium in Iloilo City on June 28, 1986"

TO THE STEERING COMMITTEE

Communication No. 123 — Constitutional Commission of 1986

Letter from the Sangguniang Pangwika sa Edukasyon ng Pilipinas, with enclosures, signed by Mr. Alfonso O. Santiago, requesting that the Constitution be written and promulgated in the national language.

TO THE COMMITTEE ON STYLE

Communication No. 124 — Constitutional Commission of 1986

Letter from Mr. Oscar N. Rivera of San Miguel Village, Makati, Metro Manila, proposing the adoption of the jury system in our courts of law

TO THE COMMITTEE ON THE JUDICIARY

Communication No. 125 — Constitutional Commission of 1986

Letter from Mr. Julian Makabayan ng Masa ng Pilipinas, urging various political, social and economic reforms

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 126 — Constitutional Commission of 1986

Communication from Mr. Ismael P. Sevilla of Cofradia, Malolos, Bulacan, urging that establishment of a cooperative society be made a national policy

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

Communication No. 127 — Constitutional Commission of 1986

Letter from Mr. Norberto Cañete of Project 4, Quezon City, Metro Manila, requesting the inclusion of provisions on the role of science and technology in the attainment of national goals, among others

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 128 — Constitutional Commission of 1986

Letter from Kilusang Mayo Uno signed by Mr. Roberto T. Ortaliz, requesting the extension of the period of drafting the constitution and the holding of more public hearings

TO THE STEERING COMMITTEE

Communication No. 129 — Constitutional Commission of 1986

Letter from the Filipino Community Board of Sydney signed by Mr. Oscar R. Landicho, requesting the inclusion of a provision on dual citizenship

TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL RIGHTS AND OBLIGATIONS AND HUMAN RIGHTS

Communication No. 130 — Constitutional Commission of 1986

Letter from the Association of TOWNS Awardees signed by Ms. Corazon S. de la Paz, proposing as an additional sentence on Section 1, Article IV, of the Constitution: "Women shall enjoy equal rights with men"

TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL RIGHTS AND OBLIGATIONS AND HUMAN RIGHTS

Communication No. 131 — Constitutional Commission of 1986

Letter from Mr. Teodoro Padilla expressing deep appreciation to the Commission for adopting Resolution No. 5 expressing profound condolence on the death of Hon. Sabino Padilla, former Justice of the Supreme Court of the Philippines

TO THE ARCHIVES

Communication No. 132 — Constitutional Commission of 1986

Letter from Management Trend Company of Tarzana, California, with enclosures, signed by Mr. David E. Phillippe, stating that the United States constitution falls short of expressing acceptable goals for business and social conduct, pointing to inequities in the judicial system of the United States and suggesting a rule and code of conduct between human beings to avert the same problems

TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL RIGHTS AND OBLIGATIONS AND HUMAN RIGHTS

Communication No. 133 — Constitutional Commission of 1986

Letter from Kilusan sa Kapangyarihan at Karapatan ng Bayan (KAAKBAY) signed by Mr. Jose Mario C. Bunay and Ms. Lynn R. Enriquez, submitting proposals on science and technology

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 134 — Constitutional Commission of 1986

Letter from Kilusan Sa Kapangyarihan at Karapatan ng Bayan (KAAKBAY) signed by Ms. Maria Teresa I. Diokno, submitting proposals on national economy and patrimony

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

Communication No. 135 — Constitutional Commission of 1986

Communication from Mr. Benedicto Aza Gonzales of Capitol Bliss, Quezon City, proposing the incorporation in the Constitution of a provision on the Filipinization of the retail trade industry

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

COMMITTEE REPORTS

Committee Report No. 10 on Proposed Resolution No. 118, as reported out by the Committee on the Executive, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION REQUIRING THE APPROVAL OR CONSENT OF THE LEGISLATURE FOR THE EFFECTIVITY AND VALIDITY OF TREATIES, EXECUTIVE AGREEMENTS AND RECOGNITION OF STATES OR GOVERNMENTS,

recommending its approval with amendments.

