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Monday, June 16, 1986

OPENING OF SESSION

At 3:18 p.m., the, President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

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

Everybody rose to sing the National Anthem.

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Jose D. Calderon.

Everybody remained standing for the Prayer.

PRAYER

MR. CALDERON: Almighty God: On this, the tenth day of the deliberations of this Constitutional Commission, we beseech You once again to guide our minds and our hearts, so that the thoughts and the feelings that emanate from each of us will be most sincere and noble, and reflect not only our individual personal will but the will as well of the Filipino people, in whose behalf we seek to fashion a fundamental law that will embody our collective ideals and aspirations.

Enlighten us, Almighty God, open our eyes and minds so that we may see and understand, if it is not possible to appreciate and accept, those ideas and proposals that may differ from our own. Let the light of reason shine on our discussions and debates, so that we may exchange ideas, thoughts and arguments without heat and without passion but only with clarity and sincerity.

Teach each of us, O Lord, that we are here for a Good, higher than our own personal beliefs; that we are here for a Purpose, higher than our personal ambitions, that we are here for an End, higher than our personal destinies because, we are all here for a Good, a Purpose and an End that encompass the collective beliefs, the collective ambitions and the collective destinies of the Filipino people.

Grant us, O Lord, the wisdom to select from alternative proposals those that will be right for and acceptable to our people. Grant us the courage to espouse our beliefs with all the logic that talent can muster.

But, Almighty God, grant us also the grace to accept that some of our proposals may not be acceptable to all; that the greater good of the greater number of people may require the adoption of proposals other than our own, however well-intentioned, well-meaning and sincere these unchosen proposed alternatives may be.

Bless, O Lord, each and every Member of this Constitutional Commission. Bless our officers. Bless President

Aquino, whom You made Your instrument for the liberation of the Filipino people from the bonds of tyranny; who, in turn, in behalf of the Filipino people has called this Constitutional Commission in order that the Filipino nation may once again enshrine the national purpose in a Charter that will safeguard their freedoms and their future.

Bless us, join us, be with us today, Almighty God. Amen.

ROLL CALL

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

THE SECRETARY-GENERAL, reading:

Abubakar Present Lerum Present*

Alonto Present Maambong Present

Aquino Present Monsod Present

Azcuna Present Natividad Present

Bacani Present Nieva Present

Bengzon Present Nollado Present

Bennagen Present Ople Present

Bernas Present Padilla Present

Rosario Braid Present Quesada Present

Brocka Present Rama Present

Calderon Present Regalado Present

Castro de Present Reyes de los Present

Colayco Present Rigos Present

Concepcion Present Rodrigo Present

Davide Present Romulo Present

Foz Present Rosales Present

Garcia Present Sarmiento Present

Gascon Present Suarez Present*

Guingona Present Sumulong Present

Jamir Present Tadeo Present

Laurel Present Tan Present

Tingson Present Villacorta Present

Treñas Present Villegas Present

Uka Present Present

The President is present.

The roll call shows 46 Members responded to the call.

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

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

APPROVAL OF JOURNAL

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

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

MR. RAMA: 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 Proposed Resolutions on First Reading, Communications and Committee Report, the President making the corresponding references:

PROPOSED RESOLUTIONS ON FIRST READING

Proposed Resolution No. 101, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A POLICY GOVERNING THE DETERMINATION OF JUST COMPENSATION IN THE EXPROPRIATION OF PRIVATE PROPERTY WHEN IT IS DONE BY THE GOVERNMENT AND WHEN IT IS DONE BY AUTHORIZED CORPORATIONS, FIRM OR ASSOCIATIONS AND TO PROVIDE THAT IF IN THE LATTER CASE A WRIT OF POSSESSION IS SECURED, RENTALS, EXCLUSIVE OF THE COMPENSATION, SHALL BE PAID UP TO THE TIME THE CASE IS SUBMITTED FOR DECISION.

Introduced by Hon. Davide, Jr.

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

Proposed Resolution No. 102, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION MAKING IT A POLICY OF THE STATE TO PROVIDE FREE AND COMPULSORY PRIMARY, INTERMEDIATE AND HIGH SCHOOL EDUCATION AND TO ESTABLISH IN EVERY BARRIO OR AGGRUPATION OF BARRIOS WITH A POPULATION OF AT LEAST THREE THOUSAND A COMPLETE ELEMENTARY SCHOOL AND A HIGH SCHOOL.

Introduced by Hon. Davide, Jr.

To the Committee on Human Resources.

Proposed Resolution No. 103, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION THAT NO TEMPORARY DETENTION SHALL BE ALLOWED IN CASES WHERE THE OFFENSE CHARGED DOES NOT CARRY WITH IT THE PENALTY OF IMPRISONMENT.

Introduced by Hon. Davide, Jr.

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

Proposed Resolution No. 104, entitled:

RESOLUTION TO ENCOURAGE PARENTS TO SEND THEIR CHILDREN TO SCHOOL AND THE ESTABLISHMENT OF PRIVATE SCHOLARSHIP GRANTS TO POOR BUT DESERVING STUDENTS BY ALLOWING AS DEDUCTIBLE EXPENSES FOR INCOME TAX PURPOSES ALL EXPENSES INCURRED FOR EDUCATION OR GIVEN AS SCHOLARSHIP GRANTS.

