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Thursday, September 11, 1986

OPENING OF SESSION

At 9:59 a.m., the President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

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

Everybody rose to sing the National Anthem

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Cirilo A. Rigos.

Everybody remained standing for the Prayer.

PRAYER

REV. RIGOS: Let us pray.

Most merciful God, for the beauty of this day we give Thee thanks. For the love in our hearts, the peace in our souls, the serenity of our spirits, the strength of our bodies, and the many tokens of Thy goodness, we give Thee thanks.

Help us today to obey the leading of Thy Spirit, that we may continue to work with a sense of mission, and pursue our mission with a sense of duty.

Grant us wisdom and courage for the living of these days. As we deal with one another, make us channels of Thy grace.

Clothe us with humility, and save us from the folly of seeking recognition for every little thing we do. Inspire us to give the best that we can, even though we may not be credited for it.

And to Thy name we ascribe all glory and majesty, dominion and power, through Jesus Christ our Lord.

Amen.

ROLL CALL

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

THE SECRETARY-GENERAL, reading:

Abubakar

Present [*] Natividad Present [*]

Alonto Present Nieva Present

Aquino Present [*] Nollado Present

Azcuna

Present [*] Ople Present [*]

Bacani Present Padilla Present

Bengzon Present Quesada Present

Bennagen

Present Rama Present

Bernas Present Regalado Present

Rosario Braid

Present Reyes de los Present

Calderon Present Rigos Present

Castro de

Present Rodrigo Present

Colayco Present Romulo Present

Concepcion

Present Rosales Absent

Davide

Present Sarmiento Present [*]

Foz Present Suarez Present

Garcia Present [*] Sumulong Present

Gascon Present Tadeo Present [*]

Guingona Present Tan Present

Jamir

Present Tingson Present

Laurel Present Treñas Present [*]

Lerum Present [*] Uka Present

Maambong Present Villacorta Present

Monsod Present Villegas Present

The President is present.

The roll call shows 36 Members responded to the call.

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

MR. CALDERON: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

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

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

APPROVAL OF JOURNAL

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

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

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

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

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

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

MOTION

MOTION REQUESTING THE SECRETARIAT TO COMPILE, IN CHRONOLOGICAL ORDER, THE INVOCATIONS OF COMMISSIONERS AND TO PUBLISH THEM IN BOOK FORM WITH THE TITLE "THE LIVING GOD AND THE. COMMISSION."

Presented by Honorable Davide, Jr.

(Motion No. 3 — Constitutional Commission of 1986)

To the Steering Committee.

COMMUNICATIONS

Communication from officers and members of the Bicol Brigade, Kapatiran ng mga Kawal na Manunulat sa Pilipino, Fishermen, Farmers and Sailors Association of the Philippines, Inc., Cultural Communities Association of Surigao del Sur, and People's Tri-Media Foundation, all of Surigao del Sur, submitting various proposals on the development of Filipino culture.

(Communication No. 827 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Letter from four hundred (400) officers/members of the Subic Market Vendors Association, Subic, Zambales, seeking the retention of the US military bases in the Philippines.

(Communication No. 828 — Constitutional Commission of 1986)

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

Letter from Mr. Federico C. Cipriano of Sumagui, Bansud, Mindoro Oriental, transmitting a copy of 391 signatories all from Mindoro Oriental suggesting that the Constitution be written and promulgated in Tagalog.

(Communication No. 829 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Communication from 149 signatories all of Cebu and Mandaue City, seeking inclusion in the Constitution of: "The right of a citizen to keep and bear arms shall be recognized, and in consonance therewith, a well regulated citizen's militia may be formed for the security of the State, life, liberty and property of persons."

(Communication No. 830 — Constitutional Commission of 1986)

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

Letter from Mr. Cesar V. Canchela of the United Architects of the Philippines, CCP, Roxas Blvd., Manila, submitting a joint resolution seeking utilization of the services of qualified Filipino technological professionals and consultants on government projects funded by the Philippine government and/or by foreign loans and grants.

(Communication No. 831 — Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

Letter from Mr. Manuel C. Calumpit of St. Louis School, Solano, Nueva Vizcaya, submitting for consideration by the Constitutional Commission various proposals on accountability of public officers.

(Communication No. 832 — Constitutional Commission of 1986)

To the Committee on Accountability of Public Officers.

Letter from Mr. Dennis G. dela Torre, Acting Chairman, Movement for the Abolition or Reorientation of C.M.T. (MARC) suggesting, among others, that the term "civil service" in Section 6 of Proposed Resolution No. 537 under Committee Report No. 36 be changed to "civic service."

(Communication No. 833 — Constitutional Commission of 1986)

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

Communication from Mr. Antonio L. Cantero, Chairman, Filipino Advertising Agencies for Filipinization, of 269 EDSA corner Connecticut, Greenhills, Mandaluyong, Metro Manila, recommending that the ownership and management of mass media, including advertising agencies, should be limited to Filipino citizens or to corporations wholly owned and managed by such citizens.

(Communication No. 834 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Telegram from 13 officers of the Association of Philippine Physicians in America, Inc., seeking inclusion in the Constitution of a provision that would make a natural-born citizen of the Philippines who has lost his/her Philippine citizenship a transferee of private lands.

(Communication No. 835 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Letter from Mr. Edilberto F. Laput of 48-F 20th Avenue, Cubao, Quezon City, transmitting a copy of an article: "Christian Communism: Solution for Poverty" with the hope that the ideas contained therein may find a place in the Constitution.

(Communication No. 836 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Mr. Isidro A. Mutia of 2318 Lopez Jaena Street, Pagadian City, suggesting that the "Teaching of the Holy Bible" be required in public and private schools from Grade I to college.

(Communication No. 837 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Communication from 95 members of Davao City Association of Teachers, Parents and Students, Davao City, suggesting to the Constitutional Commission to include Spanish as one of the official languages.

(Communication No. 838 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Communication from the Executive Board of the Philippine Social Science Council, Inc., endorsing a proposal to adopt a two-third (2/3) to one-third (1/3) ratio of ownership in public utilities firms in favor of Filipinos.

(Communication No. 839 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Letter from 151 signatories of the Philippine Women's University, College of Education Alumnae Association, Taft Avenue, Manila, suggesting that free education be extended up to high school level.

(Communication No. 840 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Communication from Ms. Marie Kletke, 904 N. Avalon Blvd., Wilmington, California 90744, suggesting a provision granting proprietary rights to overseas Filipinos who are natural-born Filipinos including those who may have acquired foreign citizenship.

(Communication No. 841 — Constitutional Commission of 1986)

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

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

- 1) Dr. Julieta Lorenzo of 67 West Capitol Drive, Barrio Kapitolyo, Pasig, and 733 others.

(Communication No. 842 — Constitutional Commission of 1986)

- 2) Mr. Elpidio C. Ocampo of San Francisco del Monte, Quezon City, and 415 other concerned citizens.

(Communication No. 843 — Constitutional Commission of 1986)

- 3) One thousand seven concerned citizens of varying backgrounds and occupations with their respective

addresses.

(Communication No. 844 — Constitutional Commission of 1986)

4) Five hundred seven concerned citizens of varying backgrounds and occupations from Quezon City and Caloocan City.

(Communication No. 845 — Constitutional Commission of 1986)

5) One hundred sixty-seven signatories most of whom are employees of the Commission on Audit.

(Communication No. 846 — Constitutional Commission of 1986)

6) Mr. Bienvenido V. Santos Apo Street, Quezon City

(Communication No. 847 — Constitutional Commission of 1986)

7) Mr. Filemon F. del Prado Ford St., Filinvest Homes South Biñan, Laguna

(Communication No. 848 — Constitutional Commission of 1986)

8) Ms. Carmelita M. Lara 447 Gen. Lim St. Little Baguio, San Juan, Metro Manila

(Communication No. 849 — Constitutional Commission of 1986)

9) Ms. Aida T. Acena 327 Gen. Vicente Lim St. Little Baguio, San Juan, Metro Manila

(Communication No. 850 — Constitutional Commission of 1986)

10) Mr. Gary Garcia 82 Scout Gandia Quezon City

(Communication No. 851 — Constitutional Commission of 1986)

11) Ms. Delia A. Caninel 75 Scout Lozano Quezon City

(Communication No. 852 — Constitutional Commission of 1986)

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

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

CONSIDERATION OF C.R. NO. 29

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

Continuation

PERIOD OF AMENDMENTS

MR. RAMA.: I move that we continue the consideration of Committee Report No. 29 on the proposed Article on Education, Science, Technology, Sports, Arts and Culture on Second Reading.

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

The honorable chairman and members of the Committee on Human Resources are requested to occupy the front table in order that we may continue the consideration on Second Reading of the proposed Article on Education, Science, Technology, Sports, Arts and Culture.

MR. RAMA: Madam President, I ask that Commissioner Davide be recognized to present an amendment to the

section on science and technology.

MS. QUESADA: Before the interpellations and amendments, could we just have a reiteration of the importance of science and technology in our national development?

THE PRESIDENT: Commissioner Quesada will please proceed.

MS. QUESADA: Science and technology have become strategic factors in the economic growth and progress of developing nations. But we would like to stress the fact that science and technology in the Philippines have really lagged for many years — something like 100 years behind — in the analysis of the science and technology community. Therefore, this particular section would address the inadequacies of the past years to give stress to science and technology.

The Malolos Constitution made no mention of science and technology or other related areas of concern. It was the 1935 Philippine Constitution that first provided for science and technology as a major concern of the State. It recognized the central place of science in pursuing a balanced national development and it projected the necessity of developing science as a constitutional goal. Section 4, Article XIV of said Constitution set forth the following:

The State shall promote scientific research and invention. Arts and letters shall be under its patronage. The exclusive right to writings and inventions shall be secured to authors and inventors for a limited period.

The provisions of the 1973 Constitution were strengthened to put additional stress on the promotion of science and technology in the national program of economic development, with the objective of achieving the most profitable utilization of the country's resources. Thus, Section 9 (1), Article XV on the General Provisions of the said Constitution provided:

- (1) The State shall promote scientific research and invention. The advancement of science and technology shall have priority in the national development.
- 2) Filipino culture shall be preserved and developed for national identity. Arts and letters shall be under the patronage of the State.
- (3) The exclusive right to inventions, writings, and artistic creations shall be secured to inventors, authors and artists for a limited period. Scholarships, grants-in-aid, or other forms of incentives shall be provided for specially gifted citizens.

Contentwise, the science and technology provision should be strengthened and widened in scope. The promotion and advancement aspect of scientific research and invention, which is what was stressed in the 1973 and 1935 Constitutions, should be retained. However, other important aspects or areas of science and technology, such as policy and innovation process, other than research development and inventions, should be added. This includes a provision for other science and technology activities like scientific and technological services and education and training of scientific and technological personnel. Likewise, this should include other aspects of the innovation process such as introduction of results of research in the economy and other spheres of life, dissemination of scientific and technical knowledge, the application of science and technology for national development and social progress. The protection of rights to invention and scientific discoveries, as well as recognition and reward for scientific and technological achievement, should also be included.

In order to insure the integration of science and technology in national development, two important considerations must be embodied in the proposed science and technology provision. First, the State should promote other kinds of technological capacity in addition to research and development capability. Moreover, technological capacity, that is, the ability to make sound technological decision, must be developed as broadly and as deeply as possible. Clearly, this capacity is needed even by small-scale farmers and entrepreneurs. Secondly — and this is related to

the first — the State must see to it that the whole Filipino people are imbued with the scientific outlook as an integral part of their evolving culture. Indeed it must be recognized that the scientific method is one of the keys that will unlock the creative and productive potential of the people. So, with these, we would like to present three sections on science and technology.

MR. VILLACORTA: Madam President, we would just like to point out that Commissioner Quesada is the chairman of the Subcommittee on Science and Technology and the members are Commissioners Bennagen and Rosario Braid.

THE PRESIDENT: Will Commissioner Villacorta please read Section 1 for the information and guidance of everybody?

MR. VILLACORTA: Madam President, Section 1 reads:

Science and technology are essential for economic growth and national development. The State shall give highest priority to research and development, invention, innovation and their utilization; and to science and technology education, training and services. The State shall support the development of indigenous, appropriate and independent scientific and technological capabilities and the application of these to the nation's productive systems for self-reliant and sustainable progress in the service of the people.

Commissioner Guingona would like to say a few words on this, Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Thank you, Madam President.

This section, as read by our distinguished chairman, contains the following statements: "The State shall support the development of indigenous, appropriate and independent scientific and technological capabilities." The proposed Section 19 of Committee Report No. 36 on the Declaration of Principles which recognizes the role of science provides:

Towards this end, it shall promote the development of an indigenous socially responsive and nationalist-oriented scientific and technological capability.

This Representation had the occasion to call the attention of the distinguished chairperson of the Subcommittee on Science and Technology and I think the subcommittee accepted my proposal to retain this provision on Section 1. If the Commission later approves the provision that I also read, as proposed by the Committee on Preamble, National Territory, and Declaration of Principles, we would have no objection if this particular statement is deleted in order to avoid repetition.

THE PRESIDENT: What is the pleasure of Commissioner Rosario Braid?

MS. ROSARIO BRAID: Madam President, let me just add a sentence or two to underscore the need for more concern for science and technology. In the Philippines, the allocation for research and development is only 20 percent of our GNP, which is the lowest in the whole ASEAN region. Developed countries have it anywhere from 2 percent to as high as 4.5 percent. We have this very low allocation. It is strongly recommended by the United Nations that developing countries appropriate at least 1 percent of our GNP for research and development.

Thank you.

THE PRESIDENT: Are there any other comments from the committee?

MR. VILLACORTA: Madam President, we are now ready for interpellation and amendments.

MR. RAMA: Madam President, may we request that only one or two members of the committee speak so that we could proceed a little faster.

I request that Commissioner Davide be recognized.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Before I proceed to present my amendments, I would seek some clarification on the last sentence of Section 1. It reads: "The State shall support the development of indigenous, appropriate and independent scientific and technological capabilities." Should these three be cumulative or is it enough that one is present?

MS. QUESADA: These are not cumulative. Actually, there are different meanings to these particular concepts that we have introduced.

MR. DAVIDE: In other words, if the scientific and technological capability is indigenous, or if it is appropriate, or if it is independent, the State shall support either or all of them?

MS. QUESADA: All of them.

Madam President, could we just explain what we mean by the words "indigenous" and "independent"?

MR. DAVIDE: I am not seeking for its deletion.

MS. QUESADA: All right.

MR. DAVIDE: I have another point. When the committee states, "the application of these to the nation's productive systems for self-reliant and sustainable progress in the service of the people," does it refer specifically to the principal objective of science and technology as essential for economic growth and national development?

MS. QUESADA: Yes, Madam President.

MR. DAVIDE: So may I propose the following amendments. The first will be on line 2; change "development" to "PROGRESS."

MS. QUESADA: Is there any difference between the concept of "development" and "PROGRESS"?

MR. DAVIDE: Precisely, "PROGRESS" is higher in category. Economic growth is even national development already. And since the committee admitted that "the nation's productive systems for self-reliant and sustainable progress in the service of the people" would practically be covered by the first sentence, I wanted to bring in the word "PROGRESS" instead of just "development."

MS. QUESADA: Would the proponent's concept of "PROGRESS" include the quality of life?

MR. DAVIDE: Certainly; practically, that is the total effect already. That is why Commissioner Padilla even wanted to insert the word "PROGRESSIVE" or "PROGRESS" in the Preamble.

MS. ROSARIO BRAID: Madam President, may I just ask one question. Would "PROGRESS" connote or denote the involvement of people in the generation of production of technology; in other words, their active participation?

MR. DAVIDE: Certainly. Without people's participation, there cannot be national progress. And, besides, that particular concept is covered already the last sentence of Section 3.

MR. SARMIENTO: Madam President, parliamentary inquiry.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: May we know from the committee whether we are the stage of interpellations or debate or period of amendments, because we have not yet finished the period of interpellations. We limited our interpellations before on education and language, but never on science and technology. It seems to me that we are now in the period of amendments.

MR. VILLACORTA: Madam President.

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: What we have done when we were discussing the section on language was that we combined interpellations and amendments to save time. I wonder if there is any objection to our using the same procedure this time.

MR. SARMIENTO: Thank you, Madam President.

MR. MONSOD: Madam President.

THE PRESIDENT: How about Commissioner Davide? Is he through? Not yet.

MR. MONSOD: I have an anterior amendment.

THE PRESIDENT: Anterior amendment?

MR. MONSOD: Yes, Madam President. I also have a proposal for the first sentence. I was wondering if we can coordinate on this rather than debate on each and every word.

THE PRESIDENT: May we first have Commissioner Monsod's proposed amendment.

MR. MONSOD: I was just going to suggest that to harmonize this with the section on national economy, and with the thought of a self-reliant economy, we should just say in the first sentence: "Science and technology are essential for INDEPENDENT national development AND IMPROVEMENT IN THE QUALITY OF LIFE." So, everything else in the bottom can probably be removed — on reliance, sustainable progress and nation's Productive systems.

THE PRESIDENT: Is there any other idea on this? Maybe we can suspend the session for a few minutes.

MS. QUESADA: Madam President, we would really want to stick to our formulation because of the importance of highlighting the role of science and technology for economic growth. We believe that because of the backwardness of science and technology, we have to project their importance and how they are related to economic growth. We believe that science and technology have not been given enough push, probably because they have not contributed to economic growth. We would, therefore, like to retain the phrase "economic growth and national development."

THE PRESIDENT: Is there any other amendment? How about Commissioner Davide? Is he insisting on his amendment?

MR. DAVIDE: Unless Commissioner Monsod would seek for a possible discussion of his proposed amendment; insofar as mine is concerned, I feel that "PROGRESS" is broader, more embracing than just development.

THE PRESIDENT: Is Commissioner Davide not satisfied with the explanation given by Commissioner Quesada?

MR. DAVIDE: Yes, Madam President. So, I would put it to a vote with the idea that "national development" is already embraced, as a matter of fact, in "PROGRESS." And the main thrust of science and technology should be a total progress.

SUSPENSION OF SESSION

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

It was 10:29 a.m.

RESUMPTION OF SESSION

At 10:38 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. VILLACORTA: Madam President, Commissioner Quesada will read the formulation as agreed with the other proponents.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: Based on the agreement between Commissioners Davide and Monsod, this is now the new formulation: "Science and technology are essential for national development AND PROGRESS. The State shall give highest priority to research and development, invention, innovation and their utilization; and to science and technology education, training and services. The State shall support indigenous, appropriate and self-reliant scientific and technological capabilities and the application of THESE to the nation's productive systems AND NATIONAL LIFE."

According to Commissioner Monsod, "NATIONAL LIFE" would include sports, culture and other aspects of our lives.

THE PRESIDENT: So this is now the new formulation of Section 1?

MS. QUESADA: This is the new formulation. We have deleted some words which they felt were redundant and would already cover the meanings that are expressed in some other terms.

THE PRESIDENT: Can we have that again and slowly please so that we can correct our draft?

MS. QUESADA: The first sentence reads: "Science and technology are essential for national development AND PROGRESS." The understanding here is that "PROGRESS" would also include the quality of life and that "national development" would also include economic growth. Then the next sentence reads: "The State shall give highest priority to research and development, invention, innovation, and their utilization; and to science and technology education, training and services. The State shall support indigenous, appropriate and SELF-RELIANT scientific and technological capabilities and the application of THESE to the nation's productive systems AND NATIONAL LIFE."

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: May I ask that Commissioner Davide be recognized first before we vote.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Madam President, just two minor corrections. Instead of "The State shall," it should only be "IT" so that there is no repetition of "The State." And then, delete "of this" after "application" but make "the" before "application" THEIR."

