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Saturday, September 20, 1986

OPENING OF SESSION

At 9:51 a.m., the Vice-President, the Honorable Ambrosio B. Padilla, opened the session.

THE VICE-PRESIDENT: The session is called to order.

NATIONAL ANTHEM

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

Everybody rose to sing the National Anthem.

THE VICE-PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Bernardo M. Villegas.

Everybody remained standing for the Prayer.

PRAYER

MR. VILLEGAS: Almighty God, You sent Your only begotten Son Jesus Christ to bring peace to this world. He is our Prince of Peace. For the past few days, we have been especially remembering the peace that still eludes mankind. Teach us to be the men and women of goodwill to whom peace was promised by the angels who announced the birth of the Redeemer.

We know that to be of goodwill, we must love You with all our heart, with all our strength and with all our mind. You gave us the acid test for loving You above all things. With divine succinctness, You said: "If you love me, keep my commandments." Keeping Your commandments, Lord, requires constant struggle. Peace can be attained only if each of us wages a war against his own greed, sensuality and pride. You have made it clear that the true freedom of man is found in the liberation from the radical slavery of personal sin.

Sometimes we look for scapegoats. We talk about evil structures, about iniquitous institutions, about social sin. But as we look into our inner selves with utmost sincerity, we realize that in the final analysis, evil comes from the heart of man. You said that "out of the heart come evil thoughts murder, adultery, fornication, theft, false witness, slander and blasphemy." Please remove the scales from our eyes so we can see that only a personal conversion can bring us that peace and joy that You — as a good Father — are eager to give us.

Our task of writing a constitution is not yet over. We entertain no illusion that the rest of the way will be less tortuous. We pray that You continue to illumine our minds and strengthen our will so that, despite the inevitable clash of opinions, we can be the first to set an example for our people in achieving truth, justice, fraternity and love. Above all, let us be exemplary in being at peace with ourselves by waging that spiritual battle against the

threefold concupiscence of which St. John spoke: the concupiscence of the flesh, the concupiscence of the eyes and the pride of life. That inner peace will make possible our being at peace with those around us. This we ask You through Your Son Jesus Christ, Our Lord. Amen.

ROLL CALL

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

THE SECRETARY-GENERAL, reading:

Abubakar Present[*] Natividad Present[*]

Alonto Present[*] Nieva Present

Aquino Present Nollado Present[*]

Azcuna Present[*] Ople Present

Bacani Present[*] Padilla Present

Bengzon Present[*] Quesada Present[*]

Bennagen Present Rama Present

Bernas Present Regalado Absent

Rosario Braid Present Reyes de los Present

Calderon Present Rigos Present

Castro de Present Rodrigo Present

Colayco Present Romulo Present

Concepcion Present Rosales Absent

Davide Present Sarmiento Present[*]

Foz Present Suarez Present

Garcia Present[*] Sumulong Present

Gascon Present Tadeo Present

Guigona Present Tan Present

Jamir Present Tingson Present

Laurel Absent Treñas Present

Lerum Present[*] Uka Present

Maambong Present Villacorta Present[*]

Monsod Present Villegas Present

Munoz Palma Present[*]

The roll call shows 31 Members responded to the call.

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

MR. CALDERON: Mr. Vice-President.

THE VICE-PRESIDENT: The Assistant Floor Leader is recognized.

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

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

APPROVAL OF JOURNAL

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

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

MR. CALDERON: Mr. Vice-President, I move that we proceed to the Reference of Business.

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

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

The Secretary-General read the following Resolution on First Reading and Communications, the Vice-President making the corresponding references:

RESOLUTION

Proposed Resolution No. 546, entitled:

RESOLUTION URGING THE CONSTITUTIONAL COMMISSION TO AGREE TO CONCLUDE ITS WORK SOONEST BUT IN NO CASE LATER THAN OCTOBER 15, 1986.

Introduced by Honorable Ople, Maambong, Rama, de los Reyes, Jr., Rigos, Bengzon, Jr., Jamir, Padilla, de Castro, Regalado, Colayco, Romulo, Monsod, Tingson, Treñas, Rodrigo, Concepcion, Lerum, Villegas, Uka, Bacani and Guingona.

To the Steering Committee.

COMMUNICATIONS

Communications seeking the inclusion in the Constitution of a provision obliging the State to protect the life of the unborn from the moment of conception, from:

1) Ms. Ma. Intes Bettina D. Lumain of 35 Chicago Tech., University Hills, Malabon, Metro Manila, and seventy-four other students of the University of the Philippines, Diliman, Quezon City.

(Communication No. 932 — Constitutional Commission of 1986)

2) Ms. Carmen G. Diaz de Ventanilla and one hundred seventeen other professors and employees of the University of the Philippines.

(Communication No. 933 — Constitutional Commission of 1986)

3) Ms. Luzviminda A. Bando, 345 Pepin St., Sampaloc, Manila, and one hundred ten other students from De

Ocampo Memorial College, University of the Philippines, and Maryknoll College.

(Communication No. 934 — Constitutional Commission of 1986)

4) Sister Fidela Ramoso of the Carmelite Monastery at Subic, Zambales, and one hundred twenty-one other concerned citizens with their respective addresses.

(Communication No. 935 — Constitutional Commission of 1986)

5) Ms. Cecilia B. Hizon and five other concerned citizens.

(Communication No. 936 — Constitutional Commission of 1986)

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

Communications urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines, from:

1) Rev. Noe B. Talagtag and twenty-six (26) other signatories, Pigcawayan Evangelical Alliance Church, Pigcawayan, Cotabato.

(Communication No. 937 — Constitutional Commission of 1986)

2) Pastor Ponciano G. Undag, Sr. and twenty-three (23) other signatories, Grace Church of Christ, Incl. 91-L Aguadas and Laurel Streets, Ozamiz City.

(Communication No. 938 — Constitutional Commission of 1986)

3) Free Methodist Church
Bangonay, Jabonga
Agusan del Norte

(Communication No. 939 — Constitutional Commission of 1986)

4) Rev. Bartolome Bagni
Pentecostal Bible College
Mabini St., San Fernando, La Union

(Communication No. 940 — Constitutional Commission of 1986)

5) Pastor Joel Dumapit and twenty-two (22) other signatories, Miracle Christian Center, 141-A East Rembo, Fort Bonifacio, Makati, Metro Manila

(Communication No. 941 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Communications calling for foreign military bases-free and nuclear-free provisions in the Constitution of the Philippines, from:

1) Mr. Lutgardo Juscales, Jr. and one thousand four hundred ninety-four other signatories, Nationalist Alliance for Justice, Freedom and Democracy (NAJFD), 5 Rosal Street, Cubao, Quezon City

(Communication No. 942 — Constitutional Commission of 1986)

2) Ms. Maria Lisa Dacanay and four thousand six hundred eleven other signatories, Nationalist Alliance for

Justice, Freedom and Democracy (NAJFD), 5 Rosal Street, Cubao, Quezon City

(Communication No. 943 — Constitutional Commission of 1986)

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

Communication from the Samahan Taga-Sa-Panahon, Candelaria, Quezon, requesting the Constitutional Commission to incorporate in the Constitution provisions providing support for the National Elderly Association, the association of senior citizens of our country, just as it had given our youth primary, importance in their education.

(Communication No. 944 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Communication signed by seventy (70) Filipino professionals, veterans, businessmen, and residents of Toronto, Ontario, Canada, requesting the Constitutional Commission to incorporate and include in the Constitution provisions synchronizing national and local elections, limiting reelection to the same office to not more than two 4-year consecutive terms.

(Communication No. 945 — Constitutional Commission of 1986).

To the Steering Committee.

Letter from Mr. Jose Mabulay, Jr. and Fr. Nemie Angus, OFM, Justice and Peace Council, 29 Sacrepante Street, Mandaluyong, Metro Manila, submitting a position paper containing a description of the features of the concept of a "mechanism for selective objection," together with its rationale.

(Communication No. 946 — Constitutional Commission of 1986).

To the Committee on Amendments and Transitory Provisions.

Communication from the Confederacion Nacional de Profesores de Español, Inc., signed, respectively, by its President and Secretary, Rosario Valdes-Lamug and Teresa Salazar, urging the Constitutional Commission to include Spanish as one of the official languages of the Philippines.

(Communication No. 947 — Constitutional Commission of 1986).

To the Committee on Human Resources.

Communication from Ms. Sol Rombuena, President, Immaculate Conception Cathedral Parish, Ozamiz City, requesting the Constitutional Commission to include in the Constitution a provision making religion a required subject in the public and private elementary and high schools.

(Communication No. 948 — Constitutional Commission of 1986)

To the Committee on Human Resources.

THE VICE-PRESIDENT: The Floor Leader is recognized.

CONSIDERATION OF

PROPOSED RESOLUTION NO. 537

(Article on the Declaration of Principles)

Continuation

PERIOD OF AMENDMENTS

MR. RAMA: Mr. Vice-President, I move that we take up for consideration this morning the Article on the Declaration of Principles.

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

MR. RAMA: May I request the chairman and the members of the Committee on Preamble, National Territory, and Declaration of Principles to please take their seats in front.

THE VICE-PRESIDENT: The chairman and members of the committee will please take their places at the front table.

MR. TINGSON: Mr. Vice-President, could we please call on Commissioner Rustico de los Reyes to state the latest amending formulation that he had when we adjourned yesterday.

THE VICE-PRESIDENT: Commissioner de los Reyes is recognized.

MR. GUINGONA: Mr. Vice-President, I have an inquiry which, I think, would be a prejudicial question. May I be allowed to ask a clarificatory question of the committee.

THE VICE-PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: I have noted that there are provisions contained in this article which, to my mind, are not verbatim but substantial repetitions of provisions in other articles, such as the Articles on National Economy and Patrimony, Social Justice, and the provisions on education, science and technology and family life.

I was talking with Commissioner Villegas a while ago and he informed me that it was the decision of the committee to state some general concepts in the Declaration of Principles, without prejudice to their being repeated but in more specific forms in the other articles.

