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Friday, October 10, 1986

CALL TO ORDER

At 10:20 a.m., the Honorable Efrain B. Treñas called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Edmundo G. Garcia, to wit:

Isang pagbasa mula sa aklat ng Propetang Isaias, kabanata 42, linya 16-17, at kabanata 43, linya 1-3:

"Aakayin ko ang mga bulag,

Sa mga lansangang hindi pa nila natatahak

Yaong kadiliman sa harapan nila'y gagawing liwanag,

At papatagin ko ang baku-bakong landas;

Ang lahat ng ito'y aking gagawin.

Mabibigo at mapapahiya ang lahat ng kumikilala

At nagtitiwala sa mga diyos-diyusan . . .

Israel, ito ang sinasabi sa iyo ni Yahweh:

Huwag kang matatakot, ililigtas kita.

Tinawag kita sa iyong pangalan, ikaw ay akin.

Pag ikaw ay daraan sa karagatan, sasamahan kita;

Hindi ka madadaig ng mga suliranin.

Dumaan ka man sa apoy, di ka maaano,

Hindi ka maibubuwal ng mabibigat na pagsubok

Sapagka't akong si Yahweh ang iyong Diyos,

Ang Banal ng Israel na magliligtas sa iyo."

Panginoong Diyos, aming Ama, nawa'y inyong kalugdan ang pagsisikap namin dito sa Komisyon, itong apat na buwan nang dumaan — hatid ay matinding paglalahok ng isip at katawan.

Gawain namin ay alay sa sambayanang Iyong hirang, natatangi sa Iyong paningin — ang bayan naming

naghihintay at nagtitiwala sa pangako ng Iyong pagpapalaya.

Aming gawain kailanman'y di sasapat sa mga pangangailangan at inaasam ng aming mga kababayan. Tulungan Ninyo Po kaming ito ay ibigay at ibahagi sa kanila, nang sa gayo'y mga pagkukulang nami'y kanilang mapuno, at trabaho nami'y sa kanila ay magkaroon ng katuparan. Pagka't ang mga linyang sulat nami'y walang saysay, kung di isasabuhay ng mga taong-bayan. Tanging sila ang magpapatotoo sa Iyong mithiin.

Itong mithiin, Kayo rin Po Ama; sa mga puso namin, ang nagtanim. Mithiin at pangarap ng isang bukas, kung saan ang mga taong-bayan ay malaya sa sariling lupa, mga Pilipinong may dangal sa harap ng mga bansa. Isang bukas kung saan ang mga taong-bayan ay may pasiya sa sariling kinabukasan, at nakikinabang sa bunga at likha ng kanilang paggawa. Isang bukas kung saan ang yaman ng bayan ay ibinabahagi sa lahat — kung saan ang isda at tinapay ay sama-samang ipinagpipiraso at pinagsasaluhan ng bawa't isang kapwa sa pamayanan. Isang bukas kung saan ang mga tahanan ay mapayapa, ang mga tao ay nagdiriwang at ang mga bata ay nagsasayahan.

Malayo pa ang aming lalakbayin upang marating itong mithiin, alam namin. Di ba't sa bawa't dulo ng daan, ay may nagbubukas na panibagong landas? Patuloy ang paglalakad at pagtitiyagat ang pag-arok sa mga pangarap.

Gawain namin ay hindi nagtatapos sa bulwagang ito. Marami pa ang mga linya na kailangang isulat, mga pinto na kailangang buksan, mga pagsisikap na kailangang simulan.

At dito, Kayo Po Ama ay laging kapiling namin. Tulad ng gabing nagbubukang-liwayway at laging binabati ng umaga, di nagmamaliw Iyong pag-ibig na tapat. Pagkalinga Mo'y sintatag ng bundok, di nagigiba.

Sapagka't Kayo ang tumawag at naghirang sa amin. Kayo ang nagnais na kami ay pagpalain Pangako Mo'y Iyong tutuparin: mukha ng kalupaa'y Iyong babaguin, katarungan at pag-ibig Iyong paiiralin. At yaong araw ay darating din, kung kailan ang bawa't isa ay ituturing, kapatid at kapwa, kaakbay sa diwa at kaisa sa mithiin.

Amen.

ROLL CALL

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

Aquino, F.S. Bernas, J. G.

Bacani, T. C. Rosario Braid, F.

Bennagen, P. L. De Castro, C. M.

Colayco, J. C. Rama, N. G.

Concepcion, R. R. Regalado, F. D.

Davide, H. G. De los Reyes, R. F.

Foz, V. B. Rigos, C. A.

Garcia, E. G. Rodrigo, F. A.

Gascon, J. L. M.C. Romulo, R. J.

Guingona, S. V. C. Suarez, J. E.

Jamir, A. M. K. Sumulong, L. M.

Monsod, C. S. Tadeo, J. S. L.

Nieva, M. T. F. Tingson, G. J.

Ople, B. F. Treñas, E. B.

Padilla, A. B. Uka, L. L

Quesada, M. L. M. Villacorta, W. V.

With 32 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.

Abubakar, Y. R. Natividad, T. C.

Azcuna, A. S. Nollado, J. N.

Bengzon, J. F. S. Sarmiento, R. V.

Calderon, J. D. Tan, C.

Maambong, R. E. Villegas, B. M.

P.M.

Alonto, A. D. Lerum, E. R.

Mrs. Muñoz Palma and Mr. Rosales were sick.

Mr. Laurel was absent.

READING AND APPROVAL OF THE JOURNAL

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

REFERRAL TO COMMITTEES OF COMMUNICATIONS

Upon direction of the Chair, the Secretary-General read the titles of the following Communications which were, in turn, referred by the Chair to the Committees hereunder indicated:

Communication No. 1087 — Constitutional Commission of 1986

Letter from Mrs. Adelaida Boiser Deuna of 15-D Libis, Santolan Road, Quezon City, opposing the move to change the name of the Philippines

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 1088 — Constitutional Commission of 1986

Letter from Mr. Patricio R. Mamot, Ministry of Political Affairs, Malacañang, urging the Constitutional

Commission to return Spanish as one of the country's official languages — along with Filipino and English

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 1089 — Constitutional Commission of 1986

Letter from Mr. Fortunato U. Abat, Administrator, Philippine Veterans Affairs Office, Arroceros Street, Manila, expressing the deep gratitude of the veterans and their kin for the approval of a provision in the Article on General Provisions of the new Constitution which recognizes the patriotic services of our veterans and declares it an obligation of the State to extend to them, their widows and orphans, immediate and adequate assistance for their economic security with preference in the acquisition of land from the public domain and in the exploitation of our natural resources

TO THE ARCHIVES

Communication No. 1090 — Constitutional Commission of 1986

Letter from Atty. Eufracio D. Santos, Assistant Commissioner, Bureau of Internal Revenue, and three other BIR officers, seeking the conversion of the Bureau of Internal Revenue into a constitutional "Commission on Revenue" as an ultimate remedy to optimize its performance and maximize the collection of taxes

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

AMENDMENT OF RESOLUTION NO. 547

Mr. Villacorta, on behalf of the 47 signatories of Resolution No. 547 which was unanimously approved in the previous session, moved to amend it by including therein the COMMISSION ON AUDIT among the agencies to whom appreciation was extended for invaluable services rendered to the Constitutional Commission.

Mr. Villacorta stated that the omission was an unintentional oversight based on the assumption that the COA is part of the Secretariat.

Mr. Guingona seconded the motion and added that the resident COA auditor Atty. Jose A. David and his staff have been working for the Body since June, 1986.

Mr. Villacorta affirmed Mr. Guingona's manifestation.

Submitted to a vote and there being no objection, the same was approved by the Body.

CONSIDERATION OF THE REPORT OF THE SPONSORSHIP COMMITTEE

Thereafter, on motion of Mr. Rama, there being no objection, the Body proceeded to the consideration of the report submitted by the Sponsorship Committee.

The Chair recognized Mr. Guingona and the members of the Committee.

SPONSORSHIP REMARKS OF MR. GUINGONA

Mr. Guingona informed that the Committee started its work in the middle of August at about the same time that the Style Committee started its own meetings. He stated that the Committee had been meeting every Tuesdays and Thursdays and also had two meetings with the Committee on Style in order to harmonize the Committees' versions of the Constitution.

Adverting to Section 8 (17) of Rule II of the Rules, Mr. Guingona stated that the functions of the Committee are 1) to review all matters pertaining to the formulation and final draft of the Constitution; and 2) to correct and harmonize the provisions to avoid inaccuracies, repetitions, inconsistencies, to arrange them in logical order and to sponsor the final draft of the Constitution but it does not have the authority to change the sense, substance or purpose of any provision referred to it.

He explained that the corrections were principally made by the Committee on Style with the Committee on Sponsorship merely acting in a supportive role. He stated, however, that three other functions specified in the Rules were likewise undertaken by the Committee, namely: 1) the review of repetitions which was made by a subcommittee with Ms. Aquino as Chairperson and Mr. Villacorta as Vice-Chairperson; 2) the arrangement of the provisions in logical order made by the Subcommittee on Rubrics with Mr. Tingson as Chairperson and Mr. Maambong as Vice-Chairperson; and 3) the sponsorship of the whole draft Constitution. He stated that the whole draft may be approved, on Second Reading, either during the next day's session or in the morning of Sunday, October 12, 1986. He informed that the Committee had also distributed copies of the sequencing of the 1935 and 1973 Constitutions for comparison.

SUGGESTION OF MR. OPLE

At this juncture, Mr. Ople recalled that before the adjournment of the previous day's session, he suggested to the Committee on Sponsorship to sequence the articles on the basis of the general plan of the Constitution consisting of two parts, to wit: 1) the form or the structure of the State; and 2) the rights of the people relative to the powers of the State.

Thereupon, adverting to the copy of the sequencing distributed by the Committee, Mr. Ople suggested raising Article VI, Legislative Department; Article VII, Executive Department; and Article VIII to the third ranking of the Committee so that they would follow Article I, National Territory; and Article II, Declaration of Principles. He added that this sequencing would now make the first part of the Constitution define the form and structure of the government while the second part would define the citizen's rights vis-a-vis the powers of government.

ACKNOWLEDGMENT OF PRESENCE OF GUESTS

At this juncture, the Chair acknowledged the presence of Grade VII students from the Colegio de San Agustin and high school students from Canossa School, Sta. Rosa, Laguna.

REMARKS OF MR. CONCEPCION

Mr. Concepcion manifested his agreement with Mr. Ople's suggestion, however, he pointed out that the Article on National Territory and the Article on Declaration of Principles must be followed by the Bill of Rights considering the statement in the Declaration of Principles that sovereignty resides in the people and all authority emanates from them, hence, it would be better to first give a statement of the powers withheld from the government followed by the form and structure of the government itself. He added that after the Bill of Rights, he agrees with Mr. Ople's suggestion.

Responding thereto, Mr. Ople manifested his concurrence with Mr. Concepcion's observation that the Bill of Rights should not yield precedence to any other Article in the Constitution. However, he opined that to have a logical sequencing of the Articles, the Constitution should begin with the formal structure of the government before identifying the rights withheld therefrom and that after establishing the powers of the Legislative, the Executive and the Judiciary, the limitations of such powers should be enumerated.

REMARKS OF MR. GUINGONA

At this juncture, Mr. Guingona read the sequencing proposed by the Subcommittee on Rubrics as follows: Preamble; Article I, Declaration of Principles; Article II, National Territory; Article III, Citizenship; Article IV, Bill of Rights; Article V Family Rights; Article VI, Social Justice; Article VII, Education, Science and Technology, Arts, Culture and Sports; Article VIII, Suffrage; Article IX, Executive; Article X, Legislative; Article XI, Judiciary; Article XII Local Governments; Article XIII, Constitutional Commissions; Article XIV, Accountability of Public Officers, Article XV, National Economy and Patrimony; Article XVI, General Provisions; Article XVII, Amendments or Revisions; and Article XVIII, Transitory Provisions.

REMARKS OF MR. OPLE

Mr. Ople pointed out that the outline of the U.S. Constitution of 1787 was closely followed by the 1935 Constitution except for the failure to provide precedents for the sequence to the Articles on the Legislative, Executive and Judicial Articles. He pointed out that the Bill of Rights was notably absent in the original version of the U.S. 1787 Constitution, for which reason the U.S. Constitution has a Bill of Rights in the form of amendments. He then insisted that the rational order should be 1) definition of the powers of the government including its form and structure; and 2) the enumeration of the rights of the people relative thereto.

SUGGESTION OF MR. DE CASTRO

Mr. de Castro suggested that the Constitution be presented to the people in the following chronological order: 1) the Preamble which speaks of the aspirations of the people; 2) Article I, the Article on the National Territory which defines the limits of the territory within which the fundamental law shall apply; 3) the Principles and Policies of the State in relation to the national territory; 4) Citizenship which determines the people entitled to live within the territory and to whom the Constitution shall apply; 5) the rights, duties and obligations of the citizens; 6) the form of government as suggested by Mr. Ople, 7) Suffrage and rest of the articles.

REMARKS OF MR. ROMULO

In support of Mr. Concepcion's suggestion, Mr. Romulo advanced the following reasons: 1) the Bill of Rights should be located in its traditional place as Pointed out by Mr. Concepcion; 2) its importance; and 3) the country's recent history which primarily concerns the citizens who are entitled to see the same from the beginning.

Additionally, he stated that he, likewise, shares the view of Mr. de Castro that presentation of the Constitution should start with the components of the State.

REMARKS OF MR. BERNAS

Supporting Mr. Concepcion's position, Mr. Bernas agreed that the articles should be arranged in a rational order which, however may be done in two ways, 1) chronological operationalization of the articles which would initially deal with government, considering that the Bill of Rights becomes operational as a check against the government only after it has acted; and 2) arranging on the basis of importance of the subjects of the articles.

He stated that since the Constitution would be people-oriented, the Bill of Rights, which speaks of protection for the people, should take precedence over government.

Expressing agreement with Mr. de Castro's view, he stated that the Article should initially deal with the elements of the State, namely, National Territory and Citizenship, together with the Declaration of Principles and State Policies which speaks of the sovereignty as residing in all the citizens of the Philippines. He stressed that since

Citizenship deals with people, it should, together with the Bill of Rights, take precedence over government.

REMARKS OF MR. PADILLA

Concurring with the views expressed by Messrs. Concepcion, Romulo, Bernas and de Castro, Mr. Padilla stated that the State exists for the individual and not the individual for the State. He stressed that after the Article on the National Territory, it should be followed by the provisions on the individuals or the people and then the government.

SUSPENSION OF SESSION

Upon request of Mr. Tingson, the Chair suspended the session.

It was 10:56 a.m.

RESUMPTION OF SESSION

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

Upon resumption of session, Mr. Guingona manifested that three proposals were presented. He moved that Mr. Tingson be recognized.