Sponsors: Hon. Sumulong and Davide, Jr.

TO THE STEERING COMMITTEE

Committee Report No. 11 on Proposed Resolution No. 234, as reported out by the Committee on the Executive, entitled:

RESOLUTION FOR THE INCLUSION IN THE ARTICLE ON THE EXECUTIVE DEPARTMENT A SPECIFIC PROVISION REDEFINING THE POWER OF THE CHIEF EXECUTIVE OVER LOCAL GOVERNMENTS,

recommending its approval with amendments.

Sponsors: Hon. Sumulong and Regalado

TO THE STEERING COMMITTEE

Committee Report No. 12 on Proposed Resolution No. 435, prepared by the Committee on the Executive, entitled:

RESOLUTION REQUIRING CONCURRENCE OF THE MONETARY BOARD TO LOANS CONTRACTED OR GUARANTEED AND FOR THE SUBMISSION BY THE MONETARY BOARD OF REPORTS TO THE LEGISLATURE,

recommending its approval in substitution of Proposed Resolution Nos. 59 and 124.

Sponsors: Hon. Sumulong, Regalado and Maambong

TO THE STEERING COMMITTEE

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 5:33 p.m.

RESUMPTION OF SESSION

At 5:36 p.m., the session was resumed with Honorable Lorenzo M. Sumulong presiding.

APPROVAL, ON SECOND READING, OF PROPOSED RESOLUTION NO. 263, AS AMENDED

On motion of Mr. Alonto, there being no objection, the Body proceeded to the approval on Second Reading, of Proposed Resolution No. 263, amended, entitled:

Resolution to incorporate in the new Constitution an Article on National Territory.

At this juncture, Mr. de los Reyes inquired whether a No vote by majority of the Members would mean that there would no longer be a provision on National Territory or that the provision in the 1973 Constitution, it being the draft model, would be adopted, to which the Chair replied that should the No vote prevail, the Proposed Resolution would be deemed disapproved, and for the 1935 or 1973 provisions to be incorporated in the new Constitution, it would be necessary to submit these provisions for consideration by the Commission.

Submitted to a vote, and with 27 Members voting in favor and 8 against, the Body approved, on Second Reading,

Proposed Resolution No. 263, as amended.

INQUIRY OF MR. SARMIENTO

At this juncture, in reply to Mr. Sarmiento's inquiry whether it would still be possible to accommodate the many requests received by some Members to conduct public hearings in areas like Baler, Aurora; Zambales; Daet, Camarines Norte and Masbate in spite of the schedule calling for July 12 and 13 as the last days for public hearings, Mr. Garcia, to whom the Chair referred the query, suggested 1) that Members who would be willing to undertake the task submit their names to the Ad Hoc Planning Committee on Public Hearings; 2) that additional funds be provided by the Committee on Budget and Personnel; and 3) that in the absence of such funds, the expenses be deducted from the allowances of the Members concerned.

Mr. Guingona, speaking on behalf of the Committee on Budget and Personnel, admitted that the Committee has not provided funds for extra public hearings but that he would look into the matter. He requested that an estimate of expenses be submitted.

COMMITTEE REPORT NO. 4 ON PROPOSED RESOLUTION NO. 7

On motion of Mr. Alonto, there being no objection, the Body proceeded to the continuation of consideration, on Second Reading (Period of Amendments), of Committee Report No. 4 on Proposed Resolution No. 7, entitled:

Resolution to incorporate in the new Constitution an Article on Citizenship.

Thereupon, the Chair recognized Mr. Bernas, sponsor of the measure, who explained the parliamentary situation.

COMMITTEE AMENDMENT

Thereupon, the Sponsor started proposing the Committee amendments on the original Proposed Resolution No. 7. However, Mr. Maambong invited attention to the fact that together with Committee Report No. 41 the Committee had submitted Proposed Resolution No. 7, as amended by the Committee, which should therefore be the working basis for the amendments to be presented.