Introduced by Hon. Davide, Jr.

To the Committee on Human Resources.

Proposed Resolution No. 105, entitled:

RESOLUTION PROVIDING THAT IN THE EVENT THAT A PORTION OF THE PHILIPPINE TERRITORY FALLS UNDER THE MILITARY OCCUPATION OF ANOTHER STATE, SAID TERRITORY IS NOT CONSIDERED WITHDRAWN FROM THE JURISDICTION OF THE CONSTITUTION AND DOMESTIC LAWS OF THE PHILIPPINES DURING THE OCCUPATION AND NEITHER IS ITS SOVEREIGNTY OVER IT SUSPENDED.

Introduced by Hon. Davide, Jr.

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

Proposed Resolution No. 106, entitled:

RESOLUTION URGING THE COMMISSION TO ADD AN ARTICLE TO THE PROPOSED CONSTITUTION TO BE ENTITLED "HUMAN RESOURCES."

Introduced by Hon. Guingona.

To the Committee on Human Resources.

Proposed Resolution No. 107, entitled:

RESOLUTION TO PROVIDE THAT IN A STATE OF MARTIAL LAW, THE CIVILIAN AUTHORITY SHALL CONTINUE TO BE SUPREME OVER THE MILITARY, THE BASIC RIGHTS OF THE PEOPLE SHALL REMAIN INVIOLEABLE, AND THE CIVILIAN COURTS SHALL CONTINUE TO FUNCTION AND EXERCISE THEIR JURISDICTION.

Introduced by Hon. Foz.

To the Committee on the Executive.

Proposed Resolution No. 108, entitled:

RESOLUTION PROVIDING THAT NO ELECTIVE OFFICIAL SHALL BE ELIGIBLE FOR APPOINTMENT TO ANY OFFICE OR POSITION DURING HIS TERM OF OFFICE, AND THAT NO CANDIDATE WHO HAS LOST IN AN ELECTION SHALL, WITHIN TWO YEARS FOLLOWING SUCH ELECTION, BE APPOINTED OR REAPPOINTED TO ANY OFFICE IN THE GOVERNMENT, OR IN ANY GOVERNMENT-OWNED OR CONTROLLED CORPORATION, OR IN ANY OF ITS SUBSIDIARIES.

Introduced by Hon. Foz.

To the Committee on Constitutional Commissions and Agencies.

Proposed Resolution No. 109, entitled:

RESOLUTION TO PROVIDE FOR INITIATIVE AND REFERENDUM TO THE NEW CONSTITUTION.

Introduced by Hon. Romulo, Monsod, Nieva, Bengzon, Jr. and Bernas.

To the Committee on the Legislative.

Proposed Resolution No. 110, entitled:

RESOLUTION AMENDING SECTION 1 (1) AND (2), ARTICLE XII (C) OF THE 1973 CONSTITUTION BY REDUCING THE NUMBER OF MEMBERS OF THE COMMISSION ON ELECTIONS FROM NINE TO SEVEN, AND PROVIDING THAT AT THE TIME OF THEIR APPOINTMENT THEY SHALL BE AT LEAST FORTY YEARS OF AGE AND A MAJORITY OF THE MEMBERS, INCLUDING THE CHAIRMAN, SHALL BE MEMBERS OF THE PHILIPPINE BAR WITH AT LEAST TEN YEARS OF PRACTICE AND THAT IN CASE AN INCUMBENT COMMISSIONER IS APPOINTED CHAIRMAN, HIS AGGREGATE TENURE SHALL NOT EXCEED SEVEN YEARS.

Introduced by Hon. Foz and Monsod.

To the Committee on Constitutional Commissions and Agencies.

Proposed Resolution No. III, entitled:

RESOLUTION SUBMITTING TO THE PEOPLE IN A PLEBISCITE THE QUESTION ON WHETHER TO HOLD AN ELECTION FOR PRESIDENT AND VICE-PRESIDENT WITHIN A FIXED PERIOD AFTER THE RATIFICATION OF THE NEW CONSTITUTION.

Introduced by Hon. de los Reyes, Jr.

To the Committee on Amendments and Transitory Provisions.

Proposed Resolution No. 112, entitled:

RESOLUTION REMOVING FROM THE SUPREME COURT ADMINISTRATIVE SUPERVISION OVER ALL COURTS AND PERSONNEL THEREOF AND VESTING THE SAME IN A JUDICIAL COMMISSION AND FOR OTHER PURPOSES.

Introduced by Hon. de los Reyes, Jr.

To the Committee on the Judiciary.

Proposed Resolution No. 113, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION ACCORDING TO FILIPINO CITIZENS THE RIGHT TO STANDARDS OF LIVING NECESSARY TO MAINTAIN THEIR WELL-BEING; AND THE PROVISION BY THE STATE OF ESSENTIAL SERVICES PERTINENT THERETO.

