

R.C.C. NO. 70

VOL. IV, August 30, 1986

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Saturday, August 30, 1986

OPENING OF SESSION

At 9:33 a.m., the President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

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

Everybody rose to sing the National Anthem.

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Minda Luz M. Quesada.

Everybody remained standing for the Prayer.

PRAYER

MS. QUESADA: Dear Heavenly Father, we come before You with contrite hearts.

Be with us today and the days ahead as we resolve to finish the challenging task of drafting our new Constitution that is acceptable to the majority of the Filipino people, and that truly reflects their interests and welfare.

We pray for our esteemed colleagues who are in the hospital — Commissioners Rosales and Treñas — and all others who are now experiencing some illnesses, possibly borne out of the stress and strain of our work.

Lay Your healing hands on them and strengthen us all in mind and body that we may remain whole when our task is done.

We beseech You, our gracious Lord and Redeemer, to also heal the wounds and the pain resulting from conflicts; help us to be tolerant of our differences, and

Help us to show our love for You and that Your love is in us not only in words but in our deeds and the lives we lead.

May Your light so shine before us that people may see Your glory in us all.

These we ask through Jesus Christ, our Saviour.

Amen.

ROLL CALL

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

THE SECRETARY-GENERAL, reading:

Abubakar Present [*] Natividad Present [*]

Alonto Present Nieva Present

Aquino Present [*] Nollado Present

Azcuna Present Ople Absent

Bacani Present Padilla Present [*]

Bengzon Present [*] Quesada Present

Bennagen Present Rama Present

Bernas Present Regalado Present

Rosario Braid Present Reyes de los Present[*]

Brocka Absent Rigos Present

Calderon Present Rodrigo Present[*]

Castro de Present Romulo Present

Colayco Present Rosales Absent

Concepcion Present [*] Sarmiento Present[*]

Davide Present Suarez Present[*]

Foz Present Sumulong Present[*]

Garcia Present [*] Tadeo Present

Gascon Present Tan Present

Guingona Present Tingson Present

Jamir Present Treñas Absent

Laurel Present [*] Uka Present

Lerum Present [*] Villacorta Present

Maambong Present [*] Villegas Present

Monsod Present

The President is present.

The roll call shows 27 Members responded to the call.

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

MR. CALDERON: Madam President.

THE 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 PRESIDENT: Is there any objection that we dispense with the reading of the Journal of yesterday's session? (Silence) The Chair hears none; the motion is approved.

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

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: May I respectfully request some minor corrections before the approval of the Journal.

THE PRESIDENT: The Commissioner will please proceed.

MR. GUINGONA: On page 9, fifth line of the second paragraph, which states: "He stressed that notwithstanding the view," add S to "view." On page 17, first line of the third paragraph, which states: "Quality education, he maintained, would involve curriculum . . . ," insert AMONG OTHERS between "involve" and "curriculum." On page 19, third line of the second paragraph, which states case of "Lacer vs. Board of Education," change "Lacer" to LASSER; on the seventh line, change "Padre Bulan" to PADRIGUILAN; and on the ninth line, which states: "student was due to his deficiency," change "his" to HER.

On page 21, ninth line of the third paragraph, which states: "is that directed principally to students," change "principally" to ONLY, and finally on page 23, second line of the last paragraph, change "Chou Shuyui" to CHIA SIOUW YUE.

That is all, Madam President. Thank you.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; let the proper corrections be made.

MR. UKA: Madam President, I, too, would like to make just a one-letter correction on page 14 of the Journal, which is to add S to "messenger" to read: "Many great men of the world, he noted, were called teachers among them Moses, Buddha — the great MESSENGERS of God."

APPROVAL OF JOURNAL

THE PRESIDENT: We reserve the right of other Commissioners to submit their corrections to this particular Journal.

There being no further corrections at this moment, the Journal, as corrected, is approved.

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

THE PRESIDENT: Is there any objection that we proceed to the Reference of Business? (Silence) The Chair hears none; the motion is approved.

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

The Secretary-General read the following Communications, the President making the corresponding references:

COMMUNICATIONS

Communication signed by 272 members of the Catholic Women's League of Our Lady of the Miraculous Medal Parish, Project 4, Quezon City, seeking inclusion in the Constitution of a provision protecting the right to life of the unborn from the moment of conception.

(Communication No. 664 — Constitutional Commission of 1986)

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

Communication from the Alliance of Concerned Teachers, 2866-C Zamora Street, Pasay City, signed by its Chairman, Mr. Raul E. Segovia, suggesting inclusion in the Constitution of a provision that "No Filipino should be barred from studying in any school for reason of religion, sex, political belief, or income.

(Communication No. 665 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Communication from the Catholic Women's League of the Diocese of Antipolo Rizal, signed by its President, Judge Salome A. Montoya, informing that the Diocesan Board passed unanimously a resolution calling for full and unqualified protection for the unborn child from the very moment of conception in the mother's womb.

(Communication No. 666 — Constitutional Commission of 1986)

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

Letter from Mayor Henry D. Relleta of the Municipality of Jose Panganiban, Camarines Norte, transmitting Resolution No. 35-86, adopted by the Sangguniang Bayan of Jose Panganiban, appealing to the Constitutional Commission that the problem of American bases in the country be left to the incoming legislature to decide.

(Communication No. 667 — Constitutional Commission of 1986)

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

Telegram from the Atlantic Network Conference with participants from the Pacific, Indian Ocean, and Mediterranean, seeking inclusion in the new Constitution of a provision for a bases-free and nuclear-free Philippines for the sake of peace.

(Communication No. 668 — Constitutional Commission of 1986)

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

Communication from the American Division Post 45, Philippine Department of American Legion, Cebu City, signed by its Post Commander, Eleno Andales, urging the retention of the American military bases in the Philippines even beyond 1991.

(Communication No. 669 — Constitutional Commission of 1986)

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

Communication from the Citizens Alliance for the Constitutional Protection of the Unborn, signed by Ms. Neco de Torres, schoolteacher, and two hundred forty-two employees and students of Canossa College, San Pablo City, Laguna, seeking to include in the new Constitution a provision obliging the State to protect the life of the unborn from the moment of conception.

(Communication No. 670 — Constitutional Commission of 1986)

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

Letter from Mr. Laurence G. Woolcox, a Canadian who migrated to the Philippines, requesting that resident immigrants be accorded equal rights based on the principle of reciprocity, particularly in the development of the economy.

(Communication No. 671 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Letter from Mr. Rudolfo P. Parreno of the Parañaque Bible Christian Church, Merville Park Community Center, Merville Park Subdivision, Parañaque, Metro Manila, urging the Constitutional Commission to incorporate in the Constitution a provision that the separation of Church and State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines.

(Communication No. 672 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Telemessage from Mr. Lupo T. Carlota, Jr., Chairman, First National Convention of Filipino-Americans in the United States, 5300 Cottonwood, Memphis, Tennessee, U.S.A., urging the Constitutional Commission to include in the new Constitution a provision allowing natural-born Filipinos who have acquired citizenship in other countries to retain their Philippine citizenship.

(Communication No. 673 — Constitutional Commission of 1986)

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

Letter from Mr. Romeo C. Balandra of the Commission on Population, Region X, Cagayan de Oro City, transmitting a resolution of the Association of Law Students, Xavier University, Cagayan de Oro City, proposing amendments to Section 4, Article II and Section 10, Article XV of the 1973 Constitution for inclusion in the new Constitution.

(Communication No. 674 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Letter from Honorable Lino Brocka, Member, Constitutional Commission of 1986, dated August 28, 1986, informing that he has written to Her Excellency, President Corazon C. Aquino, about his irrevocable resignation from the Constitutional Commission of 1986 and requesting that the members of his staff be given their salaries until the end of the month.

(Communication No. 675 — Constitutional Commission of 1986)

To the Archives.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: The Chairman of the Committee on Constitutional Commissions and Agencies seeks first to make some statements before we vote on Second Reading on the Article on the Commission on Human Rights. May I ask that Commissioner Foz be recognized.

MR. FOZ: Madam President, copies of Proposed Resolution No. 539 were distributed yesterday. Before we vote

on Second Reading on the Article, we would like to present some corrections for consideration by the Committee on Style.

- 1) On page 1, line 9, substitute the phrase "all of whom shall" with the words "WHO MUST."
- 2) On page 2, line 1, delete the comma (,) after "guidelines" and add the word "AND," so that it will read: "Adopt its operational guidelines AND rules of procedure . . ."
- 3) On the same page 2, line 7, delete the phrase "citizens of the Philippines" and in lieu thereof insert "FILIPINOS."
- 4) On page 3, line 2, amend it to read: "Congress may provide for other cases of VIOLATIONS OF HUMAN RIGHTS."
- 5) On the same page 3, line 3, insert a comma (,) between "Commission" and "taking."

Thank you, Madam President.

MR. RAMA: Madam President, I move that we vote on Second Reading on the Article on the Commission on Human Rights, as corrected by the Chairman.

THE PRESIDENT: Let us request first for a vote on the corrections submitted by the honorable chairman.

Is there any objection? (Silence) The Chair hears none; let the proper corrections be made.

The Floor Leader may please proceed.

MR. RAMA: Madam President, I reiterate my motion to vote on Second Reading on the Article on the Commission on Human Rights.

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

May we ask the Secretary-General to read the title of Proposed Resolution No. 539.

THE SECRETARY-GENERAL: Proposed Resolution No. 539 entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION THE PROVISIONS ON THE COMMISSION ON HUMAN RIGHTS.

APPROVAL OF PROPOSED RESOLUTION NO. 539

ON SECOND READING

(Article on the Constitutional Commissions — Commission on Human Rights)

THE PRESIDENT: As many as are in favor of this proposed resolution to incorporate in the new Constitution the provisions on the Commission on Human Rights, 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. (A Member raised his hand.)

The results show 31 votes in favor, none against and 1 abstention.

Proposed Resolution No. 539, as amended, is approved on Second Reading.

The Chair inquires where this particular Article will be placed.

MR. FOZ: We have not decided yet but we would rather that this matter be resolved by the Committee on

Sponsorship. I think it is within its competence to decide where just exactly to place this provision.

CONSIDERATION OF C.R. NO. 29

(Article on Education, Science, Technology, Arts and Culture)

Continuation

PERIOD OF SPONSORSHIP AND DEBATE

MR. RAMA: Madam President, I move that we continue the consideration of Committee Report No. 29. We are still in the period of sponsorship and debate.

THE PRESIDENT: May we ask the honorable chairman and members of the Committee on Human Resources to please occupy the front table. I understand we agreed yesterday that the possible interpellation will be limited by subject.

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

THE PRESIDENT: Commissioner Romulo is recognized.

MR. ROMULO: Madam President, I beg the indulgence of the committee, if my questions have been answered yesterday afternoon because I was not present during the latter part of the interpellations, I have only a few questions to ask.