The Sponsor agreed with Mr. Maambong's observation and the Chair confirmed that what should be before the Body would be the proposed Resolution No. 7, as amended by the Committee.

Thereupon, on page 1, line 9 of Proposed Resolution No. 7, as amended by the Committee, Mr. Bernas moved, by way of further Committee amendment, to change the word "ratification" to ADOPTION.

At this juncture, in reply to Mr. Davide's query on what would be the difference between "adoption" and "ratification", the Sponsor stated that there is none, the only reason for the proposal being that it is the desire of some Members to revert to the word used in the 1973 Constitution.

Mr. Davide then pointed out that in the past, there were two stages in the adoption of amendments to the Constitution, namely, the announcement by the COMELEC of the results of the plebiscite, and the announcement by the President that the Constitution was ratified and was deemed adopted.

Mr. Davide maintained that while "adoption" may be proper in case of a provision that any amendment or revision of the Constitution shall be deemed ratified upon the votes of so many electorates as determined by the COMELEC, in the absence of such provision, the word "ratification" would be more appropriate.

Submitted to a vote, and with 16 Members voting in favor and 11 Members against, the amendment was approved by the Body.

INDIVIDUAL AMENDMENTS

On motion of Mr. Rama, there being no objection, the Body proceeded to the consideration of individual amendments.

PROPOSED AMENDMENT OF MR. DE LOS REYES

On page 2, line 2, after the period (.), Mr. de los Reyes proposed to add the following: NATURALIZATION OBTAINED BY EXECUTIVE DECREES SHALL BE SUBJECT TO JUDICIAL CONFIRMATION IN THE MANNER AND WITHIN THE TIME PRESCRIBED BY LAW. FAILURE TO OBTAIN SAID CONFIRMATION SHALL BE A GROUND FOR REVOCATION OF SAID CITIZENSHIP.

The Sponsor did not accept the proposed amendment.

Mr. de los Reyes stated that many aliens, the Chinese among others, succeeded in acquiring Filipino citizenship because of the liberalization of the naturalization law. He explained that his amendment would provide for a purifying process for those who obtained citizenship through the liberal method of naturalization by presidential decrees.

On the observation that the amendment could clog the court dockets with cases of judicial confirmation, Mr. de los Reyes stated that future laws could simply provide for summary proceedings to see to it that citizens naturalized by decree are really sincere in their Filipino citizenship and are not merely motivated by the privileges of a citizen.

In reply, Mr. Bernas stated the reasons for the Committee's opposition to the amendment, namely, 1) the presumption of regularity of official action and, therefore, those who deserve Filipino citizenship should not again be compelled to undergo a process of begging for citizenship; 2) that there should not be a distinction between natural-born citizens and naturalized citizens except in instances where the Constitution itself makes a distinction; and, 3) that for those who have proven unworthy of being naturalized citizens, the jurisprudence in this jurisdiction is that the grant of citizenship is never *res judicata*, but can be reopened for valid reasons. However, he maintained that the cases should not be reopened *en masse*.

Mr. de los Reyes underscored that his proposal was precisely for judicial confirmation in accordance with law, which means that only cases which future legislatures may decide to reopen would be reopened.

Mr. Bernas, however, stated that even without the proposed amendment, the legislature could legislate in the manner it sees fit. He also noted that the matter would be covered by Section 3 which provides that Philippine citizenship may be lost or reacquired in the manner provided by law.

REMARK OF MR. RODRIGO

At this juncture, Mr. Rodrigo observed that the word "confirmation" would imply that all naturalization cases by presidential decree were not complete, hence the need for confirmation which would be provided by law.

INQUIRIES OF MR. MAAMBONG

In reply to Mr. Maambong's query on whether the term "law" covers the mass naturalization law provided for in the Philippine Bill of 1902, Mr. Bernas stated that those naturalized under the mass naturalization law would not be covered by Section 1(4) but by Section 1(1) of the 1935 Constitution.