MANIFESTATION OF MR. TINGSON

Mr. Tingson stated that the proponents were Messrs. Ople, Concepcion and Garcia whom he requested to explain their respective proposals.

REMARKS OF MR. OPLE

Mr. Ople stated that while he yields to no one when it comes to respect for the Bill of Rights, a logical order of presentation of the Articles should be considered without necessarily considering the substantive priorities in the Constitution.

He reiterated the fact that authorities on Constitutions, from the time of Aristotle to the time of Rousseau and John Stuart Mill, have held that a constitution precedes the State because it creates or recreates the State. He stated that it would, therefore, be appropriate to begin with the Preamble which embodies the aspirations of the nation, followed by the National Territory which defines the land, then Citizenship which pertains to the people, followed by the Declaration of Principles. He stated that the form, structure and powers of the State — the Government, the Legislative, the Executive and the Judiciary should immediately precede the Bill of Rights which are the rights of the people in relation to the powers of the State and their defenses against any abuse of such powers by the State.

He stressed that should the form of government be not given precedence, the role of the Constitution in creating or recreating the State might be obscured.

REQUEST OF MR. GUINGONA

At this juncture, Mr. Guingona requested Mr. Maambong to explain the sequencing which the Subcommittee on Rubrics had prepared.

EXPLANATION OF MR. TINGSON

Mr. Tingson spoke on behalf of the Committee, stating that there is unanimity that the Preamble should be presented first, to be followed by Article I on National Territory, Article II on the Declaration of Principles and State Policies; Article III on Citizenship; Article IV on the Bill of Rights; Article V on the Legislative; Article VI on the Executive; and Article VII on the Judiciary.

He stated that the sequence is in accordance with the option presented by Messrs. Ople, de Castro and Bernas.

Mr. Ople stated, however, that the form of government and the powers of the State, which discuss the Legislative, Executive and the Judiciary, should immediately precede the Bill of Rights.

Mr. Tingson noted that Mr. Concepcion's proposal is to have the Bill of Rights immediately before the form of government

REMARKS OF MR. MAAMBONG

Mr. Maambong stated that as early as August 27, 1986, the Subcommittee on Rubrics had submitted its Memorandum Report containing its recommendation on the arrangement of the Articles of the Constitution which he admitted to have been made without an in depth study but rather on the basis of the arrangement of the 1935 and the 1973 Constitutions. He opined that the presentation should be on the basis of the elements of the State, namely, territory, government and people, to be followed by the other items of the Articles which do not fall under any of the three elements of the State.

He stated that due to the foregoing circumstances, the Committee would be open to suggestions on the matter.

REMARKS OF MR. CONCEPCION

Mr. Concepcion observed that there is unanimity in initially presenting the Preamble and the Article on National Territory in that order. He stated that since Article II on the Declaration of Principles and State Policies is a statement of the objectives of the people and the government in general, it is proper that it follows the Bill of Rights. He expressed doubt however, whether the Article on Citizenship should follow the Bill of Rights. Mr. Concepcion agreed with the statement of Mr. de Castro that the next question to decide is who shall exercise the powers. He noted that the very first section of the Declaration of Principles which states:

The Philippines is a republican state Sovereignty resides in the people and all government authority emanates from them

mentions "people" before "citizens" and that the Bill of Rights covers not merely citizens but all people — citizens or aliens.

In the second sentence thereof, Mr. Concepcion remarked that the government is given general authority to govern but "sovereignty", which is higher, resides in the people such that the rights of the people must be set forth in general.

The Bill of Rights, he argued, protects individual rights and that many provisions therein are stated in the negative, the negative being stronger than the positive. He noted that the phrase "all government authority emanates from them" shows that the source of the powers of government is the people, hence, before defining the structure of government and the method by which such powers shall be exercised, it has already set limitations on and withheld powers from government. The grant of power, he stressed, does not precede the withholding of power but that the withholding is made before the authority is granted — to make it more emphatic and effective

and to convey the idea that government cannot transcend it.

Finally, he stated that the Bill of Rights refers to all people although not all can effectively enforce these rights. He maintained that in the sequencing, the Citizenship Article should come after the Bill of Rights, followed by Suffrage and, thereafter, by the government structures.

REMARKS OF MR. REGALADO

Mr. Regalado, in support of the proposal of Mr. Concepcion, stated that it would be necessary to preface the provisions on the three government departments with the limitation on the powers which they can exercise. He observed that the Bill of Rights, referred to sometimes as the "Constitution of Liberty", explains in advance why only so much powers are granted to the three departments especially so if it is preceded by the Declaration of Principles and State Policies. He noted that it would be more explanatory if sequenced in such manner.

EXPLANATION OF MR. GARCIA

Mr. Garcia spoke in support of the revised version of the Committee's synchronization proposal. He noted that modern constitutions capture profound social changes which take place and that in the 1986 Constitution, he would propose to divide it into two parts — the first to underscore the people's rights and the second to provide for the structure of government.

The Declaration of Principles, he stated, contains and cedes all the different rights-political, economic and social which would be the first in the package of people's rights. He explained that the first part, therefore, should represent the totality of the rights of the people. He stated that after this package shall come the structures.

This, he opined, would reflect the Philippine experience which has been characterized as unprecedented and where the power of the people was able to accomplish a new order in the political landscape.

He stated that the rights of the people should come first before the structure of the State inasmuch as this structure only exists to implement, supplement and support the people. Mr. Concepcion, he noted, explained the whole rationale of the Constitution, which is, that sovereignty resides in the people.

SUGGESTION OF MR. RODRIGO

To expedite the matter, Mr. Rodrigo suggested that the Body vote on the three proposals and the one which gets one-half of the quorum plus 1 should be adopted. Should none of the proposals receive this vote, he suggested eliminating the proposal which receives the lowest vote and proceeding to vote on the remaining two proposals. For each reference; he is referring to the proposals as the Ople proposal, Concepcion proposal and Garcia proposal.

Upon Mr. Ople's suggestion, the Committee Chairman restated the various Plans, to wit:

Plan I — to place the structure of government ahead of the

Bill of Rights

Plan II — to place the Bill of Rights ahead of the structure of
government

Plan III — to place the Bill of Rights, Social Justice and

Education ahead of the structure of government

The Chair suggested a nominal voting. However Mr. Rama stated that this would take time and suggested that the Members should instead be given ballots on which they could check their preferences.

Thereafter, Mr. Guingona read Plan I.

Preamble

Article I — National Territory

Article II — Declaration of Principles

Article III — Citizenship

Article IV — Legislative

Article V — Executive

Article VI — Judiciary

Article VII — Bill of Rights

Article VIII — Family Rights

Article IX — Social Justice

Article X — Education, Science and Technology, Arts, Culture and Sports

Article XI — Suffrage

Article XII — Local Governments

Article XIII — Constitutional Commissions

Article XIV — Accountability of Public Officers

Article XV — National Economy

Article XVI — General Provisions

Article XVII — Amendments or Revisions

Article XVIII — Transitory Provisions

INQUIRY OF MR. FOZ

In reply to Mr. Foz' inquiry on the location of Commission on Human Rights, Mr. Guingona stated that it would be placed under General Provisions. He adverted to Mr. Foz' explanation that it is not considered one of the Constitutional Commissions.

Mr. Foz then suggested that it be placed as an adjunct to the Bill of Rights since the proposed Commission has for its function the protection of civil and political rights.

In reply, Mr. Guingona stated that the suggestion would be considered.

On the manner of voting, Mr. Bernas proposed a simple raising of hands.

Thereupon, Mr. Garcia read Plan III.

Preamble

Article I — National Territory

Article II — Citizenship

Article III — Suffrage

Article IV — Declaration of Principles

Article V — Bill of Rights

Article VI — Social Justice

Article VII — Education, Science and Technology, Arts, Culture and Sports

Article VIII — Family Rights

Article IX — Executive

Article X — Legislative

Article XI — Judiciary

Article XII — Local Governments

Article XIII — Constitutional Commissions

Article XIV — Accountability of Public Officers

Article XV — National Economy and Patrimony

Article XVI — General Provisions

Article XVII — Amendments or Revisions

Article XVIII — Transitory Provisions

Thereafter, Mr. Tingson read Plan II.

Preamble

Article I — National Territory

Article II — General Provisions

Article III — Bill of Rights

Article IV — Citizenship

Article V — Suffrage

Article VI — Legislative

Article VII — Executive

Article VIII — Judiciary

Article IX — Impeachment

Article X — Commission on Elections

Article XI — Commission on Audit

Article XII — Civil Service Commission

Article XIII — Education, Science, Technology, Arts, Culture and
Sports

Article XIV — Family-Rights

Article XV — Social Justice

Article XVI — Natural Resources and Economy

Article XVII — General Provisions

Article XVIII — Amendments or Revisions

Article XIX — Transitory Provisions

Article XX — Special Provisions

CORRECTIONS OF MR. OPLE

On Plan I, Mr. Ople corrected that Local Governments should follow the Bill of Rights such that the sequence would be Legislative, Executive, Judiciary, Bill of Rights then Local Governments.

REMARKS OF MRS. QUESADA

Mrs. Quesada recalled that when Members sought to include social and cultural rights in the Bill of Rights, there was a clarification made that such rights belong to Social Justice inasmuch as they are not self-executory.

She noted that students would learn of these fundamental rights which are, for the first time, enshrined in the Constitution. She stated that the sequencing in the Garcia proposal would facilitate the teaching of the Constitution in all levels of the educational system.

REMARKS OF MR. MONSOD

Mr. Monsod spoke in favor of the Concepcion proposal, noting that the Garcia proposal would place people's organizations, sports, arts and culture ahead of Executive, Legislative and Judiciary.

SUGGESTIONS OF MR. ABUBAKAR AND MR. DE CASTRO

Mr. Abubakar proposed mimeographing the three proposals and allowing the Members to study them and determine the most appropriate sequencing.

Mr. de Castro proposed, on the other hand, the creation of a Committee which shall determine, on behalf of the Body, what sequencing should be adopted. He stated that the Committee can be composed of the three proponents, another Member and a Chairman. He observed that it would be fruitless to discuss the various plans inasmuch as Members have reservations on the sequencing in each plan. He suggested that whatever decision is reached by the Committee shall be adopted by the Body.

Mr. Bernas, in reaction to the proposal of Mr. de Castro, pointed out that it seems to be a motion of no-confidence

in the Sponsorship Committee.

Mr. de Castro denied that it is a motion of no confidence, stating that he in fact proposed that the Chairman of the Sponsorship Committee be the Chairman of the Committee to be created.

Mr. Rodrigo, to simplify the voting procedure, proposed that it be limited to the principal issue. He noted that inasmuch as not all the Articles are involved, the issue to be settled is whether to locate the structure of government before or after the Bill of Rights. The Ople Plan, he stated, is to put the government structure before the Bill of Rights; the Concepcion Plan is to put it after the Bill of Rights while the Garcia Plan would place it after the different rights.

WITHDRAWAL OF MR. OPLE'S PROPOSAL

At this juncture, Mr. Ople withdrew his plan in favor of the Concepcion Plan.

SUGGESTION OF MR. MAAMBONG

Mr. Maambong suggested that a sequence be made out of all the plans offered which would then be the basis of voting. He pointed out that it would be difficult to adopt Plan I or Plan II since the sequencing of the articles does not agree. He observed that based on the plans, there appears to be three packages — territory, people and government on the basis of which the Body could determine, first of all, the Declaration of Principles and that in tackling the "people", the Body should consider the Articles on Citizenship, Bill of Rights, Suffrage, Family Rights; on the "government", The body should consider the Articles on the Executive, Legislative and Judiciary. He stated that he would include therein the Constitutional Commissions in view of the explanation of Mr. Concepcion that the Constitutional Commissions are independent branches of government.

Thereupon, Mr. Rama proposed that the Body vote on the two remaining plans, by a simple raising of hands.

Mr. Nollado sought to amend Plan II to place Local Governments after Judiciary inasmuch as it constitutes the national structure of government while Constitutional Commissions, although independent offices of the government, are only incidental to the national government.

Mr. Nollado stated that he would support Plan II if the Article on Local Governments is placed after Judiciary to which Mr. Concepcion replied that said Article could be grouped together with the Articles pertaining to government, but he would leave it to the Committee on Sponsorship to place it either after the Article on the Judiciary or after the Article on Constitutional Commissions. He opined, however, that it should be placed after the Constitutional commissions because the latter are government agencies of a national character while local governments are subordinate in many respects to the general plan of government.

Mr. Nollado maintained that local governments are the "infrastructures" of government that function continuously unlike the Constitutional Commissions, such as the COMELEC.

On Mr. Maambong's suggestion to place the Article on Local Governments after the Article on the Executive, considering that the former concerns supervision of local governments by the Executive, Mr. Nollado explained that it also involves the administrative or legislative department, with a judicial system in the autonomous regions. He suggested that the sequence follow the 1973 Constitution where it is placed after the Judiciary.

Mr. Concepcion accepted Mr. Nollado's suggestion.

MANIFESTATIONS OF MESSRS. PADILLA AND RODRIGO

Mr. Padilla explained that with the withdrawal of Plan I (Ople), the only issue is whether the Bill of Rights and the departments of government would follow Plan II (Concepcion) or the new Articles on Social Justice, etc., as proposed in Plan III (Garcia).

Mr. Rodrigo affirmed that the only question was where to place the three departments of government, and thereafter the location of other Articles.

APPROVAL OF PLAN II

Thereupon, Mr. Rama moved that the Body vote on whether to adopt Plan II as proposed by Mr. Concepcion or Plan II as proposed by Mr. Garcia.

Submitted to a vote, and with 26 Members voting in favor of Plan II, and 9 Members in favor of Plan III, the Body approved Plan II as proposed by Mr. Concepcion.

Mr. Guingona stated that the sequence of Articles as proposed in Plan II, is as follows:

- a) Preamble
- b) Article I — National Territory
- c) Article II — Declaration of Principles and State Policies
- d) Article III — Bill of Rights
- e) Article IV — Citizenship
- f) Article V — Suffrage
- g) Article VI — Executive
- h) Article VII — Legislative
- i) Article VIII — Judiciary
- i) Article IX — Local Governments
- k) Article X — Constitutional Commissions
- l) Article XI — Accountability of Public Officers

and the rest to be arranged by the Committee on Sponsorship.

Mr. Concepcion explained that the Bill of Rights had to be placed before the Article on Citizenship because the former applies to all people while the latter applies only to citizens of the Philippines who can effectively exercise certain rights in relation to the powers of government.

MOTION OF MR. RODRIGO

Considering that the printer was already asking for the sequencing of Articles, Mr. Rodrigo moved that the Body give the Committee on Sponsorship a vote of confidence to make the proper sequencing with respect to the rest of the Articles.