On Section 1, which indicates the purpose for which education will be given priority, it does not mention what I suppose is a primary function of education which is to gain knowledge. Is this purposely left out by the committee? What is its intention? I was just wondering how the committee was handling that.

MR. VILLACORTA: Is the Commissioner referring to the omnibus Section 1?

MR. ROMULO: Yes, the omnibus Section 1.

MR. VILLACORTA: We felt that it was already assumed that one of the objectives of education is the provision of knowledge. So we felt that enumerating it was not necessary. However, if the Commissioner has any proposal to that effect, we would be open to his suggestion.

MR. ROMULO: Thank you.

The other point for clarification is with regard to page 3, subparagraph (f) concerning the requirement for multisectoral bodies. Does the Commissioner feel that this is something that the committee should compel each educational institution to create and organize or should this not be left to the constituencies of each educational institution?

MR. VILLACORTA: We feel that this should be a requirement because this will ensure broader-based set of decisions and policies for each school. I think this is also addressed to the idea that the State and the parents have as much at stake as schools in the education of their children. Moreover, this would defuse potential conflicts before they arise.

MR. ROMULO: With regard to Section 3 on fiscal autonomy, what exactly is the meaning of the provision when it comes to private institutions of learning? How can we guarantee fiscal autonomy?

MR. VILLACORTA: I think the details of this would be left to Congress, but the general principle behind this is that institutions of higher learning; namely, colleges and universities, would have much more effectiveness if they are left to themselves in determining their fiscal policies.

MR. ROMULO: With regard to private institutions of higher learning, does fiscal autonomy mean their ability to

regulate their tuition and the other fees that they may charge?

MR. VILLACORTA: Yes, Madam President.

MR. ROMULO: Is this part of fiscal autonomy?

MR. VILLACORTA: This is part of fiscal autonomy, Madam President. May I just add something to that. Just to allay the worries of parents and students, the other provision which requires multisectoral bodies to sit in would be the balancing factor, the check against onerous tuition fees imposed on the students.

MR. ROMULO: So, in a way, this includes the concept of deregulation with regard to tuition and other fees.

MR. VILLACORTA: That is right, Madam President.

MR. ROMULO: Is the second paragraph of Section 4 still necessary in the light of the provisions in the Social Justice Article, Bill of Rights and the current labor laws?

MR. VILLACORTA: We felt that it was necessary because, first, teachers, researchers and academic employees — academic in the sense that they work in schools — belong to a different category. They do a different kind of work which is not exactly identical to that which is done by the regular laborers. That is why we felt that this should be emphasized — that the academic and nonacademic personnel have the right to form associations and to undertake concerted activities.

MR. ROMULO: I have one other question under education which I missed. I wanted to be sure I understood what was meant by compulsory education through the elementary level. Are we saying that the student is compelled to attend classes up to the elementary level? Is that the meaning or is the compulsion addressed to the State?

MR. VILLACORTA: This is addressed to both the State and the parents of the children. As explained by Commissioner Guingona yesterday, there is jurisprudence that backs up this provision which is found in other Constitutions as well. The main purpose of this is to insure literacy among the younger segments of our population.

MR. ROMULO: This, of course, assumes that the necessary school buildings and teachers are there.

MR. VILLACORTA: That is right.

MR. ROMULO: And does the committee contemplate that this will follow some of the practices abroad on truancy and the policing of students who do not go to school?

MR. VILLACORTA: I understand that the model for enforcing this, as it is implemented abroad, will be followed but, of course, within the constraints of a presently developing country such as ours. We may be reminded of the fact that although there is compulsory education through the elementary level under the present Constitution, the enforcement of this is very much limited because of the unavailability of school buildings in many parts of the country and the lack of enforcement agencies to implement this.

MR. ROMULO: Are we leaving the implementation of this provision to Congress or to the Ministry of Education?

MR. VILLACORTA: We leave the implementation to the Ministry of Education.

MR. ROMULO: Thank you, Madam President.

MR. VILLACORTA: Thank you.

MR. RAMA: Madam President, just a few questions of the committee. Page 3, Section 2 (c) reads:

Private educational institutions shall be owned and administered solely by citizens of the Philippines, or corporations or associations wholly owned by such citizens.

The Commissioner is aware that there are some missionary schools in places which no other organization would dare go because they are hazardous. I think there are such schools up to now in the Cordillera. Does the Commissioner think that we would not encourage the establishment of these missionary schools in such places to give our youth education under this provision?

MR. VILLACORTA: Madam President, we acknowledge the very important contribution of the missionary schools, and this provision is not aimed to close down these schools. However, this is just a matter of hurdling certain legal technicalities which they can easily address to. This was discussed thoroughly in a hearing we had with the Fund for Assistance to Private Education in which heads of private schools were present. Dr. Marcos Herras, who was the Dean of Student Affairs, Adamson University and a legal specialist on this matter, pointed out that there will be no problem because it is just a matter of transferring ownership rights to the local counterparts of these missionaries, whether Protestant, Catholic or from other denominations. In the case of Catholic nuns, like the case of a group of Italian nuns who do not have local counterparts because they do not have a resident religious order here, then they can link up with the archdiocese of the province where the school is located.

MR. RAMA: The Commissioner is aware that with the interpretation of this provision, there are some implications which would be against the setting up of these institutions by missionary boards, religious orders and charitable organizations. The 1973 Constitution precisely contains this exception which says:

Educational institutions other than those established by religious orders, mission boards, and charitable organizations, shall be owned solely by citizens of the Philippines.

In the face of this situation where this particular exception had been removed from the new Constitution, then there would be some difficulty for schools established by religious orders and charitable organizations to continue their task in the places they are now.

MR. VILLACORTA: As I said, Madam President, we do not mean to limit their ability to go ahead with their evangelical and educational tasks. It is just a matter of encouraging them to link up with their local counterparts; after all, there are Filipino missionaries, priests and nuns. And if they are not around, then they could link up with the archdiocese in the area.

MR. RAMA: So, if we are agreed that these schools have some good contributions to the country, then I think we should restore the saving clause of the 1973 Constitution in the draft Constitution to avoid the misconception that we are discouraging them.

MR. VILLACORTA: The idea, Madam President, is really to ensure that even if they are religious schools and organizations they do not lose sight of their Filipino character. I think the Commissioner is aware of the cases of some religious schools where there were conflicts between the Filipino and the foreign administrators that run those schools and this is precisely what we want to avoid. It is borne out by the experience of many schools, Ateneo and La Salle included, that when Filipinos took over there seems to have been an improvement in the social orientation and nationalistic content of the schools. I do not know whether Father Bernas, President of the Ateneo de Manila University, will bear me out. So that is precisely the purpose of this provisions Madam President.

MR. RAMA: Yes, but there are certain facts of life that we know that exist. First, many of these religious schools are very good schools. They are quality schools, like La Salle, Ateneo and University of San Carlos. With this

provision, we discourage these quality schools. A big problem now is not these religious schools that may be partly owned by the religious orders, but the schools which are "diploma mills." We should not close down, quality schools. What we should close down are schools which are "diploma mills." This should have been the thrust of this proviso.

MR. VILLACORTA: Madam President, with this provision the so-called quality religious schools will not be closed down, because most of them had been Filipinized.

MR. RAMA: But the effect of this provision would be to close down some of these quality schools or to change the ownership of these quality schools, which could also change the quality and standards of the schools.

MR. VILLACORTA: No, Madam President, we discussed this lengthily yesterday. Commissioner Tingson brought up the example of the Faith Academy which is a very fine school run by foreign Protestant missionaries and we said that since that school is primarily for temporary residence, for the children of foreign missionaries, it will be covered by the last sentence which says:

The provisions of this paragraph shall not apply to schools established for foreign diplomatic personnel and their dependents and for other temporary residents, unless provided by law.

MR. RAMA: But there are other consequences that would follow from this provision. Let us take the case of University of San Carlos which is a very good educational institution. Because of the presence of some of the German priests who are really very good teachers and scientists, the institution is able to get a lot of equipment, apparatuses and donations from Germany. If we change the complexion of that school, it is possible that the university's patrons would not be as helpful as before to the school.

MR. VILLACORTA: Commissioner Gascon would like to say something, but before that I would like to point out that the religious schools that have been Filipinized are at present not suffering from donations from church foundations, as well as other foundations. I would like to cite the example of Indonesia where there are lots of Protestant and Catholic schools at all levels that are given priority, as a matter of fact, by German and other European foundations, as well as U.S. and Japanese foundations, precisely because they are private and sectarian universities. But more important is that they provide quality education. It has nothing to do with the ownership of the schools, and I think that should allay the Commissioner's worry, Madam President. If I may be immodest, I would like to say that I know this from firsthand experience because I was the Secretary-General of an association of Protestant and Catholic universities throughout Asia for five years and I know that these schools which are owned by their respective nationals are not suffering from want of donations.

Madam President, Commissioner Gascon would like to say something.

MR. GASCON: Basically, Commissioner Villacorta has already stated the intent of the provision, which is to encourage new foreign-assisted schools that are doing the trailblazing to link up with Filipino counterparts. It is not the intent of the provision to discourage them.

Secondly, Filipinization does not mean that we will disallow foreigners from teaching in the schools or from providing expertise. And this would relate to what Commissioner Villacorta has already said that assuming we Filipinize or encourage the Filipinization of schools run by certain religious orders to provide control and administration to Filipinos, it does not necessarily mean that there will be lack of contributions and donations from abroad. I graduated from a Catholic high school run by Filipinos and it is not lacking in donations from its foreign counterparts abroad. So it does not follow that they will be lacking in donations. What we would like to assure is that in the running of a school, the values being encouraged are Filipino values.

MR. RAMA: Let us get down to specific situations, to brass tacks.

I have a foundation in Germany. I would like to donate certain money or apparatuses to another school in the Philippines. I feel more comfortable, if people who are also members of my own religious order would be there owning part of the school or administering it.

MR. GASCON: That would actually be the case. For example, in a particular religious order, there are many nationalities. Hence, it does not follow that there has to be a foreigner running that particular religious order.

I would like to cite an example very clearly. I come from Don Bosco. The Salesians running the Don Bosco schools are now Filipinos and they have been getting a lot of donations from Germany and Italy, even up to this point in time. It is true that there are foreigners teaching and administering there; but the schools are already run by Filipinos.

MR. RAMA: However, there are some exceptions, and I am thinking of the University of San Carlos. Millions of dollars worth of equipment have been sent to the University of San Carlos by the Foundation of Divine Word in Germany. The Foundation concluded that since their people are also administering the said university, then those equipment would be used properly.

But the point is that when we eliminated this provision in the 1973 Constitution, we gave wrong signals and instead of encouraging quality schools aided and assisted by the people from abroad, we would be discouraging all of them. We discouraged the setting up of schools in far-flung areas for the poor people who are unreachable. Since we do not have enough funds, then we will be discouraging these missionaries to establish schools in our country.

That is my point.

