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Sunday, October 12, 1986

CALL TO ORDER

At 10:30 a.m., the Honorable Alberto M. K. Jamir, called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Ambrosio B. Padilla, to wit:

Almighty God, our Lord:

For more than four months, every morning before starting the deliberations of this Constitutional Commission, we have implored Your guidance, in the discharge of our far-reaching responsibility in formulating the 1986 Constitution for our dear country and beloved people.

Designated by our President from so many qualified in the different sectors of our enlightened society, we have responded to a call of duty and service — professional men and women, elder and younger members, blending experiences and enthusiasm. Undertaking further study and research on the Philippine Constitutions of 1935 and 1973, we have diligently attended public hearings, Committee meetings, Commission caucuses and plenary sessions, where we expounded on our views and opinions, our preferences and predilections, including our prejudices, and we expressed our suggestions and amendments in appropriate and precise terms. Some Commissioners, convinced of the soundness of their own judgments and convictions, have debated and argued with eloquence, sometimes with passionate or obstinate fervor, to make them prevail over those of other Commissioners. But the common objective of all was to exert our best efforts to attain the formulation of a good Constitution, animated solely by patriotism, pro-country, nationalism, pro-people, with principles, policies and aspirations for us and our descendants to enjoy the blessings of democracy — truth, justice, freedom, peace and prosperity.

The Constitution we have completed is far from perfect due to our own imperfections and shortcomings. It has flaws and defects, some of which could have been substantially improved without resorting to the suspension of our Rules of Procedures. Many of us are not fully satisfied with, and some are even disappointed at few approved provisions, but in the exchange of views on the free market of ideas, we have to respect and abide by the majority will.

Dear Lord, we praise and thank You for guiding us during the preparation and completion of this 1986 Constitution. "All is well that ends well". We trust that our sovereign people will accept and ratify our imperfect work and inadequate product. But we hope it will serve as the constitutional foundation of our political stability, economic reconstruction and national development, for the enduring happiness of our long suffering people.

Amen.

ROLL CALL

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

Alonto, A. D. Muñoz Palma, C.

Bengzon, J. F. S. Quesada, M. L. M.

Bennagen, P. L. Rama, N. G.

Rosario Braid, F. Regalado, F. D.

Calderon, J. D. Rigos, C. A.

De Castro, J. C. Rodrigo, F. A.

Davide, H. G. Romulo, R. J.

Foz, V. B. Suarez, J. E.

Guingona, S. V. C. Sumulong, L. A. M.

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

Maambong, R. E. Tingson, G. J.

Monsod, C. S. Treñas, E. B.

Nieva, M. T. F. Uka, L. L.

Nolledo, J. N. Villacorta, W. V.

Padilla, A. B. Villegas, B. M.

With 31 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.

Abubakar, Y. R. Gascon, J. L. M. C.

Aquino, F. S. Lerum, E. R.

Azcuna, A. S. Natividad, T. C.

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

Bernas, J. G. De los Reyes, R. F.

Concepcion, R. R. Sarmiento, R. V.

Garcia, E. G.

P.M.

Laurel, J. B. Tadeo, J. S. L.

Mr. Rosales was sick.

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.

REFERENCE OF BUSINESS

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

REFERRAL TO COMMITTEES AND ARCHIVES OF COMMUNICATIONS

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

Communication No. 1095 — Constitutional Commission of 1986

Letter from Mr. Mauro P. Balingit of 37 Aldrin St., Doña Faustina Village, Culiati, Diliman, Quezon City, urging the Constitutional Commission to allow both President Aquino and Vice-President Laurel to complete their term of office because they were the real winners in the presidential election

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 1096 — Constitutional Commission of 1986

Letter from Mr. Felixberto M. Serrano, former Secretary of Foreign Affairs, submitting an article "Constitutional Commission Must Finally Remove Perplexities in Draft Constitution" in which he discussed the two issues disturbing him

THE STEERING COMMITTEE

Communication No. 1097 — Constitutional Commission of 1986

Letter from one Antonio M. Clarion of 163 Punta Tenement, Sta. Ana, Manila, urging the Constitutional Commission to adopt a provision that would uplift the living condition of the ordinary rice and corn farmers considering the fact that they are the people that feed the nation

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 1098 — Constitutional Commission of 1986

Letter from one Jose E. Edang of 520-H Juan Luna Street, Mandaluyong, Metro Manila, seeking a constitutional provision calling for a referendum in which the people will be asked whether or not they are in favor of the incumbent President and Vice-President to continue in office up to six years reckoned from February 25, 1986

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 1099 — Constitutional Commission of 1986

Letter from one Consuelo Cuachon of 371 Grand Avenue, BF Parañaque, Metro Manila, suggesting "Republica ng Bagumbayan" as a name of our country

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 1100 — Constitutional Commission of 1986

Letter from one Calculus Rufino Datingaling of Nasugbu, Batangas, urging the Constitutional Commission to include in the Constitution a provision prohibiting the enactment of a law that will allow the dissolution of marriage

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

Communication No. 1101 — Constitutional Commission of 1986

Letter from one C.D. de Guzman of 1720-A A..Mabini cor. Alonzo Streets, Malate, Manila, suggesting that in order that the presidential appointees will not be beholden to politicians and for purposes of checks and balances, appointments of said appointees should be confirmed by the Supreme Court instead of Congress

TO THE COMMITTEE ON THE EXECUTIVE

Two letters expressing good wishes for the Filipino people and urging them to draft a constitution which stands for justice, peace, freedom, and solidarity, from:

Communication No. 1102 — Constitutional Commission of 1986

(1) Twenty-eight residents of 1081 HV Amsterdam, Netherlands

Communication No. 1103 — Constitutional Commission of 1986

(2) Thirty-two residents of 1156 BA Marken, Netherlands

TO THE ARCHIVES

UNFINISHED BUSINESS: REPORT OF THE COMMITTEES ON STYLE

On motion of Mr. Rama, there being no objection, the Body resumed consideration of the report of the Committee on Style on the matter of the one proposal was presented for consideration, which title of the Constitution.

Thereupon, the Chair recognized Mr. Rodrigo, Chairman of the Committee on Style.

POINT OF INFORMATION OF MR. RODRIGO

Mr. Rodrigo informed that the unfinished item in the Committee report is the title of the draft Constitution. He stated that the 1973 Constitution was entitled "The Constitution of the Republic of the Philippines" while the 1935 Constitution was known as the "Constitution of the Philippines" and thereupon suggested that the matter be decided by the Body.

PROPOSAL OF MR. DAVIDE

Mr. Davide stated that he had an earlier motion, deferred until consideration of the Committee on Style's report, that the title of the draft Constitution should be "The New Constitution of the Republic of the Philippines" to which Messrs. Ople and Guingona introduced amendments.

PROPOSED AMENDMENT OF MR. GUINGONA

Thereupon, Mr. Guingona proposed to add "1986" to the title to mark the historic year when the Constitution was drafted and, hopefully, approved.

REMARKS OF MR. CONCEPCION

In support for the addition of "1986" to the title, Mr. Concepcion stated that the year would distinguish the new Constitution from the other Constitutions before or after it. He explained that the idea is to stress what happened in 1986 as a reminder for the people to fight for democracy to preserve it.

REMARKS OF MR. GUINGONA

Additionally, Mr. Guingona stated that "1986" is a truly historic year when the people won back their freedom from the years of tyranny under Mr. Marcos.

Mr. Davide accepted the proposal to amend the title to read THE 1986 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES.

REMARKS OF MR. NOLLEDO

Mr. Nollado agreed with Mr. Concepcion that the year is very important. He cited the fact that during the Commonwealth regime the Constitution was referred to as the 1935 Constitution and under the Marcos regime, as the 1973 Constitution.

SUGGESTION OF MR. RIGOS

Mr. Rigos suggested that the proposed titles be written down to enable the Members to make a choice. However, Mr. Guingona pointed out that only proposal was amended.

INQUIRY OF MR. RODRIGO

Mr. Rodrigo stated that he would have no objection to the title, however, he inquired whether the proposal would be appropriate considering that the plebiscite for ratification had been set for January 23, 1987.

OBSERVATION OF MR. SUAREZ

Mr. Suarez stated that he would have raised the same observation that although drafted and approved by the Commission in 1986, the Constitution would be subject to approval in the plebiscite scheduled in January 1987. He observed that to be strict about it it could be referred to as "The 1987 Constitution of the Republic of the Philippines" irrespective of the significance of 1986 as correctly pointed out by Mr. Guingona.

MR. BENGZON'S PROPOSED TITLE

Mr. Bengzon observed that although the Commonwealth Constitution was known as the 1935 Constitution and the Constitution under the Marcos regime was referred to as the 1973 Constitution after the years when they were supposedly ratified, their official titles do not specify the years. He informed that the official title of the 1935 Constitution is the "Constitution of the Philippines" while the official title of the 1973 Constitution does not specify the data. He acknowledged that 1986 and 1987, when the Constitution shall hopefully be ratified, will always be remembered. Thereupon, he proposed an official title "The Constitution of the Republic of the Philippines" which shall not contain the year.

REMARKS OF MR. TINGSON

Mr. Tingson supported Mr. Davide's original proposal to call it "The New Constitution of the Republic of the Philippines" to stress that it emanated from the peaceful revolution. He noted, with apprehension, that the 1935 Constitution ended two decades later while the 1973 Constitution was supplanted 14 years later. To refer to the Constitution as the 1986 Constitution, he stated, might arouse suspicions that it shall be changed, perhaps ten years from now.

REMARKS OF MR. ROMULO

Mr. Romulo supported the Bengzon proposal based on Section 27 of the final Article which states:

This Constitution shall take effect immediately upon its ratification by a majority of the votes cast in a plebiscite held for that purpose and shall supersede all previous Constitutions.

He noted that the title "The Constitution of the Republic of the Philippines" would be proper.

SUSPENSION OF SESSION

The Chair suspended the session.

It was 10:51 a.m.

RESUMPTION OF SESSION

At 10:55 a.m., the session was resumed.

MANIFESTATION OF MR. GUINGONA

Mr. Guingona manifested that the word "new" is not appropriate as it had been used to refer to the 1973 Constitution. He observed that ten, twenty or fifty years later, the Constitution would no longer be "new".

REJOINDER OF MR. DAVIDE

Mr. Davide, by way of a rejoinder, remarked that the newness of the Constitution is not reckoned in terms of time or the lapse of years but in consideration of the fact that it would supplant the previous Constitutions. He stressed that it would provide for a new order, a new life, a new meaning to the Filipino people and growth being dynamic, the Constitution would always stay "new".

SUGGESTION OF MR. ROMULO

Mr. Romulo presented for the Body's approval the three proposed titles offered by Mr. Davide, Mr. Bengzon and himself.

SUGGESTION OF MR. DAVIDE

Mr. Davide proposed three alternatives, namely:

- 1) Messrs. Romulo-Bengzon alternative to name the Constitution "The Constitution of the Republic of the Philippines";
- 2) Messrs. Guingona-Concepcion alternative to name it "The 1986 Constitution of the Republic of the Philippines"; and
- 3) The original title "The New Constitution of the Republic of the Philippines".

SUGGESTION OF MR. RODRIGO

Mr. Rodrigo suggested that the Body take a vote by ballots and adopt the proposal that would obtain one-half plus one vote of the quorum and, should none of the proposals obtain such vote, to eliminate the last proposal and to vote on the remaining two.

Thereupon, Mr. Concepcion manifested support for the first proposal "The Constitution of the Republic of the Philippines".

Mr. Guingona withdrew his proposed amendment.

Mr. Davide, likewise, withdrew his proposal leaving only one proposal for the title of the new Constitution.

Thereupon, Mr. Rodrigo restated the remaining proposal, to wit: THE CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES.

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

MANIFESTATION OF MR. FOZ

At this juncture, Mr. Foz manifested that he would present a simple recasting of Section 8, Article II on the Commission on Elections to break up the long and repetitious words in the provision.

Reacting thereto, Mr. Rodrigo requested Mr. Foz to discuss the matter with the ADAN Committee, composed of Messrs. Azcuna, Davide and Nollado. He suggested that the Body meanwhile proceed to consider the report of the Committee on Sponsorship.

Mr. Foz stated that he had taken up his proposal with Messrs. Nollado and Davide who indicated willingness to consider his suggestion. Mr. Rodrigo, however, suggested that he wait for Mr. Azcuna, to which Mr. Foz agreed.

BUSINESS FOR THE DAY: REPORT OF THE COMMITTEE ON SPONSORSHIP

On motion of Mr. Rama, there being no objection, the Body proceeded to the Business for the Day: Report of the Committee on Sponsorship on the final draft of the Constitution.

Thereupon, the Chair recognized the Chairman and members of the Committee on Sponsorship.

REMARKS OF MR. GUINGONA

Mr. Guingona stated that the Committee would present three matters to the Body, the first of which has reference to the report on repetitions, prepared by Ms. Aquino of the Subcommittee on Review, which was circulated during the previous session.

Mr. Guingona explained that the Report does not recommend the deletion of any of the repetitions indicated in the report.

Thereupon, he moved that the Body should no longer consider the matter of repetitions.

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

Mr. Guingona then referred to the report on the sequencing of the sections in the 18 articles approved by the Body.

In this connection, he invited attention to the omission in the first page which should have read ARTICLE V — SUFFRAGE.

He then called on the Chairman of the various Committees concerned to present their reactions, objections or suggested modifications. He, likewise, moved that, unless there are any objections, the sequencing of each article be considered approved.

MANIFESTATION OF MR. MAAMBONG

Mr. Maambong manifested that the Body would be receiving a new report signed by the Chairman of the Committee on Sponsorship and the Chairman of the Committee on Rubrics. He stated that except for the signatures of the Chairmen and the sequencing to be made after the last adjournment, the report would be the same as the one distributed in the previous session.

Mr. Guingona then called on Mr. Tingson, the Vice-Chairman of the Committee on National Territory and Declaration of Principles, for a manifestation of any change his committee would wish to make on the Article on National Territory.

At this juncture, Mr. Rigos recalled that the Article on National Territory had already been approved on Third Reading. He then inquired whether it is possible for the Committee to make some changes, to which Mr. Guingona replied that the Committee was not making any change except for the matter of sequencing of the sections in logical order.

Mr. Maambong stated that there is nothing to sequence in the Article on National Territory because there is only one section.

In reply to Mr. de Castro's query, Mr. Guingona stated that the Body should concern itself not with the sequencing of the article which had already been approved but with the sequencing of the sections in each article.

MANIFESTATION OF MR. MAAMBONG

Mr. Maambong pointed out that the sequencing report contains two columns: the section numbers without parentheses and the section numbers in parentheses. He explained that a section number without parentheses refers to the original section number of the Third Reading copy but if it is followed by a number in parentheses, the one in parentheses is the original number of the Third Reading copy, which explanation is true with all articles, except for the Transitory Provisions, because for one reason or another, the numbering in the report of the

Committee on Style did not tally with the numbering of the Third Reading copy. He stated that the Committee has to use the numbering sequence of the Committee on Style so that the Committee on Sponsorship would not get lost. He manifested that there were only very few changes in the Article on Declaration of Principles, specifically in Sections 5, 6, 7 and 8. He then moved for approval of the sequence on the Article on Declaration of Principles which he stated, is practically the same as the sequence approved by the Body.

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

On the Bill of Rights, Mr. Bernas manifested that he was accepting Mr. Maambong's sequencing. Thereupon, on motion of Mr. Guingona, there being no objection, the Body approved the sequencing of the Article on the Bill of Rights.

On the Article on Citizenship, Mr. Maambong informed the Body that the Committee had sequenced the Article on the basis of the approved copy of the Committee on Style which contains three sections. He pointed out, however, that the original Sections 4 and 5 which appeared in the Third Reading copy were restored and, therefore; this Article would have two additional sections, Section 4 on citizens who marry aliens and Section 5 on dual allegiance of citizens.

Mr. Maambong manifested that this was the original sequence approved by the Body and, therefore, there was no need for the Committee to re sequence it.

Thereafter, on motion of Mr. Maambong, there being no objection, the Body approved the sequencing of the Article on Citizenship.

On the Article on Suffrage, Mr. Guingona manifested that it requires no sequencing.

On motion of Mr. Guingona, there being no objection, the Body approved the sequencing of the Article on Suffrage.

On the Article on the Legislative, Mr. Davide proposed that the Question Hour follow Legislative Inquiries instead of putting it as Section 31.

Reacting thereto, Mr. Maambong pointed out that whereas the Question Hour is not a power of Congress in terms of lawmaking, legislative inquiry is a tool in aid of legislation.

Mr. Davide maintained, however, that the Question Hour is closely related with the Legislative Power because it is a necessary complement of Legislative Inquiry and that the appearance of the Members of the Cabinet would be essential not only for purposes of check and balance but also as an aid in legislation.

Mr. Maambong accepted Mr. Davide's suggestion so that Section 21 would be Section 22 with the succeeding numbers renumbered accordingly.

Thereafter, on motion of Mr. Guingona, there being no objection, the Body approved the sequencing of the Article on the Legislative.

On the Article on the Executive, Mr. Sumulong manifested that the Committee has no correction on the realignment of the sections. He stated that the Committee had the cooperation of Mr. Maambong on the matter of realignment when the Article was considered on Second Reading.

Thereafter, on motion of Mr. Guingona, there being no objection, the Body approved the sequencing of the Article on the Executive.

At this Juncture, Mr. Maambong stated that the Members of the Commission had just received the official copy of

the sequencing of Articles from I to XVIII. He then suggested that the Body make use of such official copy.

