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Sunday, October 12, 1986

OPENING OF SESSION

At 10:30 a.m., the Presiding Officer, the Honorable Alberto M.K. Jamir, opened the session.

THE PRESIDING OFFICER (Mr. Jamir): The session is called to order.

NATIONAL ANTHEM

THE PRESIDING OFFICER (Mr. Jamir) : Everybody will please rise to sing the National Anthem.

Everybody rose to sing the National Anthem.

PRAYER

THE PRESIDING OFFICER (Mr. Jamir) : Everybody will please remain standing for the Prayer to be led by the Honorable Ambrosio B. Padilla.

Everybody remained standing for the Prayer.

MR. PADILLA: Almighty God, O Lord, for more than four months every morning before starting the deliberations of this Constitutional Commission we have implored Your Divine Providence for assistance and guidance. In the discharge of our far reaching responsibility, in formulating the 1986 Constitution for our dear country and beloved people, designated by our President from so many qualified in the different sectors of our enlightened society, we have responded to a call of duty and service-professional men and women, elder and younger members, blending experiences and enthusiasm. Undertaking further study and research on the Philippine Constitutions of 1935 and 1973, we have diligently attended public hearings, committee meetings, Commission caucuses and plenary sessions where we expounded on our views and opinions, our preferences and predilections including our prejudices and we expressed our suggestions and amendments in appropriate and precise terms. Some Commissioners, convinced of the soundness of their judgment and convictions, have debated and argued with eloquence, sometimes with passionate or obstinate fervor, to make them prevail over those of other Commissioners. But the common objective of all was to exert our best efforts to attain the formulation of a good Constitution, animated solely by patriotism, pro-country, nationalism, pro-people with principles, policies and aspiration for us and our descendants to enjoy the blessings of democracy, truth, justice, freedom peace and prosperity.

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

will.

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

ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir): 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 31 Members responded to the call.

MR. CALDERON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : The Assistant Floor Leader is recognized.

MR. CALDERON: I move that we dispense with the reading of the Journal of the previous session.

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

APPROVAL OF JOURNAL

MR. CALDERON: Mr. Presiding Officer, I move that we approve the Journal of yesterday's session.

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

MR. CALDERON: Mr. Presiding Officer, I move that we proceed to the Reference of Business.

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

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

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

COMMUNICATIONS

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

(Communication No. 1095 — Constitutional Commission of 1986)

To the Committee on Amendments and Transitory Provisions.

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

(Communication No. 1096 — Constitutional Commission of 1986)

To the Steering Committee.

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

(Communication No. 1097 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

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

(Communication No. 1098 — Constitutional Commission of 1986)

To the Committee on Amendments and Transitory Provisions.

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

(Communication No. 1099 — Constitutional Commission Of 1986)

To the Committee on Human Resources.

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

(Communication No. 1100 — Constitutional Commission of 1986)

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

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

(Communication No. 1101 — Constitutional Commission of 1986)

To the Committee on the Executive.

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

(1) Twenty-eight residents of 1080 HV Amsterdam, Netherlands

(Communication No. 1102 — Constitutional Commission of 1986)

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

(Communication No. 1103 — Constitutional Commission of 1986)

To the Archives.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : The Floor Leader is recognized.

CONSIDERATION OF THE REPORT OF THE COMMITTEE ON STYLE

(Continuation)

MR. RAMA: There is still one unfinished item on the report of the Committee on Style. So, may I ask that the chairman of the Committee on Style, Commissioner Rodrigo, be recognized.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Rodrigo is recognized.

MR. RODRIGO: Mr. Presiding Officer, we have an unfinished matter regarding the draft of our Constitution and that is the title of this Constitution. The Committee on Style has no recommendation as to what the title should be. Last night there were some suggestions. The only thing I would like to put on record is the 1973 Constitution entitled "The Constitution of the Republic of the Philippine." The 1935 Constitution was entitled "Constitution of the Philippines." And I request that this matter be decided by the body this morning.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Davide is recognized.

MR. DAVIDE: I had an earlier motion to that effect which was deferred until the consideration of the Committee on Style's report. The proposal I made then was to give this title to the Constitution to wit, "The New Constitution of the Republic of the Philippines." But there were amendments introduced then by Commissioner Ople and Guingona.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Guingona is recognized.

MR. GUINGONA: My proposed amendment was to add the year "1986," the historic year when this Constitution was drafted, and I hope this would be approved. And so, I propose this amendment to the amendment of the honorable Commissioner Davide.

THE PRESIDING OFFICER (Mr. Jamir) : Will Commissioner Davide accept the amendment?

MR. DAVIDE: Commissioner Concepcion would want to make some comments or suggestions, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Concepcion is recognized.