MS. ROSARIO BRAID: May I just respond, Madam President. What we mean here is that the governance, meaning the board of trustees and the ownership should be Filipino, but that it does not preclude that a senior member of the administration, such as the Vice-President for research and planning or for development, who is in charge of fund raising, could be the link with foundations abroad. Until recently, the Vice-President in La Salle was not a Filipino, but this situation works out and we can have several models of this type where they still could be a link in a top position.

MR. RAMA: But this Section 2 (c) does not support that interpretation because it states clearly: "Private educational institutions shall be owned and administered solely by citizens of the Philippines."

So, I hope the body shall consider and give more thought to this.

I have another question on Section 4, page 4, which reads:

Teachers, researchers and nonteaching academic personnel shall enjoy the special care and protection of the State.

Academic and nonacademic personnel shall have the right to form associations or organizations.

What does this phrase "nonacademic personnel" mean? Does it mean the employees of the school, like the clerks, registrars, janitors, gardeners?

MR. VILLACORTA: That is right.

MR. RAMA: They are entitled, of course, to the right to form association; but this is a little bit disturbing because almost the same phrase is used in Section 2 (f) which reads:

All educational institutions at all levels shall be required to form multisectoral bodies composed of students,

faculty, parents, nonteaching staff, administrators and other representatives to participate in the formulation of school policies and programs, the details of which will be provided by law.

Here, almost the same personnel, the nonteaching staff, are commissioned to participate in the formulation of school policies and programs. My question is: Does the Commissioner think that we are going overboard by allowing clerks, gardeners, janitors to formulate school policies and programs? This is on page 3, line 21 of Section 2 (f). Is it necessary for these nonteaching staff, like clerks, messengers, gardeners, janitors to participate in the formulation of school policies and programs?

MR. VILLACORTA: The impression given is that gardeners and janitors will certainly be the ones representing the nonteaching staff in these multisectoral bodies. Usually, they would choose the most equipped among them, probably the one with the highest level of education, like the secretary or the clerk, an administrative assistant, or an accountant who will represent them. But let us just suppose that in a school, a gardener is the representative of the nonteaching staff in the multisectoral body. What is wrong with that? I think the gardener has much interest in the affairs of the school as an accountant or a professor would have; after all, that one person representing that nonteaching staff is only one of the fine or more representatives in the multisectoral body.

MR. RAMA: But does not the Commissioner think that when we speak of school policies and programs that would require some technical knowledge we could limit this to people with some expertise and technical knowledge about the school curricular programs? This should be limited to people with some knowledge; otherwise, there will be a lot of aberrations here if we allow everybody to participate in such a very technical procedure.

MR. VILLACORTA: I appreciate the Commissioner's apprehension because I think he is thinking of academic policies. But, as it says here, "the details of which will be provided by law." Congress may delineate those areas in which the multisectoral bodies would have participation. I would like to mention that this experiment works very well in at least two institutions of higher learning that I know: De La Salle University and Maryknoll College. I am not too sure about St. Scholastica's College and Ateneo; maybe Father Bernas can enlighten us on that. But we have a Latin term *quinque* which means five. This multisectoral body should be composed of five representatives in which parents, teachers, administrators, nonteaching staff and students are represented, and the system is doing fine. The representative from the nonteaching staff is a computer operator.

The importance of involving the nonteaching staff in the formulation of school policies is that they are the ones who provide the brawn, and sometimes the brains in the implementation of policies, programs, and without them there will be no operation, no maintenance of the physical facilities of the school. Moreover, this affords greater harmony within the academic community because the incidence of labor frustrations, unrest and labor dissatisfaction is minimized and staved off because they have a say in the formulation of policies.

MR. RAMA: Thank you.

I hope the committee would not mind doing some rethinking on the provisions I have taken up.

Madam President, may I ask that Commissioner Rodrigo be recognized.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: Madam President, I just want to ask a question on one point; this will not take long.

This has reference to Section 1 (b) which states:

The State shall establish and maintain a system of free public education at the elementary and the secondary levels.

In the 1935 Constitution, the guarantee for free public education is only up to the primary level. In the 1973 Constitution, this was increased to elementary and, "where finances permit," up to the secondary level. In this provision, we make it unconditional while the 1973 Constitution says: "The State will give free secondary education where finances permit." We eliminated that condition there; it is categorical here.

I do not know, but my impression is that our finances at present are much worse than the finances in 1935 and 1973. We are in a serious financial crisis. I wish we could really comply with this commitment — unconditional free public elementary and secondary education. But I repeat: I would not want to raise false hopes among our people. I would not want any provision in our Constitution which cannot be implemented because of lack of funds. Has the committee made a study on whether or not the financial condition of our government at this very crucial moment in our history can sustain free public elementary and secondary education?

MR. VILLACORTA: Thank you. We appreciate the Commissioner's concern.

First of all, the idea is to highlight the importance of education in national development so that the government will give the priority that education deserves in the preparation of the national budget and in setting its priorities.

As we know, education has been neglected by most of the previous governments and it has been a continuing cry of public schoolteachers that their salaries are very much neglected and the conditions, not only of the teachers but of public school students, are not given the attention that they deserve. Secondly, in response to the Commissioner's question whether or not we have made a study, we requested Dr. Adrian Arcelo, a noted economist, who specializes in the economics of education, to undertake the study for us. It was a cost analysis that he made. I am not too sure whether it is included in the handout that we circulated. If it is not, then we will include it. Dr. Arcelo started his study with two assumptions. First, he assumed a one-hundred-percent participation rate — that is, all children within the elementary and secondary school age bracket will be in school. The second assumption of the study is that the ratio of public to private is unchanged at 94 percent for public elementary and 57.4 percent for secondary and the balance is in the private education sector. Also, he said that to provide free public elementary and secondary education, the present budget will have to increase by P10 billion which is a ten-percent increase of the present budget allocated for education. Commissioner Guingona would like to elaborate.

MR. GUINGONA: May I restate briefly what I said yesterday. This is more an expression of an objective and it is, in effect, a mandate to the State, as our distinguished chairman has said, to give top priority to education. This means that in the allocation of the budget, they should give more percentage to education vis-a-vis the other services or operation.

MR. RODRIGO: Is it a mere statement of objective or is this a commitment? The way I read it, it is a commitment of the State.

MR. GUINGONA: It is more a statement of objective, but it is a mandate to the State to give top priority and to seek sources of revenue in order to be able to comply with the mandate. In effect, what we are trying to say is that this type of secondary education should be provided by the State at the earliest possible time and not at the earliest convenience of the government. In other words, it is not the government that will decide; it is the Constitution that decides that education has top priority and that it is the obligation of the State, in compliance with the duty to provide secondary education, to look for ways and means to bring this about. Of course, it cannot be done overnight but we predict that it can be realized by gradually increasing the percentage of the share of education in the appropriations, coupled with economic recovery plus other measures such as the private contracting scheme that we have discussed. We cannot have full compliance if that is what the Commissioner is thinking about.

MR. RODRIGO: Yes, then why make them hope?

I think the reason why the 1973 Constitution added the phrase "where finances permit" is because they did not want to raise false hopes in the minds of the people. They did not want the government to make a commitment which it could not comply with. Hence, they were frank about the phrase "where finances permit." But now we want to make the commitment categorical.

When I was in the Senate, from 1955 to 1967, the biggest allocation had always been for education. But in spite of that, only free primary education could be afforded by the government. Now we are in dire financial crisis and still we make this categorical commitment. People will now say: "Ha, there will now be free high school education!" In all probability, more graduates of the elementary schools will go to high school because it is free. There will be many students in the private schools who will transfer to public schools because of free tuition fee. Suppose we do not have the money, what will happen?

MS. ROSARIO BRAID: Does not the Commissioner think it is a matter of rationalizing the budget? For instance, in terms of some perspective on comparative expenditures, as the Commissioner has stated in the 1950 Budget, education constituted 32.3 percent of the total.

MR. RODRIGO: The biggest, yes.

MS. ROSARIO BRAID: However, in the 1970's to the first half of the 1980's, the allocation for education went down to 17.47 percent. At the same time, the budget for national defense rose to as high as 284 percent. So, with this kind of an allocation from the entire national budget, I am trying to see how we can return the emphasis on education.

MR. RODRIGO: But as I was saying, even in the 1950's when the emphasis was on education wherein the budget allocation for education was 32 percent, the government was giving free primary education only.

MR. GASCON: Exactly, but at that point in time, education was receiving the highest allocation. In fact, it received up to 35 percent. However, in the recent years, it went to as low as 8 percent and this year it is only 12 percent. It is the belief of the committee that if we make a commitment in the Constitution that this allocation for education should be increased in the long run, then, we could afford free secondary education.

Second, I would like to react to the statement in the 1973 Constitution. If the phrase "where finances permit" were to be retained, those who have the responsibility of disbursing funds for educational institutions could always have a constitutional excuse. It is this avoidance of public duty as protected by the Constitution that seeks to avoid the deletion of this provision. Of course, if there is a factual finding of lack of funds, this provision would not be enforceable yet against the State. However, it is the intent that, in the long run, there should be free education up to the secondary level. We believe that this can be done in the long run.

MR. RODRIGO: In the long run?

MR. GASCON: Yes.

MR. RODRIGO: That is not how it appears here. The way this is worded, our people will be expecting that the moment the Constitution is ratified, there will already be free elementary and secondary education. But, as I said, even in the 1950's when the highest allocation was for education, the government could afford to give only free primary education. Secondary education was not given free.

That is all. I just want to have that in the record because, as we must have noticed, whenever we discuss a provision in the Constitution, I look at its implementation. Is it practical or are we giving false hopes — hopes which will not be complied with, which will not be fulfilled — thereby, frustrating our people who will be blaming

the Members of the Constitutional Commission? Why did they pass a provision like this? Even the Members of Congress will say, why did they inflict this provision on us? Where will we get the money? I just want to have this on record.

Thank you very much.

MR. RAMA: Madam President.

MS. ROSARIO BRAID: These estimates by Dr. Arcelo were done on the basis of conventional educational system of P10.47 billion. But we have also cost estimates of how much it would cost to use distance education by radio and it would cost much less to deliver primary and secondary education by radio. This has been done in terms of cost estimates. So, in the future this is a possible estimate that what cannot be done by the educational system on the basis of conventional costing could be much less expensive by using radio as a delivery system.

MR. RAMA: Madam President.

MR. RODRIGO: That is something new, something very novel. So, if we cannot afford it, then we will tell our people: "The Constitution says you will have free secondary education but we cannot afford it, so we will give you secondary education by 'radio'."