On the Article on the Judiciary, Mr. Concepcion stated that he found the sequencing in order but he would have some suggestions with respect to Section 4 which had been renumbered as Section 3 on the composition of the Supreme Court sitting en banc. He explained that for cases to be heard en banc the required vote is no longer majority of the members plus one vote but only a majority vote and that subdivision No. 3 should now be part of subdivision No. 2.

In view thereof, Mr. Maambong stated that Committee will accordingly correct the sectional heading.

Thereafter, on motion of Mr. Guingona, there being no objection, the Body approved the sequencing of the Article on the Judiciary.

INQUIRY OF MR. REGALADO

Mr. Regalado observed that Section 10 of the Article on the Judiciary, which used to be Section 13 mentions the interim salary of the Chief Justice and Associate Justices. He stated that this section does not provide for salaries which should actually be in the Transitory Provisions.

Responding thereto, Mr. Maambong stated that it is already indicated in the Transitory Provisions. He, however, referred the matter to the Committee on Style.

Thereupon, in reply to the query whether the former Section 13 of the Article on the Judiciary specifically indicated the salaries of the Chief Justice and Associate Justices of the Supreme Court, Mr. Azcuna stated that it is no longer in said Section which only retains the provision that during their continuance in office their salaries shall not be decreased.

On the Article on the Constitutional Commissions, Mr. Foz manifested that Mr. Maambong had followed the suggestions of the Committee.

Thereafter, on motion of Mr. Guingona, there being no objection, the Body approved the sequencing of the Article on the Constitutional Commissions.

At this juncture, Mr. Foz proposed to recast Section 8 on the Article on the Commission on Elections, to which Mr. Rodrigo replied that the ADAN Committee, had met with Mr. Foz, after which the Committee unanimously decided to accept the amendment which was purely a matter of phraseology without change. in substance or essence of the provision.

On motion of Mr. Rodrigo, there being no objection, the Body approved the recasting of Section 8 of the Article on the Commission on Elections as indicated by Mr. Foz.

On the Article on Local Government, Mr. Nollado stated that the Committee had made drastic changes in the sequence of the provisions. He pointed out, however, that the Committee had placed on Section 3 the Local Government Code instead of in Section 6. He stated that even in the Local Government Code, all the sections on the General Provisions with the exceptions of the new provisions like the Regional Development Councils are embodied in the Local Government Code which, he believed, should be placed ahead. In view thereof, he suggested that the third provision should appear in the General Provisions.

Responding thereto, Mr. Maambong stated that the flagship provision is the one which provides that local governments shall be given autonomy, so that right after Section 1 on the territorial and political subdivisions, the Committee placed in Section 2 the flagship provision on local autonomy.

Mr. Maambong pointed out that when the local government units were given local autonomy, simultaneously, they were given the power to create sources of revenue under Section 12; the power to have a just share in national taxes in Section 13, and the power to have a share in the proceeds of the national wealth. He then urged Mr. Nollado not to change this concept by placing the Local Government Code ahead, otherwise, the sequence of the flagship provision and the three provisions which follow would be utterly destroyed.

In reply thereto, Mr. Nollado maintained that the power of taxation is the basis of local autonomy. He stressed that the structure of government has great pertinence to local autonomy and following the argument of Mr. Maambong, he stated that Section 14 on the Regional Development Councils should, likewise, appear in the upperside because this would concern also local autonomy and the autonomous regions involved in the implementation of the principle of local autonomy. He stated that the thrust of the provisions of the Local Government Code is local autonomy in all aspects of local governments and it is for this reason, he stated, that his recommendation be followed, otherwise, he would continue his objections.

Mr. Maambong asked Mr. Nollado as to where would the Local, Government Code be placed, to which Mr. Nollado recommended that it be placed after local autonomy because these provisions on taxes, the power of supervision of the President, the term of office and representation appear in the Local Government Code. He agreed that the Local Government Code be placed after "local autonomy", after which would be the power of supervision of the President so that Section 6 and 7 would be transposed and inserted between Sections 2 and 3.

Finally, Mr. Nollado apologized to Mr. Maambong for what he had said during the four-month period which, he opined, are wanting in civility, to which Mr. Maambong stated that those words never entered his mind.

APPROVAL OF ARTICLE X ON LOCAL GOVERNMENT

On motion of Mr. Guingona, there being no objection, the Body approved Article X on Local Government.

ARTICLE XI ON ACCOUNTABILITY OF PUBLIC OFFICERS

Mr. Monsod agreed with the proposal of the Committee.

On motion of Mr. Guingona, there being no objection, the Body approved Article XI on Accountability of Public Officers.

ARTICLE XII ON NATIONAL ECONOMY AND PATRIMONY

Relative to Article XII on National Economy and Patrimony, Mr. Villegas on behalf of the Committee on National Economy and Patrimony expressed agreement and commended the Sponsorship Committee for a more logical sequencing of the sections.

On motion of Mr. Guingona, there being no objection, the Body approved Article XII on National Economy and Patrimony.

ARTICLE XIII ON SOCIAL JUSTICE AND HUMAN RIGHTS

On Article XIII on Social Justice and Human Rights Mrs. Nieva, on behalf of the Social Justice Committee, expressed concurrence with the arrangement.

On motion of Mr. Guingona, there being no objection, the Body approved Article XIII on Social Justice and Human Rights.

ARTICLE XIV ON EDUCATION, SCIENCE AND TECHNOLOGY, ARTS, CULTURE AND SPORTS

The Body proceeded to Article IV on Education Science and Technology, Arts, Culture and Sports.

Mr. Maambong informed the Body that this Article had been sequenced in advance and that the only change effected therein was the deletion of the original Section 1 which was transferred to Section 17 of the Article on Declaration of Principles and State Policies.

Mr. Villacorta, on behalf of the Committee on Human Resources stated that the Committee interposes no objection thereto.

On Mr. Padilla's inquiry whether this Article is not entitled "Human Resources", Mr. Maambong stated that the Committee that prepared this Article is the Committee on Human Resources but that the Article is not entitled "Human Resources". Mr. Padilla stated that the title should be "Human Resources" and that "Education, Science, etc." should be subheadings of Article XIV.

Mr. Azcuna opined that there should be a comma (,) after the word Culture which should also be placed in the table of contents.

Thereupon, on motion of Mr. Guingona, there being no objection, the Body approved Article XIV on Education, Science and Technology, Arts, Culture and Sports as sequenced.

ARTICLE XIV ON THE FAMILY

The Body proceeded to Article XV on the Family, with Mrs. Nieva on behalf of the Committee on Social Justice, interposing no objection.

On motion of Mr. Guingona, there being no objection, Article XV on the Family was approved, as sequenced.

ARTICLE XVI ON GENERAL PROVISIONS

The Body proceeded to Article XVI on General Provisions.

Mrs. Rosario Braid, on behalf of the Committee on General Provisions, recommended the resequencing of Sections 9, 10 and 11 considering that Section 11 which refers to an advisory consultative body on cultural communities is not related to communication such that Section 11 should be assigned as Section 9.

Mr. Maambong, in turn, suggested that Section 11 be placed at the end so that Section 12 would become Section 11 and there would be a flow of communication and information, followed by mass media, to which Mrs. Rosario Braid agreed.

Thereupon, on motion of Mr. Guingona, there being no objection, the Body approved, as sequenced, Article XVI on General Provisions.

ARTICLE XVII ON AMENDMENTS OR REVISIONS

The Body proceeded to Article XVII on Amendments or Revisions.

Mr. Suarez, on behalf of the Committee on Amendments and Transitory Provisions, suggested that the Body take up the Article on Amendments or Revisions and the Article on Transitory Provisions together, to which the Committee agreed.

Mr. Maambong stated that with respect to the Article on Amendments or Revisions the Committee adopted the

original sequence.

There being no objection, the Body approved, as sequenced, Article XVII on Amendments or Revisions.

ARTICLE XVII ON TRANSITORY PROVISIONS

The Body proceeded to Article XVIII on Transitory Provisions, to which Mr. Suarez interposed no objection.

Thereupon, on motion of Mr. Guingona, there being no objection, the Body approved, as sequenced, Article XVIII on Transitory Provisions.

MANIFESTATION OF MR. GUINGONA

Mr. Guingona commended the Subcommittee on Rubrics for the job well done and he specifically commended Mr. Maambong who spent a lot of working hours in the Computer Section for this particular endeavor.

MANIFESTATION OF MR. MAAMBONG

Mr. Maambong commended all the staff and employees of the Computer Unit under the Office of the Secretary-General for their cooperation.

Mr. Guingona, on behalf of the Sponsorship Committee, commended all those who supported the Committee.

SPONSORSHIP SPEECH OF MR. GUINGONA

In his sponsorship remarks, Mr. Guingona stated that the Constitutional Commission has finally completed its task of drafting a Constitution which is reflective of the spirit of the time, of nationalism, of liberation and of rising expectations.

He recalled that on June 2, 1986, forty-eight men and women who came from different walks of life with diverse backgrounds and orientations, even with conflicting convictions but all sharing the same earnest desire to serve the people, met in the Plenary Hall of the Batasan Building to draft a Constitution which will establish a government that the people could trust and enthusiastically support, a Constitution that guarantees individual rights and serves as a barrier against excesses of those in authority.

He stated that the men and women who drafted the 1986 Constitution were moved by the same Spirit as that described by Clinton Rossiter, who in writing about the framers of the 1787 Constitution of the United States, said:

The Spirit of the framers was a blend of prudence and imagination, of caution and creativity, of principle and practicality of idealism and realism about the governing and self-governing of men.

Mr. Guingona stressed that a Constitution of the people and for the people derives its authenticity and authority from the sovereign will, and it should reflect the norms, the values, the modes of thought of society, preserve its heritage, promote its orderliness and security, protect its cherished liberties and guard against the encroachments of would be dictators. These objectives, he stated, had served as the framework in drafting the 1986 Constitution.

Mr. Guingona stated that the form and structure of the government under the draft Constitution are built within the context of the principle that the Philippines is a democratic and republican state and as such the Constitution has provided for a presidential form of government with a bicameral legislature where the President, the Vice-President, the members of the two Houses of Congress as well as certain local government officials are to be elected directly by the people by a majority vote. He pointed out that this draft Constitution has sought to broaden

citizen participation by providing that the disabled and the illiterates shall have the right to vote and that Congress shall provide for a system of absentee voting by qualified Filipinos abroad.

He stated that the concept of checks and balances has been maintained but with modifications to the traditional provisions with the end in view of making the three Departments as coordinate and co-equal as possible.

He stated that the Executive power is vested in the President of the Philippines who possesses similar broad powers given to the Chief Executive under the 1935 Constitution but conscious of the abuses perpetrated by the former President-turned-dictator, some of these powers have been curbed like for instance, as commander-in-chief of the Armed Forces of the Philippines, the President may suspend the privilege of the writ of habeas corpus or place the Philippines or any part thereof under martial law provided that there must be an actual invasion and rebellion. He stated that although the President may exercise these powers on his own authority, Congress may revoke the proclamation or suspension. He said that martial law does not suspend the operation of the Constitution nor supplant the functioning of the civil courts or legislative assemblies nor does it automatically suspend the privilege of the writ. He further stated that another restriction on the powers of the President is contained in the provision that the President may contract or guarantee foreign loans on behalf of the Republic of the Philippines only with the concurrence of the Monetary Board and subject to such limitations as may be provided by Congress.

Mr. Guingona stated that a significant innovation, as far as the Legislative Department is concerned, refers to the broader representation in the Lower House to embrace various sectors of society, in effect enlarging the democratic base. He also cited as another important innovation, the system of initiative and referendum whereby the people could "directly propose and enact laws, or approve or reject any act or law or part thereof passed by the Congress or local legislative body".

Furthermore, he stated that a high standard Legislature should require its Members to make full disclosure of their financial and business interests upon their assumption of office. He stated that there are also safeguards built into the Constitution to prevent the phenomenon of "juggling" appropriations for the benefit of politicians of favored electoral districts.

With respect to the Judiciary, Mr. Guingona stated that under the draft Constitution, it is vested with additional powers to make it independent, immune from intrusions from the other branches of government so that it could be an effective guardian and interpreter of the Constitution and the protector of the people's rights. He pointed out that the President's power to fill vacancies in the Judiciary shall be confined only to the recommendees from the Judicial and Bar Council created under the supervision of the Supreme Court.

Judicial power, he stated, includes the duty to "determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the government". He stressed that this duty has far-reaching implication in the sense that the Supreme Court cannot, like Pontius Pilate, wash its hands of its responsibility of reviewing acts of public officials and offices. Furthermore, he pointed out that Congress may not deprive the Supreme Court of its jurisdiction over cases enumerated in the Constitution and neither shall any law be passed reorganizing the Judiciary when it undermines security of tenure. He stated that the Supreme Court shall have administrative supervision over all courts and the personnel thereof and it shall have the power to appoint all officials and employees of the Judiciary. He further stated that the Judiciary shall enjoy fiscal autonomy.

Mr. Guingona stated that like the Congress and the Judiciary, the Constitutional Commissions, in order to protect their independence, shall enjoy fiscal autonomy and shall appoint their officials in accordance with law.

With respect to the Civil Service Commission, he stated that it is charged with the task of adopting measures to

promote morale, efficiency, integrity, responsiveness, progressiveness and courtesy in the Civil Service and restrictions are imposed on the eligibility of elective officials for appointment to any public position.

On the Commission on Elections, Mr. Guingona stated that it would have the power to file petitions in court for inclusion or exclusion of voters from the registry and to prosecute cases of violations of election laws. He said that a free and open party shall be allowed to evolve.

Mr. Guingona stated that the Commission on Audit is given the exclusive authority to define the scope of its audit and examination and that no law shall be passed exempting any entity of the government or its subsidiary, or any investment of public funds, from its jurisdiction.

Mr. Guingona stressed that the Constitution is not just a written legal document which fleshes out the form of government and engineers its structures but it also serves as a symbol to represent the solidarity of a people in a pluralistic society.

Explaining further the highlights of the Constitution, Mr. Guingona stated that the Constitution seeks to widen the taxing powers of local governments to enable them to impose taxes, fees and charges which shall accrue exclusively to them. These units, he stated, shall have a just share in the national taxes which shall be automatically released to them and that they are entitled to the equitable share of the proceeds in the utilization and development of the national wealth within their jurisdiction. Aside from local autonomy, he stated that the proposed Charter would create two autonomous regions, namely, Muslim Mindanao and the Cordilleras.

With respect to public officials, Mr. Guingona stated that the philosophy underscored in the Constitution is that "public office is a public trust and that public officers and employees are accountable to the people". Relative to this philosophy, it is likewise provided that the State shall maintain honesty and integrity in public service and take positive and effective measures against graft and corruption.

Mr. Guingona stated that under the new Charter, it is likewise provided as an additional ground for impeachment, betrayal of public trust, which need not be an indictable offense. He stated that the House of Representatives shall have the exclusive power to initiate all cases of impeachment and the Committee to which the verified complaint is referred cannot quash the same through non-referral to the House as was done during the Marcos regime.

He stated that the present anti-graft court and known as the Sandiganbayan shall continue to function under the new Constitution although an independent Office of the Ombudsman has been created, the principal function of which is to investigate on its own or on complaint by any person any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient.

Mr. Guingona underscored that the institutions through which the sovereign people rule themselves are essential for the effective operation of government, although these are not enough in order that the body politic may evolve and progress. He stressed the need for an underlying socio-economic philosophy which would direct these political structures and serve as the mainspring for development and it is for these reasons, he stated, that the proposed Charter contains separate Articles on Social Justice and National Economy and Patrimony.

He opined that any talk of people's freedom and legal equality would be empty rhetoric as long as they continue to live in destitution and misery but in helping to bring about transformation, in helping the common man break away from the bondage of traditional society and in helping to restore to him his dignity and worth, the right to individual initiative and to property shall be respected.

Mr. Guingona stated that the Article on Social Justice and Human Rights which President Muñoz Palma referred to as the "heart of the Constitution", provides that Congress shall give highest priority to the enactment of

measures that would reduce social, economic and political inequalities and at the same time address the problem of 1) labor, the rights of workers to self-organization, collective bargaining and peaceful and concerted activities including the right to strike in accordance with law; 2) farmers, farmworkers, subsistence fishermen and the fishworkers through agrarian and natural resources reform; 3) the underprivileged and homeless citizens in urban centers and resettlement areas through an integrated and comprehensive approach to health development; 4) the women by ensuring the fundamental equality, before the law, of women and men; and 5) people's organizations by facilitating the establishment of adequate consultation mechanisms.

Mr. Guingona stressed that the nation's economic policy must strike a healthy equilibrium between the need to spur growth and the effective Filipino control of the economy such that the nation's patrimony should be protected without closing its doors completely to those who wish to aid the country in its task of economic recovery. Moreover, he stated that the Article on National Economy and Patrimony mandates the State to recognize the indispensable role of the private sector and encourage private enterprise and offer incentives to needed investments. This Article, he stated, sets these objectives: 1) economic self-reliance; 2) freedom from undue foreign control of the national economy especially in strategic industries and 3) equitable distribution of income and wealth thus reducing economic inequality. He further stated that these objectives are sought to be attained through such provisions as 1) the State shall promote the preferential use of Filipino labor, domestic materials and locally-produced goods; 2) the Congress shall enact measures that would encourage the formation and operation of enterprises the capital of which is wholly-owned by Filipinos; and 3) the State shall regulate and exercise authority over foreign investment within its national jurisdiction in accordance with its national goals and priorities.