COMMENTS OF MR. FOZ

On Mr. Foz' comment that the Article on Citizenship should be placed before the Bill of Rights, the Chair explained that the Body had approved Plan II which placed the Bill of Rights ahead of the Article on Citizenship.

MANIFESTATION OF MR. GUINGONA

Mr. Guingona stated that the Committee would like to ask the Body's decision on the proper situs of the Sections on the Commission on Human Rights.

INQUIRY OF MR. GASCON

On Mr. Gascon's query on the reason for placing the Article on the Executive ahead of the Article on the Legislative, Mr. Maambong explained that although the Constitution of the United States has the Article on the Legislative ahead of the Article on the Executive, even if it has a presidential form of government, the Committee accepted Mr. Sumulong's suggestion to place the Article on the Executive first because of the presidential form of government.

Mr. Gascon pointed out that as stated in the Declaration of Principles, sovereignty resides in the people. He stated that the Legislative Department is the repository of the sovereignty of the people because it is composed of elected representatives.

REMARKS OF MR. OPLE

Mr. Ople stated that he and other Members voted in favor of Plan II on the understanding that the Article on the Legislative would be placed before the Article on the Executive, as affirmed by Mr. Concepcion, and as found in the 1935 Constitution.

In reply, Mr. Guingona stated that he would agree to whatever Mr. Concepcion would propose, in reply to which, the latter explained that he actually proposed the Article on the Legislative to be placed before the Article on the Executive.

RULING OF THE CHAIR

The Chair stated that the Body actually voted to place the Article on the Legislative ahead of the Article on the Executive. The Chair stated that it was only amended when some objections were raised, maintaining, however, that as originally approved, the Article on the Legislative would be placed before the Article on the Executive.

MOTION OF MR. FOZ

Thereafter, Mr. Guingona reiterated that the Committee would like to seek the Body's decision on the proper situs of the provisions on the Commission on Human Rights.

In view thereof, Mr. Foz moved that said provisions be placed in the Bill of Rights.

Mr. Regalado objected on the ground that the Bill of Rights catalogues the rights of the people vis-a-vis the powers of government, while the Commission on Human Rights would be enforcing rights different therefrom. He then proposed to amend Mr. Foz' motion by placing said provisions on the Commission on Human Rights under the Article on the Accountability of Public Officers.

Mr. Foz agreed to Mr. Regalado's proposal.

MANIFESTATION OF MR. RAMA

At this juncture, Mr. Rama asked that the Body first dispose of Mr. Rodrigo's pending motion to give the Committee on Sponsorship a vote of confidence to arrange the other Articles that would follow the Articles under Plan II.

In reply, the Chair explained that it was the Committee which asked the Body's decision on the proper place of the provisions on the Commission on Human Rights. Mr. Ople affirmed the Chair's observation and moved that the Body first vote on Mr. Foz's proposal as amended by Mr. Regalado to place the provisions on the Commission of Human Rights under the Article on Accountability- of Public Officers.

REMARKS OF MR. DE CASTRO

Mr. de Castro, however, supported Mr. Rama's motion to first vote on Mr. Rodrigo's motion to give the Committee a vote of confidence as regards the arrangement of other Articles, and requested that Mr. Concepcion, who was the proponent of Plan II, help the Committee in sequencing the rest of the Articles.

APPROVAL OF MR. FOZ' PROPOSAL

Thereupon, Mr. Ople reiterated his motion to approve Mr. Foz' proposal, as amended by Mr. Regalado, to place the provisions on the Commission on Human Rights under the Article on Accountability of Public Officers.

There being no objection, Mr. Foz' proposal was approved by the Body.

SEQUENCING OF ARTICLES AS APPROVED BY THE BODY

Thereafter, Mr. Guingona restated the proper sequencing of the Articles, as clarified by Mr. Concepcion and approved by the Body, as follows:

- a) Preamble
- b) Article I — National Territory
- c) Article II — Declaration of Principles and State Policies
- e) Article IV — Citizenship,
- f) Article V — Suffrage
- g) Article VI — Legislative Department
- h) Article VII — Executive Department
- i) Article VIII — Judiciary
- j) Article IX — Local Governments
- k) Article X — Constitutional Commissions
- l) Article XI — Accountability of Public Officers (which includes the provisions on the Commission on Human Rights)

and the rest to be finalized by the Committee with the advice of Mr. Concepcion.

ANNOUNCEMENT OF MR. BENGZON

At this juncture, Mr. Bengzon announced that there would be a caucus of Member's of the Commission during lunch time at South Caucus Rooms A and B.

SUSPENSION OF SESSION

On motion of Mr. Rama, the Chair suspended the session until two-thirty in the afternoon.

It was 12:11 p.m.

RESUMPTION OF SESSION

At 3:07 p.m., the session was resumed with the Honorable Alberto M.K. Jamir presiding.

MANIFESTATION OF MR. GUINGONA

Upon resumption of session, Mr. Guingona manifested that during the caucus, the Committee on Sponsorship had distributed to the Members the final draft of the Articles except for a few minor corrections to be presented by Mr. Maambong.

At this juncture, Mr. Padilla proposed to resequence some of the Articles in the following orders namely, the Article on the Judiciary, the Article on Constitutional Commissions, Article on Local Government, and the Article on Accountability of Public Officers.

Mr. Maambong stated that after consultation with Mr. Concepcion and with the permission of Messrs. Ople and Nollado, he would accede to Mr. Padillas request.

Thereupon, Mr. Maambong read the new sequencing as follows:

Article I — National Territory

Article II — Declaration of Principles and State Policies

Article III — Bill of Rights

Article IV — Citizenship

Article V — Suffrage

Article VI — The Legislative

Article VII — The Executive

Article VIII — The Judiciary

Article IX — Constitutional Commission

Article X — Local Government

Article XI — Accountability of Public Officers

Article XII — National Economy and Patrimony

Article XIII — Social Justice

Article XIV — Education, Science and Technology, Arts,

Culture and Sports

Article XV — Family Rights

Article XVI — General Provisions

Article XVII — Amendments or Revisions

Article XVIII — Transitory Provisions

PROPOSED AMENDMENT OF MR. FOZ

Mr. Foz proposed to add AND HUMAN RIGHTS in the title "Accountability of Public Officers". He explained that the establishment of the Commission on Human Rights was incorporated in the Article on Accountability of Public Officers and his proposal and his proposal would merely highlight such establishment.

Mr. Monsod objected to the proposal because during the discussion on the said Article, it was understood that the Commission on Human Rights would also have jurisdiction over human rights violations committed by people other than public officers, hence, the Commission on Human Rights should be incorporated in another article.

Mr. Guingona did not accept Mr. Foz' proposal.

Mr. Foz insisted on his proposal.

Mr. Maambong insisted that the Commission on Human Rights should be placed in the General Provisions in accordance with his original proposal.

Mr. Padilla suggested that the provisions on human rights be designated as a new article to be placed before the Article on Family Rights.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 3:17 p.m.

RESUMPTION OF SESSION

At 3:21 p.m., the session was resumed.

Upon resumption, Mr. Foz stated that after consultations with Messrs. Monsod and Azcuna and Ms. Aquino, it was agreed that the provisions on human rights be made part of the Article on Social Justice to be designated now as the Article on Social Justice AND HUMAN RIGHTS.

Mr. Guingona accepted the proposal.

Submitted to a vote and there being no objection, the same was approved by the Body.

Thereupon, Mr. Guingona read the sequencing as amended, to wit:

Preamble

Article I — National Territory

Article II — Declaration of Principles and State

Policies

Article III — Bill of Rights

Article IV — Citizenship

Article V — Suffrage

Article VI — The Legislative

Article VII — The Executive

Article VIII — The Judiciary

Article IX — Constitutional Commissions

Article X — Local Government

Article XI — Accountability of Public Officers

Article XII — National Economy and Patrimony

Article XIII — Social Justice and Human Rights

Article XIV — Education, Science and Technology,

Arts, Culture and Sports

Article XV — Family Rights

Article XVI — General Provisions

Article XVII — Amendments or Revisions; and

Article XVIII — Transitory Provisions

AMENDMENT OF MR. MAAMBONG

Mr. Maambong proposed to insert THE before "Constitutional Commissions".

Mr. Guingona accepted the proposal.

APPROVAL OF THE SEQUENCING

Submitted to a vote, and with 32 Members voting in favor and none against, the Body approved the sequencing, as amended.

RESUMPTION OF CONSIDERATION OF THE REPORT OF THE COMMITTEE ON STYLE

Upon call of Mr. Rama, the Body resumed consideration of the Committee Report submitted by the Committee on Style.

The Chair recognized Mr. Rodrigo and the members of the Committee.

Mr. Rodrigo explained that the Body has two documents: 1) the document entitled "1986 Constitution" which contains the provisions as approved by the Body; and 2) the 1986 DRAFT CONSTITUTION AS APPRECIATED BY THE COMMITTEE ON STYLE and containing the changes which were underlined.

INQUIRY OF MR. SARMIENTO

Mr. Sarmiento stated that during the previous session, he made a reservation relative to Article IV, Section 19(3), page 9 in relation to Section 19(3) concerning the rehabilitation of victims of torture and compensation. He then queried as to the intent of the latter provision.

Mr. Bernas explained that the change made in the previous session consists of the insertion of "X rehabilitation" to cover the rehabilitation not only of the victims but also of their families in accordance with the original intention of the author. He then proposed to reword the provision to read THE LAW SHALL PROVIDE FOR PENAL AND CIVIL SANCTIONS FOR VIOLATIONS OF THIS SECTION AS WELL AS COMPENSATION TO AND REHABILITATION OF VICTIMS OF TORTURE OF SIMILAR PRACTICES.

Submitted to a vote, and there being no objection, the same was approved by the Body.

WITHDRAWAL OF RESERVATION

Mr. Monsod manifested withdrawal of his reservation relative to the substitution of "Minister" with SECRETARY.

APPROVAL OF AMENDMENTS

Thereafter, on motion of Mr. Rodrigo, there being no objection, the Body approved the following amendments one after the other:

1. Section 1, page 10, line 6, place a comma (,) after "enforceable";
2. Section 3(1), page 1, line 4, place a comma (,) after "five";
3. Section 3(2), same page, line 11, place a comma (,) after "application";
4. Section 3(3), same page, line 20, delete the figure (3) after "three" and on line 21 capitalize the "m" in "members"; and on line 22 capitalize the "p" in "provided".

AMENDMENT OF MR. CONCEPCION

As proposed by Mr. Concepcion and accepted by Mr. Rodrigo, on page 2 of the Approved Amendments, the Body approved the substitution of "of" with ON on Section 3(3), line 19.

APPROVAL OF FURTHER AMENDMENTS

Thereafter, as proposed by Mr. Rodrigo, there being no objection, the Body approved the following amendments on the Approved Amendments:

1. Section 10, page 2, line 3, insert OR after "lower courts", and on line 4, capitalize the "m" in "members";
2. Section 11, page 2, lines 9 and 12, capitalize the "m" in "member".

On Section 13, Mr. Rodrigo stated that the Body approved the deletion of the last sentence but that the second to the last sentence which reads: DURING THEIR CONTINUANCE IN OFFICE, THEIR SALARY SHALL NOT BE DECREASED, was likewise deleted due to printing inadvertence for which reason, the same should be restored.

Thereupon, there being no objection, the same was approved by the Body.

INQUIRY OF MR. SUAREZ

Mr. Suarez invited attention to the fact that the clause "Until the Congress shall provide otherwise, the Chief Justice shall receive an annual salary of P _____ and each Associate Justices P _____" has been deleted.

Replying thereto, Mr. Rodrigo stated that the clause was already deleted in Section 13 and that the second to the last sentence was likewise deleted due to inadvertence.

MANIFESTATIONS OF MR. RODRIGO

Mr. Rodrigo manifested that Section 4, subsections 1 to 3 have no changes or corrections.

On motion of Mr. Rodrigo, there being no objection, the Body approved the substitution of "with respect to" to FOR THE LOWER COURTS on Section 5, paragraph 2 on line 12.

On motion of Mr. Rodrigo, there being no objection, the Body approved the following corrections on Section 6: 1) on Section 6(12), to capitalize the letter "c" of "council"; 2) on line 27, to capitalize the letter "j" in "justice"; 3) on line 24, to capitalize the letter "m" in "members"; 4) on subparagraph 3, he stated that "of the Counsel" is transposed after "ex-officio" and before "and"; and 5) on subsection 4, to capitalize the letter "m" in "members".

Mr. Rodrigo manifested that there was no change on Section 7, except on line 16, to place a comma (,) after "quo warranto"; and on line 20, Mr. Azcuna stated that "decree" was substituted with ORDER.

On motion of Mr. Rodrigo, there being no objection, the same amendments were approved by the Body.

At this juncture, Mr. Rodrigo explained that the paragraphs in the subsections were denominated with small letters because the numerals were already used to denominate the subsections.

FURTHER APPROVAL OF AMENDMENTS

On motion of Mr. Rodrigo, there being no Objection, the Body approved the following amendments, one after the other:

1) On Section 7(1) (d), the clause is reformulated to read:

All criminal cases in which the penalty imposed is reclusion perpetua or higher.

In reply to Mr. Sarmiento's query, Mr. Azcuna stated that "or higher" is underscored because it has been amended, but the underscoring would disappear in the final printing.

2) On Subsection 3, line 12, delete the words "last longer than" and in lieu thereof, substitute the word EXCEED.

3) On Subsection 5, line 22, place a comma (,) after "same grade" and delete the letter "s" in "procedures".

4) On Section 8, substitute the words "and/or" with OR in accordance with the general rule announced earlier that in all cases where "and/or" was used, OR would be used instead.

At this juncture, Mr. Azcuna manifested that Sections 9 to 12 have no changes and that Section 13 has already been approved.

5) On Section 14(2), capitalize the letters "r" and "c" in "rules of court".

In reply to Mr. Rodrigo's query whether the letters "p" and "j" of "presiding judge" on Subsection 3 should be capitalized, Mr. Azcuna answered in the negative.

6) On Section 14(3), add the following sentence;

THE CERTIFICATION SHALL STATE WHY A DECISION OR RESOLUTION HAS NOT BEEN RENDERED OR ISSUED WITHIN SAID PERIOD.

7) On Section 14(4), at the instance of Mr. Maambong, place a comma (,) after "determination".

8) On Section 15, capitalize the letter "j" in the word "judiciary" on lines 1 and 2.

9) On Section 16, capitalize the letter "j" in the word "judiciary".

MOTION OF MR. RAMA

At this juncture, Mr. Rama moved that the entire Article on the Judiciary be voted upon.