I was wondering whether this would also include a repetition of the declarations themselves re the specification of rights. This is to guide the Committee on Sponsorship, one of the exclusive functions of which is to avoid repetitions.

I have no objection; I just wanted to be clarified, Mr. Vice-President.

MR. TINGSON: Mr. Vice-President, Commissioner Aquino would like to respond.

THE VICE-PRESIDENT: Commissioner Aquino of the committee is recognized.

MS. AQUINO: Thank you, Mr. Vice-President.

The committee met about this, and what really happened was that, for example, in the Article on Social Justice the supervening approval and adoption of a paragraph defining social justice, therefore, required the committee to do some recasting of the sections. The same situation would hold, for example, in the section on labor and some of the other provisions in the Declaration of Principles.

So the committee met to recast some of our sections and the basic agreement is that, consistent with the intent of the sections on the Declaration of Principles, the sections here which would have similar provisions in the other articles are intended to provide, as Commissioner Nollado would say, "the curtain provision," which would be fleshed out in the specific articles we have approved earlier.

MR. GUINGONA: So the committee would not preclude repetitions, at least, for purposes of emphasis.

MS. AQUINO: No, I am sorry, Mr. Vice-President, not repetition, but this will be in the nature of an explicit declaration of principle; not at all in repeating the articles that we have approved before.

MR. GUINGONA: So if there is a repetition in the other articles, then, perhaps, the provisions in the other articles may be deleted.

MS. AQUINO: I think the Gentleman is misunderstanding our manifestation.

The committee position is that the sections in the Article on the Declaration of Principles have been recasted or would remain as they are considering what we have reported already, and depending on what we think is the best thrust and best focus of a section in the Declaration of Principles as compared to the specific articles that we have approved before.

MR. GUINGONA: I see. Thank you very much.

MR. MAAMBONG: Mr. Vice-President.

THE VICE-PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: On the same point. I can understand the thinking of the committee, but I would just like to indicate that in the outline which I submitted to the committee, which has been acknowledged by the chairman before, I mentioned in the portion on policies that we have something like 20 policies in the present formulation, and most of the policies I indicated, like sociopolitical and economic system, social justice, labor, social services, indigenous cultural communities, nongovernment and community-based organizations, health and healthy environment, science and technology, education and culture and others, are covered in detail in specific articles. That is why I was suggesting to the committee in the outline which I presented that probably a single sentence will do, or if it could not be done at all, at least to formulate it in a brief manner. Anyway, these policies will be taken up in detail in the main body of the Constitution.

Thank you, Mr. Vice-President.

MS. AQUINO: We have taken that suggestion favorably. In fact, the committee will introduce committee amendments that will streamline the concepts.

MR. MAAMBONG: Thank you very much.

MS. AQUINO: The matter, of course, of rubrication and resequencing has not yet been undertaken by the committee.

THE VICE-PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: Mr. Vice-President, the amendment which this Representation proposes to introduce is a deletion.

THE VICE-PRESIDENT: Has this reference to Section 7?

MR. DE LOS REYES: Yes, Mr. Vice-President. This is to delete the phrase which reads: "that can free the people from mass poverty and enhance the" and to substitute the same with the original proposal of the committee, but only in a more brief and more concise manner and with the inclusion of the word "JUST" as proposed by Commissioner Nieva. So that Section 7 will read as follows: "THE STATE SHALL PROMOTE A DYNAMIC AND JUST SOCIAL ORDER THAT SECURES FOR THE PEOPLE THE BENEFITS OF FULL EMPLOYMENT, a rising standard of living and better quality of life."

MR. TINGSON: Mr. Vice-President.

THE VICE-PRESIDENT: What is the reaction of the committee?

MR. TINGSON: Mr. Vice-President, this is the formulation that we remember was presented to us yesterday. However, the Floor Leader had an amendment previous to that which included a phrase. He claims that that phrase was never eliminated from the amendment that we did vote upon.

We would like to ask the Floor Leader what the situation is as far as he is concerned.

THE VICE-PRESIDENT: The Floor Leader is recognized.

MR. RAMA: Commissioner de los Reyes presented an amendment to insert some words. There was a little mistake in the Journal and he read the words that we inserted.

On the other hand, he was trying to amend a section that has a formulation already accepted by the committee which included the words, "to free the nation from poverty." So, when the vote was taken, I asked the Presiding Officer to clarify the matter regarding the words I had previously presented and were accepted by the committee as follows: "to free the nation from poverty." The Presiding Officer, however, confirmed my position that those words were not deleted by the insertion of the phrases presented by Commissioner de los Reyes. That was the end of the session.

So, may I now ask the committee to read the formulation as amended by Commissioner de los Reyes.

THE VICE-PRESIDENT: And the Chair has noticed that the committee report had the phrase "ensure the independence and prosperity of the nation." Is the committee deleting that clause?

MS. AQUINO: Mr. Vice-President, when Commissioner de los Reyes reinstated the original, it was not actually an original in the sense that what his motion covered was a composite of the Bacani proposal and the original committee proposal.

In this amendment, he excluded the clause, "prosperity of the nation"; together with the exclusion was the Rama amendment.

So, Mr. Vice-President, may I request Commissioner de los Reyes to read again his proposal on Section 7.

THE VICE-PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: With the permission of the honorable Vice-President and the committee, Section 7 is recommended to read as follows: "THE STATE SHALL PROMOTE A DYNAMIC AND JUST SOCIAL ORDER THAT SECURES FOR THE PEOPLE THE BENEFITS OF FULL EMPLOYMENT, A RISING STANDARD OF LIVING AND BETTER QUALITY OF LIFE."

THE VICE-PRESIDENT: What is the reaction of the committee?

MR. DAVIDE: Mr. Vice-President.

SUSPENSION OF SESSION

MR. TINGSON: Mr. Vice-President, may we request a suspension of the session so we could get together with the two principal proponents.

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

It was 10.15 a.m.

RESUMPTION OF SESSION

At 10.21 a.m., the session was resumed.

THE VICE-PRESIDENT: The session is resumed.

MR. RAMA: Mr. Vice-President.

THE VICE-PRESIDENT: The Floor Leader is recognized.

MR. RAMA: The committee and the proponents of this amendment on Section 7 have come to an agreement and a meeting of the mind on the formulation which Commissioner Aquino will read before voting.

THE VICE-PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: Mr. Vice-President, this formulation as culled from the amendments of Commissioners Rama, Bacani, de los Reyes, Padilla, Davide, together with the committee amendments: "IT SHALL BE THE PRIME CONCERN OF THE STATE TO PROMOTE A DYNAMIC SOCIAL ORDER THAT WILL ENSURE THE INDEPENDENCE AND PROSPERITY OF THE NATION. IT SHALL ENDEAVOR TO FREE THE PEOPLE FROM POVERTY, SECURE FOR THEM THE BENEFITS OF FULL EMPLOYMENT, A RISING STANDARD OF LIVING, EQUALITY IN ECONOMIC OPPORTUNITIES, SECURITY IN OLD AGE AND OTHER BASIC HUMAN RIGHTS."

The committee would welcome comments and reactions to this formulation.

MR. DAVIDE: Mr. Vice-President, may we request the deletion of "SECURITY IN OLD AGE" because there is a proper space for that in social security.

MR. TINGSON: The committee agrees.

MR. SARMIENTO: Mr. Vice-President.

THE VICE-PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: Thank you, Mr. Vice-President.

May I be allowed to comment on the proposed amendment. Considering that we have included the words "INDEPENDENCE AND PROSPERITY," would it not be proper to delete "FREE THE PEOPLE FROM POVERTY"? No, I think that was the subject matter of our discussions yesterday because we are constitutionalizing poverty. After all, the words "INDEPENDENCE AND PROSPERITY" would cover the elimination of poverty. Would the honorable Commissioner Tingson be willing to accommodate these observations?

MR. TINGSON: The committee would like to call upon Commissioner Rama to explain further. However, we did accept this originally because the committee looks at the reality of things and state of affairs, and our researches show that the Philippines and Indonesia are about the only two remaining countries in this part of the world that really have mass poverty, and it is possible to solve the situation. But we would like to ask Commissioner Rama to explain further.

THE VICE-PRESIDENT: Commissioner Rama is recognized.

MR. RAMA: The reason we have to include the phrase "FREEDOM FROM POVERTY" is that it is the number one problem in this country for a century now. For a constitution to try to hide that problem because it is embarrassing is not a good reason. As a matter of fact, Rizal had pointed out that one of the unflattering traits of

the Filipinos is hiding their problems. That is why Rizal wrote *Noli Me Tangere*, to expose the problem so that we may find the solution to it. How can we write a constitution which professes to solve the problems of the country by hiding the number one problem, which is poverty. There is nothing to be ashamed of in saying that that is a problem and we are trying to solve it. I cannot understand why people are disturbed when we try to identify the number one problem of the country. As a matter of fact, the biggest crime of Mr. Marcos is not imprisoning people nor violating human rights but making everybody poor, because when one inflicts poverty on the people, he inflicts all other evils like prostitution, robbery, thievery, killings etc., arising out of poverty. The sufferings of the people are tremendous because when they are so poor, they live hell on earth. That is why it is absolutely necessary to identify that problem of poverty in the Declaration of Principles.

MR. SARMIENTO: Mr. Vice-President, may I briefly respond to the observations of Commissioner Rama?

THE VICE-PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: It is true that poverty is a problem, but I would say that it is more of a manifestation of major problems. I would like to cite Pope John Paul II in his speech at the UNESCO where he said that the problems are imperialism and neo-colonialism. These are the more basic problems, and poverty is only a manifestation of these problems.

MR. RAMA: That is a theory, Mr. Vice-President, which is already passe. That is a theory of the leftists. But that is an artful theory — imperialism. How can one directly connect that to poverty? It is poverty whether these people are leftists or not, whether the government is leftist or communistic. Poverty is the problem of the country. The plundering of Mr. Marcos, for instance, which is unparalleled in the world, has worsen this poverty. It is not imperialism. As a matter of fact, it was Mr. Marcos who plundered the country in the last twenty years. So, let us not go into this theoretical, artful argument about imperialism being the problem of the country. People will not understand that in the first place.