MS. ROSARIO BRAID: No, we are thinking not of next year but of the future. There are many countries now which are delivering this type of education by nonconventional means which is actually less expensive than the conventional means of building more classrooms and hiring more classroom teachers. This is really something that can be implemented in the next five years although we are much behind, considering that this is used in many other developing countries now. So, we are just considering this as an alternative delivery system.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Just one word. When the Members of the Constitutional Convention of 1935 provided for free primary education and the 1973 Constitutional Convention delegates provided for free elementary education, they did not expect that there will be free primary or elementary education overnight, complete and full. As a matter of fact, up to now it is not complete and adequate. But the fact is without the provision, matters would have been worse. We are making a Constitution not only for the foreseeable future but for centuries. Therefore, we expect that after a reasonable interval this provision should and could be implemented.

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

THE PRESIDENT: Commissioner Tadeo is recognized.

MR. TADEO: Ginang Pangulo, mga Komite sa Kasanayan at Kakayahan ng Tao: sang-ayon kay Rizal ang edukasyon ang tiyak na landas ng pagbabago. Sinunod niya ito: "Sabihin mo sa akin kung anong klaseng edukasyon mayroon ka at sasabihin ko sa iyo kung anong klaseng bayan mayroon ka." Kaya makikita natin ang kahalagahan ng edukasyon, ang tinatalakay natin ngayon. Kung ano ang uri ng edukasyon, siya ring uri ng ating bayan.

Sinabi ni Rizal, "Nasa kabataan ang pag-asa ng bayan." Ano ang ibig niyang sabihin? Para kay Rizal, ang edukasyon ay tagapagtulak ng pagbabago. Para kay Rizal, ang edukasyon ang magpapalaya sa atin. Kaya noong sabihin niya na nasa kabataan ang pag-asa ng bayan, ang ibig tukuyin ni Rizal ay ang mga kabataang dadaan sa tamang paaralan.

Ano ang edukasyon sa magbubukid? Sinabi niyang ang edukasyon sa magbubukid ay tulad lang ng isang puting papel. Kapag inilagay mo sa paaralan, kung ano ang isulat mo ay siyang magiging katauhan ng bata. Para sa

magbubukid, iyon ang molde o hulmahan.

Kaya makikita natin ang kahalagahan ng edukasyon. Ngunit makabubuting lingunin muna natin ang nakaraan. American colonization of the Philippines at the turn of the 19th century was often pictured as an act of magnanimity upon Divine inspiration. White man's burden and manifested destiny were the answers to the uncivilized people who were deemed unfit to govern. Dahil tayo raw ay hindi maaaring mamuno, ipinadala ang 600 Tomasites. Iyon ang simula ng maling edukasyon ng mga Pilipino. Ibinigay sa atin ang kalayaan noong July 4, 1946 ngunit isang bihag na bansa pa rin ang Pilipinas. We are politically, economically, and culturally captives.

Tingnan natin ang pamamaraan ng ating edukasyon. Ang pamamaraan ng ating edukasyon ay tinatawag na "banking concept of education." Ano ang ibig sabihin ng "banking concept of education"? Iyon lamang silid nang silid. Inalis sa atin ang pagiging palaisip o critical awareness. Tinuruan lamang tayong magkabisa. Itatanong sa atin: Alin ba ang kapital ng Pilipinas? Quezon City. Iyan ang banking concept; hindi ginamit ang problem-posing na tanong. Bakit ba ang Quezon City ang kapital ng Pilipinas? Kung problem-posing ang ating gagamitin, tinuturuan mo ang mga bata ng critical awareness. Tingnan natin ang ating mga aklat. Ginamit natin ang aklat na isinulat ni Zaide. Ito ay nagtuturo ng kasaysayan ng Pilipinas. Isinasaad dito na ang mga Pilipino ay bandido at ang bayani ay ang mga Amerikano at mga Kastila. Salamat na lamang at sumulpot ang aklat na History of the Filipino People ni Agoncillo at ni Alfonso. Ipinakikilala ang kadakilaan ng mga Pilipino at kung paanong naging bandido ang Amerikano at mga Kastila.

Noong ako ay dumalo sa interdisciplinary forum tungkol doon sa alternative economies sa UP, sinabi nila na tinuruan tayo ng ating edukasyon ng consumer's mentality sa ating ekonomiya. Wala tayong iniisip kung hindi bumili, bumili at bumili. Hindi tayo tinuturuan ng ating edukasyon para lumikha.

Sinasabi nila na sa buong Asia, sa Pilipinas lamang itinuturo ang free trade. Sa buong Asia, ang itinuturo ay economic protectionism. Sa ganitong kalagayan sumunod ang PRODED ng World Bank. Tuloy ang pagdaloy ng kaisipang dayuhan pagkatapos ng 1980 Education Code na isinagawa ng Ford Foundation.

Sa kabuuan, ang ating edukasyon ay hindi naging catalyst of social change, sa halip ito ay naging conformist ng status quo. Sa ganitong kadahilanan noong tinitingnan ko ang Artikulo sa Edukasyon, parang may nadama akong kulang sapagkat binabanggit ninyo rito sa unang seksyon:

The State shall give priority to education, science and technology, arts and culture for the purpose of fostering national pride and identity.

Ang ibig sabihin ng "pride and identity" ay kinakailangang ang bata ay dumaan sa isang edukasyon. Kinakailangang ang ating edukasyon ay tumugon sa pangangailangan ng ating bayan. Kinakailangang ang aklat nating ginagamit ay nagmumula sa mayamang karanasan ng mga Pilipino. Sa Singapore na pinanggalingan ng ating Pangulo, ang thesis ng mga mag-aaral ay kung paano magagawang pataba ang basura; marahil ang magiging thesis pa rin nila ay kung paano ang baha ay susugpuin sa Metro Manila. Ang ibig sabihin, kailangang ang edukasyon ay tumutugon sa pangangailangan ng sambayanan, isang edukasyong mapagpalaya, isang edukasyong matatawag na catalyst of social change. Kaya gusto kong itanong sa komite: Nasaan ang edukasyon na nagpapalaya at matatawag na "catalyst of social change" sa inyong ginawa? Anong seksyon ito?

MS. ROSARIO BRAID: May I answer that? Commissioner Tadeo pointed out the concept of national pride and identity. However, on page 2, we added the concept of nationalism and also on the same Section 2 (a), line 20, we added the phrase "critical and creative thinking" because we believe, like Commissioner Tadeo does, in the concept of expanding the frontiers of justice and freedom. These concepts support the Commissioner's arguments for examining the present content and processes of education which will conform to the need now for critical thinking in the approach of departing from banking methods of learning and of coming up with the method of

putting the emphasis on the learner in terms of "conscientization" and creative learning. This is what Commissioner Tadeo is talking about and it is already built-in into our concept of independent study. If the Commissioner will note on page 2, Section 1 (b), the words "self-learning" and "independent" study programs mean the acknowledgment that the learner is the most important member of the learning process. Therefore, the concept of independence puts primacy on the need to develop his critical tools. We agree with Commissioner Tadeo. We wrestle with the problems of consumer-oriented people versus producer-oriented people as goals of education. We wrestle with the concept of creating entrepreneurs who will make jobs or create jobs rather than seek jobs which is really our orientation now. Everybody wants to be an employee rather than creating his own niche in society. So, these concepts of what we want our people to be, I think, are supportive of what the Gentleman is saying. So, I hope he will agree, but if he has other additional comments, we would welcome them.

MR. TADEO: Gusto ko kasing magsusog sa line 15, Section 1 (a), pagkatapos ng "The State recognizes its duty of providing education to all citizens," ng mga sumusunod: "FOUNDED ON THE PRINCIPLE THAT EDUCATION IS A PROCESS OF LIBERATION CATALIZING SOCIAL CHANGE."

MR. VILLACORTA: Isasaalang-alang namin ang mungkahi ni Commissioner Tadeo.

MR. TADEO: Ang susunod kong katanungan ay: "Education is the right of every citizen of the Philippines." Ito ay isang karapatan. Kung ito ay isang karapatan, ang karapatan ba ng isang mayaman ay karapatan din ng mga dukha pagdating sa edukasyon?

MR. VILLACORTA: Oo. Ang karapatan ng mayaman ay karapatan din ng mahirap sapagkat sinasabi rito "every citizen." Kung kaya, lahat ng mamamayan.

MR. TADEO: Gusto ko lang magbigay ng mga ilang statistics na sa 100 na mag-aaral na bata na pumasok sa Grade I, ang nakapagtatapos lang ng kolehiyo ay tatlo. At gusto kong basahin sa inyo ang statistics na ito:

The Philippines which has the highest literacy rate in Asia ironically has the lowest literacy growth rate for the past 20 years. From 1960 to 1980, the country's literacy rate grew only at 4.2% a year compared to China's whooping 60.5%; Indonesia, 59%; Thailand, 26.5%; Korea, 31%.

Sa loob ng 20 taon, 1960-1980, ang ating lamang literacy rate ay 4.2 percent.

MR. GASCON: Madam President, sa usapin ng literacy, medyo nag-improve na ng kaunti ang Pilipinas at umabot na tayo sa 10 percent. Pero mababa pa rin kung ikukumpara sa iba pang mga bansa sa Southeast Asia. Iyon namang statistics na nabanggit, totoo ang mga iyon. Sa bawat 100 na pumasok sa Grade I, ang latest ay 13 ang magtatapos ng kolehiyo; 62 na lang ang aabot ng Grade VI; 33 na lang ang aabot ng fourth year high school.

MR. TADEO: Kaya ko tinanong kung ang karapatan ng mayaman ay karapatan din ng mahirap ay dahilan sa ganitong kalagayan. Ang tawag sa ating edukasyon ay pangmayaman lamang. Siyempre pa mayroong tinatawag tayong economic power. Kung sino ang may economic power, siya ang tutuntong ng paaralan; at kung tumuntong siya ng paaralan, siya rin ang maykapangyarihang humawak ng political power. Kaya ang sinasabi ko, kung ang karapatang ito ay karapatan din ng mahirap, may pagkakataon na ang mga dukha ay hahawak din ng political power.

MR. VILLACORTA: Madam President, kaya nga namin binibigyan ng halaga at ibig naming ang buong estado ay bigyan ng pangunahing halaga ang edukasyon ay sapagkat ito ay isang behikulo upang bumuti ang kalagayan sa buhay ng mga mahihirap. Ito ay isang instrument of social mobility. At nakikita natin na may kaugnayang direktamento ang edukasyon at literacy at ang katayuan ng tao o ng isang nasyon. At iyong mga bansa na mataas ang literacy ay mataas din ang kabuhayan, higit na mabuti ang kabuhayan ng mga mamamayan.

MR. TADEO: Ngayon, dito sa Section 1 (b) ay magkakaroon kami ng pagkakaiba ng aking kababayan na si

Commissioner Rodrigo dahil ang sinasabi niya ay magkakaroon ng free public education hanggang sa secondary level. Ang mungkahi ko sa Section 1 (b) ay: "The State shall establish and maintain a system of free education IN ALL LEVELS. Education shall be compulsory ON the elementary level."