Introduced by Hon. Quesada and Bennagen.

To the Committee on Social Justice and Social Services.

Proposed Resolution No. 114, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION OF THE

EDUCATIONAL AIMS OF EDUCATIONAL INSTITUTIONS IN THE PHILIPPINES WHICH SHALL INCLUDE, AMONG OTHERS, THE DEVELOPMENT OF HEALTH CONSCIOUSNESS AND THE BROAD PERSPECTIVES OF A LIBERAL EDUCATION.

Introduced by Hon. Quesada.

To the Committee on Human Resources.

COMMUNICATIONS

Letter from the Honorable Christian S. Monsod as National Chairman of the National Movement for Free Elections, informing the Constitutional Commission that Namfrel would like to participate in the constitution-making process and has designated Atty. Edgardo J. Angara and Atty. Eduardo F. Hernandez to act in Namfrel's behalf, and that its Executive Council has approved a resolution to mobilize its chapters nationwide for the public hearings of the Commission.

(Communication No. 12 — Constitutional Commission of 1986)

To the Ad Hoc Planning Committee on Public Hearings.

Communication from the Movement for a Filipino Federal Republic signed by Mr. Sammy C. Occena of Tionko Avenue, Davao City and 186 other members proposing a federal republic.

(Communication No. 13 — Constitutional Commission of 1986)

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

Letter from Mr. Jorge C. Salonga of Angeles City, proposing the following: preservation of the definition of the territory of the Philippines as found in the 1935 Constitution; declaring command responsibility in the exercise of government functions as a national policy; and that decisions of the Supreme Court and the generally accepted principles of international law shall not form part of the law of the land.

(Communication No. 14 — Constitutional Commission of 1986)

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

Letter from the Council for the Welfare of Children signed by Dr. Fe del Mundo and Judge Regina G. Ordoñez-Benitez, transmitting proposals on principles and policies protecting children and youth.

(Communication No. 15 — Constitutional Commission of 1986)

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

COMMITTEE REPORT

Committee Report No. 2 on Proposed Resolution No. 123, prepared by the Committee on the National Economy and Patrimony, entitled:

RESOLUTION PROPOSING TO INCORPORATE CERTAIN PROVISIONS OF ARTICLE XIV OF THE 1973 CONSTITUTION ON NATIONAL ECONOMY AND PATRIMONY OF THE NATION IN THE 1986 CONSTITUTION,

recommending that the same be approved, pending further consideration of other proposed resolutions on the other provisions of Article XIV of the 1973 Constitution.

Sponsored by Hon. Villegas.

To the Steering Committee.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: I ask that Commissioner Tingson be recognized to make a minor correction on the proposed Preamble which will be ready for Third Reading.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Madam President, before we go through the process of approving our Preamble on Third Reading, may I, on behalf of the Committee, point out the fact that on the third line, the word "to" should not be included. The Preamble should, therefore, read in part: "We, the sovereign Filipino people, imploring the aid of Almighty God to build a just and humane society and establish a government that shall embody our ideals and aspirations."

When we eliminate the word "to," we will have exactly 72 words. Also, having talked to our colleagues here in the Constitutional Commission, there is a unanimous feeling that there is a favorable reaction from the public with regard to our approved Preamble. One reason, perhaps, is the use of the phrase "Almighty God" since our countrymen are incurably religious. And so, we have expressed ourselves along that line.

Also, Madam President, the word "love" in this Preamble has also met a very favorable reaction. If I may be allowed to say so, as somebody said:

"A bell is not a bell until it is rung.

A song is not a song until it is sung;

Love is not placed in our hearts to stay

Love is never love until it is shared and given away."

That is what we desire to do in this new Constitution through this Preamble. So, Madam President, our Committee is very happy about all of these, especially the approval of our Preamble.

Thank you.

THE PRESIDENT: Let us go back to Commissioner Tingson's original statement about the correction of the printed copy, the deletion of the word "to." Is this just a typographical error?

MR. TINGSON: We maintain that that is a mere typographical error. We checked the record of the proceedings of that particular day with the Secretariat and there was no word "to" before "establish."

THE PRESIDENT: Is Commissioner Tingson deleting on line 3 the word "to" before "establish" since it is a mere typographical error?

MR. TINGSON: Yes, Madam President.

THE PRESIDENT: We will put this to a vote since no further amendments should be made on Third Reading.

Is there any objection to the motion of Commissioner Tingson to delete on line 3 the word "to" before the word "establish" on the ground that it is a typographical error?

MR. CONCEPCION: Madam President.

THE PRESIDENT: Commissioner Concepcion is recognized.

MR. CONCEPCION: I was wondering whether this body could reconsider the approval of the Preamble on Second Reading to enable the Committee to make the change it proposes and also to consider one other purpose which I will explain, if I am permitted now or after the body has reconsidered the approval of the Preamble on Second Reading.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 3:40 p. m.

RESUMPTION OF SESSION

At 3:51 p. m., the session was resumed.

THE PRESIDENT: The session is resumed.

