

JOURNAL NO. 13

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Thursday, June 19, 1986

CALL TO ORDER

At 5:19 p.m., the President of the Constitutional Commission, the Honorable Cecilia Muñoz Palma, called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Jose C. Colayco, to wit:

Almighty God, our Heavenly Father, source of all goodness and wisdom, come, we beseech Thee, join us who are gathered here this afternoon, and guide our deliberations towards the framing of the New Constitution of our people.

Enlighten our minds and strengthen our will so that we may overcome our shortcomings and transcend our personal differences.

Make us Your instruments in writing a Constitution that will reflect our aspirations and promote the common good of our country and our people.

Amen.

ROLL CALL

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

Abubakar, Y.R. Maambong, R.E.

Alonto, A.D. Monsod, C.S.

Aquino, F.S. Natividad, T.C.

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

Bacani, T.C. Ople, B.F.

Bengzon, J.F.S. Padilla, A.B.

Bennagen, P.L. Muñoz-Palma, C.

Bernas, J.G. Quesada, M.L.M.

Rosario Braid, F. Rama, N.G.

Brocka, L.O. Regalado, F.D.

Calderon, J.D. De los Reyes, R.F.

De Castro, C.M. Rigos, C.A.

Colayco, J.C. Rodrigo, F.A.

Concepcion, R.R. Romulo, R.J.

Davide, H.G. Rosales, D.R.

Foz, V.B. Sarmiento, R.V.

Garcia, E.G. Suarez, J.E.

Gascon, J.L.M.C. Sumulong, L.M.

Guingona, S.V.C. Tadeo, J.S.L

Jamir, A.M.K. Tan, C.

Tingson, G.J. Villacorta, W.V.

Treñas, E.B. Villegas, B.M.

Uka, L.L.

With 45 Members present, the Chair declared the presence of a quorum.

Mr. Lerum appeared after the Roll Call.

The following Members were absent:

Laurel, J.B. Nieva, M.T.F.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 5:23 p.m.

RESUMPTION OF SESSION

At 5:38 p.m., the session was resumed with the Honorable Hilario G. Davide, Jr., presiding.

READING AND APPROVAL OF THE JOURNAL

On motion of Mr. Calderon, there being no objection, the reading of the Journal of the previous session was dispensed with and the said Journal was approved by the Body.

DEFERMENT OF CONSIDERATION OF COMMITTEE REPORT NO. 3

On motion of Mr. Calderon, there being no objection, the Body deferred the consideration of Committee Report No. 3 on Proposed Resolution No. 6 for a later submission of an amended and/or supplemental report after July 7, 1986.

REFERENCE OF BUSINESS

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

REFERRAL TO THE COMMITTEES OF RESOLUTIONS

Upon direction of the Chair, the Secretary-General read, on First Reading, the titles of the following proposed Resolutions which were, in turn, referred by the Chair to the Committees hereunder indicated:

Proposed Resolution No. 170, entitled:

RESOLUTION TO INCORPORATE UNDER THE NEW CONSTITUTION A PROVISION
AUTHORIZING THE SUPREME COURT TO LOOK INTO THE FACTUAL BASIS IN THE
DECLARATION OF MARTIAL LAW OR SUSPENSION OF THE WRIT OF HABEAS CORPUS BY THE
PRESIDENT

Introduced by Honorable Bengzon, Jr.

TO THE COMMITTEE ON THE JUDICIARY

Proposed Resolution No. 171, entitled:

RESOLUTION THAT A BROAD WORKING DEFINITION OF "SOCIAL JUSTICE" BE ADOPTED

Introduced by Honorable Villegas, Sarmiento and Rosario Braid

TO THE COMMITTEE ON SOCIAL JUSTICE AND SOCIAL SERVICES

Proposed Resolution No. 172, entitled:

RESOLUTION TO INCORPORATE IN THE DECLARATION OF PRINCIPLES AND STATE POLICIES
PROVISIONS UPHOLDING THE TIME-HONORED PRINCIPLE OF THE SEPARATION OF CHURCH
AND STATE

Introduced by Honorable Rigos

TO THE COMMITTEE ON GENERAL PROVISIONS

Proposed Resolution No. 173, entitled:

RESOLUTION TO INCORPORATE IN THE CONSTITUTION A PROVISION PROVIDING FOR THE
RIGHTS OF CHILDREN AND YOUTH

Introduced by Honorable Rigos

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF
PRINCIPLES

Proposed Resolution No. 174, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION ESTABLISHING A
PURELY CIVILIAN PHILIPPINE NATIONAL POLICE WHICH SHALL BE ADMINISTERED BY THE
NATIONAL POLICE COMMISSION

Introduced by Honorable Natividad, Ople, Maambong and De los Reyes, Jr.

