

R.C.C. NO. 76

VOL. IV, September 06, 1986

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/910761a502fd/>

Saturday, September 6, 1986

OPENING OF SESSION

At 9:48 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 Cirilo A. Rigos.

Everybody remained standing for the prayer.

PRAYER

REV. RIGOS: Almighty God, Whose nature is love and Whose will is for us to work together in harmony, as we pause before Thy Holy Presence, impart unto us the blessings of eternity. Enable us to rise above the tumults of our time, and make us instruments of Thy peace. Keep us humble in the thought that what we hold to be true may be tainted by some error, and that the error of our neighbors may yet contain some elements of truth.

May our work today contribute to the rebuilding of a nation on the foundation of justice and freedom. Inspire us to serve with utmost dedication so that in the process, we may be saved from pride or cynicism and from every thought of self-glorification.

We pray in Jesus' name. Amen.

ROLL CALL

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

THE SECRETARY-GENERAL, reading:

Abubakar Absent Bengzon Present[*]

Alonto Present[*] Bennagen Present

Aquino Present[*] Bernas Present

Azcuna Present[*] Rosario Braid Present

Bacani Present Calderon Present

Castro de Present Quesada Present[*]

Colayco Present Rama Present

Concepcion Present[*] Regalado Present

Davide Present Reyes de los Present

Foz Present Rigos Present

Garcia Present[*] Rodrigo Present

Gascon Present Romulo Absent

Guingona Present Rosales Absent

Jamir Present Sarmiento Present

Laurel Present Suarez Present

Lerum Present[*] Sumulong Present

Maambong Present[*] Tadeo Present[*]

Monsod Present Tan Present

Natividad Present[*] Tingson Present

Nieva Present Treñas
Present[*]

Nolledo Present[*] Uka Present

Ople Present[*] Villacorta Present

Padilla Present Villegas Present

The President is present.

The roll call shows 29 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? (Silence) The Chair hears none; the motion is approved.

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

BISHOP BACANI: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Even though I realize that we have a rule regarding corrections, I believe this is an important

correction that has to be inserted on page 48, since there is a complete change of sense in a very important answer that was given by Commissioner Villacorta.

THE PRESIDENT: Please proceed.

BISHOP BACANI: Under "INQUIRY OF MR. BACANI," the last sentence reads: "Mr. Villacorta replied that the noninclusion would mean exclusion." It should be: "Mr. Villacorta replied that the noninclusion would NOT mean exclusion."

THE PRESIDENT: That is true. Is that all?

BISHOP BACANI: I verified this with Commissioner Villacorta and he said that is really the sense.

APPROVAL OF JOURNAL

THE PRESIDENT: Is there any objection to the approval of the Journal of yesterday's session? (Silence) The Chair hears none; 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? (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

Letter from Mr. Celso A. Landicho, transmitting a resolution of the Sangguniang Bayan of Mataas na kahoy, Batangas, opposing the abolition of the death penalty.

(Communication No. 734 — Constitutional Commission of 1986)

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

Letter from eighty-six (86) members of the faculty, staff and students of Convention Baptist Bible College, Bakyas, Bacolod City, urging the Constitutional Commission to incorporate in the Constitution a provision on the inviolability of the separation of Church and State.

(Communication No. 735 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Mr. Cirilo M. Vera Cruz, Catholic Action Center Building, Naga City, appealing to the Constitutional Commission for the inclusion in the Constitution of a provision on the right to life and the protection the fetus in the mother's womb.

(Communication No. 736 — Constitutional Commission of 1986)

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

Communication from sixty (60) members of the Campus Crusade for Christ, Quezon City, submitting a resolution defending the freedom of belief, upholding the time-honored principle of separation of Church and State, and opposing mandatory religious instruction in public schools.

(Communication No. 737 — Constitutional Commission of 1986)

To the Steering Committee.

Communication from Ms. Rita Macasaet-Eala and one hundred ninety-nine (199) signatories of San Pablo College, San Pablo City, urging the Constitutional Commission to incorporate in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception.

(Communication No. 738 — Constitutional Commission of 1986)

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

Communication signed by three thousand seventy-four (3,074) concerned citizens from various parts of the country, urging the Constitutional Commission to incorporate in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception.

(Communication No. 739 — Constitutional Commission of 1986)

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

Communication from the members of Capitol Alliance Church, Temple of God, Foursquare Gospel Church, United Methodist Church, Isulan Christian Center, all of Isulan, Sultan Kudarat, 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. 740 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Communication from thirty (30) signatories of Oroquieta City, seeking the inclusion in the Constitution of a provision obliging the State to protect the life of the unborn from the moment of conception.

(Communication No. 741 — Constitutional Commission of 1986)

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

Communication from seventy-two (72) concerned residents of Merville Park, Parañaque, Metro Manila, expressing strong support for the approval of Proposed Resolution No. 272, entitled: "Resolution to incorporate in the new Constitution a separate article on the protection and promotion of the rights of the family."

(Communication No. 742 — Constitutional Commission of 1986)

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

Communication from seventy-four (74) officers and members of the Iglesia Filipina Independiente, F. Torres St., Davao City, P.O. Box 416, appealing to the Constitutional Commission to incorporate in the Constitution 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. 743 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from members of the Bureau of Technical and Vocational Education, Ministry of Education, Culture and Sports, Palacio del Gobernador Bldg., Intramuros, Manila, requesting for the inclusion of a section on technical

and vocational education, to wit: "The State, in partnership with the industrial and business sectors, shall establish, maintain and support an integrated and coordinated system of technical and vocational education and training for the secondary to tertiary levels for more effective human resource development and utilization.

(Communication No. 744 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Communication from sixty-four (64) officers and members of the Fellowship of Evangelical Churches, Cagayan de Oro City, appealing to the Constitutional Commission to incorporate in the Constitution 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. 745 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from the Consistory and Members of the Pulpandan Christian Reformed Church, Pulpandan, Negros Occidental, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines.

(Communication No. 746 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Communication from Rosevelinda E. Calingasan, President of Holy Face Organization, urging the Constitutional Commission to incorporate in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception.

(Communication No. 747 — Constitutional Commission of 1986)

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

Letter from Pastor Camilo Napila and eighty-five (85) concerned Christians of the Tulong Evangelical Church, Tulong, Urdaneta, Pangasinan, urging the Constitutional Commission to incorporate in the Constitution the 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. 748 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Communication from Ms. Norma B. Dychangco, District Deputy, Daughters of Mary Immaculate, San Pablo City, urging the Constitutional Commission to incorporate in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception.

(Communication No. 749 — Constitutional Commission of 1986)

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

Letter from Ms. Ma. Aurora J. Felipe of PILIPINA-Kilusan ng Kababaihang Pilipino, 12 Pasaje de la Paz, Project 4, Quezon City, transmitting a Statement of Common Position and Concern signed by fourteen (14) signatories urging withdrawal of the proposal to adopt in the Constitution the provision on "the right to life from the first moment of conception."

(Communication No. 750 — Constitutional Commission of 1986)

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

Letter from Mr. Pedro G. Payoyo of Poblacion, Palauig, Zambales, expressing support for the retention of American Military Bases in the Philippines.

(Communication No. 751 — Constitutional Commission of 1986)

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

Communication from Bro. Rey Lauchengco, President of San Pablo Cathedral Charismatic Community, San Pablo City, urging the Constitutional Commission to incorporate in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception.

(Communication No. 752 — Constitutional Commission of 1986)

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

Letter from Mr. Antonio W. Perez of Gerona, Tarlac, submitting an article, "Military Bases, Solution to Agonizing Economy" for consideration by the Constitutional Commission.

(Communication No. 753 — Constitutional Commission of 1986)

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

Communication from Bro. Mario G. Bunquin, President of the Parish Council of the Laity, San Pablo City, urging the Constitutional Commission to incorporate in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception.

(Communication No. 754 — Constitutional Commission of 1986)

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

Letter from Dr. Alejandrino O. Lola, 6090 Thornton Avenue, Newark, California 94560, U.S.A., citing various reasons for the retention of U.S. Military Bases in the Philippines.

(Communication No. 755 — Constitutional Commission of 1986)

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

Communication from Ms. Natividad P. Dizon, President of Damas de Caridad, San Pablo City, urging the Constitutional Commission to incorporate in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception.

(Communication No. 756 — Constitutional Commission of 1986)

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

Letter from Atty. Benjamin Rigor Domingo of 1096 J.P. Rizal, Guadalupe Viejo, Makati, Metro Manila, proposing to the Constitutional Commission that all congressmen should be elected by the people and that the provision providing for sectoral and party-list representatives be deleted.

(Communication No. 757 — Constitutional Commission of 1986)

To the Committee on the Legislative.

Letter from the officers of New Life in Christ Fellowship, Inc., Butuan City, urging the Constitutional Commission to incorporate in the Constitution the 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. 758 — Constitutional Commission of 1986)

To the Committee on General Provisions.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

CONSIDERATION OF C.R. NO. 29

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

Continuation

PERIOD OF AMENDMENTS

MR. RAMA: I move that we consider Committee Report No. 29 on the Article on Education, Science, Technology, Arts and Culture. We are now in the period of amendments.

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

The honorable chairman and members of the Committee on Human Resources will please occupy the front table in order that we may continue the consideration of the proposed resolution on the Article on Education, Science, Technology, Arts and Culture.

MR. RAMA: Madam President, we are going to apply the Rules of the body on the five-minute limit on the proposal for amendments.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I believe the five-minute rule was reduced to three minutes during our caucus.

THE PRESIDENT: All right.

MR. RAMA: Then I stand corrected, Madam President. So, the other condition in the Rules is that a proponent whose amendment was accepted need not explain his amendment unless required by the committee and those whose amendments are not accepted will have three minutes to explain their amendments — two would be allowed to speak in favor and two en contra of said amendment before the vote is taken.

May I ask that Commissioner Sarmiento be recognized.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: We distributed this morning a copy of our proposed amendment to Section 3(b). This amendment is being proposed by Commissioners Romulo, Maambong, Lerum, Monsod, Suarez, Bacani, Villacorta, Uka and this Member. The proposed amendment reads: "THEY SHALL FOSTER PATRIOTISM AND nationalism, love of HUMANITY, respect for human rights, APPRECIATION OF THE ROLE OF NATIONAL HEROES IN OUR HISTORICAL DEVELOPMENT, strengthen ethical and spiritual values,

encourage critical and creative thinking AND promote scientific, technological and VOCATIONAL efficiency."

May I explain briefly, Madam President, the reasons for this proposed amendment.

THE PRESIDENT: The Commissioner will please proceed.

MR. SARMIENTO: We humbly submit, Madam President, that the words "PATRIOTISM AND nationalism . . . respect for human rights" cover the phrase "teach the rights and duties of citizenship," that is why we move for the deletion of the phrase "teach the rights and duties of citizenship. We also believe that the words "PATRIOTISM AND nationalism . . . respect for human rights" cover the phrase "instill political, health and ecological consciousness and service to society." We also believe that the phrase "strengthen ethical and spiritual values" covers the words "develop moral character and personal discipline." What I have in mind, Madam President, was the work of the late Jose P. Laurel, Sr., Forces That Make A Nation Great, in his article, "The Value of Ethical Principles," he said that ethical principles would cover moral character and personal discipline.

Madam President, we moved for the deletion of the words "and impart liberal education" because what we have in mind were the words of Commissioner Bernas during the period of interpellations — his idea of "liberal education" is the development of the critical and creative faculties of man so as to be of service to society. Then, we retained the phrase "vocational efficiency" because it has acquired a settled usage. This was the same provision in our 1973 Constitution. So the last line would read: "promote scientific, technological and VOCATIONAL efficiency."

MR. NOLLEDO: Madam President, will the Gentleman yield to some questions?

MR. SARMIENTO: Gladly, Madam President.

MR. NOLLEDO: What does the phrase "scientific, technological" describe? I ask because I do not believe there is some euphony here if we use "scientific, technological and VOCATIONAL efficiency." It is my first time to hear such an expression: "scientific efficiency" or "technological efficiency."

MR. SARMIENTO: These words were used in the 1973 Constitution and if I am not mistaken, these are all the same words used in the 1935 Constitution.

MR. NOLLEDO: I do not believe so, Madam President.

MR. RAMA: Madam President, may we ask what is the position of the committee before we go into a debate on the amendment presented by Commissioner Sarmiento?

MS. ROSARIO BRAID: We do not accept the amendment, Madam President.

MR. VILLACORTA: Madam President, the committee is divided actually. Three members are willing to accept and three are not, so we are equally divided.

MR. GASCON: Madam President, I would suggest, since the Commissioner's amendment is an amendment by deletion, that if possible, we accept some deletions. It may be best that the amendment be taken from that perspective — that we could move for a deletion of the first phrase which the Commissioner wishes to delete. We shall thereafter respond, and then the others will follow so we can explain why we feel others could be accepted while others could not.