The Floor Leader is recognized.

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

THE PRESIDENT: Commissioner Concepcion is recognized.

MR. CONCEPCION: Thank you.

Madam President, I withdraw my motion.

THE PRESIDENT: The motion is withdrawn.

So, the Chair is left with the original motion of Commissioner Tingson to delete the word "to" before "establish. "

Is there any objection that the word "to" be deleted? (Silence) The Chair hears none; the amendment is approved.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: I move that we vote on Third Reading on Resolution No. 72, the proposed Preamble to the Constitution.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Before we approve the motion, I would like to pose a parliamentary inquiry.

As announced and as stated in the Calendar of Business, we will vote on Third Reading on Resolution No. 72. Would it mean that everything in this resolution, including the "Whereases," is contained in the Constitution?

THE PRESIDENT: The Chair understands that only the Preamble is contained in the Constitution.

MR. DAVIDE: Just for the subsequent acts of the Commission, when voting on Third Reading, only the text of the resolution should be mimeographed or printed.

Thank you, Madam President.

THE PRESIDENT: It is the understanding of the Chair.

MR. BROCKA: Madam President.

THE PRESIDENT: Commissioner Brocka is recognized.

MR. BROCKA: I do not know if this is the right parliamentary procedure, but I just want to make a comment on what Commissioner Tingson has said earlier about Resolution No. 72.

THE PRESIDENT: Commissioner Brocka may proceed.

MR. BROCKA: We have discussed this proposed Preamble for the last two days. And I think some of us have been traumatized by the discussions that went on, wondering what words to use, whether it is "Almighty God" or "Divine Providence." We went on for two days and I personally felt very uncomfortable with the result. I just want to put on record my feelings about this proposed resolution. Precisely because we have gone through the very unique experience of a peaceful revolution, I felt that we should have come up with something more original. I felt that the proposed Preamble is just an addition or subtraction of a word or two, and is basically the same Preamble embodied in the 1973 Constitution. When Commissioner Tingson said that the reaction of the public was very favorable, I had a different reaction. My friends called me up and other people chided me that ours is the only Preamble that contains the word "love" and that there is really nothing new in it.

In other words, it sounds so noble with all those words like truth, justice, freedom, love, equality, and peace. And I think if there were another word that should have been included here, it should have been "independent" or "independence." I think we have been so overwhelmed with the people's revolution that we get so awed by the word "love." Not that I am not a Christian or I do not believe in these religious terms, but I think we have been so overwhelmed with the people's revolution that I feel — pardon the language — the word "love" already sounds so icky to me, that we even talk about what is spiritual or what is prayerfully joyous. It is so hard to speak up on this because it would sound as though we were against love. It is very hard to argue about the word "love," but in this particular case, I really find it terribly icky. I was hoping that precisely because of the unique experience that we, as a people and as a country, had undergone last February and these last so many years, we could come up with something original, something more vibrant, more dynamic and not something prayerfully joyous, as some people would say. I am sorry if I am not using the right language. When the amendment to insert "love" was put to a vote, I raised my hand, together with some other colleagues, against it.

My point is: Could we not come up with something substantive, with all that is essential, spiritual, physical, social, economic, political, and probably, give this to a writer who could put it prayerfully so that it would sound joyous, harmonious and glorious? I have nothing against the nobleness of the wordings of the Preamble, but when we stop and think about it objectively, the rhetorics and the way it is structured, I just find it icky. When we say: "And a regime of truth, justice, freedom, love, equality and peace," it seems we are looking for some other noble word so that we could put everything in it, and yet, we missed out the word "independence." That we are an independent nation is not in that particular Constitution,

I am just voicing out my opinion and I just want to say that the people I have come in contact with are not in agreement with the proposed Preamble. They felt that we should come up with something more original and less icky.

Thank you, Madam President.

THE PRESIDENT: Commissioner Brocka can express his doubts or misgivings during the explanation of his vote on Third Reading.

MR. BROCKA: Madam President, I am sorry, I do not know the parliamentary procedure. If this Preamble is put to a vote, my comment would be my explanation to my vote.

THE PRESIDENT: That is all right, Commissioner Brocka.

MR. ABUBAKAR: Madam President.

THE PRESIDENT: Commissioner Abubakar is recognized.

MR. ABUBAKAR: I support the contention and even the lengthy explanation of Commissioner Brocka on the word "love." We must elevate and dignify not only the Constitution, but also its phraseology, especially the Preamble which will be memorized by our children and grandchildren. We all believe in love. We are a peace-loving people, but the connotation of love varies and the ramification and its interpretation may be as one sees it. So, in the Constitution, let us elevate the Preamble to a dignified level so that every word carries weight, connotation and strength. I do not mean that I do not possess love or that I have no love towards my fellowmen. What I mean is, let us elevate the Constitution and place in it only words that carry dignity and strength, something which we can recite without anyone interpreting every word in the Constitution. So, let us dignify the Preamble, whether in the American Constitution or in our Constitution, that carries this word "love."