TO THE COMMITTEE ON GENERAL PROVISIONS

Proposed Resolution No; 175, entitled

RESOLUTION TO INCORPORATE INTO THE BILL OF RIGHTS A PROVISION RECOGNIZING AND DEFENDING RIGHT TO LIFE OF THE UNBORN HUMAN EMBRYO

Introduced by Honorable Quesada, Romulo, Sarmiento, Villegas, Colayco and Bengzon, Jr.

TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL RIGHTS AND OBLIGATIONS AND HUMAN RIGHTS

Proposed Resolution No. 176, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION REQUIRING THE STATE TO ESTABLISH A GENUINE AUTONOMOUS GOVERNMENT IN THE CORDILLERA REGION WITH IN A DEMOCRATIC AND SOVEREIGN FILIPINO NATION

Introduced by Honorable Bennagen and Rosario Braid

TO THE COMMITTEE ON LOCAL . GOVERNMENTS

Proposed Resolution No. 177, entitled:

RESOLUTION PROVIDING THAT THE STATE SHALL PROMOTE THE PROPER ACQUISITION OF APPROPRIATE TECHNOLOGY, ITS EFFECTIVE MANAGEMENT, UTILIZATION AND CONTROL

Introduced by Honorable Rosario Braid

TO THE COMMITTEE ON HUMAN RESOURCES

Proposed Resolution No. 178, entitled:

RESOLUTION DECLARING THE AUTONOMY OF REGIONAL AND LOCAL GOVERNMENT UNITS AS THE BASIC FRAMEWORK OF THE POLITICAL STRUCTURE OF THE STATE

Introduced by Honorable Rosario Braid

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Proposed Resolution No. 179, entitled:

RESOLUTION TO INCLUDE IN THE DECLARATION OF PRINCIPLES THE STATE'S COMMITMENT TO PROMOTE AND PROTECT THE WELFARE, RIGHTS AND INTERESTS OF WOMEN AND THE YOUTH

Introduced by Honorable Rosario Braid

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

Proposed Resolution No. 180, entitled:

RESOLUTION MANDATING COOPERATIVISM AS A BASIC PRINCIPLE OF NATIONAL DEVELOPMENT, COOPERATIVES AS ITS VEHICLE, THE ESTABLISHMENT OF THE NECESSARY CONDITIONS THEREFOR, AND CREATION OF A NATIONAL COOPERATIVE AND LAND REFORM AUTHORITY

Introduced by Honorable Rosario Braid

TO THE COMMITTEE ON SOCIAL JUSTICE AND SOCIAL SERVICES

Proposed Resolution No. 181, entitled:

RESOLUTION TO ELIMINATE DISCRIMINATION AS A BARRIER TO WORK OPPORTUNITIES

Introduced by Honorable Rosario Braid

TO THE COMMITTEE ON SOCIAL JUSTICE AND SOCIAL SERVICES

Proposed Resolution No. 182, entitled:

RESOLUTION PROVIDING FOR A CONSTITUTIONAL PROVISION ON LOCAL GOVERNMENTS

Introduced by Honorable Tingson

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Proposed Resolution No. 183, entitled:

RESOLUTION TO PROVIDE IN THE NEW CONSTITUTION THAT THE SPOUSE OF THE PRESIDENT OR ANY PERSON RELATED TO THE PRESIDENT WITHIN THE THIRD DEGREE OF CONSANGUINITY OR AFFINITY SHALL NOT BE APPOINTED TO THE CABINET

Introduced by Honorable Nollado

TO THE COMMITTEE ON THE EXECUTIVE

Proposed Resolution No. 184, entitled:

RESOLUTION TO PROVIDE IN THE BILL OF RIGHTS THAT A FOREIGNER WHO IS PERSECUTED BY HIS COUNTRY BECAUSE OF HIS POLITICAL BELIEFS SHOULD BE GIVEN ASYLUM IN THE PHILIPPINES AND THAT EXTRADITION OF FOREIGNERS FOR POLITICAL OFFENSES SHALL NOT BE GRANTED

Introduced by Honorable Nollado

TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL RIGHTS AND OBLIGATIONS AND HUMAN RIGHTS

Proposed Resolution No. 185, entitled:

RESOLUTION TO INCLUDE IN THE DECLARATION OF PRINCIPLES THAT IN THE GRANT OF RIGHTS, PRIVILEGES OR CONCESSIONS THE STATE SHALL ADOPT THE FILIPINO-FIRST POLICY

Introduced by Honorable Nollado

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

Proposed Resolution No. 186, entitled:

RESOLUTION TO INCLUDE IN THE DECLARATION OF PRINCIPLES A PROVISION THAT THE STATE RECOGNIZES THE DIGNITY OF THE HUMAN PERSONALITY AND GUARANTEES FULL RESPECT FOR HUMAN RIGHTS

Introduced by Honorable Nollado

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

Proposed Resolution No. 187, entitled:

RESOLUTION TO PROVIDE IN THE DECLARATION OF PRINCIPLES THAT THE STATE SHALL ESTABLISH, MAINTAIN AND ENSURE ADEQUATE SOCIAL SERVICES IN THE FIELDS OF EDUCATION, HEALTH, HOUSING, UNEMPLOYMENT, WELFARE, AND SOCIAL SECURITY IN ORDER TO ATTAIN A DECENT STANDARD OF LIVING FOR OUR PEOPLE

Introduced by Honorable Nollado

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

Proposed Resolution No. 188, entitled:

RESOLUTION TO ENSHRINE IN THE ARTICLE ON JUDICIARY OF THE NEW CONSTITUTION ETHICAL RULES ON QUALIFICATIONS AND CONDUCT OF MEMBERS OF THE JUDICIARY

Introduced by Honorable Nollado

TO THE COMMITTEE ON THE JUDICIARY

Proposed Resolution No. 189, entitled:

RESOLUTION TO PROVIDE IN THE CONSTITUTION THAT DISCRETIONARY PUBLIC FUNDS SHALL BE UNDER SUCH GUIDELINES AND RESTRICTIONS AS MAY BE FIXED BY LAW TO AVOID ABUSE OF DISCRETION AND THAT ALL DISBURSEMENTS OF DISCRETIONARY FUNDS SHALL BE SUBJECT TO STRICT AUDITING REQUIREMENTS

Introduced by Honorable Nollado

TO THE COMMITTEE ON THE LEGISLATIVE

Proposed Resolution No. 190, entitled:

RESOLUTION TO INCLUDE A PROVISION IN THE DECLARATION OF PRINCIPLES THAT THE PHILIPPINES IS A REPUBLICAN AND DEMOCRATIC STATE AND THAT SOVEREIGNTY RESIDES IN THE FILIPINO PEOPLE AND ALL GOVERNMENT AUTHORITY EMANATES FROM THEM

Introduced by Honorable Nollado

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

Proposed Resolution No. 191, entitled

RESOLUTION TO PROVIDE IN THE BILL OF RIGHTS OF THE NEW CONSTITUTION THAT NO PERSON SHALL BE DETAINED BECAUSE OF HIS POLITICAL BELIEFS AND ASPIRATIONS

Introduced by Honorable Nollado

TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL RIGHTS AND OBLIGATIONS AND HUMAN RIGHTS

Proposed Resolution No. 192, entitled:

RESOLUTION TO INCLUDE IN THE DECLARATION OF PRINCIPLES THE PROVISION THAT THE STATE RECOGNIZES THE VITAL ROLE OF THE YOUTH IN NATION BUILDING AND SHALL FULLY PROMOTE THEIR PHYSICAL, INTELLECTUAL AND SOCIAL WELL-BEING

Introduced by Honorable Nollado

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

Proposed Resolution No. 193, entitled:

RESOLUTION TO STRENGTHEN THE COMMISSION ON ELECTIONS BY INCORPORATING IN THE NEW CONSTITUTION PROVISIONS REQUIRING THAT APPOINTMENTS THERETO SHALL BE MADE FROM A LIST OF NOMINEES SUBMITTED BY VARIOUS SECTORS AND INCREASING THE QUALIFICATIONS FOR APPOINTMENT AS COMMISSIONER

Introduced by Honorable Davide, Jr.