MR. RAMA: Madam President, under our Rules, we have two speakers for the amendment. Is the Commissioner speaking for or against the amendment?

MR. NOLLEDO: Madam President, I am just interpellating for purposes of introducing a possible amendment, if it is amenable to Commissioner Sarmiento because this is my first time to hear an expression "scientific

efficiency" or "technological efficiency." Something is wrong with this statement, Madam President.

THE PRESIDENT: Should this matter not be directed to the committee?

MR. NOLLEDO: I am presenting an amendment to the amendment, Madam President. If Commissioner Sarmiento is amenable, I would like to amend the last line to read: "promote scientific and technological EDUCATION AS WELL AS VOCATIONAL efficiency," because there is a defect in the proposal. The fact that the phrase is found in a previous Constitution should not necessarily preclude us from correcting such a glaring defect.

MR. SARMIENTO: May I hear Commissioner Nolleddo's amendment again.

MR. NOLLEDO: It would read: "promote scientific and technological EDUCATION AS WELL AS VOCATIONAL efficiency."

MR. SARMIENTO: What about "scientific and technological EXPERTISE"?

MR. NOLLEDO: "Scientific efficiency" is all right.

MR. SARMIENTO: We accept the Commissioner's amendment, Madam President.

MR. NOLLEDO: Madam President, "scientific" indicates expertise, so with "technological." It will be a redundant expression if we use "expertise." I am also introducing this amendment to the amendment to guide the committee, because I am very sure there is a grammatical defect. We do not say "scientific efficiency" or "technological efficiency." There is no euphony.

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Madam President, may we suggest that after the word "thinking," we put a comma (,) and "VOCATIONAL EFFICIENCY" and then continue with the words "AND promote scientific and technological EDUCATION."

MR. NOLLEDO: I am not amenable to that, Madam President.

MR. SUAREZ: Thank you.

MR. VILLACORTA: Just for the record, Madam President, the 1973 Constitution uses exactly the same wording: "scientific, technological and VOCATIONAL efficiency." The 1971 Constitutional Convention used that phrase.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

SUSPENSION OF SESSION

MR. SARMIENTO: To abbreviate the proceeding may I request that we suspend the session for about two minutes so that we can confer with the committee.

THE PRESIDENT: The session is suspended.

It was 10:10 a.m.

RESUMPTION OF SESSION

At 10:17 a. m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. SARMIENTO: Madam President, we have formulated the proposed amendment. May we ask the committee for their reaction to this proposed amendment? Is the clause "THEY SHOULD inculcate PATRIOTISM AND nationalism" accepted by the committee?

MR. VILLACORTA: The reformulation, Madam President, is "THEY SHALL inculcate . . ."

MR. SARMIENTO: "THEY SHALL inculcate PATRIOTISM AND nationalism." We accepted the Davide amendment.

MR. VILLACORTA: That is in the amended formulation of the committee, copies of which have been distributed to all.

MR. SARMIENTO: May I proceed to another line: "FOSTER love of HUMANITY." Is this accepted, Madam President?

MR. VILLACORTA: This is also the committee formulation.

MR. SARMIENTO: How about "respect for human rights, APPRECIATION OF THE ROLE OF NATIONAL HEROES IN THE HISTORICAL DEVELOPMENT OF THE COUNTRY and teach the rights and duties of citizenship"?

MR. VILLACORTA: That is in our formulation, Madam President.

MR. MONSOD: Madam President.

THE PRESIDENT: May we first allow Commissioner Sarmiento to finish.

MR. VILLACORTA: Point of order, Madam President. What Commissioner Sarmiento is giving us are the committee formulations, so I think we are just repeating ourselves.

MR. GASCON: Madam President, is it the Commissioner's intent to delete "teach the rights and duties of citizenship"?

MR. SARMIENTO: No, we accepted the committee proposal to incorporate "teach the rights and duties of citizenship," but we asked for the deletion of the words "instill political, health and ecological consciousness and service to society," and "develop moral character and personal discipline."

MR. GASCON: Madam President, may we discuss, therefore, this motion of the Commissioner to delete "instill political, health and ecological consciousness and service to society" since this is his first motion?

MR. SARMIENTO: Yes, to delete the words "instill political, health and ecological consciousness and service to society." Our position is that it is covered by the words "PATRIOTISM AND nationalism, love of HUMANITY, respect for human rights, teach the rights and duties of citizenship."

THE PRESIDENT: The Chair understands that the committee is divided on Commissioner Sarmiento's formulation. Could the Commissioner just submit his formulation to a vote?

MR. SARMIENTO: Yes, Madam President, I will do it.

THE PRESIDENT: So let us now have the reworded section.

MR. SARMIENTO: The entire section will read: "THEY SHALL inculcate PATRIOTISM AND nationalism, FOSTER love of HUMANITY, respect for human rights, APPRECIATION OF THE ROLE OF NATIONAL HEROES IN THE HISTORICAL DEVELOPMENT OF THE COUNTRY, teach the rights and duties of citizenship, strengthen ethical and spiritual values, encourage critical and creative thinking AND BROADEN scientific AND technological KNOWLEDGE AND PROMOTE VOCATIONAL efficiency. " This is being sponsored by Commissioners Romulo, Maambong, Lerum, Monsod, Suarez, Bacani, Rigos, Villacorta, Uka, Davide, Nollado and this Representation.

MR. VILLACORTA: For the record, Madam President, I did not know my name was included there. It should not be because I represent the committee.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Madam President, since Commissioner Sarmiento wishes to delete "political, health and ecological consciousness," may I just state why we included the concept of political consciousness which is intended to be political literacy. We believe political consciousness is very important because in the past while literacy was emphasized, we did not try to skew it towards political awareness and political literacy.

We do remember that when Guinea-Bissau wrote its Constitution, its main theme focused on political literacy since it felt that a developing country should first of all, promote political consciousness.

We have been talking about concepts of concientization preire approach of political consciousness and critical thinking. These are all the ingredients of political consciousness.

So I submit, Madam President, that this concept is very important.

THE PRESIDENT: The Chair would just clarify the comments of Commissioner Rosario Braid. What the committee objects to is the proposed deletion of the words "instill political, health and ecological consciousness and service to society" and "develop moral character and personal discipline."

MR. VILLACORTA: That is right, Madam President.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: May we vote on the concepts one by one? Let us take the words "instill political consciousness" first, followed by "health and ecological consciousness" and then "service to society," because the committee itself is divided on these.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: Before we vote, may I explain why we insist on retaining "instill political, health and ecological consciousness and service to society"? Our understanding of Filipino culture is that ours is a high threshold culture. We are of the type of "tama na, sobra na" culture, in the sense that we have to wait for crisis to come to a head before we respond. And we feel that if at the very early stage of the educational system, political, health and ecological consciousness is already inculcated, we might just be able to avert the emergence of several crises to which the response might be too late. For instance, we always say that "health is wealth" but even among ourselves, we have to wait for us to contract a malignant disease before we go to the doctor for medical checkup.

In terms of ecological consciousness, we have to wait for famine, drought and flash floods before we say something about forest conservation, management and all that.

We feel that we do not respect our resource base; no matter what the economic policies are, we can never advance because the resource base has already been so degraded. So, we feel that these are the important considerations in the Constitution.

MR. RAMA: Madam President, may I ask that we vote first on the first concept: "instill political, health and ecological consciousness" so we can move forward.

THE PRESIDENT: That is, whether or not to delete.

MR. GASCON: I think we could do it by deleting first "political consciousness and health consciousness," then "ecological consciousness."

MR. GUINGONA: One at a time.

THE PRESIDENT: I beg the Commissioner's pardon. What is the proposal of Commissioner Gascon?

MR. GASCON: Father Bernas is proposing that we take each theme one by one.

MS. ROSARIO BRAID: Madam President, as a member of the committee, I would like also to do it one by one because one concept may be more important than the other, rather than having the risk of deleting the entire phrase. I agree with Commissioner Bernas that we take it one by one.

MR. COLAYCO: Point of order, Madam President.

THE PRESIDENT: Commissioner Colayco is recognized.

MR. COLAYCO: The group of Commissioner Sarmiento has already stated its own amendment. Therefore, we should vote on that amendment. We cannot mix the bone of contention between the proposals of Mr. Sarmiento and that of the committee. We are going to have here a hodgepodge discussion.

MR. GASCON: But the proposed amendment of Commissioner Sarmiento is essentially a motion to delete. We feel that maybe it would be best to look at it from that perspective as motions for deletion.

MR. COLAYCO: But the amendment proposed by the Sarmiento group is complete and it does not include the controversial phrases that the Commissioner wants the body to discuss little by little. The proper procedure should be for the body to vote on the proposed amendment as proposed by the Sarmiento group.

MR. GASCON: But essentially, it is a motion for deletion. Remember, we have the working draft.

MR. COLAYCO: It is all right. However, what I saying is that we have now a proposed amendment. The vote should be on whether it is acceptable to the body or not.

MR. RAMA: Madam President.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

MR. RAMA: This is only a motion.

THE PRESIDENT: Let us first hear from Commissioner Bernas on this particular point. Does Commissioner Bernas have something to say?

FR. BERNAS: I was asking the original proponent of the amendment if he is amenable to a divided vote. The original proponent of the amendment would like to have his amendment voted as an entire. In other words it is an amendment by substitution, rather than an amendment by deletion.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: Ours is an amendment by substitution of the entire section.

THE PRESIDENT: The Chair believes that the Commissioners have these two drafts before them: the draft of Commissioner Sarmiento which has also been somehow changed with certain words and also the committee proposal as amended. So, we will vote on the proposed amendment of Commissioner Sarmiento as read. Will Commissioner Sarmiento please read again his amendment.

MR. SARMIENTO: This is a group amendment by this Representation and several others. May I now read the amendment.

It reads as follows: "THEY SHALL inculcate PATRIOTISM AND nationalism, FOSTER love of HUMANITY, respect for human rights, APPRECIATION OF THE ROLE OF NATIONAL HEROES IN THE HISTORICAL DEVELOPMENT OF THE COUNTRY, teach the rights and duties of citizenship, strengthen ethical and spiritual values, encourage critical and creative thinking AND BROADEN scientific AND technological KNOWLEDGE AND PROMOTE VOCATIONAL efficiency."

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: Will the proponent agree to restore the phrase "develop moral character and personal discipline"? This was in the amended committee proposal.

THE PRESIDENT: That was already explained by Commissioner Sarmiento. However, will Commissioner Sarmiento please answer?

MR. SARMIENTO: Madam President, we regret we cannot accept the proposed amendment of the Vice-President. The group has decided to retain the amendment we are proposing.

MR. PADILLA: Madam President, may I say a few words with regard to this amendment.

THE PRESIDENT: Commissioner Sarmiento stated something when he was proposing his proposed formulation. Will the Commissioner repeat why he proposed to delete the words "develop moral character and personal discipline"?

MR. SARMIENTO: Yes, Madam President. In the book written by the Honorable Jose P. Laurel, Sr., Forces That Make A Nation Great especially in his article "The Value of Ethical Principles" he said that ethical and spiritual values cover moral character and personal discipline. So, we are suggesting to delete the phrase "develop moral character and personal discipline" and stick to the phrase "strengthen ethical and spiritual values."

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: The phrase "develop moral character and personal discipline" appears in Section 7, paragraph 4 of Article XV of the 1973 Constitution. It was in the original, as well as in amended drafts of the committee.

Hence, there seems to be no reason why such an important phrase be deleted. Its deletion might imply that we are no longer interested in developing moral character and personal discipline. To me, this phrase is even more important than the phrase "patriotism and nationalism." It is even clearer than the phrase "ethical and spiritual values." I have no objection to this phrase "ethical and spiritual values," but definitely, to eliminate the phrase "develop moral character and personal discipline" would be a retrogression and it is not possible to say that that is already included in ethical values.

So I would ask if it is not acceptable to the proponent of the entire section, as amended, that we vote on whether to retain this very important clause that has consistently been appearing in our Constitution and even in the original and amended drafts of the committee

MR. VILLACORTA: Madam President, the committee supports Commissioner Padilla because the reference to moral character and personal discipline, as he pointed out, was contained in the 1935 and 1973 Constitutions.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Madam President, I noticed that the committee has submitted a proposal, as amended. If we consider this proposal in relation to the Sarmiento, et al, proposal, there are only few clauses which are supposed to be deleted. I joined in Commissioner Sarmiento's proposal only insofar as the phrase "promote scientific and technological" is concerned and which I substituted with the following: "BROADEN scientific and technological KNOWLEDGE." Earlier, during the suspension of the session, I proposed to the Commissioner that we should retain the teaching of the rights and duties of citizenship and also the development of the moral character and personal discipline.

In view of these very few amendments, can we not make the committee proposal as the basis for the Sarmiento proposal, so we will vote only on the two concepts supposed to be deleted?