MS. ROSARIO BRAID: Madam President, there seems to be two "nation's" here — "nation's productive systems"

and "national life." I do not mind it but the Style Committee might want to do something about that.

MR. DAVIDE: The first "nation's" should also be deleted.

MS. ROSARIO BRAID: Yes.

MS. QUESADA: Accepted, Madam President.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: It would then read "and the application of THESE to the productive systems AND NATIONAL LIFE." If we omit "nation's productive systems," perhaps "PRODUCTIVITY" might be a better word. So there is a problem here. The phrase "nation's productive systems" is all right but if we omit "nation's," then "productive systems" is not too appropriate and perhaps "PRODUCTIVITY" might be a better concept.

MS. QUESADA: Madam President, I think we agreed to use "productive systems," so if the deletion of the word "nation's" would be a problem maybe we could use the words "the country's productive systems" to refer to our own productive system.

BISHOP BACANI: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Just a minor suggestion. Instead of "indigenous," can we use "LOCAL"? In ecclesiastical terminology, we do not use this anymore because of its connection with India and "indianization." The origin of this is linked with the Indians of the Indias, that is why I would propose that we use "LOCAL" instead of "indigenous."

MS. QUESADA: Madam President.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: We have just explained the word "indigenous" to mean "having originated or is being produced, growing, living or occurring naturally in a particular region or environment. " This is a very common expression in the United Nations, in the documents of the UNCTAD, UNESCO and UNIDO especially when referring to indigenous human and natural resources development of indigenous technological capability. So the appropriate term in the science and technology community is really "indigenous" instead of "LOCAL."

BISHOP BACANI: I will not insist. I would just like to note that in another sphere that is no longer looked upon with favor. Indeed they use the word "inculturated" or "aculturated."

MR. VILLACORTA: So, Commissioner Bacani is willing to withdraw his amendment?

BISHOP BACANI: Yes.

MR. VILLACORTA: Thank you very much.

Madam President, I think we have had sufficient discussion on this matter, and we would like to ask for a vote.

MS. ROSARIO BRAID: Madam President.

MR. PADILLA: Madam President.

MS. ROSARIO BRAID: Just for the record, Madam President. The word "indigenous" is more specific, but when

we refer to United Nations documents, they use a more difficult concept which we may not want to use. It is endogenous — e-n-d-o-g-e-n-o-u-s — but since "indigenous" is better understood, we prefer to use it rather than "endogenous."

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: I am happy with the insertion of the word "PROGRESS" by Commissioner Davide and which was accepted by the committee. My suggestion is on line 3: delete the word "highest" because this has been overused in many of our articles. I do not know how many times it has appeared in various articles, and Congress may not know which among those articles that are characterized as highest priority should be given top priority. Will not the committee just delete the word "highest"?

MR. VILLACORTA: Madam President, the reason why the committee would want to use the word "highest" is that as compared to the universally accepted benchmark figure for allocating funds for science and technology, which is 2 to 4 percent of the GNP, the Philippine government has usually allocated only 0.5 percent of its GNP. We thought that this is far below the universally accepted allocation for science and technology. Commissioner Bernas has the figures. I think in 1984, the Philippines has set aside only \$18.5 million as against \$127 million set aside by South Korea in 1975 for research and development.

MR. PADILLA: There is no quarrel on the importance of science and technology and, likewise, on our desire for Congress to appropriate within the resources of the country a greater share in the national budget. But that is beside the point. The word is "highest" priority. Would it not be sufficient for Congress to use its judgment in giving priority to this project of developing science and technology?

MS. QUESADA: In the 1973 Constitution, the phrase "highest priority" was already placed, so we feel that perhaps there is a need to improve on this and increase its importance by having the word "highest." Anyway, this relates to how the budget will be allocated for this particular field. And I think this will have great bearing in the attempt of the National Science and Technology Authority to beef up its budget. They have already planned for a six-year program and they hope that there will be a 1.5 percentage of the gross national product. So, maybe this mandate in the Constitution will really help put into reality the aspiration of our people to keep pace with other developing countries since we really have lagged behind. And it is really shameful that the Philippines even lags behind countries like Thailand, Malaysia and Indonesia. Malaysia, for example, has spent 64 percent of its gross national product in 1982 for research and development as contrasted to the Philippines' 1.7 percentage. So, these are really the aspirations of the science and technology people so that our country's prestige will improve insofar as the scientific and technological community is concerned.

MR. DE CASTRO: Madam President.

MR. PADILLA: There is a difference between "high" and "highest" and I do not know if we can even go above the superlative "highest." I think Commissioner Aquino has some statistics on how often we have used the word "highest priority." It might confuse Congress on which among those is higher than the highest.

MR. DE CASTRO: Correction, Madam President, please.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: I would like to make a correction. I heard Commissioner Quesada state that the 1973 Constitution speaks of "high priority." There is no such thing in the 1973 Constitution. It states: "The State shall promote scientific research and invention. The advancement of science and technology shall have priority," not

"high priority."

Thank you. Madam President.

MR. RAMA: Madam President, I ask that Commissioner Aquino be recognized for her statistics.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: Madam President, I share the sentiment of Commissioner Padilla although I am not really ready with the statistics. I think I am being set up by Commissioner Rama although I feel that whenever we use "highest," and we use it without restraint and discipline, we actually lessen the potency of our intent. For example, we intended that social justice be given highest priority; in the same vein we approved the Article on Education with assignment of highest priority in terms of budgetary allocations and here we would use again "highest" in terms of priority for research, science and technology. I do not intend to denigrate the importance of science and technology, but a word used often enough depreciates in terms of its effectiveness. It might depreciate the priority that we have assigned to the other more important concerns of the Constitution like social justice.

MS. QUESADA: But we certainly do not want science and technology to have less priority.

MS. AQUINO: Is it the committee's position that when we speak of budgetary allocations, science and technology should take priority over all others?

MS. QUESADA: We believe that all others are just as important; that one is not as less important as the other; that even our goals, for example, in social justice cannot be attained without the instrument of science and technology. For example, in health, we need science and technology.

MS. AQUINO: This is not just a case of semantics or lexicon. In terms of proper concerns for science and technology, I would raise, for example, serious questions about what is the ultimate goal of science and technology. We do not intend to protect science and technology as ends by themselves; rather we intend to protect, for example, the proprietary concerns of the State over patents, licenses, trade marks in the context of global technology transfer. In which case, the utmost concern for science and technology should more properly belong to the Article on National Economy and Patrimony.

MS. QUESADA: I do not agree. We do not agree that it belongs to the Article on National Economy and Patrimony because we are talking of science and technology in a broad sense, not just technology which is the application of what one knows in science. And that is one of the components of this particular provision, not just technology but the basic sciences.

MS. AQUINO: No, I speak of the anarchy of transnational corporations in patents and trademarks. I speak of the anarchy of transnational technology and monopoly of technology by multinational corporations. If we are agreed on that train of thought, then it is essentially a concern of national economy and development.

MS. ROSARIO BRAID: Madam President.

MS. AQUINO: In other words, science and technology should not be seen as an end in itself.

MS. QUESADA: No, as a matter of fact, we view this as a means to the bigger ends that we have cited in social justice, education and national economy, because without science and technology, our policies in national economy and patrimony will be toothless.

MS. ROSARIO BRAID: Madam President.

MS. QUESADA: So we have qualified the kind of science and technology that we need to develop in our country,

and that is why we specified "self-reliant," "independent" and "appropriate" because we indeed recognize that problem of technology that has dominated and kept us backward.

MS. AQUINO: Madam President, I think I have been dragged into this vexed question by Commissioner Rama. But then my basic position is that I think we should adopt a sense of proportion in terms of prioritizing our concerns and the allocation of highest priority again to science might diminish the impact of the other priorities that we have assigned to social justice and education.

THE PRESIDENT: Can Commissioner Aquino suggest a term?

MS. AQUINO: I concur with Commissioner Padilla in his motion for the deletion of the word "highest."

MS. QUESADA: The committee strongly objects.

MR. RAMA: Madam President.

THE PRESIDENT: Excuse me, Mr. Floor Leader, may we allow first the committee to react.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: I share the sentiments of Commissioner Aquino, and as a member of the committee, I am quite willing to go as far as deleting the words "high priority." But to respond to the question on regulatory systems concerning technology transfer, if Commissioner Aquino will recall, we have that provision in the Article on National Economy and Patrimony and we justified its inclusion in view of the need to come out with a more effective regulatory system.

But Section 3 here addresses itself to the need to link the State or whatever agency of the State that has responsibility for science and technology to technology transfer concerns. So that, therefore, it cannot remain as an independent community of scholars away from the problems of political economy. And it is for this reason that we even had a resolution about technology transfer which, although it did not find itself here, found itself in the Article on National Economy and Patrimony. Also, it goes without saying that Section 3 addresses itself to the need to look at policies affecting transfer of technology and to adopt this technology so that it can be more relevant to our needs.

So these concerns of Commissioner Aquino are addressed in the Article on National Economy and Patrimony and this section on science and technology.

Thank you, Madam President.

MR. LAUREL: Madam President.

THE PRESIDENT: Commissioner Laurel is recognized.

MR. LAUREL: I just have one heavy concern. We have been putting up so many Mt. Everests that the weight of all these put together may bring them all down together.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: The Chair has been asking whether there are other alternative words so that we will not be repeating ourselves like a broken record. So, could the committee consider the words "TO GIVE PREFERENCE" because that is also top priority or "TO GIVE PRIMORDIAL IMPORTANCE"?

MR. VILLACORTA: "PRIMORDIAL" would be acceptable to the committee, although it sounds too poetic.

MR. RAMA: Or "SPECIAL PRIORITY."

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Madam President, I was about to suggest "SHALL ASSIGN SPECIAL PRIORITY."

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: We accept that to underscore that it needs special concern at a time when we are trying to catch up with our ASEAN neighbors.

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

MR. MAAMBONG: So, the words "SHALL ASSIGN SPECIAL PRIORITY" are acceptable to the committee.

Thank you.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: This concern for words is very contagious. May I ask the members of the committee whether there is any difference between "invention" and "innovation" because the word "innovation" is rather new to me also.

MS. QUESADA: "Innovation," as distinguished from "invention," is a term that has acquired a special meaning of its own based on the experience of developed countries, especially the United States and Western Europe.

"Invention" is an original devise, contrivance or process that results from study and experimentation. Thus, an invention can only consist of an idea or a set of related ideas in the form of textual explanations and diagrams on paper or, perhaps, if the inventor is lucky, his invention may take the form of a laboratory-scale model.

But the important point is that it is in a form that is far from marketable; that is to say, it cannot be in a form useful or beneficial for society.

"Innovation" is the stage in the life cycle of a new product or process when it is introduced to the market.

MS. ROSARIO BRAID: Madam President, let me just respond in one sentence.

"Invention" is original; "innovation" is adopted. It could be a blend between export and indigenous materials. So these are the two attributes in terms of difference between an "invention" and "innovation."

MR. SUAREZ: Thank you.

So there is indeed merit in the utilization of the two words because they connote different meanings.

MS. ROSARIO BRAID: Yes.

MR. SUAREZ: I would like to clarify the uses of the words "indigenous" and "self-reliant." Do they not absorb or assimilate each other?

MS. QUESADA: Not necessarily.

MR. VILLACORTA: Not necessarily, Madam President, and Commissioner Quesada will explain.

MR. SUAREZ: Because the phrase "The State shall support indigenous, appropriate and self-reliant capabilities . .

." is used.

MS. QUESADA: We have already explained what we mean by "indigenous," but I would just like to give some definitions of "self-reliant" so it will be clear why we are using this.

MR. SUAREZ: Yes.

MS. QUESADA: The dictionary definition of "self-reliance" is reliance on one's own efforts and abilities. It assumes a special meaning when placed in the context of our national development. And, for the record, I would like to quote a discussion of self-reliance in the famous 1974 Mexico Declaration organized by the United Nations Environment Program and the United Nations Conference on Trade and Development:

We believe that one basic strategy of development will have to be increased national self-reliance. It, thus, means self-confidence, reliance primarily on one's own resources — human and natural — and the capacity for autonomous goal-setting and decision-making. It excludes dependence on outside influences and in powers that can be converted into political pressure. It excludes exploitative trade patterns, depriving countries of their natural resources for their own development.

So, this actually implies why we would like to build our own capabilities so that we will not be forever dependent. We cannot achieve our goal as embodied in the Article on National Economy and Patrimony, which is a self-reliant, independent economy, effectively controlled by Filipinos, if we cannot start on this important aspect: science and technology.

MR. DE CASTRO: Madam President.

MS. ROSARIO BRAID: Madam President, in one sentence, let me just define it. "Indigenous" could be a local technology; "self-reliance" is the application of local human resources skill into the development of the indigenous technology. So, these are the two differences.

MR. SUAREZ: Therefore, "self-reliant" is different from "indigenous."

MS. QUESADA: Yes.

MR. SUAREZ: Thank you.

The last point that we would like to clarify would be on the use of the phrase "science and technology education, training and services." Are the words "training and services" not also assimilative of each other or is there a difference between "science and technology training" and "science and technology services"?

MS. QUESADA: There is a difference between "training" and "services." Science education would refer to the formal science education; whereas, training and services would be outside. It could refer to the nonformal kind of educational activities taking place in the work site or in the community settings.

MR. SUAREZ: Is this similar to medical internship?

MS. QUESADA: That is covered in the training and services.

MR. SUAREZ: Thank you for the clarification.

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

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Madam President.

Just a point of inquiry. I understand the committee accepts the words "SPECIAL PRIORITY" instead of "highest priority." Is that correct?

MS. QUESADA: Yes, Madam President.

MR. DE CASTRO: May I know the relationship between "high" "special" and "highest"? What is the meaning of "high priority," "highest priority" and "special priority"?

MR. BENNAGEN: May I just speak on the use of "special" in relation to priority." Speaking of "high" and "highest," these need emphasis in the sense that, as pointed out in an earlier manifestation, we are way, way behind our ASEAN neighbors in relation to investments for research and development and science and technology. And we feel that in the overall configuration of budgetary priorities, there is a need to give special emphasis to these to enable us to at least catch up with our Third World neighbors.

MR. DE CASTRO: If the Commissioner were a congressman who is working on the budget of the nation and he sees "high priority" as against "special priority," which will he give the first priority?

MR. BENNAGEN: Of course, the Gentleman is asking a bias participant; I will give priority to "special."

MR. DE CASTRO: How about when he sees "higher priority"? To which will he give priority — the "special" or the "highest"?

MR. BENNAGEN: One still has to go into the overall configuration of the budgetary proposals.

MR. DE CASTRO: Madam President, we are talking of semantics here because "special priority" is never the equivalent of what we call "high" or "highest priority."

MR. BENNAGEN: It is not.

MR. DE CASTRO: I really cannot understand the meaning of "special priority."

MR. BENNAGEN: I think "special" here is relative under certain special circumstances; "high," "higher" and "highest" are relative in relation to an absolute scale of priorities.

MR. DE CASTRO: I support the deletion of "highest."

THE PRESIDENT: The committee has fully explained its intent in using these words. I think we can now proceed to vote on Section 1, if there are no more amendments.

MR. RAMA: There are some amendments by Commissioner Monsod.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: No, I just want a clarification because there was a question as to why training and services were included in the definition of education." I believe Commissioner Quesada said that this includes nonformal education. I thought that when we defined "education" in the Article on Education, we already said, "it is formal, nonformal, informal, indigenous and so on. Would that not then be encompassed? Unless there is some other meaning to it than just nonformal then I will submit.

MS. ROSARIO BRAID: I think services would include extension services which belong to the area or domain of education. So, training will be different from services since extension services do not necessarily fall under training.

MS. QUESADA: And in addition, training would really be more skill intensive. There is a specific objective of developing skills among its educands or trainees.

MR. RAMA: Commissioner Maambong would like to be recognized.

MR. MAAMBONG: Just one clarification, Madam President. Commissioner Quesada made the definition of "invention" which to me is a very good definition. But Commissioner Romulo and I would just like to find out whether that definition is also supportive of the definition under the law, especially under the patent law, RA 165, and copyright law, P.D. No. 49, referring to inventions and intellectual properties.

MS. QUESADA: Yes, that would be included.

MR. MAAMBONG: So, it does not detract from the legal definition: it actually supports.

MS. QUESADA: It supports.

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

MR. RAMA: May we hear the formulation, as amended, and finally accepted by the committee so we can take a vote, Madam President?

THE PRESIDENT: Commissioner Quesada will please read.

MS. QUESADA: Section 1 will read: "Science and technology are essential for national development AND PROGRESS. The State shall ASSIGN SPECIAL priority to research and development, invention, innovation and their utilization; and to science and technology education, training and services. IT shall support indigenous, appropriate, SELF-RELIANT, scientific and technological capabilities and THEIR application to the COUNTRY'S productive systems AND NATIONAL LIFE."

MR. PADILLA: Madam President.

MS. AQUINO: Madam President.

MR. PADILLA: Before we vote, I would ask for a vote on my proposed amendment which is simply to delete the word "highest."

THE PRESIDENT: That was changed to "SPECIAL." The Chair thought that that was already acceptable.

MR. PADILLA: Yes, but I have not accepted it.

THE PRESIDENT: The word "highest," I think, was changed to "SPECIAL."

Does Commissioner Padilla insist?

MR. PADILLA: It was the committee who accepted the amendment and I think the committee refused my proposed amendment which is very simple — to delete the word "highest." That should be submitted to the body for a vote.

VOTING

THE PRESIDENT: As many as are in favor to delete the word "highest" from Section 1 on science and technology, please raise their hand. (Several Members raised their hand.)

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

The results show 18 votes in favor and 9 against; the amendment is approved.

MR. MAAMBONG: Madam President, I will now formally present the substitution of the word "highest," which has been deleted, with the words "ASSIGN SPECIAL," so that it will read "shall ASSIGN SPECIAL."

VOTING

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

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

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

The results show 9 votes in favor, 12 against and 1 abstention; the amendment is lost.

Will Commissioner Quesada read the sentence now?

MS. QUESADA: "The State shall give priority to research and development."

VOTING

THE PRESIDENT: As many as are in favor of Section 1 as read, please raise their hand. (Several Members raised their hand.)

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

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

The results show 24 votes in favor, one against and two abstentions; Section 1, as amended, is approved.

MR. RAMA: Commissioner Davide would like to be recognized.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Just for the record. Commissioners Sarmiento and Nollado are my coauthors on the amendment on the first sentence of Section 1.

MR. VILLACORTA: Madam President.

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: Madam President, just for the record also. With the deletion of the words "highest" and "special," is the committee's interpretation correct that we are nonetheless advising the government to give budgetary priority to science and technology? In other words, the intent of the committee is nonetheless reflected in the approved section with respect to giving budgetary preference to science and technology.

MR. RAMA: There seems to be no objection from the body. I think that should be the interpretation that we must accept.

THE PRESIDENT: It is quite clear, Mr. Chairman, from the interpellations and statements here while discussing Section 1.

MR. RAMA: Madam President, may I ask that Commissioner Sarmiento be recognized to amend Section 2.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MS. QUESADA: Can we just read Section 2, Madam President.

THE PRESIDENT: Yes, please read Section 2.

MS. QUESADA: Section 2 reads:

Scholarships, grants-in-aid or other forms of incentives shall be provided deserving science students, scientists, technologists and specially-gifted citizens.

MR. SARMIENTO: Madam President, mine is an amendment by addition. After the word "scientists" and before the word "technologists," add the word "INVENTORS."

Madam President, the word "INVENTORS" is used locally and nationally. As a matter of fact, we have the National Inventors' Week. And the World Intellectual Property Organization uses the word "INVENTORS." Will that be acceptable to the committee?