MR. SARMIENTO: Mr. Vice-President, just a brief rejoinder to those comments. These are not leftist terms, Mr. Vice-President. These are terms being used by the Vatican II, by Pope John Paul II, by Papal encyclicals, by Mr. Marcos himself, by Claro M. Recto. So, imperialism is not a leftist term; it is a term being used by almost everybody.

I humbly submit, Mr. Vice-President.

MR. MAAMBONG: Mr. Vice-President.

THE VICE-PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Mr. Vice-President, Commissioner Rama could correct me if I am wrong but in down-to-earth terms, what I understand is that in this country today there are four problems that we are facing: the problem of poverty, ignorance, disease and injustice, of which the government has always been telling us. I have no quarrel with Commissioner Rama regarding the use of the word "poverty," but by way of suggestion, perhaps, he would accept a substitute word which will also reflect the same meaning, if we just say "freedom from want" because "poverty" seems to be a little bit inelegant in a constitution. Of course, Commissioner Rama has his own reason for being very blunt about it.

MR. RAMA: Mr. Vice-President, we are writing a constitution that would be easily understood by the people. "Freedom from want" — how many of the people would know what is "freedom from want"? But when we say "freedom from poverty," everybody knows that.

Mr. Vice-President, I have said before that this Constitution should not only echo the sentiments and aspirations

of the people but also their fear and despair. The people must be able to hear their own voices in the Constitution. And, therefore, we must try to make it simple. What is this fear and despair of the poor all their lives? Does the Vice-President know and understand how it is to be poor all his life? Ignorance is not even the big problem, because once we have made people prosperous, they can conquer ignorance by going to school. Disease is not the main problem because once we are prosperous, we are liberated from poverty. We can feed ourselves and buy medicine. The main problem is poverty.

MR. MAAMBONG: It is only a suggestion anyway, Mr. Vice-President.

Thank you.

MR. MONSOD: Mr. Vice-President.

THE VICE-PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: May I suggest the following formulation: "IT SHALL BE THE PRIME CONCERN OF THE STATE TO PROMOTE A SOCIO-POLITICAL AND ECONOMIC SYSTEM THAT WILL ENSURE THE INDEPENDENCE AND PROSPERITY OF THE NATION AND WHICH CAN FREE THE PEOPLE FROM POVERTY THROUGH POLICIES THAT PROMOTE FULL EMPLOYMENT, A RISING STANDARD OF LIVING AND AN IMPROVED QUALITY OF LIFE FOR ALL."

MR. RAMA: I have no problem with that.

MS. AQUINO: May we request a suspension, Mr. Vice-President?

MR. RAMA: We ask that we suspend the session for two minutes.

MR. OPLE: Mr. Vice-President.

THE VICE-PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Thank you.

Will Commissioner Rama entertain a question or two?

MR. RAMA: Gladly.

MR. OPLE: I have been looking forward to an opportunity to support a proposal of Commissioner Rama with genuine conviction. But I would like to put a question to him.

Poverty is, of course, a phenomenon not unique to the Philippines as a developing country. There are pockets of poverty even in the richest nations. If one has been to the Bowery of New York, for example, he could have been confronted with a pocket of poverty no less galling than what we see in Tondo. Would Commissioner Rama agree to that?

MR. RAMA: Correct, Mr. Vice-President, but let us put it in perspective. I am talking here about mass poverty. Pockets of poverty can be found in every nation. And even poverty is no longer unique because all the countries around us have progressed, have conquered poverty, except Indonesia and Bangladesh; and we are catalogued with Bangladesh as the poorest country in Asia. Does the Gentleman not believe that that is the alarming problem that we should face too?

MR. OPLE: Mr. Vice-President, I want to support Commissioner Rama but on accurate historical and sociological terms. The world is divided between the rich and poor and there is a cutoff that divides the rich from the poor. Very roughly, when a country, in present terms and according to present prices, graduates beyond the \$3,000 to

\$4,000 income per capita, provided there is a compliance with certain economic liberalization policies prescribed by the OECD so that there is a standard of liberalization applicable to all the members of the OECD, the club of the rich, then that country is said to have attained the status of a developed nation.

In our part of the world, the Republic of Korea hopes to join the OECD in 1988. That is a formal statement of the Chun Doo Hwan government. Taiwan, if considered an independent State, would qualify for membership in the OECD also by 1988 and, of course, there are the so-called Newly Industrialized Countries, the NICs that would include Hongkong and Singapore. But the rest of developing Asia, including countries not mentioned in the enumeration by Commissioner Rama, are afflicted with mass poverty. They are still a long way off from leaving the ranks of the poor to join the club of the rich in Brussels.

I want Commissioner Rama's assent to the statement that when he speaks of mass poverty as he proposes in this section, he refers to the major feature of a state of economic underdevelopment. This means that the major features of underdevelopment are, as Commissioner Maambong said a while ago, mass poverty, ignorance, disease and injustice. And based on those terms, freedom from mass poverty merely means transcending poverty as a state of underdevelopment, so that this relates dynamically to the statement of aspirations for national development, especially in this Article on National Economy and Patrimony.

If Commissioner Rama agrees to this intent behind the meaning of freedom from poverty, I will be very happy to support him.

MR. RAMA: I do not have any problem with that.

MR. OPLE: Thank you, Mr. Vice-President.

MR. TINGSON: Mr. Vice-President, we have a new formulation here that seems to be acceptable now to all the committee members and, hopefully, to the majority of our fellow Commissioners. The formulation was based on the suggestions of Commissioners Davide, Padilla, Rama, de los Reyes, Monsod and Romulo. May we read it.

THE VICE-PRESIDENT: Please proceed.

MR. TINGSON: "IT SHALL BE THE PRIME CONCERN OF THE STATE TO PROMOTE A DYNAMIC SOCIAL ORDER THAT CAN ENSURE THE PROSPERITY AND INDEPENDENCE OF THE NATION AND FREE THE PEOPLE FROM POVERTY THROUGH POLICIES THAT PROMOTE FULL EMPLOYMENT, A RISING STANDARD OF LIVING AND AN IMPROVED QUALITY OF LIFE FOR ALL."

That, Mr. Vice-President, is the formulation.

REV. RIGOS: Was the word "just" deleted from the term "dynamic and just society"?

MR. TINGSON: We would like Commissioner Monsod to answer that, please.

REV. RIGOS: No, I am asking the committee.

MR. MONSOD: It is up to the committee.

MS. AQUINO: The committee deliberately deleted that with the clear intention of not deleting the intent because there is a consensus that the phrase "dynamic social order" should be necessarily just.

REV. RIGOS: On the other hand, a just social order will be dynamic. But a dynamic social order is not necessarily just.

MS. AQUINO: When we say "order," it means, therefore, that everything should fall into place to be just.

REV. RIGOS: I suggest that we go back to the original formulation approved yesterday which included the word "just" — "dynamic and just society."

MS. AQUINO: The committee is not too sanguine about that. However, the focus of that phrase "dynamic social order" is mobility, upward mobility, the progress-oriented social order.

MR. AZCUNA: Mr. Vice-President, I support Commissioner Aquino because we believe that precisely, the whole thrust of this provision is to secure justice, since justice means to give everyone his due. Therefore, a dynamic social order is designed to secure and achieve justice. So, it would be a tautology to say "a just social order that is designed to secure justice." There is the dynamism which will be used as an agent for achieving justice.

MR. GUINGONA: Mr. Vice-President.

THE VICE-PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Thank you, Mr. Vice-President.

There are two reformulations that the committee has made immediately preceding the one just read. There was the phrase "security in old age" which was sought to be deleted by Commissioner Davide. It seems that the committee has acceded to that amendment to delete. I would like to express my objection, because as expressed by Commissioner Rosario Braid during the previous interpellation, other areas of concern are included in this Article on Declaration of Principles, such as the youth, women, labor, members of the indigenous cultural communities but no mention is made of the old. There are, of course, already old people among the 55 million populace. But even among those who are not old, a good number of these citizens would become old. I am concerned about them, especially the underprivileged and even those belonging to the middle class because we link this matter of old age with illness. The prohibitive cost of hospitalization these days, including medicines and doctor's fees, would be very much related to this concern for security of old age. Some injection vials cost as much as P300; capsules cost as much as P10 each.

And so, I am objecting to the deletion. Commissioner Davide says that he will introduce this in Section 13, and I have no objection. My only concern is that we might not approve the suggested amendment in Section 13. Therefore, I suggest that we retain this without prejudice to deleting it in case the proposed amendment mentioned by Honorable Davide in connection with security of old age is approved when we come to Section 13.

MR. MAAMBONG: Mr. Vice-President.

THE VICE-PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Can we not solve that issue by getting some sort of commitment from the committee that the provision will be inserted in Section 13? What does the committee say to that?

MR. TINGSON: We will be glad to. The committee is in favor of the sentiments expressed by Commissioner Guingona and we will commit ourselves.

MR. MAAMBONG: Just one more point, Mr. Vice-President.

THE VICE-PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: There was a concern of Commissioner Rigos about the word "just." I do not know if the committee has already reached a consensus on that.

MR. TINGSON: Mr. Vice-President, I amended the statement a while ago because the committee is really divided on this. May I ask Commissioner Rosario Braid, on behalf of the other committee members, to please explain?

MR. MAAMBONG: Before that, I would just like to indicate for the record that yesterday this issue was somewhat resolved in this body. Page 51 of yesterday's Journal reads:

In reply to Mrs. Nieva's query on whether there is no social order that is unjust, Mr. Bacani explained that if it is not just, there is no social order to speak of, for which reason Mrs. Nieva desisted from proposing her amendment.

I want this on record so that Commissioner Rigos will also understand that somehow this has been resolved yesterday.

Thank you, Mr. Vice-President.

MS. ROSARIO BRAID: Mr. Vice-President, may I just make a statement on this matter.

THE VICE-PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Yes, we are divided because I quite agree with Commissioner Nieva that there is an unjust social order. This is why in the literature of development, we have such phrases as "a balanced social order," which means that there is an unbalanced social order. We also have such phrases as "transformation of the social order," which means that there is a social order that has to be transformed. Likewise, we have such phrases as "new economic order," which means that there is an economic order that is not positive. In the same way, we have a "new information order," which acknowledges the fact that certain orders are not quite relevant to the needs of a just society.