CORRECTIONS BY MR. SARMIENTO

Mr. Sarmiento invited attention to the fact that the letter "j" in "judiciary" in the previous sections were not capitalized, in reply to which, Mr. Rodrigo stated that all the "j's" of "judiciary" should be capitalized.

CORRECTION OF MR. FOZ

On line 6, Section 2 of the same Article, Mr. Foz proposed to add OF ITS MEMBERS after "tenure" to be more specific, which the Committee accepted.

Thereupon, on motion of Mr. Rodrigo and there being no objection, the same was approved by the Body.

APPROVAL OF THE ARTICLE ON THE JUDICIARY

On motion of Mr. Rama, there being no objection, the Body approved the Article on the Judiciary.

ANNOUNCEMENT OF MR. BENGZON

At this juncture, Mr. Bengzon asked the Members who had volunteered to assist the Steering Committee and the Secretariat in proofreading the Constitution to register with Mr. Nazareno.

He also announced that the Committee Chairmen and volunteers should be at the second floor of the Press Information Agency Building in Visayas Avenue, Quezon City at ten o'clock on Monday.

ARTICLE ON THE LEGISLATIVE

Mr. Rodrigo manifested that the Article on the Legislative would be considered next.

In reply to Mr. Azcuna's query, Mr. Rodrigo stated that the word "Department" appearing on every head-title pertaining to the branches of government should be deleted.

On Section 1, Mr. Rodrigo stated that THE was inserted before "Congress".

On the head-title, Mr. Regalado pointed out that THE LEGISLATURE sounds better than "The Legislative" which is a dangling adjective. Mr. Bernas concurred in the observation.

Mr. Davide objected, stating that initiative and referendum were embodied therein, which is the reserve power of the people. He suggested the title to be THE LEGISLATIVE POWER or THE LEGISLATIVE.

Mr. Regalado argued, however, that "Legislative" is an adjective. He suggested retaining the original title which

added "Department" to the titles pertaining to the branches of government.

Mr. Davide insisted on retaining the original titles which read THE LEGISLATIVE POWER or THE EXECUTIVE POWER although with respect to the Judiciary, the same may be entitled THE JUDICIARY.

Mr. Guingona stated that before the Committee on Style took over, the titles merely stated "The Legislative", "The Executive" and "The Judiciary" which were already approved. He stated that should there be any change, the proponent should first seek reconsideration.

Mr. Regalado stated that he was precisely seeking reconsideration because he was not around when it was approved. He stressed that it would be blatantly wrong to use an adjective for a title and that it is within the power of the Body to correct a mistake.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 4:00 p.m.

RESUMPTION OF SESSION

At 4:06 p.m., the session was resumed.

APPROVAL OF THE MOTION FOR RECONSIDERATION

On motion of Mr. Regalado and there being no objection, the Body approved his motion for reconsideration and considered his proposed titles on the three Articles to read: THE LEGISLATIVE DEPARTMENT, THE EXECUTIVE DEPARTMENT and THE JUDICIAL DEPARTMENT, respectively.

Mr. Padilla stated that with the use of "Department", there would be no need for the article "the" on every title thereof.

Mr. Regalado stated that except for the titles, his motion would not affect the sequencing already approved. He explained that he used the article "the" in line with the amendment on the title of the Article on the Constitutional Commissions.

Thereupon, there being no objection, the same was approved by the Body.

ARTICLE ON THE LEGISLATIVE DEPARTMENT

On Section 1, Mr. Rodrigo informed that the word THE was placed before the word "Congress" on line 2. Mr. Azcuna, on line 1 thereof, stated that "Legislative" should begin with the smaller letter "l".

On motion of Mr. Rodrigo, there being no objection, the Body approved the following amendments, one after the other:

- 1) On Section 1,
 - a) line 1, the word "Legislative" should begin with a small letter "l";
 - b) line 2, place the word THE before "Congress".

Mr. Rodrigo noted that Sections 2, 3 and 4 had no changes.

- 2) Section 5(1) has been amended to read:

The House of Representatives shall be composed of not more than two hundred and fifty members, unless otherwise fixed by law, who shall be elected from legislative districts apportioned among the provinces, cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who, as provided by law, shall be elected through a party-list system of registered national, regional, and sectoral parties or organizations.

Subparagraph (2) thereof would read:

The party-list representatives shall constitute twenty per centum of the total number of representatives including those under the party list. For three consecutive terms after the ratification of this Constitution, one-half of the seats allocated to party list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector.

Subparagraph (3) thereof would provide:

Each legislative district shall comprise as far as practicable, contiguous, compact, and adjacent territory. Each city with a population of at least two hundred fifty thousand, or each province, shall have at least one representative.

Subparagraph (4) thereof would state:

Within three years following the return of every census, the Congress shall make a reapportionment of legislative districts based on the standards provided in this section.

The Section, he informed, was approved by the Body two days earlier.

On the word "reapportionment", Mr. Ople informed that there are two ways of spelling it — one with a hyphen and the other, a more modern way, without a hyphen. Mr. Azcuna stated that the modern usage is without a hyphen as in the word "by laws".

Mr. Rodrigo stated that Sections 7, 8 and 9 have no changes.

3) On Section 10, delete the phrase "however, it"; and rearrange the last sentence which reads "It may be called to a special session at any time by the President" to THE PRESIDENT MAY CALL A SPECIAL SESSION AT ANY TIME.

On the same section, line 27, Mr. Azcuna informed that a comma (,) should follow the word "Sundays".

4) On Section 11,

a) Subsection (1) has no changes;

b) Paragraph (2), lines 4 and 5, delete "each and in lieu thereof, substitute the article IT, such that, as amended, it would read:

"Each House shall choose such Other officers as IT may deem necessary.

c) Subparagraph (2) has no changes; he

d) Subparagraph (3), line 13, rearrange the clause "but if the penalty is suspension this shall not exceed sixty days" to A PENALTY OF SUSPENSION WHEN IMPOSED SHALL NOT EXCEED SIXTY DAYS.

At this juncture, Mr. Bacani proposed and the Committee accepted a comma (,) after "suspension".

e) Subparagraph (4), as amended, would read: "Each House shall also keep a record of its proceedings."

f) Subparagraph (5), line 22, correct a typographical error to state "adjourn FOR more than . . ."

5) On Section 12, "members" should begin with a capital letter.

Mr. Rodrigo stated that Section 13 has changes.

6) On Section 14, lines 1 and 2, add the word ALL, such that it would read: "while the Congress is in session, at the call of its Chairman or a majority of ALL its Members".

Mr. Rodrigo stated that Section 15 has no changes.

7) On Section 16, insert the word THE after "of" such that it would read: "The records and books of accounts of THE Congress", in keeping with the uniform rule to add THE before "Congress".

Mr. Rodrigo stated that Sections 17 and 18 have no changes.

8) On Section 19, capitalize the word "government"; and on line 9, place the words OR ITS SUBSIDIARY after "corporation", also in keeping with a rule followed in other sections.

9) On Section 20, change the phrase "he is an author" to THEY ARE AUTHORS to harmonize it with the plural subject.

Mr. Rodrigo stated that Sections 23, 24 and 25 have no changes.

10) On Section 22, change "their" to ITS inasmuch as "or" was used in the sentence, to wit:

"The Senate or the House Representatives or any of ITS respective Committees".

Mr. Rodrigo stated that Sections 23, and 24 have no changes.

11) Section 26, as reformulated by Mr. Azcuna, would read:

Subparagraph (1): THE CONGRESS MAY NOT INCREASE THE APPROPRIATIONS RECOMMENDED BY THE PRESIDENT FOR THE OPERATION OF THE GOVERNMENT AS SPECIFIED IN THE BUDGET. THE FORM, COMMENT AND MANNER OF PREPARATION OF THE BUDGET SHALL BE PRESCRIBED BY LAW.

Mr. Azcuna informed that a portion of the original provision was transferred to the Article on the Executive Department.

a) Subparagraph (2), drop the "s" from the words "provisions" and "appropriations".

b) Subsection (5), line 22, delete the word "and" before "the Speaker".

c) Subparagraphs (6) and (7) have no changes.

Mr. Rodrigo stated that Section 27 and its subparagraphs (1) and (2) have no changes.

12) On Section 28,

(a) Subparagraph (1), insert the word THE before "Congress".

(b) Subparagraph (2) thereof has no changes.

13) On Section 29,

(a) Subparagraphs (1) and (2) have no changes.

(b) Subparagraph (3), line 3, add the word IMPROVEMENTS, such that it would read:

"Charitable institutions, churches, and personages or convents appurtenant thereto, mosques, nonprofit cemeteries and all lands, buildings and IMPROVEMENTS. . . "

14) On Section 30,

(a) drop the "s" from "appropriations".

(b) line 16, Mr. Sarmiento proposed and the Committee accepted the removal of the comma (,) after "revenue".

(c) Subparagraph (2), place a comma (,) after "minister". Mr. Maambong inquired whether there is a need for the word "ever", to which the Committee responded by deleting the said word. Therefore, as amended, line 11 thereof would read:

"No public money or property shall be appropriated . . ."

Upon inquiry of Mr. Bacani, on subparagraph (3), Mr. Rodrigo observed that there should be no comma (,) after "government" so that it would modify "orphanage" and "leprosarium" and that there should be no comma (,) after "orphanage".

Mr. Maambong observed that in subparagraph (2), the word "used", "use" and "use of" appear.

Mr. Azcuna proposed deleting "used" on line 12.

Mr. Romulo suggested using EXPENDED in lieu of "used" in the first sentence.

Mr. Nolledo maintained that the word "used" would be appropriate inasmuch as it does not only refer to money but also to property. He added that it was used in the 1935 and 1973 Constitutions and that EXPENDED would apply to money.

Mr. Foz proposed deleting the phrase "for the use of, benefit or support of" on line 15.

Mr. Regalado proposed that the word "use" be retained on lines 13 and 15 and that on line 12, the phrase "or used" can be deleted as it is deemed absorbed in "appropriate" or "applied".

Mr. Foz proposed THAT instead of the phrase "the use of, benefit, or support" on line 15, so that it would simply read, in part: " . . . for THAT of . . .

Mr. Davide proposed that no change be made as it was the language of the 1935 and 1973 Constitutions and that jurisprudence thereon had been sufficiently and adequately established. He stated that any change might disturb said jurisprudence.

Mr. Nolledo suggested, on line 13, to delete "use" so that it would read: "appropriated, applied, paid, or used, directly or indirectly, for the benefit or support of any sect, church, denomination". He stated that there was something wrong in the provision which the Members of the 1971 Constitutional Convention did not notice.

Mr. Rama stated that a compromise can be reached and that instead of using "expended" as suggested by Mr. Romulo, the-Body can use "employed" which can refer to money or property. As amended, the Section would state:

No public money or property shall ever be appropriated, applied, paid or EMPLOYED, directly or indirectly, for the use, benefit

and that "use" on line 13 can be retained.

SUSPENSION OF SESSION

The Chair suspended the session.

It was 4:31 p.m.

RESUMPTION OF SESSION

At 4:34 p.m., the session was resumed.

Mr. Rodrigo then stated that "use" on line 13 would be deleted and, in its place, would be substituted with EMPLOYED and on line 15, the words "for the use of, benefit or support" would also be the use of, benefit or support" would also be deleted.

As amended, it would read:

No public money or property shall be appropriated, applied, paid or EMPLOYED directly or indirectly for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion or of any priest, preacher, minister, or other religious teacher, . . .

Mr. Uka agreed with the revision made by Mr. Rodrigo which, he stated, was done stylishly. He noted that the word "use" appeared in the 1973 Constitution for emphasis although the section became monotonous.

Mr. Azcuna informed that a comma (,) should be placed after "religion" on line 14.

APPROVAL OF THE ARTICLE ON THE LEGISLATIVE DEPARTMENT

On motion of Mr. Rama, there being no objection, the Body approved the Article on the Legislative Department.

THE ARTICLE ON LOCAL GOVERNMENTS

On motion of Mr. Rodrigo, there being no objection, the Body approved the following amendments, one after the other:

1) On Section 1 of the General Provisions, insert a comma (,) after the word "municipalities".

Mr. Rodrigo stated that Sections 2 and 3 have no changes.

2) On Section 4, line 18, insert a comma (,) after the word "municipality".

3) Section 5, as reformulated by Mr. Azcuna, would read:

CITIES THAT ARE HIGHLY URBANIZED, AS DETERMINED BY LAW, AND COMPONENT CITIES WHOSE CHARTERS PROHIBIT THEIR VOTERS FROM VOTING FOR PROVINCIAL ELECTIVE OFFICIALS, SHALL BE INDEPENDENT OF THE PROVINCE. THE VOTERS OF COMPONENT CITIES WITHIN A PROVINCE. WHOSE CHARTERS CONTAIN NO SUCH PROHIBITION, SHALL NOT BE DEPRIVED OF THEIR RIGHT TO VOTE FOR ELECTIVE PROVINCIAL OFFICIALS.

Mr. Rodrigo stated that Section 6 has no changes.

4) On Section 7, insert a comma (,) after "officials".

5) On Section 8, change the word "assigned" to PRESCRIBED.

Mr. Rodrigo stated that Sections 9, 10 and 11 have no changes.

6) On Section 12, insert a comma (,) after "fees" and the article THE after "Congress".

Mr. Rodrigo stated that Section 13 has no changes.

7) On Section 14, delete the word "their" between "including" and "sharing" on line 4, and insert the words THE SAME before "with" on line 5, so that Section 14 would read:

LOCAL GOVERNMENT SHALL BE ENTITLED TO AN EQUITABLE SHARE IN THE PROCEEDS OF THE UTILIZATION AND DEVELOPMENT OF THE NATIONAL WEALTH WITHIN THEIR RESPECTIVE AREAS, IN THE MANNER PROVIDED BY LAW, INCLUDING SHARING THE SAME WITH THE INHABITANTS BY WAY OF DIRECT BENEFITS.

8) On Section 15 which refers to the Autonomous Regions, insert a comma (,) after "cities" on line 8 and after "structures" on line 10.

9) On Section 16, insert a comma (,) after "family" on line 23 and after "cities" on line 4.

10) On Section 17, delete the words "of the Philippines" after "President", so that it would read:

THE PRESIDENT SHALL EXERCISE GENERAL SUPERVISION OVER AUTONOMOUS REGIONS TO ENSURE THAT LAWS ARE FAITHFULLY EXECUTED.

11) On Section 18, insert a comma (,) after "family" on line 16 and after "social" on line 18.

12) On Section 19, insert a comma (,) after "supervised" on line 3.

13) On Section 20, insert a comma (,) after "functions".

14) On Section 21, insert a comma (,) after "Houses" on line 12.