MS. QUESADA: Accepted, Madam President.

MR. SARMIENTO: Then another, Madam President. My amendment, cosponsored by Commissioner Monsod, is the deletion of the words "deserving science students."

May I briefly explain, Madam President.

Our position is that "specially-gifted citizens" would cover "deserving science students."

MS. QUESADA: This is a special request from the science and technology authorities. They felt that we must really support deserving science students because there are many who are discovered to be very talented. Some are even what we call "very gifted students" who, because of economic difficulties, are unable to avail of this important education.

So, this has been a special request to give push to this kind of program which the government is now launching.

MR. SARMIENTO: If that is the intent, this Member then would wish to withdraw his amendment.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: When we say "technologists," would that include "food technologists"?

MS. QUESADA: Yes, Madam President.

MR. MONSOD: But is this not already covered in the section on national economy where we talked about a national pool of entrepreneurs, scientists, managers, and so on? Would this be complementary to that?

MS. QUESADA: This would be complementary, Madam President.

MR. MONSOD: This is not a redundancy?

MS. QUESADA: No, this is not. It is actually to highlight that in this particular section because it is not just going to be in the national economy that we need these technologists. We need technologists for education. So, it is really an implementation of that concept embodied in the Article on National Economy and Patrimony.

MR. OPLE: Madam President.

MR. RAMA: Commissioner Ople would like to be recognized.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Thank you, Madam President.

It is true that Section 2, on scholarships, grants or other forms of incentives, is not necessarily a duplication of two previous provisions, one of which was referred to by Commissioner Monsod wherein the State shall promote the

development of a national talent pool of entrepreneurs, scientists, technicians, high-level manpower. Of course, there is another one under the Article on Education also consisting of scholarships and grants-in-aid for students in general, some of whom may actually be scientists, technologists and gifted citizens. I am not proposing that this be deleted. However, will the committee consider having a first sentence, which may be more dynamic in intent and application, recognizing that increasingly it is not really government revenues that fund research and development?

In advanced countries, it is taken for granted that more than 80 percent of all funds for research and development are actually spent by the private sector. And, therefore, having in mind this proportion that the private sector can have in financial terms much wider exposures than the increasingly scarce public fund for supporting research and development, may I propose the following as the first sentence of Section 2: "THE STATE MAY BY LAW PROVIDE INCENTIVES INCLUDING TAX DEDUCTIONS TO ENCOURAGE PRIVATE PARTICIPATION IN PROGRAMS OF BASIC AND APPLIED SCIENTIFIC RESEARCH AND THE DEVELOPMENT OF USEFUL INVENTIONS," and then it will be followed by "scholarships, grants or other forms of incentives."

The proposed new first sentence also meets the concern expressed by Commissioner Sarmiento for the recognition of inventors, except that here it appears as useful inventions.

MS. ROSARIO BRAID: Clarificatory question, Madam President. Would the last sentence in Section 3 include Commissioner Ople's concept of participation of the private sector? It reads:

The widest participation of the private sector and community-based organizations in the generation and utilization . . .

MR. OPLE: Yes, I see this and it does reflect part of the intent behind this proposed amendment. But earlier, I talked about giving emphasis on private sector participation in terms of research and development because proportionately, the potential for this is much larger than in merely granting scholarships, grants or other forms of incentives to scientists, technologists and the gifted young. This has a multiplier effect in terms of drafting the entire private sector to give more money to research and development which might have immediate concrete applications to the growth of production.

MS. ROSARIO BRAID: Madam President, this is just my personal stand: Could not science and technology be included in that provision on education which refers to tax deductions and exemptions given to education, which includes formal and nonformal education? Could we just add science and technology in that phrase, Madam President?

MR. OPLE: I think the schools constitute a relatively minor component of the total R & D field — research and development. And as I said, the State, instead of spending scarce public money on R & D, is increasingly establishing policies that release a great stream of funds from the private sector in order to support R & D. Of course, it follows that tax incentives can be given to them — I am not speaking of exemptions, Madam President; I am speaking of deductions that are proportionate to certain levels of R & D expenditure by private companies. Of course, this does not foreclose the possibility that the State can be in a joint venture through one of its instrumentalities for R & D. We do not have much money for direct subsidies. If a constitutional policy can create a new configuration so that the private sector spends its own funds for R & D, according to standards prescribed by our scientific authorities in the government, then this will multiply financial commitments to R & D without having to spend more government money.

MS. QUESADA: May we have the proposed formulation?

SUSPENSION OF SESSION

MR. RAMA: Madam President, I request a two minute suspension.

THE PRESIDENT: The session is suspended.

It was 11:27 a.m.

RESUMPTION OF SESSION

At 11:34 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: The committee and the proponents, Madam President, have reached an understanding on a new formulation.

I ask that Commissioner Ople be recognized.

MR. OPLE: After a conference with the committee and some other proponents, Madam President, this is now the final proposed text. The first sentence of Section 2 shall read as follows: "THE STATE MAY BY LAW PROVIDE FOR INCENTIVES INCLUDING TAX DEDUCTIONS TO ENCOURAGE PRIVATE PARTICIPATION IN PROGRAMS OF BASIC AND APPLIED SCIENTIFIC RESEARCH. Scholarships, grants-in-aid or other forms of incentives MAY BE GIVEN TO scientists, technologists and the gifted YOUNG." This proposal is coauthored by Commissioners Guingona and Rama.

THE PRESIDENT: How about the proposed amendment of Commissioner Sarmiento? Where does it come in?

MR. OPLE: Maybe it has been withdrawn temporarily until we get to the appropriate place later, Madam President.

MR. SARMIENTO: Madam President, I did not withdraw the amendment; it was accepted by the committee — after the word "scientists," add "INVENTORS."

MS. QUESADA: Madam President, we have accepted this proposed amendment by Commissioner Ople, but Commissioner Sarmiento's proposal will still be contained in the succeeding sentence.

MR. SARMIENTO: Thank you.

MR. RAMA: We are ready to vote, Madam President.

THE PRESIDENT: Will Commissioner Quesada read the amendment?

MS. QUESADA: "THE STATE MAY BY LAW PROVIDE FOR INCENTIVES INCLUDING TAX DEDUCTIONS TO ENCOURAGE PRIVATE PARTICIPATION IN PROGRAMS OF BASIC AND APPLIED SCIENTIFIC RESEARCH."

THE PRESIDENT: What follows this?

MS. QUESADA: May we have this first sentence approved by the body first, Madam President.

THE PRESIDENT: All right.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized. Is the Gentleman going to introduce an amendment with

respect to the first sentence that was read?

MR. DAVIDE: On the Ople amendment, Madam President.

THE PRESIDENT: The one that was just read by Commissioner Quesada?

MR. DAVIDE: Yes, Madam President.

THE PRESIDENT: Please proceed.

MR. DAVIDE: May I propose "CONGRESS MAY" in lieu of "The State may by law"?

THE PRESIDENT: Is that acceptable to Commissioner Ople?

MR. OPLE: I accept the amendment, Madam President, but the committee has now the jurisdiction.

THE PRESIDENT: Is that accepted by the committee?

MS. QUESADA: We accept, Madam President.

VOTING

THE PRESIDENT: As many as are in favor of this first sentence of Section 2, please raise their hand. (Several Members raised their hand.)

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

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

The results show 27 votes in favor; 1 against and 1 abstention; the first sentence of Section 2 is approved.

May we have the second sentence as formulated by the committee.

MS. QUESADA: The second sentence of Section 2 now reads: "Scholarships, grants-in-aid or other forms of incentives shall be provided DESERVING SCIENCE STUDENTS, scientists, INVENTORS, technologists and specially-gifted citizens."

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: May I introduce an amendment by adding the word "RESEARCHERS" after the word "INVENTORS"? May we know the reaction of the committee, Madam President?

MS. QUESADA: We accept, Madam President.

MR. MAAMBONG: Thank you.

MR. OPLE: Madam President, may I just make a brief manifestation concerning the first sentence that has been approved. The intent of the proponent — and I hope that is also the intent of the committee and the Commission — is that tax deductions will not preclude tax exemptions.

Thank you.

MS. QUESADA: In our support for this particular formulation, we do recognize the fact that in the Philippines private industry contributes very little to R & D, a mere 15 percent of outlays and personnel. For example, a survey in 1981 identified 187 private firms engaged in R & D among the country's top 1,000 corporations. So we

feel that this can be an incentive for private enterprises to engage more in R & D which is really useful for improving our economy so we can become self-reliant and independent.

MR. RAMA: Madam President, we are now ready to vote on the second sentence.

VOTING

THE PRESIDENT: As many as are in favor of the second sentence of Section 2, as read by Commissioner Quesada, please raise their hand. (Several Members raised their hand.)

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

Is the Floor Leader voting against? The Secretariat would like to know.

MR. RAMA: I am in favor, Madam President.

THE PRESIDENT: The results show 28 votes in favor and none against; the second sentence is approved.

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

THE PRESIDENT: Does that cover the whole Section 2 now?

MS. QUESADA: Yes, Madam President, that is Section 2; two sentences now have already been approved.

MR. RAMA: We go to Section 3. There was an amendment presented earlier by Commissioner Davide and which was accepted by the committee. Will Commissioner Quesada please read the amendment of Commissioner Davide so we can go to the next amendment.

MS. QUESADA: "The State shall promote and support the transfer and adaptation of technology from diverse sources, where such technology is responsive and appropriate to society's needs and obtained at equitable terms. IT SHALL ENCOURAGE THE widest participation of the private sector and community-based organizations in the generation and utilization of science and technology." This has been amended by Commissioner Davide.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I have consulted the committee and I intend to harmonize this portion of Section 3 with Section 12 of the proposed Article on National Economy and Patrimony which states: "The State shall encourage appropriate technology and regulate its transfer for the national benefit." I suggest that we amend this to say: "The State shall promote and REGULATE the transfer and adaptation of technology from ALL sources for THE NATIONAL BENEFIT." That is the first sentence.

MS. QUESADA: Madam President, we would like to find out why Commissioner Monsod has already deleted the other terms like "where such technology is responsive and appropriate to society's needs, and obtained at equitable terms."

MR. MONSOD: Madam President, if we review the minutes of the Journal on the discussion of the Article on National Economy and Patrimony, we can see that when we say "national benefit," that already assumes that it must be "responsive and appropriate to the needs of the country," and that the terms must be "equitable." We are also talking about the national benefit and this would harmonize it with that particular provision in the Article on National Economy and Patrimony. Also, let us put in the word "REGULATE" because that is quite important when we are talking about technology transfer.

MS. QUESADA: Would regulation already include setting up of equitable terms?

MR. MONSOD: Yes, I think that was included in the discussions. That is the reason we put that word. If I remember right, the Commissioner was even one of the proponents of that sentence on technology transfer.

MS. ROSARIO BRAID: That was thoroughly discussed.

MR. MONSOD: Yes.

MS. ROSARIO BRAID: And I gave the explanatory notes in terms of the need to strengthen regulatory agencies, such as the Technology Transfer Board.

MR. MONSOD: Precisely, for that purpose.

MS. QUESADA: And would "diverse sources" already be covered by the term "all sources"?

MR. MONSOD: Yes.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: Madam President, this is a sort of a prior amendment on line 1: "The State shall promote and PROTECT INTELLECTUAL PROPERTY, support and regulate . . ."

MS. QUESADA: Madam President, would Commissioner Padilla harmonize his proposal with another proposal which has been submitted to us and has something also in the protection of intellectual property? Commissioner Suarez has also a proposal. So, would Commissioner Padilla postpone submission because the proposal of Commissioner Suarez would really blend with his proposal?

MR. PADILLA: Yes, Madam President.

MR. MONSOD: Madam President, I believe that the ideas of Commissioners Padilla and Suarez deserve a separate paragraph.

MS. QUESADA: Yes, we agree, Madam President.

MR. OPLE: Yes, but can we relocate that?

MR. PADILLA: I have no objection to blending my proposal with that of Commissioner Suarez' because I did not see his proposal, but it is important to encourage, protect and promote intellectual property. This is a title in the Civil Code where the term "intellectual property" covers inventions, patents, trademarks and other forms of intellectual property.

MS. QUESADA: We do share the concern of the Commissioner.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: Under Section 3(d) on page 7, it is already mentioned that:

The State shall protect and secure for a limited period the exclusive rights of inventors, artists and other intellectuals to their inventions and artistic and intellectual creations.

This is the protection of intellectual property already contemplated by the committee; so, it could be repetitious.

MS. QUESADA: Yes, that can also be a decision that the body will make, whether or not they would keep that here in the science and technology section or have that transferred or kept in the arts and culture section to avoid duplication.

MR. OPLE: Madam President, I just thought I would ask the committee whether in their view this should belong to science and technology or to arts and culture.

MS. QUESADA: Madam President, since it encompasses also creative work, maybe it should be in the last section so that it would include inventions, scientific/researches and also cultural works.

MR. OPLE: Yes. I think by the standards of WIPO or the World Intellectual Property Organization the proper place for this should be in the arts and culture section, Madam President.

MS. QUESADA: We submit that it should be kept there.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended to give time to the Commissioners concerned to confer with the committee.

It was 11:48 a.m.

RESUMPTION OF SESSION

At 11:57 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President, there is a revised formulation accepted by the committee. May I ask that Commissioner Monsod be recognized first.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I would like to defer to Commissioner Quesada.

MR. NOLLEDO: Madam President.

THE PRESIDENT: Commissioner Nolleddo is recognized.

MR. NOLLEDO: Thank you, Madam President.

Before Commissioner Quesada reads the reformulated provision, I would like to propound certain questions pertinent to the formulated provision to any member of the committee.

THE PRESIDENT: Please proceed.

MR. NOLLEDO: Thank you, Madam President.

It has been the traditional concept that when we talk of technology, we talk principally of production. But I was informed that in many countries of the world, 70 percent of the cost of industrial production refers to information-processing activities. So it seems to me that when we talk of technology, we do not talk only of production but also of information services. Am I right?

MS. ROSARIO BRAID: Madam President, Commissioner Nolleddo is right. If we have to keep up with the information age, our science and technology activities must necessarily focus on the information industry; and this means the need for regulatory systems, more systematic production and distribution systems and utilization systems; this also refers to more R & D. The document of the Commissioner says that in the late 70s, 30 percent of the global budget was earmarked for communication technology. It must have gone up now to about 50 percent.

I think we should be anticipatory in terms of attending to the needs of communication technology, and this is research on the potential impact, planning for the consequences and coming up with alternative systems in communication technology before we are swamped, and which might lead to some undesirable consequences, like cultural erosion or greater dependency on the more productive countries. This also refers to the R & D budget that has been skewed towards militarization, manufacture of arms and nuclear energy, so that we can ask the question raised by Schumacher, author of the book *Small is Beautiful* — perhaps, the most monumental book on what science and technology is for. And this he linked to transcendental ends. Therefore, we cannot speak of science and technology without linking it to these transcendental ends of making mankind free in terms of peace and international understanding; this means that science should not be developed for its own sake, but also for intellectual search for knowledge.

MR. NOLLEDO: Am I right if I say that technology — modern technology — plays a role in the waging of war or in the maintenance of peace in the world?

MS. ROSARIO BRAID: That is right and this is really why I cited Schumacher's concern in terms of our need to insure that we do not set up institutions, researches that would lead more to continuing escalation of war.

MR. NOLLEDO: Thank you, Madam President.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Underneath the seemingly casual exchange between Commissioner Rosario Braid and Commissioner Nolleddo is actually a jugular issue in science and technology with respect to developing countries.

This debate began when John Jack Shriver wrote his now famous book, *The World Challenge*, the materials of which came from Japan, especially from Tosho San who was the chairman of the Mitsui Institute of Science and Technology. In this thesis, Shriver and Tosho claim that it is possible for the developing world to leapfrog the messier stages of industrialization by switching to information, science and technology. This is what excites a lot of mankind today — the so-called new frontiers of science and technology in terms of what Commissioner Rosario Braid called the burgeoning information industry. Japan routinely outperforms the United States and Europe in productivity because of the mastery of this new science.

I was in the Soviet Union six months ago, Madam President, and everywhere we went, they talked about how the Soviet Union's civilian economy has lagged far behind the Western industrialized economies for only one reason: all of the Soviet Union's high technology was being directed toward military front at the expense of popular computer education for the studentry of the Soviet Union. For that reason, the Soviet Union has built into its five-year plan the production of two million micro-computers only for the schools of the Soviet Union.

Therefore, I was wondering whether the committee would think it proper to say something about this issue in the section on science and technology, or whether we have already missed the opportunity when we were talking about the Article on the National Economy and Patrimony. Commissioner Bennagen knows a lot about this issue. He objects, I believe, to a leapfrogging of technology, but I just brought it up. If it is not taken up, I do not mind, but it probably will form part of the backdrop to the debates on science and technology.

Thank you. Madam President.

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

THE PRESIDENT: May we have first the new formulation? Does it combine the Monsod-Padilla-Suarez amendments?

MS. QUESADA: Madam President, it does not. The opinion was that the proposal of Commissioners Padilla and Suarez deserves a separate section.

THE PRESIDENT: I see.

MS. QUESADA: So, Section 3 now reads, after the amendment of Commissioner Monsod: "The State shall promote and REGULATE the transfer and adaptation of technology from ALL sources for THE NATIONAL BENEFIT."

We just like to put on record that the words "national benefit" would actually encompass the phrase "responsive and appropriate to society's needs, and obtained at equitable terms." This is one of the problems in the transfer of technology. We have placed here the word "adaptation" because we feel that it should not just be complete transplanting of foreign technology which may be inappropriate, expensive, unaffordable and difficult to maintain in our own situation. So, this would also include such concepts as "equitable terms" which we understand have been fully discussed in the Article on National Economy and Patrimony. We feel again that our State should regulate this particular transfer of technology.

The committee therefore approves this particular reformulation.

THE PRESIDENT: Does the committee desire to have a vote on this first sentence?

MS. QUESADA: Yes, Madam President.

THE PRESIDENT: Is there any objection to this particular portion of Section 3, as read by Commissioner Quesada? (Silence) The Chair hears none, the amendment is approved.

MS. QUESADA: Then the second sentence of the same section reads, and this is after the reformulation of Commissioner Davide: "IT SHALL ENCOURAGE THE widest participation of the private sector and community-based organizations in the generation and utilization of science and technology."

MR. RAMA: Madam President, Commissioner Monsod wishes to comment on the second sentence.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I just wanted a clarification. In the light of the amendment to Section 2 by Commissioner Ople, where we are talking about incentives to the private sector for both general and applied science and technology, would this not overlap?

Perhaps, if we read Commissioner Ople's formulation and thereafter read this, we will see the redundancy and reconcile both.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: I do not think there is any redundancy in this. The phrase "widest participation of private sector and community-based organizations" would refer to such activities as their involvement through consultative mechanisms in agreeing on a consensus on priorities in technology, and their participation in all stages of technology development from generation, packaging, to even utilization, providing feedback on what works and what does not work.

In the formation of science clubs, for instance, it has been shown that the science clubs are the most useful and more active members of the science community here. There are private initiatives. Community-based organizations would be grass-roots organizations involved in small-scale science and technology development.

For instance, at one time, former Minister Javier was interested in supporting foundation-assisted projects in blacksmithing and in organizing rice processing — in other words, appropriate technology within community situations like in Pila, Bulacan and other pilot areas.

MR. MONSOD: But is that not in Section 1 where we talk about indigenous, appropriate and self-reliant scientific and technological capabilities?

MR. OPLE: Madam President, may I help reconcile this difference.