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

Proposed Resolution No. 194, entitled:

RESOLUTION GRANTING AUTHORITY TO THE SUPREME COURT TO ORGANIZE A JUDICIAL COMMISSION TO EXERCISE ADMINISTRATIVE SUPERVISION OF COURTS SUBJECT TO ITS CONTROL

Introduced by Honorable Davide, Jr.

TO THE COMMITTEE ON THE JUDICIARY

Proposed Resolution No. 195, entitled:

RESOLUTION TO GUARANTEE THE RIGHT OF CIVIC ORGANIZATIONS TO BE ACCREDITED AS CITIZEN ARM OF THE COMMISSION ON ELECTIONS AND TO BE AFFORDED PROTECTION BY MAKING ITS MEMBERS WHILE IN THE PERFORMANCE OF DUTY AS AGENTS OF PERSONS IN AUTHORITY

Introduced by Honorable Davide, Jr.

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

Proposed Resolution No. 196, entitled:

RESOLUTION INCORPORATING IN THE NEW CONSTITUTION A PROVISION FOR THE PROTECTION OF CHILDREN AGAINST ALL FORMS OF NEGLECT, CRUELTY AND EXPLOITATION

Introduced by Honorable Sarmiento

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

Proposed Resolution No. 197, entitled:

RESOLUTION INCORPORATING IN THE NEW CONSTITUTION A PROVISION REQUIRING THE CONCURRENCE OF AN INDEPENDENT COMMISSION ON APPOINTMENTS TO HIGH RANKING POSITIONS IN THE GOVERNMENT

Introduced by Honorable Sarmiento

TO THE COMMITTEE ON THE EXECUTIVE

Proposed Resolution No. 198, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION THAT THE CANVASSING OF VOTES IN A PRESIDENTIAL ELECTION BY THE NATIONAL ASSEMBLY IS PURELY A MINISTERIAL DUTY

Introduced by Honorable Natividad, Ople, Maambong and De los Reyes, Jr.

TO THE COMMITTEE ON THE EXECUTIVE

COMMUNICATIONS

Communication No. 20 — Constitutional Commission of 1986

Resolution No. 42, Series of 1986, of the Sangguniang Bayan of Unisan, Quezon, requesting the Constitutional Commission to include the teaching of the Holy Bible in the curricula of elementary and high school education

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 21 — Constitutional Commission of 1986

Letter from Mr. Eliseo M. Blancaflor of Teresa Village, Quezon City, proposing provisions on the promotion and development of livelihood cooperatives and the right of homeowners to bear arms

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

Communication No. 22 — Constitutional Commission of 1986

Letter from Mr. Delfin T. Tapang, Jr., Chairman of National People's Forum, transmitting a draft constitution and offering participation and assistance in the holding of public hearings

TO THE AD HOC PLANNING COMMITTEE ON PUBLIC HEARINGS

Communication No. 23 — Constitutional Commission of 1986

Communication from Mr. Dionisio C. Araza of Bago Bantay, Quezon City, proposing provisions on the presidency and the judiciary, among others

TO THE COMMITTEE ON THE EXECUTIVE

CHANGES IN COMMITTEE MEMBERSHIPS

On motion of Mr. Calderon, there being no objection, the Body approved the following changes in the membership of the Committees hereunder indicated:

1.

The resignation of Mrs. Ma. Teresa F. Nieva from the Committee on General Provisions and the Committee on Constitutional Commissions and Agencies in view of her election to the Committee on Social Justice and Social Services and the Ad Hoc Planning Committee on Public Hearings;

2.

The election of Mr. Vicente B. Foz to the Committee on General Provisions vice Mrs. Nieva;

3.

The election of Mr. Decoroso R. Rosales to the Committee on Constitutional Commissions and Agencies vice Mrs. Nieva;

4.

The election of Mr. Ambrosio B. Padilla to the Committee on the Judiciary;

5.

The resignation of Mr. Lugum L. Uka from the Committee on Social Justice and Social Services and the election of Mr. Blas F. Ople in his place;

6.