On whether the term "law" covers the general law of naturalization through judicial process under the Revised

Naturalization Law (Commonwealth Act No. 473), the special naturalization laws enacted by Congress, and the relevant presidential decrees, Mr. Bernas replied in the affirmative. He stressed, however, that "law" refers to decrees and not to letters of instructions.

Finally, adverting to an earlier instruction of President Aquino to study pending applications for naturalization through LOIs during the Marcos administration, Mr. Maambong inquired if the phrase "those who are naturalized in accordance with law" would cover said applications if and when President Aquino acts on them by issuing decrees, to which the Sponsor replied in the affirmative.

REMARKS OF MR. DE LOS REYES

Additionally, Mr. de los Reyes stated that "naturalization" is defined as "the judicial act of adopting a foreigner and clothing him with the privileges of a native born citizen, it implies the renunciation of a former nationality and the fact of entrance into similar relation towards a new body politic."

Mr. Bernas, however explained that the definition covers only one type of naturalization, the other being direct naturalization by legislation.

VOTING ON MR. DE LOS REYES' AMENDMENT

Thereafter, Mr. de los Reyes restated his proposed amendment, on page 2, line 2, to add after the word "law" and the period (.) the following sentences:

NATURALIZATION BY EXECUTIVE DECREES SHALL BE SUBJECT TO JUDICIAL CONFIRMATION IN THE MANNER AND WITHIN THE TIME PRESCRIBED BY LAW. FAILURE TO OBTAIN SAID CONFIRMATION SHALL BE A GROUND FOR REVOCATION OF SUCH CITIZENSHIP.

The Sponsor reiterated his non-acceptance of the proposed amendment.

Submitted to a vote, and with 5 Members voting in favor and 30 against, the amendment was lost.

PROPOSED AMENDMENT OF MR. DAVIDE

On page 2, line 1, Mr. Davide proposed to insert JUDICIALLY between the words "are" and "naturalized", so that Section 1(4) would read THOSE WHO ARE JUDICIALLY NATURALIZED IN ACCORDANCE WITH LAW.

Explaining his proposal, Mr. Davide maintained that naturalization is a judicial act and citizenship, being a privilege, the determination as to who should or should not be admitted as such is a prerogative of the court which should not be preempted by any other person or authority.

INQUIRY OF MR. RODRIGO

Specifically, in reply to Mr. Rodrigo's query on the reason for inserting the word "judicially" when both the 1935 and 1973 Constitutions simply contained the provision "those who are naturalized in accordance with law", Mr. Davide explained that the naturalization by presidential decree or letter of instruction made possible the admission of aliens who did not undergo the rigorous process of proving before the court their qualifications to become Filipino citizens. He maintained that the proposed amendment would prevent the liberal naturalization of aliens the way it was done in the previous regime.

On whether the amendment, if approved, would affect the citizenship of aliens who were naturalized by

presidential decrees, Mr. Davide stated that it would not, because the amendment would only operate prospectively. He also confirmed that his amendment is not directed against any group but is designed to apply to future applicants for naturalization.

REMARKS OF MR. BERNAS

In rejecting the proposal, Mr. Bernas stated that there was mass naturalization by decree because the legislative power was vested in one man. He maintained that there would not be a repetition of such abuse of power if the Constitution ensures that legislative power is not exercised by one man.

VOTING ON THE AMENDMENT

Thereafter, submitted to a vote, and with 14 Members voting in favor and 19 against, the amendment was lost.

PROPOSED AMENDMENTS OF MR. PADILLA

On Section 3, Mr. Padilla proposed to change the phrase "in the manner" to FOR ANY CAUSE on the ground that the former speaks more of the procedural aspect whereas the latter would have reference to the substantial reasons for the loss or reacquisition of citizenship.