Ipapaliwanag ko po ang dahilan. Education is something the State should provide for all. Its value should be recognized not only in the elementary level, where it should be free and compulsory, but also where such education has taken conscious importance in the life of the student in his mature years, especially when he is about to enter college. The argument against free public education all the way to college based on financial constraint of the government will not hold water when the same government is being pressured to support financially through exemptions and subsidies the private schools, including proprietary schools.

Scholastic records and some forms of periodic examination, as requirement to college education, should serve as control to screen out unprepared and unqualified entrants to state colleges and universities. A college graduate who went through the rigors of academic life is always a better citizen, and his ability is higher than a high-school graduate who cannot continue college for economic reason. A citizen who has developed his potential through education has more to contribute than one who, though qualified, failed to develop because he could not afford to pay for his college education. The first is not only a creative but a positive contribution to the social group. The second is not only a loss in state investment during his elementary and high school but a risk. Sayang lang ang investment sa elementary at high school kapag hindi mo siya pinatuntong ng kolehiyo.

The rigorous test for qualifying to enter college should be equally applied to those who could easily afford college expenses because they come from rich families. A tertiary education, therefore, should not be a privilege of those who can afford to pay but a right of all Filipinos qualified academically to pursue tertiary education.

MR. VILLACORTA: Sumasang-ayon kami sa mga binasa ni Commissioner Tadeo.

MR. TADEO: Ang susunod na katanungan: "The State shall establish and maintain a system of free public education." Bakit hindi naman natin gawing "free private education"? Bakit hindi natin inilagay kahit man lamang hanggang elementarya?

MR. VILLACORTA: Sino ang magbabayad, Madam President?

MR. TADEO: Kasi ang tanong ko lamang sa komite ay ito: Ang education ba ay service o profit?

MR. VILLACORTA: Itinatanong ninyo sa akin?

MR. TADEO: Sa komite. Ano ang tanaw ninyo sa Section 1? Ang education ba ay service o profit o business?

MR. VILLACORTA: Ang edukasyon ay service siyempre sa lipunan.

MR. TADEO: Puwede siguro nating ilagay dito na magkaroon ng free education sa private hanggang elementarya man lamang dahil ang education ay service.

MR. VILLACORTA: Maganda ang adhikain na iyan, ngunit maaari po bang bigyan kami ng ideya kung papaano ang mechanics nito?

MR. TADEO: Oo.

The next question is: Section 1 (c) states that the State shall ensure equal access to education. Has the committee considered equal access to education regardless of sex, religion, political beliefs and income?

MR. VILLACORTA: Iyon ang kahulugan nito.

MR. TADEO: Isinasama ko rin ang edad ng bata dahil kapag nahuli ang bata sa pag-aaral ay napakahirap nang

maghabol. To us, education is a process much similar to nutrition. It must be provided at the appropriate time, at the right amount, and it should be regular, without interruption, so that the individual will gain full realization of his productive potential as an agent of social change.

MR. VILLACORTA: So, ito ay walang kinikilala o kinikilingan kapag sinabi naming equal access and opportunity.

MR. TADEO: Isang mahalagang mungkahi ko ang isasama rito: ang integration with the people. Dapat kasama sa curriculum ang anim na buwan na integration with the people. Bakit ito kailangan? Dahil ang edukasyon ay hindi natatapos sa apat na sulok ng kuwartero. Kinakailangang lumabas siya sa larangan ng buhay. Kung mayroon siyang six months para pumunta sa kanayunan, hindi siya magiging hiwalay sa sambayanang Pilipino. Mula sa teorya, lalabas siya sa praktika ng buhay. Kaya kinakailangan maging bahagi ng curriculum ang integration with the people.

MR. VILLACORTA: Ang ibig bang sabihin ni Commissioner Tadeo ay taon-taon?

MR. TADEO: Bahagi ng apat na taon, halimbawa, bago niya makuha ang kanyang diploma, kinakailangan mayroon siyang anim na buwang pakiki-integrate sa mga tao.

MR. VILLACORTA: Sa loob ng apat o anim na taon na iyon?

MR. TADEO: Oo, sa loob noong apat na taon magkakaroon siya ng integration with the people.

MR. GASCON: Madam President, mayroon ditong isa na sa aming paniniwala ay maaaring maging bukas para sa legislation. Ngayon, kung nais magmungkahi ng amendment ni Commissioner Tadeo tungkol diyan sa six months direct integration ay maaari nating ibigay mamaya. Subalit kung titingnan natin ang Section 2 (a), line 18, "health and ecological consciousness and service to society," ito ay paglilingkod kaagad sa sambayanan at sa lipunan.

MR. TADEO: Ito ay hindi naman sa apat na sulok lang ng kuwartero.

MR. GASCON: Oo, malinaw po iyan dahil malinaw rin sa amin na kinakailangan may koordinasyon ng formal, nonformal at informal sa sistema ng edukasyon.

REV. RIGOS: Madam President, isang salita lang tungkol sa mungkahi ni Kapatid Tadeo. Maganda po iyan, pero baka puwede nang ilipat natin ang mga detalyeng iyan tungkol sa educational system sa Kongreso.

MR. TADEO: Hindi, para lamang mailagay sa Journal ang ibig nating sabihin dito sa Section 2 (a), kasi totooong napakahalaga ng integration with the people.

MR. GASCON: Oo, totoo po iyan. At ako mismo bilang isang mag-aaral ay natuto dahil diyan.

MR. TADEO: Kasi iyong pag-uugat natin na nanggaling mismo sa ibaba ay kinakailangang huwag mawala.

Ang susunod na katanungan ay tungkol dito sa Section 2 (b):

The State shall recognize and strengthen the complementary roles of public and private educational institutions as separate but integral parts of the total Philippine educational system.

Ang tanong ko: There seems to be a separation of the roles of public and private educational institutions, although they may have complementary roles. Could the sponsors give us an example of a complementary role between public and private institutions?

MR. GUINGONA: Sa pamamagitan po ng consortium kamukha ng mayroon ngayon sa UP, La Salle, Ateneo, at Philippine Normal College; pagtutulungan po. Ang ibig po naming sabihin sa complementary role ay dapat

magtulongan para sa kabutihan ng mga estudyante, mga maestro at mga ibang miembro ng komunidad, mga kasapi ng unibersidad, kolehiyo o eskuwela.

MR. TADEO: Is it the spirit of this section to allow separation between public and private institutions on the consideration that the government does not have adequate resources to provide education to everybody?

MR. GUINGONA: Kung atin pong susuriing mabuti, sa panahong ito talaga pong walang adequate finances. Pero makikita po naman natin sa wordings ng provision na ito na ang iginigiit natin ay ang public and private educational institutions na hindi separate but integral part of the total Philippine educational system.

MR. GASCON: Nais ko lamang magdagdag. Una, ang seksyon na ito ay hindi ibig sabihin na pababayaan na lang ng pamahalaan ang kanyang katungkulan na magbigay ng edukasyon. Hindi iyan ang ibig sabihin niyan. Sa isang integrated system of education ay may public at private sectors. Pagdating sa private sector, wala namang karapatan ang pamahalaan na supilin ang mga pribadong paaralan at sabihin sa kanila, "hindi na kayo puwede dahil kami na ang bahala." Ang punto lamang ay dahil sa mayroon ngang mga sektor na pampribado at sektor na pampubliko. Sa sistemang pang-edukasyon ay dapat magtulongan upang mapaglingkuran ang kabataan, subalit malinaw po sa seksyong ito na hindi sinasabi na pababayaan na lang ng pamahalaan ang kanyang katungkulan na magbigay ng edukasyon.

MR. TADEO: My next question is: Does not the encouragement or recognition of dual system of education by private and public institutions foster social class division?

MR. GUINGONA: Hindi po naman dahil dapat nating malaman na ang ating society ay pluralistic. At kung mamarapatin po ninyo, babasahin ko ang sinabi ni John Stuart Mill in his famous essay on liberty in 1869:

All that has been said of the importance of individuality of character and diversity of opinions and modes of conduct involves the importance of diversity of education. A general state education is a mere contrivance for molding people to be exactly like one another. And as the mold in which it casts them is one that pleases the predominant power in the government whether this be a monarch, a priesthood, an aristocracy or the majority of the existing generation in proportion as it is efficient and successful, it establishes a despotism over the mind leading by natural tendency to one over the body. An education established and controlled by the State should only exist, if it exists at all, as one among many competing experiments carried on for the purpose of example and stimulus to keep the others up to a certain standard of excellence.

Ang aking impresyon po rito — ang ibig sabihin ni Ginoong John Stuart Mill ay mahirap pong magkaroon ng monopoly ang State sa education sapagkat kapag nangyari ito, we will be dictated upon by the State and our education will become the type of education that we find in totalitarian states.

MR. GASCON: Pero nais ko lamang sanang magbigay ng aking pananaw. Sa kasalukuyan nga ay mayroong dualistic nature ang ating sistemang pang-edukasyon. Ano ang ibig sabihin ng dualistic nature natin? Iyong sistemang pang-edukasyon na ang ini-encourage ay iyong education for leadership at education for followership na kadalasan, kung susuriin natin, sa kasalukuyan, ang mga pumapasok sa mga pampribadong paaralan ay nagmumula sa mga mas nakakaangat sa buhay dahil kaya nilang bayaran iyong ganoong edukasyon. Sila iyong mga nagiging lider ng ating lipunan, habang iyong mga nakakapasok lamang sa pampubliko, they are relegated to followership, at nais nating tugunan iyan. Dapat mabigyan uli ng kahalagahan ng pamahalaan ang kanyang katungkulang magbigay ng edukasyon upang sa gayon ay mawala ang ganyang dualistic nature. Iyong mga mayayaman ay pumupunta sa mga magagaling na eskuwelahan habang iyong mahihirap na hindi nga nakapagtapos ng pampublikong edukasyon ay naiwan na lang at nagiging followers na lang. Yaong mga hindi nga nakapagpapatuloy ay umaabot sa bottom rings of our socioeconomic and political life. So, ang vision ay ang magkaroon ng pantay-pantay o standardization of education for private and public schools, without necessarily

saying that there shall be no more private schools. But we are saying that there will be a standardization of education given to all. Dito pumapasok yaong edukasyon bilang karapatan, that there will be equal access to all, so that one's inability to continue because of economic considerations should not be a deterrent in developing an individual's abilities to the fullest. Iyan ang hangarin, subalit malinaw po na hindi nagtatapos dito sa mga probisyong ito. Marami pang dapat gawain.

MR. TADEO: Salamat, Madam President. Mayroon pa kasing follow-up doon, ano?

Will not the constitutionalizing of the separation of private and public educational institutions, although complementary, enshrine the continued existence of private schools, effectively blocking attempts, if any, to authentically integrate the two systems?