I agree with Commissioner Brocka that if we exclude the word "love," the Preamble would be more lofty, more serious and more dignified and one which we and our children could recite and memorize without any injury to other people.

THE PRESIDENT: We now proceed to the voting on Third Reading.

MR. ROMULO: Madam President.

MR. ABUBAKAR: May I have the floor first? Could this suggestion not be referred to the body for a reconsideration?

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 4:01 p.m.

RESUMPTION OF SESSION

At 4:09 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. ABUBAKAR: Madam President.

THE PRESIDENT: Commissioner Abubakar is recognized.

MR. ABUBAKAR: Madam President, dear colleagues, I am dropping my suggestion for a reconsideration.

Thank you.

THE PRESIDENT: The body, therefore, can now proceed to vote on Third Reading. As stated earlier, any manifestation can be made to explain your affirmative or negative vote or your abstention.

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

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Madam President.

I was personally surprised to read a copy of proposed Resolution No. 72 calling for a voting on Third Reading. I was made to understand that we are going to rule with definiteness on the constitutional provisions regarding the

Preamble portion after we shall have read the sentiments of the people as reflected in the public hearings scheduled to be conducted all over the country.

Madam President, I was under the impression — please correct me if I am wrong — that the final voting on Third Reading of the Preamble would be scheduled only after we shall have received pertinent feedbacks from our people during our dialogue with them. I have heard the exposition eloquently made by Commissioner Brocka, and I share his sentiments regarding a certain degree of dissonance in the way the Preamble of our Constitution has been formulated.

Be that as it may, we would like to raise a parliamentary situation. We respectfully move to defer the voting on Third Reading of this Preamble until after we shall have made our consultations with the people.

Thank you, Madam President.

THE PRESIDENT: Just for the record, the Chair would like to be clarified on the Commissioner's statement that there has been a commitment on the part of the body or of the Chair to postpone the Third Reading on the Preamble.

MR. SUAREZ: Madam President, I did not say there was a commitment but I was under that impression — I made that very clear.

THE PRESIDENT: We can refer to the transcript of the proceedings.

MR. SUAREZ: Madam President, the transcript will not yield the fact that immediately after the Second Reading we can move on to the Third Reading; I hope the records will bear me out in this regard. In other words, Madam President, the voting on Third Reading could very well be deferred without violating whatever understanding may have been reached among the Commissioners in connection with the final approval of the Preamble.

So at this juncture, Madam President, we are respectfully submitting a formal motion to defer final voting on Third Reading on the Preamble. After all, in principle, the Preamble has already been voted upon on Second Reading by a vote of 27 against two; so it stands as having been approved. My only fear, Madam President, is that there could be dramatic changes which might change the minds of the Commissioners in the final voting.

Thank you, Madam President.

THE PRESIDENT: Is there anyone seconding the motion?

Commissioner Rodrigo is recognized.

MR. RODRIGO: Madam President, Section 28 of our Rules reads:

No such resolution shall be voted on Third Reading unless mimeographed copies thereof shall have been distributed to the Members of the Constitutional Commission at least one day but not more than three calendar days before final action thereon is taken.

Copies of the resolution were distributed last Friday.

THE PRESIDENT: That was June 13.

MR. RODRIGO: So today is the third calendar day and if we postpone voting on it until tomorrow, we might go over the required three calendar days, which would be a violation of this rule.

THE PRESIDENT: Thank you, Commissioner Rodrigo.

MR. RODRIGO: Madam President, I would like to know — since the motion does not specify — up to when we

can "defer."

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Point of clarification, Madam President. I did say the period; that is, after we shall have consulted our people regarding their sentiments on this Preamble.

THE PRESIDENT: Can there be a specific date?

MR. SUAREZ: What about July 7?

THE PRESIDENT: What is the reaction of Commissioner Suarez to the statement of Commissioner Rodrigo calling our attention to Section 28 of our Rules?

MR. SUAREZ: Madam President, I was listening to the reading of that particular provision by Commissioner Rodrigo and, personally, I feel that it is supportive of my motion to defer. In other words, the consideration this afternoon is not even sanctioned by our Rules, because we were not given that reasonable opportunity to analyze the provision that is sought to be voted upon this afternoon because of the one-day, but not more than three-day requirement.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: If we go back to the records, Commissioner Garcia had moved for the deferment of the final voting on the Preamble because he would like to hold public hearings on this. Commissioner Garcia's motion was put to a vote — if I remember right-and it was put down by the body.

If we were to defer the Third Reading on the Preamble and wait for the public hearings to be conducted, but there would be further amendments or changes, should we go back to the period of amendments which we have already terminated in accordance with our Rules?

THE PRESIDENT: Are there any other comments on this? The motion to defer will be put to a vote . . .

MR. AZCUNA: Madam President.

THE PRESIDENT: Commissioner Azcuna is recognized.

MR. AZCUNA: Madam President, even if we approve the Preamble on Third Reading, I personally believe that we can still change the wordings in the Committee on Style, precisely because the Preamble is not technically part of the Constitution. If the Preamble should conflict with the substantive portions which we will have agreed upon later on, we will have to change the wordings in the Committee on Style.