Mr. Bernas did not accept the proposal, stating that the word "manner" includes both substance and procedure

Thereupon, Mr. Padilla proposed to add to Section 3 the following sentence: CERTIFICATES OF NATURALIZATION MAY BE CANCELLED FOR ANY OF THE CAUSES PROVIDED BY LAW AS GROUNDS FOR DISQUALIFICATION OF APPLICANTS FOR NATURALIZATION.

Mr. Padilla explained that the Revised Naturalization Law provides for the grounds for cancellation of a certificate of naturalization, most of which refer to causes existing at the time of the application or during the proceedings for naturalization. He stated that while the applicants for naturalization must possess all the qualifications and none of the disqualifications, it is possible that after obtaining the certificate of naturalization, the naturalized citizen commits acts which, otherwise, would be grounds for the disqualification for naturalization. He stated that the amendment merely seeks to avail of these same grounds for purposes of cancellation of the certificate of naturalization.

Mr. Bernas did not accept the proposal on the ground that, except where the Constitution makes a distinction, there should not be a distinction between natural-born and naturalized citizens. He pointed out that the proposal would, in effect, allow the legislature to pass laws prejudicial to naturalized citizens but which do not apply to natural-born citizens. He stressed that once an applicant has passed the test with all regularity, he must enjoy the citizenship as firmly as a natural-born citizen even if he returns to his old ways that would have constituted grounds for disqualification.

Submitted to a vote, and with 5 Members voting in favor and 19 voting against, the amendment was lost.

Mr. Padilla then proposed the reversion to the provisions of Section 1(3) and (4) of the 1935 Constitution which make distinction between those whose fathers are citizens of the Philippines and those whose mothers are citizens of the Philippines but upon reaching the age of majority, elect Philippine citizenship. He stated that the case of a Filipino who marries an alien wife is different from the situation of a Filipina who marries an alien husband because in the former the family normally resides in the Philippines while in the latter, the family usually resides abroad, the mother gives birth abroad and the children take the surname of the alien father. He also stated that under the 1973 Constitution, the two provisions were merged, as a result of which, the provision on election of

citizenship was deleted, giving rise to the problem of dual citizenship.

INQUIRY OF MR. SUAREZ

In reply to Mr. Suarez' query on the status of children who were born before January 17, 1973 in the light of Mr. Bernas' explanation that Section 1(3) only applies to those born on or before the said date, Mr. Padilla stated that the status already acquired under the 1973 Constitution may not be disturbed but for children born after the adoption of the 1973 Constitution and before the adoption of the 1986 Constitution, their status would be determined by the Constitution and the laws then in force. He stated that those born of a Filipino father or mother after the effectivity of the 1973 Constitution would automatically be considered Filipino citizens.

INQUIRY OF MR. SARMIENTO

In reply to Mr. Sarmiento's query regarding the citizenship of a child born of a marriage between a Filipino and an alien wife who decided to take up residence abroad, Mr. Padilla stated that under the 1935 Constitution the child, being born of a Filipino father, would be a Filipino citizen unless the country of birth adheres to the principle of *jus soli*, in which case, the child would be that country's citizen insofar as the law of that country is concerned.

INQUIRY OF MR. RODRIGO

In reply to Mr. Rodrigo's query if, indeed, consonant with the principle of *jus sanguinis* enshrined in the 1935 Constitution, it is better to give the child of a Filipino mother her citizenship, Mr. Padilla stated that although the relationship between mother and child is clearer than the child's relation to the father, the fact of marriage gives rise not only to a disputable but a conclusive presumption of maternity and filiation.

REMARKS OF MS. AQUINO

Ms. Aquino registered a vigorous objection to the amendment on the ground that it embodies a distinctive trend towards discrimination against women. She stated that it would be tragic to adopt the proposal after the Constitution has enshrined in unmistakable terms the *jus sanguinis* principle which is a recognition that women had attained relative successes in having equal rights with men.

She maintained that the occasion provides the opportunity to expunge the Constitution of all vestiges of sexual discrimination.