PROPOSED AMENDMENTS OF MR. SARMIENTO

On Section 11, page 44, line 13, Mr. Sarmiento proposed to delete the "and" after "officials" and the "and" after "ministries", so that the phrase would read "local government officials, heads of ministries, other government offices and representatives".

Mr. Rodrigo accepted the proposed amendment.

Mr. Monsod, however, opined that the "and" after "ministries" should be retained because the word "heads" refers to both "ministries" and "government offices", to which Mr. Rodrigo agreed.

Mr. Sarmiento further proposed to change "ministries" to DEPARTMENTS.

In reply, Mr. Ople believed that "heads of ministries" does not refer to the Members of the Cabinet because they do not sit in the Regional Development Councils but probably refers to heads of regional offices of such ministries, which Mr. Monsod affirmed.

In this connection, Mr. Azcuna proposed that the words "within the regions" on line 15 be transposed to line 14 after "government offices".

SUSPENSION OF SESSION

At this juncture, on request of Mr. Rodrigo, the Chair suspended the session.

It was 4:44 p.m.

RESUMPTION OF SESSION

At 4:48 p.m., the session was resumed.

REFORMULATION OF SECTION 11

Upon resumption of session, Mr. Azcuna proposed a reformulation of Section 11, to wit:

THE PRESIDENT SHALL PROVIDE FOR REGIONAL DEVELOPMENT COUNCILS OR OTHER SIMILAR BODIES COMPOSED OF LOCAL GOVERNMENT OFFICIALS, REGIONAL HEADS OF DEPARTMENTS AND OTHER GOVERNMENT OFFICES AND REPRESENTATIVES FROM NONGOVERNMENTAL ORGANIZATIONS WITHIN THE REGIONS FOR PURPOSES OF ADMINISTRATIVE DECENTRALIZATION TO STRENGTHEN THE AUTONOMY OF THE UNITS THEREIN AND TO ACCELERATE THE ECONOMIC AND SOCIAL GROWTH AND DEVELOPMENT OF THE UNITS IN THE REGION.

There being no objection, the reformulation of Section 11 was approved by the Body.

FURTHER AMENDMENTS ON SECTION 15

On Section 15, page 45, line 8, Mr. Azcuna proposed to delete the word "and" between the comma (,) and the word "municipalities".

There being no objection, the amendment was approved by the Body.

Likewise, on the same page, line 6, as suggested by Mr. Alonto, Mr. Azcuna proposed to change the word "for" before "Muslim Mindanao" and before "the Cordilleras" to IN, so that the sentence would read "There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras . . . "

There being no objection, the amendment was approved by the Body.

APPROVAL OF THE ARTICLE ON LOCAL GOVERNMENTS

On motion of Mr. Rodrigo, there being no objection, the Body approved the Article on Local Governments as modified by the Committee on Style.

THE ARTICLE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

On motion of Mr. Rodrigo, there being no objection, the Body approved the following amendments, one after the other:

1) Section 1 would read:

THE CONSTITUTIONAL COMMISSIONS, WHICH SHALL BE INDEPENDENT, SHALL BE THE CIVIL SERVICE COMMISSION, THE COMMISSION ON ELECTIONS, AND THE COMMISSION ON AUDIT.

2) On Section 2, Mr. Monsod opined that it should be aligned with the similar provision on salaries under Section 13 of the Article on the Judiciary, so that Section 2 would read:

THE SALARY OF THE CHAIRMAN AND THE COMMISSIONERS SHALL BE FIXED BY LAW AND SHALL NOT BE DECREASED DURING THEIR TENURE.

3) Section 3 would read:

NO MEMBER OF A CONSTITUTIONAL COMMISSION SHALL, DURING HIS TENURE, HOLD ANY OTHER OFFICE OR EMPLOYMENT. NEITHER SHALL HE ENGAGE IN THE PRACTICE OF ANY PROFESSION OR IN THE ACTIVE MANAGEMENT OR CONTROL OF ANY BUSINESS WHICH IN ANY WAY MAY BE AFFECTED BY THE FUNCTIONS OF HIS OFFICE, NOR SHALL HE BE FINANCIALLY INTERESTED, DIRECTLY OR INDIRECTLY, IN ANY CONTRACT WITH, OR IN A FRANCHISE OR PRIVILEGE GRANTED BY THE GOVERNMENT, ANY OF ITS SUBDIVISIONS, AGENCIES, OR INSTRUMENTALITIES, INCLUDING GOVERNMENTS-OWNED OR CONTROLLED CORPORATIONS OR THEIR SUBSIDIARIES.

Mr. Rodrigo stated that there was no change on Section 4.

4) On Section 5, underline the word "certiorari" to indicate that it should be italicized.

5) On Section 6, line 15, insert a comma (,) after "increase".

Mr. Rodrigo stated that there was no change on Section 7.

6) On Section 8, line 18, add "s" to "Commission".

MR. FOZ' AMENDMENT TO SECTION 4

At this juncture, Mr. Foz expressed agreement with the reformulation of Section 1.

On Section 4, page 48, line 19, he proposed to delete the words "for the Commissions" and to change the article "the" at the beginning of the second sentence to THEIR, So that Section 4 would read:

THE COMMISSIONS SHALL ENJOY FISCAL AUTONOMY. THEIR APPROVED ANNUAL APPROPRIATIONS SHALL BE AUTOMATICALLY AND REGULARLY RELEASED.

There being no objection, the reformulation of Section 4 was approved by the Body.

FURTHER AMENDMENT TO SECTION 1

On Section 1, page 48, line 2, Mr. Rama proposed to change the words "shall be" after the comma (,) to ARE, so that the section would read:

THE CONSTITUTIONAL COMMISSIONS, WHICH SHALL BE INDEPENDENT, ARE THE CIVIL SERVICE COMMISSION, THE COMMISSION ON ELECTIONS, AND THE COMMISSION ON AUDIT.

There being no objection, the amendment was approved by the Body.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 4:59 p.m.

RESUMPTION OF SESSION

At 5:20 p.m., the session was resumed.

APPROVAL OF FURTHER AMENDMENTS

Mr. Rodrigo stated that there were no changes on Sections 5 and 7.

On motion of Mr. Rodrigo, there being no objection, the Body approved the following Committee amendments:

1. On Section 6, line 15, place a comma (,) after "increase"; and
2. On Section 8, add S to "Commission".

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 5:21 p.m.

RESUMPTION OF SESSION

At 5:22 p.m., the session was resumed.

Upon resumption of session, Mr. Rodrigo stated that the Body had finished consideration of letter A of the Constitutional Commissions.

PROVISIONS ON THE CIVIL SERVICE COMMISSION

On motion of Mr. Rodrigo, there being no objection, the Body approved the following amendments on Section 1:

1. Section 1(1), line 2, place a comma (,) after "instrumentalities"; and
2. Section 1(2), line 7, place a comma (,) after "practicable".

Mr. Foz stated that on Section 1(2), line 7, the Committee substituted the word "positions" in the original draft with OFFICES which may not reflect the true meaning as intended and understood during the previous sessions. He opined that POSITIONS should be reinstated because "offices" which is a cluster of positions may convey a different meaning. Mr. Rodrigo pointed out that POSITIONS did not appear in the original draft and what the Committee did was to substitute "those" with OFFICES, hence, the motion should not be to reinstate POSITIONS but to substitute "offices" with THOSE POSITIONS Mr. Foz accepted the amendment.

Submitted to a vote, and there being no Objection, the amendment was approved by the Body.

On Section 1(4), line 13, page 50, Mr. Rodrigos proposed the substitution of the phrase "and other" with OR which, there being no objection, was approved by the Body.

TRANSPOSITION OF SECTION 8 TO SECTION 1

Mr. Foz proposed to transpose Section 8 of the Article on Civil Service Commission as Section 1(5) and to renumber Section 1(5) as Section 1(6). He explained that the purpose is to emphasize the right of government employees to self-organization. Mr. Ople expressed his support for the proposal which, he stated, would strengthen the whole Article. Mr. Rodrigo, however, stated that the proposal belongs more to the jurisdiction of the Sponsorship Committee, in response to which Mr. Guingona stated that he agrees with the proposal.

At this juncture, Mr. de Castro suggested that the Committees on Style and Sponsorship sponsor the draft Constitution together in order to expedite the proceedings.

Mr. Guingona explained that it was the agreement during the morning session that the Body would first consider the corrections of the Committee on Style to be followed by the sponsorship of the Committee on Sponsorship. However, Mr. de Castro stated that there were still 60 pages to consider and that work could be expedited if the Committees on Sponsorship and Style do their work at the same time.

Thereafter, Mr. Foz' proposal was submitted to a vote and, there being no objection, the same was approved by the Body.

On Section 2, Mr. Rodrigo stated that there were no corrections on Section 2(1).

On Section 2(2), he stated that the sentence on line 7 was reworded so that it would read: APPOINTMENT TO ANY VACANCY SHALL BE ONLY FOR THE UNEXPIRED TERM OF THE PREDECESSOR.

Submitted to a vote, and there being no objection, the same was approved by the Body.

Mr. Rodrigo stated that on Section 3, the Committee placed a comma (,) after "Commission".

He added that there were no changes on Section 4.

At this juncture, Mr. Maambong pointed out that Section 3(2) of the General Provisions is supposed to be transposed to Section 4 and it would read:

SECTION 4. NO ELECTIVE OFFICIAL SHALL BE ELIGIBLE FOR APPOINTMENT OR DESIGNATION IN ANY CAPACITY TO ANY PUBLIC OFFICE OR POSITION DURING HIS TENURE.

UNLESS REQUIRED BY LAW OR BY THE PRIMARY FUNCTIONS OF HIS POSITIONS, NO APPOINTIVE OFFICIAL SHALL HOLD ANY OTHER OFFICE OR EMPLOYMENT IN THE GOVERNMENT OR ANY SUBDIVISION, AGENCY OR INSTRUMENTALITY THEREOF, INCLUDING GOVERNMENT OWNED OR CONTROLLED CORPORATIONS OR THEIR SUBSIDIARIES.

Mr. Rodrigo stated that there should be a comma (,) after "agency".

Mr. Suarez pointed out that the footnote states that the transpositions should be to Section 7 and not to Section 4, in reply to which Mr. Maambong explained that the first paragraph of Section 3 of the General Provisions is supposed to be transposed to Section 4 of the Article on the Civil Service Commission and Section 3(1) thereof to be intercalated in Section 7 of the latter article.

On Mr. Suarez' query whether Section 3 of the General Provisions would disappear, Mr. Maambong replied in the affirmative.

Thereafter, the transposition was submitted to a vote and there being no objection, the same was approved by the Body.

On Section 5, the Body approved to add the word THEIR before "subsidiaries", which Mr. Ople pointed out should be changed to ITS, since the subject matter is singular in form Messrs. Rodrigo and Azcuna agreed.

On Section 6, Mr. Maambong observed that he and Mr. Azcuna agreed that it has no place in the Article but should pertain to page 102, Section 12 to the General Provisions relative to the provisions of the Armed Forces. He stated that the consequence would be a renumbering of the succeeding subparagraphs.

INQUIRY OF MR. DE CASTRO

In reply to Mr. de Castro's query, Mr. Maambong stated that he had consulted him about the transposition but that he had asked for time to study it.

Mr. de Castro stated, however, that he has not expressed his concurrence to the transposition.

SUSPENSION OF SESSION

Upon request of Mr. Rodrigo, the Chair suspended the session.

It was 5:40 p.m.

RESUMPTION OF SESSION

At 5:42 p.m., the session was resumed.

MANIFESTATION OF MR. MAAMBONG

Mr. Maambong stated that Mr. de Castro had agreed to the transposition. Consequently, he stated that it would be denominated as Section 12(4) of the General-Provisions and that the succeeding sections should be renumbered accordingly.

Mr. Maambong stated, however, that no renumbering on the Article on the Civil Service Commission should be made as it might lead to confusion. He stated that as suggested by Mr. Azcuna, "Armed Forces" should be in small letters and in place of Section 6, the provision be transferred to Section 14 of the General Provisions. He also stated that a general provision from Section 14 of the General Provisions which properly pertains to the Article on the Civil Service Commission would be placed in Section 6 of the latter Article, to wit:

ALL PUBLIC OFFICERS AND EMPLOYEES SHALL TAKE AN OATH OR AFFIRMATION TO UPHOLD AND DEFEND THE CONSTITUTION.

PROPOSAL OF MR. FOZ

Mr. Foz proposed that Section 3(2) of the General Provisions be transferred to the Article on the Civil Service to be denominated as Section 4. He stated that since Section 3(2) of the General Provisions speaks of the oath of office of all public officers and employees, it should be placed on top of the other provisions which are prohibitions, to which Mr. Maambong agreed.

Thereupon, there-being no objection, the Body approved the transpositions and the denominations therein.

APPROVAL OF SECTION 7

On motion of Mr. Rodrigo and there being no objection, the Body approved Section 7, as amended, to read as follows:

NO ELECTIVE OR APPOINTIVE PUBLIC OFFICER OR EMPLOYEE SHALL RECEIVE ADDITIONAL, DOUBLE OR INDIRECT COMPENSATION, EXCEPT PENSIONS OR GRATUITIES, UNLESS SPECIFICALLY AUTHORIZED BY LAW, NOR ACCEPT WITHOUT THE CONSENT OF THE CONGRESS, ANY PRESENT, EMOLUMENT, OFFICE, OR TITLE OF ANY KIND FROM ANY FOREIGN GOVERNMENT OR ANY OF ITS AGENCIES.

Mr. Maambong stated that with the approval of Section 7, Section 3 of the General Provisions would no longer

exist.

Mr. Foz proposed to renumber Section 9 to the new Section 5.

Mr. Maambong confirmed that the transposition should be made and stated that it was already made in the sequencing report which the Committee would be distributing on the following day.

OBSERVATION OF MR. DE CASTRO

On the transposition of Section 3 of the General Provisions to Section 7 on the Civil Service, Mr. de Castro observed that Section 7 does not include the exceptions on pensions or gratuities, in reply to which Mr. Azcuna stated that the section was reformulated to include them.

Upon request of Mr. de Castro, Mr. Azcuna read the Section as reformulated, to wit:

NO ELECTIVE OR APPOINTIVE PUBLIC OFFICER OR EMPLOYEE SHALL RECEIVE ADDITIONAL DOUBLE, OR INDIRECT COMPENSATION, EXCEPT PENSIONS OR GRATUITIES, UNLESS SPECIFICALLY AUTHORIZED BY LAW, NOR ACCEPT WITHOUT THE CONSENT OF THE CONGRESS, ANY PRESENT, EMOLUMENT, OFFICE, OR TITLE OF ANY KIND FROM ANY FOREIGN GOVERNMENT OR ANY OF ITS AGENCIES.

SUSPENSION OF SESSION

At this juncture, upon request of Mr. Azcuna, the Chair suspended the session.