So I would support the need to include a word such as "just" or "balanced," whatever the Commission would like to entertain.

MR. DE CASTRO: Mr. Vice-President.

THE VICE-PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Mr. Vice-President.

I do not like to add confusion to this section. However, yesterday I took note of the word "prime" in Section 6 where we say the "prime" duty of government. Then we now come to Section 7 which mentions the "prime" concern of the State. I do not know whether we still have to use the word "prime" in Section 8.

I have no vigorous objection to this word "prime," but I wonder what the readers of the Constitution shall say. Baka naman sabihin nilang: "Wala na bang nalalaman ang Constitutional Commission na letra o titik kung hindi 'prime'?" Yesterday, on page 52 of the Journal, Commissioner Rama said the original formulation was "the primary concern," not prime.

Mr. Vice-President, yesterday we voted on the deletion of the word "poverty," with a 13-9 result on motion of Commissioner de los Reyes. I voted in favor of the amendment of Commissioner de los Reyes. If we will put back the word "poverty," what is the meaning of the 13-9 result of our voting yesterday?

Thank you, Mr. Vice-President.

MR. RAMA: Mr. Vice-President, the parliamentary situation is that there is an amendment or a proposal presented by Commissioner Rigos and he insists on his amendment to the amendment, which is the insertion of the word "just." So, we will have to vote on it.

MR. TINGSON: Mr. Vice-President, we would like to have the body vote on that — whether or not to insert the word "just." Is that right, Mr. Floor Leader?

MR. RAMA: Yes, that is the anterior issue.

THE VICE-PRESIDENT: So, the issue is whether the word "just" should be inserted or should remain in the committee formulation. Is the body ready to vote on that issue?

MR. RAMA: Yes, Mr. Vice-President.

VOTING

THE VICE-PRESIDENT: As many as are in favor of retaining the word "just," please raise their hand. (Several Members raised their hand.)

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

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

The results show 24 votes in favor, none against and 3 abstentions; the proposal is approved.

MR. TINGSON: Mr. Vice-President.

THE VICE-PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Mr. Vice-President, we have made a minor reformulation which includes the word "just." May we read it now.

THE VICE-PRESIDENT: Please proceed.

MR. TINGSON: Mr. Vice-President, Section 7, as amended, reads as follows: "THE STATE SHALL PROMOTE A JUST AND DYNAMIC SOCIAL ORDER THAT CAN ENSURE THE PROSPERITY AND INDEPENDENCE OF THE NATION AND FREE THE PEOPLE FROM POVERTY THROUGH POLICIES THAT PROMOTE FULL EMPLOYMENT, A RISING STANDARD OF LIVING AND AN IMPROVED QUALITY OF LIFE FOR ALL."

MR. SUAREZ: Mr. Vice-President.

THE VICE-PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Mr. Vice-President.

May I submit an amendment to the amended Section 7, in the light of the acceptance by the Commission on a unanimous vote of the word "just" which is all-embracing and all-encompassing. As the term now stands, it would refer to the establishment of a just and dynamic social order. We submit, Mr. Vice-President, that all of the terms that come after the words "just and dynamic social order" are included in that significant phrase. It is very difficult for Commissioners to decline a constitutional fruit salad like what is being enumerated after the words "social order."

May I formally submit an amendment that we put a period (.) after the words "social order" and then delete all the other phrases after that.

THE VICE-PRESIDENT: Commissioner Rama is recognized.

MR. RAMA: I object to that amendment, Mr. Vice-President, because that was already taken up yesterday, and the provision has been amply debated. May I ask what is the position of the committee so that we can vote on it, if necessary?

THE VICE-PRESIDENT: What does the committee say?

MS. AQUINO: The committee will insist on the formulation that was read by the chairman, with a minor amendment.

MR. RAMA: Does Commissioner Suarez insist on that amendment to the amendment so we can vote on it?

MR. SUAREZ: In all seriousness, I would like to submit that to the committee for appreciation, because I think we really have to put a stop to all these flowery expressions in the Constitution, Mr. Vice-President.

MR. RAMA: May I ask that we vote on that amendment to the amendment, Mr. Vice-President.

MR. SUAREZ: Thank you.

THE VICE-PRESIDENT: Will the committee or Commissioner Suarez restate the proposed amendment which will be voted upon?

MR. SUAREZ: I propose that after the phrase "just and dynamic social order," a period (.) be placed and that we delete the phrases subsequent thereto.

MR. TINGSON: Therefore, the provision will only be: "THE STATE SHALL PROMOTE A JUST AND DYNAMIC SOCIAL ORDER."

MR. SUAREZ: That is right.

THE VICE-PRESIDENT: Is the body ready to vote?

MR. SUAREZ: My proposal is subject to the understanding that all the words after "social order" should be read into the record as forming part of the description of what would constitute "a just and social order" for our government — "for a just and dynamic social order."

Thank you, Mr. Vice-President.

VOTING

THE VICE-PRESIDENT: The Chair now submits the Suarez amendment to a vote.

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

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

The results show 6 votes in favor and 20 against; the amendment is lost.

MR. RAMA: Mr. Vice-President, I now move that we take a vote on the whole provision.

MR. OPLE: Mr. Vice-President.

THE VICE-PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: May I know whether the word "can" still stands there because I think that word is unconstitutional. It should be replaced by "SHALL" or "WILL" — "A social order that WILL secure the prosperity and. . ."

MR. TINGSON: Yes.

MR. OPLE: So, may I move that the word "can" be replaced by "WILL" or "SHALL" at the option of the committee.

Thank you, Mr. Vice-President.

THE VICE-PRESIDENT: What does the committee say?

MR. TINGSON: We accept, but we leave it to the Style Committee to use either word.

MR. RAMA: The body is ready to vote, Mr. Vice-President.

THE VICE-PRESIDENT: Is there any objection to the motion to substitute the word "can" with "WILL"?

MR. MAAMBONG: Mr. Vice-President, I have no objection but I suggest that the committee decide between "SHALL" or "WILL."

MR. TINGSON: We will opt for "WILL."

MR. MAAMBONG: Thank you.

THE VICE-PRESIDENT: So, the word "can" is substituted with "WILL."

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

MR. RAMA: Mr. Vice-President, we are now ready to vote on the whole amendment of Section 7.

THE VICE-PRESIDENT: Will the committee read Section 7 again?

MR. TINGSON: Section 7 finally will read as follows: "THE STATE SHALL PROMOTE A JUST AND DYNAMIC SOCIAL ORDER THAT WILL SECURE THE PROSPERITY AND INDEPENDENCE OF THE NATION AND FREE THE PEOPLE FROM POVERTY THROUGH POLICIES THAT PROMOTE FULL EMPLOYMENT, A RISING STANDARD OF LIVING AND AN IMPROVED QUALITY OF LIFE FOR ALL."

THE VICE-PRESIDENT: Is the body ready to vote on the reamended and final Section 7?

MR. RAMA: The body is ready to vote, Mr. Vice-President.

MR. TINGSON: Yes, but with just a minor correction. It should read: "AND DYNAMIC SOCIAL ORDER THAT WILL ENSURE THE PROSPERITY AND INDEPENDENCE OF THE NATION." The word is "ENSURE," not "secure."

VOTING

THE VICE-PRESIDENT: As many as are in favor of the version of Section 7 last read, please raise their hand. (Several Members raised their hand.)

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

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

The results show 28 votes in favor, none against and 2 abstentions; Section 7, as amended, is approved.

MR. RAMA: Mr. Vice-President, I ask that Commissioner Monsod be recognized.

THE VICE-PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Thank you, Mr. Vice-President.

I would like to reserve the right to reconsider Section 4 in order to come within the technicality of our Rules.

Today, I found on my desk a proposal of Commissioner Suarez to propose in the Transitory Provisions the establishment of a commission which is inextricably tied up with Section 4. I just wanted to make sure I am within the Rules in case we consider this after 24 hours and also in case there are other sections that may be introduced in the Transitory Provisions or in any other articles that are inextricably bound or dependent on Section 4.

Mr. Vice-President, I also would like to ask for certain clarifications from the committee through Commissioner Azcuna, on the interpretation and intent of Section 4 and on which also a decision will be made — whether I will ask for a reconsideration now or later. That is the reason for the reservation. May I put that on record.

THE VICE-PRESIDENT: Does Commissioner Azcuna want to say something?

MR. AZCUNA: Does the Gentleman wish to interpellate right now?

MR. MONSOD: I just want, first of all, to reserve the right to seek for a reconsideration of Section 4.

MR. AZCUNA: I have no objection to the same.

MS. AQUINO: I just want a clarification, Mr. Vice-President.

THE VICE-PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: Would the reconsideration be contingent on anything, Mr. Vice-President?

MR. MONSOD: That would be contingent on the following matters: First, the disposition of the proposal that was sent by Commissioner Suarez on a proposed commission that would be tied to Section 4; second, any other sections or formulations that may be introduced in the Transitory Provisions or in any other articles, such as the General Provisions, that are tied to or bound with Section 4; and, third, depending on the answers I will get from the committee through Commissioner Azcuna on the intent and interpretation of Section 4 as approved.

MR. SUAREZ: Mr. Vice-President, may we be recognized for further information.

THE VICE-PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Mr. Vice-President.

We submitted the proposal to be transferred to the Transitory Provisions, and this is by way of creating an agency or instrumentality, or call it commission, in order to monitor the activities in connection with the implementation of the state policy that has already been declared under Section 4 of the Article on the Declaration of Principles. Section 4, as approved by this Commission and which we are assuming as a fact when we submitted our proposal for the creation of a monitoring agency, must be accepted as having already been approved. That is to say, we have already stated categorically that we want a country that is nuclear weapons-free.

On that assumption, we feel that it may be necessary to set up a sort of monitoring agency in order that we can give a little teeth to this nuclear weapons-free provision now appearing in the Declaration of Principles.