The resignation of Mr. Ople from the Committee on Style and the election of Mr. Uka in his place; and

7.

The resignation of Mr. Ricardo J. Romulo from the Committee on Social Justice and Social Services and the election of Mr. Francisco A. Rodrigo in his place.

REMARKS OF MR. TINGSON ON RIZAL'S BIRTH ANNIVERSARY

Rising on the occasion of Dr. Jose Rizal's birth anniversary, Mr. Tingson paid tribute to the late national hero who was born on June 19, 1861 and who spent a nationalistic and intellectual career within a brief life-span of 35 years.

Mr. Tingson recalled Rizal's colorful years as a novelist, doctor of medicine, painter, historian, sculptor, architect, surveyor, engineer, inventor, ethnologist, naturalist, philologist and in the words of Dr. Ferdinand Blumentritt "the greatest man the Malay race has produced."

Mr. Tingson affirmed that at that time the Filipinos, together with the Americans, who were assembling the identity of the future Republic of the Philippines found Dr. Jose Rizal undoubtedly the national hero by proving what a Filipino could become and what lofty purposes the Filipino could embrace.

He stressed that Rizal had personified the very best in the Filipino and, if he were alive, could be the source of advice of his countrymen, particularly the Members of the Constitutional Commission. He surmised that Rizal, in the words of Simon, a character in the novel "El Filibusterismo," might have said to the Members:

"You ask for the Hispanization of our country, and you do not see that what you are begging for is suicide, the destruction of your nationality, the annihilation of your Fatherland and the consecration of tyranny."

Mr. Tingson stated that Rizal, the father of Asian nationalism, was an early believer in nonviolence, an added value which reflects the true sense of Christianity and a legacy left by him to his countrymen. He urged that this legacy find expression in the Constitution which the Commission is writing for the Filipino people.

FREE-WHEELING DISCUSSION ON CITIZENSHIP

Thereafter, on motion of Mr. Calderon, there being no objection, the Body proceeded to a free-wheeling discussion on Citizenship, which is the subject of proposed Resolution No. 7.

REMARKS OF MR. BERNAS

Mr. Bernas, as Vice-Chairman of the Committee concerned, led the discussion.

Mr. Bernas manifested that the Committee on Citizenship, Bill of Rights, Political Rights and Obligations and Human Rights was prepared to make a report on Mr. Davide's proposed Resolution No. 7 but that he would

simply narrate the state of thinking of the Committee which could be of help in the public hearings.

Thereupon, elaborating on the salient features of the Article on Citizenship, Mr. Bernas stated that Section 1, paragraph (1), which was bodily lifted from the 1935 and 1973 Constitutions, provides that whoever are citizens of the Philippines now, would be recognized as such by the proposed Constitution.

On paragraph (2) thereof which states "those whose fathers or mothers are citizens of the Philippines", he explained that under this provision, which was bodily lifted from the 1973 Constitution, the child is deemed a Filipino citizen if either the father or mother is a Filipino at the time of its birth unlike in the 1935 Constitution where both parents should be Filipino citizens.

On paragraph (3), which states "those who elect Philippine citizenship pursuant to the provisions of the Constitution of nineteen hundred and thirty-five", Mr. Bernas explained that this provision, being transitory in nature, would only apply to children of Filipino mothers and alien fathers at the time the 1973 Constitution took effect on January 17, at which time they had not reached the age of majority and had no opportunity to elect Philippine citizenship.

On paragraph (4), "those who are naturalized in accordance with law", Mr. Bernas explained that under proposed Resolution No. 7, there is an additional proviso which provides that naturalization of aliens by a decree under the previous regime shall be subject to judicial confirmation and that admission to Philippine citizenship is a privilege which can be revoked anytime in the manner and for causes provided by law.

Mr. Bernas informed that the Committee intends to drop the proposed amendment on the ground that it could be divisive and, moreover, that there are provisions in the Naturalization Law for stripping a naturalized person of citizenship if certain conditions are not satisfied. Besides, the proposal could unduly burden the courts.

INTERPELLATION OF MR. BENGZON

On Section 1, paragraph (1), on the rationale for the change of the word "adoption" used in the 1935 and 1973 Constitutions to "ratification," Mr. Bernas stated that the Committee opted for the word "ratification" because in its opinion a Constitution is adopted upon its ratification.