It was 5:53 p.m.

RESUMPTION OF SESSION

At 5:57 p.m., the session was resumed.

REWORDING OF SECTION 7

Mr. Azcuna stated that Section 7 on page 52 has been reworded as follows:

NO ELECTIVE OR APPOINTIVE PUBLIC OFFICER OR EMPLOYEE SHALL RECEIVE ADDITIONAL DOUBLE, OR INDIRECT COMPENSATION, UNLESS SPECIFICALLY AUTHORIZED BY LAW, NOR ACCEPT WITHOUT THE CONSENT OF THE CONGRESS, ANY PRESENT, EMOLUMENT, OFFICE, OR TITLE OF ANY KIND FROM ANY FOREIGN GOVERNMENT OR ANY OF ITS AGENCIES. PENSIONS OR GRATUITIES SHALL NOT BE CONSIDERED AS ADDITIONAL, DOUBLE, OR INDIRECT COMPENSATION.

Mr. Romulo stated that "any" after "foreign government or its agencies" would no longer be necessary, to which Mr. Azcuna agreed.

Thereupon, there being no objection, the Body approved the same.

MANIFESTATION OF MR. RODRIGO

Mr. Rodrigo stated that due to the transpositions, the former Section 9 would be Section 8.

He stated that the following corrections were made:

1. on line 4, WITH ORIGINAL CHARTERS was added; and

2. "concern" after "positions" was substituted with THEIR.

MANIFESTATION OF MR. MAAMBONG

At this juncture, Mr. Maambong reiterated his suggestion not to disturb the numbering in order not to be confused, to which Mr. Rodrigo agreed.

INQUIRY OF MR. AZCUNA

In reply to Mr. Azcuna's query whether the provision on loan on page 67 would be transposed to the Article on the Civil Service Commission, Mr. Maambong stated that he intended to do so but that it was not acceptable to Mr. Azcuna since it would entail a lot of people.

Mr. Azcuna clarified that he was objecting to its transfer to the Article on the Executive Department but not to the Article on the Civil Service.

Reacting thereto, Mr. Monsod commented that the provision is indeed misplaced in the Article on the Civil Service because there are many noncivil service officers mentioned in the provision.

CORRECTION OF MR. FOZ

Mr. Foz invited attention to the fact that there should be no comma (,) after "corporations" to which Mr. Rodrigo agreed.

PROVISIONS ON THE COMMISSION ON ELECTIONS

On motion of Mr. Rodrigo, the Body approved, on Section 1(c), to delete the words "an independent" and substitute it with A because in the general common provisions, all the Constitutional Commissions are classified as independent. He, likewise, stated that the parentheses enclosing the numerals after "six" and "ten years" were deleted.

On motion of Mr. Rodrigo, the Body approved, on subparagraph 2, to delete the numerals in parentheses and the phrase "portion of the" on line 16.

Mr. Rodrigo stated that no change has been made on the first sentence of Section 2.

On motion of Mr. Rodrigo, the body approved, on subparagraph 1, the rearrangement of the words such that it would read: THE CONDUCT OF ELECTIONS, PLEBISCITES, INITIATIVES, REFERENDA, AND RECALLS.

On motion of Mr. Azcuna, the Body approved on the latter portion of Section 2, to reword the same to read as follows:

TO EXERCISE EXCLUSIVE ORIGINAL JURISDICTION OVER ALL CONTESTS RELATING TO THE ELECTIONS, RETURNS, AND QUALIFICATIONS OF ALL ELECTIVE REGIONAL, PROVINCIAL, AND CITY OFFICIALS, AND APPELLATE JURISDICTION OVER ALL CONTESTS INVOLVING ELECTIVE MUNICIPAL OFFICIALS DECIDED BY TRIAL COURTS OF GENERAL JURISDICTION, OR INVOLVING ELECTIVE BARANGAY OFFICIALS DECIDED BY TRIAL COURTS OF LIMITED JURISDICTION;

PROPOSAL OF MR. FOZ

Mr. Foz proposed to add to the subparagraph another paragraph by transferring Section 11 to serve as the second paragraph because of its intimacy to the provision.

SUGGESTION OF MR. RODRIGO

Mr. Rodrigo suggested consideration of the phraseology since it is the function of the Sponsorship Committee to deal with transpositions, to which Mr. Foz acceded.

Mr. de Castro insisted, however, to finalize everything, in reply to which Mr. Rodrigo stated that Mr. Guingona's Committee would be reporting for three sessions.

Mr. de Castro argued that the Body has only Saturday and Sunday to finish its work.

MANIFESTATION OF MR. BENGZON

Apropos the statement of Mr. de Castro, Mr. Bengzon stated that it was for this reason that he pleaded with the Members to stay as late as possible so the Commission can finish its work. He informed that the Sponsorship Committee will still present its report and that the Body would still discuss and debate on the ordinance to be appended to the Constitution, as well as attend to the second and third readings on certain articles. He noted that although the Committees on Style and Sponsorship were given October 9-11, the Committee on Style was only able to present its report the previous day. He reiterated that the Body would have to work overtime to catch up with the schedule.

Mr. Rodrigo informed that the Style Committee can finish its report by nighttime although the transposition suggested should not be considered. He stated that the Committee on Sponsorship would also have to take a turn on the matter.

Mr. Maambong advised that the problem raised by Mr. Foz had been solved as, in the sequencing, Section 7 shall be followed by Section 11.

Mr. Rodrigo observed that the matter can be taken up the next day when the Committee on Sponsorship presents its reports.

CONTINUATION OF AMENDMENTS

Mr. Rodrigo stated that subparagraph (3) has no changes.

(1) On subparagraph (4), the word HONEST was added, "and" was deleted and the phrase AND CREDIBLE before the word "elections" was inserted.

There being no objection to the amendments, the same were approved by the Body.

(2) On subparagraph (5), Mr. Azcuna informed that instead of "COMELEC", "COMMISSION ON ELECTIONS" was used. Section 5 would then read:

Register, after sufficient publication, political parties, organizations, or coalitions, which in addition to other requirements, must present their platform or program of government and accredit citizens' arms of the Commission on Elections. Religious denominations and sects shall not be registered. Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government shall likewise be refused registration.

Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections constitute an act of interference in national affairs, and, when accepted shall be an additional ground for the cancellation of their registration with the Commission, in addition to other penalties that may be prescribed by law.

Mr. de Castro proposed to put "(a)" before the first paragraph to denote that it is subparagraph (a) and "(b)" before the second paragraph to denote that it is subparagraph (b). The Committee accepted the amendment.

On lines 16-19 of subparagraph (5), Mr. Ople noted an awkward construction which leaves room for the interpretation that it is the political parties that will accredit the citizens' arm of the COMELEC. He then suggested placing a comma (,) after "government". Mr. Ople also called attention to the format used by the committee with respect to the entire Article in that it placed a colon (:) after the opening statement, to wit:

SECTION 2. The Commission on Elections shall exercise the following powers and functions:

and thereafter used a semicolon (;) to break up the paragraphs until Section 5 in which a sentence ended with a period (.) and another with a semicolon (;) which is repeated in the other sections. The alternative, he advised, is to do away with the semicolon (;) altogether and use a period.

In reply, Mr. Azcuna stated that the Committee had to do so in the long enumerations which contained sentences within subparagraphs.

Mr. Rodrigo then stated that after "jurisdiction" on page 54, line 7, a period (.) shall be placed instead of a semicolon (;). Mr. Azcuna informed that the same shall be done in all enumerations.

On the same page 54, line 27, Mr. Foz proposed to delete "and" and pluralize "act" to "acts" such that it would read, in part: "constitutes acts of" as it speaks of financial contributions and that each contribution is an act.

Mr. Azcuna, on page 55, subparagraph (8), line 18, suggested placing a period (.) after "decision" and capitalize the "a" in "and" and add a comma (,) thereafter.

Mr. Monsod pointed out that the subject matter is financial contributions which are not acts. The giving of such contributions, he argued, would constitute the act and that it would be better to say "financial contributions" without using the phrase "an act of".

On the same page 55, line 1, in reply to Mr. Suarez' proposal to put a comma (,) after the word "accepted", Mr. Azcuna proposed to delete the comma (,) after "national affairs".

There being no objection to the foregoing amendments, the same were approved by the Body.

(3) On Subsection 6, "on" was changed to UPON, the phrase "of the voters in" and "from the registry of voters" were deleted, so it would read, in part: "UPON a verified complaint, or on its own initiative, file petitions in court for inclusion or exclusion of voters; investigate and. . ."

Mr. Nollado suggested "FILE, upon a verified complaint, or on its own initiative, petitions in court for inclusion or exclusion, . . ." for symmetry. The Committee accepted the amendment and there being no objection, the same was approved by the Body.

(4) On Subsection (7), lines 13 and 14, Mrs. Rosario Braid proposed to insert FILING OF before the line which begins with "nuisance candidacies" inasmuch as nuisance candidacy is not an act.

Mr. Azcuna observed that the verb is not only "prevent" but also "penalize" and that what is being penalized is not merely the filing but the whole act of being a candidate or the activities related thereto.

Mrs. Rosario Braid pointed out that deleting "acts" would make it relevant and that a period (.) can be placed after "candidacies" as "acts" define all the categories. In reply thereto, Mr. Azcuna pointed out that "frauds, offenses, malpractices" are nouns and not acts, to which Mrs. Rosario Braid rejoined that the provision says "or other similar acts".

Mr. Monsod pointed out that nuisance candidacy is an act and what is being referred to are engaging in fraud, criminal offenses, or nuisance candidacy. The enumeration, he noted, is correct.

Mr. Nollado observed that Subsection (7) is defective. Thereupon, he proposed a rewording, to wit:

PREVENT AND PENALIZE ELECTION FRAUDS, OFFENSES, MALPRACTICES, NUISANCE CANDIDACIES OR OTHER SIMILAR ACTS AS WELL AS RECOMMEND TO THE CONGRESS EFFECTIVE MEASURES TO MINIMIZE ELECTION SPENDING INCLUDING LIMITATIONS OF PLACES WHERE PROPAGANDA MATERIALS SHALL BE POSTED.

Mr. Rodrigo, reacting thereto, pointed out that the rewording might change the substance of the provision, to which Mr. Nollado reasoned that it would not but would merely emphasize the prevention and imposition of penalties on election frauds and that the second part is merely to recommend to Congress other effective measures.

Mr. Azcuna noted that it should be "recommend to Congress effective measures to prevent and penalize all forms of election frauds, offenses, malpractices, nuisance candidacies". He added that it would not be the COMELEC which shall penalize or prevent but that it would recommend to Congress effective measures to prevent and penalize the acts enumerated.

Mr. Suarez, on line 11, suggested that a comma (,) be placed after the word "spending".

Mr. Foz noted that to avoid difficulty, in connection with the amendment of Mrs. Rosario Braid, the phrase "all other similar acts" can be deleted, and AND can be placed after "malpractices" so that it would read:

"to prevent and penalize all forms of election frauds, offenses, malpractices, AND nuisance candidacies"

Mr. de Castro opined that the Committee is right in using the phrase "or other similar acts"

Mr. Azcuna proposed to use a qualifying term instead of "acts" which would perhaps be "or other similar evils".

Mr. Romulo noted that the phrase can be deleted as Congress itself can expand it.

Mrs. Rosario Braid suggested placing "nuisance candidates" after the word "penalize" so as to avoid the last phrase. As reformulated, it would read: "And penalize nuisance candidacies, all forms of election frauds or other similar acts".

Mr. Rodrigo informed that "all other similar acts" was deleted and that the provision now reads:

Recommend to the Congress effective measures to minimize election spending including limitations of places where propaganda materials shall be posted, and to prevent and penalize all forms of election frauds, offenses, malpractices, and nuisance candidacies.

Thereupon, there being no objection to Subsection 7, the same was approved by the Body.

(5) On Subsection (8), Ms. Aquino proposed a transposition of the clause "or the imposition of any other" on lines 16 to 17, such that the sentence would read:

Recommend to the President the removal of any officer or employee it has deputized, or the imposition of any

other disciplinary action for violation or disregard of, or disobedience to its directive, order, decision; and

There being no objection to the amendment, the same was approved by the Body.

(6) On Subsection (9), line 20, Mr. de los Reyes proposed to delete the words "and manner" as well as "each" so that it would read:

"Submit to the President and the Congress a comprehensive report on the conduct of elections, plebiscites, initiatives, referenda or recalls."

to align it with Section 2(1).

On the inquiries of Mr. Ople and Mrs. Rosario Braid whether it should be "recall", Mr. Rodrigo proposed retaining the word "each", so that it would read "each election, plebiscite, initiative, referendum, or recall".

There being no objection to the amendments, the same were approved by the Body.

(7) Ms. Aquino proposed to recast Section 3 by transposing the last clause, such that the sentence would read:

Except for those registered under the partylist . . . valid

On line 23, page 53, Mrs. Rosario Braid pointed out that "recalls" should be accordingly changed for Consistency. Mr. Rodrigo then proposed "Enforced and administer all laws and regulations relative to the conduct of EVERY election".

Mr. Romulo proposed to use "an" so that it would read "an election, plebiscite, initiative, referendum and recall".

The Committee accepted and there being no objection, the same was approved by the Body.

Thereafter, the Body also approved Section 3.

REFORMULATION OF SECTION 4

Mr. Rodrigo presented the reformulation of Section 4, which reads:

A FREE AND OPEN PARTY SYSTEM SHALL BE ALLOWED TO EVOLVE, SUBJECT ONLY TO THE PROVISIONS OF THIS ARTICLE.

Mr. Foz made reservation to make some transpositions at the proper time.

There being no objection, Section 4 as reformulated was approved by the Body, subject to Mr. Foz' reservation.

FURTHER AMENDMENT ON SECTION 3

On Section 3, page 55, line 22, Mr. Padilla proposed to change the word "No" with THE, and on line 23, to insert NOT between "shall" and "be valid", so that the phrase would read "the votes cast in favor of a political party, organization, or coalition shall not be valid . . ."

Ms. Aquino accepted Mr. Padilla's amendment.

AMENDMENT OF MR. OPLE

On Section 4, Mr. Ople opined that the phrase "according to the free choice of the people" as found in the original provision should not be deleted to set forth the intent of this Section, so that it should read as follows:

A FREE AND OPEN PARTY SYSTEM SHALL BE ALLOWED TO EVOLVE ACCORDING TO THE FREE

CHOICE OF THE PEOPLE, SUBJECT ONLY TO THE PROVISIONS OF THIS ARTICLE.

Mr. Azcuna affirmed that "a" in "article" should be capitalized.

There being no objection, the Body approved Section 4, as amended by Mr. Ople.