Mr. Guingona stressed that socio-economic development should depend in large measure on the existence of peace and order and in this respect, the proposed Charter hews to the principle that civilian authority, is, at all times, supreme over the military. Furthermore, it establishes a national integrated police force which is civilian in character and it provides for the professionalization of the Armed Forces of the Philippines.

He pointed out that the Constitution enshrined human rights to reflect the people's growing concern to give legal recognition and enforceability to their inherent and inalienable rights. He added that to obviate the possibility of human rights violations experienced during the tyrannical years of Marcos rule, the Constitutional Commission adopted an expanded enumeration of these rights which include the issuance of search warrant or warrant of arrest only by a judge; right to bail which should not be impaired even when the privilege of the writ of habeas corpus is suspended; that no person shall be detained merely by reason of his political beliefs and aspirations and that no torture, force, violence, threat, intimidation or any other means which vitiates the free will shall be used against him. He further stated that secret detention places, solitary, incommunicado or other similar forms of detention are prohibited.

Mr. Guingona further enumerated several merits of the proposed Constitution, among them, the right to free public education in the elementary and secondary levels and the maintenance of a system of scholarship grants and other incentives including direct subsidies to students; a separate Article on the Family; and the creation of a Commission on Human Rights to reflect the government's commitment to champion the cause of man's basic rights.

Finally, Mr. Guingona stated that those which he articulated represent the ideas, values and institutions which would serve as the key to national transformation and development and the driving force for our irreversible march to progress. He described this Constitution as one, which in the words of U.S. Supreme Court Chief Justice John Marshall, is intended to endure for ages to come and consequently to be adapted to the various crises of human affairs." He hoped that the efforts exerted by the Members in drafting the Constitution would pave the way

towards the establishment of a reviewed constitutional government.

APPROVAL ON SECOND READING OF THE ENTIRE DRAFT OF THE CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES

Thereupon, on motion of Mr. Guingona, there being no objection, the Body approved on Second Reading, the draft Constitution of the Republic of the Philippines.

MOTION TO STRIKE OFF CERTAIN REMARKS FROM THE RECORD

On motion of Mr. Villacorta, there being no objection, the Body approved the deletion from the record of the previous day's session, the exchange between him and Mr. Monsod which was reflected on page 82 of the Journal of October 12, 1986 from the second sentence of the paragraph entitled "Manifestation of Mr. Azcuna" starting with the words "Mr. Monsod objected to the proposal . . ." to the end of the paragraph.

SUSPENSION OF SESSION

On motion of Mr. Romulo, the Chair suspended the session until two o'clock in the afternoon.

It was 12:07 p.m.

RESUMPTION OF SESSION

At 2:54 p.m., the session was resumed with the President of the Constitutional Commission, the Honorable Cecilia Muñoz Palma, presiding.

APPROVAL ON THIRD READING OF THE FINAL DRAFT OF THE CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES

On motion of Mr. Rama, there being no objection, the Body proceeded to vote, on Third reading, on the final draft of the Constitution of the Republic of the Philippines.

Upon direction of the Chair, the Secretary-General called the Roll for nominal voting. Thereafter, a second Roll Call was made.

EXPLANATION OF VOTES

The following Members explained their votes:

By Mr. Abubakar:

Mr. Abubakar, in voting in the affirmative, stated that the final draft of the Constitution is imbued not only with the spirit of patriotism of the Members but also their capacity, knowledge, dedication and awareness that this document would be the Constitution of the Filipino people upon its approval.

He stated that perusal of the Constitution would reveal that the Members have assiduously studied every article and provision therein especially those affecting the rights of the individual Filipino as well as the growth of the nation. He expressed confidence that he had arrived at a good decision in voting for a good Constitution because he believes that the Members of the Commission had done their best in drafting a Constitution which everyone could be proud of.

By Mr. Alonto:

Mr. Alonto cast his affirmative vote with an accompanying prayer, to wit:

"I am casting my vote in Thy Holy Name God to firm my unstinted vote for Thy mercy to grant the Filipino people by this Constitution a nation that invites to good, enjoins what is right and forbids what is wrong. And so, I vote Yes without any reservation whatsoever for purposes evasion and so help us God.

Amen."

By Mr. Azcuna:

Mr. Azcuna voted in favor of the Constitution because it is predicated on experience in the sense that it is built on the past but faces the future; articulates the ageless dreams and ideals of the people and at the same time addresses the present necessities for peace with justice and development with freedom. It is a document, he stated, forged in the fires of debate and intellectual exchange and in the age-old search of mankind to strike that delicate balance between freedom and authority, between liberty and order.

At a time of choice and facing the final constraints of drafting a Constitution for all the people, Mr. Azcuna quoted his nine-year old daughter who said: "I wish that this country would be a better country; that the Philippines would have grass that were cut and streets that do not have holes and poor people would be rich; and that this country would have no problems; and posters and notes would not be put in the walls and no one will write on it; and that no jeepneys, tricycles, buses, taxis would put smoke in the streets. That would be my dream, for maybe someday all these will happen". Mr. Azcuna stated that he would not sign this Constitution with the blood of his children for he has filled it with their dreams.

Explaining the salient features of the proposed Charter, Mr. Azcuna cited the separation of powers in government with the belief that the only way to protect freedom and liberty is to separate and divide its awesome powers. He pointed out the restoration to the people of their basic rights and freedoms and the recognition, once more, that the nation has a democratic way of life. He further stated that the Constitution provides for the enforcement of these freedoms through the mechanism of a constitutional writ found in the Article on the Judiciary so that the courts could truly safeguard the liberties of the people. Furthermore, he stated that the Members tried to make the people truly sovereign by giving them reserved powers of legislation through initiative, referendum and recall.

On the social aspects of the Constitution, Mr. Azcuna stated that the provisions are addressed to the poor, the oppressed, the disadvantaged and those who have less in life. At the same time, he pointed out that the Commission tried to push to the farthest limits the dimensions of freedom and equality, opportunities of learning, information, knowledge and communication.

On the economic aspects, Mr. Azcuna believed that although some Members differed deeply in some provisions, the Constitution is very flexible, dynamic and suited to the changes of the times. He stated that this Constitution highlights the return of the land to the tillers as well as industrialization in the countryside.

Finally, Mr. Azcuna stated that in the final analysis, it is not the Constitution but the social forces behind the Constitution that would determine the destiny of the country.

By Mr. Bacani:

Mr. Bacani voted in the affirmative because he believes that the Constitution embodies the ideals, values and aspirations of the post-Marcos Filipino generation that it possesses the following characteristics:

- 1) It is pro-life for it renounces war as an instrument of national policy; the death penalty was abolished; it affirms in principle that the Philippines shall be free of nuclear weapons; and it mandates the State to protect the life of the unborn from conception;
- 2) It is pro-people in the sense that it affirms the principle that sovereignty resides in the people and all

government authority emanates from them; that the Bill of Rights' indicates that the government should be at the service of the people; that in the Article on the Legislative, a sizeable representation for marginalized sector has been provided; and that the accountability of public officers is stressed in one whole Article;

3) It is pro-poor because a whole Article is devoted to social justice and there are many provisions therein that seek to protect labor, the disadvantaged, the poor, the underprivileged and even the paupers; and

4) It is pro-Filipino, in the sense that it mandates an effective control of the economy by Filipinos; that the control and administration of educational institutions shall be vested in citizens of the Philippines; and that the paramount consideration in the country's foreign relations shall be national sovereignty; territorial integrity, national interest and the right to self-determination.

Aside from the foregoing, Mr. Bacani believes that there are other desirable features of this Constitution, among which are the imploring of the aid of Almighty God; the aspiration for a regime characterized by justice, truth, freedom, equality and by love; the inclusion of family rights; and a totally new Article on Education.

Finally, Mr. Bacani admitted that he would have been happier if fostering love of God had been put as one of the tasks of educational institutions. He believes, however, that this shortcoming has been more than compensated by the many positive aspects enshrined in the Constitution. He stated that he was voting Yes for the sake of the Filipino people, the stability of the government and for the glory of God.

By Mr. Bengzon:

In casting his affirmative vote, Mr. Bengzon stated that from the ashes of the nation's ideals, democracy was once again alive and that he was grateful for this rare chance to draft the new Constitution because people's dreams have become whole and their hopes resurrected. This new Constitution, he stated, reflects the deep concern of the leadership for the people's needs and welfare; infuses life and vigor into democracy; gives impetus to the social and economic rights of the people; and most of all enshrines the family as the basic unit of society.

Mr. Bengzon stated that the flexibility and dynamism of this Constitution would be his opening salvo in his campaign for its ratification. He stressed that this is a call to duty for those who share his thoughts; an invitation to the curious and the skeptics; and an offer of peaceful reconciliation to the Opposition.

To the young, Mr. Bengzon stated that the Body has given its best to them through the Articles on Social Justice and National Economy and Patrimony. But, he stressed that the most important part of the Constitution is the Article on the Family which enshrines the Filipino family as the foundation of the nation — a family that is God-loving, law-abiding, self-disciplined, fair and concerned with its fellowmen.

By Mr. Bernas:

Mr. Bernas stated that when the Body began its task of writing the Constitution, his utmost concern was to hasten the return to normal constitutional processes with a Constitution that is superior to government and to an incumbent administration.

He stated that the Freedom Constitution is unsatisfactory as a permanent anchor for nation-building because it is inferior to government and must therefore be replaced, within the shortest time possible, by a fundamental document which the presidency may neither alter nor disregard.

Mr. Bernas stated that the draft Constitution seeks to place law above government and deserves support as a basically strong document which contains provisions for a fortified judiciary and a liberal bill of rights and carefully articulates socio-economic growth for a society plagued for centuries by inequitable distribution of wealth and political power.

However, he expressed serious misgivings about certain provisions thereof. He stated that he treasures personal dignity, human worth and liberty of the children of God regardless of their political affiliation or their past. He stressed that although he is proud that the Body was able to draft the Bill of Rights which is a monument to all these and superior to any document the country ever had, yet he finds the document ambivalent about the values it purportedly upholds because, by extending the license to sequester and freeze, it proclaims the message that personal privacy and punctilious adherence to time-honored legal processes have a dollar price. He pointed out that the auctioning off of the search and seizure clause of the Bill of Rights has been justified by appeal to the demands of national survival, the same justification Mr. Marcos used for suspending fundamental liberties.

Mr. Bernas recalled that during the previous sessions the plenary hall reverberated with similar arguments laced with language that tended to give substance to the accusation that the present administration is driven by vindictiveness even as the Body defended a Preamble that enshrines love and this was capped with a provision which takes the administration of justice away from the Judiciary because the Body trusted an administrative agency more than the Judiciary. He stressed that all these bode ill not just for the Bill of Rights but even for the nation.

On the socio-economic goals as formulated, Mr. Bernas pointed out that these are not self-executory because to put them into effect they have to depend on Congress. He opined that unfortunately, the Body through a narrow vote of 23 to 22, opted to entrust the attainment of these goals to a bicameral Congress, structured in a manner that insulates its membership from the direct pressures of the masses who cry for socio-economic relief. He opined that the road ahead is long, perhaps even heavily mined and barricaded by formidable obstacles, nevertheless, the country must begin and not wait for a perfect Constitution which will never come. He stated that what was drafted, aside from its verbosity, is substantially defective, yet it is outstanding in many ways and satisfactory in others. For these reasons and for the sake of constitutional normalization, Mr. Bernas voted Yes.

By Mrs. Rosario Braid:

Mrs. Rosario Braid voted favorably for the Constitution, stating that she is convinced that it is the best the country ever had. She opined that the Body took a bold step towards popular democracy; fully harmonized and balanced various interests; reflected the commitment to the ideals of independence, social justice and human rights; responded and reconciled the needs and demands of the individuals and of society; recognized the need for preferential option for the poor; broadened ownership; set mechanisms for interaction and balance of power through initiative and referendum; encouraged the participation of the various sectors through the party-list system; opted for decentralization and autonomy; and strengthened people's institutions.

She added that although the Constitution has deficiencies, the breakthrough is significant; the Commission had gone beyond political rights and considered social, cultural and economic rights which are equally significant. She pointed out that even the American Constitution is not completely satisfactory to everyone but it has successfully met the test of time for it favors no sector in the country or portion of its population.

In conclusion, she expressed the hope that the people would rally behind the Constitution as the country's symbol of hope in the establishment of a balanced social order and as the best alternative during these times.

By Mr. Calderon:

Mr. Calderon voted in favor of the Constitution stating that although not flawless, it is firm, sturdy and strong enough to withstand the pressures and the tensions that nationhood can produce. He opined that the Constitution is not faultless but it is the utmost that the spirit of compromise and accommodation among men of goodwill can devise. He added that the Constitution is not perfect but it is the best that the genius of men in ail its frailty can

forge. He stressed that it is upon this constitutional rock that the Filipino people can rebuild the house of the nation.

By Mr. de Castro:

Mr. de Castro voted in favor of the Constitution because of its many innovations which have been included for the sake and benefit of the people. He stated that the Body tried to perfect an instrument to promote the general welfare and that he sincerely believes that it had produced, though only theoretically, a perfect instrument.

He opined that the fate of the Constitution would now be left in the hands of the men and women who shall be entrusted to enforce it because if they violate, ignore or evade the Constitution, no Constitution will work. He stressed that if the people themselves would permit such leaders to remain in power instead of denouncing them, they do not deserve a Constitution.

He urged that the people be made to realize that the Constitution can only live in them, for them, through them and because of them. He stressed that the Filipinos live as free men and that the Constitution expresses their resolve to live and act as free men.

By Mr. Colayco:

In voting in favor of the Constitution, Mr. Colayco stated despite its imperfections, it reflects the Body's honest effort to establish a form of government that will meet the economic, social, and political problems of the country; provides for the needs of the people; and defends the independence of the country in the years to come.

He pointed out that the Constitution encourages capital to share responsibility and profit with labor; instills social conscience in those who have more material goods in life; and provides more in law for those who have less in life. He stated that he considers his participation in the Commission as the crowning event in his service to the people, having been a member of the judiciary for 15 years.

By Mr. Concepcion:

Explaining his affirmative vote, Mr. Concepcion stated that the new Constitution would be the first drafted by a free Filipino people since the end of the 19th century, the 1935 Constitution having been drafted under deep restraint and was subject to conditions imposed by an alien sovereign; while the 1973 Constitution was made under actual and almost material duress and was never ratified by the people apart from the fact that from a legal and constitutional viewpoint a Constitution cannot be ratified by the people through a referendum but must be submitted to the people in a plebiscite.

He stated that the new Constitution is the culmination of the February revolution and is, in fact, its necessary consequence. He added that although there had been conflicts, the Constitution is a labor of love — love for country, love for the family, and love for the Filipino people.

By Mr. Davide:

Mr. Davide voted in favor of the Constitution as one which lays the foundation of a new life and a new order for the people, a life always worthy of human dignity, and an order which restores to and preserves for them their rights and freedoms, and ensures their political and economic stability, social and cultural equity and total human liberation and development.

He added that the Constitution contains provisions which ensure responsive, more representative, democratic, and accountable government; preserves to the people through initiative, referendum and recall, the right to amend the Constitution, enact laws, disapprove legislative measures and recall of local officials; provides for broader local

autonomy, equal opportunity of access to public office with the elimination of political dynasties, politics-free Armed Forces of the Philippines; genuine social justice, agrarian reform and urban land reform; guarantees the promotion and enhancement of respect for human rights; enshrines the sanctity of life from the moment of conception; and makes the family the foundation of the nation, aside from the other provisions which make the new Constitution more comprehensive than any of the previous Constitutions.

He added that even though the Constitution is not perfect, it is the best Constitution for Filipinos. He opined that perhaps God, the Supreme Lawgiver, was always with the Body as it researched for, studied, discussed, debated, and voted upon the provisions thereof. He added that it is his hope that the Constitution would be loved by the people and that what the Body begun would be pursued by the leadership and by the new Congress.

By Mr. Foz:

Mr. Foz voted affirmatively, despite some provisions which did not completely satisfy his personal views, because of the many others over which he could rejoice, one of which being the provisions on labor which represents a major breakthrough in its long struggle for a better deal.

He pointed out that the Body recognized in no uncertain terms the right of government workers to unionize which, in effect, sets them on equal footing with their private sector counterparts, hence constitutionally, both have the same rights although, in view of the nature and requirements of public service, the right of government workers to strike as part of peaceful concerted activities may be subject to certain restrictions to be determined by Congress.

He added that the new Constitution is specially pro-labor for the rights of workers and employees have acquired new dimensions, while some concepts have been constitutionalized which may provide new directions for employer - employee interactions, namely: 1) "collective negotiation" which calls for consensual approach and resolution to labor disputes rather than confrontational union politics; 2) the principle of "shared responsibility between workers and employers" which underscores the truism that production is a joint undertaking which, in turn, is back-stopped by a new provision that in regulating their relations which is vested with public interests, the State shall recognize the right of labor to its just share of the fruits of production and the right of enterprises to reasonable returns of investments for expansion and growth. For most of these ideas, he thanked Ms. Aquino, Messrs. Colayco and Davide, Mrs. Nieva and Mrs. Quesada, and Messrs. Monsod and Sarmiento among many others.

He stressed that the Constitution the Body drafted reflects the aspirations of the Filipino for a government in which he could take part more meaningfully; for an environment in which he could live and work better with his family and fellowmen, and exercise his rights and enjoy the liberty to achieve the fullness of his human being.