MR. MONSOD: Mr. Vice-President, I do not want to debate on the merits of the proposal of Commissioner Suarez on such a commission at this point. That is the reason I want to reserve, among other reasons, the right to move for the reconsideration of Section 4 within the technicalities of our Rules. I do not even preclude asking for the reconsideration today, if the answers that will be given by the committee are not, I think, reflective of the intent and the spirit with which we filed this motion.

THE VICE-PRESIDENT: Is that a motion or resolution of Commissioner Suarez that was mentioned by Commissioner Monsod?

MR. MONSOD: Mr. Vice-President, it has not yet been filed.

THE VICE-PRESIDENT: Has it not been filed in the Order of Business?

MR. MONSOD: No, Mr. Vice-President. But it was on my desk, and so I assumed that it was going to be filed. I just wanted to make sure that we are within the technicalities of the Rules because it might not be taken up today; it might be taken up after the 24 hours within which we can technically ask for a reconsideration of the section.

THE VICE-PRESIDENT: The Chair rules that we should not consider at this time the reaction of Commissioner Suarez which is not scheduled in the agenda. But the reservation made by Commissioner Monsod is made of record.

MR. MONSOD: Thank you.

May I now proceed to ask the committee my questions on the interpretation and intent of Section 4.

THE VICE-PRESIDENT: I think now would not be the appropriate time. After all, there was a reservation made by the Commissioner and that supposed resolution to be filed is not in the agenda.

MR. MONSOD: Mr. Vice-President, the resolution is only one of the reasons. As I said earlier, I may move for a reconsideration of the approval of Section 4 today, depending on the answer of the committee, through Commissioner Azcuna, to certain questions I will pose.

THE VICE-PRESIDENT: Is the committee or Commissioner Azcuna willing to answer some of the questions Commissioner Monsod wants to propound on Section 4?

MR. AZCUNA: I am willing, Mr. Vice-President.

THE VICE-PRESIDENT: Does the body have any objection to Commissioner Monsod's propounding questions to the committee, particularly to Commissioner Azcuna? (Silence) The Chair hears none; Commissioner Monsod may proceed.

MR. MONSOD: I just want to get an answer from the committee in the formulation of Section 4. Is this not an absolute ban on nuclear weapons under any and all circumstances or would this admit of exceptions in the national interest?

MR. AZCUNA: Yes, Mr. Vice-President.

MR. MONSOD: And among the exceptions which the Commissioner has mentioned in the interpellation is a case-to-case basis. Depending on the government, we may allow such weapons. Let me restate that — that depending on the government, we may allow ships that are capable of bearing nuclear weapons to dock in Philippine waters, provided they do not carry nuclear weapons.

MR. AZCUNA: Yes, I said that, Mr. Vice-President.

MR. MONSOD: That is if the government does not opt for the exception?

MR. AZCUNA: The Commissioner is right.

MR. MONSOD: Also, I would like to clarify that this does not, in any way, diminish the options of our government with respect to the approved Transitory Provisions on the bases, because there were interpellations yesterday that tended to suggest that ships or airplanes that are capable would come within the prohibition. What I am saying is that it will not mean an immobilization of such bases should the government agree to a new treaty in accordance with the provision.

MR. AZCUNA: No, Mr. Vice-President. As I said, what it will entail is that the government, in view of this policy, will probably request the review of the existing treaty or take up a position during the negotiation of a new treaty that these bases should be nuclear weapons-free — a position which the Philippine panel had already advanced way back in 1976 but which was rejected by the United States. So it is one of the options that our government may do and it is within this context that the options are there.

MR. MONSOD: In other words, the general rule is that the Philippines adopts and pursues a policy of nuclear weapons-free Philippines, subject to such exceptions as the government may allow in the national interest.

MR. AZCUNA: That is right, Mr. Vice-President. This is a basic policy, and any divergence from that policy while they are possible can only be justified on one test, on the crucible of national interest.

MR. MONSOD: Mr. Vice-President, that is my question for today. I still reserve the right to ask for a reconsideration of the approval of Section 4, if and when there is any more equivocation or if there is any proposal which, in our view, does not reflect this policy.

Thank you, Mr. Vice-President.

THE VICE-PRESIDENT: The reservation is made of record.

MR. DE LOS REYES: Mr. Vice-President, may I be recognized.

THE VICE-PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: Mr. Vice-President, I am the author of Proposed Resolution No. 216 and it was stated in my original formulation that the Philippines is a nuclear-free country and at no instance shall we allow any foreign country or even us to use our territory as a place for stockpiling nuclear weapons, mobile or stationary. But this was changed and in a spirit of accommodation, I agreed and even signed that compromise proposal which states "national interest." But when I signed that, I have in mind national interest only in case of self-defense. In fact, we did not even state that because in cases of self-defense, we have to take into account the instinct of self-preservation. In criminal law, there must be unlawful aggression, reasonable necessity of the means employed to repel the aggression and there is a lack of sufficient provocation. That is the only instance. I did not agree nor was it my intention that we should allow our country in the future to be a member of the club of countries using nuclear weapons, because I am against the proliferation precisely of nuclear weapons. That is my stand on the matter, Mr. Vice-President.

MR. AZCUNA: I believe that if ever we opt to join the club of nations advocating the use of nuclear weapons, it would be only in the interest of national defense, because we renounce war as an instrument of national policy.

MR. DE CASTRO: Mr. Vice-President.

THE VICE-PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Mr. Vice-President.

Commissioner Azcuna may correct me, if I am wrong. Yesterday when we read this provision and I voted for it, it stated: "The Philippines, consistent with the national interest." I asked the question: "Will the national interest include the defense and security of the State?" And the answer was "Yes." When I asked that, I have in mind the possibility that our President may take the option of allowing another treaty for the retention of the bases. I feel all the time, and I have that in my sponsorship speech on September 12, that the bases are part of the national defense and security of the State. And since the national interest includes, as in the record, national defense and security, there is no question in my mind that there is a possibility that in the defense and security of this nation, consistent

with the possible exercise of the option of our President for the retention of the bases, there may be tactical nuclear weapons in the defense of our State in the bases which may be approved in the treaty. That was the reason I asked whether the national interest included national defense and security.

Am I right in my interpretation?

MR. AZCUNA: Mr. Vice-President, the Commissioner is right in saying that the national interest includes national defense and security. He is also correct in saying that it is up to our President in renegotiating a new treaty to determine whether or not it is part of our national interest to allow nuclear weapons to be maintained in such bases. It is not for us to say that it is. We would leave it to the implementors of this policy — basically the President and the Senate — because they have to concur in the treaty and render the judgment. But the judgment will be predicated solely on the crucible of Philippine national interest and no other national interest.

MR. DE CASTRO: I thank the Commissioner. I am very, very glad that he is with me in my interpretation of the meaning of national interest and in my question of including it as part of defense and security of the State.

Thank you, Mr. Vice-President.

MR. RAMA: Mr. Vice-President.

THE VICE-PRESIDENT: The Floor Leader is recognized.

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

THE VICE-PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: This is by way of a parliamentary inquiry, Mr. Vice-President.

We heard the honorable Commissioner Monsod make a reservation to file a motion for a reconsideration, depending on the result of his dialogue with the Honorable Azcuna in connection with the approved Section 4 on the Article on the Declaration of Principles. But after the Honorable Monsod made his inquiries — and I do not know whether he was satisfied with the answers or not — he, nevertheless, maintained his reservation. That is fine as far as I am concerned. But the Honorable de los Reyes and the Honorable de Castro stood up also to make interpellations by way of interpretations of the Honorable Azcuna. Under our Rules, is this allowable, Mr. Vice-President? I take it that a ruling must first be had on the suspension of the Rules or on the motion for a reconsideration before anyone of us could be free to ask questions of the Chair. I myself would have no objection to that, but I only want to clear this up because there are many pending matters and this may serve as a precedent in future deliberations, Mr. Vice-President.

THE VICE-PRESIDENT: The Chair had already ruled on the reservation because I think that reservation, although it mentions or refers to Section 4, was prompted by the Commissioner's resolution, a copy of which I have not seen yet and which the Chair ruled as not being in the agenda. We should not consider prematurely the merits and demerits of the Commissioner's proposed resolution. That was the ruling of the Chair.

MR. SUAREZ: We accept that ruling, Mr. Vice-President, but this is a different matter of inquiry: whether or not, even before the motion for a reconsideration is resolved, the honorable Commissioners would be entitled, as a matter of right, to address inquiries to the Chair. If that is allowable, that is fine; but we only want this to be a precedent to be invoked in future deliberations, Mr. Vice-President.

THE VICE-PRESIDENT: What precedent, Commissioner Suarez? I just noted the reservation because I think it has reference to your proposed resolution which is not yet in the agenda.

MR. DE CASTRO: Mr. Vice-President.

MR. RAMA: Mr. Vice-President, I ask that Commissioner de Castro be recognized.

THE VICE-PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: I asked a question for clarification of the proponent of Section 4 which we accepted yesterday. He told me that the interpretation of "consistent with national interest" includes defense and security of the State. And when his interpretation jibes with mine, I accepted it and did not make any move. My intention, Mr. Vice-President, is that if his interpretation is different from mine, I will move for a reconsideration without reservation. But now that his interpretation of national interest is in line with mine, I am not moving for a reconsideration anymore. That was my only intention; otherwise, I should have moved for a reconsideration right now without awaiting the reservation of the Honorable Monsod.

Thank you, Mr. Vice-President.

SUSPENSION OF SESSION

MR. RAMA: Mr. Vice-President, I move for a suspension of the session.

THE VICE-PRESIDENT: The session is suspended.

It was 11:24 a.m.

RESUMPTION OF SESSION

At 11:32 a.m., the session was resumed, with the Honorable Regalado E. Maambong presiding.

THE PRESIDING OFFICER (Mr. Maambong): The session is resumed.

The Floor Leader is recognized.

MR. RAMA: Mr. Presiding Officer, I ask that Commissioner Davide be recognized to amend Section 8.

THE PRESIDING OFFICER (Mr. Maambong): Commissioner Davide is recognized.

MR. DAVIDE: Thank you, Mr. Presiding Officer.