MR. GUINGONA: Kaya nga po natin inilagay yaong right to education. We are being misinterpreted. Kahapon po merong tumuligsa sa amin at nagsabing. "Bakit masyado kayong nagbibigay ng emphasis sa state education?" Ibig naming magbigay ng stress sa public education so that, as Commissioner Gascon said, the level of education, which is admittedly low right now compared to private education, would be improved to the extent that we hope someday public education would even be of higher quality than private education. And like in many countries, even the rich people would prefer to send their children to public educational institutions than private educational institutions. Kaya namin inilagay ang right to education ay para malaman ng gobyerno na katungkulan ng estadong bigyan ng pansin ang educational institution ng gobyerno.

MR. GASCON: I believe the Commissioner is actually referring to the debate yesterday. He is saying that if we enshrine the terms "public and private systems" as complementary, we may be enclosing the situation where because of the development of public education, there would be no need for private schools. But from the realistic point of view, there will always be private schools because there are many private institutions and private groups who have the initiative in forming educational institutions. What is important to us is that the responsibility of the State to provide for education is not forgotten. So, doon pumapasok ang sinabi ni Commissioner Guingona na it may come to a point where there may really be an integration of both systems in whatever form maybe through subsidy, coordination, et cetera so long as it will serve the interest of all, not just the elite nor the rich alone. That is the primary consideration. The statement that education is a right will be put into practice by providing access to it. What is important to us is not so much the delineation between public and private education but an assurance that the poor shall be given access and opportunity to continue their education.

MR. TADEO: Will it not be better just to drop the issue of recognition of a dual system of education and leave it open for future debates?

MR. GASCON: So, the proposal is: To avoid any conflict, it would be better to drop any reference to private or public education. We will consider any amendment to that effect during the period of amendments. I think the Commissioner's proposal is that if we just keep quiet on that, there may be a possibility in the future that there will be a need for just one sector.

Thank you.

MR. TADEO: Ang susunod na katanungan ay nauukol dito sa Section 2 (g) — the study of the Constitution and human rights. Bakit hindi natin ilagay ang social justice?

Babasahin ko sa inyo ang isang verse sa Bible kung bakit dapat ang social justice. Ito ay mula kay Luke, Chapter XII, verse 56:

You hypocrites! You know how to interpret the appearance of earth and sky; but why do you not know how to interpret the present time?

Kailangan nating ilagay doon ang social justice sa halip na human rights.

MR. GASCON: Maganda po iyong mungkahi ni Commissioner Tadeo at may mungkahi kahapon si Commissioner Tingson na dagdagan ang curriculum ng pagtuturo ng life and works of Jose Rizal. Ang punto lang po namin ay kung bubuksan natin sa mga iba pang mga provisions maliban sa human rights, it could open the floodgates to the inclusion of other subjects.

MR. TADEO: Pero ang social justice ay pagsusuri sa lipunan. Mahalagang maunawaan ng isang bata ang lipunan niyang ginagalawan.

MR. GASCON: Actually, ang unang mungkahi ay dapat apat ang idagdag sa curriculum, hindi lang ang Constitution at human rights. Dalawang mungkahi ang lumabas sa committee: agrarian reform and labor education.

MR. TADEO: Kasama sa social justice kasi iyon.

MR. GASCON: Hindi tinanggap ng Komite ang mungkahing ito because it will open the floodgates for the inclusion of other subjects. Subalit kung nais pong palitan ang human rights to social justice, puwede po mamaya.

MR. TADEO: Dapat social justice ang gagamitin dito dahil sakop na ito ang lahat — human rights, and labor. Dapat bigyan ng diin ang social justice.

MR. GASCON: Maaari po nating pag-usapan iyan sa period of amendments.

MR. GUINGONA: Madam President, may I add that Because of the inclusion of the Article on Social Justice in the Constitution, the subject of social justice can also be studied.

MR. TADEO: Ang susunod na katanungan ay tungkol sa Section 3 — "All institutions of higher learning." Bakit hindi natin ilagay rito iyong secondary? Academic freedom should be exercised not only by institutions of higher learning but also by everyone who teaches including those teaching in the elementary and secondary levels of the educational system. Bakit higher learning lamang? These people need as much academic freedom to research, discover, publish and share their knowledge in relation to what they conceive to be the truth as anyone does in the higher institution of learning. Bakit hindi isama ang elementary and secondary levels?

MR. VILLACORTA: Madam President, iyong konsepto na academic freedom, ayon sa tradisyon at jurisprudence, ay napapaloob lamang sa mga pamantasan sapagkat ang pamantasan ay hindi lamang isang paaralan kung saan nagtuturo ang mga guro, kundi isa ring institusyon ng pananaliksik at iyon nga ang sinasabi ninyo; iyong pananaliksik, scholarship at iba pa ay kailangang garantiyahan ng academic freedom. Ngunit ang elementary at high school ay primarily for teaching, at sapagkat ang mga nag-aaral sa elementary at high school ay mura pa ang kaisipan, lubhang mga bata pa ang mga ito at hindi pa kayang mamili kung alin ang tama at mali. Kailangan siguro ay medyo alalayan pa at pangalagaan ang pagbubuo ng kanilang kaisipan. Siguro iyon ang dahilan kung bakit ang academic freedom ay hindi ipinapataw sa high school.

MR. TADEO: Kasi iyong anak ko maliit pa lamang alam na niya ang kasamaan ni Marcos.

MR. GASCON: Ang punto kasi ni Commissioner Villacorta ay, ang konsepto ng higher academic freedom, by common understanding not only in the Philippines but in other parts of the world, has been limited to tertiary education and to institutions of higher learning. Also, if we provide academic freedom to the other levels, primary and secondary, it might cause some problems. But I think the general intent is to give the assurance that primary and secondary schools will not be manipulated by, let us say, the government. Is that the direction?

MR. TADEO: Hindi. Ang ibig kong sabihin ay dapat magkaroon ng academic freedom ang secondary level.

Tungkol naman dito sa Section 5 (b) — "Non-stock, non-profit educational institutions shall be exempt from taxes and duties — this provision shall benefit only the rich exclusive schools with huge incomes and equally huge properties. Tax exemptions should be limited to economically depressed schools, particularly the mission schools in the small towns and rural areas. In the absence of an accurate data to confirm which schools are rich and, therefore, do not deserve exemption, and which schools are poor and should be exempted and financially supported by the government, this provision is better left to the MECS on a case-to-case basis.

Proprietary schools should definitely not be exempted from taxes nor be financially supported by the taxpayers' money as these might only go to contribute to stockholder's dividends and other forms of private incomes and profits.

We take a very strong position against proprietary schools being financially supported or subsidized by the State. The current state of some stock schools like the UE illustrates what we are against — the school management renting out facilities or its building to commercial houses, converting these to restaurants, beauty parlors, cinemas, et cetera, not to improve or protect the integrity of education but to primarily protect and promote the profitability of the stockholders' investments.

Cooperatives and foundation schools should be easier to support from the government side than stock corporation schools founded on the philosophy of return of investment and run as profit enterprises. The government should continue its policy — see Education Act of 1982 — of encouraging the conversion of stock schools into foundation and nonstock corporations or cooperatives or some new forms of nonprofit educational institutions.

MR. GUINGONA: Madam President, with regard to the second point about proprietary schools, we are very much in favor with the establishment and growth of educational foundations and cooperatively owned educational institutions, and that is why precisely we have included this as a provision in our draft proposal.

But when we talk of educational foundations, I think we should bear in mind the fact that educational foundations cannot be established except through donations or huge sums of money. In other words, under the present situation, a person will have to donate millions and millions of pesos to be able to purchase the land, construct the building, purchase facilities and provide for operational expenses.

All of these will be given free by individuals. This is ideal but, I think, at the moment, it is utopian. No matter how important it is to us and how deserving donations are, I do not think there are many Filipinos who would be willing to donate millions and millions to establish educational foundations. Even those who already own existing schools, if one requires them to convert, one is in fact requiring them to donate. As a matter of fact, our experience is, even if a foundation is already established, the donations do not come. The ones who are supporting the foundations when they are in distress are the same people who have created or established them. So, I believe that although educational foundations should be established and should be allowed to grow, we cannot expect them to fill in the gap and respond to the needs of our studentry because of population growth.

This matter of cooperatively owned schools, I think, is very good. But then again, the point is finances. There was an attempt to convert Centro Escolar University (CEU) into a cooperatively owned educational institution. But then, the faculty members and the other members of the academe could not raise the money. That is why, maybe, it is here where the government can come in. For every P10,000 or P5,000 contribution, the government should allow the contributor, the prospective member, a loan or grant five times his contribution so that enough money would be generated to be able to buy a school, because schools cost a lot. And then, it is again idle to hope that the members of the academe could pull their resources together considering the low salaries of teachers. So, these are the items that we have to consider within the context of the actual demand for admission of students.

When we talk of proprietary schools, I think there was a wrong image created because of situations that arose during the late 1940s and the early 1950s wherein there was a boom and there were no restrictions on fees to the extent that schools were making a lot of money. This situation has already been kept in the consciousness of the people so that even if we consider the situation today, people still talk of profit schools. I go along with the idea that schools should not make inordinate profits, but since the promulgation of P.D. No. 451, which had set a ceiling of 12 percent, there has already been a restriction. As a matter of fact, the initial reaction of the educators and administrators at that time was to challenge because they say that this is the only private endeavor, or at least one of a handful, where there is a ceiling to the so-called return on investments. But my impression is that they have already learned to live with this, principally because they have not been able to reach the 12 percent anyway. Most of not all of them, have not reached the 12 percent ceiling that is allowed by law. FAPE (Fund for Assistance to Private Education) has conducted a study along this line and, according to them, for the period 1972-1977, the average return on investments of proprietary schools is 4.33 percent compared to agriculture which was 11.76 percent; commerce, 14.13 percent; manufacturing, 10.75 percent, mining, 21.34 percent; service 10.10 percent; and utilities, 11.39 percent. So, I am in favor of putting a ceiling even lower than 12 percent. And if there is going to be an incentive or assistance, even lower than that I think we should not be so concerned. We should not only concern ourselves with the so-called return on investments. What we should also be concerned about is the residual percentage that will go to the benefit of the students directly, either by a decrease in tuition fees, nonincrease in tuition fees or better facilities and indirectly higher salaries for faculty members and staff. Higher salaries for faculty members are important because they will not only benefit the faculty members but also the students inasmuch as the schools will be able to attract better faculty members; with regard to those who are already in the school, this would boost their morale. As a matter of fact, the average income of faculty members is only P1,200.

May I just point out something that I think is very significant. We should consider the residual percentage of a school which is an educational foundation and which might set aside 30 percent of its surplus for the salaries of ranking officials beginning from the rank of deans to comptroller, treasurer, president, vice-president, board of trustees as well as for honoraria, bonuses, allowances and consultancy fees. What would be left for the benefit of the students would be only 70 percent. That is what we should be concerned about.