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: Madam President, I think the proposed amendment of Commissioner Sarmiento is very clear, but I do not agree that it is a simple case of amendment by substitution. It is a combination of substitution and deletion. So for the sake of order and in fairness to everybody, let us take the substitutions one by one and also the deletions one by one, and then vote on them.

It seems to me that the clause "THEY SHALL inculcate PATRIOTISM and nationalism, FOSTER love of HUMANITY, respect for human rights" is a modification. That has been accepted. But the deleted phrase "instill political, health and ecological consciousness and service to society" is an amendment by itself. In fact, it can be divided further because I think some people might insist that we can delete "political, health and ecological consciousness" but retain "service to society." So in fairness to everyone, may I move that we first vote on the deletion of the phrase "instill political, health and ecological consciousness."

MS. QUESADA: Madam President.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: Thank you, Madam President.

I support Commissioner Bernas' proposal to consider these concepts one by one. But before doing so, I would like to stress that the deletion of the words "health consciousness" would really jeopardize the goal that we would like

to set in the promotion and prevention of diseases because it is very vital that our citizenry would have that kind of consciousness so that they would be able to contribute to the prevention of many diseases that still plague our country. The school performs such a very vital role in the development of health consciousness and the thrust of curriculum development would greatly be affected with this inclusion in the provisions of the educational aims of educational institutions. So I would really appeal to the body to retain the words "health consciousness," being an important objective in education.

MR. COLAYCO: Madam President.

THE PRESIDENT: Commissioner Colayco is recognized.

MR. COLAYCO: In effect, I think the suggestion of Commissioner Bernas is an amendment to the amendment proposed by Commissioner Sarmiento and his group. That is what it is. Unless it is accepted by Commissioner Sarmiento, the proposed amendment of Commissioner Sarmiento should first be voted upon.

FR. BERNAS: Madam President, may I ask that we vote on my proposal.

THE PRESIDENT: Please correct me if I am wrong. The motion is to vote on the deletion of certain words.

FR. BERNAS: My motion is that instead of us taking the Sarmiento amendment as one amendment and it being voted upon as one amendment, we take it in parts. We vote in parts.

THE PRESIDENT: The Sarmiento amendment? How can we vote on this in parts?

FR. BERNAS: No. My motion is to accept the procedure that I am offering; that we vote in parts.

THE PRESIDENT: That is right, to vote on the deletion of the phrase "instill political, health and ecological consciousness and service to society," since this is one of those deleted in the Sarmiento amendment.

MS. ROSARIO BRAID: Madam President, if I understand Commissioner Bernas' motion, we should vote on each of these concepts by parts: first, "political," then "health" and the last is "ecological."

THE PRESIDENT: Is this how we interpret Commissioner Bernas' motion?

FR. BERNAS: Yes, that would be my preference because there are really so many concepts here and, whereas some people may be willing to die for some, they may not be willing to die for others.

MR. RODRIGO: Madam President.

THE PRESIDENT: All right. As the Chair sees it with the two drafts before me now, there is a similarity or unanimity between the committee report and the Sarmiento report up to the words "APPRECIATION OF THE ROLE OF NATIONAL HEROES IN OUR NATIONAL DEVELOPMENT."

FR. BERNAS: Yes.

THE PRESIDENT: The phrases "strengthen ethical and spiritual values" and "encourage critical and creative thinking" are all there.

FR. BERNAS: Yes.

THE PRESIDENT: Since these things are accepted or jointly sponsored by the committee, what we have to vote on now is whether or not the body is in favor of deleting the phrase "instill political, health and ecological consciousness and service to society." I understand that the committee desires to have the entire phrase voted upon. Or would the committee want to divide it into "political," and then "health," and "ecological"? What is the decision of the committee?

MS. ROSARIO BRAID: I think we would like to have it one by one.

MR. RODRIGO: Parliamentary inquiry, Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: The parliamentary situation is such that we have this Sarmiento, Romulo, Maambong and Lerum amendment which incorporates most of the items in the committee proposal. If anything has been omitted, the proper procedure is to introduce that as an amendment to the amendment; thereafter, we can vote on said amendment to the amendment.

THE PRESIDENT: That is not in accordance with the motion of Commissioner Bernas before the body and which has to be resolved now.

FR. BERNAS: Madam President, in effect what I am saying is what Commissioner Rodrigo is also saying — that the motion to delete "instill political, health and ecological consciousness" is an amendment to the amendment.

THE PRESIDENT: That is why the Chair rules that we have to vote on whether or not we have to delete it. Because then, if the body votes in favor of the deletion, as far as that is concerned, the Sarmiento proposal stands without the phrase "instill political." Then the committee requests that the word "political" be voted on separately from "health" and "ecological."

MR. PADILLA: Madam President.

VOTING

MR. RAMA: The body is ready to vote, Madam President.

THE PRESIDENT: As many as are in favor of the proposal to delete the phrase "instill political," please raise their hand. (Several Members raised their hand.)

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

The results show 23 votes in favor and 8 against; the motion to delete is approved.

The Sarmiento amendment also proposes the deletion of the word "health." As many as are in favor of the deletion of the word "health" from the committee report, please raise their hand. (Several Members raised their hand.)

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

The results show 17 votes in favor and 15 against; the motion to delete the word "health" is approved.

We shall now vote on the deletion of "ecological consciousness" which is not contained in the proposed Sarmiento amendment.

As many as are in favor of the proposal to delete the words "ecological consciousness" from the committee report, please raise their hand. (Several Members raised their hand.)

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

The results show 23 votes in favor and 12 against; the proposal to delete "ecological consciousness" is approved.

MR. GASCON: Madam President, before we vote on whether or not to delete the phrase "service to society," no one has yet spoken why we wish to retain said phrase. May I be given one minute.

THE PRESIDENT: Please proceed.

MR. GASCON: Madam President, I believe that we should retain "service to society" because we seek to encourage a new attitude towards education. At present, our educational system encourages what we call education for leadership and education for followership — certain individuals are taught to become leaders, while certain individuals are taught to become followers secondly, our education encourages what we call the "success motive" which speaks of the rat race going up the ladder. It does not really encourage service, it is really education for ambition. So, when we want to include the phrase "service to society," we should look at education not only from the point of privileges that it provides the people, but also of the responsibilities that it has. So when we say "service to society," we would like to encourage the students who undertake education to commit themselves in the long run, in whatever manner they feel, to serve — not only to be ambitious, not only to go up the ladder to join the rat race but really to serve — those who are poor, deprived and oppressed. That is why we feel that we should retain the phrase "encouragement of education for service to society."

Thank you.

VOTING

THE PRESIDENT: We have heard Commissioner Gascon.

As many as are in favor of deleting the words "service to society" from this particular section, please raise their hand. (Several Members raised their hand.)

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

The results show 18 votes in favor and 17 against; the motion to delete "service to society" is approved.

There is another matter that has been brought up by Commissioner Padilla — the proposed Sarmiento amendment to delete the words "develop moral character and personal discipline" for reasons explained by him.

MR. TINGSON: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: May I join Commissioner Padilla in appealing to Commissioner Sarmiento — and I did also add my name there originally — to retain the phrase that we wrote in our 1973 Constitution which obviously has met appreciation and acceptance by our community: "develop moral character and personal discipline."

MR. SARMIENTO: Madam President, we are accepting the amendment to the amendment.

THE PRESIDENT: So we can vote now on the proposed amendment of Commissioner Sarmiento as a whole.

BISHOP BACANI: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: I think there is a change of wording in the Sarmiento amendment from the word "scientific" and onward. It is different from the committee proposal.

MR. VILLACORTA: The committee has accepted the Sarmiento amendment concerning the last phrase.

MR. SARMIENTO: As suggested by Commissioner Davide, may I read the whole thing, Madam President, before voting on it?

THE PRESIDENT: Please proceed.

MR. SARMIENTO: "THEY SHALL INCULCATE PATRIOTISM AND NATIONALISM, FOSTER LOVE OF HUMANITY, RESPECT FOR HUMAN RIGHTS, APPRECIATION OF THE ROLE OF NATIONAL HEROES IN THE HISTORICAL DEVELOPMENT OF THE COUNTRY, TEACH THE RIGHTS AND DUTIES OF CITIZENSHIP, STRENGTHEN ETHICAL AND SPIRITUAL VALUES, DEVELOP MORAL CHARACTER AND PERSONAL DISCIPLINE, ENCOURAGE CRITICAL AND CREATIVE THINKING, BROADEN SCIENTIFIC AND TECHNOLOGICAL KNOWLEDGE, AND PROMOTE VOCATIONAL EFFICIENCY."

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: Just for clarification, Madam President. When we say "scientific and technological knowledge," that includes scientific attitudes and scientific skills. Is that right?

MR. SARMIENTO: Yes.

MR. VILLACORTA: Thank you.

MS. QUESADA: Madam President, just for the record. Would the term "scientific knowledge" include knowledge about health?

MR. SARMIENTO: Yes.

MS. QUESADA: And would the "duties of citizenship" include service to the country, as well as the responsibility to take care of their own health and that of the community?

MR. SARMIENTO: Yes.

MS. QUESADA: Thank you.

VOTING

THE PRESIDENT: As many as are in favor of the Sarmiento amendment, please raise their hand. (Several Members raised their hand.)

As many as are against, please raise their hand. (One Member raised his hand.)

The results show 37 votes in favor and I against; the Sarmiento amendment is approved.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: Just for my peace of mind, may I ask Commissioner Sarmiento why he proposed the deletion of the phrase "to instill political health, ecological consciousness and service to society"?

MR. SARMIENTO: To me, the phrase is already covered by the words: "patriotism, nationalisms respect for human rights, and teach the rights and duties of citizenship."

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: Now we are ready to move on to Section 3(c).

MR. BENNAGEN: Madam President, I thought that is also included in "scientific education." But is that a response to the interpellation by Commissioner Quesada?

MR. SARMIENTO: Accepted, Madam President.

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

THE PRESIDENT: Commissioner Davide is recognized.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: On behalf of the committee, may I invite the attention of our honorable colleagues to the fact that the committee has agreed to delete in our proposal the words "in writing," appearing on line 12 of page 2 of our revised draft. The reason for this is that we concur with the observation made during our caucus a few days ago that the retention of the words "in writing" in this proviso might bring about some problems with regard to parents and guardians who cannot read or write or who are illiterate. By deleting the words "in writing," we would allow them to express their option in some other acceptable manner. Therefore, the provision which this committee is now respectfully submitting for consideration by the honorable Commissioners would read as follows: "At the option expressed by the parents or guardians, religion shall be allowed to be taught to their children or wards in public elementary and high schools by teachers designated or approved by the religious authorities of the religion to which the children or wards belong, without additional cost to the government."

Thank you, Madam President.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: There is an anterior amendment to be presented by Commissioner Garcia, as an additional paragraph to Section 3(b).

May I ask that Commissioner Garcia be recognized.

THE PRESIDENT: Is there any proposed amendment to the first paragraph as read?

MR. RAMA: There is no other amendment, Madam President.

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: Thank you, Madam President.

During the discussions on the Article on National Economy and Patrimony, I suggested a paragraph regarding the teaching of economic nationalism. It was then suggested that it be transposed into the Article on Education. Therefore, I would like to propose my amendment during this particular time, in the following manner: "ECONOMIC NATIONALISM SHALL BE FOSTERED IN ALL SCHOOLS WITH THE VIEW TO INCREASING FILIPINO PARTICIPATION IN THE ECONOMIC DEVELOPMENT OF THE COUNTRY AND IN THE PROMOTION AND PATRONAGE OF LOCAL PRODUCTS AND SERVICES."

MR. RAMA: May we know the position of the committee?

THE PRESIDENT: Should this belong to the paragraph on religious instruction?

MR. GARCIA: No, Madam President. My suggestion is that, it be placed right after the paragraph we have just approved.

THE PRESIDENT: Will it be a separate section?

MR. GARCIA: A separate section or a subsequent paragraph.

MR. VILLACORTA: In the discussion on the Article on National economy and Patrimony, the committee committed itself to accepting that proposal or amendment of Commissioner Garcia.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

Can we proceed first to approve the religious instruction, if there are no further amendments, because this is the issue on the floor right now.

MR. GARCIA: Excuse me, Madam President. We have just approved Section 3(b). And my suggestion is for an added paragraph to this particular Section.

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you.

Before we go into the period of amendment on Section 3(c), regarding religious instruction . . .

THE PRESIDENT: No, we are going back to Section 3(b), Commissioner Suarez. I am sorry. The Garcia amendment is an additional paragraph to Section 3(b).

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: May I request Commissioner Garcia to repeat the proposed amendment?

MR. GARCIA: Yes, Commissioner Monsod.

THE PRESIDENT: Do we have copies?

MR. GARCIA: I already passed copies during the debates on the national economy three days ago. Anyway, I will read the proposed amendment.