Therefore, if during the public hearings we will encounter certain responses of the people to make changes in the Preamble, I think we will still be free to do it in the Committee on Style.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: Madam President, considering that the motion is to defer final voting on the Preamble until July 7, then, clearly this is in violation of Section 28 of the Rules which states:

No such resolution shall be voted on Third Reading unless mimeographed copies thereof shall have been distributed to the Members of the Constitutional Commission at least one day but not more than three calendar days before final action thereon is taken.

So, unless we suspend that Rule, I do not think it is in order for us to vote on the motion.

SUSPENSION OF SESSION

THE PRESIDENT: The Chair suspends the session.

It was 4:20 p.m.

RESUMPTION OF SESSION

At 4:25 p. m., the session was resumed.

THE PRESIDENT: The session is resumed.

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

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: May we respectfully request that the final voting on the Preamble be deferred until tomorrow. That is an amendment to my motion for deferment of its consideration to July 7 because after going over the Rules with Commissioner Rodrigo, we were convinced that he is correct in his reading of that particular provision. So, may we formally move that the final or Third Reading and final voting on the Preamble be deferred until tomorrow.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Before we act on the motion, may we know exactly the reason it is being deferred for tomorrow because we were given the reason for the original motion to postpone until July. In other words, this is insufficient until we can add to it the grace of public hearings until July. But why defer until tomorrow? We have not been given the reason yet. It is a good habit generally to understand what we are voting upon.

MR. SUAREZ: I originally moved for the deferment of the voting on Third Reading of this Preamble to July 7, but when my attention was called by Commissioner Rodrigo to the provisions of Section 28 of our Rules, I acknowledged the fact that my motion could be violative of our Rules. On the other hand, we also feel that we need a little more time to consider this Preamble as proposed to be voted upon by the Committee on Preamble.

MR. OPLE: If the reason is so we can sleep over it, I would like to support the motion of Commissioner Suarez.

MR. SUAREZ: Thank you.

THE PRESIDENT: Is there any objection to the motion to defer the voting on Third Reading of Resolution No. 72 for tomorrow in order for the Members to prepare for whatever vote they may want to cast on this particular resolution and also to prepare the explanation of their votes which will be in order? (Silence) The Chair hears none; the motion is approved.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

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

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: Madam President, some of the drafts submitted by the various entities —UP Law Center, PHILCONSA, etc. — were referred to the Steering Committee. Technically, the Steering Committee would have to

endorse these and break them up into various sections to be referred to the proper committees. To save time, I would like to propose an omnibus motion to be approved by this body to the effect that the various drafts proposed by the various entities such as UP, PHILCONSA and the others, be automatically referred from the Steering Committee to the various committees so that the Steering Committee will just write an interoffice memo to these committees. That is the motion, Madam President. So, I will not be coming to the plenary hall every time there is such a situation.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: May I be allowed to make a comment on the motion before it is voted upon?

THE PRESIDENT: The Gentleman may proceed.

MR. DAVIDE: Under the Rules, the Steering Committee has, among others, the duty to coordinate with the other organic committees. Would the motion, therefore, be necessary when it is within its jurisdiction to coordinate with the other committees, to refer, through the exercise of its own functions, these drafts to the different committees with proper instructions without the necessity of consent of the Commission?

MR. BENGZON: If that is the ruling of the Chair, then there is no need for the motion.

VIVA VOCE

THE PRESIDENT: The Chair believes that it would be more in accordance with our Rules if the motion of the Chairman of the Steering Committee be acted upon here in plenary session so as to avoid any regrets or difficulties about it. So, the motion is in order and the motion will be acted upon and submitted to a vote.

As many as are in favor of the motion of the Chairman of the Steering Committee, please say yea.

SEVERAL MEMBERS: Yea.

THE PRESIDENT: As many as are against, please say nay. (Silence)

The yeas have it; the motion is approved.

MR. BENGZON: Madam President, may I be recognized again?

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON. The Steering Committee has noticed that there have been a lot of overlapping committee meetings so that a lot of the Commissioners are unable to attend the committee meetings that they wish to attend. So, I would like to move: First, that the daily plenary sessions be limited to half an hour to one hour, just to dispose of the Reference of Business after which the plenary session shall be suspended and the rest of the afternoon be devoted to committee or public hearings. Second, apropos of this, the whole Commission would go into a caucus so that the Steering Committee, upon the suggestion of Commissioner Monsod, could discuss a formula which, if implemented, would result in a minimum of overlapping of committee meetings.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: Madam President, may I make some suggestions apropos of the difficulty we had with respect to approval on Third Reading because I anticipate this to come up again and again. I think the various committees are beginning to submit their committee reports little by little, and as soon as these committee reports are submitted, they will be calendared for discussion and we will be having plenary sessions. And yet, we do have a commitment to hold public hearings and it would seem to me that we should honor this commitment of holding