In a proprietary school, if it has an ROI of 10 percent, it could allot 15 percent for the salaries of administrative officials. This is a conservative estimate, because in a proprietary school, the shareholders or owners are on top of the situation as far as expenditures are concerned and, generally, the owners who serve as officers do not receive salaries. There is the addition of 10 percent and 15 percent or a total of 25 percent. The residual benefit to the students would be even more. It would be 75 percent as against 70 percent. So, we should not only concern ourselves with the ROI but with the percentage that will go to the benefit of the students.

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

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Madam President.

I know the sponsors have been besieged with a number of questions, but there is really a need to clarify many of the provisions being proposed on education.

Take the case of Section 1 (a). We are thinking in terms of declaring education as a right of every citizen. Correspondingly, we are also stating that it is the duty of the State to provide education to all citizens. So, there is a right on the part of the citizen and there is a duty on the part of the State, and this applies to all citizens. When one speaks of "all citizens," it is regardless of age. Is my understanding correct, Madam President?

MR. VILLACORTA: Yes, that is correct.

MR. SUAREZ: And we do not make any distinction whether they are the young ones or the adult citizens who are also equally entitled to education.

MR. VILLACORTA: The Commissioner is correct in his interpretation.

MR. SUAREZ: And we also make no distinction as regards the physical condition of the citizen, that is to say it could extend to the handicapped, the deaf, the mute and the blind. Under such a situation as envisioned, if one were a blind man, he is entitled to demand from the State that he be given the education to which a blind man is entitled.

MR. VILLACORTA: That is right, Madam President.

MR. SUAREZ: And the duty of the State is to provide that kind of education.

MR. VILLACORTA: Yes, Madam President, although, of course, the constraint on the State, particularly on the economic aspect, would have to be recognized. In other words, the State, especially in its present economic condition, cannot possibly put up schools for the blind all over the Philippines.

MR. SUAREZ: Then what happens to the right of these poor citizens, handicapped as they are, to demand compliance from the State of its duty to provide them the adequate education that they deserve?

MR. VILLACORTA: Like any demand from the citizenry on the State, certain realities are considered as far as implementation is concerned. In other words, even if there is the guarantee in the previous Constitutions that free elementary public education be provided by the State, we know that there are a lot of students or school-age children who are unable to go to elementary schools simply because there are no school buildings and teachers available in certain areas. So, I am just calling our attention to certain realities that would impinge on the implementation to the letter of the law, but at the same time, that right of the citizens to education, as well as the duty of the State to provide it, is enshrined in the Constitution.

MR. SUAREZ: In other words, the exercise of this right and this duty must be reasonable. What is well within the means of the State can be provided for these kind of citizens.

MR. VILLACORTA: Yes, Madam President, that goes without saying.

MR. SUAREZ: Thank you.

That is to say that even with respect to the compulsory application of these principles, this must be also within reasonable limits.

MR. VILLACORTA: Reasonable, that is right. I think if I am not mistaken, it was Commissioner Rodrigo who pointed out that there are occasions when parents cannot be compelled to send their children to school because there are other expenses involved, for example, transportation and clothing expenses which the family cannot afford because of extreme poverty. So, of course, leniency must be exercised here.

MR. SUAREZ: So, what happens to truants or these out-of-school boys who do not suffer those handicaps, can we compel them to go to school?

MR. VILLACORTA: That is right.

MR. SUAREZ: And this can be done through the exercise of the police powers of the State, short of arresting them probably, but I suppose we have the means to enforce this particular provision regarding compulsory education, at least from the elementary level.

MR. VILLACORTA: That is right.

MR. SUAREZ: When we say free public education at the elementary and the secondary levels and a socialized fee structure in the tertiary level of state colleges and universities, I suppose the committee has in mind something that is now being practiced in the University of the Philippines — applying the socialized fee structure for those in the tertiary level.

Is my understanding correct, Madam President?

MR. GASCON: I would like to clarify that the socialized tuition fee structure is not yet being implemented in the University of the Philippines. It is seriously being considered, not only in the UP, but even in other universities. Basically, the intent of the socialized structure for tertiary education in state colleges and universities is to make sure that access to students, even in the tertiary level, is provided, especially to those who come from the poor. We do not need to explain any further that the rich can continue their education even up to the tertiary level; the problem is with the poor. How can they continue tertiary education? Even those in state colleges and universities today find it very difficult to continue their education because of the cost of education. When we speak of subsidy, the attempt is in state colleges and universities because state colleges and universities are given direct and full subsidy from the State. The State will consider the intent of providing the poor with access to state colleges and universities, so they would, in the long run, be receiving more subsidy than those who are rich. That does not necessarily mean though that the rich will not receive subsidy in state colleges but rather, the poor shall receive more subsidies because of their economic situation, which is a basic recognition of socioeconomic inequalities in Philippine society. It is an attempt to democratize our tertiary education system which is dominated by those who come from the upper middle class and upper classes. It is democratizing in the sense that those who come from the lower classes will still continue with their education. That is the basic principle.

MR. SUAREZ: I thank the Gentleman for his concern for the poor students. So, when we say "socialized fee," that is practically envisioned to favor the poor classes of students. And when I say poor, not poor mentally but poor in terms of economic condition.

MR. GASCON: In socioeconomic terms, that is right.

MR. SUAREZ: Madam President, my next question is under Section 1 (c) which speaks of a system of scholarship grants and other incentives. Are we talking in terms of providing scholarship grants and other incentives to those who may be belonging to the marginalized sector of our society, or are we talking in terms of scholastic records?

MR. GASCON: We refer to both actually. When we speak of scholarships and other incentives, the bias pertains to quality education because it speaks of equal access and opportunity. The bias speaks of scholarships and grants for poor but deserving students.

MR. SUAREZ: Because what we are talking about here is quality education, not simple elementary or high school education.

MR. GASCON: That is right.

MR. SUAREZ: So the same rule applies, that is to say, those who are less provided in life should have more in education, even in the matter of quality education. Is my understanding correct, Madam President?

MR. GASCON: Madam President, quality education is a right of every citizen. The issue is access to quality education. So, as far as providing quality education is concerned, there should be no discrimination. It should be provided to all, whether rich or poor. But in practical terms, in real life, those who can afford quality education

primarily come from the rich.

MR. SUAREZ: May I give a concrete example for purposes of record, Madam President. Let us take the case of scholar "A" and scholar "B," both of whom are qualified from the scholastic standpoint. But scholar "A" happens to belong to the marginalized sector of our society and scholar "B" happens to be among the wealthiest families in our country. Given that situation, how would we resolve the problem? Would we favor that the State extend quality education to those who belong to the marginalized sector, all things being considered equal?

MR. GASCON: No. I think the issue is not extending quality education to one or the other. The issue is to assure the poor scholar the opportunity to avail of scholarships and incentives without prejudice to the rich scholar's availing of other grants and scholarships which may be afforded to him based on his merits.

MR. SUAREZ: Thank you.

MR. GUINGONA: Madam President, may I say that when we speak of scholarships, this will also refer to scholarships in the educational institutions because the State may require educational institutions to provide scholarships. Right now, they are requiring schools to provide one scholarship for so many students and that is being followed now. As correctly stated by Commissioner Gascon, our concern here is scholarship in general, but directed more to those in the marginalized group. We are not talking of specific scholarships, like scholarship due to academic excellence or due to extra-curricular excellence, like in basketball, et cetera.

MS. ROSARIO BRAID: Madam President, may I also mention that this does not only refer to formal schooling. The "incentives" and "quality education" mentioned here could refer to other forms, such as the innovations going on now where they integrate formal with nonformal education. They call this the dual system whereby vocational schools teach students skills needed in the employment areas. And then the company trains their students, allowing the integration of formal and nonformal education. The successful models have been adopted from Germany and other European countries, and they have been applied here. Another model is that of Meralco and the National Manpower Youth Council coordinating in terms of providing complementary education to train those who are more inclined to vocational and skills-oriented professions. So, I think this shows that we are not encouraging attention only to formal education because we recognize that we have many dropouts who have no skills. As a matter of fact, we would like to return to the 2-2 system or the branching system in secondary education where at the second year in high school, those who are inclined to enter the university would have a different curriculum, and those who are inclined to enter vocational schools would have a different curriculum. We should work towards this kind of alternative educational system so that we will not force everybody to go to college.

So, this is what we mean by quality education. It is not just limited to pure academics because we have suffered too much from overintellectualism and over-academism in our curriculum. So, I would hope that our concern here should not just be focused on academic intellectual education because we want to deacademize, deintellectualize, to use some terms. What we are saying is that we must move on to a more radical educational system that is responsive to our needs. This is without saying that it should also be skills-oriented because when we talk about comprehensive education we mean skills education with a comprehensive education in the other areas of concern — civics and humanities and the social-oriented areas.

Thank you.

MR. SUAREZ: Thank you for the explanation, Commissioner Rosario Braid.

The Commissioner mentioned something which I also wanted to discuss, and that is one of her favorite subjects — this matter of nonformal education which appears under Section 1 (d). Do I take it, Commissioner, that when we

speak of nonformal and informal, and indigenous learning systems, we also have in mind education within the home, education coming from the parents which I feel rather strongly is basic in the education of our youth?

MS. ROSARIO BRAID: Yes. As a matter of fact, that is envisioned here, but we could not spell out because we would like to leave it to the legislature, is that we consider education in the home as important as formal schooling. We consider education in the place of work, vocational education, education through mass media and other areas, equally important. But we feel though that the linkage mechanisms are lacking. An example of one linkage, or if we want to link the family with the school, is to strengthen parent-teacher associations or similar associations. If we want to link employment to schooling, we should have courses where employees can really participate in curriculum development and say what they would like. We would like to link members of the Church, members of the media who are as important learning delivery system in the same policy council as educators.

We refer to nonformal education in the traditional sense by way of training farmers or members of cooperatives on nutrition or on other out-of-school courses. But more than that, we also would like that this be linked to the family by adopting the Sri Lanka model which looks at the family, the temple and the school as one whole system. So that, therefore, the values that are learned in the family are reinforced in the school, in the mass media, and in the workplace. But we lack the linkage mechanisms that would link and provide this comprehensive education; so we would like that this be addressed to implementing mechanisms that would strengthen or create those linkages.

MR. SUAREZ: So, in short, nonformal education includes education within the family by the parents.

MS. ROSARIO BRAID: Yes.

MR. SUAREZ: Thank you.

Now, may I go to the second paragraph of Section 1 (d) where the phrase "disabled and out-of-school youth" is employed. Under the 1973 Constitution, Article XV, Section 8 (6), the term used is "poor and deserving students." Do we equate out-of-school youth with poor and deserving students?

MS. ROSARIO BRAID: Over and beyond, we have in other provisions addressed ourselves to those deserving poor. But here, we want to spell this out and focus attention on the disabled because they have not been attended to, they have not been given the special educational and training programs that they need, which should really be a specialized education different from the traditional curriculum.