THE PRESIDENT: Please proceed.

MR. GARCIA: "ECONOMIC NATIONALISM SHALL BE FOSTERED IN ALL SCHOOLS WITH THE VIEW TO INCREASING FILIPINO PARTICIPATION IN THE ECONOMIC DEVELOPMENT OF THE COUNTRY AND IN THE PROMOTION AND PATRONAGE OF LOCAL PRODUCTS AND SERVICES."

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: It seems to me that the second part of the amendment does not belong here because that is already covered by the Article on National Economy and Patrimony. We do have sections on effective control and participation of Filipinos, several of them, and we do have a section on preferential use and patronage of Philippine products, labor and materials.

May I ask Commissioner Garcia if he is willing to entertain an amendment to the amendment, which says: "SHALL FOSTER ECONOMIC NATIONALISM FOR THE DEVELOPMENT OF A SELF-RELIANT AND INDEPENDENT NATIONAL ECONOMY." This is the first sentence in the Article on National Economy and

Patrimony. So, the proposal repeats this general idea.

MR. GARCIA: I accept the amendment, Madam President.

MR. MONSOD: Thank you.

REV. RIGOS: Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: May I ask whether "ECONOMIC NATIONALISM" is not actually covered by "nationalism" on line 4 — "They shall foster nationalism." I would suppose that this already includes "ECONOMIC NATIONALISM," and, therefore, another paragraph on that is not necessary.

MR. GARCIA: I would like to answer that briefly.

THE PRESIDENT: Please proceed.

MR. GARCIA: First of all, during the debates on the Article on National Economy and Patrimony, we said that if there is going to be any kind of deepening of effective Filipino control, it is important to instill it in the consciousness of the young in the coming generation. And therefore although I believe it can be embraced by nationalism, still there is a need to underscore the importance of economic nationalism, of an economic foundation that is held effectively by Filipinos. I think it is very important to instill this idea in the young. Therefore, the proposal is to include a further paragraph to highlight the significance of this thrust in education

REV. RIGOS: Madam President, if ever the Commission agrees to this proposal, the best place for that would be in the Article on the Declaration of Principles, rather than in this Section 3(b).

MR. GARCIA: Excuse me, I would like to answer that. The thrust here is for schools to foster this kind of thinking, and therefore, I believe that the best place is really in this section on values, thrust and directions of educational institutions.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I proposed amendment to state it in a way consistent with the Article on National Economy and Patrimonys but the proposal of Commissioner Rigos partakes of a principle rather than education of the schools, because this would include consumer education. Maybe, this should really be considered in the Declaration of Principles, rather than as part of the curricula of the schools.

MR. GARCIA: But I understand from our previous discussions on education that we have broadened the idea of education to include formal, nonformal and different types of education that would include different sectors of society. And therefore this would have that broad scope, the comprehensive approach.

SUSPENSION OF SESSION

MR. MONSOD: Madam President, may we have a suspension of session.

THE PRESIDENT: The session is suspended

It was 11:02 a.m.

RESUMPTION OF SESSION

At 11:13 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

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

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: Madam President, I am afraid that we did not come to an agreement during the break, so I would like to reiterate the amendment I am proposing: "ECONOMIC NATIONALISM SHALL BE FOSTERED IN ALL SCHOOLS WITH THE VIEW TO PROMOTING AN INDEPENDENT AND SELF-RELIANT ECONOMY."

THE PRESIDENT: Is this accepted by the committee?

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I think Commissioners Aquino and Rigos are going to speak on the proposal; but in view of their opinions, I would like to withdraw my support of the amendment by reason of my amendment. So I would just yield to Commissioners Aquino and Rigos.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: Madam President, I am constrained to take exception to the position of Commissioner Garcia. This is one area wherein we do not sacrifice the substance for the sake of brevity.

The principle of economic nationalism has in fact been enshrined already in the Article on Education. In fact, in the umbrella provision which serves as almost like the crown jewel of the Article on Education, there is a provision which says that:

The State shall give priority to education, science and technology, arts, culture and sports to foster patriotism and nationalism.

In contemporary political thought and political theory, nationalism essentially lies at the bedrock of economic nationalism. All throughout the debate and the deliberations on the concept of nationalism, we have been consistently citing the thoughts of Claro Mayo Recto, the thoughts of Jose W. Diokno, the thoughts of Constantino, which premised the concept of nationalism on the historical process of the evolution of economic nationalism first and foremost as its major pillar. Also in Section 3(b), we have incorporated the clause "They shall foster nationalism" before the phrase "the love of humanity." It is all over. In fact, in the Article on National Economy and Patrimony, we have been underscoring the value education on the Filipino-First Policy to a point of even ranking it. I think we have said sufficiently enough about this value.

THE PRESIDENT: Does Commissioner Garcia wish to reply?

MR. GARCIA: Yes, Madam President.

First of all, I would like to say this: Although it is true that economic nationalism is included in the concept of nationalism, as based on our own experience, especially for those of us who teach in our schools, we realize that when nationalism is discussed, very often it is the political and cultural nationalism which is understood.

In fact, what we have in many of our schools is a colonial mentality that anything that comes from abroad,

anything that comes from outside is better. That was why we had in the original draft of this amendment a desire to inculcate the promotion and patronage of local products and services so that our young people will value the products of our own industries, the products of our own labor and effort.

I believe that we cannot emphasize enough the importance of economic nationalism, especially among the young. And this is our experience in the schools — for those who teach — how difficult it is to tell the young people that what we produce is as good, if not better, and that we must put all our efforts together to produce a strong country, a better and stronger country.

I think this is important, especially in the formation of young minds.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: While I agree with the intent of Commissioner Garcia, I believe that this goal could better be achieved in early education and preschool where we instill qualities of discipline and craftsmanship. This way, we are able to train our people to become more quality conscious and, in the end, all turn out better products in the concept of cultural nationalism where we should be able to inculcate these values through the media and through the schools, rather than teaching this concept by itself. It is attained, in other words, through some rise in preschool education, in early education, and in the media education.

MS. AQUINO: Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: I did not intend to deprecate the value of economic nationalism as a historical imperative. In fact, time and again, I have spoken in this Chamber about it. But I have always believed that economic nationalism in the formation of the minds of the people and the children is essentially the thrust of value education, the burden of which lies essentially in the family as correctly stated by Commissioner Rosario Braid, essentially in the preschool value formation. Of course, the school will play a very decisive role, but we are not wanting — we are not wanting in constitutional mandate to give enough space for economic nationalism to be incorporated in the school curricula.

VOTING

MR. RAMA: Madam President, the situation calls for a vote, unless Commissioner Garcia withdraws his amendment.

THE PRESIDENT: As many as are in favor of the proposed amendment of Commissioner Garcia as an addition to Section 3(b), please raise their hand. (Few Members raised their hand.)

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

The results show 11 votes in favor and 22 against; the amendment is lost.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: I ask that Commissioner Tingson be recognized to present an amendment to Section 3(c).

REV. RIGOS: Before that, we agreed that I could speak first.

MR. RAMA: Madam President, there was an agreement that Commissioner Rigos would speak on that amendment.

REV. RIGOS: Madam President, the committee announced that they have agreed to the proposal to delete the words "in writing" on line 12. I rise to suggest that the words "in writing" be retained so that it will read: "At the option expressed in writing by the parents or guardians, et cetera."

We used these words in the 1973 Constitution and I find no compelling reason why we should delete these words this time. It is argued that the illiterates, those who cannot read and write, cannot possibly express their option in writing, but I suppose that is the exception rather than the rule. There must be some way by which those who cannot read and write can express their option to have religion taught to their children in the public schools. And so, I suggest that we restore the words "in writing" in this particular paragraph.

MR. DAVIDE: Point of order, Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I would like to raise a point of order because there is no proposal presented yet to have it deleted. I have a proposal to delete the same.

THE PRESIDENT: No, it was read. Commissioner Guingona read the revised formulation.

MR. DAVIDE: The Commission was not informed about any change, Madam President. The copy that I have, and which was distributed by the committee, still retains "expressed in writing by."

MR. VILLACORTA: Madam President.

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: Earlier in the morning, Commissioner Guingona, on behalf of the committee, made a manifestation.

MR. DAVIDE: Then, may we request that it should be taken up first and that the committee introduce it as an amendment.

THE PRESIDENT: The committee is submitting a new formulation of Section 3(c).

MR. DAVIDE: I have not received a copy of that reformulated Section 3.

THE PRESIDENT: Will the committee read the proposal.

MR. VILLACORTA: Madam President, as manifested by Commissioner Guingona, the new proposed paragraph will read as follows: "At the option expressed by the parents or guardians, religion shall be allowed to be taught to their children or wards in public elementary and high schools by teachers designated or approved by the religious authorities of the religion to which the children or wards belong without additional cost to the government."

MR. DAVIDE: So, if that is the proposal, I would propose an amendment to that by also deleting the word "expressed," so that the first sentence will only read: "At the option of parents or guardians, religion shall be allowed to be taught . . ."

MR. VILLACORTA: This is accepted by the committee.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Madam President, Commissioner Rigos moved for the retention of the words that were

deleted by the committee. May I speak in support of the committee's stand.

First, let me read the Department Order of the Secretary of Education way back in 1953. Secretary Gregorio Hernandez at that time said that the basic policy of this administration — with regard to the implementation of the constitutional provision on optional religious instruction — is to give this permission the fullest effectivity. The basic philosophy for this has been stated by the Secretary of Justice in his Opinion No. 157, Series of 1953, where he said:

Optional religious instruction was decreed as a constitutional mandate, not so much for the benefit or support of any particular sect or system of religion as for the development and upbuilding of the spiritual standard and moral values of the public school pupils, with the end in view of producing straight-thinking, morally upright and God-fearing citizens of the nation.

In Article II, Section 4 of the 1973 Constitution, we read these words:

The State shall strengthen the family as a basic social institution. The natural right and duties of parents in the rearing of the youth in civic efficiency and the development of moral character shall receive the aid and support of the Government.

And then, in Article XV of the Child and Welfare Code:

The promotion of the child's spiritual well-being, according to the precepts of his religion as much as possible, shall be encouraged by the State.

Why do I read all of these? Because they have one thrust and the thrust is really to facilitate the optional religious instruction when it is so desired by the parents. And that is why we should also facilitate that.

The essential thing is to safeguard religious freedom so that there will be no religious bigotry manifested and exercised. And I think that when the option is expressed by the parents, one way or the other, that should be sufficient. There is more than one way; writing is not the only way.

And as has been admitted by the proponent, there are people really — even though perhaps they may only be a few. . . even though the atheists may be few — whose welfare we took into consideration in the withdrawal of my amendment yesterday. So, also in this case, let us not say that there are not too many illiterates. I suspect that there are more illiterates in the Philippines than there are atheists.

Thank you.

THE PRESIDENT: As the Chair sees it, there is no particular objection to the optional religious instruction. All that is before the body is whether this should be the option of the parents and whose option should be expressed in writing or through some other means.

BISHOP BACANI: Yes.

THE PRESIDENT: We have the committee report as read by Commissioner Guingona and the chairman and the proposed amendment of Commissioner Rodrigo to the committee report by inserting the words "expressed in writing."

REV. RIGOS: It is the Rigos amendment, Madam President.

THE PRESIDENT: Yes. So that is what we will vote upon now, whether or not we are in favor of the Rigos amendment to the committee report.

BISHOP BACANI: Yes.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Before the committee report is submitted to a vote, I would like to propose an amendment. Delete the words "expressed by" and in lieu thereof, use the word "OF." So, it would read "At the option OF parents and guardians."

MR. VILLACORTA: Madam President, that was accepted by the committee.

SR. TAN: Madam President.

THE PRESIDENT: Commissioner Tan is recognized.

SR. TAN: May we know why our committee made a change? Before it was in writing, but now it has been deleted. Can they give us the reasons for this change?

MR. GUINGONA: As our chairman, the honorable Villacorta mentioned — and as cited by Commissioner Bacani — we had in mind the parents or guardians who cannot read or write.

REV. RIGOS: Madam President, may I just advance the information that in the last formal committee meeting, it was agreed that we should retain the words "in writing," this is why the copies distributed to us contain the words "in writing."

THE PRESIDENT: The Chair understands that there have been several amendments proposed to the committee which they considered during their caucuses, and this is the result of the consideration of those amendments.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: Just for the information of the body, I would like to state that in the 1973 Constitution, the words "in writing" appear — "at the option expressed in writing by parents or guardians . . ." — but in the 1935 Constitution, the words "in writing" do not appear. The 1935 Constitution says, "optional religious instructions shall be maintained in the public schools as now authorized by law."

VOTING

THE PRESIDENT: All right, we are ready to vote. As many as are in favor of the proposed Rigos amendment to the committee report — to insert or to retain the words "in writing" — please raise their hand. (Several Members raised their hand.)