In reply thereto, Mr. Padilla stated that the framers of the 1935 Constitution, from which the proposal was adopted, could not have conceived the idea of discriminating against the fairer sex. He opined, however, that the change in the 1973 Constitution did not improve the 1935 Constitution by considering the material differences between the case of a Filipino father or mother who marries an alien.

REMARKS OF MR. BERNAS

Mr. Bernas stated that he was not accepting Mr. Padilla's amendment because of the following reasons: 1) that the purpose of the Committee proposal is to elevate the Filipino mother to a level of equality with the Filipino father, 2) that the child has the option to choose the citizenship of the father or of the mother, and in case of dual citizenship, the naturalization law could provide that the child make a choice within a period of time, and (3) that in the case of mestizos who may occupy positions reserved for natural-born citizens, they may be treated appropriately in another article.

REMARKS OF MS. AQUINO

Adverting further to Mr. Padilla's proposal, Ms. Aquino stressed that the phrase "or mothers" was incorporated in the 1973 Constitution in recognition of the successes the women attained in their struggle for equality and that to deny Filipino citizenship to the children of Filipino mothers would be nothing less than oppression.

In reply, Mr. Padilla explained that his proposal would not deprive the children of Filipino mothers of natural-born status, considering that it would merely give life to the intent of the framers of the 1935 Constitution.

He reiterated the proposal, which, in turn, was not accepted by the Sponsor.

REMARKS OF MR. CONCEPCION

Mr. Concepcion observed that with respect to the enjoyment of natural resources and operation of public utilities, the proposed Committee amendment would place the children of Filipino mothers married to foreigners at distinct advantage over those whose fathers and mothers are Filipino citizens, because while the former would have a choice of citizenship, the latter would not have such choice.

He also pointed out that while there has been so much concern for equality, there is in fact no equality, especially in the case of the so-called parity rights because the Americans have the capital and organization which Filipinos do not have.

In view thereof, Mr. Concepcion expressed support for Mr. Padilla's amendment.

INQUIRY OF MR. GUINGONA

On Mr. Guingona's query on whether the election of Filipino citizenship by the child would, in effect, make him a Filipino citizen from the time of his birth, Mr. Padilla affirmed that such election would have a retroactive effect.

REMARKS OF MR. BENGZON

Commenting on the statement that some foreigners marry Filipino women motivated by the desire to exploit the country's natural resources, Mr. Bengzon stated that many children born of Filipino mothers do not know any other country but the Philippines.

While admitting instances of marriages by foreigners to Filipino women to pursue economic activities reserved only for Filipinos, he stated that mixed marriages also improved the economic situation of the country, the lot of Filipino wives and that of their children. He maintained that it would not be fair to punish or discriminate against the children of Filipino women married to foreigners because these children are also Filipinos.

REJOINDER OF MR. CONCEPCION

By way of rejoinder, Mr. Concepcion stated that the proposal of Mr. Padilla does not intend to punish anyone and that marriage has its own effects which should be accepted. He stressed, however, that he was merely advocating the preservation of the country's natural resources for the Filipinos.

VOTING ON MR. PADILLA'S AMENDMENT

Submitted to a vote, and with 10 Members voting favor and 29 against, the amendment was lost.

PROPOSED AMENDMENT OF MR. TREÑAS

Mr. Treñas proposed to amend Section 1(3) to read:

THOSE BORN BEFORE JANUARY 17, 1973 WHOSE MOTHERS ARE CITIZENS OF THE PHILIPPINES AND UPON REACHING THE AGE OF MAJORITY ELECT PHILIPPINE CITIZENSHIP.

He explained that the proposal would clearly state the purpose of the provision.

Mr. Bernas, however, requested deferment of consideration of the amendment until after consideration of Section 4. He explained that should the Body favorably act on the proviso in Section 4, Section 1(3) would be unnecessary.