MR. GASCON: That is right. I would like to add, Madam President, that this speaks of civics, vocational efficiency and other skills training to adult citizens, disabled and out-of-school youth, because at present, there are many adult citizens who have not been able to continue education. Most of them reside in rural areas or in urban poor communities and who have been able to finish only elementary or, at most, secondary education. So, what we would like to do is to provide them with continuing education. The same would go for the disabled to encourage them to maximize their abilities. This is also in relation to the provision on the disabled which we just passed on Second Reading, and which is intended to integrate the disabled into the mainstream of society to make them productive members of the same.

The out-of-school youth here pertains not only to poor but deserving students, but really to those hundreds of thousands of community youth in the rural and urban poor areas who, because of their inadequacies to continue secondary education or tertiary education, are left in the communities with very little things to do. They are either underemployed or unemployed, and in order to maximize their time, we intend to provide them with different skills and training so that they can maximize their potentials as community youths, and become productive forces in Philippine society. This provision really seeks to reach out to those who are not in school, but yet deserve as

much attention in as far as continuing education is concerned.

MR. SUAREZ: What bothers this Member with the use of the term "out-of-school youth" is, it could extend even to those belonging to wealthy families who are out of school but have strayed away from getting an education because they get engaged in street brawls, they get into dope addiction, etc. These youths are out of school but, nonetheless, they have the means to be able to get themselves educated properly. Are they included within the term?

MR. GASCON: Madam President, these youths referred to are a minority in Philippine society. Second, assuming that they come from the more privileged sectors in Philippine society, if they are out of school, then their access to education is not a problem once they have clarified certain matters if these are the problems which the Gentleman spoke of. If they are out of school because of drug problem, for example, then drug education schemes can be given to them. Whether or not they come from the upper classes is beside the point, the issue is they have to be given attention with regard to these specific problems. But this out-of-school youth mentioned here really pertains to those who cannot continue with their formal education.

MR. SUAREZ: Madam President, may I go to Section 2 (c), which appears on page 3, referring to private educational institutions. It is a very good sign the Constitution provides that private educational institutions shall be owned and administered solely by citizens of the Philippines, or corporations or associations wholly owned by such citizens. Is this provision going to be prospective in character and not retroactive in application, Madam President?

MR. VILLACORTA: If the Gentleman, by "retroactive," is referring to schools that are owned by foreign nationals and would they be penalized due to this constitutional mandate, the mandate will not be retroactive. However, this would have to be immediately implemented if this provision is adopted and the Constitution is ratified.

MR. SUAREZ: So, we are clear on the interpretation that those existing private educational institutions, although they are not wholly owned by Filipino citizens, can continue to operate.

MR. VILLACORTA: Our interpretation is that as soon as this Constitution is ratified they would have to Filipinize themselves.

MR. SUAREZ: And this should be within a limited period of time, I assume.

MR. VILLACORTA: Yes.

MR. SUAREZ: Is the Filipinization process of those already existing private educational institutions not wholly owned by Filipino citizens also mandated within a certain period?

MR. VILLACORTA: Surely, Madam President, they will be given time to undertake the Filipinization process.

MR. SUAREZ: Thank you.

There is the bothersome provision in Section 2 (d) referring to the right, or maybe the negative exercise of the right of the State not to interfere with the right of every citizen to select a profession or courses of study, subject to admission and selection requirements. Is there really need to include this in the Constitution, Madam President?

MR. VILLACORTA: Commissioner Gascon, the main proponent of this, would like to explain.

MR. SUAREZ: Will the Gentleman favor us with the reasons for introducing this provision?

MR. GASCON: I personally believe that this should be included in this article to avoid situations where the State

may duly impose itself on the academic community in as far as demanding students to enter into certain courses or degrees because of particular development plans. This would be curtailing the students' freedom of choice.

MR. SUAREZ: If I might cite an example, does the Gentleman have in mind what happened during the Marcos administration when military service training of students was required? Because when we say "to select" and then this interference problem is raised, are these not two conflicting ideas?

MR. GASCON: There are certain requirements by a particular academic institution for a person to get a degree. If a person seeks to finish a course and complete a degree in this area, he must complete certain requirements to that. Now, the Commissioner was referring to military training which was a direct result of Commonwealth Act No. 1, National Defense Act, and which was an additional course given to students to complete a degree over and above the courses required. It is the personal opinion of this Member that such provision in our laws at present should be reviewed. In fact there is a move now by various school administrators, students and parents questioning the present National Defense Act and requesting for its revision to the effect of making military training optional. Very clear in the minds of the students is the National Service Law which was an attempt by the past regime to expand this concept of military training. In effect, there was a lot of protest from students, teachers, administrators and parents against this undue intrusion by the State. So, it is the intent of this committee to minimize intrusion by the State into the affairs of the academic institutions and the students themselves.

MR. GUINGONA: Madam President, may I just add. The National Service Law is not a course and is not even part of the curriculum. It is a noncredit activity which is required pursuant to the provision in the Declaration of Principles that all citizens may be required by law to render personal military or civil service. This is in anticipation of the military service that they may be required to do in case of war or national emergency. The admission and retention requirements are necessary because there will be physical, academic and other requirements that have to be addressed to or considered. For example, insofar as physical facilities are concerned, if a school can no longer admit because of lack of facilities, obviously, this will affect the right of a student to study in that particular school.

MR. SUAREZ: Thank you.

MS. ROSARIO BRAID: Madam President, may I add to that. This does not preclude the need to strengthen guidance counselling units in every school that would guide the student not only in terms of his individual aptitude but would, in fact, provide directions in terms of criteria of absorbability into the economic mainstream and other needs of national development. Earlier, we noted here that the education system should be responsive to both the needs of the individual, as well as society, so that we are aware that national development needs are as important as individual preferences based on aptitude.

MR. SUAREZ: Thank you.

But what bothers me, Madam President, is the practical application of this provision. For example, under the proposal, the study of the Constitution is mandated. Suppose here is a student who says, "Oh, no, I am sorry I will not take such course of study." And this situation is envisioned within this particular paragraph, Madam President. In other words, it is up to the student now to select his profession or his course of study and the State is mandated or required not to interfere with that. So, does the committee think it is still necessary to provide for this kind of a provision in our Constitution?

MR. VILLACORTA: Madam President, we understand the source of the apprehension of Commissioner Suarez, and probably he could propose a rewording of this provision because what we really have in mind are degree courses that would determine one's professional occupation, not particular subjects. But we can improve on this,

Madam President.

MR. GUINGONA: Besides, as I mentioned yesterday, this right as any other right is not an absolute right.

MR. SUAREZ: Thank you.

Maybe at the proper time we can make the necessary suggestions.

The last point we would like to take up is the matter of Section 5 (b) appearing on page 4 of the draft resolution. We would like to seek clarification regarding this second sentence which reads:

Proprietary educational institutions shall likewise be entitled to these exemptions provided they limit stockholders' dividends as may be provided by law.

I assume that Commissioner Villacorta has in mind educational institutions like Far Eastern University or Centro Escolar University or those in the same category. Is my understanding correct, Madam President?

MR. VILLACORTA: Yes. In the parlance of the education sector and I assume this is also adopted by the Securities and Exchange Commission, proprietary educational institutions refer to those schools that are allowed to make profits for as long as these profits are not too much and which recognize the fact that education is primarily a public service. So, Far Eastern University and the other schools mentioned would fall under that category.

MR. SUAREZ: And irrespective of the fact that they make profits or not, would they be exempted from the payment of taxes and duties?

MR. VILLACORTA: For as long as they limit their dividends to the amount provided by law.

MR. SUAREZ: Let us say the limit is 12 percent on capital investment per year and they succeed in making that kind of a profit. Nevertheless, they would still be exempted from the payment of taxes and duties, just like nonstock, nonprofit educational institutions provided in the first sentence. Is that correct?

MR. VILLACORTA: That is correct, provided they fall within that limit provided by law.

I think Commissioner Guingona would like to add something.

MR. GUINGONA: Madam President, I was just telling the honorable chairman that the 12 percent that the Commissioner mentioned could be less, as may be provided by law.

MR. SUAREZ: Assuming that the limit imposed by law is only 6 percent and they do make a declaration of dividends equivalent to 6 percent, that means to say that they were operating on a profitable basis. In spite of that situation, the institution would still be exempted from the payment, not only of real estate taxes, as provided under the 1973 Constitution, but from all taxes and duties. Because that is the first sentence of the proposed provision, is this the correct conclusion, Madam President?

MR. GUINGONA: Yes, Madam President, because the sense of the committee is that this benefit will result in surplus which in turn will be used for the benefit of the students. As a matter of fact, the law may provide as to how the surplus will be distributed, as it has done under P.D. No. 451 — for example, 60 percent of the proceeds should go to increase of salaries of teachers.

So, we envision that whatever additional surplus there may be will be used primarily for the benefit of the students. As in all other provisions here, our concerns are the students, the teachers and if I may correct myself from what I said yesterday, also the nonacademic personnel.

MR. SUAREZ: What of the possibility of a particular private educational institution making enormous profits but limiting its declaration of dividends to the amount specified by law? Under that situation, they will, nevertheless, not be required to pay any taxes or duties. Did the committee consider that possibility?

MR. GUINGONA: Yes. As I said, the law may provide for distribution of profits so that if the law says only 6 percent or 10 percent or 8 percent goes to the ROI, the rest will go, as has been done, to capital outlay, to laboratory facilities, to faculty increases; and therefore, the difference between the total surplus and the amount of ROI, as I mentioned in my reply to Commissioner Tadeo, would redound as residual percentage for the benefit of students — direct and indirect.

MR. SUAREZ: Theoretically, we concede the validity of the Gentleman's thinking, but the possibility may arise where all of these profits, realized as they are, would be distributed among the directors, for example, as per diems, allowances, compensation, fringe benefits, or instead of being used for capital requirements, they would be used to buy beautiful staff cars for the members of the board and for the management staff.

Does the Gentleman not think these are fears and apprehensions that have sound basis in reality?

MR. GUINGONA: Definitely, Madam President, that is why in reply to the interpellation of Commissioner Tadeo, we said we should concern ourselves with this element in the consideration of the total surplus, and there should be a limitation to the bonuses and allowances that were mentioned.

MS. ROSARIO BRAID: But, Madam President, may I interject.

The reality, however, is that many of these proprietary institutions are not making a lot of profit. As a matter of fact, many of them may have to convert themselves in the future into foundations or cooperatives. For example, Centro Escolar University is now a cooperative because it has been having a difficult time running itself as a proprietary institution.

MR. SUAREZ: So, Madam President, may we respectfully request the members of the committee to review this particular provision.

MR. VILLACORTA: Yes, and if our colleagues have any proposed amendments, we would be happy to receive them.

MR. SUAREZ: We will do that at the proper time and thank you for the enlightening information.

ADJOURNMENT OF SESSION

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

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the session is adjourned until Monday at nine-thirty in the morning when we will continue with the interpellation and debate on the other provisions of the article.

It was 12:11 p.m.

[*] Appeared after the roll call.

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