By Mr. Garcia:

Mr. Garcia stated that the significance of a Constitution could be appreciated only in terms of the historical context which gives it birth and it is in this light that the value of the new Constitution must be seen. He pointed out that the historical context he is referring to is the people's long history of struggle to be truly free from want and hunger and to determine and create their own future. He added that this freedom implies the logic of the rule of the majority who are truly empowered to make the economy productive and self-reliant, with the fruits thereof equitably distributed to all in a nation made fully sovereign. He stressed that the thrusts of this freedom are popular democracy, economic justice and national sovereignty.

He explained that the precise historical juncture in which the new Constitution finds itself is the aftermath of the popular revolution of 1986 that toppled a foreign-backed native dictatorship characterized by an extremely corrupt and abusive rule. He stressed, however, that the task of the popular revolution is not yet over since the change

must not only be political but should also be accompanied by substantial social changes to make the people fully free. He opined that the new Constitution, as the fundamental law of the land heralding the creation of a new social order, has a crucial role to play in the people's continuing struggle for authentic liberation.

He pointed out that the new Constitution contains provisions which make democracy more participatory and popular; the Articles on the Bill of Rights, the Judiciary, and the Commission on Human Rights which provide strong safeguards against encroachment by the State of the people's civil and political liberties; the provisions on people's organization which define their rights and role as a significant vehicle towards the popular empowerment of the people; the provisions on the system of initiative, referendum, and recall which provide for concrete mechanisms that would institutionalize people power; the Article on Local Government which provides for decentralization and greater local autonomy; the provisions on multiparty system and sectoral representation which provide, even if inadequately, for the inclusion in Congress of representatives of various persuasions and various sectors.

On economic justice, he pointed out that the Article on Social Justice which mandates Congress to give highest priority to the enactment of measures to reduce economic, political and social inequalities found among the people is subject to conflicting interpretations on the degree and scope of its implementation specially with regard to the provisions mandating agrarian reform. However, he opined that there is less ambiguity in the provisions which pertain to the other economic and social rights of the people such as those of labor, the urban poor, the fishermen, women, cultural communities, the right to health and free public education and among others.

He stressed that it is in the area of advancing national sovereignty that the new Constitution is most wanting. He pointed out that the Article on National Economy and Patrimony, despite its lofty declarations, fails to provide measures to protect the country's economy from domination by foreign interests and to build a truly self-reliant and progressive economy that would harness the full productive capacity of the people to provide for their basic needs. He added that the new Constitution also lacks a firm declaration of principles prohibiting the presence of foreign military bases, facilities and troops in Philippine territory which constitutes a clear diminution of the people's sovereignty and exposes the country to the specter of the holocaust of nuclear war where there will be no victors, no vanquished and no survivors. Nevertheless, he added that the provision making the country nuclear-weapons-free is a unique contribution to nuclear disarmament and the quest for world peace, if only in this part of the world.

Finally, Mr. Garcia, stated that he is voting in favor of the Constitution because of his faith in the people and in their ability to forge a future and peace together and to achieve unity in diversity. He added that his decision is also based on his conviction that the people could make use even of an imperfect document to determine their future and say yes to life.

By Mr. Gascon:

Mr. Gascon, prefaced his explanation by reading from the Bible Timothy, Chapter 4, verses 6 to 8, to wit:

For I am now ready to be offered and the time of my departure is at hand. I have fought a good fight. I have finished my course. I have kept my faith. Henceforth, there is laid up for me a crown of righteousness which the Lord, the righteous Judge shall give me on that day, and not to me only, but unto all of them also that love His appearing.

Mr. Gascon reflected on the many events in the past four months — the heated debates, the tensions, the pressures, the simple joys and heartaches — which have contributed to his development as a person and as a student of history. He noted that it had been a great learning experience and thanked his fellow Members whom he called his

teachers, his mentors and his friends for having given him the opportunity to work with and learn from them.

The historical moment in February, he observed, had been continually mentioned during the deliberations and had been a source of inspiration, and that inspiration should also be sought from the farmers, the workers, the urban poor, the fishermen, the cultural communities, the youth and students. They, he noted, continually live in abject poverty and in search for justice, freedom, equality and with very little means of empowering themselves, continue the struggle for democracy-political, economic and social. He stressed that what is sought is a popular democracy, one which cannot be assured by a piece of paper but is achieved through constant education, organization and empowerment of the masses.

Mr. Gascon manifested his reservations regarding some crucial provisions which may limit the efforts in the declaration of martial law without prior concurrence of Congress which, he felt does not reflect the interest 'of the people after 20 years of dictatorship; 2) the bicameralism which insulates an elite few from the cry of the masses and, in the same Article on the Legislative Department, the lack of representation for sectors which he had hoped and dreamed would be asserted more clearly; 3) the limitations in the definition of "just compensation" in the provisions on agrarian reform which may put restrictions to the aspirations of the farmers for genuine social justice as well as the provision providing for retention limits subject to what Congress may provide, although he hopes that Congress will fulfill its commitment to achieve genuine agrarian reform and recognize the interest of the masses in determining retention limits; 4) the Article on National Economy and Patrimony, specifically the provisions on the exploitation of natural resources and public utilities for which the equity ratio of 60:40 were set as well as the provision on service contracts without the need of prior Congressional concurrence only for its determination of a general law to guide in such matter; and 5) on the provision limiting initiative in amending the Constitution every five years.

He further noted that the Body was found lacking in certain aspects, to wit: in asserting the country's commitment towards world peace by failing to provide in the Declaration of Principles a commitment to a zone of peace, freedom and neutrality; in asserting national sovereignty by failing to face head-on the issue of the U.S. military bases and dismantling them; in asserting justice by not putting in a provision abolishing the CHDF; and in asserting the effective protection for Filipinos in the economy.

On the other hand, Mr. Gascon commended the Body for: 1) the Article on Education which recognizes some of the basic aspirations and ideals of the people and provides that education is a right of the citizens and for a system of free public elementary and secondary education; 2) the Article on Social Justice, which expresses the aspirations of the masses and their continuing struggle for social justice; 3) providing for a more responsive Judiciary and greater accountability of public officers; 4) providing for a system of checks and balances so that the government can become more responsive to the interest of the people; 5) the provisions on Local Government which grants autonomy for cultural communities of the Cordilleras and Muslim Mindanao; 6) affirming a Bill of Rights and asserting the constitutionalization of the Commission on Human Rights.

The Constitution, he believes, is a historical document which reflects the dynamics of various social forces prevailing in society and the spirit of commitment to democracy in line with people power revolution against dictatorship and totalitarianism.

Mr. Gascon stated that the Constitution can only serve as a guidepost towards a free tomorrow, a pillar of hope and a torch reflecting the people's aspirations for justice but it is not a means to achieve social change nor a solution to the basic ills of society which stem from foreign domination and social exploitation by the present capitalist system. He manifested his faith in the people's commitment to continue the struggle for genuine emancipation and that the call and challenge is for the people to advance the more important phase for the

continuing journey for justice, freedom and democracy.

Mr. Gascon voted Yes despite the many inadequacies and deficiencies of the Constitution, recognizing that the Filipino people themselves would be the decisive factor in the continuing struggle for national sovereignty, popular democracy, genuine freedom, justice and equality.

He stated in Filipino: Ang ating bagong nakamit na demokrasiya'y hindi paganap sapagkat hindi sapat na ang demokrasiya'y sa pulitika lamang Mahaba na rin ang landas na ating natahak sa pakikibaka subalit higit na mahaba ang naghihintay na landas. Magiging makabulahan ang ating pakikibaka sa pamamagitan ng ating pakikiisa sa mithiin ng sambayanang lumaya nang lubusan.

In closing, he invited his colleagues, his mentors and his friends to join the people and advance the Filipino social revolution.

By Mr. Guingona:

Mr. Guingona stated that as the Commission complete its task of constitution-making, it ushers in the beginning of an era of truth, justice, equality, peace and love; a beginning of a hallowed pilgrimage back to freedom and democracy commenced with the events which culminated in the peaceful February revolution; a beginning of renewed faith in institutions, faith in the capacity to bring about social change and economic recovery and faith of the people in themselves.

The framers of the 1986 Constitution, he noted, were moved by the same spirit as the framers of the 1787 Constitution of the U.S. which spirit Clinton Rossiter described, to wit: "The spirit of the framers was a blend of prudence and imagination, of caution and creativity, of principles and practicality, of idealism and realism about the governing and self-governing of men".

He stated that it was in June this year that the Members held their first session and thence 132 days have passed during which time more than a hundred public hearings were held throughout the country — from Laoag in the north to Basilan in the South; 1,103 communications were sent to the Commission which were duly recorded in the Journals; oral and written advices, recommendations, comments and suggestions were received and noted in the preparation of the proposed resolutions during the deliberations of the 17 standing committees, caucuses and considerations in plenary sessions. In the public hearings, he said, as well as in many unofficial forums, the Members listened to and heard the people's voices from the farmers, the fishermen, the itinerant vendors, the idealistic youth of the land, the intellectuals, the Muslims and the Cordillera people and many others. He stated that their voices, thinking, sentiments, aspirations, and visions find reflection in the provisions of the draft Constitution.

He noted that the Commission completed the task of drafting a constitution under the leadership of President Cecilia Muñoz Palma, a Constitution which crystallizes the political, social, economic and cultural beliefs and aspirations of the Filipinos of the 1980's, a Charter with breadth and elasticity which would allow future generations to respond to challenges which the present generations could not foretell.

Mr. Guingona expressed his trust that the ideals, values and institutions which are incorporated in the Constitution would serve as the foundation of society, the keystone of national transformation and development, and the driving force of what is prayed for as our irreversible march to progress.

Further, he noted that the Commission trusts that its humble effort would pave the way towards the establishment of a renewed constitutional government the country has been deprived of since 1972; that its efforts would ensure that the EDSA triumph of the people shall continue to be enjoyed by them and their posterity; that its efforts have

resulted in the crafting of a truly democratic and pro-people Constitution.

The new Constitution, he believes, is reflective of the spirit of the time, of nationalism, of liberation, of dedication to the democratic way of life, of rising expectations, and of confidence in the Filipino.

For the aforestated reasons, Mr. Guingona voted Yes.

By Mr. Jamir:

Mr. Jamir voted Yes for the Constitution on which the Members labored with utmost care and dedication that it may serve as a common legacy of faith in the people's march to a better and more enduring future.

The members, he observed, came to the Hall with different and at times clashing ideals and solutions for the country's ills although despite such differences, they strived to mold them into one cohesive whole so that they may fit better into the Charter being framed. More than that, he stated that they blended beautifully with each other, resulting in the new Constitution which enshrines many fundamental changes, to wit: 1) a president with lesser powers than those provided in the 1935 and 1973 Constitutions, thereby diminishing the possibility of another dictatorial and corrupt regime; 2) a Judiciary with relatively greater powers and more independence from the Legislative and the Executive branches of government, thereby enabling it to take cognizance of cases political in character; 3) a greater range of guarantees for individual freedom under the Bill of Rights; 4) a more realistic assurances for achievement of social justice, and 5) a better chance of the survival of Filipino entrepreneurs under the provisions of the Article on National Economy and Patrimony.

These, he stated, constitute some of the testimonials of the Members' common desire and a few of the reasons why he supports unequivocally the new Constitution.

He noted that it is not a perfect charter, but he claimed with solemn pride, that the Members did their best to serve the interests of the country and people without any extraneous considerations.

Even before the last echo of their voices and footsteps have died away, he stated that the Constitutional Commission shall have passed on into history, and time will judge what the Members did with complete impartiality.

Finally, he expressed his devout prayer that God, in His infinite goodness and mercy, grant that under the Constitution, the people may reap a rich harvest of peace, freedom and prosperity.

By Mr. Laurel:

Mr. Laurel recalled that when his late father was taking Comparative Constitutional Law at the Yale Law School under William Howard Taft, President and Chief Justice of the Supreme Court of the United States, the learned former Civil Governor of the Philippines, asked his class the following question: "What is the best form of government? "

Mr. Laurel recounted that many answered the question although the Chief Justice dismissed the class, told his students to reflect on the question individually and to return a week later. He stated that after a long discussion seven days later, the Chief Justice came out with the following answer: "The best form of government is an absolute monarchy with an angel on the throne".

This, Mr. Laurel remarked is an unattainable dream. He further noted that the poet Pope said:

"For forms of government let fools contest; Whatever is best ministered is best."

He stated that whatever anyone, anywhere says against the fundamental law which the Body had fashioned and

formulated, he can only hope and pray that the government sought to be established shall be well-administered by those in government, now and in the future, and thereby earn the support of a happy and united people.

He voted Yes.

By Mr. Lerum:

In voting Yes, Mr. Lerum noted that it is a good Constitution made by good people. He expressed his satisfaction specifically with the provisions in the Article on Social Justice which contains many of the things he fought for

On the matter of profit-sharing, he recalled that when he became a labor leader in 1938, it had been his obsession that profits management made out of its business, must be shared with labor.

On the freedom of association and the right of workers to organize and bargain collectively, he noted that although such rights were given in 1975, government workers were no longer allowed to form unions and supervisory employees and security guards were likewise prohibited. He then adverted to the recent Supreme Court decision denying supervisory workers and managerial employees the right to form associations. This, he contended, is against the 1935 and 1973 Constitutions and the Freedom Constitution. He informed that the Bill of Rights specially provides that the right to form associations not contrary to law shall not be abridged and in spite of such a provision the Supreme Court denied that right on the ground that the Labor Code prohibits it. He stressed that in approving the Bill of Rights' provision on freedom of association, the Labor Code provision is deemed repealed.

He also commended the inclusion of the living wage provision in the Social Justice Article as this should be a reminder to the employers that the workers should be able to maintain themselves adequately as well as a reminder to treat their workers in the manner that they would want to be treated, if they happens to be the workers themselves.

On the recognition of the right of workers and other sectors to be represented in Congress, Mr. Lerum observed that the Members saw justice in the demand of workers, which constitute 90% of the population, for representation. He noted that although they are not united, as these times, with sectoral representation they will at least have a voice in Congress. If such sectoral representatives are truly dedicated, he stated, they shall pursue the programs of their respective sectors relentlessly.

Based on his experience in the interim Batasang Pambansa, Mr. Lerum stated that despite the limited sectoral representation, they were able to secure benefits for the workers.

He stated that it is not. What Members said or are going to say in the future that would influence the workers in making their decision to ratify the Constitution but what these workers would see for themselves are provided for them in this fundamental law. He then expressed his gratitude to all the Members of the Commission for their interest in protecting the rights of the workers, especially the Members of the Committee on the Judiciary for reversing themselves by agreeing to his amendment of retaining the membership of the Supreme Court to fifteen members. He stated that he was happy with this provision, with the Constitution and with his fellow Members, expressing the hope that all of them would fight hard for what they have worked for so hard, so that this Constitution would be approved.

By Mr. Maambong:

Mr. Maambong stated that, in spite of his feeling that he had miserably failed in his earnest efforts to convince the Commission to allow the people, through the Constitution, to exercise their right to choose their President and Vice-President in an election or, at the very least, a referendum, he would still have his privilege to cast his vote

for approval of the Constitution.

He pointed out that the Constitution contains provisions which give meaning to the principle that "sovereignty resides in the people and all government authority emanates from them." He stressed that the Constitution provides the basic right of suffrage and the new rights of recall, referendum and initiative, not to mention the institution of the party-list system in the electoral process. He opined that additional rights in other Articles also make the Constitution "pro-people". However, he found it unfortunate that the Commission had denied the people the right of suffrage to participate in the choice of the highest officials of the land in the coming elections. He expressed his gratitude, however, to the Members of the Commission for giving him an unlimited opportunity to ventilate his views on the matter and, in a democratic spirit, he had accepted the decision of the Body without any rancor in his heart.

Mr. Maambong recalled that, historically, this is the fifth Constitution, but that this is unique, because it was drafted in an atmosphere of a revolutionary government. He stated that the duties of the Members of the Commission are almost over and whatever contributions were individually made would soon be forgotten because other than the Journal of the proceedings, the photographs, the new files and the voluminous records, there would probably be no trace of their being here except in their memory. He expressed the hope, however, that the trees they have planted would endure better the test of time.

Mr. Maambong also stated that, above the din of countless arguments on the floor, the Members had labored in sickness and in health, so that they would live to see the success of their goal.

He then posed the questions of whether this constitution, with its preamble, 18 articles, 321 long sections and numerous subsections, is really worth the efforts exerted or the paper it is written on; whether, taken as a whole, there is intrinsic excellence in its scheme; whether there is simplicity, brevity and precision in its language; whether it will address the immediate problems of the present and adapt to the circumstances of the future; whether there is a judicious mixture of definiteness in principle with elasticity of details; and whether it is a mere parchment containing the sentiments of a small group of Filipinos in their elaborate attempt to reflect their love of country and what they perceive to be the desires of the people.

Mr. Maambong opined that there are no answers here and now for these questions, but this Charter, once approved would become the property of the people and the nation, although the living flesh of this structure would have to be added by the men who are to make it work.

He stated that the Commission had gone through a series of difficult, painful and nerve-wracking decisions; however, now that the tension had subsided, the Members thereof are free to take their time in examining the document laid bare before them. He pointed out that by the nature of his assignment, it was his privilege to examine it more closely ahead of the rest, and he is of the belief that this Constitution, in the hands of capable administrators, would do the work for which it is originally designed by them — to provide a government strong enough to act for the Filipino people, at the same time maintaining the subservience of the same government to the people as the true sovereign.

Mr. Maambong then reiterated that his vote was in the affirmative.