There being no objection, the Body deferred consideration of Mr. Treñas' amendment.

PROPOSED AMENDMENTS OF MR. GUINGONA

On page 2, lines 1 and 2 of the Committee Report, Mr. Guingona proposed to add the clause; THE EXECUTIVE SHALL HAVE NO POWER TO GRANT NATURALIZATION UNDER ANY CIRCUMSTANCE EVEN THROUGH DELEGATION BY THE LEGISLATURE. He stated that his proposal would remove the possible grant by the Executive of citizenship by naturalization.

Mr. Bernas did not accept the proposed amendment, stating that the matter of naturalization should be left to ordinary legislation.

Submitted to a vote, and with 3 Members voting in favor and 26 against, the amendment was lost.

On the matter of dual citizenship, Mr. Guingona proposed to reword Section 2, to read: CITIZENS OF THE PHILIPPINES WHO MARRY ALIENS BY REASON OF WHICH THEY ACQUIRED THE CITIZENSHIP OF THEIR SPOUSES SHALL RETAIN THEIR CITIZENSHIP, PROVIDED THAT AT ANY TIME WITHIN ONE YEAR FROM THE CELEBRATION OF THEIR MARRIAGE, THEY RENOUNCE THE CITIZENSHIP OF THEIR SPOUSES, OTHERWISE, THEY WOULD LOSE THEIR PHILIPPINE CITIZENSHIP.

Mr. Guingona stated that the proposal is almost a verbatim copy of the second alternative proposal prepared by the U.P. Law Revision Project of 1970 and adverted to pertinent reasons or justifications contained therein to underscore his amendment, to wit: 1) that citizens including those of dual citizenship would be entitled to all rights and privileges under Philippine law; 2) that Filipinos of dual citizenship would be subject to the jurisdiction of other states of which they are also citizens with the duty to render military service and to pay taxes; and 3) that the theory of one citizenship would do away with the suspicion of divided loyalty.

Replying thereto, Mr. Bernas stated that the matter of dual citizenship has relevance not only to Section 2 but also to Section 1(2) and reiterated the Committee's position that dual citizenship could be treated in ordinary legislation, among others, the passage of a law providing that citizens who enjoy dual citizenship should make a choice within a certain period.

REMARKS OF MR. SARMIENTO

On the reasons given by Mr. Guingona for the proposed amendment, Mr. Sarmiento called attention to the fact that the 1986 U.P. Law Constitution Project did not mention the 1970 proposal and that Section 2 in the Committee Report is a verbatim copy of the 1986 U.P. Law Constitution Project proposal.

CALL FOR A VOTE

At this juncture, the Chair called for a vote on Mr. Guingona's proposal. However, Mr. Bernas informed the Body that the proposal was not formally introduced and, therefore, it was not necessary to take a vote thereon.

PROPOSED AMENDMENT OF MR. VILLACORTA

Mr. Villacorta proposed the following additional section based on a resolution which he and Mr. Sarmiento cosponsored:

SECTION _____ NATURALIZED CITIZENS SHALL STRIVE TO ASSIMILATE THEMSELVES INTO FILIPINO ECONOMIC, CULTURAL AND SOCIAL LIFE AND RESPECT FILIPINO VALUES AND TRADITIONS.

In justifying his amendment, Mr. Villacorta stated that Philippine naturalization laws do not provide for genuine cultural assimilation of naturalized citizens who had passed probation tests. He explained that while the proposal does not call for the disqualification of naturalized citizens who have not assimilated themselves into the mainstream of Filipino society, it embodies a general principle that will reinforce cultural, economic and social assimilation as an ideal, which could be the basis for future legislations and serve as a behavioral norm which naturalized citizens would always be conscious of. Moreover, he opined that the provision could significantly reduce racial or ethnic discrimination.