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

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

The results show 20 votes in favor, 13 against and 5 abstentions; the amendment of Commissioner Rigos is approved.

MR. NOLLEDO: Madam President.

THE PRESIDENT: Are there any other amendments?

MR. DE LOS REYES: Madam President.

MR. NOLLEDO: Madam President.

THE PRESIDENT: Commissioner Nollado is recognized.

MR. NOLLEDO: Thank you.

Before we vote on this, I would like to direct a very important clarificatory question to the committee. Do I understand it right that these "children or wards" are under parental authority and that they are minors?

MR. VILLACORTA: Yes.

MR. NOLLEDO: My second question is: When we talk of the word "guardians," do we mean natural guardians or guardians appointed by the court or does it mean anyone who is in actual custody of the minor?

MR. VILLACORTA: Both, Madam President.

MR. NOLLEDO: Thank you.

MS. AQUINO: Madam President.

MR. DE LOS REYES: Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: May I request for one clarification before my amendment. The committee incorporated the phrase "by teachers designated or approved by the religious authorities of the religion. . ." This might entail some questions that may be very disturbing to some of us. For example, should the public school teachers be allowed to teach religion? I mean, may they come from the same school and teach the regular subject, like mathematics or science as others who usually teach the regular curriculum in the public schools?

MR. GASCON: No, Madam President. What we mean by this is that the religion to be taught will be that designated by the religious authorities of that religion, so they are not public school teachers. The contemplation of the committee is that no public school teachers will have the additional load or burden of teaching religion.

MS. AQUINO: The incorporation of this phrase without that particular qualification may be dangerous.

MR. GASCON: Why is that so?

MS. AQUINO: Because the only provision is that the teachers designated or approved by religious authorities may come from among the teachers of the public schools who teach the regular school curriculum. Some were objecting that teachers teaching the same regular classes in the school curriculum when they teach religion may carry a certain measure of moral ascendancy and moral suasion that will affect the impressionable minds of the children. These are the subtleties of indoctrination and formation that may not be intended.

MR. GASCON: That is right. Commissioner Aquino's point is that public school teachers who teach other subjects may also be allowed to teach religion. As I said, the contemplation of this committee is that the religion which may be taught at the option expressed by the parents shall be taught by teachers designated by the religious authorities and who are not members of the faculty or regular members of the faculty.

MS. AQUINO: Yes, who are not the regular school teachers of the faculty.

MR. GASCON: The regular school teachers of the faculty have already enough load on their shoulders and the teaching of religion would be an additional load.

MS. AQUINO: That is not so much really the consideration.

MR. GASCON: Yes, that is one. I also see the Commissioner's point.

MR. BENGZON: Madam President, for a clarification.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: Further to the clarification sought for by Commissioner Aquino, I would like to address this question to the committee. Suppose there is a public school teacher who teaches in a school other than the school where that religion is taught — for example, a public school teacher in Caloocan — can that public school teacher who lives in Caloocan be appointed by the religious authorities to teach religion in a Quezon City public school, or would that teacher be totally disqualified simply because she is a public school teacher?

MR. VILLACORTA: I think the committee would think that that would be permissible, that a Caloocan teacher could teach catechism in a Quezon City public school.

MR. BENGZON: So what is really prohibited is the teaching of religion by a public school teacher who teaches any subject in that particular school because of the undesirable moral persuasion that she could bring to bear upon the people.

MR. VILLACORTA: That is right. In response to the point raised by Commissioner Aquino, the committee would welcome any amendment that would make our intention clearer.

MR. BENGZON: Do we still need to amend considering that the explanation and the intendment of the committee is very clear? We can just put the intention in the record and there is no vagueness.

MR. GASCON: Yes, that would depend on Commissioner Aquino's proposal.

MR. BENGZON: I was going to ask Commissioner Aquino if we should be satisfied with that explanation because the intendment of the committee is very clear. So let us not clutter the provision.

MS. AQUINO: Another clarification, Madam President. Should the instruction be given school credit?

MR. VILLACORTA: No, this is a noncredit subject, Madam President.

MS. AQUINO: What of the students who do not want to undergo religious instruction?

MR. VILLACORTA: This is purely optional.

MS. AQUINO: Optional without school credit?

MR. VILLACORTA: Yes, without school credit.

MS. AQUINO: I thank the Commissioner very much.

MR. RAMA: Madam President, Commissioner Tingson would like to present a concrete amendment to Section 2.

MR. VILLEGAS: Madam President.

THE PRESIDENT: Commissioner Villegas is recognized.

MR. VILLEGAS: I would like to react to Commissioner Aquino's comments, Madam President. I think a lot of these details are really matters for legislation and I know it may be late at this time. However, I would highly recommend to the committee that after "high schools" we just say "AS MAY BE PROVIDED BY LAW," deleting the last phrase "without additional cost to the government." I would like to give flexibility to our future government to follow the examples of countries like Singapore, Indonesia and even Great Britain, which do not hesitate to use public funds for the teaching of all types of religion in the public schools. I think we are really very much getting involved in legislative matters. So I would like to suggest that after "high schools," we add "AS MAY BE PROVIDED BY LAW" because all the intricacies of who can teach, whether a teacher from another public school or an outsider, should not be constitutionalized. We should give tremendous flexibility to our

government in the future to adapt to changing circumstances.

As I said yesterday, in Singapore which is headed by an agnostic, public funds are used in the teaching of religion in specific public schools. So my specific amendment is, after "high schools," delete all the words and add "AS MAY BE PROVIDED BY LAW."

MR. TINGSON: Madam President.

MR. VILLACORTA: Madam President, the committee does not accept the amendment but would like the body to decide on the issue.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Madam President, I was called upon by the Floor Leader to present my amendment a while ago and I was scheduled to present that when Commissioner Villegas asked for the floor. I just want to make it clear, Madam President, that the amendment I will propose — I was requested to do so by several Commissioners, including Commissioners Bacani, Rigos, Davide, Maambong, Monsod, Rama and Bernas — is with the understanding that the phrase "without additional cost to the government" should be retained. I am in a quandary because I cannot propose this amendment if the body will approve the proposal of Commissioner Villegas.

THE PRESIDENT: We have to vote first on the proposed amendment of Commissioner Villegas which is on the floor.

MR. TINGSON: Madam President, if so, then I would like to say a few words against the proposal.

THE PRESIDENT: The Commissioner will please proceed. The amendment of Commissioner Villegas is now open for discussion.

MR. TINGSON: Probably, if I would be allowed to present my amendment, Commissioner Villegas will desist from insisting on his amendment by deletion. May I do so, Madam President.

THE PRESIDENT: The Commissioner will please proceed.

MR. TINGSON: The amendment would be on page 2, line 15. Between "schools" and "by," insert "WITHIN THE AVAILABLE REGULAR SCHOOL HOURS," so the lines would read: "At the option expressed in writing by the parents or guardians, religion shall be allowed to be taught to their children or wards in public elementary and high schools WITHIN THE AVAILABLE REGULAR SCHOOL HOURS by teachers . . ." That would be the amendment joined by an ecumenical group, including Commissioners Bacani, Bernas, Maambong, Monsod, Rama, Davide and Rigos.

BISHOP BACANI: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: May I just make it clear that when I agreed to the amendment, it was "WITHIN THE AVAILABLE REGULAR CLASS HOURS." It was not "WITHIN THE AVAILABLE REGULAR SCHOOL HOURS."

MR. TINGSON: I stand corrected, Madam President. The amendment is "WITHIN THE AVAILABLE REGULAR SCHOOL HOURS."

BISHOP BACANI: As I said, when I associated myself with that, it was "WITHIN THE AVAILABLE REGULAR SCHOOL HOURS."

REV. RIGOS: Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: Could the Commissioner give us two minutes to reconcile this?

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 11:44 a.m.

RESUMPTION OF SESSION

At 11:51 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President, the proponents had a meeting of minds. Commissioner Villegas is withdrawing his amendment. So I ask that Commissioner Tingson be recognized.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Madam President, I understand from the committee that they are also divided about this, and that they would like to throw the question to the floor. The amendment, Madam President, on line 15 is to insert between "schools" and "by" the phrase "WITHIN THE REGULAR CLASS HOURS." This is on the understanding, as already agreed upon by Commissioner Villegas, that we retain the phrase "without additional cost to the government."

MR. OPLE: Madam President, may I ask a question.

THE PRESIDENT: Commissioner Ople will please proceed.

MR. OPLE: When we say "WITHIN THE REGULAR CLASS HOURS," is the intention to provide optional religious instruction within a framework of the compulsory class hours, so that the element of possible duress enters the picture at that moment when optional religious instruction is located within a framework of a compulsory period during which classes have to be held?

MR. TINGSON: Madam President, may I yield the floor to Commissioner Bacani to answer that question.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Maybe Commissioner Ople is not familiar with what is happening in the public elementary schools.

MR. OPLE: But the next question I would put to that, before Commissioner Bacani replies so that we can shorten the exchange of views, is: Within the framework of class hours which has a compulsory character for students and teachers, what would be the customary frequency within the school week of optional religious instruction?

BISHOP BACANI: First of all, the religious instruction does not take the place of the compulsory subjects. There is a staggered schedule of the religious instruction so that this instruction is carried out at a time when the students do not have to attend any compulsory subject. That is the first thing. There is already one directive from the Ministry of Education, and this dates back to 1955, where they allowed the schools a maximum of three 30-minute break periods within a week.

MR. OPLE: This is a maximum allowable law.

BISHOP BACANI: Yes, I believe that is still the practice of some schools.

MR. OPLE: There are five days during the week when classes are held within what they call "a compulsory frame or certainly nonoptional frame of prescribed class hours." Is Commissioner Bacani saying that according to prevailing policy and practice this is really equivalent to about three times a week consisting of religious instruction of a period of thirty minutes for three sessions during the five-day week?

BISHOP BACANI: Yes. There is at least one directive from the Ministry of Education to that effect setting that as a maximum.

MR. OPLE: What is the prevailing frequency versus the maximum allowable time for religious instruction?

BISHOP BACANI: In fact, the prevailing frequency, at least among Catholics at present, is once a week. We are not even able to use up the maximum three-times-a week period.

MR. OPLE: When Commissioner Bacani speaks of class hour when no compulsory subject is taught, does it pertain to the recess? Usually there is a thirty or a fifteen-minute recess in the morning.

BISHOP BACANI: I thank the Commissioner very much for that question. The purpose, precisely, of stating "WITHIN THE REGULAR CLASS HOURS" is to prevent the religious instruction to be given at unholy hours, like before class hours in the morning, during recess or mealtime in the afternoon or after class hours.

MR. OPLE: So religious instruction will most likely take place during the free hours of the students and teachers within the class hours for the day.

BISHOP BACANI: That is actually the case.

MR. OPLE: If that is correctly stated, then I think the element of duress is eliminated and at the same time the optional character of religious instruction under this section is left without the element of duress. But are we sure that these discretionary spaces during the class hours are to be utilized for religious instruction, that there will be no detriment to the integrity of the curriculum as a whole and that these will not detract from the quota of time allocated during compulsory class hours to the major subjects taught to the students in public elementary and high schools?

BISHOP BACANI: I would like to assure Honorable Ople that I personally phoned Minister Quisumbing and she told me that the schedule can be arranged.

MR. OPLE: Thank you very much, Madam President.

MR. RAMA: Madam President, I ask that Commissioner Aquino be recognized to speak en contra.

MR. DE LOS REYES: Madam President, parliamentary inquiry. I thought I heard Commissioner Villegas introduce an amendment which up to this moment has not been withdrawn.

THE PRESIDENT: That has been withdrawn, Commissioner de los Reyes.

MR. DE LOS REYES: I did not hear the amendment withdrawn.

MR. VILLEGAS: I withdrew the amendment after agreeing that the addition of "WITHIN REGULAR CLASS HOURS" would solve the problem.

THE PRESIDENT: Are there any other questions?

MS. AQUINO: Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: I am disturbed by the proposal to incorporate the phrase "WITHIN THE REGULAR CLASS HOURS." If it is true, as Bishop Bacani has said, that it is already being adopted and practised, why do we have to provide for that in the Constitution? This provision might dangerously tread into some settled practices and jurisprudence. It may also raise practical questions. For example, when we provide for religious instruction within regular school hours, it would, when operationalized, eventually amount to a blending of the secular institution with sectarian education.

In the case of *McCullum v. Champagne County*, without having to press to the extreme the view of the separation of Church and State, that kind of a practice of allowing religious instruction within the regular school hours has been stricken down as unconstitutional. I understand that the intent precisely in incorporating this is to avoid that kind of a legal complication. However, the most liberal interpretation of the separation of Church and State in the more recent case of *Surach v. Clauson* would allow only for the time release method of religious instruction, meaning religion is not taught during the regular school hours.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: One reason this amendment is being proposed is to avoid conflicts with administrators of public schools. Sometimes in practice, the possibility of having convenient hours for the teaching of religion depends upon the inclination of the administrators. So the administrators themselves are in disagreement as to just how this is to be interpreted — whether religion may be taught during or only outside class hours. So there is no uniformity of practice. The purpose of the amendment is to have uniformity of practice and also to save the administrators the agony of having to decide for themselves whether or not they are violating the separation of Church and State.