By Mr. Monsod:

Mr. Monsod voted in the affirmative because he believes that this Constitution is an honest reflection of what the Filipinos are and hope to be as a country and as a people. He stressed that every session was started with a prayer for guidance that God had listened, so that this Constitution is an act of faith. He stated that it was not easy to reconcile the principle of less government and more freedom with the need for structural change, to

institutionalize safeguards against a repetition of the past and at the same time preserve the capacity of the government to resolve the very real problems of the economy, insurgency and and partisan politics, or to attain a more open political system in the midst of poverty and inequality.

Mr. Monsod pointed out that, on the whole, the Commission was successful in making that difficult passage and had charted a course that strikes a prudent balance among competing interests, with a clear preference for self-reliance and equitable distribution of wealth and power. He stressed that the Commission had enacted a strong Social Justice article no matter how much its detractors may criticize it, and that he is proud to be one of its proponents. He underscored the new provisions on checks and balances in government, public accountability, education, human resources, communications, the national economy and patrimony, family rights; the Judiciary and the Constitutional Commissions; the Office of the Ombudsman and the Commission on Human Rights. He also stated that the Constitution has enshrined people power through reserved powers of legislation and Constitutional amendment, consultative mechanisms and the greatest protection to the poorest of the poor. He stressed that the introduction of the party-list representation in the Congress constitutionalized sectoral representation and the Bill of Rights contains new provisions that protect in the clearest terms individual rights as against those of the State. He stated that constructive autonomy has been provided to cultural communities because justice demands it in pursuit of nationhood. He pointed out that the provisions on the death penalty, illiterate voting, declaration of martial law, policy on the bases and nuclear weapons, and many others have been vested with enough flexibility to respond to circumstances still unforeseen.

Mr. Monsod stated that history would be the ultimate judge of their performance and anyone who exerts reasonable effort to study the Constitution and its proceedings would realize its unequivocal preference for the Filipinos who are victims of the government or of society and who continue to suffer indignity, inattention, impropriety and injustice; that he would also discover the individual contributions of the Members of the Commission and the pattern of their advocacies; and, above all, the sincerity and integrity of each Member and of each vote.

He pointed out that this Constitution is not a perfect document because it only reflects the Members' own imperfectibility and that the vitality and ultimate reach of its vision would be provided by future generations, but it is a document that deserves an honest hearing and that it could stand on its own merit and not what narrow interests many want to read into it so it could be condemned for their purpose.

Mr. Monsod stated that the Members of the Commission shall go back to their ordinary lives where they are only answerable to their conscience. He stressed that that is when the commitment to truth, justice and nationalism would truly be tested, for it is said that every good life is a heroic life, no matter how ordinary it may be. He stated that if democracy is based on the conviction that there are extraordinary possibilities in ordinary people, then what is before the Commission are endless opportunities to put into practice the noble ideas and beautiful words of his Constitution in their everyday lives. He was confident that all the Members would be equal to that challenge.

Having been involved in controversial debates in this Body, Mr. Monsod took the opportunity to apologize to any Member who he may have offended in the advocacy of his convictions. He then expressed the hope that they would remain friends and colleagues in their common aspirations.

Finally, he thanked the Secretariat and the staff for the work that they had done these past four months, for they had demonstrated to the Members what pursuit of excellence means in quiet and dedicated service to the country. He wished them the best in their future undertakings.

By Mr. Natividad:

Mr. Natividad stated that, in this historic and great moment, it would be a thorn in his heart if he could not explain his vote in the native language — the language he inherited from his loving mother. He stated that the reason why he and thousands of Filipinos who love their own language would vote Yes to this Constitution is because what they have been waiting for would become a reality.

He pointed out that a Constitution is worthless if it could not erase the fears in the hearts of the people, but would only add to their problems if it could not respond to the needs of the country. He stressed that the constitution is worthless if it does not give the common man freedom from fear and want. He stated that this Constitution which the Commission had formulated for less than five months answers those two needs.

Mr. Natividad pointed out that under the Bill of Rights, only a judge could sign the warrant of arrest and that the Arrest, Search and Seizure Order (ASSO), Presidential Commitment Order (PCO) and Presidential Detention Action (PDA) are all prohibited, including hamletting. He stated that in the past, when a suspect is taken to a camp or a precinct, he would be forced to admit his guilt, which practice, he added, is no longer possible under the new Constitution because it provides that the suspect should have a lawyer before he admits anything. He stated that 80% of those detained remain in prison because they have no bail to pay, however, under the new Constitution, they could be freed even without bail as long as they promise to attend court hearings under the responsibility of their parents or barangay captains.

Moreover, he stated that if the jail's condition is too deplorable, the Congress is mandated to improve it which was not done in the past. He stated that this Commission cares for them because the Bible according to St. Matthew says that "Whatever you do to the least of my brethren, you have done it unto me."

Mr. Natividad pointed out that the Constitution would put an end to police abuses. He contended that the youth would support the concept of a Philippine National Police which would be civilian in character. He then expressed his gratitude to his colleagues for approving this provision without amendment and without any *turno en contra*.

He also stated that the Constitution respects and protects the rights of every Filipino through the Commission on Human Rights to help heal the wounds of past abuses. He stressed that even political competitions would be minimized because there is a strict limitation on the term of office of elective officials. The Commission, he stated, has included all possible means to uplift the present economic situation of the country with the Members having squeezed their knowledge and experience to attain development for the country.

Finally, Mr. Natividad stated that the Constitution would not only create a new government for the Filipinos but would also erase all fears. He stressed that this Constitution would bring a new dawn to the country and to the people.

Mr. Natividad then registered an affirmative vote.

By Mrs. Nieva:

Mrs. Nieva stated that it was with a deep sense of joy and gratitude to God that she was giving her full assent to the draft of the Constitution, a historic document marking a new beginning in the life of the nation and a giant step towards total liberation, freedom and peace. She pointed out that the completion of the Charter is one more miracle in a year of miracles that saw the Filipino people rise like a Phoenix from the ashes of its long years of captivity to recapture its place in the sun as a free people through a lightning revolution of faith and love, never before seen in human history.

She contended that this Charter is not the handiwork of the 47 Members of the Commission alone, but a collaborative effort with millions of Filipinos who manifested their views and recommendations in public

hearings and consultations, in a deluge of proposals and letters from all sectors of society and through personal lobbying on specific issues of concern.

Mrs. Nieva underscored that this document formulated by imperfect men and women is necessarily imperfect and may fail the expectations of certain groups and sectors which, while truly regrettable, is perhaps inevitable in the context of the times. She pointed out that the Members of the Commission who represent in microcosm the wide spectrum of beliefs and ideologies of the pluralistic society were motivated only by the highest sense of patriotism and overriding desire to serve the greatest good of the greatest number.

She also stated that the Constitution is a celebration of the dictum that "sovereignty resides in the people and all authority emanates from them", with the inclusion directly and indirectly in many articles of the contemporary expression of "people power".

Adverting to her sponsorship remarks on the new Article on Social Justice, Mrs. Nieva stated that it is her hope that this Article would be the centerpiece of the new Constitution. She pointed out that despite some modifications the Committee, with the biggest number of 17 Members, confronted its task fully aware that its decision would have far-reaching effects on the social, economic, political, and cultural configuration in society.

Mrs. Nieva stated that after so many anxious moments and prolonged debates, the Committee finally came out with a comprehensive framework encompassing various philosophies which were then incorporated in the new Constitution.

She stated that in voting Yes, she drew her greatest fulfillment from the modest contribution she was privileged to make to the Article on Social Justice and the realization that the fundamental law of the land mandates the State to give the highest priority to the protection and promotion of the well-being and the rights of workers, landless farmers and farmworkers, subsistence fishermen, the urban poor, the indigenous communities, the disabled, the sick and the poor and the old — all those who have less in life shall therefore have more in law.

Finally, Mrs. Nieva stated that she was voting Yes because the new Constitution, in a new Article on the Family, gives due recognition and justice to the Filipino family as the foundation of the nation. She expressed the view that the best laws and institutions will all be for naught if the very cornerstone on which they are built does not remain firm, strong and stable.

She concluded by extending her deep appreciation to the Secretariat for their dedication and selfless service and to all her colleagues for their inspirations and strength given her in the all-demanding and all-absorbing task of writing the basic law of the land.

By Mr. Nollado:

In explaining his affirmative vote, Mr. Nollado stated that the 1986 Constitution constitutes a vital document that would transform the government from a revolutionary to a constitutional one. He stated that if given life after its effectivity, the new Constitution would revitalize and invigorate the Filipino society. He stressed that the provisions of the new Constitution were formulated after exhaustive debates and discussions as well as public consultations on thousands of proposals of citizens from all walks of life and of different beliefs and persuasions. He pointed out that the Members of the Constitutional Commission, just like judges, had to make a judgment anchored on the democratic rule of the majority for after all, the ultimate judges are the people themselves.

This 1986 Constitution, he stated, has successfully balanced the varied interests of different groups because all the provisions therein were designed to attain the common good, to fully respect human rights and to raise the dignity of the human personality. He described the new Constitution as far more superior than the previous Constitutions

and deserves the full support of the people.

Mr. Nollado expressed his profound gratitude to the Members of the Commission for their kind support of his favorite proposals which form part of the 1986 Constitution, namely:

1. The words "aspirations", "patrimony" and "freedom" in the Preamble.
2. The provision that no person shall be detained solely by reason of his political beliefs and aspirations;
3. The provision that a member of the Judiciary must be a person of proven competence, integrity, probity and independence.
4. The prohibition from appointment of certain persons to the Cabinet;
5. The provision that discretionary funds shall be disbursed only for public purposes, to be supported by appropriate vouchers and subject to such guidelines as may be provided by law;
6. The provision on non-prescriptibility of the right of the State to recover properties unlawfully acquired by public officials or employees;
7. The provision that the State shall endeavor to give free medical care to paupers;
8. The provision that in a grant of rights, privileges, and concessions covering the national economy and patrimony, preference shall be given to qualified Filipinos;
9. The provision that the Philippines is a democratic state aside from being a republican state;
10. The provision that the State values the dignity of every human person and guarantees full respect for human rights;
11. The provision against political dynasties; and
12. The provision that the State shall inculcate in the youth patriotism and nationalism and involvement in public and civic affairs.

Mr. Nollado acknowledged the support of the Commission to the report of the Committee on Local Governments that widened the taxing powers of local governments and opened the venue to the creation of the autonomous regions in Muslim Mindanao and in the Cordilleras. He recalled that during the entire proceedings of the Commission, he had gone his way volunteering information and making suggestions as his Christian way of extending assistance to his fellow Members yet found to his dismay that when it was his turn to make a report on local governments, he was subjected to rigorous interpellations that almost resulted in his loss of sanity.

Mr. Nollado stated that he was voting Yes to a wonderful and beautifully written Constitution that could stand profoundly in the annals and forefront of constitutional law.

Finally, he expressed the prayer that God make this new Constitution an instrument by which He will shower abundant blessings upon the Filipino people.

By Mr. Ople:

Mr. Ople, in explaining his affirmative vote, stated that it is not yet a hundred years since some of the country's ancestors met in Malolos in 1898 to forge the first republican constitution in the history of Asia and Africa. He pointed out that in 1934, the cream of another generation met again in Manila to frame another Constitution under the auspices of the Commonwealth in preparation for Philippine independence ten years later; another convention met in 1971 in the hope of writing another Constitution freed from any taint of colonial control.

Those earlier Constitutions, he stated, owed much to the time and the circumstances that gave rise to the necessity of drafting a fundamental law for the Filipino people. He opined that the 1986 draft Constitution is no different and while it is true that everyone in the Commission tried his best to stand outside himself, outside his time, to project a Constitution that would endure well into the indefinite future, there is no need for the Commission to apologize for being immersed in its place and time. He stressed that the Commission could not have wished for a better springboard to the future than the time which is not only replete with experience and the lessons and traumas but also the indomitable will of a people seeking to transform an unprecedented crisis into an opportunity for fuller freedom, dignity and justice for themselves and their posterity.

Drawing from contemporary realities, Mr. Ople pointed out that the Commission created a framework of government that allocates the powers of the State more judiciously to three balances. He stated that if the Executive is the sword, the legislative the purse, and the Judiciary the least dangerous of the three. He added that the draft Constitution strengthened the judicial power as well as the legislative power as the branches directly representing the people.

Mr. Ople stated that the Constitution weakened the Executive branch which the execution of laws and of the Constitution itself depends. He stressed that the Body reduced the Executive and strengthened the powers of the other two branches to remove the possibility of non-accountable power, the existence of extraterritorial spaces as islands of sanctity and privilege in an otherwise open and accountable system of government which in the past gave rise to an unprecedented abuse of power. He stressed that this accountability as well as popular sovereignty became the pervasive theme of the new Constitution.

Furthermore, Mr. Ople pointed out that the Commission fortified the rights of the people not only in the Bill of Rights but throughout the document. He cited the Articles on Social Justice and Human Rights, the National Economy and Patrimony which are, by themselves, complete charters of social and economic rights. He pointed out that the people's basic right to human development and their cultural rights are asserted in the Article on Education, Science and Technology, Arts and Culture and Sports. Likewise, the role of people's organizations in decision-making has been authorized and expanded for after all, he opined, a true test of the Constitution is whether or not it releases new and vital social forces. He further stated that the Commission had successfully reserved to the people the power of initiative for changing not only the laws but even the Constitution itself and that it had settled with historic finality the nagging issue of a national language. He pointed out that the Commission had effectively decentralized power to the local governments and granted a measure of self-determination to Muslim Mindanao and the Cordillera peoples.

Mr. Ople stressed that even with its imperfections, there are some solid accomplishments of the entire Commission that would pass the severest test.

He expressed disappointment that an otherwise sound and excellent Constitution is unfortunately flawed in its transitory provisions by one reckless act of the Commission in adjudicating the results of the February 7, 1986 elections as the basis for granting the incumbent President and Vice-President a regular six-year term. He opined that the Body could have at least agreed to put the question of that term separately from the Constitution itself and, by doing so, would have rescued the noble document from a doubt and a stigma that would linger until the parchment turns yellow with age.

Having expressed his reservations, Mr. Ople stated that he would vote in the affirmative for the Constitution which is a charter that everyone could justly be proud of.

Mr. Ople bid good-bye to all the Members of the Commission and thanked each and everyone for the privilege of working with them and for the honor of contending with them on the floor, sometimes in very animated

exchanges consistent with his belief that the power of the democratic dialogue is precisely the principal tool which the Commission used in drafting a Constitution worthy of the people's mandate.

Finally, Mr. Ople thanked President Aquino who gave the Opposition, in a spirit of reconciliation, the opportunity to serve in the Commission. He said, they, who represent the Opposition, tried their best to honor that appointment through hard work and nonpartisan cooperation. He believed that destiny appointed them to be part of the contemporary opposition to fulfill that role with honor and responsibility, if not with grace, and always in the interest of the people under the new Constitution. He likewise thanked President Cecilia Muñoz Palma for her inspiring, unflappable and splendid leadership and the Secretariat, headed by Secretary-General Florida Ruth P. Romero for the outstanding support it gave the Commission throughout its work.

By Mr. Padilla:

Mr. Padilla stated that the 1986 Constitution, after its ratification by the sovereign people shall be the fundamental law of the Republic of the Philippines as a democratic and republican state, for it satisfies the basic philosophy of a good Constitution, namely: 1) the allocation of powers of government with checks and balances; and 2) the limitations on the exercise of governmental power for the protection of individual liberties and the promotion of human rights.

Mr. Padilla prayed to Almighty God for a second miracle after the February political miracle to prevent fratricidal violence among brother Filipinos by having the Constitution restore "peace and order", throughout the country. He expressed confidence that the rule of law would protect life, liberty, and property and promote the general welfare by creating the proper atmosphere for more productivity through private initiative and free enterprise, for the production of additional wealth to be shared by, and benefit all the people in one united nation.

Mr. Padilla stated that he had filed two resolutions, namely, 1) the right of the State and the offended party to appeal by petition for certiorari a judgment of acquittal rendered by a trial judge in excess of jurisdiction; and 2) the right of a foreign investor engaged in export to acquire an industrial lot with limited areas necessary for the construction of its industrial plant. He expressed disappointment that these two proposals had not merited the approval of the Commission.

He reminded the Body of his opposition to the abolition of the death penalty, the deletion of the phrase "imminent danger of invasion or rebellion" as ground for the suspension of the writ of habeas corpus and the non-retention of Spanish as the third language. He likewise reminded everyone of his warning against so many duties and obligations imposed by the new Constitution on the State, among which, is free secondary education, which may not be implemented due to lack of public funds and resources, for they may raise false hopes, disappointment and disillusionment.

Mr. Padilla voted Yes to the Constitution because it contains many good and creditable provisions which would make it the foundation of political stability, economic reconstruction and national development, peace, progress, prosperity and happiness for all the people.

By Mrs. Quesada:

Mrs. Quesada stated that she was voting in favor of the Constitution. She noted that it had been self-fulfilling to have fought and supported a number of positions that, as adopted in this Constitution, would provide space, leverage and opportunities for the people to improve their well-being, among them, on health, labor, education, science and technology, arts culture and sports, women, agrarian reform, urban land reform, housing, human rights, environment, communications, cultural communities, people's organizations and many others.

She stressed that with the constitutionalization of people power through autonomous people's organizations, the people could look forward to active participation in national decision-making which, hitherto, was left in the hands of a few who, very often, did not even represent a broad constituency

She admitted that it was with extreme reluctance that she reached the decision to vote in the affirmative because of what she viewed as serious shortcomings.