The amendment on Section 8 is very simple. On line 22, I seek for the substitution of the words "the pursuit" with "ALL PHASES" and the deletion of the word "objectives."

On lines 23 to 28, delete all the words therein, so that the whole section will only read: "The State shall intensify efforts to promote social justice in ALL PHASES of national development."

THE PRESIDING OFFICER (Mr. Maambong): What does the committee say?

MR. TINGSON: Mr. Presiding Officer, we should have said this a while ago, but Commissioner Davide presented an amendment to which we accede except for a little difference. We would like to say, based on Commissioner Davide's amendment: "The State shall intensify efforts to promote social justice in ALL PHASES of development." So that all other words found on lines 23 to 28 are deleted.

THE PRESIDING OFFICER (Mr. Maambong): Is it the understanding of the Chair that the reaction of the committee is that it agrees to the amendment of Commissioner Davide?

MR. TINGSON: Yes, precisely, Mr. Presiding Officer. May I repeat. Section 8 will now just read: "The State shall intensify efforts to promote social justice in ALL PHASES of development."

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Maambong): The Chair would like the committee to read the first section on the Article on Social Justice which contains practically the same words. For this purpose, the Chair will suspend the session.

It was 11:34 a.m.

RESUMPTION OF SESSION

At 11:39 a.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Maambong): The session is resumed.

The Floor Leader is recognized.

MR. RAMA: Mr. Presiding Officer, I ask that Commissioner Tingson be recognized.

THE PRESIDING OFFICER (Mr. Maambong): The chairman of the committee is recognized.

MR. TINGSON: Mr. Presiding Officer, I am, in turn, asking Commissioner Rosario Braid, one of the committee members, to please take care of this particular section.

MS. ROSARIO BRAID: Mr. Presiding Officer, our committee amendment in Section 8 reads: "The State shall intensify efforts to promote social justice in ALL PHASES of development."

MR. SARMIENTO: Mr. Presiding Officer, may I be recognized.

THE PRESIDING OFFICER (Mr. Maambong): Just a moment, Commissioner Sarmiento.

Is Commissioner Rosario Braid through with her reading of the new formulation?

MS. ROSARIO BRAID: Yes, this is the new formulation, Mr. Presiding Officer, which differs from the opening sentence of the Article on Social Justice.

THE PRESIDING OFFICER (Mr. Maambong): The Chair now recognizes Commissioner Sarmiento.

MR. SARMIENTO: May I address two questions to Commissioner Rosario Braid. Section 1 of the Article on Social Justice reads: "The State shall promote social justice in all phases of national development."

We have this new formulation in the Article on Declaration of Principles which reads: "The State shall intensify efforts to promote social justice in ALL PHASES of development." May we know the reason why the committee adopted the words "intensify efforts" instead of "promote"? That is my number one question.

The second question: Why did the committee delete the word "national" and simply use "development"?

THE PRESIDING OFFICER (Mr. Maambong): Could we have a response from the committee?

MS. ROSARIO BRAID: The phrase "intensify efforts" here recognizes that there are already efforts towards achieving social justice. The declaration would like to intensify these efforts.

We deleted "national" because "development" is an all-embracing concept which includes the concept of human development — the concept of that goes beyond national boundaries. It also extends beyond. It recognizes that social justice is not just a means as used in national development but an end. Also, it includes an attitudinal frame of mind which would extend man's concept beyond his family, social group and national boundary towards the whole international community.

This is the concept of social justice as defined in this provision.

MR. SARMIENTO: I thank the Commissioner.

THE PRESIDING OFFICER (Mr. Maambong): The chairman is recognized.

MR. TINGSON: We certainly would appreciate it very much, if the body could expedite matters somehow. Perhaps, I will agree with the committee that this one brief pungent sentence would be sufficient for Section 8.

THE PRESIDING OFFICER (Mr. Maambong): Will the committee explain to the body whether or not there is any substantial difference between this formulation and the first sentence of Section 1 of the Article on Social Justice.

MR. TINGSON: There is no substantial difference, Mr. Presiding Officer. We justify this, of course, by the fact that this is a declaration of principle which, as already explained before, could be given flesh and further elucidation in the other committees, for instance, in the Social Justice Committee.

THE PRESIDING OFFICER (Mr. Maambong): It is also the understanding of the Chair that the second sentence starting with the words "To this end" on line 23 up to "structures" on line 28 is supposed to be deleted.

MR. TINGSON: Yes, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Maambong): Mr. Floor Leader, are we ready to vote?

MR. RAMA: Mr. Presiding Officer, there is a suggestion by Commissioner Bernas that perhaps for purposes of a tidier framing of the Constitution, the same phrase contained in the Article on Social Justice may be deleted by the Committee on Style upon its recommendation since this is already included in the Article on the Declaration of Principles.

MR. TINGSON: Mr. Presiding Officer, the committee would not pose any objection to that. We will, of course, give the discretion to the Committee on Style.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Maambong): Commissioner Guingona is recognized.

MR. GUINGONA: Just for clarification. The matter of reviewing the draft Constitution for purposes of avoidance of repetitions is not a function of the Committee on Style.

Under Section 8 (17) of the Rules, it is the function of the Committee on Sponsorship. So I think reference should be made to the Committee on Sponsorship, not to the Committee on Style. Even the chairman of the Committee on Style agrees to his.

FR. BERNAS: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Maambong): Before we get entangled in all these, may the Chair suggest to Commissioner Bernas that we do not use the same words. Perhaps, he could formulate a new wording so that Commissioner Rodrigo, chairman of the Committee on Style, will not be put in a very difficult situation.

FR. BERNAS: Actually, Mr. Presiding Officer, my recommendation was not to delete the principle already approved in the Article on Social Justice, but rather to transfer it to the Article on the Declaration of Principles. In other words, the Article on Social Justice would be an implementation of the general principle. The general principle is found in what we have already approved. So we simply transfer that to the Article on the Declaration of Principles.

THE PRESIDING OFFICER (Mr. Maambong): To be more specific, is Commissioner Bernas suggesting that Section 1 of the Article on Social Justice will be transferred as Section 8 of the present formulation?

FR. BERNAS: That is the substance of what I am saying.

THE PRESIDING OFFICER (Mr. Maambong): So it is only Section 1, not Section 2.

FR. BERNAS: Yes, just Section 1.

THE PRESIDING OFFICER (Mr. Maambong): What does the committee say?

MR. NOLLEDO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Maambong): Commissioner Nolleto is recognized.

MR. NOLLEDO: Do we have a copy of the provisions of the Article on Social Justice?

MR. TINGSON: Yes, we have one.

THE PRESIDING OFFICER (Mr. Maambong): The Chair also has.

MR. NOLLEDO: I think the committee should make a comparison between our proposal and the pertinent provisions of the Article on Social Justice.

MR. TINGSON: Mr. Presiding Officer, we already did a while ago and really the formulation of the committee is not the same. The essence and meaning is still there but the formulation is stated differently as explained by Commissioner Rosario Braid a while ago.

THE PRESIDING OFFICER (Mr. Maambong): With the indulgence of the honorable Vice-President, may I recognize first Commissioner Nieva. She has been transferring from one microphone to another.

MS. NIEVA: I just want to clarify the status now. According to Commissioner Bernas, the statement "The State shall intensify efforts to promote social justice in ALL PHASES of national development" should be the omnibus provision in the Article on the Declaration of Principles. Hence, the first sentence in the Article on Social Justice, Section 1, "The State shall promote social justice in all phases of national development," will be deleted. Is it only the first sentence or the whole section?

MR. DE CASTRO: Mr. Presiding Officer.

FR. BERNAS: May I hear again what the Commissioner read.

MS. NIEVA: In the Article on the Declaration of Principles, the proposed provision says: "The State shall intensify efforts to promote social justice in ALL PHASES of development." In the Social Justice Article, Section 1 starts with this statement: "The State shall promote social justice in all phases of national development." Do I understand that this first sentence will now be deleted since this now appears here in the Article on the Declaration of Principles?

FR. BERNAS: I do not like to use the word "deleted." I think the Commissioner is rejecting it.

MS. NIEVA: So it would be transposed.

FR. BERNAS: It would just be transposed.

MS. NIEVA: But would that refer only to the first sentence?

FR. BERNAS: Yes, to the first sentence.

MS. NIEVA: So the rest will remain. The section now starts with "In the pursuit of social justice . . ."

FR. BERNAS: Yes. If we delete the first sentence, then the second sentence will read: "In the pursuit of social justice . . ."

MS. NIEVA: Now I understand. I thought we have deleted the whole section.

THE PRESIDING OFFICER (Mr. Maambong): May I just clarify this for the committee. The suggestion of Commissioner Bernas is that the first sentence of Section 1 of the Article on Social Justice which reads: "The State shall promote social justice in all phases of national development" will be transposed to Section 8 of the Article on the Declaration of Principles. The second sentence thereof and Section 2 will remain with the Social Justice Article with slight modification. Is that correct, Commissioner Bernas?

FR. BERNAS: Yes, exactly.

THE PRESIDING OFFICER (Mr. Maambong): What does the committee say?

MR. TINGSON: Inasmuch as the chairman of the Social Justice Committee obviously and willingly acceded to that suggestion, we would favor it, Mr. Presiding Officer. In fact, we like it that way. So the committee accepts the Bernas suggestion.

MR. PADILLA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Maambong): The honorable Vice-President is recognized.

MR. PADILLA: My observation is that the different articles or provisions in the Constitution need not necessarily be restated or be a part of the Article on the Declaration of Principles. In fact, I would like to have a distinction between principles and policies.

If we want to consider social justice as part of the Article on the Declaration of Principles, why do we not just adopt the provision in Section 5 of the 1935 Constitution which reads:

The promotion of social justice to ensure the well-being and economic security of all the people should be the concern of the State.

THE PRESIDING OFFICER (Mr. Maambong): What does the committee say?

MR. TINGSON: Mr. Presiding Officer, some Members would like Commissioner Padilla to read it once more.

MR. PADILLA: Section 5, Article II on the Declaration of Principles in the 1935 Constitution reads:

The promotion of social justice to ensure the well-being and economic security of all the people should be the concern of the State.