Will it ease the mind of Commissioner Monsod if we just change "private sector" to "private GROUPS"? I do not know if the committee will be open to also include "LOCAL GOVERNMENTS."

The reason I speak of local governments and private groups, Madam President, is that of some extensive experience I have had in the countryside where traditional home industries die a slow and agonizing death because of the absence of even elementary technology. May I cite an example. I was in Lucban, Quezon and may I report to the Commission that the famous buntal hat industry is now dying. The reason is that the new generation of women in Lucban, Quezon, and this is also true of Baliuag, Bulacan, no longer would like to take up the historic and traditional skills of their grandmothers because the remuneration is so low. A girl in Lucban who is working on a buntal hat can finish only two hats a week — *iyong paglalala, kung tawagin* — and she earns only P27 for each hat. A Taiwanese expert to whom I raised this issue told me that in Taiwan, the productivity of the ordinary handicraft worker on hats would be ten times higher and, therefore, the income per piece and collectively would be ten times higher. And yet the difference involved is merely the use of a hand tool. As a matter of fact, I thought of sending a commando team to Taiwan to look for this technology and bring it back, even if it took stealing that, in order to save a cherished historic industry. The mayor of Lucban, Mayor Jacilles, was so disappointed. He appealed to the NIST, to the NMYC and to everybody but no hand tool appropriate for raising the productivity in hat weaving ever materialized.

That is the measure of the frustration of some of our local governments wanting to save local industries which are dying. And so, I would like to propose that the committee consider the addition of "LOCAL GOVERNMENTS" for a change and to highlight their new role in economic development through self-reliance and independence, and then "private GROUPS" instead of "private sector."

Thank you.

MS. QUESADA: Madam President, we accept the amendment of Commissioner Ople to include local governments in addition to private groups and community-based organizations in the generation and utilization of science and technology. So, actually, Madam President and Commissioner Monsod, there is a difference between the formulation under consideration and the amendment of Commissioner Ople on the second sentence of Section 2 because his amendment only applies to research and development activities of private organizations which shall receive this kind of incentive from the State. So, we feel this is a very important component of the science and technology development in the country.

MR. MONSOD: I submit, Madam President.

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

THE PRESIDENT: Will Commissioner Quesada please read the proposed amendment.

MS. QUESADA: "IT SHALL ENCOURAGE the widest participation of the private GROUPS, LOCAL GOVERNMENTS and community-based organizations in the generation and utilization of science and technology."

THE PRESIDENT: Is there any objection to the second sentence of Section 3, as read by Commissioner Quesada? (Silence) The Chair hears none; the amendment is approved.

MR. RAMA: Madam President, there is just one additional section which has been accepted by the committee.

THE PRESIDENT: So, Section 3 is approved; there is nothing more to add to it.

MR. RAMA: There is nothing more to Section 3 but there is a Section 4 proposed by Commissioners Suarez and Padilla, which has been accepted by the committee.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Madam President.

The placing of this proposal may not really be appropriate either in the arts and culture section or in the science and technology section, but we leave that to the discretion of the members and to the Style Committee later on, Madam President. Actually, we have submitted two proposals; the first proposal reads: "THE STATE SHALL PROTECT ALL INDIGENOUS INVENTIONS, DISCOVERIES, AND INTELLECTUAL PROPERTY AND ARTISTIC WORKS WHICH SHALL BE PATENTED, ADOPTED, DEVELOPED AND PROMOTED FOR THE BENEFIT OF THE FILIPINO PEOPLE."

The second proposal reads: "THE STATE SHALL ADOPT MEASURES FOR THE ADVANCEMENT, MOBILIZATION AND UTILIZATION OF SCIENTIFIC KNOWLEDGE AND TECHNOLOGICAL RESOURCES TO FURTHER OUR NATIONAL DEVELOPMENT."

After conferring with Vice-President Padilla, we have come up with the following proposal merging the two: "THE STATE SHALL ADOPT MEASURES FOR THE ADVANCEMENT, MOBILIZATION AND UTILIZATION OF SCIENTIFIC KNOWLEDGE AND TECHNOLOGICAL RESOURCES TO FURTHER OUR NATIONAL DEVELOPMENT. IT SHALL PROTECT INTELLECTUAL PROPERTY, PARTICULARLY WHEN BENEFICIAL TO THE FILIPINO PEOPLE."

THE PRESIDENT: Is this accepted by the committee?

MS. QUESADA: We accept, Madam President.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Madam President, may I propound just one question to the proponent?

THE PRESIDENT: Please proceed.

MR. MAAMBONG: I understand the property that the proponent seeks to protect is what is known in legal parlance as "incorporeal special personal properties." Is that it?

MR. SUAREZ: It includes all of these. When we use the term "INTELLECTUAL PROPERTY," we suggested the use of the words like "indigenous inventions, discoveries and artistic works," but our Vice-President feels that they are all included in the definition of the term "INTELLECTUAL PROPERTIES" because these are creative products.

MR. MAAMBONG: Yes, and the Vice-President made reference to the Civil Code. But at the moment, I am sure that the Gentleman is aware that we have already laws to this effect. We have, for example, the law on patents (RA 165); the law on trademarks, trade names, service marks and unfair competition (RA 166), both of which

were passed in 1947. We have in fact a comparatively new law — the law on copyright, which is P.D. No. 49. We also have the New Process of Discovery Act, RA 1287, and the Business Name Law, which is RA 3883. In spite of these laws, we would like this proposal to be constitutionalized.

MR. SUAREZ: That is right, because all of these are on record. But what we are most interested in is the protection of these intellectual creations. Also, they should be for the benefit of the Filipino people.

MR. MAAMBONG: Thank you.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: It seems to me that what we are talking about regarding technological resources and scientific knowledge are already in Section 1 which talks of scientific and technological capabilities. We will be repeating ourselves here. And then when we talk about "intellectual property," that is also in the proposal of the committee under arts and culture which says:

The State shall protect and secure for a limited period the exclusive rights of inventors, artists and other intellectuals to their inventions and artistic and intellectual creations.

Is that not the same thing, Madam President?

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Would Commissioner Suarez entertain a question?

Would this provision mean having institutions and agencies that would advance, mobilize and utilize technology? Is the Commissioner referring to the need for either organizing or strengthening existing agencies that are undertaking this? An example is the National Science and Technology Authority which is undertaking this objective.

MR. SUAREZ: Yes, that is why we are suggesting that the State should adopt these measures in order that we can advance, mobilize and utilize all of these knowledge, technological resources and intellectual creations.

THE PRESIDENT: What is the reply or reaction of Commissioner Suarez to Commissioner Monsod's remarks?

MR. SUAREZ: Madam President, we predicated our presentation of this consolidated proposal with the statement that it could either be placed in the section on science and technology or in the article or section on arts and culture, because it could apply to both or either of them.

MR. VILLACORTA: Madam President.

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: The majority of the committee feel that we should transfer the section mentioned by Commissioner Monsod to Section 4 under science and technology because the earlier we stipulate this protection in the article, the better.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: There are two parts to the proposal of Commissioners Suarez and Padilla. The first part refers to

the measures to advance, mobilize and utilize scientific knowledge and technological resources for national development. I submit to the idea of highest priority given to research, science and development, the idea being that the State shall support indigenous, appropriate and self-reliant scientific and technological capabilities. The application of these implies and assumes that there will be effective measures to give realization to all of these. I was wondering if we need a separate section to say the same thing.

MS. QUESADA: Madam President.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: We agree with Commissioner Monsod that the second part of the proposal of Commissioners Suarez and Padilla would actually be redundant because it is already covered in the earlier section. So, would the Commissioners agree to incorporate the concept of intellectual property in the first section that has been proposed?

MR. SUAREZ: In other words, insofar as the first sentence is concerned, does the committee feel that it could be assimilated within the provisions of Section 1?

MS. QUESADA: Yes, it is already actually assimilated as the function. What the Gentleman has stated here is the functions of science and technology development.

MR. SUAREZ: Without prejudice to the second sentence.

MS. QUESADA: Yes.

SUSPENSION OF SESSION

MR. SUAREZ: It means providing protection for intellectual property for the benefit of the Filipino people.

May we ask for a suspension of the session, Madam President.

THE PRESIDENT: The session is suspended.

It was 12:22 p.m.

RESUMPTION OF SESSION

At 12:28 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. TADEO: Madam President.

MR. RAMA: Commissioner Tadeo would like to be recognized.

THE PRESIDENT: Commissioner Tadeo is recognized.

MR. TADEO: Mayroon lang po akong nais linawing totoong napakahalaga. Ang dahilan ng pagbagsak ng industriya ng bigas ay bunga ng tinatawag sa UP Los Baños na "genetic erosion" — ang ating mga dalawang libo hanggang tatlong libong binhi ay nakuha ng mga multinationals kahit na ang tungkulin ng UP breeding plant ay ang pangalagaan ang genetic materials na ito. Ngunit nang dumating po ang International Rice Research Institute (IRRI) sa Pilipinas, naikulong nila sa Seed Bank ang ating mga binhing matitibay sa peste at sakit — ito ang mga binhing mayroong genetic resistance. Pagkatapos, binigyan nila tayo ng isang uri ng binhi na masasakitin upang tumugon sa mga produkto ng multinationals. Nawalan tayo ng tinatawag na proteksiyon para sa ating genetic materials.

Nais ko lamang linawin, Madam President, kung sakop ng probisyong ito ang proteksiyon upang mapangalagaan ang ating genetic materials. Ito ang dahilan ng pagbagsak mismo ng industriya ng palay, kaya nais ko lang linawin ang bagay na ito.

MR. SUAREZ: Kasali po iyan sa definition ng "intellectual property and creations."

MR. TADEO: Pangalawa kong katanungan: Nalathala itong balita sa Malaya noong August 15, 1985: "Lopsided trade-off":

Los Baños, Laguna — Valuable technological findings of government researchers are being handed practically free to multinational corporations.

Likewise, private companies having contracts with the National Science and Technology Authority (NSTA) can use NSTA-developed technology worldwide without additional payment to the Philippine government. All they have to pay for is the actual cost of the research.

Concern was raised by science journalists over the contract research as at least four of the companies currently funding NSTA researchers are subsidiaries of multinational corporations . . .

Wala pong proteksiyon ang ating mga researches. Nais ko pong linawin kung ito ay nasakop din sa seksiyong ipinapasok ni Commissioner Suarez.

MR. SUAREZ: Tama po iyon, kayat idinagdag natin ang pariralang ito: "PARTICULARLY WHEN BENEFICIAL TO THE FILIPINO PEOPLE." Ito ang magbibigay proteksiyon sa ating mga researches.

MR. RAMA: Madam President, we are now ready to vote on the agreed formulation.

THE PRESIDENT: Let us have first what is going to be voted upon.

MR. SUAREZ: After conferring with Commissioners Padilla and Monsod, together with the members of the committee, we have reformulated this particular provision and may we request Commissioner Quesada to read it.

MS. QUESADA: Madam President, this will now serve as an omnibus provision because this will cover the provision that was supposed to be in the article or section on arts and culture; it will thus read: "THE STATE SHALL PROTECT AND SECURE THE EXCLUSIVE RIGHTS OF SCIENTISTS, INVENTORS, ARTISTS AND OTHER GIFTED CITIZENS TO THEIR INVENTIONS, ARTISTIC AND INTELLECTUAL PROPERTY AND CREATIONS, PARTICULARLY WHEN BENEFICIAL TO THE PEOPLE."

THE PRESIDENT: Will this be a new section on science and technology or on arts and culture?

MS. QUESADA: Actually it will not fall under science and technology, Madam President, but will be an omnibus provision so that it will cover also what was supposed to be covered in the section on arts and culture.

MR. NOLLEDO: Madam President, may I ask a few questions?

THE PRESIDENT: Please proceed.

MR. NOLLEDO: Does the Commissioner mean to say that the committee has superseded the proposed provision which is Section 3(d)? It reads:

The State shall protect and secure for a limited period the exclusive rights of inventors, artists and other intellectuals to their inventions and artistic and intellectual creations.

MS. QUESADA: Yes.

MR. NOLLEDO: I am worried about the wordings in the latter part. Can we not put after "GIFTED CITIZENS"

the phrase "TO THEIR INTELLECTUAL CREATIONS"? When we talk of intellectual creations, we can quote Article 721 of the Civil Code which states:

By intellectual creation, the following persons acquire ownership:

- 1) The author with regard to his literary, dramatic, historical, legal, philosophical, scientific or other work;
- 2) The composer as to his musical composition;
- 3) The painter, sculptor, or other artist, with respect to the product of his art;
- 4) The scientist or technologist or any other person with regard to his discovery or invention.

To shorten that provision, I recommend very strongly, Madam President, that after "GIFTED CITIZENS" we add "TO THEIR INTELLECTUAL CREATIONS," instead of using "inventions and artistic and intellectual creations."

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Can we retain the word "property" so that the proposal will read: "TO THEIR INTELLECTUAL PROPERTY AND CREATIONS"?

MR. NOLLEDO: I would agree with that, because intellectual creation and intellectual property are synonymous.

MR. MONSOD: Thank you.

MR. PADILLA: Madam President, I am very much interested in using the term "INTELLECTUAL PROPERTY" because as recited by Commissioner Nolleddo, it does not only include inventions through science and technology but also paintings, sculptures and musical compositions.

MS. QUESADA: With that understanding, Madam President, we accept the amendment to delete the words "INVENTIONS" and "ARTISTIC" so that the amended provision will now read: "THE STATE SHALL PROTECT AND SECURE THE EXCLUSIVE RIGHTS OF SCIENTISTS, INVENTORS, ARTISTS AND OTHER GIFTED CITIZENS TO THEIR INTELLECTUAL PROPERTY AND CREATIONS PARTICULARLY WHEN BENEFICIAL TO THE PEOPLE."

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Madam President, this provision, therefore, will be a perpetual guarantee. It will not be for a limited period as may be provided by law. So, may I propose that at the end we include the following: "FOR A LIMITED PERIOD AS MAY BE PROVIDED BY LAW."

MS. QUESADA: We accept.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: May I ask the committee a question concerning this subject at hand. When we speak of "INTELLECTUAL PROPERTY," this is actually a right being asserted against the world, including the government — it is the protection of the owner of the intellectual property against any claims, and, therefore, the national benefit cannot be a measure for diluting these claims. If there is any national benefit that will accrue from

this, then it will be indirect. It will curtail the right to intellectual property of some whose property may not relate to the same degree as others to the national benefit.

Will the proponent and the committee, therefore, consider, so as not to distort the right of the intellectual property owner against any other claims in the world, to drop the words "the national benefit" and place these elsewhere where they will not distort the sense of the right which is being protected?

MR. REGALADO: Madam President.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: May we clarify that premise of Commissioner Ople? With regard to the matter of protection given by a municipal law, either in the form of a copyright or a patent, that is only enforceable within and coterminous with the territorial jurisdiction of the country that granted that protection. Thus, for instance, a copyright granted by the Philippine government is only enforceable within the Philippines, unless the same is duly registered in other countries. We are not, for that matter, even members of the Universal Copyright Convention. So when we speak of "protection granted by our laws," that is only for municipal purposes without prejudice to the registration of the same in other jurisdictions where such a protection is so.

MR. OPLE: Yes. According to the Ministry of Foreign Affairs, we are now increasing our involvement with the World Intellectual Property Organization (WIPO) based in Geneva. As I said, we are not yet a member of the Copyright Convention.

MR. REGALADO: We have withdrawn, Madam President.

MR. OPLE: If we have withdrawn, then there is always the prospect that we can resume our relationship.

MR. REGALADO: We can make another international court.

MR. OPLE: Yes, it is in that sense that I used the words "claims against the whole world." Moreover, if the right of a Filipino intellectual property owner is infringed anywhere in the world, then the Ministry of Foreign Affairs, if it is worth its name as the extension of the Philippine government overseas, ought to protect the right of that citizen.

Thank you, Madam President.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: May I suggest that we just say: "AS MAY BE PROVIDED BY LAW" and let Congress determine the time limitations for different types of properties and creations.

MR. DAVIDE: Madam President, the phrase "AS MAY BE PROVIDED BY LAW" refers to the limit. If we now delete the limit and state only "AS MAY BE PROVIDED BY LAW," the guarantee is lost. So, in short, the only guarantee is the phrase "AS MAY BE PROVIDED BY LAW."

MR. MONSOD: As a matter of fact, the original formulation did not even have the phrase "AS MAY BE PROVIDED BY LAW." The original formulation was: "The State shall PROTECT."

MR. DAVIDE: Yes, it had. The provision contained the phrase "for a limited period as may be provided by law" which refers to the period, not to the guarantee of protection.

MR. MONSOD: Then maybe, we should eliminate the whole thing because there are some copyrights that have

no limits.

MR. NOLLEDO: Madam President, point of information. I agree with Commissioner Monsod because the tendency now on the part of any government is not to limit the period. I think it should be Congress that should be given the discretion whether to limit or not. The word "limited" has a bad connotation. A copyright now will be good up to the lifetime of the author or 50 years thereafter, and I do not consider that a limited period. So, I think we should state there "FOR SUCH PERIOD AS MAY BE PROVIDED FOR BY LAW."

THE PRESIDENT: Is that accepted?

MR. DAVIDE: Accepted.

MR. NOLLEDO: Thank you, Madam President.

THE PRESIDENT: May we now ask Commissioner Quesada to read the formulation?

MS. QUESADA: In response to Commissioner Ople's concern regarding the phrase "PARTICULARLY WHEN BENEFICIAL TO THE PEOPLE," I think the word "PARTICULARLY" does not inhibit that particular area where an invention might not be beneficial but may require the protection of the State.

MR. OPLE: It is just a qualm about syntax and intent, and so, I really do not mind if the committee holds on to that.

Thank you.

MS. QUESADA: This is really in response to the concern of Commissioner Tadeo over our inventions not redounding to the benefits of our own country, but are rather used for others.

MR. OPLE: Commissioner Tadeo's concern is very valid, but I doubt if it comes under the rubric of intellectual property. I think we should find a place for this concern in a more prominent place in one of the sections.

MS. QUESADA: In the definition of intellectual property or intellectual creations, scientific studies, findings would actually now be . . .

MR. OPLE: Commissioner Tadeo speaks of our disease-resistant native variety, which he says has been co-opted by the IRRI. I doubt if that comes under the heading of intellectual property. But it is a very valid concern.

MR. MAAMBONG: Madam President, just one last question on this. When we use the words "BENEFICIAL TO THE PEOPLE," does it mean that the one who created his intellectual property cannot sell it? The only way an inventor can make money is to sell it, and he usually sells it abroad. There are so many inventions coming from the Philippines which have been sold abroad, that is why the inventor can make money. Will he be limited from selling his invention?

MS. QUESADA: Actually not, because we just use the word "PARTICULARLY." We are interested in those that will be retained here and used for the benefit of our people.

MR. MAAMBONG: Is the Commissioner saying that there are inventions which the Philippine government will not allow the inventor to sell?

MS. QUESADA: No, this statement does not have that intention.

MR. MAAMBONG: Thank you.

MS. AQUINO: Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: I would request the committee to reconsider its interpretation of the query of Commissioner Maambong. The trade of patents and licenses is a seller's market. I refer to the problem of technology control, or the control of industrial knowledge through the trade of license and patents. Every time we take a sip of Coke or Pepsi, every time we eat a slice of Shakey's pizza, every time we take a lick of Coney Island ice cream, we pay license fees to the American corporations in hard-earned dollars which we earned from exporting our best seafoods, our natural resources and even our men and women. Yes, part of this technology originated from the Philippines.