Mrs. Quesada stressed that a Constitution cannot be anything but an imperfect document. She opined, however, that its imperfections bear upon such fundamental issues as national sovereignty, economic independence, capacity to social governance and national and human survival that one must ask who would truly benefit from the Constitution, whose interest would be served and at whose expense. These questions, she stated, were not sufficiently addressed by the Constitutional Commission. She elucidated that the draft Constitution is imperfect because:

1. it fails to remove institutional obstacles to genuine agrarian reform;
2. it places national industrialization in a subsidiary role;
3. it gives foreign business interest free access to natural resources and public utilities and it does not protect the interest of Filipino business and industry;
4. it gives any future President the power to unilaterally declare martial law and install another dictatorship;
5. there is no clear mandate to remove foreign military bases and make the country nuclear-free without any qualification; and
6. it does not respond to the genuine needs and aspirations of the greater masses of the people.

Despite all these reservations and flaws, Mrs. Quesada stated that she was voting in the affirmative because the Constitution would restore political stability and the freedoms which the people could use to press for legislation and constitutional reforms.

By Mr. Rama:

Mr. Rama stated that there are those who demand to have a few Constitution made in heaven but the limited time and the democratic nature of the deliberative body have rendered unreachable the ideal of an outstanding Constitution that would be applauded by all.

He opined that the new Constitution may not be as great as the 1935 Constitution which was really outstanding during that period. He pointed out that what came out is a good Constitution and that oftentimes goodness is better than greatness. He described the new Constitution as a hundred times better than the Marcos Constitution and superior to the Constitution that it seeks to replace.

Mr. Rama stressed that the principal purpose of the Commission is to restore democracy slain by a repressive and rapacious regime; install a constitutional government; enshrine people power; recapture the pride and human dignity of the Filipino; rev up the engine of economic progress; and institute political stability. These goals, he stated, went into the framing of the new Constitution and with a little bit of luck could be achieved by any government faithful to the new Charter.

He stated that one may question the wisdom of the new Charter but none may question its integrity. For those who complain about the tyranny of the majority in the passage of many provisions in the new Constitution, he reminded them that tyranny of the majority in a deliberative body is what democracy is all about. He pointed out that the alternative to the tyranny of the majority is the tyranny of the minority which is what dictatorship is all

about and which was how the Marcos martial law regime survived, to the grief of the nation.

Mr. Rama admitted that he also had many gripes against the new Constitution, among others, the Preamble, which generations to come would have to memorize, is too verbose, and the provision which calls for 200 Congressmen, which the nation could ill afford would make life miserable for President Aquino.

On the provision that requires Congressional elections by district, Mr. Rama warned that this would ensure the re-entry of old warlords, the Marcos loyalists and even the insurgents in the new Congress because it would be easier for them to control or terrorize a congressional district than a province. In the case of illiterates who are allowed to vote, he pointed out that this is a misplaced compassion which makes more effective vote-buying and massive cheating in the elections. He stressed that any election reform, to be meaningful, must start with the upgrading of the electorate.

Mr. Rama likewise cited the good features that far outstrip the questionable ones, among them, that the President could no longer declare martial law without reckoning with the Supreme Court or Congress which could annul and revoke it; the President could no longer appoint any Juan, Pedro or Pablo as Supreme Court Justice or judge whose only qualification is canine devotion to him; and the President could no longer seek reelection. He further pointed out that never before has the tenet "those who have less in life shall have more in law" been enshrined in a Constitution and that, erased from the Declaration of Principles found in both the 1935 and 1973 Constitutions, is the simplistic anachronism left unexplained for half a century.

Mr. Rama stated that the new Charter addresses the oldest and most brutalizing problem of the nation which is mass poverty. He pointed out that all these and many more provisions echo, in the new Constitution the aspirations of the people in the sense that it is a Constitution in which the people can hear their own voices, their hopes and sentiments and even their fears and despairs.

He pointed out that there are those who snicker at the pretensions that a Constitution is a formula for reforming man and redeeming society. He stated that one is tempted to join the snickering until one remembers that when the Lord wanted to save the world, He sent His only Son and the first thing He did was to revise the old laws in the Old Testament and write through His words and deeds a new Constitution known as the New Testament.

In closing, Mr. Rama hoped that such divine formula for reform and salvation would work for the country and that the new Constitution would be the New Testament for the Filipino people. Buoyed up by this hope, he voted Yes for the new Constitution.

By Mr. Regalado:

Mr. Regalado manifested his approval of the draft Constitution with the cognition and humility borne of mortal shortcomings but with the gratification and pride inspired by human achievement. This, he stated, is without pretension that the Constitutional Commission, despite the collective merits of its dedicated and altruistic membership, had crafted a fundamental law for all political seasons, a consummation which may be devoutly wished but it is only a proposition which could be devotionally espoused.

He recalled that from the inception of the Commission's concerted effort in the task of drafting the organic law, everyone prayed for Divine Guidance and intervention, aware that their mundane credentials could only resuscitate the past in order to appreciate the present and project the future. Thus, the Members canopied the constitutional pillars which they erected with a mosaic of fundamental mandates so that the panoply of governmental powers shall always be for the protection, and never for the desecration, of the sovereign will. He pointed out that the Commission labored on provisions where the endowed shall not be too high as to be beyond proscriptions for the common will but the underprivileged shall not be too low as to be beyond retrieval into the

mainstream of the common good.

Mr. Regalado pointed out that the Almighty God knows very well how the Commission had worked, albeit with the differences of perceptions and convictions due to the diversity of the Members' respective backgrounds and affiliations, to frame a Charter which each and everyone hopes would yield an adequate response to what the people have never had since governments were instituted among them.

Mr. Regalado averred that he was not aware of criticisms, either well-intentioned or ill-motivated, both of the completed handiwork as well as the Members' individual and respective participations but he advised that everyone take heart in the truism that be one as pure as ice or as chaste as snow, one shall never escape the stain of calumny. It is for this reason, he stated, that he would no longer belabor the dissensions from or the merits of the constitutional provisions already approved nor will he digress into reminiscences because the events that would have to be thought of have just been of the recent past and the need for time and age which would have to produce the virtue of hindsight would still have to wait.

Mr. Regalado stressed that no one could claim that what has been drafted is the best that this Commission can contrive but he expressed the view that this is one that could rise equal to the imperatives of the present times and the uncertainties of tomorrow for just as a country would grow and the people would change, this will be a living Constitution which will correspondingly grow and change with them. He stressed that this will be as strong as their resolve and as lasting as their faith, for a Constitution cannot but be a calibration of the people that it serves and a testament of the ideals that they embrace.

In closing, Mr. Regalado prayed that the *parerga et parliapomena* that is left behind shall be a continuing challenge and a stabilizing legacy to those who will follow and further pray that they, in the words of the poet, shall "take up, where the passing we leave off, and fathom more." He ended by saying "May the Supreme Constitutionalist left those events come to pass".

By Mr. de los Reyes:

Mr. de los Reyes stated that nobody denies that a Constitution is the reflection of the dreams and aspirations of the people. He pointed out that the Constitutional Commission was tasked to draft a Constitution and everyone expects that in the future, this would give fulfillment to the hope and dreams of the entire Filipino nation. He hoped that the Constitution would bring unity, heal the wounds of the past, discard those bitter memories and bring stability to the government already saddled with problems. He then asked whether the Commission was able to draft a Constitution that would build a strong foundation which would benefit the Filipino people.

On the Preamble, Mr. de los Reyes stated that love is enshrined while in the Article on Social Justice, the rights of workers, the farmers, the subsistence fishermen, the landless and the homeless are amply protected. He hails the Commission for recognizing and listening to the demands of the people of Muslim Mindanao and the Cordilleras by giving them autonomy. He stated that the Commission showed to the world that it treasures the survival of the nation and the world as a whole by adopting a provision which declares the Philippines a nuclear weapons-free zone.

On the Article on Education and Culture, Mr. de los Reyes pointed out that the Commission demonstrated its concern for the teachers and the students as well as the development of culture, distinct from that of the Western World. He stressed that through this Article, the Commission adheres to the principle that the knowledge and the kind of education which schools should try to inculcate to the students is that which would transform them to become creative, productive and nationalist and at the same time impart upon them technical knowledge which they could use to uplift their lives.

Mr. de los Reyes also cited the provision which recognizes the heroic deeds of soldiers who participated in military campaigns and the provision enshrining the Filipino language as the national language of the country with the belief that a national language is the key to independence.

On the Bill of Rights, Mr. de los Reyes pointed out that the rights of the citizens are strengthened in the same manner that the Judiciary as the protector of rights, is likewise strengthened. Furthermore, he pointed out that Congress is mandated to revoke or annul the proclamation of martial law or the suspension of the writ of habeas corpus and this, he stated, would be a safeguard against possible abuse on the part of the President.

Mr. de los Reyes stated that the natural resources are amply protected for the exclusive use of the Filipinos with foreigners allowed to exploit them to a certain extent, but management and control should be in the hands of Filipino citizens. He pointed out that the Commission likewise adheres to the concept of stewardship and concern for the welfare of man and society.

With respect to the Article on National Economy and Patrimony, he stated that the aim of economic development is directed to the welfare of all, specially to those who have less in life. He pointed out that industrialization has been set on the basis of sound agricultural development and even if this is one of those in which the Commission was divided, protection of the Filipino business industry against unfair foreign competition is assured.

Mr. de los Reyes pointed out that there are many good provisions incorporated in the new Constitution but he could not understand why the Article on Population found in the 1973 Constitution was removed when it does no harm and is not inconsistent with the protection of the life of the unborn. He expressed disappointment on the incorporation of a provision fixing the term of the incumbent President and Vice-President without benefit of consultation with the people. He pointed out that inclusion of a political question in the body of the Constitution could serve as the sword of Damocles which might become a reason for the rejection of the new Constitution.

He stated, however, that the good provisions far outweigh the questionable provisions and that it is an honor for the Members of the Opposition to have participated in the drafting of a new Constitution despite the criticisms they received when they accepted their appointments to the Constitutional Commission.

Finally, Mr. de los Reyes stated that it is sad to note that a "rider" was included and this, he pointed, almost destroyed the beauty and the goodness of the new Constitution but be that as it may, he stated that he was voting Yes to the new Charter.

By Mr. Rigos:

Mr. Rigos stated that he was voting Yes with a prayer that the Good Lord may use the Constitution as a channel of His grace and an instrument of His peace to contribute to the healing of the nation and the building of a new world where love and justice reign.

By Mr. Rodrigo:

Mr. Rodrigo stated that this Constitution might not be the best but the Commission could proudly tell the world that in framing it, it had tried its best in accordance with the honest dictates of its judgment and conscience. This, he stated, is the prime source of his gratification.

He stated that the draft Constitution is the product of the joint effort of all Commissioners who adhere to democracy and those who believe in the superiority of collective decision over a one-man dictation. He further stated that the Members believe in pluralism and unity in diversity.

Finally, he stressed that the Members believe in one omnipotent loving God Who guides the lives of men and the destiny of nations and it is for this reason, he stated, that his vote is in the affirmative.

By Mr. Romulo:

Mr. Romulo stated that he was voting in favor of the draft Constitution because he is convinced that the Commission has done its best to produce one worthy of the people.

He recalled that on June 2 when he left his private practice to perform a public duty, he knew from the start that from then on it would not be easy, and true to his forecast, he witnessed the clash of ideas and spirited debates but he did not anticipate encountering the rhetoric of hate, certainly not the personal attacks in the media but all of which is receding from memory.

Mr. Romulo compared himself to a runner, seeing before him the joy of breasting the tape, no longer the pain of the last 26 miles. He stated that he sees a new Charter which the nation could be proud of, a new Charter that is both a hope and a guide, a statement of conviction as well as a commitment of purpose.

Mr. Romulo pointed four salutary features in this Constitution, namely: 1) the restoration in the system of government of the principle of checks and balances would fetter the evil of despotism; 2) the Commission has paved the way for a strong, independent and competent Judiciary by insulating the processes of choosing, compensating, correcting and even castigating Members of the Judiciary from the influence of partisan politics; 3) the institutionalization of people power; and 4) that sovereignty of the people has become an operative principle.

He confessed that there are parts of the proposed Constitution which he believed could stand some improvement but as Dr. Benjamin Franklin once said, "When you assemble a number of men to have advantage of their joint wisdom, you inevitably assemble with them all their prejudices, their passions, their errors, their local interests and their selfish views."

In closing, Mr. Romulo opined that the Constitution which the Commission had so carefully and laboriously crafted, is neither conservative nor radical, but rather it is progressive in the sense that, while it addresses contemporary problems, it also lays the seeds for a significant breakthrough in the areas of poverty, human rights, people power, government reform and economic progress.

He stated that as a whole, the Members had drafted the only Constitution possible at this time of transition taking into consideration the multifarious political and economic problems of society.

In the last analysis, he stated that the Constitution is what the people make of it and he appealed that for their own sake and for the sake of future generations, to ratify the Constitution, urging his colleagues to campaign for its ratification. He exhorted everyone to begin the task of implementing the Constitution with the experience of the past, the hope of the future, and the confidence in the present.

In closing he thanked the Secretariat for their dedication and paid special tribute to President Cecilia Muñoz Palma for her steadfast leadership and unfailing fairness in presiding over the Commission.

By Mr. Sarmiento:

Speaking in favor of the Constitution, Mr. Sarmiento stated that the Members' daily prayers for more than four months, imploring the aid and guidance of the Almighty God, have borne fruit. He stated that the Members had produced, after animated discussions punctuated with occasional laughter and dissension, a Constitution that could be called a Charter pronouncing life and a document proclaiming hope to all the people. In it, he stated, are ennobling provisions and lofty principles well designed to improve and enhance the lives of the people; fortify their cherished individual and collective rights; democratize their participation in the governance of local and national affairs; and thwart the rise of another dictator. He stressed that in the Constitution, the anguished, the injured, the offended and the harassed will find refuge.

He stated, however, that the Constitution is far from perfect as it has its share of flaws, stressing with all candor, that he has his own reservations with regard to some provisions, namely: 1) on the Presidential proclamation of martial law without the concurrence of Congress; 2) on Civilian Home Defense Forces and private armies; 3) on equity ratio for public utilities; 4) on agrarian reform which invites discordant interpretations; and 5) on the foreign military bases in the Article on Transitory Provisions.

Notwithstanding its flaws he stated that the Constitution framed by forty-seven honorable and worthy men and women under the leadership of a venerable lady jurist, is admirable. In all, he stated that it deserves full commitment and support.

By Mr. Suarez:

Casting a negative vote, Mr. Suarez stated that long before the scheduled voting on the Charter as a whole, he already studied it. Without making any premature judgment, he stated that he nevertheless could not dismiss or even soothe his many misgivings about the proposed Charter.

He stated that he finds the Constitution verbose, studded with declarations of noble intentions. He agreed the verbosity of the Charter has made the fundamental law ambiguous, distorting the essence and proper meanings thereof, leaving the doors open for erroneous interpretations. He stated that a Constitution ought to be broad, brief and definite and as Justice Malcolm wisely observed, any vagueness may lead to opposing interpretations that may cause incalculable harm and chaos to the nation.

He stressed that he finds the Constitution constrictingly legislative in character, contrary to President Aquino's instructions to the Members at the outset of their task on June 2, 1986 to come up with a Constitution that allows future generations to follow a path suitable to the prevailing peculiarities that could not be accurately predicted and yet, there are close to a hundred provisions that are left to Congress to promulgate. He underscored that it was unfortunate that the Commission had drafted a Constitution by accommodation, leaving the matter to Congress in the final analysis. Moreover, he stated that the provisions already prescribed solutions to problems still unthinkable that fail to come to grips with the real needs of the country. He pointed out that the Body had come up with ninety-nine provisions containing phrases "as may be provided by law" or "as Congress may provide", but they have failed to address squarely and decisively the gut issue of the people: 1) why 1.4% of the Philippine population controls 21.1% of the national wealth; 2) why 70% of today's Filipinos live below the poverty line; 3) why 22 million Filipinos are homeless; 4) why 2.2 million live in the slums; and 5) why millions are unemployed and under-employed.

He stressed that he finds the Constitution dangerously promising too much to the people, promises that the poor and the underprivileged would be clinging to. He stated that the Body almost succeeded in producing an epistle of love, and yet, where the Constitution needed to be unequivocal about its pledges of economic, social and political liberation to pave the way for their fulfillment, it falters, and in faltering, it almost condones their subversion.

So that his misgivings would not be scoffed at for having no justifiable grounds, he reiterated the specific provisions that are fraught with perils; among others:

1) On Section 4 of the Article on Citizenship, allowing offsprings born to Filipino mothers and foreign fathers before January 17, 1973 and who elect Philippine citizenship to be deemed natural-born citizens, stating that the bestowal on them of the privilege to be regarded as natural-born citizens make them eligible for high, sensitive and responsible positions of the land;

2) On the Article on Accountability of Public Officers, creating the Office of Ombudsman but limiting the functions and powers thereof to merely investigating complaints against erring public officials, he stated that this

appears to be a toothless position because it is open to abuse. He underscored that the failure to grant the Ombudsman prosecutorial powers takes away from him the responsibility over his investigations and renders the exalted position not merely duplicitous but totally useless;

3) On Section 1 of the Article on the Legislative Department establishing a bicameral legislature, he stated that it is exacerbated by Section 5 of the same Article, not only limiting the number of reserved seats for sectoral representatives but refusing to make permanent sectoral representation in the Legislature. The past few years, he stated, there has been an emergence of a new wave in politics, zeroing in on issues, addressed to the roots of the many evils hounding the country and drawing its strength and sustenance from the collective political awareness and will of the people. He stated that the Members themselves are aware of this and establishing a unicameral legislature could have nurtured this goal, because it would be more responsive to the people's needs. In lieu thereof, he stated that the Body had established a bicameral legislature which in all probability, would assure the continuance of traditional politics that merely builds personalities that feeds on patronage. He stressed that political elitism works against the people's interests.