public hearings. We should make it possible for us to honor this commitment to hold public hearings before we discuss all the reports. So, I recommend the consideration of the possibility of suspending our plenary sessions and devoting a whole week just to public hearings instead of waiting for the weekends. Let us farm out during the week and get as many public hearings out of the way as possible so that when we do consider the committee reports, we can say that we considered the committee reports against the background of what we heard from the people. Otherwise, we will again run the risk of approving something before any public hearing is held as we did with the report on the Preamble.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, we appreciate the observations of Commissioner Bernas. However, organizing 45 provincial public hearings is not an easy task and the Ad Hoc Committee on Public Hearings, therefore, wanted a lot of lead time in order to make these consultations really meaningful. That is why the first official public hearings in the provinces will be on the 28th and on two other consecutive Saturdays after that. I think if the intent is to facilitate the hearings so that we can get on with the plenary sessions, there will be a very big logistical problem since we will not be able to hold those hearings in one week. That is why we have proposed that they should be held on weekends. However, we do have a proposal which, we hope, will be taken up in the caucus — that the plenary sessions be only for purposes of First Reading and that all of the work for the next three weeks be committee work, either in discussions or in interviewing or talking to resource persons. In that way we can do all the preparatory work in the committee plus the public hearings on weekends so that we can adhere to our schedule of July 7 for submission of committee reports.

FR. BERNAS: Madam President, I have no problem with that, but I think this will involve an amendment of our Rules. We have to amend the Rules to make it possible for us to slow down the consideration of committee reports.

MR. ROMULO: May I say something about that, Madam President?

THE PRESIDENT: Commissioner Romulo is recognized.

MR. ROMULO: That is why, apropos of the comment of Commissioner Bernas, the intention of the Rules Committee was really not to submit individual resolutions approved by the committee but for the committee to submit a complete report on July 7. Thus, that will permit us to go ahead with the public hearings. We should also mention that each standing committee is starting to have public hearings throughout this period plus the outreach program of weekend public hearings. It is our belief that, if we stick to that schedule and we submit complete committee reports on July 7, we will be able to meet the timetable.

THE PRESIDENT: In other words, Commissioner Romulo, does the Chair understand that after July 7, these committee reports will be in order for debates and interpellations?

MR. ROMULO: Yes, Madam President, that is the intention of our timetable, but whether we can meet it or not is another question.

MR. REGALADO: Madam President.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: Madam President, in connection with the observations of Commissioner Bernas and Commissioner Romulo, this morning I brought to the attention of Commissioner Romulo, who was a Member of the Ad Hoc Committee on Rules, a seeming oversight here which should be clarified. Under Rule 6, Section 22 on

Committee Reports, it is provided that each committee shall submit a report on each resolution read at least within 10 days after the resolution had been referred to it. I think it could have been an oversight because subsequent thereto we agreed on a timetable. It was my understanding that this 10-day period within which the committee report would be submitted would be at the end of the public hearing in accordance with our timetable. Otherwise, the committee would be forced to submit its committee report while the hearings would still be going on because of the 10-day stricture. So, I think there should be some clarification on the meaning of Section 22 which, if literally taken, limits us to 10 days after referral of the resolution to the committee.

MR. SUMULONG: Madam President.

THE PRESIDENT: Commissioner Sumulong is recognized.

MR. SUMULONG: Commissioner Regalado is perfectly right. There was an oversight. Section 22 was one of the provisional rules that should have been deleted after we had approved the timetable which was prepared by the Committee on Rules. Under the timetable, all the committees should finish their work, the hearings and the preparation and submission of committee reports within four weeks; that is, until July 7. So when we approved the timetable, that provision in the provisional rules should have been deemed correspondingly repealed because it is in conflict with what we approved as the timetable of the Commission. Therefore, Madam President, I ask for unanimous consent to have the first sentence in Section 22 of the Rules which says:

Section 22. Committee Report. — Each committee shall submit a report on each resolution read at least within ten days after the resolution has been referred to it.

— correspondingly repealed by the timetable which we approved under Section 9 of the Rules.

MR. OPLE: If that is a motion, I would like to second it, Madam President.

THE PRESIDENT: Thank you.

Is there any objection?

Commissioner Bengzon is recognized.

MR. BENGZON: I have no objection, Madam President.

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

MR. BENGZON: Madam President, may I now reiterate my motion?

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: First is that henceforth, beginning tomorrow, we shall limit our plenary session to, say, between half an hour to one hour just for the purpose of going through the First Reading of the various resolutions and their referral to various committees in order to comply with our Rules. And, second, that we go into a caucus in order to be able to discuss the formula to avoid or at least minimize the overlapping of committee meetings.

THE PRESIDENT: Commissioner Gascon is recognized.

MR. GASCON: I would like to ask a few questions, if I may. Would that imply, therefore, that committee reports for Second Reading be done or dispensed with after July 7 or beginning July 7 after the committees will have submitted their final reports?

MR. BENGZON: The calendaring of committee reports will be after July 7. But, of course, after a public hearing,

if a committee finishes its reports before July 7, please submit them to the Secretariat and Steering Committee so that as we receive the reports, we can decide which ones to calendar first. On the debates on Second Reading, submission of these committee reports will have to be after July 7.