Another problem refers to the multinational concerns in the drug industry. Statistics indicate that 90 percent of the grantees of the patents and licenses from the Philippine government do not work on their patents here. They avail of the patent rights and the licensing agreements only to import, compound and distribute medicines that were made in their home countries. They invade the Philippine market, manipulate the Philippine consumption pattern. With this monopoly, they are able to jack up prices as they manipulate the supply and demand. It is eventually a monopoly arising from the control of licenses and patents. It is because we are unable to effectively regulate the sale of patents and the licensing agreements.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Yes, Commissioner Aquino is right.

MS. AQUINO: Madam President, may I add that the problem here is that whenever we sell patents or we enter into a licensing agreement, that effectively forecloses the Filipino manufacturer in entering into the alternative production, for example, of generic medicine. And rightly so because we have granted the patent already to a foreign licensing company.

MS. ROSARIO BRAID: Commissioner Aquino is right. Earlier, I read from a lengthy paper by Lilia Bautista, who is now Deputy Minister of Information, about the problems of the Technology Transfer Board in terms of issuing license, patents, et cetera. Out of the 151 projects that she had analyzed, 121 violated technology transfer agreements. So that, therefore, the provision in the Article on National Economy and Patrimony means putting more muscle into the Technology Transfer Board and ensuring that information is sold, rather than for the multinationals setting up affiliates here, as she has rightly said. So what happens here is that after a period of agreement, they take back and the technology is not transferred to the people. This is not in the technology transfer agreement. There is an agreement that technology should be transferred to the people after a period of time. We hope that this is really the area of concern that we should attend to, and that we have done it here by putting emphasis on the regulation of technology transfer, as well as in the Article on National Economy and Patrimony.

MR. MONSOD: Madam President, I am not sure that I understand exactly what Commissioners Aquino and Rosario Braid said but it seems that they are advocating restrictions on the ability to transfer or to sell inventions. It seems to me that invention, innovation and creations flourish in an atmosphere of freedom. We may put all the conditions we want here restricting their rights to transfer or to receive remuneration for these things, but these will only drive away the inventors, the scientists and the gifted citizens from our midst.

MS. ROSARIO BRAID: Madam President, what Deputy Minister Bautista deplored was that in our agreement, for instance, restrictive clauses present the use of technology after the expiry of the agreement. So that, therefore, it is really a matter of sticking to the technology agreement by which that technology is properly transferred; it is

regulating. What happens right now is that the multinationals require payments for patents after the expiration or termination of the agreement.

MR. MONSOD: Madam President, the concern of Commissioner Rosario Braid on technology transfer of multinationals is contained in another paragraph. Here we are talking about the individual rights to inventions and artistic creations.

SUSPENSION OF SESSION

MR. RAMA: Madam President, I move that we suspend the session until two-thirty this afternoon.

THE PRESIDENT: The session is suspended until two-thirty this afternoon.

It was 12:49 p.m.

RESUMPTION OF SESSION

At 2:49 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. VILLACORTA: Madam President.

THE PRESIDENT: The chairman, Commissioner Villacorta, is recognized.

MR. VILLACORTA: I presume that there is still another section being discussed, the omnibus section for science and technology.

THE PRESIDENT: The Commissioner is correct.

MR. RAMA: So we can take a vote on it. This has been presented by Commissioners Suarez and Padilla.

MR. BENGZON: Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: I think a few seconds before we took a recess, one of the issues being discussed was the interpretation of that particular section, Section 4, because on the one hand, Commissioner Quesada said that a Filipino inventor whose invention has already been registered in his name in the Philippines and, therefore, is duly protected would not be prohibited from entering into any contract with any individual or corporation, whether that be a Philippine corporation or a foreign corporation. But I believe Commissioner Aquino stood up and disagreed with that kind of interpretation. So that was the parliamentary situation before we took a recess. Since that is a very important matter that affects this particular section, I would like to find out what is really the official version of the committee so that the Commission can properly decide on this matter, Madam President.

MS. QUESADA: Actually, our provision has a qualifying statement which is beneficial to the people. So that term does not prohibit the selling of intellectual property, but there is a proviso that would protect intellectual properties found beneficial to the country.

MR. BENGZON: Therefore, is it the contemplation of the committee that by putting that phrase the government, through the proper agency, although not prohibiting the Filipino inventor from selling or entering into a joint venture with a foreign person or company, could assist this particular Filipino inventor so that he gets the best terms in the negotiation?

MS. QUESADA: That is the intention.

MR. BENGZON: So that is the spirit.

Thank you, Madam President.

MR. RAMA: May I ask the committee chairman to read the entire text of Section 4 so that we can vote on it.

SUSPENSION OF SESSION

MR. VILLACORTA: May we ask for a suspension because the chairman of the Subcommittee on Science and Technology is still consolidating the formulation.

THE PRESIDENT: The session is suspended.

It was 2:52 p.m.

RESUMPTION OF SESSION

At 2:53 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MS. QUESADA: Section 4 will now read: "THE STATE SHALL PROTECT AND SECURE THE EXCLUSIVE RIGHTS OF SCIENTISTS, INVENTORS, ARTISTS AND OTHER GIFTED CITIZENS TO THEIR INTELLECTUAL PROPERTY AND CREATIONS, PARTICULARLY WHEN BENEFICIAL TO THE PEOPLE FOR SUCH PERIOD AS MAY BE PROVIDED BY LAW."

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

VOTING

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

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

The results show 26 votes in favor and none against; the new section is approved.

MR. RAMA: Madam President, there is still one amendment, an additional section under the heading on science and technology, which, I believe, has been accepted. May I ask that Commissioner Sarmiento be recognized.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: Madam President, we have this proposed amendment, the inclusions of an additional section, which reads: "CONGRESS SHALL ESTABLISH AN INDEPENDENT CENTRAL AUTHORITY THAT SHALL UNDERTAKE, COORDINATE AND PROMOTE RESEARCHES AND ADOPT PROGRAMS DESIGNED TO DEVELOP SCIENCE AND TECHNOLOGY."

May I explain briefly, Madam President.

THE PRESIDENT: The Commissioner will please proceed.

MR. SARMIENTO: This proposal is sponsored by this Representation, Commissioners Nollado, Ople, Bennagen and Quesada. It is important, Madam President, that we have an independent body that shall upgrade science and technology in our country.

It has been shown that the Philippines trails behind most of the ASEAN countries in the quality of activities and amount of resources spent on science and technology. Science and technology remains a marginal concern in the Philippines. The Philippines, according to UNESCO, has one of the lowest number of scientists and engineers per million population. And according to a recent study, the Philippines is still, scientifically and technologically, a backward country compared with developed countries and even to most of our ASEAN neighbors.

The Philippines' technology is estimated to be 30 to 40 years behind that of developed countries. Now with this body, we will be recognizing the importance of science and technology. We will make this body independent or beyond the reach of political expediency.

So this is, Madam President, our explanation to the proposed amendment.

THE PRESIDENT: What does the committee say?

MR. VILLACORTA: After conferring with the members of the committee and also with Science Deputy Minister Kintanar, we feel that the National Science and Technology Authority (NSTA) already performs these functions. Secondly, creating a commission will just add to the number of constitutional commissions. Moreover an autonomous commission will detract from the idea of scientific development having the full support and guidance of the State.

And lastly, it does not seem wise to disturb the operations of an already workable body, the NSTA, and create a new agency. This might cause the displacement of personnel and resources.

MR. SARMIENTO: What we have in mind, Madam President, is to integrate the existing science bodies, the NSDB and the NSTA. It was actually Deputy Minister Kintanar who suggested the creation of this independent central authority because according to him, in another country, in Singapore, the science body was abolished by the government. The deputy minister suggested that we should have an independent body, free from executive interference, to take care of upgrading science and technology in the Philippines.

MR. VILLACORTA: Madam President, NSTA is formerly NSDB. We just had lunch with Deputy Minister Kintanar. Probably, when he was talking about an independent body, he was referring to the NSTA.

MR. SARMIENTO: Maybe he changed his mind, Madam President, because he suggested the creation of an independent central authority. He was citing the country where that agency on science and technology was abolished. So he said that there should be an independent body free from political expediency.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: May I speak also as a committee member. I think these ideas could be harmonized by just perhaps focusing on the present structure of the National Science and Technology Authority, examining its present functions which today include agriculture, particularly in research and applied communication, applied research utilization, food, nutrition, health, science promotion, inventions, among other areas of concern, rather than coming up with a different commission.

For instance, we feel that there should be anticipatory planning on the possible impact of technology. Commissioner Ople mentions leapfrogging, as in the case of Iran which had leapfrogged into high technology without preparing the people in terms of attitudinal requirements needed to handle technology. And this is the reason the people became antitechnology, and the resultant effect was that the forces of Khomeini that were anti-Western and antimodern grew.

If it is along these areas that the new commission or the NSTA could move into, meaning, anticipatory planning or moving into other areas of concerns, such as information technology, then I welcome, as a member of the committee, an expanded NSTA without necessarily creating a commission.

MR. SARMIENTO: Madam President, yesterday we created a Commission on National Language, and I understand the body is proposing another, a Commission on Arts and Culture. I think science and technology is as vital as language and arts and culture. This will not be multiplying government bodies. It is a question of integrating existing bodies on science and technology.

MS. ROSARIO BRAID: Madam President, we cannot equate the existing Institute of National Language, which is smaller than a bureau, with the National Science and Technology Authority, which is really a very elaborate structure which has about ten other sub-units in terms of scope, number of personnel, programs and budgetary allocation.

Likewise, we do not have a commission or even an office on culture. So, perhaps, the Commissioner's proposal could really work within the present National Science and Technology Authority and expand it. I do not think the committee will be against making it independent or expanding it. Creating a new one from the existing structure perhaps will not be a step in the right direction.

MR. SARMIENTO: May I yield to Commissioner Nolleto, Madam President.

THE PRESIDENT: Commissioner Nolleto is recognized.

MR. NOLLEDO: Thank you, Madam President.

As I understand from Commissioner Rosario Braid, she is not objecting to the formation of a body with expanded functions. Madam President, modern technology cuts across practically all aspects of our national life, and if we adopt the proposal of Commissioner Sarmiento, coauthored by Commissioner Ople and this Representation, Congress will be able to reassess and consider loopholes, as well as overlapping of functions in present government offices. It may consider, for example, depriving the Philippine Patent Office, which is now in charge of registering trademarks, patents, et cetera, of its functions with respect to inventions. So all aspects of inventions — registration, acceptance and transfer of inventions and others — can be given to this central authority.

So I feel that regardless of the opinion of outsiders, like Deputy Minister Kintanar, this Commission should realize the need to constitutionalize a body we can call a Commission on Science and Technology. We are lagging behind our ASEAN neighbors by almost 40 to 50 years, Madam President, and yet we are not concerned about coordinating and integrating the functions related to science and technology.

I plead to the Members of this Commission to consider seriously the Sarmiento amendment.

Thank you, Madam President.

MS. ROSARIO BRAID: Madam President, may I ask just one clarificatory question. Would the proposal mean integrating the present National Science and Technology Authority with such bodies like Technology Resource Center, National Computer Center, Technology Transfer Board and other existing institutes or bodies that are really performing technology functions but which are apart?

MR. NOLLEDO: Not necessarily. That is why we are giving Congress the power to analyze the basic functions related to technology and science. We do not do away with these small offices which the Commissioner mentioned, but coordination of functions may be provided for.

MR. VILLACORTA: Madam President, Commissioner Quesada would like to make a clarification.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: We have just conferred with the representative from the National Science and Technology Authority, Deputy Minister Kintanar. The clarification is that there is already a central authority body, the NSTA, which actually initiates and undertakes all these activities already mentioned in our provision, but there is the need to strengthen such body. There is no need to create a new independent body which might serve to be counterproductive, in the sense that it is not linked with other development sectors.

MS. ROSARIO BRAID: Madam President, the present NSTA is headed by a minister. Would the created commission be under a commissioner? How would this be restructured? So I support the committee's stand that we should strengthen and expand the present NSTA towards the areas which we mentioned; it will integrate perhaps the other boards undertaking science and technology functions and work towards more anticipatory planning, towards the possible impact and potential of new technology.

MR. NOLLEDO: Madam President, can we not adopt a provision to the effect that Congress shall strengthen the existing bodies which are in charge of coordinating or integrating functions related to science and technology? If the committee is amenable to such kind of provision, we are willing to withdraw our amendment.

MS. QUESADA: I think whatever will contribute to strengthening the present bodies in their performance of their functions will be accepted. So I hope the Honorable Nollado and Sarmiento could reformulate their proposal in such a way that it is not the creation of a new body but a mandate to strengthen such bodies so that they will have a better and more effective performance of their functions.

MR. NOLLEDO: We will do that, Madam President.

MR. VILLACORTA: Madam President, the committee suggests that while this provision is being reformulated, to save time, we proceed to the section on arts and culture.

THE PRESIDENT: Will the Commissioner please read Section 1 on arts and culture?

MR. VILLACORTA: Before we do that, Madam President, Commissioner Bennagen will take over the chairmanship of the Subcommittee on Arts and Culture vice former Commissioner Lino Brocka.

We would like to say a few words by way of introduction to the sections on arts and culture.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. VILLACORTA: Madam President, I would like to excuse myself. I was invited by the Association of Philippine Colleges of Arts and Sciences. There are about 700 educators in a seminar and they are interested in our approved sections on education.

I would like to turn over the chair of the committee to Commissioner Serafin Guingona.

THE PRESIDENT: Commissioner Villacorta is excused.

MR. VILLACORTA: Thank you, Madam President.

THE PRESIDENT: Commissioner Bennagen may now proceed.

MR. BENNAGEN: Thank you, Madam President.

We have not had any interpellation yet on arts and culture. I remarked at one point that we are probably a group of "barbarians" who do not exactly appreciate the significance of culture, but that we just want to put in context the whole provision on arts and culture. But when I said this, I was overheard by Commissioner Nollado and he said

that he prepared some questions for us. Since he is busy, let me give a brief introduction on arts and culture.

Arts is one of the things that have always been with us but are usually taken for granted until they impinge on or shock our jaded consciousness. We hang a painting to impress people, to add color to a wall or to fill up a space. We sing or listen to music while we do our morning ablutions and laundry and while we are in the midst of some conversation. We dance, recite poems, go to the theater and do other things that may be artistic, all in the process of growing up and, sadly, also of growing old. But most of the time, we go through these things rather thoughtlessly, unaware of the subtle ways of how arts affects our very life, both as individuals and as a society.

From an evolutionary perspective, arts emerged as a magico-religious act connected with economic concerns, such as hunting and agriculture. They also emerged in relation to the various rites of passage, such as those of birth, adolescence, marriage and death. Whether visual, literary and performing, arts performs definite functions in the overall dynamics of social life, but primarily to maintain that social life in its particular stage of development. Arts then is participative or democratic in the way some of us found out during the cultural program performed by the representatives of the peoples of the Cordillera at the South Lobby of this Batasan Complex building.

Arts is a way of surviving beyond the historical circumstances which have generated them. It survives in situ, in private and public museums, in scholars' books and shelves and, more vibrant still, in people's lives. And as it survives, its functions often change. For example, we continue to be awed and fascinated by the cave paintings of Altamira in Spain and those of Lascaux in France. We are entertained by the ancient dances, songs, and epics of our ancestors through the Bayanihan, Filipinascas and other dance troupes. We decorate our rooms with ethnic and folk arts and we are cheek by jowl with imports from other lands and other times.

Art, therefore, acquires a certain autonomy and it affects our lives in very subtle ways. Art, beyond its magico-religious and economic functions, also functions to distort, criticize and shape our feeling, thinking and behavior. Today, conventional wisdom has it that art entertains, decorates or educates. But in its own way, it also mystifies and in the process dehumanizes.

Let me illustrate, Madam President. An average citizen, looking at an abstract painting by Joya with a five-figure price, could be dehumanized in at least two ways: The painting, understandable only to the specialist, tells him: "You do not understand me; you are a Philistine, therefore, you are an idiot." Or it could say: "You cannot afford me, therefore, you are poor." The same could also apply to other arts that have been accessible only to the rich and the powerful. It is this kind of cultural terrorism that has agitated some artists to wage protest actions against the Cultural Center of the Philippines during the Marcos years when it became the watering hole of culture vultures oblivious to the widespread poverty and misery even as they speak sanctimoniously of "the true, the good and the beautiful."

In a class-divided society, it is the dominant elite who dictate what is true, what is good and what is beautiful. Consequently, art contributes to the preservation of social and cultural stratification. Fortunately, however, because of the relative autonomy of art, it provides an arena for criticism of society and of the struggle to restructure this society. Those who are excluded from the privileged circle, whether by choice or by force, continue to explore other forms of artistic expression, particularly those that are rooted in the realities of Filipino life. In their inchoate form, these efforts complement those directed at liberating us from an alienating Western culture, as well as the corollary search for a Filipino aesthetics nourished by the rich diversity of Philippine society and culture as it expresses our own vision of humanity.

It is in this search for Filipino aesthetics that the provisions in the section on arts and culture are situated. The provisions, we believe, are supportive of already approved provisions which altogether aim to help build a

vigorously democratic Filipino nation.

Thank you. Madam President.

MR. GUINGONA: Madam President, may I mention that the Subcommittee on Arts and Culture has for its member Commissioner Uka, who is the vice-chairman of the Committee on Human Resources. This subcommittee is now chaired, as announced by Chairman Villacorta, by Commissioner Ponciano Bennagen.

Madam President, for purposes of facilitating our work, may I respectfully suggest that we follow the practice during our discussions on the previous sections on education, sports, science and technology, meaning, we will combine both the period of interpellations and the period of amendments in order to save time

THE PRESIDENT: May we know who will be our first speaker?

MR. NOLLEDO: Madam President.

THE PRESIDENT: Commissioner Nollado is recognized.

MR. NOLLEDO: I would like to interpellate Commissioner Bennagen. I have only some questions here, Madam President

THE PRESIDENT: The Commissioner will please proceed.

MR. NOLLEDO: Thank you, Madam President.

When the committee talks of "protect, conserve the nation's historical and cultural heritage and resources, including paleontological, archaeological and artistic objects," I think there is no problem about that. But when it uses the word "promote," how does the committee promote these artistic objects or objects related to paleontology and archaeology?

MR. BENNAGEN: I think "promote" here is used in a liberal sense in that we encourage ways by which the value of these objects could be better appreciated, for instance, in exhibits, in schools and even in public. In other words, we do not promote fossil dug in the caves of Palawan but we promote its value by using it in educational exhibits.

MR. NOLLEDO: Will the Commissioner agree with me that cultural heritage can well cover cultural properties?

MR. BENNAGEN: Yes, if we look at heritage also as an expanding body of cultural work and artifacts or of cultural creations, except that sometimes cultural heritage is commonsensically viewed as static, just a body of artifacts often neglected due to the demands of more pressing present-day concerns.

MR. NOLLEDO: Will the Commissioner agree with me that the term "cultural properties" includes the following: antiques, relics, artifacts, natural history specimens, historical and archaeological sites, anthropological areas and historical manuscripts?

MR. BENNAGEN: Yes, those are the ones listed in RA 4846.

MR. NOLLEDO: Therefore, it is not necessary, Madam President, to mention paleontological, archaeological and artistic objects here. Perhaps, we can amend Section 1 to read as follows: "THE STATE SHALL PROTECT, CONSERVE AND PROMOTE THE NATION'S HISTORICAL AND CULTURAL HERITAGE AND RESOURCES." Will the Commissioner agree to such kind of amendments?

MR. BENNAGEN: Yes, on the understanding that paleontological, archaeological and artistic objects would increasingly become part of our consciousness. There is a personal bias why we included paleontological and

archaeological objects, in the sense that at this stage they have acquired a certain urgency particularly in the development of our sciences. We know for a fact that one very important fossil was brought out of the country because its significance was never really appreciated by people in the educational institutions.