AMENDMENT OF MRS. ROSARIO BRAID

On Section 3, Mrs. Rosario Braid proposed to change the words "not be valid" to BE INVALID, so that Section 3 would read:

EXCEPT FOR THOSE REGISTERED UNDER THE PARTY LIST SYSTEM AS PROVIDED IN THIS CONSTITUTION, THE VOTES CAST IN FAVOR OF A POLITICAL PARTY, ORGANIZATION, OR COALITION SHALL BE INVALID.

Mr. Azcuna accepted the amendment, stating that the votes should be cast in favor of an individual and not for a party, organization, or coalition.

AMENDMENT OF MR. FOZ

On the same Section 3, Mr. Foz observed that the word "those" is far from its antecedent, for which reason he proposed to revert to the original provision which reads:

NO VOTES CAST IN FAVOR OF A POLITICAL PARTY, ORGANIZATION, OR COALITION SHALL BE VALID, EXCEPT FOR THOSE REGISTERED UNDER THE PARTY LIST SYSTEM AS PROVIDED IN THIS CONSTITUTION.

Mr. Rodrigo accepted the amendment, and there being no objection, the same was approved by the Body.

PROPOSED AMENDMENT OF MR. MONSOD

In reply to Mrs. Nieva's query, Mr. Rodrigo stated that bona fide candidates for public office shall be free from any form of harassment by any body or any source.

Mr. Monsod then proposed to change the word "free" to PROTECTED so that it becomes an obligation of the government to protect candidates for public office.

Mr. Ople opined that the original formulation be retained in order that it would not only be an obligation of government, but of all parties involved including the members of communities to respect such freedom from harassment and discrimination. He added that with the original provision, even the NAMFREL can help in maintaining such freedom from harassment.

Mr. Monsod, however, explained that his proposal would mean free from harassment by the government, or if other persons harass them, then the candidates may seek government protection, in reply to which Mrs. Rosario Braid pointed out that the original provision already intends that there should be freedom from harassment by any source.

Additionally, Mr. Ople underscored that such freedom from harassment may be preventive while protection may just be a cure.

Mr. Foz, however, pointed out that the original formulation was adopted from the 1973 Constitution.

SUSPENSION OF SESSION

The Chair suspended the session.

It was 6:48 p.m.

RESUMPTION OF SESSION

At 6:49 p.m., the session was resumed.

WITHDRAWAL OF MR. MONSOD'S PROPOSED AMENDMENT

Upon resumption of session, Mr. Nollado affirmed Mr. Ople's observation that freedom from harassment and discrimination is broader than protection therefrom.

In view thereof, Mr. Monsod withdrew his proposed amendment.

AMENDMENT OF MR. SARMIENTO

On the same Section 5, as proposed by Mr. Sarmiento and accepted by the Sponsor, the Body approved the underlining of "Bona fide" so that it could be italicized.

AMENDMENT OF MR. MONSOD

On Section 6, Mr. Monsod proposed to change "party" to PARTIES, "organization" to ORGANIZATIONS, and "coalition" to COALITIONS.

He observed that the original formulation seems to refer only to political parties, organizations, or coalitions registered under the party list system, whereas other political parties not registered under the party list system are also not entitled to membership in the Board of Inspectors, which Mr. Azcuna affirmed.

Mr. Azcuna read Section 6, as amended, to wit:

POLITICAL PARTIES, OR ORGANIZATIONS, OR COALITIONS REGISTERED UNDER THE PARTY LIST SYSTEM SHALL NOT BE REPRESENTED IN THE VOTERS' REGISTRATION BOARDS, BOARDS OF ELECTION INSPECTORS, BOARDS OF CANVASSERS OR OTHER SIMILAR BODIES. HOWEVER, THEY SHALL BE ENTITLED TO APPOINT POLL WATCHERS IN ACCORDANCE WITH LAW.

There being no objection, Section 6, as amended, was approved by the Body.

FURTHER APPROVAL OF AMENDMENTS

On motion of Mr. Rodrigo, there being no objection, the Body approved the following amendments, one after the other:

- 1) On Section 7, delete the "s" in "procedures"
- 2) On Section 8,
 - (a) page 56, lines 23 and 24, insert a comma (,) and the words OR ITS SUBSIDIARY;
 - (b) page 57, line 4, insert the words AND CREDIBLE after "peaceful"

Mr. Rodrigo manifested that there were no changes on Sections 9, 10 and 11 except for the insertion of commas (,).

3) On Section 12, line 17, rearrange the line to read PLEBISCITES, INITIATIVES, REFERENDA, AND RECALLS

PROVISIONS ON THE COMMISSION ON AUDIT

Mr. Rodrigo manifested that there was no change in Section 1 of the provisions on the Commission on Audit, except for the insertion of commas (,)

AMENDMENT OF MR. MONSOD

On Section 2, Mr. Monsod pointed out that in the sections on the Commission on Civil Service, a distinction was made between government-owned or controlled corporations and those organized under the Corporation Law.

In view thereof, he proposed to insert the words

WITH ORIGINAL CHARTERS after the word "corporations", in order that they may be subject to both preaudit and postaudit, while other corporations would only be subject to postaudit.

MANIFESTATION OF MR. DE CASTRO

At this juncture, Mr. de Castro observed that the proposal of Mr. Monsod would, in effect, be a motion for reconsideration which will require the suspension of the Rules, because the insertion of the words "with original charters" is an amendment to the original Committee Report.

In reply, Mr. Monsod explained that without such words which he proposed to insert, there would be no distinction between government-owned or controlled corporations with original charters and those organized under the Corporation Law.

Mr. de Castro stated that he was not objecting to the proposal but such amendment could be introduced upon motion for reconsideration which would require the suspension of the Rules.

Mr. Monsod believed that it would not require the suspension of the Rules and a motion for reconsideration because it merely aligns Section 2 with Section 9 of the provisions on the Commission on Civil Service.

SUSPENSION OF SESSION

At this juncture, on motion of Mr. Rodrigo, the Chair suspended the session.

It was 7:01 p.m.

RESUMPTION OF SESSION

At 7:05 p.m., the session was resumed.

APPROVAL OF SECTION 2 AS AMENDED BY MR. MONSOD

Upon resumption of session, Mr. Azcuna accepted Mr. Monsod's proposal to insert the words WITH ORIGINAL CHARTERS after the word "corporations".

Mr. Ople, likewise, supported Mr. Monsod's amendment, since it was not a substantive change but a realignment with the provision on the Commission on Civil Service.

There being no objection, Mr. Monsod's amendment was approved by the Body.

APPROVAL OF SECTION 3

On Section 3, Mr. Azcuna proposed to delete the word "such" before "non-governmental entities", so that Section 3 would read:

THE COMMISSION SHALL SUBMIT TO THE PRESIDENT AND THE CONGRESS, WITHIN THE TIME FIXED BY LAW, AN ANNUAL REPORT COVERING THE FINANCIAL CONDITION AND OPERATION OF THE GOVERNMENT, ITS SUBDIVISIONS, AGENCIES, AND INSTRUMENTALITIES, INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS, AND NON-GOVERNMENTAL ENTITIES SUBJECT TO ITS AUDIT, AND RECOMMEND MEASURES NECESSARY TO IMPROVE THEIR EFFICIENCY AND EFFECTIVENESS. IT SHALL SUBMIT SUCH OTHER REPORTS AS MAY BE REQUIRED BY LAW.

There being no objection, Section 3, as amended, was approved by the Body.

INDIVIDUAL AMENDMENTS

On motion of Mr. Rodrigo, there being no objection, the Body approved the following individual amendments:

- 1) On page 59, line 6, Mr. Monsod proposed to place a comma (,) after "pre-audit".
- 2) On page 90, line 4, Mr. de los Reyes proposed to delete "provided, however, that" and to place a period (.) after "equity".
- 3) Mr. Foz proposed to interchange Sections 3 and 4 so that Section 3 would become Section 4 while Section 4 would become Section 3 in order to emphasize the intent against the passage of any law that would exempt any entity of the government from the audit jurisdiction of the COA.

Mr. Ople supported the proposal.

Mr. Maambong manifested that the Subcommittee on Rubrics had already resequenced as proposed by Mr. Foz.

- 4) Mr. Ople proposed to reword, on Section 3, line 7, the phrase "measures necessary to improve their efficiency and effectiveness" to MEASURES TO DISPROVE THEIR EFFECTIVENESS AND EFFICIENCY.
- 5) Mr. de los Reyes, on behalf of Mr. Monsod, proposed on Section 2, page 90, line 4, to insert HOWEVER, between "Provided" and "that".
- 6) On Section 1, line 1, Mr. Azcuna proposed to delete "independent".

APPROVAL OF THE ENTIRE ARTICLE ON THE CONSTITUTIONAL COMMISSIONS

Thereafter, the whole Article on the Constitutional Commissions was submitted to a vote, and there being no objection, the same was approved by the Body.

THE ARTICLE ON HUMAN RIGHTS

On motion of Mr. Rodrigo, there being no objection, the Body approved the following amendments:

- 1) On Section 1, Mr. Rodrigo stated that "m" in "members" and "b" in "bar" were capitalized. At this juncture, Mr. Foz opined that the "m" in "members" should not be capitalized, to which Mr. Azcuna agreed.
- 2) On page 60, line 6, Mr. Foz opined that the "m" in "members" should be capitalized, to which Mr. Rodrigo agreed.

Mr. Foz pointed out that the whole Article on Human Rights does not contain any provision on the salary of the Members thereof.

Replying thereto, Mr. Rodrigo stated that it is the Congress that would provide for their salaries.

On whether they are not covered by the provision in the Transitory Provisions for Members of the Constitutional Commissions, Mr. Rodrigo replied in the affirmative.

3) Mr. Bengzon, on behalf of Mr. Davide, proposed, on Section 1, page 60, line 5, to insert OF OFFICE between "The" and "term".

4) On Section 2, page 60, line 20, Mr. Rodrigo stated that the phrase "in the Philippines" was deleted.

Thereupon, Mr. Ople queried whether the Committee on Sponsorship is amenable to the transposition of lines 10 to 12 of page 60 which reads "Until this Commission is constituted, the existing Presidential Committee on Human Rights shall continue to exercise its present functions and powers" to the Transitory Provisions.

Replying thereto, Mr. Guingona stated that the Committee had already manifested that all proposals for transpositions would be considered during the following days' session. However, he added that if Mr. Ople would insist on his proposal, then the Body could immediately vote on it.

Mr. Ople suggested that the Body vote on it in principle and it is up to the Sponsorship Committee to make the arrangements with the Committee on Transitory Provisions.

Messrs. Rodrigo and Guingona agreed.

Mr. de Castro pointed out that Section 1 contains so many paragraphs without any identification marks, to which Mr. Rodrigo replied that there are some paragraphs which need not be numbered like when they are not for enumeration purposes.

5) On Section 2, page 61, line 18, Mr. Foz proposed to substitute "ministry" with DEPARTMENT with a small letter "d".

6) On page 61, line 9, insert THE before "Congress".

7) On page 61, line 12, the "g" in "government" should be capitalized.

Thereupon, Mr. Azcuna queried whether "visitorial" on line 4 should be substituted with VISITATORIAL because the former refers to the power to summon records while the latter refers to the right to visit jails, prisons and detention facilities.

Mr. Sarmiento stated that the meaning Mr. Natividad had in mind as author of the provision is the right to visit jails, prisons or detention facilities.

8) Mr. Azcuna proposed, on Section 2(4), page 61, line 4, to substitute "visitorial" with VISITATORIAL.

9) On Section 3, page 61, line 24, Mr. Azcuna proposed to insert THE before "Congress".

Mr. de Castro stated that, as pointed out by Mr. Foz, the Article on Human Rights does not contain a provision providing for the salary of the Members of the Commission on Human Rights, in reply to which Mr. Rodrigo reiterated that their salary would be provided for by Congress.

Mr. de Castro contended that it does not also state that their salary would be provided by Congress, to which Mr. Bengzon replied that the Article contains a provision which states that "Until the Commission is constituted, the existing Presidential Committee on Human Rights shall continue to exercise its present functions and powers." He

pointed out that the present employees of the PCHR receive salaries so that even if there is no provision providing for their salaries, they fall under the general concept that Congress should provide for their salaries.

10) On Section 2(6), page 61, line 10, Mrs. Nieva proposed to insert TO PROVIDE between "and" and "for".

APPROVAL OF THE ENTIRE ARTICLE ON HUMAN RIGHTS

Thereafter, the whole Article on Human Rights was submitted to a vote, and there being no objection, the same was approved by the Body.

THE ARTICLE ON THE ACCOUNTABILITY OF PUBLIC OFFICERS

On motion of Mr. Rodrigo, there being no Objection, the Body approved the following amendments:

- 1) On Section 1, Mr. Rodrigo stated that on page 62, line 4, a comma (,) was placed after "justice".
- 2) On Section 2, Mr. Rodrigo stated that THE was inserted before "Members" on line 6, page 62.
- 3) On Section 2, page 62, lines 10 and 11, Mr. de los Reyes proposed to reword the same to read: TREASON, BRIBERY, GRAFT AND CORRUPTION OR BETRAYAL OF PUBLIC TRUST AND OTHER HIGH CRIMES.

In reply to Mr. Monsod's query whether "c" in "Constitution" on page 62, line 20, should be capitalized, Mr. Azcuna replied in the affirmative.

At this juncture, Mr. Nollado suggested that, "or betrayal of public trust" should come after "and other high crimes" since betrayal of public trust need not involve any crime and the present configuration of the enumeration does not truly reflect the sentiments of the Body.

Mr. de los Reyes accepted the amendment.

4) On Section 3,

(a) Section 3(1) has no changes.

(b) On Section 3(2):

- 1) On page 62, line 17, substitute "of its Members" with OF THE HOUSE OF REPRESENTATIVES;
- 2) On the same page, line 18, substitute "of the House" with THEREOF;
- 3) On the same page, line 22, capitalize the "m" in "members";
- 4) On page 63, line 2, place a period (.) after "thereof" and delete the phrase "from the Committee".
- 5) On Section 3(3), insert FAVORABLE after "a" on page 63, line 4, and place a comma (,) after "Committee" on line 5.

Mr. Rodrigo stated that there were no changes on Section 3(5)

6) On Section 3(6), page 63, line 14, insert AND DECIDE between "try" and "all".

7) On Section 3(7), page 63, line 21, delete the word "the" between "than" and "removal".

Mr. Rodrigo stated that Section 3(8) has no changes.

Mr. Rodrigo likewise stated that Section 4 has no changes.

8) On Section 5, page 64, the Committee deleted the word "presently" between "The" and "existing" on line 4, and inserted the phrase THE OFFICE OF THE before "Special Prosecutor".

Mr. Rodrigo stated that Sections 6 and 7 have no changes.