In response thereto, Mr. Bernas did not accept the amendment, stating that the process of assimilation should precede rather than come after naturalization. He maintained that steps towards naturalization should be accordingly strengthened to ensure that there is assimilation before naturalization. He pointed out that ordinary legislations could provide for assimilation before naturalization and such legislations could be concerned with the economy, society and culture

Reacting thereto, Mr. Villacorta argued that the proposal would reinforce the assimilation process before conferment of citizenship. He pointed out that in reality, candidates for naturalization, although they manifest conscious and serious efforts to assimilate themselves into the national and cultural mainstream, forget to follow through after being naturalized.

Submitted to a vote, and with 9 Members voting in favor and 23 against, the amendment was lost.

PROPOSED AMENDMENT OF MR. MAAMBONG

On Section 3, page 2, lines 7 and 8, Mr. Maambong manifested his intention to propose an amendment, but before doing so, stated that should the Sponsor satisfy his queries, he would not pursue his proposal.

On whether the word "law" in Section 3 would refer to the denaturalization procedure in Section 18 of Commonwealth Act No. 473 or the Revised Naturalization Law, Mr. Bernas stated that "law" would refer to any denaturalization procedure which may be passed by the legislature, and that the provision is not intended to canonize any existing law, it would give authority to the legislature to pass future laws on the matter.

On the applicability of Section 18 of Commonwealth Act No. 473 and Section 3 of Commonwealth Act No. 63, Mr. Bernas stated that, unless repealed, these legislative enactments would be included under the term "law."

On whether Section 1(7) of Commonwealth Act No. 63 which provides for loss of citizenship of a Filipino woman would still apply, Mr. Bernas informed that this provision had been repealed on January 17, 1973.

On whether Republic Act Nos. 965 and 2630, providing for reacquisition of Philippine citizenship by persons who

lost such citizenship by rendering service to, or accepting commission in the Armed Forces of an allied foreign country or the United States and taking an oath of allegiance thereto, would also be covered by the term "law", Mr. Bernas replied in the affirmative.

On whether Presidential Decree No. 725 would also be covered by Section 3, Mr. Bernas replied that it would, if it has not been repealed.

Thereupon, Mr. Maambong manifested his desistance from proposing an amendment.

PROPOSED AMENDMENT OF MR. SUAREZ

Mr. Suarez proposed the deletion of the proviso in Section 4, to wit: "Provided that those who elect Philippine citizenship in accordance with Section 1, paragraph 3 above, shall also be deemed natural-born citizens."

Mr. Bernas stated that the Committee desires its retention to even things out in view of the approval of Section 1(2).

Explaining his proposal, Mr. Suarez invited attention to the fact that the 1973 Constitution requires natural-born Philippine citizenship for the positions of the President, Vice-President, Chief Justice of the Supreme Court, and members of the Commission on Elections, but that under the proviso, it is possible that these positions may be occupied by persons whose fathers are citizens of other countries.

In reply, Mr. Bernas adverted to the earlier discussions which took note of this concern. However, he suggested that the matter be considered when the Body take up the pertinent provisions on the Executive, the Judiciary and the Constitutional Commissions.

SUGGESTION OF MR. RODRIGO

Mr. Rodrigo explained that the proviso seeks to remedy the situation of children born between 1935 and 1973, stating that while those born of Filipino fathers were considered natural-born Filipino citizens, those born of Filipino mothers, though they may elect Philippine citizenship, were not considered natural born. He said that in 1973, the Constitution placed on equal footing those born of Filipino mothers and fathers from January 17, 1973 natural-born citizens.

Submitted to a vote, and with 7 Members voting in favor and 23 against, the amendment was lost.

ADJOURNMENT OF SESSION

Thereafter, on motion of Mr. Rama, there being no objection, the Chair declared the session adjourned until two-thirty in the afternoon of the following day.

It was 7:46 p.m.

I hereby certify to the correctness of the foregoing.

(SGD.) FLERIDA RUTH P. ROMERO
Secretary-General

ATTESTED:

(SGD.) CECILIA MUÑOZ PALMA
President

Approved on July 8, 1986

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