Perhaps with this we would be avoiding the repetition of the phrase "The State shall."

MR. TINGSON: The committee accepts that good suggestion. The wording is good and then, secondly, there would be a bridge somehow also between the 1935 Constitution to the work that we are now framing.

MS. NIEVA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Maambong): Commissioner Nieva is recognized.

MS. NIEVA: The 1935 Constitution just ensures the well-being and economic security. The 1973 Constitution goes a bit further. It ensures the dignity, the welfare and security of all the people. So that phrase "well-being and economic security" is the 1935 Constitution wording and I think the word "dignity" is very important which may

not be envisioned or embraced by the phrase "well-being and economic security."

MR. TINGSON: Mr. Presiding Officer, the committee suggests to Commissioner Nieva to amend Commissioner Padilla's amendment, if she so desires.

MS. NIEVA: Yes. If Commissioner Padilla would like to start with the phrase "The promotion of social justice," to avoid the repetition of the phrase "the State shall," it will be all right. The proposed amendment then will read: "THE PROMOTION OF SOCIAL JUSTICE TO ENSURE THE DIGNITY, WELFARE AND SECURITY OF ALL THE PEOPLE SHOULD BE THE CONCERN OF THE STATE."

FR. BERNAS: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Maambong): Commissioner Bernas, shall we finish this issue first?

Commissioner Padilla is recognized.

MR. PADILLA: The phrase, "to ensure the well-being and economic security of all the people" in the 1935 Constitution is even better than the phrase used in the 1973 Constitution which says: "The State shall promote social justice to ensure the dignity, welfare and security of all the people." The phrase "the well-being" is even more specific and clearer than the phrase "dignity and welfare."

After all, in Section 7, I believe that the dignity of man is already mentioned there.

THE PRESIDING OFFICER (Mr. Maambong): To abbreviate the proceedings, the Chair recommends that all the suggestions of Vice-President Padilla and Commissioner Nieva be submitted to the committee so that the committee can make a definitive statement on this. In the meantime, the Chair recognizes Commissioner Bernas on his original proposal.

FR. BERNAS: I would like to go back to my original proposal because I think that the Article on Social Justice which we approved earlier goes beyond the 1935 and the 1973 Constitutions. The 1935 Constitution's concern was mainly economic prosperity and the 1973 Constitution became a little bit more explicit about that. But when we come to the Article on Social Justice in our provision now, we go not just into socioeconomic matters also but into sociopolitical matters and we even touch on cultural inequities. So, this is a development beyond the 1935 Constitution. Hence, I do not see why we should allow ourselves to be nailed to the 1935 Constitution when we have liberated ourselves already from that rather limited concept of social justice. So I would like to go back to my original proposal, that we start with a very general statement on social justice: "The State shall promote social justice in all phases of national development." Then when we come to the Article on Social Justice, we try to explain what we mean by this phrase "all phases of national development" which includes socioeconomic, sociopolitical and cultural development. I just want to emphasize the fact that we have transcended the 1935 Constitution and that we do not allow ourselves to be nailed to that.

THE PRESIDING OFFICER (Mr. Maambong): Will the committee please take serious note of the reasons of Commissioner Bernas so that the committee can resolve this.

Commissioner Padilla is recognized.

MR. PADILLA: Mr. Presiding Officer, the various provisions under the Article on Social Justice, will still remain under this proposal. It does not mean the deletion of the entire Article on Social Justice. All those other provisions will remain. It is true that in the 1935 Constitution there is only one section for the Declaration of Principles. In the 1973 Constitution, there is also one section for the Declaration of Principles but expressed in two sentences. The second sentence in the 1973 Constitution is what Commissioner Bernas says is the expansion. But those are already provided for in the Article on Social Justice. So, I believe that adopting the one-section provision in the

Declaration of Principles in the 1935 Constitution and retaining the many articles and sections on the title of the Article on Social Justice would be very good provisions in our 1986 Constitution.

THE PRESIDING OFFICER (Mr. Maambong): Does Commissioner Bernas want to respond? Will Commissioner Davide wait for just a moment so that we can finish his interpellations.

Commissioner Bernas is recognized.

FR. BERNAS: Yes. The whole point I am trying to say is that the formulation in the 1935 Constitution is a very limited concept. It is limited to economic social justice. It says: "The well-being and economic security of all the people." If we look at the jurisprudence of the 1935 Constitution, we will see that the whole jurisprudence in this is along socioeconomic lines. It does not contain in seed what we have put into our new draft Constitution. It is an inadequate expression of what we are now trying to achieve.

MS. ROSARIO BRAID: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Maambong): Commissioner Rosario Braid, member of the committee, is recognized.

MS. ROSARIO BRAID: Yes, we would like to stay with our original proposal. Therefore, we will not delete the opening phrase in the Article on Social Justice anymore. We would like the Commission to vote on this, if necessary.

THE PRESIDING OFFICER (Mr. Maambong): Before the Chair recognizes Commissioner Davide, there are now two proposals on stream, subject to the committee's decision.

The Chair will now recognize Commissioner Davide.

MR. DAVIDE: Mr. Presiding Officer, I was about to raise a point of order. I understand that the committee had already accepted the Bernas proposal, which to me is really very logical. It is just a matter of transporting the first sentence of the Article on Social Justice to the Article on Declaration of Principles and, precisely, to the very section that we are discussing now.

We have approved that particular Section 1 of the Article on Social Justice. So, if we have to vote on the transportation of the first sentence to the Declaration of Principles, that would be consistent with the original stand of the Commission. We should not insert in it any provision of the 1935 Constitution nor of the 1973 Constitution, because it will destroy the very essence of the Article on Social Justice.

So, I will call for the previous question; that is, the acceptance of the Bernas proposal.

THE PRESIDING OFFICER (Mr. Maambong): The Chair takes the statement of Commissioner Davide as an additional argument for the proposal of Commissioner Bernas. The Chair will not rule on the point of order. The difficulty here as far as the Chair is concerned is that the committee believes that both proposals are good. That is the problem.

MS. ROSARIO BRAID: No.

THE PRESIDING OFFICER (Mr. Maambong): So, if the committee will want a two-minute recess so that they can decide for themselves what proposal is good out of the two, which are both good, then the Chair will entertain a suspension of the session.

MR. TINGSON: Mr. Presiding Officer, that is exactly what we want to say.

Thank you very much.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Maambong): The session is suspended.

It was 12:02 p.m.

RESUMPTION OF SESSION

At 12:07 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Maambong): The session is resumed.

The Floor Leader is recognized.

MR. RAMA: I ask that Commissioner Tingson, the chairman of the committee, be recognized.

THE PRESIDING OFFICER (Mr. Maambong): Commissioner Tingson is recognized.

MR. TINGSON: Mr. Presiding Officer, our committee was under the understanding that we were mandated, so to speak, to just move the first sentence in the committee report regarding the Article on Social Justice to the Article on Declaration of Principles. Therefore, Section 8 will now read: "THE STATE SHALL PROMOTE SOCIAL JUSTICE IN ALL PHASES OF NATIONAL DEVELOPMENT." That is word for word lifted from the Article on Social Justice to the Article on Declaration of Principles.

THE PRESIDING OFFICER (Mr. Maambong): Is there any objection to the adoption of the words: "THE STATE SHALL PROMOTE SOCIAL JUSTICE IN ALL PHASES OF NATIONAL DEVELOPMENT," to be Section 8 in the Declaration of Principles?

MR. PADILLA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Maambong): The honorable Vice-President, Commissioner Padilla, is recognized.

MR. PADILLA: That transposition from the Article on Social Justice to the Article on Declaration of Principles is the amendment of Commissioner Bernas. I have a proposed amendment to that amendment by adopting Section 5, Article II of the 1935 Constitution which reads: "THE PROMOTION OF SOCIAL JUSTICE TO ENSURE THE WELL-BEING AND ECONOMIC SECURITY OF ALL THE PEOPLE SHOULD BE THE CONCERN OF THE STATE."

FR. BERNAS: Mr. Presiding Officer.

MR. PADILLA: The first sentence in the Article on Social Justice does not have to be deleted nor transferred. It can remain in the Article on Social Justice. But for the Article on the Declaration of Principles, my proposed amendment to the amendment is the adoption of Section 5, Article II of the 1935 Constitution.

FR. BERNAS: Mr. Presiding Officer.

MS. ROSARIO BRAID: Mr. Presiding Officer.

MR. PADILLA: If that is not acceptable to Commissioner Bernas, then I would ask that my amendment to his amendment be voted upon.

MR. DE CASTRO: Parliamentary inquiry, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Maambong): Just a moment, Commissioner de Castro. There were two

proposals presented before the committee. The committee decided to adopt the proposal of Commissioner Bernas. The Chair would just like to specify that what we are going to vote on in Section 8 is not the transposition, but the wordings which read: "THE STATE SHALL PROMOTE SOCIAL JUSTICE IN ALL PHASES OF NATIONAL DEVELOPMENT."

The Chair will take care later on on how to deal with this precise Article on Social Justice. That would be for later. So the situation now is that there is an objection from Commissioner Padilla regarding the formulation of Section 8 by the committee which reads: "The State shall promote social justice in all phases of national development." Mr. Floor Leader, are we ready for a vote?

MR. DE CASTRO: Parliamentary inquiry, please.

THE PRESIDING OFFICER (Mr. Maambong): Let us take care of the parliamentary inquiry first of Commissioner de Castro.

MR. DE CASTRO: Thank you, Mr. Presiding Officer.

I am not used to parliamentary rules but I am only reading Sections 27 and 28 of our Rules. The Article on Social Justice has been approved on Second Reading. It is ready for Third Reading. Can it still be the subject of a debate and transposition in the light of the third sentence of Section 28 which reads: "No further debate nor amendment shall be made on the resolution on its Third Reading?" This article is now scheduled for Third Reading since it is already approved on Second Reading. My question is: Is it still allowed by the Rules that debate on an article or a section which has been approved on Second Reading be in order?