On paragraph (4) with respect to those who were naturalized under the Naturalization Decree issued by the past dispensation, designed to simplify the naturalization process, Mr. Bernas stated that it is the sense of the Committee that those naturalized thereunder would no longer be burdened with judicial affirmation. He also stated that it was his understanding that the decree had a limited life-span and is no longer in effect. He explained that the Naturalization Decree merely created a special administrative process for selecting those who would be naturalized as distinguished from the process under the Naturalization Law which results in a decree of naturalization.

Under paragraph (3), Mr. Bernas explained that a child born of a Filipino mother after January 17, 1973 regardless of the citizenship of the husband, is a Filipino citizen at birth and does not have to elect Filipino citizenship.

INTERPELLATION OF MR. SUAREZ

On the queries of Mr. Suarez, Mr. Bernas reiterated that paragraph (3) is a transitory provision which applies only to those born of a Filipino mother and an alien father before January 17, 1973 and that those born on or after such date would no longer have to elect their citizenship because they are already citizens at birth.

Mr. Bernas explained that Section 1, paragraph

(3) of the 1973 Constitution was precisely provided to make sure that children born of Filipino mothers and alien fathers who had not yet elected Philippine citizenship because they had not yet reached the age of majority, could still elect their citizenship. He pointed out that on the basis of the debates in the 1971 Constitutional Convention, paragraph (3) was provided because paragraph (2), referring to those whose fathers and mothers are citizens of the Philippines, was retrospective in application.

On the suggestion to delete Section 1 (3) of the Article on Citizenship, Mr. Bernas adverted to the suggestion of the Committee of retaining Section 4 of the 1973 Constitution and adding a proviso to consider also those who would elect Filipino citizenship under Section 1 (3) as natural-born citizens.

On whether a child who becomes a Filipino citizen by virtue of the naturalization of his mother would be qualified to run for the presidency, Mr. Bernas replied in the negative, stating that the situation does not satisfy the definition under Section 1(3).

Adverting to the difficulty of acquiring Filipino citizenship by naturalization, Mr. Bernas explained that the rationale of the Committee's proposal is to make citizens who elected Filipino citizenship equal to the citizens born under Section 1(2).

On whether said children would be considered natural-born, Mr. Bernas explained that paragraph (2) in fact states that when the mother is a Filipino, the child is a natural-born Filipino. He further stated that under Section 4, what determines the citizenship of the child is the citizenship of the mother at the time of the child's birth, but it does not apply to a situation where the mother is naturalized after the birth of the child.

INTERPELLATION OF MR. CONCEPCION

On the query of Mr. Concepcion on whether the proposed draft of the Committee would liberalize citizenship, Mr. Bernas stated that it proposes to liberalize citizenship with respect to persons born of Filipino mothers and alien fathers.

Mr. Bernas agreed with Mr. Concepcion on the suggestion of adopting a stricter policy on naturalization.

On Section 1(4), Mr. Concepcion proposed that naturalization be judicial, considering the irregularities in administrative naturalization by the past government, to which Mr. Bernas disagreed, stating that naturalization in the past dispensation was legislative rather than administrative and that he was opposed to naturalization solely through process.

Mr. Concepcion, however, pointed out that naturalization by legislation or decree could be subject to political pressures, whereas, judicial naturalization would avoid such political temptations. He stated that he was not against the grant by the legislature of honorary citizenship without the rights of naturalized citizens, in which case, liberalization through legislative action would conserve natural and human resources.

Mr. Bernas stated that the suggestion would be considered by the Committee at the proper time.

INTERPELLATION OF MR. TREÑAS

In reply to Mr. Treñas' query on the proposal of the Committee to consider those who would elect Filipino citizenship as natural-born Filipinos, in addition to those under Section 4 of the 1973 Constitution, and on whether it would not be contrary to the spirit of said Section, Mr. Bernas explained that although it may differ in spirit, the purpose of the proviso is to put them on equal footing. He recalled the case of 1971 Constitutional Convention Delegate Ernesto Ang whose citizenship was questioned but who was considered a natural-born citizen on the ground that his mother was a Filipina.