MR. NOLLEDO: Madam President, my research indicates that "paleontological" follows from "archaeological" and, therefore, there are only two important things with respect to cultural heritage; namely, archaeological and anthropological. Am I right?

My research is based on the pertinent provisions of RA 4846, as amended by P.D. No. 374, known as the Cultural Properties Preservation and Protection Act of the Philippines.

MR. BENNAGEN: As long as we understand that "archaeological" would include those that are not really part of human creation as I mentioned earlier, such as fossils.

MR. NOLLEDO: With respect to line 26, where it is stated that Filipino national culture shall be non-partisan, pluralistic, liberative and democratic, does "non-partisan" mean free from political interference?

MR. BENNAGEN: Yes, Madam President.

MR. NOLLEDO: And that when we talk of "pluralistic," we recognize the existence of various ethnic differences in the country?

MR. BENNAGEN: Not just ethnic traditions but the whole range of cultural traditions to include also influences from the West that could be critically adopted to our own concerns. It is not limited to pluralism within the national boundary.

MR. NOLLEDO: And that when we talk of "liberative," we talk of tolerance?

MR. BENNAGEN: No, in the sense that art can take different forms. It can be a captivating art in the sense that it captivates one and bounds him with certain traditions that prevent him from asking the sources of his situation in life. In other words, it frees him from just being "by art." As I mentioned earlier, when one goes to an opera without even understanding opera, he is awed and captivated by it, but he is not liberated in terms of understanding the historical source and meaning of that opera.

MR. NOLLEDO: Madam President, on page 7, lines 6 and 7 of the original report, it is stated: "The State shall encourage and support scientific and cultural research and studies." What does the committee mean by "scientific" here considering that we have just finished the topic on science and technology? Does it mean treatise or systematic studies?

MR. BENNAGEN: I am glad the Commissioner asked the question. Cultural research can also be scientific, but my understanding is that this has already been preempted by the approved provision in the subsection on science and technology.

MR. NOLLEDO: Lastly, Madam President, with respect to lines 12 to 14 of the same page, the committee provided:

There shall be an independent central authority to formulate, disseminate and implement the cultural policies and programs of the State.

We will remember that with respect to copyrights; we register the same with the National Library under existing law. And with respect to patents, trademarks, service marks, trade names, et cetera, we register the same with the Philippine Patent Office. Does the committee, therefore, recommend that these offices of registration be integrated into one central authority including the function of registration?

MR. BENNAGEN: That concern has escaped the deliberations of the committee in spite of the presence of Commissioner Uka who is a lawyer. We were more concerned with visual, literary and performing arts and not with legal status of artistic creations and the like.

MR. NOLLEDO: So does the Commissioner not include the function of registration or determination as to who is the applicant entitled to a letter of patent or a certificate of copyright?

MR. BENNAGEN: Now that the Commissioner mentioned it, it ought to be part of this coordinating policy.

MR. NOLLEDO: I thank the Commissioner. Thank you, Madam President.

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

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: Madam President, I have a proposed amendment, but after I registered with the Floor Leader, I found out that this was included in the omnibus amendment of Commissioner Davide. Therefore, as a matter of intellectual honesty, I would like to defer to Commissioner Davide. It is his omnibus proposal.

MR. GUINGONA: Madam President, if the proposed amendment of Commissioner Davide refers to Section 1, may we respectfully request that Commissioner Bennagen be allowed to read Section 1 as formulated by the Committee on Human Resources.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: Thank you, Madam President. Section 1 states:

The State shall protect, conserve and promote the nation's historical and cultural heritage and resources, including paleontological, archaeological and artistic objects.

MR. GUINGONA: Madam President, there is a clerical error in the spelling of archaeological. It should be spelled, a-r-c-h-a-e-o-l-o-g-i-c-a-l. The letter "a" was omitted.

MR. BENNAGEN: The original spelling is a variant. It is also accepted.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Madam President, my proposed amendments to Section 1 are the following: In the beginning of the section, add this sentence: "ARTS AND LETTERS SHALL BE UNDER THE PATRONAGE OF THE STATE." Then reword the next sentence to read as follows: "IT SHALL CONSERVE AND PROMOTE THE NATION'S HISTORICAL AND CULTURAL HERITAGE AND RESOURCES."

MR. GUINGONA: Commissioner Bennagen would like Commissioner Davide to please repeat his proposed amendments, Madam President.

MR. DAVIDE: Section 1 will read as follows: "ARTS AND LETTERS SHALL BE UNDER THE PATRONAGE OF THE STATE. IT SHALL CONSERVE AND PROMOTE THE NATION'S HISTORICAL AND CULTURAL HERITAGE AND RESOURCES." There is an additional amendment after that, but I want the first amendment acted on first.

MR. GUINGONA: In other words, the Commissioner is deleting the word "protect."

MR. DAVIDE: Yes, I am deleting the word "protect" because it is already included in "conservation and promotion."

MR. GUINGONA: All right. May I give the floor to the chairman of the subcommittee?

MR. BENNAGEN: Can we go sentence by sentence? The second sentence is acceptable but not the first. Madam President, we are trying to establish some kind of autonomy of the arts and letters, free from the interventions of the State in ways that have so far been anticultural, in the sense that the State imposes its definition of arts and letters.

MR. DAVIDE: Madam President, arts and letters is only through the patronage of the State, and that is basic. The same language appears in the 1935 and the 1973 Constitutions. The statement that arts and letters shall be under the patronage of the State does not mean that it will be dependent or subject to the control of the State. It only emphasizes the primacy and importance of arts and letters.

MR. BENNAGEN: Yes, we understand that, Madam President. In the deliberations of the subcommittee, it was felt that we have come to a point when arts can be so easily manipulated by the State and its instrumentalities.

MR. DAVIDE: But the succeeding provisions recognize primarily the duty of the State regarding arts and culture.

MR. BENNAGEN: Yes, but we are taking it away from the semantics of patronage. That is the objection. It is the word "PATRONAGE" that the committee is objecting to.

MR. DAVIDE: Is the second sentence accepted?

MR. BENNAGEN: Yes, it is accepted.

MR. DAVIDE: May I request a vote on the first, Madam President.

MR. BENNAGEN: Madam President, "PATRONAGE" somehow brings us back to the medieval concerns of kings and queens who patronized painters and singers for their personal ends.

MR. DAVIDE: I do not think that that is the concept of "PATRONAGE OF THE STATE." It simply means the mantle of protection of the State.

MR. BENNAGEN: We want that to be clearer in the subsequent provisions.

MR. DAVIDE: If it is to be clear in the succeeding provisions, it must be in the beginning.

MR. BENNAGEN: We want to put that in the context of a newly submitted amendment, which we feel should take care of this debate.

MR. DAVIDE: So may we request a vote on the first sentence.

THE PRESIDENT: We will ask first whether or not there are other comments on this particular point.

Is there any other comment on this particular point?

Commissioner Aquino is recognized.

MS. AQUINO: I would like to propose an amendment to the second sentence proposed by Commissioner Davide. This is actually an amendment by substitution which states: "ALL THE ARTISTIC AND HISTORIC WEALTH OF THE NATION CONSTITUTES THE CULTURAL TREASURE OF THE NATION AND SHALL BE UNDER THE SAFEGUARD OF THE STATE WHICH MAY PROHIBIT OR REGULATE ITS EXPORT AND ALIENATION."

MR. BENNAGEN: Is that an amendment to the second sentence?

MS. AQUINO: Yes, to the second sentence.

MR. DAVIDE: Can we have it as a separate sentence? It should be a separate sentence.

MS. AQUINO: After the second sentence?

MR. DAVIDE: Yes.

SUSPENSION OF SESSION

MS. AQUINO: Maybe we can work out a formulation.

Madam President, may I request a suspension of the session?

THE PRESIDENT: The session is suspended.

It was 3:30 p.m.

RESUMPTION OF SESSION

At 3:35 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: I ask that Commissioner Ople be recognized.

THE PRESIDENT: Commissioner Ople is recognized.

What is the pleasure of Commissioner Guingona?

MR. GUINGONA: Madam President, during the suspension of the session, Commissioners Davide and Ople, together with the members of the committee, have agreed to consider first the proposed amendment of Commissioner Ople.

MR. OPLE: Thank you, Madam President. I want to thank the committee for granting precedence to this section because it is proposed to be the new Section 1, with the concurrence of the committee and the other conferees just a while ago. I suppose this is accepted by the committee because it states an all-embracing philosophy for arts and culture and serves as an umbrella statement over what follows in this section on arts and culture. It reads as follows: "SECTION 1. THE STATE SHALL FOSTER THE PRESERVATION, ENRICHMENT AND DYNAMIC DEVELOPMENT OF A FILIPINO NATIONAL CULTURE BASED ON THE PRINCIPLE OF UNITY IN DIVERSITY IN A CLIMATE OF FREE ARTISTIC AND INTELLECTUAL EXPRESSION."

MR. BENNAGEN: Is it the contemplation of the proposed section that it will absorb Section 3 of the committee report which states:

The State shall support and encourage the development of Filipino national culture which shall be nonpartisan, pluralistic, liberative and democratic.

MR. OPLE: In my belief, it does absorb and reflect this national culture that is nonpartisan, pluralistic, liberative and democratic.

MR. BENNAGEN: Also, that it shall absorb the intent of Section 3(a) which reads:

The State shall guarantee freedom of expression for all those engaged in cultural work and assure their freedom from political interference, restrictions and control.

MR. OPLE: Yes, Madam President, this combines the developmental and the libertarian spirit of what follows in the section on arts and culture.

MR. NOLLEDO: Just one question, Madam President, of Commissioner Ople.

THE PRESIDENT: Commissioner Nolleddo is recognized.

MR. NOLLEDO: Thank you, Madam President. I notice that the Commissioner is talking of the development of national culture. What happens to the cultural heritage of the nation? It seems to me that the Commissioner's proposal does not contemplate preservation of the cultural heritage. It is not mentioned in the original report.

MR. OPLE: Madam President, the sentence begins with ". . . THE PRESERVATION, ENRICHMENT AND DYNAMIC DEVELOPMENT OF A FILIPINO NATIONAL CULTURE."

MR. NOLLEDO: So cultural heritage is considered covered by that phrase.

MR. OPLE: It takes pride of placing it in this section, Madam President.

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

MR. GUINGONA: Madam President, the committee accepts the proposed amendment.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I would like to substitute "DYNAMIC DEVELOPMENT " with the word "EVOLUTION."

MR. OPLE: May I hear the reason for Commissioner Monsod's preference of the more passive and less purposeful "EVOLUTION"?

MR. MONSOD: Madam President, we cannot force culture to happen. It is the confluence of a lot of factors that happen in the life of a country and somehow, I have my reservations on the suggestion that this can be forced by development just like national or economic development.

MR. OPLE: Will Commissioner Monsod's mind be eased if we substitute "DEVELOPMENT" with "EVOLUTION"? But I will retain the word "DYNAMIC."

MS. ROSARIO BRAID: Madam President, how about harmonizing the two to read "DYNAMIC EVOLUTION"?

MR. OPLE: Madam President, "DYNAMIC EVOLUTION" has the element of purposiveness. Evolution without dynamism is just allowing the natural unfolding of something. So I think it accords with the spirit of the State's participation. "DYNAMIC EVOLUTION" will be satisfactory for me, Madam President. I hope the committee also accepts, at least partially, the amendment of Commissioner Monsod.

MR. GUINGONA: May we hear from Commissioner Bennagen, Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: Madam President, arts, in the nature of things, acquires a certain autonomy from its origin in terms of specific historical circumstances. If the intent of the words "DYNAMIC EVOLUTION" or "DEVELOPMENT" takes that into account, meaning, that some elements felt appropriate, through some kind of cultural practice, that Filipino culture can be adopted, then what are words . . .?

MR. OPLE: Yes, that is the meaning.

MR. BENNAGEN: We are concerned here with the process, Madam President.

MR. OPLE: Both Commissioner Monsod and I agree to the phrase "DYNAMIC EVOLUTION."

MR. BENNAGEN: I repeat that if it takes that process into account, then there is no problem.

MR. OPLE: Thank you, Madam President.

MR. RAMA: May we take a vote on that, Madam President.

THE PRESIDENT: Will Commissioner Bennagen or Commissioner Ople read the formulation now.

MR. BENNAGEN: Commissioner Ople has our copy, Madam President.

MR. OPLE: Yes, I stole the copy of Commissioner Bennagen. So, Section 1, Madam President, will read: "THE STATE SHALL FOSTER THE PRESERVATION, ENRICHMENT AND DYNAMIC EVOLUTION OF A FILIPINO NATIONAL CULTURE BASED ON THE PRINCIPLE OF UNITY IN DIVERSITY IN A CLIMATE OF FREE, ARTISTIC AND INTELLECTUAL EXPRESSION."

May I state for the record that Commissioner Monsod is a coauthor of this amendment, Madam President.

VOTING

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

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

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

The results show 25 votes in favor, none against and 1 abstention; the new Section 1 is approved.

MR. GUINGONA: Madam President, the committee is now ready to hear the Davide amendment.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Thank you, Madam President. The original Section 1 would be Section 2 now. The lead sentence will read: "ARTS AND LETTERS SHALL BE UNDER THE PATRONAGE OF THE STATE. IT SHALL CONSERVE AND PROMOTE THE NATION'S HISTORICAL AND CULTURAL HERITAGE AND RESOURCES."

MR. GUINGONA: Commissioner Bennagen will respond for the committee, Madam President.

MR. BENNAGEN: We accept the second sentence, but not the first for reasons already explained earlier.

MR. DAVIDE: Madam President, we are prepared to submit the first sentence to a vote, with the following as coauthors: Commissioners Romulo, Monsod, Rama, Maambong and Treñas.

THE PRESIDENT: Does Commissioner Bacani want to comment?

BISHOP BACANI: I want to comment on the first sentence, Madam President.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: I am not sure whether or not we understand the meaning of "PATRONAGE OF THE STATE." Will this mean the obligation of the State to establish a cultural center and a folk arts theater?

MR. DAVIDE: Madam President, as a matter of fact, we were about to object to the Commissioner's proposal because it is already included in Sections 1 to 3 of the committee proposal. And we felt that arts and letters should

be, basically and primarily, under the patronage of the State, meaning to say that the primary duty of safeguarding, propagation and promotion of arts and letters are really the duties of the State. As to the question of whether or not it would include the Cultural Center of the Philippines, the cultural center is a building and the presentations therein for the promotion of arts and letters may be undertaken by the State.

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

MR. DAVIDE: As to the jurisprudence on this, we already have a wealth of jurisprudence since this is the same wording as in the 1935 and 1973 Constitutions.

MR. OPLE: Madam President, historically, the patronage of arts and letters has really been vested by tradition, first, in a ruling class and second, in the more affluent and opulent members of society. For example, we owe a great deal of renaissance art to the patronage of Lorenzo de' Medici, the Magnificent. When Machiavelli wrote *The Prince*, he addressed the frontispiece to Lorenzo, the Magnificent, in the hope that this could win him back the consulate position he lost with the change of government. But he was not successful, Madam President. And, of course, I remember Francis Bacon dedicating his own *novum organon* to the King of England. Patronage, historically, has been understood in this context. Is this still the connotation assigned to the patronage of arts and letters by the State in the 1935 and 1973 Constitutions? We may have arrived at a plateau in our historical development when freedom of expression, the especially artistic and cultural expression, can proceed independently of any patronage. Or does the connotation refer to the act of being beholden to the State through patronage? Being beholden, in any dictionary, means an obligation or a favor that should be returned. If that is the context in which the patronage of arts and letters is employed in this proposal, I am afraid that I will have severe qualms of conscience supporting it.

MR. DAVIDE: Madam President, the fears of Commissioner Ople are really unfounded. When we say "PATRONAGE," it does not mean "beholden," and the jurisprudence on the matter is not what he stated earlier. The things he enumerated were abnormal approaches to arts and cultures. When the delegates to the 1935 and 1973 Constitutions who were elected by the people adopted this particular language, they never had in mind the word "beholden" in lieu of "PATRONAGE" nor its historical connotation as mentioned by Commissioner Ople.

To avoid the fears of Commissioner Ople, we can propose a modification to read merely as follows: "ARTS AND LETTERS SHALL ENJOY THE PATRONAGE OF THE STATE."

MR. OPLE: That eases somewhat the burden on my mind, but that is all I have to say.

Thank you, Madam President. I thank Commissioner Davide.

MR. GUINGONA: Madam President, the committee has not accepted the first sentence. Commissioner Bennagen would like to say something.

MR. BENNAGEN: I would just like to ask a few questions. Is it clear in the interpretation of "PATRONAGE" that it has nothing to do with establishing a kind of exchange relationship?

MR. DAVIDE: Certainly not, Madam President.

MR. BENNAGEN: As already put, it means beholden to the State.

MR. DAVIDE: "PATRONAGE" is never meant "beholden."

MR. BENNAGEN: No, but the evolution of "PATRONAGE" as a concept includes the idea of the patron.

It is really a part of it. We are describing here a concept, not just a word.

MR. DAVIDE: That is exactly the point. "PATRONAGE" is not derived from what the Commissioner believes as the patron. It simply means that the State is under obligation to protect, encourage, promote and preserve arts and letters. Why are we so afraid that arts and letters enjoy the patronage of the State when, under the same article, we are mandating the State to do exactly what it should in respect to arts and letters? According to the dictionary furnished by Commissioner Nollado, "PATRONAGE" means patron's help, customer's support. To patronize means to act as patron; to support, encourage. It is beautiful, Madam President.

MR. BENNAGEN: Yes. But as I said, we are not just defining a word. It was Justice Oliver Wendell Holmes who said that it is not words we define but things and processes. We are saying the use of "PATRONAGE" has lent itself to the abuse of the relationship between the State and arts and letters. We want to obviate that possibility by restating that in Section 1. Our feeling is that Section 1 already includes the concept of State support that the Commissioner describes.

REV. RIGOS: Madam President.

MR. DAVIDE: Madam President.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Let us hear first Commissioner Rigos.

REV. RIGOS: Madam President, just one question of the committee or of the Honorable Davide. Are we talking here of arts and letters or arts and culture?

MR. DAVIDE: Arts and letters, Madam President.

REV. RIGOS: I thank the Honorable Davide, Madam President.

THE PRESIDENT: So the sentence now reads: "ARTS AND LETTERS SHALL BE UNDER THE PATRONAGE OF THE STATE."

MR. DAVIDE: It has been reworded, Madam President, to conform with Commissioner Monsod's suggestion. It shall now read: "ARTS AND LETTERS SHALL ENJOY THE PATRONAGE OF THE STATE."

MR. GUINGONA: Madam President, the committee members are divided. We would like to throw this to the body for consideration. I think we are ready to vote, Madam President.

VOTING

THE PRESIDENT: This will be the first sentence of Section 2: "ARTS AND LETTERS SHALL ENJOY THE PATRONAGE OF THE STATE."

As many as are in favor of having this as the first sentence of Section 2, please raise their hand. (Several Members raised their hand.)

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

The results show 28 votes in favor and 3 against; the first sentence of Section 2 is approved.

MS. ROSARIO BRAID: Madam President, I am for this amendment as long as it does not reflect the linkage with the patron of the arts.

MR. GUINGONA: Madam President, may we ask Commissioner Bennagen to read the second sentence of the new Section 2?

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: May we request Commissioner Davide to read the second sentence.