MR. GASCON: I would like to second the motion then.

THE PRESIDENT: Actually, there are two subjects in the motion. First, whether or not we shall approve that the sessions be held only for half an hour or an hour.

MR. BENGZON: Yes, for half an hour to an hour just for the purpose of complying with the Rules on First Reading, referring the proposed resolutions to the respective committees.

THE PRESIDENT: Can we act on that first motion?

MR. BENGZON: Yes, Madam President.

REV. RIGOS: Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: Do I understand that in the light of the motion approved a few minutes ago, the exception, at least in the case of tomorrow, is the action of this Commission on the vote on Third Reading on the proposed Preamble?

MR. BENGZON: Yes, and the continuation of the proposal. Madam President, instead of starting the session at three o'clock, we start it at two o'clock so that we will have more time for committee meetings.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Madam President, I would like to propose an amendment to the motion; that is, to add **UNLESS THE PRESIDENT DEEMS IT WISE TO PROLONG THE SESSION**, because there may be exceptional cases when we might have to prolong the session.

MR. BENGZON: Yes, that is accepted.

MR. PADILLA: Madam President.

THE PRESIDENT: Is that amendment acceptable?

MR. BENGZON: Accepted, Madam President.

MR. PADILLA: Madam President.

THE PRESIDENT: Vice-President Padilla is recognized.

MR. PADILLA: Madam President, I have no objection to what has been said about public hearings which should be considered by the different committees so that we can consult with and appraise the sentiments of our people. But in this motion, from June 16, today, up to July 7, the session hall will just be a formality in having the many resolutions calendared for First Reading. After that, it is intended to have the Assembly adjourned.

Madam President, considering the time constraints and considering that the people also want to hear our views — it is very good for us to hear the views of the people but the people also, I think, expect to hear our views because we have been appointed or designated as Commissioners to draft a Constitution — I feel that as we have had a freewheeling discussion on Article I, the Preamble, we should, for example, this afternoon or tomorrow, continue the freewheeling discussion on Article II and perhaps on Article III so that the different Commissioners may

express their views on these usual and necessary portions of the Constitution. Otherwise, the people might say, "Well, from June 2 to June 16, you have passed on Second Reading only the Preamble. Then on June 16 up to July 7, you have not done anything in the session hall, and the Commissioners have not expressed their views on the different Articles that follow the Preamble."

So, I am not in favor, Madam President, of making this Assembly, from June 16 to July 7, a mere formal Assembly where we will just listen to so many resolutions that are being calendared on First Reading.

I humbly submit that we should express our views without disregarding the views of the people on all these different Articles that follow because, while we must listen to the people, I think the people want to listen to us. And the more important thing is that we crystallize some views on these essential parts of the Constitution.

So, I am objecting to the motion to make the Assembly meetings only a formality to hear the various resolutions filed. There are so many of them; some are repetitious; some are redundant; some are unnecessary.

MR. BENGZON: Madam President.

MR. PADILLA: I respectfully submit.

MR. BENGZON: Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: I would like to call for a vote now. But before I do, may I just state that the points raised by Commissioner Padilla could be achieved when the body discusses the resolutions on Second Reading, when the committee reports are reported out and the people can hear our respective views on these matters. May I now call for a vote on the motion, Madam President?

SUSPENSION OF SESSION

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

It was 4:51 p. m.

RESUMPTION OF SESSION

At 4:55 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. BENGZON: Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: I would like to withdraw in original motion and substitute it with a motion that we adjourn now and that the committee chairmen then go into a caucus to discuss precisely: (1) the matters that were raised in my original motion and the comments of Commissioner Padilla; (2) the formula to avoid or, at least, minimize the overlapping of committee meetings; and (3) such other matters as may still come up during the caucus. Thereafter, tomorrow, during the plenary session, the results of this caucus will be reported to the body at two or three o'clock.

What is the pleasure of the Chair?

THE PRESIDENT: Let us have it first at three o'clock.

MR. BENGZON: All right.

THE PRESIDENT: Is there any objection now to the motion that we adjourn and go into a caucus?

The caucus will include the Vice-Chairmen, if they desire to attend and any Member would be welcome also but essentially the Chairmen and the Vice-Chairmen.

Commissioner Monsod is recognized.

MR. MONSOD: Excuse me, Madam President, but maybe it should be a caucus of everybody because there are some matters we want to raise on the public hearings in which we need the attendance of all the Commissioners.

THE PRESIDENT: Is that for this afternoon?

MR. MONSOD: Yes, Madam President.

THE PRESIDENT: How about that?

MR. BENGZON: Accepted, Madam President.

ADJOURNMENT OF SESSION

THE PRESIDENT: So, the motion is to adjourn and to go into a caucus for all the Members of the Commission to thresh out all these problems that have been presented before us by Commissioner Bengzon, Vice-President Padilla and the others.

MR. BENGZON: Yes.

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

MR. BENGZON: Where is the venue, Madam President?

THE PRESIDENT: It is in the South Caucus Room.

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

It was 5:58 p.m.

[*] Appeared after the Roll Call.

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