On whether the Committee intends to prevent or safeguard in the future the indiscriminate grant or Filipino citizenship by presidential decree, Mr. Bernas stated that nothing in the Constitution could stop indiscriminate actions, but he assured Mr. Treñas that the Committee intends to lead the future legislature to the formulation of wise naturalization law.

INTERPELLATION OF MR. NOLLEDO

Mr. Nollado prefaced his interpellation by informing Mr. Bernas' that he was the one who wrote the decision of the Constitutional Convention of 1971 in the case of Mr. Ang, recalling that Mr. Bernas wrote in his book that the decision was designed to accommodate Mr. Ang, and that it should have no retroactive effect.

He then inquired why Mr. Bernas changed his stand by supporting the proposal of the Committee in reply to which, the latter stated that there had been an evolution in his thinking. Mr. Nollado observed that the proposal was, indeed, egalitarian designed to recognize the equality of men and women before the law.

On Section 2 which provides for the situation where the mother is a Filipino and the father is an alien, in reply to Mr. Nollado's inquiry on the citizenship of a minor whose mother, through her act or omission becomes an alien, Mr. Bernas explained that under the Revised Naturalization Law, the citizenship of the children follows that of their parents, hence the minor becomes an alien.

INTERPELLATION OF MR. ROMULO

In reply to Mr. Romulo's query on whether a person with dual citizenship, having been born in the United States of Filipino parents, and not having elected American nor Filipino citizenship, could have dual citizenship for the rest of his life, Mr. Bernas stated that he was not aware of any law in the Philippines requiring such person to choose his citizenship, or on how long could he keep such dual citizenship

Mr. Bernas, however, gave the assurance that the matter would be considered by the Committee.

INTERPELLATION OF MR. OPLE

Mr. Ople prefaced his interpellation by recalling how the Presidential Decree which liberalized and simplified the naturalization process was promulgated upon recommendation of the Cabinet of the past administration. He stated that the Cabinet was then considering the establishment of diplomatic relations with the People's Republic of China and the question of impact on the considerable number of Chinese on the national security arose. He pointed out that while there were 600,000 Chinese in the Philippines at that time, only 174,000 were recorded in the Bureau of Immigration, so that the Cabinet decided that it would be in the interest of national security if the naturalization law were simplified and liberalized.

Mr. Ople stated that thousands of these Filipino-Chinese go back to Taiwan every year to commemorate the anniversary of the Sun Yat Sen government.

He inquired whether the Committee would consider the inclusion of a categorical policy on dual citizenship not only for the purpose of security but also for clarity, having in mind the ambivalent political status of a person with dual citizenship.

In reply thereto, Mr. Bernas stated that it was the thinking of the Committee that this matter would be better left to ordinary legislation since Section 3 provides that Philippine citizenship may be lost or reacquired in the manner provided by law.

Mr. Ople then manifested that he, together with Mr. Romulo, would propose an amendment relative to dual

citizenship at the proper time.

On Mr. Ople's query on the procedure to be followed for Filipinos abroad who had lost their citizen ship but who would wish to reacquire the same, Mr. Bernas stated that they could do so through the simple procedure of repatriation which is done by taking a new oath of allegiance to the Philippine government.

MOTION TO ADJOURN

At this juncture, Mr. Calderon moved for adjournment.

Mr. de Castro, however, sought recognition to interpellate Mr. Bernas.

Thereupon, Mr. Calderon withdrew his motion.

INTERPELLATION OF MR. DE CASTRO

In reply to Mr. de Castro's query on the citizen. ship of his grandchild who was born in 1974 when her mother was a Swiss by reason of marriage but who was later repatriated in 1982 as a Filipino, Mr. Bernas opined that Section 1 (2) applies to children born of parents who are Filipinos at the time of their birth.

On Mr. de Castro's contention that nothing in the provision states that the parents must be Filipinos at the time of their children's birth, Mr. Bernas stated that the debates of the 1971 Constitutional Convention clearly show that the intention of the provision is to limit its applicability to children whose parents are Filipino citizens at the time of their birth.

ADJOURNMENT OF SESSION

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

It was 7:01 p.m.

I hereby certify to the correctness of the foregoing.

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

ATTESTED:

(SGD.) CECILIA MUÑOZ PALMA
President

Approved on June 19, 1986

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