MR. CONCEPCION: The titles suggested are very good. But there is one thing that will characterize this Constitution -it is the year. The 1986 Constitution is something that cannot be mistaken for the other Constitution before or hereafter, the idea being to stress what things happened in 1986. It is a reminder to the people that all of us had to fight for democracy. We cannot expect democracy to be given to us on a silver platter. So this means we have a Constitution. Remember we have fought for it and we must do so, too, if we want to keep it.

Thank you, Mr. Presiding Officer.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Guingona is recognized.

MR. GUINGONA: May I add that this is also the year that we, the people, had won back our freedom from the years of tyranny and from Mr. Marcos and, therefore, this, I repeat, is a historic year.

Thank you, Mr. Presiding Officer.

MR. NOLLEDO: Mr. Presiding Officer.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Davide is recognized.

MR. DAVIDE: If the proposal is to amend by changing the word "new" to 1986, I have no objection. So it would be "The 1986 Constitution of the Republic of the Philippines."

MR. GUINGONA: Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Nolleddo is recognized.

MR. NOLLEDO: Thank you, Mr. Presiding Officer.

I agree with Commissioner Concepcion because we refer to our Constitution during the Commonwealth regime as the 1935 Constitution and our Constitution under the Marcos regime, as the 1973 Constitution. So I think the year here is very important.

Thank you, Mr. Presiding Officer.

REV. RIGOS: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Rigos is recognized.

REV. RIGOS: Will it be proper for me to suggest that we jot down the various suggestions for the Commissioners to choose from?

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Guingona is recognized.

MR. GUINGONA: I think there is only one now on the floor, and that is the one presented by Commissioner Davide as amended by this Representation.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Rodrigo is recognized.

MR. RODRIGO: Mr. Presiding Officer, I have no objection to calling it the 1986 Constitution. Are we sure that this will be ratified in 1986? Is there a definite date set already for the plebiscite? Is that set for January 23, so that would be 1987?

MR. SUAREZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Suarez is recognized.

MR. SUAREZ: Thank you.

I was going to raise the same point because although the Constitution would have been drafted and perhaps approved by the Commission in 1986, the fact remains that as scheduled by the Commission on Elections, the plebiscite would be held either on January 19 or January 24, 1987. So if we are going to be strict about this matter, it may have to be referred to as the 1987 Constitution of the Republic of the Philippines irrespective of the significance of the year 1986 as correctly pointed out also by the Honorable Guingona.

MR. BENGZON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Bengzon is recognized.

MR. BENGZON: It is true that we refer to the Constitution during the Commonwealth period as the 1935 Constitution. It is true we refer to the Constitution during the Marcos period as the 1973 Constitution because that was the time when it was supposedly ratified, but notice that the official title does not specify the year. The official title of the 1935 Constitution was the "Constitution of the Philippines." The official title of the 1973 Constitution does not also specify the date. We will always remember 1986 and we will always remember the date of ratification, 1987, but perhaps the official title should be that which does not contain the year. So I propose as an alternative — just plainly, "The Constitution of the Republic of the Philippines."

MR. TINGSON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Tingson is recognized.

MR. TINGSON: Mr. Presiding Officer, I would favor the original idea of Commissioner Davide and name it "The New Constitution of the Republic of the Philippines," thereby bringing in the newness of life which really came about as a result of our peaceful revolution.

Secondly, Mr. Presiding Officer, I am bothered by the fact that we refer to the 1935 Constitution, and it ended two decades later on. We refer to the 1973 Constitution: it was supplanted 14 years later on. Then we refer now to 1986 Constitution. The sneaking suspicion probably in the minds of some people is we will change this 10 years later.

So, I am in favor of not putting the date there and would favor, "The New Constitution of the Republic of the Philippines."

MR. ROMULO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Romulo is recognized.

MR. ROMULO: I would like to support Commissioner Bengzon's suggestion because Section 27 of our final article says:

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

So, I think "The Constitution of the Republic of the Philippines" should be the proper title.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Jamir) : The session is suspended so that an agreement can be reached.

It was 10:51 a.m.

RESUMPTION OF SESSION

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

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

MR. RAMA: Mr. Presiding Officer, I ask that Commissioner Guingona be recognized.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Guingona is recognized.

MR. GUINGONA: Thank you, Mr. Presiding Officer.

I would like to just make a manifestation with regard to the use of the word "new." The word "new" is not new

really because we have been using that word to refer to the 1973 Constitution. Besides after 10, 20, 50 years, the Constitution will no longer be new.

Thank you, Mr. Presiding Officer.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Davide is recognized.

MR. DAVIDE: May I be allowed to make a rejoinder to that? The newness of the Constitution is not reckoned by the times or the lapse of the years henceforth but it is because this will, in effect, supplant the previous Constitution. This will provide for a new order, a new life, a new meaning to the Filipino people and therefore, growth being dynamic, this new Constitution will always stay as new.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Romulo is recognized.