THE PRESIDING OFFICER (Mr. Maambong): The Chair perfectly understands the parliamentary inquiry of Commissioner de Castro. First of all, the Chair would like to say that it agrees with Commissioner Bernas that we are not talking here of deletion. It is only a transposition. The query of Commissioner de Castro is: Can transposition and debate be properly done? That is the reason why the Chair indicated earlier that we should first approve the provision in Section 8, then the Chair will later on deal with how to approach the problem on the deletion of that particular word because it will be, in effect, transposed. And since there is a query, the Chair would like to indicate that once we approve Section 8 of the Declaration of Principles, the Chair will entertain a motion from any one of the Members of the Commission to delete that particular portion in Section 1 of the Article on Social Justice and under the provisions of our Rules there will be an instruction to the Committee on Sponsorship to delete that particular provision. At any rate, it will not really be deleted because it will only be transposed. I hope that satisfies Commissioner de Castro.

MR. DE CASTRO: It satisfied me on one point but it does not satisfy me on the second point. The first point is transposition. It is all right. The second point is debate. We are actually debating now on the transposition or the nontransposition and the other sentences of Section 1 of the Article on Social Justice which are connected with the first sentence. Are we allowed by the Reading? The Rules states: "No further debate nor amendment shall be made on the resolution on its Third Reading." It is now on its Third Reading. Are we still allowed to debate on it? That is my inquiry. As I said I am not used to parliamentary rules.

THE PRESIDING OFFICER (Mr. Maambong): In answer to Commissioner de Castro, the Chair would like to repeat what it said. We are not deleting anything under the Article on Social Justice which we are not putting into the Declaration of Principles. So, the issue on whether we are going to debate on the substance of Section 1 is not well taken because we are not going to debate on the substance of Section 1. We are only going to transpose the first sentence thereof if that will be approved by the body. I hope that satisfies Commissioner de Castro so that we can proceed.

MR. DE CASTRO: Thank you.

In time, I will also object to certain words that will be made on the second sentence of Section 1 of the Article on Social Justice.

Thank you, Mr. Presiding Officer.

MR. NOLLEDO: Mr. Presiding Officer, this is in response from the committee on the Padilla amendment.

THE PRESIDING OFFICER (Mr. Maambong): Commissioner Nollado is recognized.

MR. NOLLEDO: Thank you.

If we adopt the Padilla amendment we will be adopting a provision that has a restrictive meaning, compared with the approved sentence of Section 1 of the Article on Social Justice. The provision in the Declaration of Principles should reflect what is contained in the Article on Social Justice.

As correctly pointed out by Commissioner Bernas, we talk of the promotion of social justice in all phases of development in Section 1 of the Article on Social Justice. Therefore, this is broader in scope compared with merely social well-being and economic security mentioned in the 1935 Constitution. So there will be no symmetry, Mr. Presiding Officer.

I know when we talk of social well-being, social aspects and economic security, we also talk of economic aspects. But we talk of social justice, as indicated by Commissioner Rosario Braid, in many respects, not only on the economic and social aspects. So I think that the Bernas amendment is truly in order.

Thank you.

FR. BERNAS: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Maambong): Commissioner Bernas is recognized.

FR. BERNAS: I do not accept the amendment to my amendment, and I ask for a vote.

MS. ROSARIO BRAID: Yes.

THE PRESIDING OFFICER (Mr. Maambong): Before we take a vote, does the honorable Vice-President have anything to add to what he already said?

MR. PADILLA: I was just going to say, Mr. Presiding Officer, that if my amendment to the amendment is adopted, this first sentence in Section 1 of the Article on Social Justice will still remain. I believe that as a principle, the well-being and economic security of all the people is the essence of the concept of promotion of social justice.

When we say "in all phases of national development" in the Article on Social Justice, and then there are many other provisions on labor, etc., then that is in accordance with and not in disregard of the well-being and economic security of the people.

MR. DAVIDE: Mr. Presiding Officer.

MR. PADILLA: So as Commissioner Bernas has not accepted my amendment to his amendment, then it is correct to say that we vote first on my proposed amendment, and; that is, without changing the provisions on the Article on Social Justice, we adopt as Section 8 in the Declaration of Principles, Section 5, Article II of the 1935 Constitution which reads: "The promotion of social justice to insure the well-being and economic security of all the people should be the concern of the State."

THE PRESIDING OFFICER (Mr. Maambong): The Chair will clarify the situation before the voting. In the meantime, Commissioner Davide is recognized.

MR. DAVIDE: Mr. Presiding Officer, with all due respect to the Vice-President, I would raise a point of order insofar as the Padilla amendment is concerned. The proposal would, in effect, reopen the Article on Social Justice which we had already voted on Third Reading. It is at this point that I would say that the position taken by Commissioner de Castro was correct: we have laid to rest the Article on Social Justice and, therefore, it cannot be reopened directly or indirectly even by way of a declaration of principles because there is indeed a whole of a difference between the concept of social justice which this Commission had adopted and the concept of social justice as embodied in the 1935 Constitution or even in the 1973 Constitution.

So, even if it is submitted as a reformulation to the original wording of the committee on Section 8, that would amount to a reopening of the Article on Social Justice. But we have the Bernas proposal which is merely to transpose or to transfer the first sentence of the first section on Social Justice to the Declaration of Principles, which is proper and logical at this time.

MR. PADILLA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Maambong): Before hearing from Commissioner Padilla, the Chair would like to dispose of the point of order raised.

The Chair would consider the statements of Commissioner Davide as statements in support of the proposal of Commissioner Bernas. The Chair will not rule on that particular point of order considering that that is only a point of information.

The honorable Vice-President, Commissioner Padilla, is recognized.

MR. PADILLA: The statements just made by Commissioner Davide are based on two-fold assumptions. First, that it is a reopening.

I am not changing any of the provisions on the Article on Social Justice. How can it be a reopening?

The second assumption is that Section 5 of the 1973 Constitution is not in accordance with or is violative of the Article on Social Justice, as approved. There is no opposition and there is no inconsistency. On the contrary, I believe that the phrase "well-being and economic security of all the people" is clearer and better than the very vague statement of the phrase "IN ALL PHASES OF NATIONAL DEVELOPMENT."

THE PRESIDING OFFICER (Mr. Maambong): The honorable Vice-President has indicated that several times already.

MR. PADILLA: So, I am willing to submit it to a vote.

THE PRESIDING OFFICER (Mr. Maambong): One of the committee members, Commissioner Rosario Braid, is recognized.

MS. ROSARIO BRAID: With due regard to Vice-President Padilla's representation, we disagree with his stand that the provisions of the 1935 Constitution support the social justice provisions of our present article.

First, the 1935 Constitution is not only economic; but it does not also imply the full participation, the full partnership of beneficiaries of development, the people with those who plan development. In other words, what we want to connote here is the concept of partnership and participation, and the dignity of every member of all sectors, and this is not contained in the 1935 Constitution very clearly.

The term "well-being" could support the old model of development of people being the passive receivers of development under a system of patronage. This is really what it connotes; it does not involve the concept of participation.

We can have the state of well-being of economy without being involved in the process of development. That is why we do not support the inclusion of the provision of the 1935 Constitution.

MR. PADILLA: The 1935 Constitution says "all the people." So it is the participation of all; it is not mere grants or mere concessions. It is all the people, and the well-being of all.

The Article on Social Justice enumerates or specifies, but it does not mean that the well-being and economic security of all the people is contrary to the concept and the specifics in the Article on Social Justice.

What this Commission or the committee did is to expand or specify different subheadings. In other words, instead of having one section under the 1935 Constitution, we now have 16 sections. My proposal does not change nor reconsider nor go against any of these specifics on sixteen articles. So, the Article on Social Justice as approved on Second Reading remains intact. What I am saying is that there is no inconsistency, much less conflict between the concept of social justice in the 1935 Constitution and the same concept as specified with details in the Article on Social Justice.

REV. RIGOS: Mr. Presiding Officer.

MR. TINGSON: Let us vote, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Maambong): Commissioner Rigos is recognized.

REV. RIGOS: I would like to support the motion of Commissioner Padilla. It really does not in any way reopen our Article on Social Justice already approved on Second Reading.

The 1935 formulation is not an obsolete formulation, as far as declaration of principles on Social Justice is concerned. So, I agree that we vote on that and settle the matter once and for all.

VOTING

THE PRESIDING OFFICER (Mr. Maambong): The Chair would like to ask the committee to take note of the statement of Commissioner Rigos in support of the position of Commissioner Padilla.

The Chair will now act on the motion of the Floor Leader for a vote. But before we do that, let us clarify the situation.

The original committee formulation in Section 8 is no longer with us. That is out of the picture. What we have now is the formulation of the committee which reads in one sentence: "THE STATE SHALL PROMOTE SOCIAL JUSTICE IN ALL PHASES OF NATIONAL DEVELOPMENT."

There is a motion by the honorable Vice-President to substitute this with the provision on social justice in the 1935 Constitution. Therefore, we have to vote first on the motion of the honorable Vice-President for a substitution of the formulation of the committee.

In other words, if we are in favor of the amendment by substitution of the honorable Vice-President, Commissioner Padilla, we will vote "yes."

So, the Chair will now put it to a vote.

As many as are in favor of the amendment by substitution of the honorable Vice-President, please raise their hand.

(Few Members raised their hand.)

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

The results show 14 votes in favor of the amendment by substitution of Commissioner Padilla and 17 against; the amendment is lost.

Are we now ready to put to a vote the single sentence formulation on Section 8, which reads: "THE STATE SHALL PROMOTE SOCIAL JUSTICE IN ALL PHASES OF NATIONAL DEVELOPMENT"?

MR. RAMA: Yes, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Maambong): Is there any objection to this formulation of the committee on Section 8? (Silence) There being no objection, this particular Section 8 is approved.

The Floor Leader is recognized.

ADJOURNMENT OF SESSION

MR. RAMA: Mr. Presiding Officer, I move that we adjourn the session until Monday at nine-thirty in the morning.

THE PRESIDING OFFICER (Mr. Maambong): There is a motion to adjourn.

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

The session is adjourned on Monday at nine-thirty in the morning.

It was 12:29 p.m.

[*] Appeared after the roll call.

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