Second, the entire purpose of the whole section is, in fact, to provide for an exception to the rule on non-establishment of religion, because if it were not necessary to make this exception for purposes of allowing religious instruction, then we could just drop this amendment. But, as a matter of fact, this is necessary because we are trying to introduce something here which is contrary to American practices.

MS. AQUINO: Madam President, just a brief rejoinder.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: This is only for purposes of discussion. I cannot agree that this is an exception. The principle of the separation of Church and State is very definitive and decisive on the rich tradition of disallowing the State from undertaking religious instruction, from financing any religious groups and from blending sectarian and secular institutions.

These are the rich traditions of this principle of the separation of Church and State, but it does not disallow optional religious instruction. The principle of separation of Church and State does not provide for government hostility against the Church. In other words, it is not essentially an exception. The question is in the mode or in the modality of optional religious instruction. And it has been recognized that the time release method is allowable.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Madam President. With all the discussions on this section, the more I find

wisdom in Section 8(8), Article XV of the 1973 Constitution, which states:

At the option expressed in writing by the parents or guardians, and without cost to them and the government, religion shall be taught to their children or wards in public elementary and high schools as may be provided by law.

So I am amending Section 3(c) by putting in there the provision of Section 8(8), Article XV of the 1973 Constitution, which I have just read.

THE PRESIDENT: There is a proposed amendment by Commissioner de Castro. Is Commissioner Tingson accepting the proposed amendment of Commissioner de Castro so that we can proceed to a vote?

MR. TINGSON: Madam President, from my understanding, the amendment of the Commissioner is really an amendment by substitution. I would like to throw the matter to the floor for decision.

THE PRESIDENT: So we will put the proposed amendment of Commissioner Tingson, which has been agreed upon during the suspension by Commissioner Bacani and others, to a vote.

MR. DE CASTRO: May we hear the amendment of Commissioner Tingson, Madam President.

MR. TINGSON: Madam President, the amendment on Section 3(c), page 2, line 15, is to insert between "schools" and "by" the phrase "WITHIN THE REGULAR CLASS HOURS."

MR. AZCUNA: Madam President.

THE PRESIDENT: Commissioner Azcuna is recognized.

MR. AZCUNA: Would Commissioner Tingson agree to an amendment to his amendment?

MR. TINGSON: Madam President, may we hear the amendment to the amendment.

MR. AZCUNA: Instead of "WITHIN THE REGULAR CLASS HOURS," substitute the phrase "DURING ANY CONVENIENT INTERVAL WITHIN THE REGULAR CLASS HOURS," so that the religious instruction can be inserted any time during regular class hours. But it will be considered as an interval and not a regular class hour for the students.

MR. TINGSON: Madam President, may I yield to Commissioner Bacani.

MR. BENGZON: May I ask one question of Commissioner Azcuna on his proposed amendment to the amendment.

MR. AZCUNA: Willingly, Madam President.

THE PRESIDENT: Commissioner Bengzon will please proceed.

MR. BENGZON: The problem, and which is one of the reasons why I believe this particular amendment is proposed, is that it has in some areas been the practice by the principal or the administrator to deliberately allow religious instruction at high noon when everybody goes home for lunch, which is so inconvenient for the students.

So would the Commissioner's amendment mean that the time for religious instruction could be placed at high noon?

MR. AZCUNA: No, Madam President.

MR. BENGZON: Because that is an interval within the class hours.

MR. AZCUNA: The word "CONVENIENT" would exclude such intervals, the intention being to carve a free time within the convenient regular hour.

MR. OPLE: Madam President, will the Gentleman consider an amendment to his amendment?

MR. AZCUNA: We will hear the amendment first, Madam President.

MR. OPLE: Will his intention be better served by using "FREE INTERVAL" in lieu of "CONVENIENT INTERVAL WITHIN THE REGULAR CLASS HOURS"?

MR. DAVIDE: Madam President, point of order.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: That amendment would be a third degree amendment proscribed by the Rules.

THE PRESIDENT: Commissioner Davide is correct.

MR. OPLE: It is not, therefore, an amendment, but a proposal put to the amending Commissioner.

MR. AZCUNA: Madam President, in view of the objection of the Honorable Davide, I have to decline the proposal, although I am agreeable to the idea. Maybe it can be raised as another amendment if my amendment is not accepted.

Is the Honorable Tingson agreeable to my proposal?

THE PRESIDENT: Is the Azcuna amendment acceptable to Commissioner Bacani?

BISHOP BACANI: I am sorry, we have to decline this because "CONVENIENT INTERVAL" is a very vague phrase.

THE PRESIDENT: Let us just proceed to a vote.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Before we proceed to vote, may I ask the Honorable Tingson whether or not my amendment by substitution using Section 8(8), Article XV of the 1973 Constitution which reads as follows is acceptable:

At the option expressed in writing by the parents or guardians, and without cost to them and the government, religion shall be taught to their children or wards in public elementary and high schools as may be provided by law.

If the Honorable Tingson will accept this amendment by substitution, then I am putting it, Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Madam President, I look with favor upon the 1973 Constitution provision because I was the chairman of the Committee of Church and State of the 1971 Constitutional Convention, but with the understanding that naturally this body has a right to introduce amendments to anything we approve.

MR. RAMA: Madam President, the amendment of Commissioner Azcuna is on deck and we should vote on it now.

VOTING

THE PRESIDENT: As many as are in favor of the amendment proposed by Commissioners Tingson, Bacani and others to insert the words "WITHIN THE REGULAR CLASS HOURS," please raise their hand. (Several Members raised their hand.)

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

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

The results show 20 votes in favor, 15 against and 3 abstentions; the proposed amendment of Commissioner Tingson and others is approved.

MR. RAMA: I ask, Madam President, that Commissioner Davide be recognized to introduce amendments on the same Section 2(c).

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: The proposed amendments would affect lines 15 to 17. The first will be to substitute the word "teachers" with the word "INSTRUCTORS," then delete the phrase "designated or approved by the religious authorities" on lines 15 and 16. On line 17, between the words "to" and "the," insert "THEM AND," so that lines 15 to 17 will read: "and high schools by INSTRUCTORS of the religion to which the children or wards belong, without additional cost to THEM AND the government."

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Will Commissioner Davide accept an amendment to line 17 by deleting the word "additional"? I feel, Madam President, that the word "additional" does not belong in the provision. If we say "additional," it means that there is an original cost.

MR. DAVIDE: I accept the amendment deleting the word "additional."

THE PRESIDENT: What does the committee say with respect to the Davide amendment?

MR. VILLACORTA: The committee accepts the Davide amendment, Madam President.

BISHOP BACANI: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Madam President, I object to the use of the phrase "without cost to THEM" — that refers to the pupils — because they may voluntarily wish to pay or make offerings to their teachers in religion. So "without additional cost to the government" is just right. The amendment of Commissioner Davide says: "Without cost to THEM AND the government."

MR. DAVIDE: Yes, the reason being that if we put the word "additional" here, it would mean that the government may first be required to provide certain expenditures. That is why we have to delete "additional." And insofar as the wards, the pupils and the parents are concerned, they could voluntarily contribute. That is different. So the addition of "additional" here may mean that the government and the parents may be required to spend somehow for these religion teachers. It would become mandatory for the parents to do that. So the idea is that if the parents, guardians, wards or pupils voluntarily contribute a certain amount for the stipend of the religious instructor, that is not within the mandate of the Constitution.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: With respect to the word "additional," it seems to me that it is necessary because by allowing religious instruction in school facilities, some expense on the part of the government is already involved — the wear and tear of the building, the electricity used to light the classroom, et cetera. Those are costs to the government. In other words, "additional" means without any additional cost over and above the necessary normal operation of the school, after all, it is the school who pays the janitors to clean the classrooms. So there is some expense already involved on the part of the government by allowing this. But "additional" there means that the government will not, for instance, be required to pay the teachers or for the children's transportation and so forth. In that sense, there is a need for putting the word "additional" because there is an initial cost.

MR. DAVIDE: If the committee will adopt that particular interpretation of Commissioner Bernas, I will not insist on accepting the proposal of Commissioner Maambong to delete the word "additional."

FR. BERNAS: Madam President, on the matter of the addition of "THEM AND," it does seem to be unnecessary because at any rate, the State cannot impose that cost on the parents.

MR. DAVIDE: So the Commissioner wants to amend my amendment by deleting the words "THEM AND."

FR. BERNAS: Yes, because as I said the State cannot impose that cost on the parents anyway.

MR. DAVIDE: I agree, Madam President. So the only amendments will be the change of the word "teachers" to "INSTRUCTORS" and the deletion of the phrase "designated or approved by the religious authorities." I am substituting "teachers" with "INSTRUCTORS" because of some confusion, despite the interpretation of the committee, that the teachers themselves in the same educational unit may be allowed to teach. So to avoid that possible confusion, we change it to "INSTRUCTORS."

FR. BERNAS: Madam President, may I present this consideration to the Honorable Davide. Perhaps, retaining that phrase "designated or approved by the religious authorities" would facilitate things for the school administrator because they would know whom to allow to teach. Let us say five teachers come, all of them saying: "I am teaching for the Catholic Church." Who is to decide which one is representing the Catholic Church? So I think that is for the school administrator to decide.

MR. DAVIDE: With that plea, I am withdrawing the proposed amendments, except for the substitution of "teachers" with "INSTRUCTORS."

MR. JAMIR: Madam President.

THE PRESIDENT: Commissioner Jamir is recognized.

MR. JAMIR: With respect to the word "additional," I understand Commissioner Bernas stated that it refers to the initial cost to the government. Commissioner Davide stated that if that is the interpretation given to that word by the committee, he will withdraw his amendment; but I have not heard the committee respond to that question. So we would like to know from the committee whether the word "additional" in the provision refers merely to lighting or janitorial cost and not to any other cost.

MR. VILLACORTA: That is right; we agree with that interpretation.

MR. JAMIR: Is that the official interpretation of the committee?

MR. VILLACORTA: Yes, Madam President.

MR. JAMIR: I thank the Commissioner, Madam President.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Just one point of clarification from Commissioner Bernas. He was saying that the phrase "designated or approved by the religious authorities" will solve the problem of the school. But it appears in this formulation that it is the religious authorities who will designate.

MS. ROSARIO BRAID: Yes, Madam President.

MR. MAAMBONG: Precisely, and Commissioner Bernas is talking about the decision on the part of the authorities of the school to decide or designate out of five the religious instructor. How will they solve the problem?

FR. BERNAS: Madam President, the situation is something like this: You are the principal. Five people come to you, all of them saying: "I am the representative of the Catholic Church and I am here to teach the Catholic children religion." Or, one of them says, "I am the one, the other four are not," and so forth. Somebody has to decide that, and we do not want to leave that decision to the school authority. We should protect the school authority as much as possible. So all the school authority has to ask is: "Which of you can present to me a letter from the parish priest designating you as the teacher?"

MR. MAAMBONG: The Commissioner is, therefore, contemplating of a situation where the church denomination making the designation is the one causing the confusion. I mean, instead of designating one, they present five representatives.

FR. BERNAS: Five present themselves.

MR. MAAMBONG: Of one denomination?

FR. BERNAS: Yes, all claiming to be representatives. But the school authority can accommodate only one because, let us say, there is only one class. So the school authority has to know who among the five representatives. And who is to decide that? I think that should be decided by the church authority.

MR. MAAMBONG: Thank you.

MR. RAMA: Madam President, I move that we approve the entire Section 3(c), as amended.

THE PRESIDENT Will the chairman please read the entire section.

MR. VILLACORTA: Section 3(c) will read as follows: "At the option expressed in waiting by the parents or guardians, religion shall be allowed to be taught to their children or wards in public elementary and high schools WITHIN THE REGULAR CLASS HOURS by INSTRUCTORS designated or approved by the religious authorities of the religion to which the children or wards belong, without additional cost to the government.

VOTING

THE PRESIDENT: As many as are in favor of this section as read, please raise their hand. (Several Members raised their hand.)

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

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

The results show 33 votes in favor, 3 against and 3 abstentions; Section 3(c), as amended, is approved.

MR. OPLE: Madam President, before we proceed to the next section, may I be allowed to raise a parliamentary inquiry. This is addressed particularly to the Floor Leaders. I refer to the proponents, and I think I speak at this time on behalf of all the proponents of amendments for new sections appended to the resequenced outline for the committee, including the Bacani, et al amendment; Ople, et al amendment; Villegas, et al amendment; Davide amendment, and Padilla amendment. It is understood, Madam President, that we do not have to present these amendments right now so as not to interrupt the flow of the proceedings and reserve them for the last part of the consideration of this article, provided that the committee has the power to relocate them in the appropriate places.