4) On Section 18 of the Article on the Executive which grants the Commander-in-Chief vast powers to declare martial law without legislative concurrence, he stated that the Members know fully well that tyranny of martial law and the wounds inflicted by the dictatorship have not been healed, but ironically, the Body seemed to have dropped its guard all too soon and not only turned oblivious to the danger of this tyranny coming back, but, in the final analysis, has made it easy for it to return.

He stressed shocked with the manner by which this particular provision had been approved.

At this juncture, he requested that his position paper entitled Clearing the Ground for New Dictatorships be inserted into the records for purposes of brevity.

5) On Section 4 of the Article on Social Justice relative to agrarian land reform, he stated that the implementation hinges on a number of constraints, which may render this promise of land reform empty as in the past administration. He stressed that genuine land reform is the key to turn the tide of insurgency. He stated that with their lands grabbed from them and their labor unrewarded, many of the poor peasants have been driven to take up arms in desperation. He pointed out that it is imperative to silence this agitation.

6) On Sections 1, 3 and 15 of the Article on National Economy and Patrimony which virtually offers the control of the economy to foreign investors and not to Filipinos, he stated that instead of securing unto the Filipino the "patrimony of the nation", the Article entrenches foreign control thereof. On allowing free trade; giving Filipino entrepreneurs insufficient protection; granting the President the power to enter into so-called service contracts practically unchecked and allowing 40% foreign equity in critical areas of investments; the operation of public utilities and commercial telecommunications, negating the essence of providing for a self-reliant and independent national economy, he stressed that history shall bear the Members out. He underscored that this Article ought to hold the key to the achievement of political stability and the satisfaction of the basic demands for social justice which it fails to do.

7) On Section 24 of the Article on Transitory Provisions which not only legalizes the existing RP-US Military Bases Agreement but secures the continued presence of foreign military bases and facilities in the country, he stated that despite the introduction of constraints, some Members had sought to make the Body understand that the existing Military Bases Agreement is null and void from the very beginning, and that for as long as these bases are allowed to stay, the country could not rightfully claim to exercise true sovereignty. He opined that the country's survival should not be traded, bargained with, nor compromised, because it is not only an imagined fear when anti-bases proponents warned that the U.S. Bases invite, rather than deter, attacks on the country by enemies

of the United States, drawing the Philippines into a war not of its own making, He stressed that in this age of nuclear weapons, with more devastating effects than those dropped on Hiroshima and Nagasaki, the country would have no chance to strike back in the event of a nuclear attack.

8) On Section 9 of the same Article, he stated that it does not state in clear terms the disbandment of the notorious Civilian Home Defense Forces (CHDF), thus, increasing human rights violations and citing the horrors of the Escalante Massacre, the ghastly murder of Fr. Tulio Favali and the countless and well-documented violations in Central Luzon.

9) Finally, he stated that the Body should vote on what is written in the Constitution and not on what is not written, citing the proposal to make the country a part of a zone of peace, freedom and neutrality which could have contributed to the worldwide effort for peace and also gain some degree of protection for the country.

Admitting that many breakthrough provisions had been entered into the Constitution, he stated that a number of provisions that he believed would not redound to the common good outweighs the former.

He stated that he realized that this would be the only instance in the history of Philippine constitution-making where extraneous political exigencies seem as important as the merits of the Constitution itself. He explained that he had spent sleepless nights pondering on whether his vote should be influenced by the urgent call to complete the constitutional normalization of the government and coming to a conclusion that the present political exigencies are ephemeral and that the Constitution should provide the framework for a longer lasting political stability. He stressed that this could have been achieved had the Members shown the resolve and the political will to decisively address the fundamental issues where all the instability in the country's history are rooted. In resolving this dilemma, he stated that he chose to give more importance to the objective merits of the Constitution than to the present short-time considerations.

In the end, he pointed out that the Body failed to uphold and define the fundamental rights of every Filipino which the Members were mandated to do. He stressed that these rights belong to the Filipinos even without the document they have framed and that the Members took it upon themselves not to give the Filipino all of his rights but only parts thereof. He stressed that the present and future generations of farmers would be begging Congress for the rights which naturally belong to them.

He pointed out that at the root of all these is the classic misconception that places no trust in the people despite the historic example shown during the February revolution.

He stated that he had no qualms in saying that he had worked as hard, as conscientiously and as diligently as his Colleagues and that he came into the Commission with an open mind. Despite the breakthrough provisions embodied in the Constitution, he underscored that it is with deep regret and anguish that he had to vote against the draft Constitution.

Finally, he paid tribute to his Colleagues who, with great dedication and honesty of judgment had shared in the drafting of the Charter, to whom he extended his warm embrace of affection.

By Mr. Sumulong:

Casting a vote of Yes for the draft Constitution, Mr. Sumulong stated that it would restore the principle of separation of powers in the government, since under the 1935 Constitution, the powers of government were divided into three classes: legislative power, executive power and judicial power which were reposed exclusively on the three branches of government.

He stated that each department is independent within its own sphere which is coordinate and coequal with the

other departments, which however, does not allow encroachment by one department on the powers of the other departments.

Adverting to the remarks of Montesquieu who stated "that concentration of powers in the hands of one man or one group of men will inevitably lead to arbitrary rule, to abuses and excesses of power, to graft and corruption and to the plundering of the people's money," he stressed that the purpose of the principle of separation of powers is to prevent any person or any group of persons from exercising all the powers of government.

He stated that it was President Marcos who desecrated and violated this principle when he declared martial law in September 1972, abolishing the Congress of the Philippines, beginning to exercise a one-man rule by not convening the interim National Assembly, controlling the Judiciary by appointing justices and judges without confirmation by the Commission on Appointments.

In the new Constitution, he stated that the principle has been restored to prevent another misuse and abuse of the power to declare martial law by providing for effective restrictions and safeguards thereto.

On the power of the president to contract and guaranty foreign loans, he stated that during the one-rule of President Marcos, he contracted and guaranteed foreign loans without any check because he exercised both executive and legislative powers, incurring foreign debts amounting to twenty-six billion dollars which may exceed thirty billion dollars due to the interest accruing thereto. He stated that for this reason, the President under the new Constitution would be required to get the concurrence of the Monetary Board, a majority of the Members of which, should come from the private sector, thus, subjecting them to no undue influence or dictation by the President. He pointed out that on the other hand, the Monetary Board is required to report its action on application for foreign loans to the Congress.

In the 1935 Constitution, he stated that a Bill of Rights had been provided enumerating the political and civil rights of the people and which the government could not transgress or abridge. In the new Constitution, he stated that a Bill of Rights has, likewise, been provided to protect and provide political and civil injustices, but more so, to protect the people against economic and social injustices.

He explained that under the 1935 Constitution, the Article on Declaration of Principles provided a section for the promotion of social justice to ensure the economic well-being and security of all the people, while under the new Constitution, two new articles have been added, the Article on Social Justice and Human Rights which contain more specific provisions on the protection of the people against economic and social injustices and bring about a more equitable distribution of wealth.

On the conservation of the patrimony of the nation, he pointed out that the new Constitution expresses the concern for the preservation of the natural resources, particularly the forest resources which have been so shamelessly despoiled and destroyed causing floods and inundations during the rainy season. As in the 1935 Constitution, he stated that the exploitation and development of the natural resources and the operation of public utilities have been reserved for the Filipino people and that it is committed to protect domestic producers and industries against unfair foreign competition and trade practices.

He also pointed out that under the new Constitution, a land reform program has been provided to give to the tenant-farmer not only the ownership of the land he tills but also the credit facilities, irrigation, fertilizers and equipment necessary to enable him to obtain utmost production and income from the land. He stated that the tenant-farmers are encouraged to form cooperatives so that they may be paid a just price for their products instead of exposing them to preying alien traders who pay low prices thereto and who charge exorbitant prices for the finished products that are sold to them.

Finally, he stated that it is not enough that the Constitution be ratified by the people as to breathe life to it, the provisions should be respected and enforced. He stressed that the Members should be ready to lend every possible assistance to all those who would be victimized by the high and the mighty who would violate and trample upon the fundamental tenets and principles contained therein.

By Mr. Tadeo:

Voting against the Constitution, Mr. Tadeo stated that "all progress has resulted from those who took unpopular positions."

He recalled that when the Body convened, the Members took their oath of office promising to create a Constitution that would embody the ideals and aspirations of the Filipino people by establishing a just and humane society imbued with love.

Adverting to "love", as an act of giving, he stated that the ruling elite which constitutes only 5% should share political power with the marginalized sector which constitutes 75% of the total population.

In framing the Constitution, he took into consideration three basic foundations, namely: 1) the grant of political power to the poor and impoverished; 2) to grant them economic power; and 3) to ensure that the Philippines would be a sovereign nation. He stressed that these are his guides in arriving at his decision on the Constitution.

Adverting to the results of the deliberations, he stated that only about 10% of political power has been granted the poor and the oppressed. He then posed the query of whether this is the meaning of the ideals and aspirations of the people, that those who control political power also control economic power. He stated that despite his pleas to make the 10% representation perpetual, he was voted down by the Body.

On the legislative structure, he pointed out that the establishment of a bicameral legislative body would only enhance elite democracy. He stated that with this kind of structure, love for the poor and the underprivileged is nowhere to be found.

Adverting to Corinthians, Chapter 13, Verse 1, he stated that "love" in the Preamble without substance in reality, is like a brass bell that merely echoes, as in the apportionment of political power, it is clear that love does not exist.

On the economic power of the poor and the underprivileged, he stated that the crisis left by the dictator was so grave that the problem could not be solved by mere cosmetic crisis and the insurgency problem is the implementation of a genuine land reform program and national industrialization which are embodied in the Articles on Social Justice, and on National Economy and Patrimony.

On the Article on Social Justice, he stated that Social Justice per se means genuine agrarian reform program. Since the farmers constitute the biggest sector, the Committee endeavored to establish a forceful program despite the reservations of some Committee Members. He stated that when the Committee Report was deliberated in plenary session, the Article became ambiguous and susceptible to diverse interpretations.

On the Article on the National Economy and Patrimony, he stated that history shows that free trade since 1909 had caused the economic plunge of the country since the Philippines was the producer of raw products and at the same time, the consumer of finished products. He stated that despite this anomalous arrangement, the same was provided for in Section 1 of the new Constitution through industrialization based on agricultural development. He pointed out that this prevents the liberation of the country from the slavery of its own economy.

He stated that the spirit of the parity rights has been included in the Constitution by providing for service contracts and by allowing a 60:40 equity ratio for foreign investments. He stated that while the Filipinos are languishing in

poverty, the aliens are ravishing the natural resources of the country.

On public utilities, he stated that the Committee originally provided for a two-third, one-third ratio but it later opted for a 60:40 ratio. He stated that telecommunication is essential for national security because it exposes into the open the strength of the nation.

If these two essential factors, as the key solutions to the country's nagging problems would fail, the principle championing the right of the unborn would be negated because at birth, the child would surely die due to hunger; family rights would, likewise, be negated because the problems of hunger remains unsolved; and the Bill of Rights would be meaningless since the concentration of land ownership would still be maintained in the hands of a few.

On the Judiciary, he stated that the provision was wrought with beautiful phrases but the poor farmers would just be the same, take the law into their hands because of hunger.

On the sovereignty of the nation, he stated that the country should have been liberated from foreign control with the abrogation of the Military Bases Agreement. He pointed out, however, that the result was merely freedom from nuclear weapons which failed to vest sovereignty to the Philippines. He stressed that the new Constitution fails to solve the three basic problems of imperialism, bureaucratic capitalism and feudalism which would retain the problems of poverty and hunger.

He stressed that a just and humane society could only be established with a strong economic and political foundation by a sovereign nation. Adverting to Matthew 23:23 of the Holy Scriptures, he stated that the most important thing to establish is justice which could be attained only by implementing a genuine land reform program and industrialization.

Adverting to the teachings of Rizal, he stated that the new Constitution failed to liberate the nation from the past.

He stressed that as a member of the Commission, he had worked with his Colleagues for four months and it was painful for him to reject the same. He stated, however, that the interest of the Filipino nation outweighs his sentiments on the camaraderie with the other Members, for which reason, he cast his negative vote.

By Ms. Tan:

Ms. Tan stated that she had prepared a speech but had decided to discard the same. She explained that she had many reservations about the Constitution and she was not too happy about it, but she was voting Yes with great faith and courage.

By Mr. Tingson:

Voting in favor of the Constitution, Mr. Tingson stated that at these trying times, when the country faces the greatest crucial test of its political life among the free nations of the world, each Member had the sacred duty to contribute his share that freedom, justice and democracy, for which the country's heroes had given their lives, would forever be established.

He stressed that the political morass, economic deterioration, moral decadence, the erosion of the spiritual fiber of the people and the rise of insurgency cannot just be ignored.

He pointed out that all of these were brought about by the two decades of misrule by the deposed dictator but the people's eyes could not just be closed, with arms folded in cold indifference.

He expressed gladness for having been given the opportunity and distinct privilege to serve the country by being a Member of the Constitutional Commission. He stated that much was expected by the people from the Members of

the Commission who came from different sectors of society, religious persuasions and beliefs, varied educational and professional backgrounds and political affiliations. He stressed that the Members contributed their time, talent and effort to frame the new basic law of the land which would pass the test of time for the good not only of the present generation but for the future generations to come.

He expressed confidence that the people would succeed with the new Constitution because the Members had solemnly covenanted with Almighty God in the framing of the fundamental law of the land, as expressed in the Preamble.

He pointed out that the stabilizing effect of the new Constitution is a basic ingredient for establishing normalcy in the country that would strengthen the shaky government which resulted from the February revolution.

He stated that the Commission's task was not an easy one as it had to race against time, facing all odds and criticisms. While a great majority of the people hailed the appointment of the Members to the Commission and sincerely prayed for their success, he stated that there were those who wished that it would fail in its endeavor. He pointed out that these were the political sadists who did not want political stability in the country and who therefore did not want anything better than what they had taken advantage of during the previous regime.

He stated that after four and a half months of deliberations, heated discussions, friendly and antagonistic persuasions and sometimes intellectual snobbery punctuated by walkouts, give and take, and the eventual meeting of the minds, a historic political document had been produced which could be proudly shown to the people and to the world for their indorsement.

He stated that everybody is aware of the fact that no imposition, threat or cajole to accept or reject any of the proposals ever occurred as the deliberations were a voluntary exchange in the free market of ideas in an atmosphere of true freedom and democracy.

He stated that all of the Members are part and parcel of the Constitution and that the air that is breathed and the blood that flows into their veins were made part of the collective effort to frame the Constitution. He clarified, however, that the Members were not alone in this effort as they were guided and inspired by thousands of their countrymen, who in one way or another, had inspired them to produce a Constitution that truly embodies the dreams and aspirations of the Filipino people.

He stressed that the Commission had enshrined in the 1986 Constitution the most humane provisions which uphold and guarantee individual freedom, equal opportunity for all and promote total development of man under an atmosphere of true freedom and democracy. He underscored that there is not one aspect in the promotion of man's welfare which has not been taken into consideration in framing the Constitution.

He stated that today, national and world attention is focused on the Commission with utmost scrutiny and the document which had been framed is looked upon with awe and great expectations.

He stressed that history will judge the Members for what they had done and hoped that the judgment would be kind and fair.

He underscored that whatever the judgment would be, the Members find consolation in the words of the Lord found in the Holy Scriptures that stated.

"Well done my good and faithful servant, . . . in as much as you have done these to the least of my brethren, you have done it unto me.

"Be ye strong therefore and let not your hands be weak, for your work shall be rewarded".

He stated that he was casting an affirmative vote because of the inspiring fellowship of his 46 colleagues who represented and reflected the best in the Filipino, and because of the pervasive moral leadership of President Corazon Aquino who is beloved by her people and deeply respected by the Commission.

He stated that he is casting an affirmative vote for the heartfelt daily prayers that will continue to provide wings to the Constitution.

By Mr. Treñas:

Voting in the affirmative, Mr. Treñas stated that he takes immense pride in the thought that he is among the first group of Filipinos who have been given the rare opportunity to cast their votes in approving the Constitution. He stated that he is firmly convinced that the Constitution is the final answer to the people's struggle for a better and brighter future through political stability and economic recovery.

He expressed strong confidence that through the Constitution, the people can rest assure that never again shall a ruler as ruthless and vicious as the past regime would trample and violate the rights of the people for the purpose of perpetuation in power and whose corruption would practically bankrupt the economy.

In the Constitution, he stated that the Judiciary has been strengthened, its independence assured, and has effectively curtailed to some extent, the dreaded presidential power to declare martial law or to suspend the privilege of the writ of habeas corpus. He stated that in no uncertain terms have the rights of the people been reinforced, providing them with more protection and more guarantees to stand up against abuse of authority on the part of those who wield power. He stressed that it has been ensured that the people shall have a clean and honest government.

He pointed out that emphasis is placed on social justice to provide protection to workers and employees, farmers and farmworkers, subsistence fishermen, the underprivileged and the homeless.

To institutionalize people power, he stated that the Legislature has been mandated to enact laws which shall allow the people to directly propose amendments to the Constitution as well as to directly propose and enact laws or approve or reject any act or law passed by Congress.

He pointed out that there are also directives in the Constitution for the State to promote and enhance the interest and welfare of the people in the field of education, health, science and technology, arts, culture and sports designed to improve and uplift the political and economic conditions of the People.