MR. DAVIDE: The second sentence will read: "IT SHALL CONSERVE AND PROMOTE THE NATION'S HISTORICAL AND CULTURAL HERITAGE AND RESOURCES." However, there is a substitute proposal by Commissioner Aquino which reads: "ALL THE ARTISTIC AND HISTORIC WEALTH CONSTITUTE THE CULTURAL TREASURE OF THE NATION AND SHALL BE UNDER THE PROTECTION OF THE STATE WHICH MAY PROHIBIT OR REGULATE ITS EXPORT AND DISPOSITION."

MR. BENNAGEN: So there will be two sentences?

MR. DAVIDE: No, it is a substitute proposal.

THE PRESIDENT: Will Commissioner Davide read the second sentence, starting from "IT SHALL."

MR. DAVIDE: The second sentence reads: "IT SHALL CONSERVE AND PROMOTE THE NATION'S HISTORICAL AND CULTURAL HERITAGE AND RESOURCES." This is supposed to be the second sentence which the committee accepted.

MR. GUINGONA: Yes, we accepted it, Madam President.

MR. DAVIDE: But there is a substitute proposal by Commissioner Aquino, Madam President.

MR. GUINGONA: So may we be clarified, Madam President. Is the Commissioner, therefore, withdrawing his proposed amendment?

MR. DAVIDE: Yes, to give way to Commissioner Aquino's amendment.

THE PRESIDENT: All right. How does it read now so that we can vote on it?

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Will Commissioner Davide entertain a question? Will the concept of protection and prevention of exports include the concept of recovering some of our very precious art treasures which are now in different places in Europe? These were brought out of the country during the first decade of the Spanish occupation, during the Cuevas' years. There is an intent in many that these art treasures which are, perhaps, the best should be recovered.

MR. DAVIDE: That would be included, Madam President. The State can take the necessary steps to recover cultural treasures, artifacts and antiques in foreign places.

MR. GUINGONA: Madam President, the committee is of the opinion that we should retain the second paragraph as previously proposed by the honorable Commissioner Davide, without prejudice to proposing the concept in the Aquino amendments either as a third sentence or as another subsection.

MR. DAVIDE: Yes, that would be a very good compromise, Madam President.

MR. GUINGONA: Can we request, therefore, Commissioner Davide to restate the second sentence as originally proposed.

MR. DAVIDE: I agree to a restoration of the second sentence as earlier amended and to reserve the proposal of Commissioner Aquino as a possible separate section. There are proposals that instead of "IT," we use "THE

STATE." So the second sentence will read: "THE STATE SHALL CONSERVE AND PROMOTE THE NATION'S HISTORICAL AND CULTURAL HERITAGE AND RESOURCES."

MR. GUINGONA: The committee accepts the proposed amendment. Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Madam President, I would like to ask Commissioner Davide whether or not the amendment of Commissioner Ople fully covers his proposal.

MR. DAVIDE: Actually, the thrust of Commissioner Ople's proposal was on the development of the historical and cultural heritage, not basically on its conservation and promotion. As a matter of fact, during the suspension, the understanding was that Commissioner Ople's proposal will be the flagship for development. However, Section 1, as earlier proposed by the committee and as amended, would be the flagship for promotion and presentation.

BISHOP BACANI: I notice that the formulation of Commissioner Ople already speaks of the State fostering the preservation of Filipino national culture, and I think the cultural heritage that we speak of in Commissioner Davide's amendment is synonymous with the national culture. Am I correct, Madam President?

MR. DAVIDE: No, cultural heritage is not synonymous with the national culture.

BISHOP BACANI: At least it is heritage.

MR. DAVIDE: Madam President, there is a whale of a difference between culture and cultural heritage. I am sure Commissioner Bennagen can explain this matter

BISHOP BACANI: Madam President, I believe that the cultural heritage of a nation is embraced within its national culture; otherwise, we will be speaking of something in the abstract.

MR. GUINGONA: Madam President, the committee has accepted the proposed amendment. In view of the objection of Commissioner Bacani, perhaps we could put this to a vote.

VOTING

THE PRESIDENT: As many as are in favor of the second sentence which was read by Commissioner Davide and accepted by the committee, please raise their hand. (Several Members raised their hand.)

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

The results show 27 votes in favor and 1 against; the second sentence of Section 2 is approved.

MR. GUINGONA: Madam President, the committee is now ready to hear the proposed amendment of Commissioner Aquino regarding acquisition, exportation and so forth, which will now be, if approved, subsection 3 of the section on arts and culture.

MS. AQUINO: "ALL THE COUNTRY'S ARTISTIC AND HISTORIC WEALTH CONSTITUTES THE CULTURAL TREASURE OF THE NATION AND SHALL BE UNDER THE PROTECTION OF THE STATE WHICH MAY PROHIBIT OR REGULATE ITS EXPORT AND ALIENATION."

On second thought, I would delete the words "PROHIBIT OR," such that it would read now: ". . . UNDER THE PROTECTION OF THE STATE WHICH MAY REGULATE ITS EXPORT AND ALIENATION."

MR. GUINGONA: The committee accepts the proposed amendment, Madam President.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: May we delete the words "EXPORT AND ALIENATION" and in lieu thereof we insert the word "DISPOSITION" so it will read: "WHICH MAY REGULATE ITS DISPOSITION," without having to talk about exports and alienation.

MS. AQUINO: Also, the word "DISPOSITION" likewise contemplates export and alienation. I accept.

MR. GUINGONA: The amendment of Commissioner Monsod is also accepted.

THE PRESIDENT: Will Commissioner Aquino please read her amendment. Is this a new section?

MR. GUINGONA: Yes, Madam President, this will now be Subsection 3 of the section on arts and culture.

THE PRESIDENT: The Commissioner may proceed.

MS. AQUINO: "ALL OF THE COUNTRY'S ARTISTIC AND HISTORIC WEALTH CONSTITUTES THE CULTURAL TREASURE OF THE NATION AND SHALL BE UNDER THE PROTECTION OF THE STATE WHICH MAY REGULATE ITS DISPOSITION."

MR. ABUBAKAR: Madam President.

THE PRESIDENT: Commissioner Abubakar is recognized.

MR. ABUBAKAR: I would like to interpellate the young lady.

We have defined already national culture and its preservation. Can the Commissioner's proposal not be contained in a legislative act instead of putting it in the Constitution? Because if we put everything in the Constitution — and this is a proper subject for legislation — we will have a constitution that probably will contain so many provisions and may compose two volumes of a book.

The Constitution should be comprehensive. If it is already treated as a national treasure and all that, then to implement this constitutional proviso, I ask Commissioner Aquino if she is satisfied with merely letting Congress pass a legislation to protect and preserve this national treasure, instead of a constitutional proviso.

MS. AQUINO: Is the Commissioner suggesting that the intent of Section 1 or the flagship provision, the amendment of Commissioner Ople, and the amendment of Commissioner Davide would cover this section? I would humbly submit it does not, because it was made explicit that the essence of the flagship provision is essentially culture, the dynamics of culture, having its own logic, having its dynamics for growth, allowing for its own development. While Commissioner Davide would refer to arts and letters as a heritage, it is by itself an institution.

The intent of this section is to give explicit constitutional mandate for the preservation and conservation of the country's cultural treasure and it is not included in the tenor of the first two sections which were previously approved and adopted.

MR. ABUBAKAR: But was Commissioner Aquino or the Commission not satisfied by a congressional act which will, in the same tone and line, perhaps provide even the penalty for the violation of any of the concepts or any of the ideas that we feel should be sanctioned by law to protect precisely the national treasure mentioned in the Constitution? Must we still insert that in the Constitution?

MS. AQUINO: I humbly submit that there is an imperative for a decisive mandate that will arrest the drain of the country's treasury of its cultural and historical wealth.

Before the present dispensation, there was an untrammelled release of the country's treasures through exports and unregulated sale and disposition, and this provision would intend to address itself to arresting that kind of a trend.

MR. ABUBAKAR: I laud Commissioner Aquino's ideas; I am behind her proposal. But what I am just saying is that if this could be enacted into a law, with all the penalties, that would satisfy the purpose, because in the two or three articles on the constitutional proviso referring precisely to this matter, we have shown our appreciation for the national treasure and then, by legislative implementation, provide for the protection and the penalty.

If we are going to put all matters into the Constitution regarding certain ideas or certain protection that we will accord to a particular policy, then I do not know how long this Constitution will be.

I am not against the Commissioner's idea; I would support this, but what I believe is its proper place, whether by law or in Congress.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: This provision would actually need supplementary statutory implementation but it is my submission that this has to attain to the level of a constitutional mandate.

MR. NOLLEDO: Madam President.

THE PRESIDENT: Commissioner Nollado is recognized.

MR. NOLLEDO: Thank you, Madam President.

With kindest respect and I hope my friend will pardon me, I join Commissioner Abubakar in his arguments against the amendment. I believe that the Aquino amendment is already covered by the second part of the Davide amendment which provides that the State shall protect, conserve and promote the nation's historical and cultural heritage, and that provision finds implementation in Section 2 of RA 4846 which reads:

It is hereby declared to be the policy of the State to preserve and protect the cultural properties of the nation and to safeguard their intrinsic value.

Under this RA 4846, exportation of artistic objects and cultural treasures of the nation is regulated and/or prohibited by the State.

So, I think what is contemplated in the Aquino amendment is purely a matter of legislation which is already covered by the Cultural Properties and Preservation Act.

Thank you, Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Will Commissioner Aquino yield to just a question?

MS. AQUINO: Gladly.

MR. OPLE: During the presidency of Ramon Magsaysay, I think it was about 1957 before his death, we succeeded in recovering the insurgent Philippine records from the United States. We will recall that in the Bureau of Libraries at that time, troops had to be posted in order to protect the microfilm copies of the insurgent records of the Philippine Revolution and the Philippine-American War because of certain reportedly libelous insinuations against the honor of some families whose members at that time were accused of collaborating with the Americans. It could excite such passions in 1957.

But this reminds me that in Spain, I happen to visit the Archivos de Indias in Sevilla where I was dumb-founded

by the sheer wealth of materials concerning the Philippine past. Some of those parchments were already graying, yellowed and breaking apart. And yet, that could be a stupendous loss in terms of the cultural and historical wealth that Commissioner Aquino was concerned about.

Under this proposed amendment, are we tasking the State with the obligation to bring back to this country all of these priceless memorabilia, artifacts and legacies from our past?

MS. ROSARIO BRAID: Yes.

MR. OPLE: I am talking of this tremendous cultural wealth pertaining to our country lying in foreign archives, one of which was recovered by Magsaysay, but the rest of which are still lying and in danger of rapid deterioration and destruction in foreign archives.

Should Commissioner Aquino not expand the sentence somewhat so that this task is also built into that and so that Commissioner Abubakar, with good grace, can forget about the charge of redundancy? It will impart to this sentence a very important task of the State to recover our cultural wealth abroad.

MS. AQUINO: At first sight that kind of a situation could be adequately contemplated by the first part of the provision which reads:

It shall constitute the cultural treasure of the nation and shall be under the protection of the State. It could, likewise, contemplate deliberate action on the part of the State to recover those treasures.

MR. OPLE: Does the Commissioner want to direct Congress to enact a law that will help bring back these treasures to our country or, at least, reasonable facsimiles or copies of these treasures?

MS. AQUINO: Yes.

MR. OPLE: Thank you, Madam President.

MR. ABUBAKAR: Madam President, I would like to call the attention of my distinguished colleague.

THE PRESIDENT: Is there any other speaker?

MR. RAMA: No more, Madam President.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: With due respect to Commissioner Aquino, may I express my serious observations with regard to her proposal. I will agree with Commissioner Nollado that this amendment is covered by the two flagship sections — one proposed by Commissioner Ople and the other proposed by Commissioner Davide and approved by this body.

The Davide proposal which was adopted by this body speaks of conservation and promotion of the nation's historical and cultural heritage and resources.

If we look at Section 2 of the committee report, it speaks of recognition, respect, protection and preservation of cultures, traditions and institutions of indigenous communities.

So, I think this proposal is well covered by the two flagship sections and the next succeeding section.

MS. AQUINO: Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: We cannot overemphasize the need for protection of the country's culture. The country's culture is its soul and spirit, and it is fleshed out by specific artistic and historical artifacts which comprise the country's cultural wealth. It deserves the best protection possible from the State.

MR. BENNAGEN: Madam President.

MS. ROSARIO BRAID: Madam President.

MR. RAMA: Madam President, the subject of the amendment is ready for a vote.

MR. BENNAGEN: Madam President.

THE PRESIDENT: How about the committee? Commissioner Bennagen is recognized.

MR. BENNAGEN: The committee, it seems, is divided, but I would like to speak in support of the Aquino amendment. It has been our experience in the cultural field, particularly in archaeology and anthropology in general, that several national treasures have been shipped out of the country and because the direct economic significance of these is not immediately recognized, they are neglected. Only when researchers feel that there is a need for these do they invoke the laws.

The republic act has been honored more in the breach rather than its serious implementation. We feel that the constitutional provision will put more teeth in the protection of national treasures which is, in effect, the protection of our national identity.

MR. NOLLEDO: Madam President, just one short statement.

THE PRESIDENT: Commissioner Nolleto is recognized.

MR. NOLLEDO: I find no fundamental difference between statutory law and a provision in the Constitution. I think both will also be more honored in breach than in observance, if the authorities of the country are corrupt and do not observe the law. So, with the kindest respect to Commissioner Aquino, I still object to her amendment.

MR. GUINGONA: Madam President.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: The committee would like to recall that in the interpellations between Commissioners Ople and Rosario Braid of our committee, this matter of exportation and recovery of the Davide amendment was brought out by Commissioner Rosario Braid. Perhaps, we could also credit Commissioner Rosario Braid for this idea.

MS. ROSARIO BRAID: Madam President, I asked Commissioner Davide whether the concept of recovery which I documented in terms of all the treasures in Europe would be included in his amendment and he said yes. Actually, we fully support this provision as long as it is separate from what Commissioner Davide has already suggested. Earlier, he said yes when I interpellated him about the concept of recovering these treasures which we fully support because we have a number of people who have come to us saying that they are disturbed about the fact that we do not have the best of all our treasures since they are out of the country.

MS. AQUINO: If the committee accepts the amendment, then we will have jurisdiction in terms of sequencing of the amendment.

MR. GUINGONA: We accept the amendment. May we request that Commissioner Rosario Braid be considered

as a cosponsor. Madam President, this has been already discussed sufficiently. May we ask for a vote.

THE PRESIDENT: Is it correct that I heard, or rather I may not have heard correctly, that the committee is divided? So the committee now accepts; is that correct, Commissioner Guingona?

MR. GUINGONA: Yes, Madam President, we have accepted.

VOTING

THE PRESIDENT: The committee accepts.

As many as are in favor of this proposed amendment of Commissioner Aquino, please raise their hand. (Several Members raised their hand.)

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

The results show 19 votes in favor and 8 against; the amendment is approved.

MR. GUINGONA: Madam President, may we request Commissioner Bennagen to read the next proposed section.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: Thank you, Madam President.

This is Section 2 of the committee report:

The State shall recognize, respect, protect and preserve the cultures, traditions and institutions of indigenous communities and shall consider them in the formulation of national plans and policies.

This is actually from the 1973 Constitution with only a minor change in the word "indigenous."

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

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: Thank you, Madam President.

I would like to propose an amendment to this Subsection 2: "The State shall recognize, respect and protect THE RIGHTS OF INDIGENOUS CULTURAL COMMUNITIES TO PRESERVE AND ENRICH THEIR CULTURES, TRADITIONS AND INSTITUTIONS. IT SHALL CONSIDER THESE RIGHTS in the formulation of national plans and policies." Very briefly, it simply puts the stress on the fact that it is the people and the cultural communities who will preserve and enrich the cultures and not so much the State. I would like to see this idea reflected in this amendment.

MR. GUINGONA: Madam President, the committee accents the proposed amendment.

THE PRESIDENT: Are there any comments?

MR. RAMA: Madam President, I ask that Commissioner Bacani be recognized on the same section.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Madam President, if the amendment of Commissioner Garcia will be accepted then my concern is covered. I am afraid that if the State will be the one to preserve the cultures, it may mean fossilizing the cultures of the indigenous communities. However, the way the amendment is stated by Commissioner Garcia, I am fully agreeable if the people are determined to preserve their culture; and if they move on to develop them, so

much the better. But then, I would yield to that amendment completely.

Thank you.

MR. BENNAGEN: Madam President, in view of the excellent explanation by Commissioner Garcia, on the need to respect the rights of the people themselves to the determination of how they will want to deal with their culture, we are accepting the amendment.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: May I know from the committee that has accepted the formulation of Commissioner Garcia whether the word "recognize" is not covered by the term "respect and protect," because if we respect and protect, naturally we have to recognize. Do we need the word "recognize"?

MR. BENNAGEN: For purposes of emphasis, we feel that it may be necessary, because sometimes we say that we respect, but recognition entails a deeper sense of cognitive appreciation of the significance of these cultural differences.

MR. MAAMBONG: Thank you.

I will have no amendment.

MR. RAMA: The body is ready to vote.

THE PRESIDENT: Are we now ready to vote? Will Commissioner Garcia please read the said section? Actually, that is Section 4 now. Is that correct?

MR. GUINGONA: Yes, Madam President. This is the new Section 4. I will refer to this now as section instead of subsection, Madam President.

THE PRESIDENT: Will Commissioner Garcia please proceed.

MR. GARCIA: "The State shall recognize, respect and protect THE RIGHTS OF INDIGENOUS CULTURAL COMMUNITIES TO PRESERVE AND ENRICH THEIR CULTURES, TRADITIONS AND INSTITUTIONS. IT SHALL CONSIDER THESE RIGHTS in the formulation of national plans and policies."

THE PRESIDENT: Is there any objection to this section which has been accepted by the committee? (Silence) The Chair hears none; the amendment is approved.

MR. GUINGONA: Madam President, may we request that Commissioner Bennagen be recognized to read the next proposed section.

MR. BENNAGEN: As earlier manifested, Section 3 and Section 3(a) — at least the essence of these two provisions — have already been incorporated in the flagship provision. We will now proceed to Section 3(b) of the committee report. Let me read:

The State shall ensure equal access to cultural opportunities through the educational system, public or private cultural entities, and scholarships, grants, and other incentives.

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

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: Regarding this Section, I would like to add some ideas concerning the establishment of

community cultural areas, facilities and the venues for the development of the culture of the communities. So, therefore, I would like to add the following sentence to the section that was read by Commissioner Bennagen. After the words "other incentives," add "AND BY ENCOURAGING THE ESTABLISHMENT OF REGIONAL AND COMMUNITY CULTURAL CENTERS, PEOPLE'S ART PARKS, AND OTHER PUBLIC FACILITIES THAT SHALL SERVE AS SANCTUARIES FOR FOLK AND TRADITIONAL ARTS AND CRAFTS AND VENUES FOR COMMUNITY CULTURAL ACTIVITIES AND ART EXPERIMENTATION."

Very briefly, this is to decentralize and make possible at the local and community levels the development of their own culture. As we mentioned earlier, culture is a very dynamic thing. It is, in fact, an event and also a happening in the area. Therefore, to facilitate this for the people and to make it a real, vibrant and living experience, the State should provide these venues, but the people themselves must participate and keep their culture alive and developing. So, this is the intent of the addition.

MR. GUINGONA: Madam President, Commissioner Rosario Braid would like to ask a question.

MS. ROSARIO BRAID: May I just ask one question.

In terms of additional expenditures from the government, will this involve establishing new centers or will this build on economic livelihood centers and cultural centers, so that we do not have to establish new infrastructures?

MR. GARCIA: Exactly. The intent is not so much constructing the physical centers. There may already be existing physical areas, like schools, livelihood centers, cooperative centers and so on, but the idea is to promote cultural activities where, for example, painting, poetry, theatre, or song can actually be made very much a part of the life and the activities of the communities in the country.