THE PRESIDENT: I think I have to ask the chairman of the committee to answer that particular query.

MR. VILLACORTA: That was the intention of the committee, Madam President.

MR. OPLE: Thank you very much for the clarification.

THE PRESIDENT: May the Chair be informed whether or not we are resuming after lunch?

MR. VILLACORTA: Madam President, we consulted the Floor Leader and the Steering Committee chairman; most of the members of the committee, as well as some of our fellow Commissioners, have appointments this afternoon. It is with the understanding that every Saturday we adjourn at one o'clock in the afternoon.

So would it be possible if the Chair could adjourn the session at one o'clock?

THE PRESIDENT: All right, at one o'clock.

MR. BENGZON: Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: People are willing to go all day, but the only problem is that there seems to have been an understanding in the past that we will only go until one o'clock on Saturday.

Can we have an understanding as to whether the body would be willing to go all day on the forthcoming Saturdays so that there will no longer be confusion in the future?

VOTING

THE PRESIDENT: Let us submit that to a vote.

As many as are in favor of continuing our deliberations until afternoon, instead of half day on Saturdays, please raise their hand. (Few Members raised their hand.)

As many as are against or, in other words, they are in favor of working just half day on Saturdays, please raise their hand. (Several Members raised their hand.)

The results show that there are 14 votes in favor of working until afternoon on Saturdays, 18 voted to rest after one o'clock, and nobody abstained. So we will maintain the half-day schedule which is up to one o'clock.

Let us now proceed to the next section, Section 4.

MR. RAMA: May I ask that Commissioner Regalado be recognized for his amendment on Section 4.

MR. REGALADO: Thank you, Madam President.

MR. TINGSON: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: May I rise on a point of parliamentary inquiry.

THE PRESIDENT: Commissioner Tingson may proceed.

MR. TINGSON: I would be very happy to give way to Commissioner Regalado, but actually I have an amendment which is an additional paragraph on Section (c). I shall be very glad to do it later on, if I am given the permission to do so.

MR. REGALADO: I am willing to yield to Commissioner Tingson, if his amendment — the proposed second paragraph — should come before Section 4. The Commissioner is telling me that he is not yet ready at the moment but he will just make a reservation to introduce a proposed amendment to constitute a second paragraph of Section 3.

My proposed amendment is on Section 4, but when this portion was being sponsored by the committee, unfortunately, I was in the hospital and, when I was going over the Journal, my doubts were not clarified. So, before I propose my amendment, may I be permitted to seek clarification? It may not be necessary for me to propose some additional amendments.

With respect to Section 4(a), may I ask the committee whether the provisions thereof are intended to be prospective in nature or should apply even to institutions organized by religious orders, mission boards and charitable organizations which are already existing.

MR. VILLACORTA: First of all, we are still discussing the first paragraph, not yet Section 4(a). But in answer to the Commissioner's question, this is meant to apply immediately after the ratification of this Constitution.

I understand that there are some Commissioners who would like a transitory period during which foreign-owned religious schools will have time to divest their holdings.

MR. REGALADO: In other words, the present educational institutions in the Philippines which are established and managed by religious orders will have to divest themselves of their holdings.

MR. VILLACORTA: Yes, although we are still allowing 25 percent equity. During the period of interpellations, Commissioner Davide requested the committee to come up with data on the number of foreign-owned religious schools we have. We found difficulty because the Ministry of Education, Culture and Sports, as well as the Securities and Exchange Commission, does not have the classified data on this.

Moreover, the Catholic Educational Association of the Philippines (CEAP) has just a directory with the names of the owners of the schools but not specifying the percentages of ownership. However, Commissioner Rigos, speaking on behalf of the Association of Christian Schools and Colleges (ACSC), which is the Protestant Association of Schools, confirmed that all Protestant missionary schools are now Filipinized.

Brother Rolando Dizon, who is the president of the Catholic Educational Association of the Philippines and Sister Luz Emmanuel, an officer of the same organization, have confirmed that all Catholic missionary schools are Filipinized.

MR. REGALADO: That is what bothers me. In my reading of the Journals, the comment of the committee is that these schools established by religious orders have already been Filipinized. Does the word "Filipinized" mean Filipinized in the administration or Filipinized in the ownership?

MR. VILLACORTA: In the ownership. What we could not find out is whether by the word "Filipinized," we mean 100 percent or 60:40. We have a feeling that it is 60:40. But the data are not available. We went to the

Ministry of Education, Culture and Sports and to the SEC, but they could not help us.

MR. REGALADO: How about the matter of corporation sole which is practically the configuration of most of these religious schools? It is not a corporation in the regular form as understood in the Corporation Code, but the case of corporation sole which is the nature of schools operated by religious orders.

MR. VILLACORTA: By that, does the Commissioner mean that ownership is invested in the president or in the organization?

MR. REGALADO: Ownership belongs to the order.

MR. GUINGONA: To the religious order.

MR. REGALADO: To the order itself and it is only represented by trustees. How do we determine the 75 percent of that kind of a corporation sole? How about the provisions of Section 25 of P.D. No. 232, the Education Act of 1982, which provides that all future educational institutions shall be nonstock corporations? Aside from the fact that it is a corporation sole, how do we determine the citizenship of the owner of a corporation sole since a corporation sole does not have citizenship?

MR. VILLACORTA: Commissioner Guingona will answer that question.

MR. REGALADO: That is what I am interested in finding out because if I am satisfied with the answers, I do not have to propose amendments anymore. But as I said, I was in the hospital when these things took place and there was the term "Filipinization." This term "Filipinization" was contemplated under P.D. No. 176, implementing the 1973 Constitution, which contemplated both Filipinization in ownership and Filipinization in administration. That is not clear to me.

MR. GUINGONA: The members of the committee, in providing for ownership by individual citizens or by corporations or associations, have simply copied the provisions under Article 15, Section 8(7), which in our interpretation, would mean that we would only be considering ownership either by individuals or corporations, not corporation sole.

MR. REGALADO: Is the Commissioner referring to Section 8 of Article 15 of the 1973 Constitution?

MR. GUINGONA: Yes. If the Commissioner will notice, this particular provision limited its enumeration or its concern to citizens in the Philippines or corporations or associations, sixty per centum (60%) of the capital of which is owned by such citizens.

MR. REGALADO: The Commissioner failed to read the opening statement. Paragraph (7) of Section 8, Article 15 of the 1973 Constitution provides:

Educational institutions, other than those established by religious orders, mission boards, and charitable organizations, shall be owned solely by citizens of the Philippines, or corporations or associations sixty per centum of the capital of which is owned by such citizens.

In other words, that requirement specifically excluded educational institutions established by religious orders, mission boards, and charitable organizations, and to further clarify that P.D. No. 176 of April 16, 1973, implementing the very same Section 8(7) of Article 15, even made a distinction about educational institutions already established and those to be established.

Thus, Section 1, of P.D. No. 176 provides:

Ownership — All educational institutions other than those which are already established or which may hereafter be

established by religious orders, mission boards and charitable organizations.

In other words, P.D. No. 176, implementing the aforementioned provisions of the 1973 Constitution specifically excepted from the coverage those educational institutions already established or in the future to be established by religious orders, mission boards and charitable organizations. And Section 2 referred to "Filipinization" in relation to control and administration which thereby implemented the second sentence of paragraph (7) of Section 8, which says:

The control and administration of educational institutions shall be vested in citizens of the Philippines.

That is according to the 1973 Constitution. Implementing the same was Section 2 of P.D. No. 176 which says:

The control and administration of all educational institutions already established hereafter to be established in the Philippines shall be vested in citizens of the Philippines.

That is why, when I read in the Journal about the committee stating that there is already "Filipinization," or that most of the schools have already been "Filipinized," my problem is whether the phrase "Filipinized" was used in relation to ownership or just to administration. Insofar as the administration is concerned, more or less with two or three exceptions, that is already a fait accompli, because under P.D. No. 176 we were given up to the school year 1976-1977 only within which to "Filipinize" those institutions from the standpoint of administration. Of course, there were two religious schools which held on to foreign administrators, but all the rest already replaced their rectors with Filipino religious members by the school year 1976-1977. That was Filipinization insofar as administration was concerned as mandated by the 1973 Constitution and as implemented by P.D. No. 176. But I am not sure as to what the committee was saying when it referred to Filipinization of these schools from the standpoint of ownership.

MR. GUINGONA: The committee refers to both ownership and administration. If I may be allowed to continue, may I refer the Commissioner to the same section that I have specified in the 1973 Constitution. The Commissioner will notice that this particular provision does not only refer to administration because it speaks also of educational institution which should be owned solely by citizens or corporations of the Philippines.

MR. REGALADO: Yes.

MR. GUINGONA: In other words, even in the 1973 Constitution, the contemplation or the intention of the fundamental law was to include both ownership and administration.

MR. REGALADO: They are not merely these, because otherwise there is an error of language in the Constitution then. Paragraph 7 of Section 8 states: "Educational institutions, other than those established by religious orders, mission boards, or charitable organizations."

MR. GUINGONA: Yes.

MR. REGALADO: In other words, with the exception of educational institutions established by religious orders, mission boards, or charitable organizations, then all educational institutions shall be owned solely by citizens of the Philippines and at the time, of course, by corporations or associations 60 per centum of the capital of which is owned by citizens. In other words, educational institutions of religious orders were exempted from that requirement by the very constitutional provision which was further implemented and ramified with clarity in P.D. No. 176.

I will also ask the committee whether the so-called Filipinization of these schools, from the standpoint of ownership, not from the standpoint of administration alone, has already been carried out, especially with respect to corporation sole like the Dominican Order and the Benedictine Order.

MR. GUINGONA: May I invite the Commissioner's attention to the fact that the proposal that we have here also contains exceptions. Those same exceptions were provided under Subsection 7 of Section 8, Article XV of the 1973 Constitution. However, we have provided in our proposal that there should be a 75:25 ratio, whereas before there was no such proportional ratio in the 1973 Constitution as far as ownership is concerned.

The Commissioner is talking about the presidential decree. He said that that presidential decree had been enacted to clarify. However, we find no reason why further legislative enactment is needed to make clarification on the subject of existing jurisprudence. The Commissioner was asking about Filipinization. Our chairman, Commissioner Villacorta, has already said that as far as Protestant schools are concerned, they are all Filipinized as testified to by Commissioner Rigos and by the association itself, the Association of Christian Schools and Colleges. Also, as far as the Catholic schools are concerned, they have also become Filipinized manifested by the president of the Catholic Educational Association of the Philippines. The only question is whether the Filipinization is 100 percent as in the case of the Protestant schools, or whether the Filipinization is based on a 60:40 ratio as mentioned by Brother Dizon.

MR. REGALADO: Not only with respect to administration but also ownership?

MR. VILLACORTA: Yes.

MR. REGALADO: Does that include even corporation sole?

MR. GUINGONA: Yes, because even the 1973 Constitution does not speak of corporation sole.

MR. REGALADO: It speaks of corporations?

MR. GUINGONA: Yes.

MR. REGALADO: And when we speak of corporations, can we speak of corporation sole or corporation aggregate?

MR. GUINGONA: Yes, if we are going to include that, then the corporation sole will have to follow the provision of the Constitution.

MR. REGALADO: And how do we determine the capitalization of the corporation sole?

MR. GUINGONA: A corporation need not be a stock corporation; it can be a nonstock, nonprofit with members only.

MR. REGALADO: I asked so because the Commissioner has mentioned in his proposal the phrase "75% owned by Filipino citizens."

MR. GUINGONA: Yes.

MR. REGALADO: How do we establish the 75 percent when we talk of corporation sole?

MR. GUINGONA: When we talk of this matter, we are not talking only in terms of shareholders, but also in terms of membership. Thus, as far as the nonstock corporations are concerned, we do not talk only of percentage of shares, but also in terms of numbers of membership.

MR. REGALADO: Paragraph (a) of Section 4 states: "which shall be at least 75% owned by Filipino citizens."

MR. GUINGONA: Does the Commissioner mean 75 percent Filipino and 25 percent foreign?

MR. REGALADO: Madam President, in view of those clarifications which I find a little insufficient for my purpose, I am respectfully proposing an amendment to Section 4, paragraph (a), by actually making this a

throwback to the provisions of the 1973 Constitution to the effect, and to read: "PRIVATE EDUCATIONAL INSTITUTIONS, OTHER THAN THOSE ESTABLISHED BY RELIGIOUS ORDERS, MISSION BOARDS AND CHARITABLE ORGANIZATIONS, SHALL BE OWNED SOLELY BY CITIZENS OF THE PHILIPPINES OR CORPORATIONS OR ASSOCIATIONS WHOLLY OWNED BY SUCH CITIZENS instead of the 60:40 arrangement under the 1973 Constitution."