He stated that it is a rare honor and privilege to work with the Members, specially under the able leadership of President Cecilia Muñoz Palma.

He admitted that the Constitution is not perfect as all persons are not, but it is the best that he and the Members could do and offer to the people.

By Mr. Uka:

Mr. Uka stated that the new Constitution drafted by retired Justice Cecilia Muñoz Palma, is a fundamental law which is pro-God, pro-democracy, pro-poor, pro-labor and pro-life for the unborn and the aged.

The new fundamental law, he manifested, will establish a government which shall embody the ideals and aspirations of the people, promote common good, conserve and develop national patrimony for the benefit of all the people and the generations yet to come. He observed that the new Constitution gives the highest priority to education; the right of teachers and employees in both the public and the private sectors; promotes unity and brotherhood, freedom, truth, justice, equality, tolerance and peace. Although it is not perfect, he stated that it is

better than good, the product of long and varied experience in government through the years.

For these characteristics of the new Charter, he voted Yes.

By Mr. Villacorta:

Mr. Villacorta stated that it had not been easy for him to arrive at a decision concerning his vote although the new Constitution is admittedly better than the previous ones. He observed that the new Constitution has tightened the safeguards for the protection of human rights and the accountability of public officials; recognizes the role of people's organizations and the need for sectoral representation in Congress; mandates the State to give the highest priority to education and social justice and affirms the equality of women and the rights of children and the family as well as the rights of teachers and civil servants to professional advancement and adequate compensation.

Furthermore, he noted that the Charter gives importance to the development of science and technology, the national language and culture. The system of recall and initiative, he stated, facilitates the articulation of the people's will, their ability to change erring officials and amend the Constitution. The constitutionalization of autonomy for Muslim Mindanao and the Cordilleras, he maintained, is a recognition that democracy is not the tyranny of the majority, but a rule of the majority that respects the right of the minority. Any form of tyranny, he opined, even the tyranny of the majority which is mobocracy smacks of dictatorships and has no place in any democratic, pluralist and civilized assembly of persons.

Mr. Villacorta observed that in spite of its strengths, many Members believe that the Charter does not adequately address the fundamental problems of the Filipino people; their compromised sovereignty; their economic independence; and their tenuous freedoms — problems which the people ventilated during the public hearings the Commission conducted. With the nation hardly recovering from the trauma of the recent dictatorship, he stated that the Commission still allowed the unilateral declaration of martial law by the President, provided a mechanism for the resurgence of a political aristocracy and reinstituted a protracted legislative process by establishing a bicameral system of lawmaking.

The Body, he observed, failed to see the urgency of the basic issues and contended itself with a toothless provision banning nuclear weapons. He opined that it has also abdicated the Filipinos' right to have full control of public utilities and natural resources. Congressional prerogative, he noted, circumscribed the implementation of the aspirations for genuine land reform, the Filipinization of schools and free public high school education.

In moments of introspection, he stated, he asked himself what would be the alternative if the Constitution is rejected-and if the government is destabilized and queried whether a more progressive fundamental law shall take effect and what shall take the place of government. Already, he stated, anti-democratic forces are rearing their ugly heads.

He stated that he consulted his fellow educators, friends, students and family and he prayed hard. He then adverted to a conversation with his 15-year old son who went with him to EDSA last February who asked "Why are you so hard on yourself, Daddy? Why don't you leave some of the burden to the young like me? Just give us something that we can hang on to. We'll take care of the rest." Only then, he stated, was he able to reach a decision.

Thereupon, Mr. Villacorta voted Yes with the reservation on the basic weaknesses of the proposed Constitution which he had enumerated. He manifested that he had come to the decision with the deepest respect for his colleagues who voted against the Constitution and with the hope that it will not be the end but just the beginning of a process, a stimulus towards greater vigilance among the newly awakened people to ardently fight for their rights and dignity. He expressed his certainty that someday they will usher in a truly liberative Constitution which

shall be more reflective of the Filipino dream.

By Mr. Villegas:

Mr. Villegas stated that the Constitution just drafted is true to its fundamental commitment to promote the common good. He observed that in every article there is the effective concern not so much to attain the greatest good for the greatest number but to build a social order which shall enable every single member of society to attain his fullest development economically, politically, culturally and spiritually.

The Constitution, he noted, mandates the State to promote social justice but above all, obliges all citizens to build a just and humane society. He cited that for the first time in Philippine Constitutional history, there is an explicit statement that private property is not an absolute right but must be used to serve the common good. In Constitution, he stated, the principle of solidarity has been enshrined through the declaration that all economic agents shall contribute to the common good. He stated that in many of the articles, the preferential option for the poor is the guiding principle, the poor including not only those who are economically destitute but all those who are weak and defenseless especially the unborn child whom the Commission decided to protect from the moment of conception.

Mr. Villegas pointed out that although the Constitution is not a perfect document as it is too verbose, this minor defect does not detract from the exemplary manner in which it has amply articulated the deepest aspirations of the Filipino people for truth, justice, freedom, love, equality and peace.

The inclusion of the word "love", he noted, has provided the nation with the strongest foundation for a human society because justice alone cannot lead to a humane society. "Love", he opined, which in its highest form is an act of the human will to seek the good of another, whether friend or foe, is the surest antidote to violence and class struggle, if he stated that the Commission had written a Constitution that is completely faithful to the tradition set by the peaceful revolution of February for which reason he voted Yes.

By Ms. Aquino:

Ms. Aquino remarked that the day marked for all a day of generous enthusiasm and innocent faith and that to many people, the new Constitution seems like a new roof, a new remedy, perhaps even a miracle. She stated that what the people are about to have is like a child just born, a marriage just solemnized. She noted that the Constitution has to be lived by the people, their children and the future generations and that it will be worshipped and hated, fought over in courts and maybe even in civil wars, and altered as the changing years bring unforeseen political circumstances into being.

The new Constitution, she stated, will hopefully become the rule of life for a country larger than any ever imagined and would last longer than anyone dared to hope. In the ratification of the Constitution, she stated that the people will celebrate not the end of the struggle but the beginning, and then it becomes the dramatic epitome of the life and work of a people, a symbolic faith and confidence in the future.

Ms. Aquino admitted that there are several parts of the Constitution which she does not approve of, although having worked in the Commission, she has experienced many instances of being obliged by better information or full consideration, to change opinions even on important subjects which at once she thought right but found later, to be otherwise. Many persons, she observed, think highly of their own infallibility and that in the Commission, many expressed it so naturally.

With these sentiments, Ms. Aquino voted in favor of the new Constitution with all its faults as in the first place, she doubted whether under similar circumstances, any other convention could have produced a better

Constitution. She stated that admittedly it is not the best package but it is definitely the best that the situation will admit.

She noted that it had been asked "From an assembly of men with fixed biases, passions, and prejudice can a perfect product be expected?" and observed that it had surprised her to find the system approaching so near to perfection as it did since the Members had managed to transcend the limited framework of their own moral crusades.

She consented to the Constitution as, under the circumstances, she expected no better and because she was not even sure that this was not the best. She prayed, for the sake of the Members, the people and posterity, that the Members act heartily and unanimously in recommending the Constitution wherever their influence may extend, and turn their future thoughts and endeavors to the means of having it well implemented.

Finally, she stated that she is certain that those who believed will be proven more right than those who doubted.

By Mr. Bennagen:

Mr. Bennagen stated that society constitutionalizes only such ideas and objectives as the dominant forces would allow, with a few concessions to the dissenting masses; that society constitutionalizes values that could serve either as ideologies, understood as justificatory statements or as guidelines for concrete action directed at expanding the frontiers of justice and freedom.

He noted that the Preamble says it all as it expresses the aspirations for utopia on earth. Still and all, he observed that the Constitution does nothing more than inscribe the contradictions of Philippine society along with the tensions between law and experience, between ideals and realities.

The Constitution, he stated, in spite of his fondest hopes borne out of the euphoria of February, cannot lay the basis for a comprehensive but peaceful solution of fundamental problems arising from inequitous social structures and the neo-colonial present.

The Constitution, he observed, has the potential for setting into motion a revolution of rising expectations because of the numerous provisions that mandate the State to provide material and other benefits to the people, at a time when its capability to do so is severely impaired. He observed that it would have been more realistic had the Body added to the provisions the warning "subject to the availability of funds".

The Constitution, he remarked, carries the potential for the resurgence of constitutional dictatorship by granting the President the sole power to declare martial law. He stated that this is a real possibility in a Third World country caught in the grip of superpowers' rivalry and must not be discounted in the Philippines.

The Constitution, he observed, carries the potential for the restoration of the old inequitous social order by restoring the bicameral legislature which, dispute the salutary impact of token sectoral representation, could concentrate the legal power in the hands of the propertied classes and their allies, to the detriment of the broad masses of the people and especially the peasants and workers. It would, he stated, doom to failure past and future efforts of social reforms, particularly, agrarian reform.

The Constitution, he stated, carries the potential for more sophisticated and therefore, more insidious foreign intervention in various aspects of national life by 1) allowing service contracts and the controlling share by transnational corporations in the exploitation of the land, natural resources, public utilities and telecommunications; 2) equivocating on the ban on foreign military bases and nuclear weapons on Philippine territory; 3) rejecting a state policy of participating in the movement towards a zone of peace, freedom and neutrality; and 4) being less than decisive in the areas of communications and educational efforts, towards social

responsibility and national cultural identity.

All told, he observed, the contradictory tendencies of the Constitution could generate and exacerbate the tension between and among the social forces of Philippine society.

The attainment of a Philippine utopia envisioned in the Preamble and in relevant sections, he averred, would finally depend on how the masses of the Filipino people participate in the struggle, for the social and historical fact is that utopias are not achieved without a struggle.

He noted that as the provisions are translated into laws, policies, programs and projects, with all the contradictory tendencies and given the coalition of governing forces, there will be successes and failures, triumphs and defeats.

Should there be more failures and defeats, he observed, it can be foreseen that people shall take to the streets, man the picket lines with greater vigor and in greater numbers and to be sure they will draw lessons and inspirations from earlier struggles, including the February revolution.

He stated that in the struggle for a prosperous, just and humane society, the people would need a modicum of guarantee of their civil and political and human rights and would also need all the protection against state abuses as well as from forces who would not willingly give up positions of power and privilege.

The Constitution, he stated, has a comprehensive and much strengthened Bill of Rights to name some: provisions against the death penalty, torture, hamletting and detention for reason of political belief; the privilege of the writ of habeas corpus could be suspended only in case of actual invasion or rebellion; guarantees freedom of expression, in addition to the usual freedom of speech and of the press; and the right to peaceably assemble and to organize.

Supportive of the Bill of Rights, he noted, is the Commission on Human Rights and the provisions respecting and protecting the right of people's organizations to participate in decision-making. Additionally, he noted that there is a strong independent judiciary and provisions on initiative, plebiscite, referenda and recall.

He stated that in the volatile context of Philippine society, which is characterized by chronic economic crisis and political instability, as in most of the Third World countries, the Bill of Rights provides a strong counterpoint to the weak provisions of the other Articles. The Bill of Rights, and other sections supportive of democratic actions, he maintained, should provide a measure of protection for people and people's organization in, the struggle for human development and liberation. For this reason alone, he votes Yes.

By President Muñoz Palma:

On the outset, the President stated that the negative votes had greatly saddened her, although she respected the opinions expressed in the judgment of the Members and admired the courage displayed by the strength of their convictions. She manifested the hope that someday these Members will be able to achieve the goals which they failed to attain in the Constitution for the lasting benefit and welfare of the people.

She stated that with all humility but with profound pride she votes in favor of the draft Constitution inasmuch as the document is a worthy, inspiring legacy which can be handed down to the Filipino people of today, tomorrow and posterity.

Thereupon, she stated the reasons why she voted in favor of the draft Constitution. The Commission had set forth in clear and positive terms in the Preamble which is the beacon light of the new Charter, the noble goal to establish a just and humane society. She noted that it must be so, as it must be admitted that there are so few with so much and so many with so little. She stated that the Commission upheld the rule of law where no man is above the law, adhered to the principles of truth, justice, freedom, equality, love and peace. For the first time and

possibly the first Constitution ever, she observed that "love" is enshrined. She stated that it is significant at this period in the national life when the nation is bleeding under the forces of hatred and violence, when brothers are fighting brothers and Filipinos are torturing and killing their own countrymen. She opined that without love, there can be no peace.

The new Charter, she averred, establishes a republican democratic form of government with three branches, each independent and co-equal of each other, affording a check and balance of powers and that sovereignty resides in the people.

For the first time too, she observed, there is an all-embracing expanded Bill of Rights which constitutes the cornerstone of the structure of government and that aside from the traditional guarantees of the rights to life, liberty, property, due process, equal protection under the law; freedom of speech, the press, assembly, freedom of travel and abode are strengthened and fortified. She noted that under the provisions, practices of the military described as hamletting, forced evacuations, relocations of civilians can no longer be undertaken without lawful orders from the courts. She pointed out that to uphold the dignity of the human person, the use of torture, secret detention places, solitary, incommunicado and similar forms of detention, imposition of degrading, psychological and bodily punishment and subhuman conditions of penitentiaries and places of detention, are condemned.

Mrs. Muñoz Palma also stated that for the first time, the scope and extent of the exercise of the awesome power of the Chief Executive to suspend the privileges of the writ of habeas corpus or proclaim martial law is curtailed, made subject to judicial review, and effective safeguards are established with the hope that never again would the Filipino people suffer from a dictatorial and authoritarian regime.

She underscored that for the first time, this is the only Constitution which provides for the creation of a Commission on Human Rights entrusted with the grave responsibility of investigating violations of civil and political rights by any party or group and recommending remedies therefor. She stated that the new Charter also sets forth quite lengthily provisions on economic, social and cultural rights spread out in separate articles such as the Articles on Social Justice, Education, and Declaration of Principles. She stressed that it is a document which in clear and in unmistakable terms reaches out to the underprivileged, the paupers, the sick, the elderly, the disabled, the veterans and other sectors of society as well as a document which opens an expanded and improved way of life for the farmers, workers, fishermen and the rank-and-file in government service.

Mrs. Muñoz Palma emphasized that for the first time, the Constitution devotes a separate article on the family thereby giving due recognition to the fact that the family is a basic, autonomous, social institution and, therefore, the State shall uphold the sanctity of family life, protect the stability of marriage, and the right to found a family in accordance with one's religious beliefs, convictions and responsible parenthood.

She pointed out that for the first time, the new Charter upholds the right to life of the unborn from the moment of conception, the right of the youth to free elementary and secondary levels and to a quality education that would instill in them the virtues of patriotism, nationalism, morality and service to one's fellowmen.

Mrs. Muñoz Palma stressed that for the first time, there is a declaration against nuclear weapons in the country subject, however, to the demands of national interest, and a prohibition of military bases after 1991 unless it is with the consent of the elected representatives of the people and of the Filipinos themselves expressed in a referendum if necessary.

She underscored that for the first time, the Judiciary is placed beyond the reach of politics and politicians; and the reelection of the elective national public officials is either prohibited or regulated to prevent political dynasties and perpetuation of the few in power.

Finally, Mrs. Muñoz Palma stated that for the first time, people power is enshrined in the Constitution culminating in the right of the people, through their own initiative, to propose amendments to the fundamental law.

She stated that it is her honor to vote in favor of the proposed Constitution of the Republic of the Philippines on the Feast of our Lady of the Pillar and she prayed that the document would be a pillar of strength that would uphold a pro-Filipino, pro-people and a pro-God nation.

RESULTS OF THE VOTING

The result of the voting was as follows:

In favor:

Abubakar Monsod

Alonto Natividad

Aquino Nieva

Azcuna Nollado

Bacani Ople

Bengzon Padilla

Bennagen Muñoz Palma

Bernas Quesada

Rosario Braid Rama

Calderon Ragalado

De Castro De los Reyes

Colayco Rigos

Concepcion Rodrigo

Davide Romulo

Foz Sarmiento

Garcia Sumulong

Gascon Tan

Guingona Tingson

Jamir Treñas

Laurel Uka

Lerum Villacorta

Maambong Villegas

Against

Suarez Tadeo

With 44 Members voting in favor and 2 against, the final draft of the Constitution of the Republic of the Philippines was approved by the Body.

PRAYER OF THANKS

Thereupon, Mr. Bengzon led the following prayer, to wit:

Almighty God, on November 30, 1972, I stood before You in the presence of the 1971 delegates to the Constitutional Convention. It was National Heroes Day, it was the day we signed the Constitution.

On that occasion, I entrusted our hopes, offered our lives and commended our future in Your hands. I prayed for Your infinite guidance and wisdom for our leaders then that they may bring to our nation the dawn of a new day.

But You have chosen to allow man to exercise his free will without Your interference until You felt in Your own time to do so. We have suffered, we have died, we have resurrected.

But we have heretofore viewed the events of the recent past with negative and passionate reactions. Little did we realize that by Your noninterference then, we have awakened, we have been purified, we were born again. For all these trials and tribulations, we thank You, for without them we would not have been able to draft this Constitution the way we did. We would have been unable to give the life and vigor to this Constitution so much needed by our people. We would have lacked the understanding and patience among ourselves.

For all of these, O God, we thank You. Now we look to the future. Grant us then your fullest grace, wisdom and strength to continue this task of nation-building in the role You wish each of us to play for Your greater glory.

Amen.

ADJOURNMENT OF SESSION

Thereafter, on motion of Mr. Rama, there being no objection, the Chair declared the session adjourned until nine-thirty in the morning of the following day.

It was 7:53 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 October 15, 1986

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