9) On Section 8, page 62, the Committee deleted the "s" in "appointments" and substituted "with" with OF on line 22; and substituted "next preceding" with IMMEDIATELY on line 25.

At this juncture, Mr. Rodrigo explained that the numbers on the second paragraph of Section 8 were deleted because the designations thereof are yet to be determined.

Mr. Rodrigo stated that Section 9 has no changes.

10) On Section 10, page 65, line 11, the Committee inserted RESPECTIVELY after "members"; on lines 11 and 12, the "c" in "constitutional commissions" were capitalized and "respectively" after "Commissions" was deleted; and on line 11, the "c" in "chairman" and the "m" in "members" should be capitalized.

11) On Section 11, page 65, place a comma (,) after "Deputies" on line 4; and a comma (,) after "thereof" on line 18.

In reply to Mr. Bennagen's query why Section 12 contained "duties" aside from powers and functions whereas the Commission on Human Rights did not have the same, Mr. Rodrigo explained that the provision was approved by the Body and the only amendment the Committee made was the insertion of a comma (,) after "functions".

On whether for uniformity and consistency "duties" could also be added to the other Constitutional Commissions like Human Rights and Elections, Mr. Ople stated that he introduced the insertion of the word in the Commission on Audit. He opined that the Committee may either choose to insert the word in all the Constitutional Commissions or not.

Mr. Bennagen explained that he was merely stating his observations.

12) On Section 12(1), page 65, the Committee merely placed commas (,) after "own" on line 23; after "agency" on line 25; and after "improper" on line 26.

13) On Section 12(2), page 66, the Committee deleted "of him" between "required" and "by" on line 5; and likewise deleted the phrase "including any violation of civil, political or human rights" after "duties" on line 7.

14) On Section 12(3), page 66, line 11, substitute the words "see to the" with ENSURE; and "of the directive" with THEREWITH.

15) On Section 12(4), insert commas (,) on line 16 and add TO before "report".

16) On Section 12(5), substitute "to" with IN on line 19.

Mr. Rodrigo stated that no changes had been effected on Section 12, subparagraphs 6, 7, and 8.

CORRECTION BY MR. BENNAGEN

On subsection 7, Mr. Bennagen invited attention that an agreement has been made that it should be rearranged because of some problems in syntax. He read the proposed rearrangement as follows: TO DETERMINE THE ROOT CAUSES OF INEFFICIENCY, RED TAPE, MISMANAGEMENT, FRAUD AND CORRUPTION IN GOVERNMENT AND TO MAKE RECOMMENDATIONS FOR THEIR ELIMINATION, AND OBSERVANCE OF HIGH STANDARDS OF ETHICS AND EFFICIENCY, which Messrs. Rodrigo and Azcuna accepted.

INQUIRIES OF MR. OPLE

In reply to Mr. Ople's query whether it would be acceptable to delete "root" before "causes", Messrs. Azcuna and Bennagen stated that the original included the word.

On whether "root causes" sounds journalistic rather than constitutional, Mr. Bennagen stated that the reformulation was coauthored jointly by him and Messrs. de Castro and Natividad. He stated that to remove "root" might cause Mr. de Castro to complain because it would, in effect, reopen consideration of the section.

In reply, Mr. Ople stated that it would not change the concept and that a good editor would settle for "causes".

REMARKS AND INQUIRY OF MR. MONSOD

Mr. Monsod opined that the correction could be accommodated since the same correction was made during the sponsorship.

In reply to his query about the blanks on line 5 of page 65, Mr. Azcuna stated that it would contain the following: "Article on the Judiciary", and "Disqualifications and Prohibitions of the Supreme Court Justices".

Mr. Monsod stated, however, that the intent pertains to the provisions on the Judiciary, to which Mr. Azcuna acceded.

Mr. de los Reyes stated that the provision corresponds to the common provision on the disqualification of members of the Constitutional Commissions.

On whether the blanks could be filled up, Mr. Azcuna stated that it could be done during the report of the Subcommittee on Rubrics.

FURTHER CORRECTIONS BY MR. AZCUNA

On the reformulation of Mr. Bennagen, Mr. Azcuna stated that the word "to" in all of the enumerations should be deleted and that the first letter "i" in "investigate" should be capitalized together with the letter "d" in "direct".

SUGGESTION OF MR. DE LOS REYES

On No. (4), lines 12 to 17, Mr. de los Reyes suggested to start the provision with DIRECT THE OFFICER CONCERNED for uniformity since DIRECT was always used to start the provision; and to transpose "In any appropriate case" after "appropriate action" on line 17.

He affirmed that "to report" on line 16 should be deleted.

On line 18, Mr. Azcuna stated that "To" should be deleted and that the letter "r" should be capitalized.

On line 21, Mr. Azcuna stated that "To" should also be deleted and that the letter "p" should be capitalized.

On line 23, Mr. Rodrigo stated that "To" should be deleted and the letter "d" should be capitalized.

On the phrase "to make recommendations", Mr. Azcuna stated that "to" should be substituted with "and", and that "d" should be capitalized.

On page 67, line 1, Mr. Azcuna stated that "To" should be removed and that "p" should be capitalized.

INQUIRY OF MR. DE CASTRO

Adverting to page 65, line 3, Mr. de Castro inquired whether the Article refers to the Judiciary, to which Mr. Azcuna answered in the negative, stating that it refers to the Constitutional Commissions.

Replying thereto, Mr. de Castro stated that if it refers to the Constitutional Commissions, then the Article should be Article IX and not Article XII.

Mr. Rodrigo explained that Article XII was already deleted, to which Mr. de Castro acceded.

MANIFESTATION OF MR. OPLE

Mr. Ople manifested that with respect to line 25, page 66, subparagraph (7), he was able to get the concurrence of Messrs. de Castro and Bennagen to delete "root".

REQUEST OF MR. BENGZON

Upon the request of Mr. Bengzon, Mr. Azcuna read line 12, subparagraph (4) on page 66 as follows: DIRECT THE OFFICER CONCERNED IN ANY APPROPRIATE CASE, AND SUBJECT TO SUCH LIMITATIONS AS MAY BE PROVIDED BY LAW, TO FURNISH IT WITH COPIES OF DOCUMENTS RELATING TO CONTRACTS OR TRANSACTIONS ENTERED INTO BY HIS OFFICE INVOLVING THE DISBURSEMENT OR USE OF PUBLIC FUNDS OR PROPERTIES, AND REPORT ANY IRREGULARITY TO THE COMMISSION ON AUDIT FOR APPROPRIATE ACTION.

FURTHER APPROVAL OF AMENDMENTS

On motion of Mr. Rodrigo, there being no objection, the Body approved the following amendments:

- 1) On page 60, line 26, delete "to" and capitalize "g" in "government".
 - 2) On Section 13,
 - (a) substitute "Tanodbayan" with THE OFFICIALS AND EMPLOYEES OF THE OFFICE OF THE OMBUDSMAN; insert THE "Civil Service Law"; placing a comma (,) thereafter, and capitalize the "d" in "deputies".
 - (b) place a comma (,) after "Ombudsman" on line 5 and a comma (,) after "transferees" on line 12.
 - 3) On Section 14,
 - (a) line 9, insert AND REGULARLY RELEASED after "automatically" in order to align it with all the provisions on fiscal autonomy.
 - (b) delete "or Tanodbayan" from the phrase "the Office of the Ombudsman or Tanod-bayan"; and substitute "approval" with APPROVED.
- In reply to Mrs. Rosario Braid's query on whether APPROVED would be necessary before "appropriation", Mr. Monsod stated that the same format was used in the Article on the Judiciary, Constitutional Commissions and Commission on Human Rights.
- 4) On Section 15,
 - (a) insert FROM THEM OR FROM THEIR NOMINEES OR TRANSFEREES between "employees" and "shall".

(b) delete "coprincipals, accomplices or accessories or to prosecute offenses in connection therewith".

(c) place commas (,) therein; capitalize "m" in "members"; insert THE before "Congress"; and substitute "or" with AND.

(d) line 20, substitute "he has" with THEY HAVE; and "his" before "tenure" with THEIR.

In reply to Mr. de los Reyes' inquiry on the meaning of "nominees", Mr. Azcuna stated that they are those who are placed as owners of the properties. He affirmed that they refer to dummies who may be the transferees.

Mr. Ople stated that they are not exactly dummies.

Mr. Nollado volunteered the information that they also refer to "trustees" who hold bearers' certificates.

5) On Section 16, substitute "or" after "Commissions" with a comma (,).

6) On Section 17.

(a) substitute "to" with OF; "make" with SUBMIT; "networth" to be made into one word instead of two words; and add THE to "Members of the Cabinet".

At this juncture, advertent to the word "networth", Mr. Monsod pointed out that in financial statements, it consisted of two words.

Thereupon, Mr. Rodrigo restored "networth" to NET WORTH.

(b) line 3, place a comma (,) after "liabilities".

(c) insert THE before "members of the Cabinet"; delete "members of" and "members of the Constitutional Commissions".

In reply to Mr. Azcuna's query whether "Armed Forces" should be capitalized, Mr. Ople stated that to be consistent, it should not be capitalized as the Committee had always used it with lower cases.

Mr. Ople stated that he was the principal author of the section and that Mr. de Castro introduced "general or flag rank".

On whether it is not redundant, Mr. de Castro answered in the negative, stating that Air Force and Army high officers are called generals while in the case of Naval brigadier generals, they are called "commodores". He stressed that flag officers refer to the Navy high officers.

7) On Section 18, before "Constitution", substitute "its" with THIS and the "a" before "public" with ANY.

MOTION OF MR. BENGZON

At this juncture, Mr. Bengzon moved that the entire Article on the Accountability of Public Officers be voted upon.

REARRANGEMENT OF MRS. NIEVA

Mrs. Nieva proposed to rearrange the section as follows: The right of the State to recover from public officials or employees, or for their nominees or transferees of properties unlawfully acquired by them shall not be barred by prescription, laches or estoppel.

Mr. Nollado suggested "by them", to which Mr. Azcuna objected.

Mr. Monsod, likewise, objected stating that it would refer not only to public officials or employees but also to nominees and transferees.

Responding thereto, Mrs. Nieva stated that she thought that it would refer to nominees or transferees, in reply to which Mr. Monsod stated that it is not and that the properties are unlawfully acquired only by public officials.

Mr. Nollado stated that "unlawfully acquired" applies to public officials or employees and that "nominees or transferees" shall be bound by the right of the State to recover the said properties which were unlawfully acquired by public officials or employees.

Mr. Monsod suggested to stick to the original, which Mr. Nollado supported.

APPROVAL OF THE ENTIRE ARTICLE ON ACCOUNTABILITY OF PUBLIC OFFICERS

At this juncture, Mr. Bengzon reiterated his motion to vote on the entire Article on the Accountability of Public Officers.

Thereupon, submitted to a vote, and there being no objection, the Body approved the Article on the Accountability of Public Officers.

MANIFESTATION OF MR. FOZ

On the qualifications of the Members of the Commission on Audit, Mr. Foz stated that among the other qualifications provided for by Section 1, they must be members of the Philippine Bar who have engaged in the practice of law for at least ten years.

He stated that in order to avoid misunderstanding which would result in the exclusion of members of the Bar who are presently employed in the Commission on Audit (COA), clarification should be made that the provision on qualifications does not necessarily refer or involve actual practice of law outside of the COA. He stated that the provision should be interpreted to mean that as long as the lawyers who are employed in the COA are using their legal knowledge or legal talent in their respective work, they would, therefore, be qualified for appointment as Commissioners or even as a Chairman of the Commission.

He stated that the matter has been discussed by the Committee on Constitutional Commissions and Agencies and that an interpretation thereof on the floor would be necessary.

INQUIRY OF MR. OPLE

Mr. Ople inquired whether a lawyer working in the COA would in effect be considered equivalent to the requirement of law practice as set forth in the Article on the Commission on Audit.

Mr. Foz stated that the work of COA, although primarily auditing, would necessarily involve legal work and that lawyers employed by the COA would already have the necessary qualifications in accordance with the provision on qualifications under the COA provisions. He affirmed, upon inquiry of Mr. Ople, that the construction given to the provision is that it is equivalent to the practice of law.

REMARKS OF MR. BENGZON

Mr. Bengzon affirmed Mr. de Castro's observation that the Body has not yet approved on Third Reading the Articles on Family Rights and General Provisions and that the Article on Amendments or Revisions only contains four sections. Apropos the suggestion of Mr. de Castro, he stated that the Body can go through the Articles and then adjourn.

Upon inquiry of Mrs. Rosario Braid whether the Body shall take up the Article on General Provisions, Mr. Bengzon stated that it would not. He affirmed that the Article has not yet passed Second Reading and that it could be taken up tomorrow.

Mr. Azcuna informed that the Body shall consider the Article on Amendments or Revisions.

ARTICLE ON AMENDMENTS OR REVISIONS

On motion of Mr. Rodrigo, there being no objection, the Body approved the following amendments:

1) On Section 1, add the phrase PROPOSED BY, such that it would read: ". . . any amendment to, or revision of, this Constitution may be PROPOSED BY", followed by a colon (:) and then sub paragraph (1) and (3)

2) On Section 2, change 'per cent' to PER CENTUM, such that the sentence would read:

Legislative districts must be represented by at least three PER CENTUM of the registered voters therein."

Mr. Ople suggested adding "Amendments OR REVISIONS OF this Constitution" to reflect the intent. In reply, Mr. Azcuna pointed out that it is not allowed to revise the Constitution by initiative.

Mr. Ople stated that he is not aware that the matter was taken up on the floor although he was the principal author of the section.

3) On Section 3, reword the phrase "submit the question calling such a convention to the electorate" to SUBMIT TO THE ELECTORATE THE QUESTION OF CALLING SUCH A CONVENTION.

4) On Section 4,

a) delete subparagraphs (a) and (b); and change "not earlier than sixty days and not later" to SIXTY DAYS NOR LATER on line 4.

b) place a comma (,) after "of" on line 20.

c) add SECTION 2 HEREOF on the line "Amendment under . . . "; change the words "and not" to NOR, and change "of" to BY in the line "certification of the Commission on Elections such that it reads "Certification BY the Commission on Elections".

(d) On page 92, insert ANY before "Amendment" such that it would read "ANY amendment under . . ."

APPROVAL OF THE ARTICLE ON AMENDMENTS OR REVISIONS

Thereafter, on motion of Mr. Bengzon, the Body approved the entire Article on Amendments or Revisions.

ADJOURNMENT OF SESSION

On motion of Mr. Bengzon, there being no objection, the Chair declared the session adjourned until nine o'clock in the morning of the following day.

It was 8:15 p.m.

I hereby certify to the correctness of the foregoing.

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

ATTESTED:

(SGD.) AMBROSIO B. PADILLA

President

Approved on October 11, 1986

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