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: Madam President, I would support the amendment proposed by Commissioner Regalado. It is being repeated here over and over again that schools, religious schools, have been Filipinized. I cannot speak for the Protestant schools, but as far as the Catholic schools are concerned, I do not think that I would accept at face value the statement of the president of the Catholic Educational Association of the Philippines that, in fact, all Catholic schools are completely Filipino-owned. I do not think I will accept that at face value. As far as administration is concerned, it is easier. But how do we determine the ownership of a school? The ownership of a school can be in a corporation. How do we determine the citizenship of a corporation? By the citizenship of the members. Who owns the school? The members of the corporation. Who are the members of the corporation? Are they all Filipinos or are some of them non-Filipinos? I have a feeling that we will find some corporations owning schools some of the members of which are non-Filipinos. So I would not accept at face value the statement that all Catholic schools are 100 percent owned by Filipinos.

MR. VILLACORTA: Madam President, just a correction. The CEAP president did not say that the Catholic schools are all 100-percent-owned. He said that he was not sure whether ownership was 60:40 or 100 percent.

FR. BERNAS: All right. So I would still support the amendment of Commissioner Regalado exempting religious schools from the requirement of 100 percent ownership on this ground that precisely religious schools, whether Protestants or Catholics, are different from secular schools in which there is a religious element in them. The religious element in these schools transcends citizenship. For that fact, there seems to be very good reason for making this exemption. Hence, as far as administration is concerned, that is a more sensitive thing. But for ownership and in order to keep the quality of the religious instruction itself, quite apart from the secular aspects of the school, it may be necessary to have some partial foreign ownership in some institution in order to keep them going. So, for the protection of those religious schools which are not 100 percent Filipino-owned and which need the support of outside assistance in order to continue, I would propose that we keep the 1973 provision on this.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I submitted a proposal which is actually found on page 3 of my amended omnibus proposal, which seeks to strike at a compromise or a balance. It will read as follows: "Private educational institutions shall be SOLELY-OWNED by citizens of the Philippines, or corporations or associations wholly owned by such citizens. HOWEVER, UNTIL CONGRESS SHALL PROVIDE OTHERWISE, RELIGIOUS ORDERS, MISSION BOARDS OR CHARITABLE ORGANIZATIONS MAY OPERATE AND MAINTAIN EDUCATIONAL INSTITUTIONS PROVIDED THAT AT LEAST SIXTY PER CENTUM OF THE CAPITAL OF SUCH INSTITUTIONS IS WHOLLY OWNED BY CITIZENS OF THE PHILIPPINES."

THE CONTROL AND ADMINISTRATION OF PRIVATE EDUCATIONAL INSTITUTIONS SHALL BE EXCLUSIVELY VESTED IN CITIZENS OF THE PHILIPPINES."

The rest would be: "No educational institution shall be established exclusively for aliens and no group of aliens shall comprise more than one-third of the enrolment in any school. The provisions of this paragraph shall not apply to schools established for foreign diplomatic personnel and their dependents and, unless OTHERWISE provided by law, for other FOREIGN temporary residents."

We have here a situation where, in the meantime or until Congress shall provide otherwise, educational institutions owned and operated by religious orders, mission boards or charitable institutions may continue on a 60:40 basis in favor of Filipino citizens.

MR. VILLACORTA: Madam President, may we inquire from Commissioner Davide? Since his proposal is almost identical to ours with the exception of the per centum, would he be amenable to increasing the 60 percent to 75 percent?

MR. DAVIDE: I would leave it to the body.

MR. VILLACORTA: But the principle is there. That we would want the majority of the stocks to be controlled by Filipinos.

MR. DAVIDE: Yes, but only to schools or institutions owned or operated, or established by mission boards, religious orders or charitable institutions.

MR. VILLACORTA: In other words, we agree in concept as far as the Commissioner's amendment is concerned, but it is only in the matter of percentage.

MR. DAVIDE: Yes, and not only that; we leave it to Congress to provide later a total Filipinization.

MR. VILLACORTA: I see.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: In effect, that is an amendment to the amendment proposed by Commissioner Regalado as far as ownership of religious schools is concerned.

MR. DAVIDE: That is correct.

FR. BERNAS: So perhaps we would hear whether or not Commissioner Regalado accepts the amendment to his amendment.

MR. REGALADO: Madam President, I regret I cannot accept that amendment. I would prefer to fall back on the provisions of the 1973 Constitution.

MR. DAVIDE: Madam President, may I be allowed to explain?

After the implementation of the 1973 Constitution, most of those schools other than institutions owned by mission boards, or religious orders or charitable institutions immediately complied with the law which is the requirement of 60:40. So, if these institutions which complied with the 1973 Constitution on the said ratio are owned by religious orders as what Commissioner Regalado has said, there is no need for them to restructure the ownership, because my proposal will still allow them until Congress shall provide otherwise.

However, the present provision may affect those technically excepted religious orders, mission boards and charitable institutions as provided in the 1973 Constitution. We have to go a little beyond the 1973 Constitution. We have said that the new Constitution must be pro-God, pro-people or pro-Filipino, so we should not stick to the

original wording of the 1973 Constitution. Let us hit at a very reasonable compromise. We will allow now a 60:40 requirement even for institutions run by religious orders, mission boards and charitable institutions. I understand that the committee is prepared to submit a proposal for the transitory provisions to allow a time frame for these mission boards, religious orders, within which to comply with the 60:40 requirement as to be mandated here. We are, however, making this flexible in the sense that Congress later, after it shall have determined the necessity of total Filipinization of these institutions may, by law, simply provide for that, instead of requiring later the rigorous process of amending the Constitution.

MR. REGALADO: Since there is the proposal of the committee to make it 75:25 and with respect to the existing educational institutions run by religious orders, may I ask Commissioner Davide to contemplate a transitory provision within which they will be able to comply from 60:40 to 75:25?

MR. DAVIDE: I understand, however, that many of the religious orders maintaining schools immediately complied with the 60:40 ratio. Then there would be divestment procedure to be adopted. But I understand that the committee would be willing to submit a proposal in the transitory provisions regarding a period within which to divest, if the ratio of ownership would be 75:25. But under my proposal there is no need to divest, because in the meantime they shall be allowed to maintain the 60:40 ratio.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: I would like to speak in favor of the original amendment of Commissioners Regalado and Bernas.

The problem in the country is that we lack schools. We lack high standard schools and we also lack schools in the rural areas and hinterlands. Hence, these religious organizations and missionaries have a very long tract record of giving tremendous contributions to the education of the Filipinos. Because these religious schools have a magnificent record of high academic standards, they were able to produce some of the best people in this country, like Quezon, Osmeña, Corazon Aquino and so forth. We are trying to amend the Constitution now in order to make it a little harder for them to operate the schools. These religious schools have done a tremendous contribution to the country, hence we should not try to hamper those schools that are doing very well for the country.

So, I am in favor of going back to the 1973 constitutional provision which would limit or which would call for a 60 per centum capital in order not to provide more difficulties for these schools which are needed. As a matter of fact, they are the heroes of the olden days because no Filipino teacher would dare go to the hinterlands on the top of the mountain to teach the natives there.

MR. DAVIDE: May I be allowed to respond, Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: First, the provision will not actually prevent religious orders, mission boards, or charitable institutions from establishing schools, but they can just organize, say, an institution under the corporation law and see to it that it would be a 60:40 ratio in favor of the Filipino. It is not that these religious orders or charitable institutions themselves will immediately put up educational institutions, but they will have to comply with certain laws. They can organize a partnership, 60 per centum of which will be Filipino citizens. They can organize a corporation and this corporation now shall maintain and establish the educational institution. So, they are free to come in and contribute to the educational system.

MR. BENGZON: Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: I think we should not only consider the schools, religious though they may be, or religious owned schools operating in Manila or even in the big provinces. What really worries me are those missionary schools up in the mountains in Cotabato, in Ifugao and in Baguio. These schools are owned by missionaries who are foreigners, like the Oblates, the La Sallites, the Passionist Fathers and the CICMs. They have parish schools in the mountains which are independent of their schools in Manila. They do not have Filipino employees there. Therefore, if we make the ownership even 60 percent Filipinos, these foreign missionaries will have to close their parish schools located in the mountains. But they are doing a good job. They are really helping the Filipinos, especially now that we have approved in this Constitution that the educational institutions shall develop moral character and personal discipline, strengthen ethical and spiritual values. Let us not talk of the schools in Metro Manila, in the cities and in the big provinces. Let us think of the missionary schools up in the mountains and which are run by foreign missions, the monies of which do not really come from here but from their respective countries. Why do we want to Filipinize these schools?

MR. COLAYCO: Madam President, may I give an additional reaction?

THE PRESIDENT: Commissioner Colayco is recognized.

MR. COLAYCO: I think we should also bear in mind that the schools organized by religious orders, mission boards and charitable organizations are not organized for profit. If we require them to put up a 60-40 percent local capital, I doubt if we could find many Filipino investors who will invest money in a school which is not organized for profit. These schools are not organized for profit to the investors. And as pointed out by Commissioner Bengzon, the main moving spirit behind these schools is nothing but the religious purpose. So to expect that we put up our own 60 percent capital might not be a very practical expectation. This may be reasonable if we are talking of universities which are, shall we say, semi-religious or semi-commercial. But we are now speaking of the schools put up by religious orders, mission boards, and charitable organizations. And as mentioned by Commissioner Bengzon, most of these schools are in the hinterlands and they are doing a very good service to our country.

Thank you, Madam President.

MR. AZCUNA: Madam President.

THE PRESIDENT: Commissioner Azcuna is recognized.

MR. AZCUNA: Thank you, Madam President.

Madam President, with respect to this requirement that 60 percent of the capital of these schools owned by religious organizations be owned by Filipinos, I believe it is reasonable requirement. In fact, it should be increased by 75 percent. The way the corporation law operates in that nonprofit, nonstock corporations are required to have a minimum of P5,000 capital. So all they have to put up really is P5,000. That is the capital of a nonprofit, nonstock corporation. Now, who owns that capital? It will be the incorporators who will own that capital. So if we require that 60 percent of ownership should be Filipino, it should appear that out of 10 incorporators, six should be Filipinos and there can even be four foreigners. So, there is no difficulty there, because the owners of the capital in a nonstock corporation are the members of the incorporators themselves. Thus, it is very easy for them to put all Filipinos as incorporators since the required capital is only P5,000.

Thank you.

MR. RAMA: For the last speaker, we have Commissioner Guingona.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Madam President, the committee believes that ownership and administration are linked together, because it is the ownership that controls the purse. We can talk about a charitable institution with a 100 percent Filipino administration, but the owners of which are all foreigners. There is the danger that foreign ideas or foreign ideologies might be transmitted through said school and, perhaps, it is not wrong for us to believe that Filipinos would be in a better position to inculcate patriotism and nationalism than foreigners.

MR. VILLACORTA: Madam President, on behalf of the committee, there are a few points that the members would like to bring up.

THE PRESIDENT: May I beg the Commissioner's pardon?

MR. VILLACORTA: There are just a few points that we would like to bring up, Madam President.

First of all, we might be worried about ghosts here. It has been affirmed over and over again that Protestant and Catholic missionary schools are Filipinized. Why are we worried about the missionaries in the hinterlands? There is nothing to be apprehensive about because they are already Filipinized. Second, we are creating here a situation where we require non-religious institutions to be 100 percent Filipino-owned and we exempt religious institutions and allow them to be zero percent Filipino-owned. This smacks of class legislation and it seems that the Commission is worried about maintaining the separation of Church and State.

Hence, here is a situation where we are giving a special privilege to Church-related schools. The committee also would like to support the suggestion of Commissioner Guingona that we are not for education's sake alone. We would like a pro-Filipino educational system. And it is correct to say that there is validity in the point raised by Commissioner Guingona — that what comes with foreign ownership and management will be foreign ideas. Even if there are prescribed curricula and thrusts from the Ministry of Education, Culture and Sports, from the Constitution and from the different government agencies, there is still the tendency for foreign-owned schools to teach additional subjects inculcating foreign ideals.

I remember when there was a group of Cordillera delegates here, they expressed their regret over the preponderance of foreign-owned missionary schools. They said that the government should establish more schools, more public and even private schools in the hinterlands but they should be Filipino-owned. They requested so because according to them what are being taught by these foreign missionaries are not exactly in line with nationalistic ideas, with indigenous culture, et cetera. These were expressed by the Cordillera people themselves who were here a few weeks ago.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 1:09 p.m.

RESUMPTION OF SESSION

At 1:12 p.m., the session was resumed with the Honorable Jose F .S. Bengzon, Jr. presiding.

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

ADJOURNMENT OF SESSION

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

THE PRESIDING OFFICER (Mr. Bengzon): The session is adjourned until Monday at nine-thirty in the morning.

It was 1:12 p.m.

[*]Appeared after the roll call.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.