MS. ROSARIO BRAID: Will this also include decentralizing and having a little of the "Tatak Pinoy" type of exhibit which really encourages local craftsmanship?

MR. GARCIA: Yes, exactly. There are many different avenues or areas where this can be experimented.

MR. BENNAGEN: May I ask one question?

MR. GUINGONA: Commissioner Bennagen would like to ask a question.

MR. BENNAGEN: We like the idea of democratized venues for cultural expression, but what is the intent or the use of the word "SANCTUARIES"? In its usage, it connotes that one seeks refuge. Is it the intent of the provision that folk and traditional arts and crafts shall seek refuge in these?

MR. GARCIA: It is very often in the open plains of culture that we are barraged by Western music or by the different dominant expressions of Western arts and literature. And, therefore, here we are trying to create venues or areas where there is protection for our own local and national culture to flourish and grow.

MR. BENNAGEN: Could we just have "VENUES" instead of "SANCTUARIES"? We feel that in the interplay of cultures there must be full play or interaction between and amongst cultures.

MR. GARCIA: I would accept that.

MR. OPLE: Madam President, I was going to make the same proposal but now that the committee is making it, I think I have no further business here.

Thank you.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I just want to ask of Commissioner Garcia the difference between a people's park and a park. Is it a park really for everybody? I do not know why we are going to make a distinction between the words "people's park" and the word "park."

MR. GARCIA: Our experience, at least in the recent past, has been that as to the many parks that we have had, their uses have been so limited. I remember in the Lakbayan of 1984, we went to the Freedom Park and we could not even speak in that park. We go to a park very often, but the use is restricted or limited. What we want to do is to allow these parks to be the sites for exhibits of paintings and other cultural activities.

MR. MONSOD: When we call them people's park, will there be more room for people?

MR. GARCIA: No, the change of the name does not necessarily mean that a change of use should also follow.

MR. MONSOD: I suggest that we delete the word "PEOPLE'S"; we just say "ART PARKS."

MR. GARCIA: If the Commissioner wishes to use the said words it is fine with me. I simply want to stress the intent here — that we create this park in such a way that people know it is for them and that they can utilize it to allow their local talents and artistic inclinations to develop.

MR. MONSOD: May I also propose to delete the word "REGIONAL." We are just encouraging the establishment of community cultural centers that can be at any level: municipal, provincial, regional.

MR. GARCIA: That is also acceptable.

MR. GUINGONA: Madam President, the committee accepts the proposed amendment, as amended, and may we request Commissioner Bennagen to read the entire text of this proposed section.

MR. BENNAGEN: Thank you, Madam President.

"The State shall ensure equal access to cultural opportunities through the educational system, public or private cultural entities, and scholarships, grants and other incentives AND BY ENCOURAGING THE ESTABLISHMENT OF COMMUNITY CULTURAL CENTERS, ART PARKS AND OTHER PUBLIC FACILITIES THAT SHALL SERVE AS VENUES FOR FOLK AND TRADITIONAL ARTS AND CRAFTS AND FOR COMMUNITY CULTURAL ACTIVITIES AND ART EXPERIMENTATION."

MR. GUINGONA: Madam President, I think we are ready to vote.

VOTING

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

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

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

The results show 23 votes in favor, 1 against and 1 abstention; the amendment is approved.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Before we proceed, there was a previous manifestation of the committee that Section 3 and both

the opening sentence and subsection (a) thereof were already included in the flagship provision of Commissioner Ople.

MR. GUINGONA: That is right, Madam President.

MR. DAVIDE: But there was no formal motion to delete the same.

MR. GUINGONA: Madam President, we are now making the formal motion to delete the first paragraph and subsection (a) of the former Section 3.

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

MR. GUINGONA: May we respectfully request that Commissioner Bennagen be allowed to read the next subsection of this section.

MR. BENNAGEN: Thank you.

This is Section 3(c) of the committee report: "The State shall encourage and support cultural research and studies." We already deleted the words "scientific and" in view of the provisions already approved in the subsection on science and technology.

THE PRESIDENT: So, we put a period after the word "research"? Is this correct?

MR. BENNAGEN: No, we deleted the words "scientific and." It will now read: "The State shall encourage and support cultural research and studies."

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

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I would propose this amendment. Delete the word "cultural"; then "research" should be plural. Is that plural already?

MR. GUINGONA: No, not yet.

MR. DAVIDE: Therefore, the word "research" should be made plural and after the word "studies," add the following: "ON THE ARTS AND CULTURE." So the whole subsection will read: "The State shall encourage and support RESEARCHES and studies ON THE ARTS AND CULTURE."

MR. GUINGONA: We accept the proposed amendment.

THE PRESIDENT: Is there any objection?

Commissioner Bacani is recognized.

BISHOP BACANI: I just like to point out to the committee that there will be a change of meaning if we accept the Davide amendment. "RESEARCHES and studies ON THE ARTS AND CULTURE" will mean that the subject matter of the researches will be the arts and culture while cultural research and studies will be wider than that.

MR. BENNAGEN: Not necessarily. The idea is to distinguish between research done in the natural and social science fields and research done on the humanities. In effect, this is the essence of this provision.

BISHOP BACANI: Thank you.

THE PRESIDENT: Is there any objection to this particular section?

MR. GARCIA: Madam President.

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: Is it possible to add another idea to the Commissioner's concept of research and cultural studies by adding the dissemination of the results of the studies? Originally, I had an amendment to Section 3(a), but I was thinking perhaps we could add it here by saying: "THE STATE SHALL PROMOTE AND SUPPORT THE POPULARIZATION AND DISSEMINATION OF OUR CULTURAL TRADITIONS AND SIGNIFICANT ARTISTIC CREATIONS OF INDIVIDUAL ARTISTS AND COMMUNITIES."

Is it possible to add this concept not necessarily in this phraseology to that part?

MR. BENNAGEN: Yes.

MR. GUINGONA: Yes, that can be added. I think Commissioner Rosario Braid would like to react.

MS. ROSARIO BRAID: Madam President, I think Commissioner Garcia's proposal can be related because his proposal is to popularize research, and this is linked with each other. Research is useless unless it is popularized. In terms of the Commissioner's concept, does this mean using the various mass media like radio, television, comic books and various publications for dissemination? What would popularization mean? Through what media will art be popularized?

MR. GARCIA: It will be a multimedia popularization. In other words, if it is a song, it is by means of oral popularization, through radio, cassettes and actual singing of our different folk songs in different regions of the country. The same way with theater, we dance, and this is also one way of building a strong national consciousness. That is why I think this is very important.

MR. GUINGONA: Madam President, may we request Commissioner Bennagen to read the section as amended and as accepted by the committee.

MR. BENNAGEN: Before we do that, we said that we would like to incorporate the essence of that provision in the already read Section 3(c). Would Commissioner Garcia like to propose this as a different section? To include it in Section 3(c) would mean that popularization and dissemination will have to do only with research, when in fact this popularization and dissemination could be an independent activity.

MR. GUINGONA: Madam President, may we inquire whether Commissioner Garcia is amenable to that suggestion.

MR. GARCIA: If that is what the Commissioner wishes, I could then restate the original formulation that I had.

MR. GUINGONA: Later, after we finish with this.

Madam President, may we ask Commissioner Bennagen to read again the proposed section for consideration of the body.

MR. BENNAGEN: This is Section 3(c) as amended by Commissioner Davide. "The State shall encourage and support RESEARCHES ON THE ARTS AND CULTURE."

MR. GUINGONA: Madam President, we are ready to vote on this proposal.

THE PRESIDENT: Is there any objection to this formulation which has been accepted by the committee and read by Commissioner Bennagen? (Silence) The Chair hears none; the amendment is approved.

MR. GUINGONA: May we respectfully request, Madam President, that Commissioner Bennagen be allowed to read the next section, subsection (d) of this section.

THE PRESIDENT: The Commissioner may proceed.

MR. BENNAGEN: Madam President, this is already the Garcia amendment and let me read: "THE STATE SHALL PROMOTE AND SUPPORT THE POPULARIZATION AND DISSEMINATION OF OUR CULTURAL TRADITIONS AND SIGNIFICANT ARTISTIC CREATIONS OF INDIVIDUAL ARTISTS AND COMMUNITIES."

THE PRESIDENT: This is accepted by the committee. Is there any objection?

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I have a feeling that this is already covered by the Ople omnibus amendment and that of the Davide amendment which reads partly as follows: "IT SHALL CONSERVE AND PROMOTE THE NATION'S HISTORICAL AND CULTURAL HERITAGE AND RESOURCES." Does the word "PROMOTE" not mean popularization and dissemination? In fact, that was the answer of the committee when somebody questioned the meaning of "PROMOTE" in the context of cultural heritage and resources — to disseminate and popularize.

THE PRESIDENT: What does Commissioner Garcia say?

MR. GARCIA: My answer would be this: I believe this is a particular and concrete thrust that, I think, would enable us precisely to forge further our national identity and develop a consciousness of ourselves as a people. Although I admit that in general this may be included in the flagship statement, still this particularizes and makes effective that intent of the flagship statement.

MR. MONSOD: My suggestion is, instead of saying "PROMOTE THE NATION'S HISTORICAL AND CULTURAL HERITAGE AND RESOURCES," maybe the Commissioner can just add the words "AND POPULARIZE" after the word "PROMOTE." That will solve it rather than have an entirely new section.

MR. BENNAGEN: Is the Commissioner referring to Section 2?

MR. MONSOD: Section 2.

MR. BENNAGEN: Section 2. Then what would be the parliamentary situation in that case? Would that be a reconsideration of the already approved Section 2?

MR. MONSOD: No, I believe that would just be an insertion and a transposition of the idea that is being proposed now. It could even be a matter of style because the word "promotion" includes popularization.

MR. GARCIA: I think the situation is this. First of all, this is recommended as a special section to further strengthen that original statement. I would like, therefore, that this be presented to the body first and if this is not acceptable, perhaps we could then request that it be inserted as a further amplification of that section.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Madam President, the notion of the word "promotion" includes also promotion of cultural research on arts and culture. So, if we will combine this proposal in one section to read after the provision

which we have just approved, that is: "The State shall encourage and support RESEARCHES and studies ON THE ARTS AND CULTURE, PROMOTE AND SUPPORT THE POPULARIZATION AND DISSEMINATION OF OUR CULTURAL TRADITIONS. . ." this could be only one section. These would all fall under the concept of promotion. So, I will support thoroughly the notion of popularization because unless art is popularized we cannot possibly instill or inculcate the cultural consciousness. So we can do basic research, but unless we popularize and disseminate it, it is useless.

MR. GUINGONA: Madam President, I think the matter of whether or not it will be inserted in the previously approved section would be a matter of style and, therefore, what we should vote on is the concept. May we ask that the body vote on the proposal of Commissioner Garcia, without prejudice to either making it a separate section or including it in the previous section as suggested by Commissioner Rosario Braid.

MR. BENNAGEN: Or even integrating it into the already approved Section 3(c).

MR. GUINGONA: We leave that to the Committee on Style and the Committee on Sponsorship.

MR. BENNAGEN: Yes, we can agree on the essence of the combination of research and popularization.

MR. GUINGONA: May we ask Commissioner Bennagen to read again the proposed section for consideration by the body before we vote, Madam President?

MR. BENNAGEN: I do this on the understanding that we are voting on the concept of popularization. It reads: "The State shall promote AND SUPPORT THE POPULARIZATION AND DISSEMINATION OF OUR CULTURAL TRADITIONS AND SIGNIFICANT ARTISTIC CREATIONS OF INDIVIDUAL ARTISTS AND COMMUNITIES."

MR. GUINGONA: We are now ready to vote, Madam President.

VOTING

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

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

The results show 16 votes in favor and 5 against; the proposed amendment is approved.

MR. GUINGONA: Madam President, we respectfully move for the deletion of Section 3(d) of our original proposal because the subject matter has already been approved in this section on science and technology.

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

MR. GUINGONA: Madam President, may we respectfully request that Commissioner Bennagen be allowed to read the last section under arts and culture.

MR. BENNAGEN: Hopefully also with the Commissioner's very generous approval, Section 3(e) of the committee report was amended in a very minor way by the committee. It reads:

There shall be an independent central authority to formulate, disseminate and implement the cultural policies and programs.

MR. MONSOD: Madam President.

THE PRESIDENT: Is there any objection?

Commissioner Monsod is recognized.

MR. MONSOD: I move to delete this paragraph. This is against the very concept that the committee itself was espousing when it talked about its objection to the word "patronage. " The idea of an independent central authority, no matter how we couch it with the word "independent," will still rely a lot on the State.

Secondly, we already have a Ministry of Education, Culture and Sports. Therefore, I do not see there is still a need for such an independent central authority just for the purpose of launching cultural policies and programs. Even if we take out the words "of the State," that is what it means.

MR. BENNAGEN: Madam President, in the deliberations of the subcommittee and the committee, the meaning attached to independence is in relation to the intervention of changing administrations. As envisioned, the idea is really to involve as many sectors as possible in the formulation and dissemination of cultural policies and programs. It is a sad fact that there are many cultural activists who are high on enthusiasm, but very poor in terms of government support. There might be an apparent contradiction or inconsistency, but we feel that if carried on as envisioned in terms of democratic participation, a certain degree of independence could still be attained.

MR. ROMULO: Madam President.

THE PRESIDENT: Commissioner Romulo is recognized.

MR. ROMULO: I believe that the same reasons enumerated by the chairman of the committee against the Sarmiento amendment with regard to a centralized technology and science council apply exactly the same to this proposal.

MR. BENNAGEN: Madam President, if this is any worth at all, we did refer this to the Ministry of Education, Culture and Sports. They were of the opinion that as far as Deputy Minister Victor Ordoñez has indicated, and I understand in consultation with the Minister of Education, Culture and Sports, due to the sheer size of the ministry, they are supportive of the idea of having a separate authority on culture.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: There has been a lot of work accomplished by a group that has done preparatory work for the Ministry of Education, Culture and Sports. They have completed feasibility studies and a number of other studies. When we asked the MECS about the possibility of including other sectors, such as communication which we recognize as very important, but which does not have any commission to develop or to expand it, they were not against the idea. So rather than lose the idea of a commission on culture, we could expand this to include other concerns related to culture, such as communication. We have several models in other countries like Malaysia and Singapore where culture and communications go together. So, this is perhaps the way we could consider this concept.

MR. MONSOD: Madam President, I would object even more if this central authority would also include communications, because we might have another Cendaña organization. Remember, we are constitutionalizing this.

MR. REGALADO: Madam President.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: Regarding the envisioned body, as far as the deliberations show and what the participants in the consultation pointed out, the body shall coordinate, support and supervise all activities which are now being performed by the CCP, FAT, PICC, MPC, Metropolitan Museum, Metropolitan Theater, MOPA, Makiling Art Center, Nayong Pilipino, Intramuros Administration Complex, National Parks, Children's Museum and Library, National Museum, National Library, National Archives, National Historical Institute and all other government bodies connected with the above.

MR. REGALADO: Madam President.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: Just for clarification.

Do we understand from the answer of Commissioner Rosario Braid that Minister Quisumbing and her deputy ministers are willing to be divested of jurisdiction over culture from the ministry?

MS. ROSARIO BRAID: Commissioner Bennagen will please answer.

MR. BENNAGEN: I was the one who pointed that out. That was my understanding when we consulted the Minister of Education, Culture and Sports.

MR. REGALADO: Is that ministry also willing to be divested? The Commissioner said that this sprawling ministry is to be divested also of jurisdiction over sports, so that it will be purely a Ministry of Education.

MR. BENNAGEN: And Sports. That is our understanding, but also subject to the provision that there shall be coordination.

MR. REGALADO: We understand that up to now the Presidential Commission on Governmental Reorganization has not yet come out with a tentative report. And yet we are proceeding on that assumption which is still speculative and at the same time, in anticipation thereof, we already provide for an independent agency here.

MR. BENNAGEN: Madam President, I do not have the document now, but I understand from Deputy Minister Ordoñez that this is in fact already contemplated by the Villafuerte commission.

MR. REGALADO: Assuming that this is so, but there is no such provision here in this article, does the committee believe that it will prevent Congress from creating such an agency without the need of a constitutional mandate since, after all, the matter of promotion, conservation and protection of our cultural heritage and resources is already mandated?

MR. BENNAGEN: In the absence of an explicit prohibition, we do not see any possible inaction on the part of Congress on the creation of this kind of committee.

MR. REGALADO: In other words, I raised this question because we are having a constitutional mandate, but we are not yet sure how the governmental reorganization will result, and we may have this situation where we will have two competing agencies. So, at any rate, even if we do not provide for such an agency right here, since we have mandated protection, if not patronage of the State over our cultural heritage, Congress could always later, when things have jelled and already been clarified, create an agency for this purpose.

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: I concur with the suggestion of Commissioner Monsod for the deletion of this paragraph and I also concur with the statement made by Commissioner Romulo.

Madam President, I was happy when I heard Commissioner Guingona recommend the deletion of a section, but I have been noticing that many sentences or sections are being added with many details, which probably is the function of the Congress to provide and to implement. It seems that this Commission wants to do everything and leave nothing for Congress to do.

Madam President, I had two simple sentences under the section on sports, and there was a vote for deletion as being too long, and yet, when others make suggestions or additional concepts which are repetitious and redundant, there seems to be always an acceptance from the committee.

I am afraid, Madam President, that instead of having a Constitution that conforms with standards of general concepts and basic principles, we are going into too many details which should be the province of the Congress to provide depending upon future circumstances.

Madam President, the honorable Members of this Commission should not take the attitude that they can provide for all the remedies and solutions to all the problems of the nation.

Thank you, Madam President.

THE PRESIDENT: Is the committee insisting?

MR. GUINGONA: Madam President, in view of the objection raised, may we respectfully suggest that this matter be put to a vote.

VOTING

THE PRESIDENT: So, the committee is insisting on a vote.

As many as are in favor of the motion of Commissioner Monsod to delete the last section on page 7 of the committee report, please raise their hand. (Several Members raised their hand.)

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

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

The results show 23 votes in favor, 7 against and 1 abstention; the deletion of Section 7 is approved.

MR. GUINGONA: Madam President, there is only one more item not under arts and culture before the Committee on Human Resources finishes its presentation of its work. This has to do with the section on Science and Technology which was reserved earlier until Commissioners Nollado and Sarmiento are able to come up with a proposal. After this, we would be through as far as the Committee on Human Resources is concerned.

SUSPENSION OF SESSION

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

It was 4:56 p.m.

RESUMPTION OF SESSION

At 4:57 p.m., the session was resumed with Commissioner Romulo presiding.

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

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

THE PRESIDING OFFICER (Mr. Romulo): Commissioner Sarmiento is recognized.

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

Before I revive my controversial amendment, may I ask one question of the committee. Will Section 1 on Science and Technology mean that Congress shall take steps to strengthen and expand the functions and activities related to science and technology?

MS. QUESADA: Definitely.

MR. SARMIENTO: Then I respectfully withdraw my proposed controversial amendment.

MR. GUINGONA: Mr. Presiding Officer, with that, the Committee on Human Resources finishes its work. (Applause)

MR. RAMA: I move that we close the period of amendments on the Article on Education, Science, Technology, Sports, Arts and Culture.

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

Is there any other motion?

MR. RAMA: I move that we vote on Second Reading on the same article.

THE PRESIDING OFFICER (Mr. Romulo): Is there any objection?

ADJOURNMENT OF SESSION

MR. RAMA: Because of the objection of some Members, Mr. Presiding Officer, I move that we adjourn until tomorrow at nine-thirty in the morning.

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

It was 4:59 p.m.

[*] Appeared after the roll call.

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