MR. ROMULO: Mr. Presiding Officer, I suggest we pose to the Commission two alternatives: First would be the Davide suggestion; Second, would be the Bengzon and my suggestion which is "The Constitution of the Republic of the Philippines." I ask Commissioner Davide to state his title.

MR. DAVIDE: May I propose three alternatives: the Romulo-Bengzon alternative; the Guingona-Concepcion alternative and the original. So the original will be "The New Constitution of the Republic of the Philippines," the second will be "The 1986 Constitution of the Republic of the Philippines" and the third "The Constitution of the Republic of the Philippines."

THE PRESIDING OFFICER (Mr. Jamir) : Which one does the Commissioner want to be voted first?

MR. DAVIDE: May we just request the Commission to vote first on the "The New," the second would be "The 1986 . . ."

MR. RAMA: Mr. Presiding Officer, may I ask that Commissioner Rodrigo, the Chairman of the Committee on Style, be recognized.

MR. RODRIGO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Rodrigo is recognized.

MR. RODRIGO: Here is my suggestion: We use ballots and vote whether we prefer one, or two or three. Now, if one of them gets one-half plus one of the quorum, then that wins.

MR. BENGZON: It is all right.

MR. RODRIGO: If "none" gets one-half plus one, then the last is eliminated, and we vote on the remaining two.

THE PRESIDING OFFICER (Mr. Jamir) : So the Chair suggests that pending the making of the ballots, we suspend consideration of this and then proceed to the sponsorship so we can save time.

MR. CONCEPCION: Mr. Presiding Officer, may I be recognized?

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Concepcion is recognized.

MR. CONCEPCION: After considering the reasons adduced here, I am in favor now of the last proposal — "The Constitution of the Philippines."

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Guingona is recognized.

MR. GUINGONA: Thank you, Mr. Presiding Officer.

After consultation with the Chief Justice, I am withdrawing my proposed amendment.

MR. RODRIGO: So, Mr. Presiding Officer, there are only two proposed titles from which we can choose, and so I move that we vote on these: No. 1 is "The New Constitution of the Republic of the Philippines"; No. 2 is just delete "New" — "The Constitution of the Republic of the Philippines."

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Davide is recognized.

MR. DAVIDE: So that we will be united on the title of the new Constitution, I am withdrawing my proposal.

(Applause)

THE PRESIDING OFFICER (Mr. Jamir) : Thank you.

MR. RAMA: We need a formal approval of that, Mr. Presiding Officer. May I ask Commissioner Rodrigo to restate the motion.

MR. RODRIGO: The title is: "The Constitution of the Republic of the Philippines." I ask for a unanimous vote.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none, the title of the new Constitution is unanimously approved.

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: This is what we may call a "pahabol." I tried taking this up yesterday before we adjourned, but unfortunately it was cut short and I was not given the full opportunity to present it. But I had started and I would like to continue.

This will not take long. It is a simple recasting of a provision, particularly Section 8, Article II, about the Commission on Elections. If I may be allowed to read the proposed recasting of the provision, this will break up the long, run-on sentence, and we will eliminate some of the repetitious words to make it a more readable provision in our Constitution. Do I have the permission?

THE PRESIDING OFFICER (Mr. Jamir): The Chair would like to hear from Commissioner Rodrigo, as Chairman of the Committee on Style, on this matter.

MR. RODRIGO: I am through reporting but the matter can be reopened. But my suggestion is this: When the Committee on Style had its last meeting some time last week, we thought that some last-minute suggestions might crop up. And so we decided to form an Ad Hoc committee composed of the ADAN — Azcuna, Davide, and Nollado. So I suggest that we proceed now to the report of the Committee on Sponsorship; and meanwhile I suggest to Commissioner Foz that he discuss this matter with our ADAN Committee.

MR. FOZ: I have taken it up with Commissioners Nollado and Davide who appeared to be amenable to giving way to this suggestion.

THE PRESIDING OFFICER (Mr. Jamir) : But, Commissioner Foz, appearances sometimes are deceitful.

MR. FOZ: They have assured me, Mr. Presiding Officer.

MR. RODRIGO: Why do we not wait for Commissioner Azcuna?

MR FOZ: I agree, Mr. Presiding Officer.

MR. RAMA: In the meantime, Mr. Presiding Officer I move that we take up the Business for the Day, the report of the Committee on Sponsorship on the final draft of the Constitution.

THE PRESIDING OFFICER (Mr. Jamir) : The chairman and members of the Committee on Sponsorship are kindly requested to occupy the front table.

MR. GUINGONA: Thank you, Mr. Presiding Officer. May I request the members of this committee to please join us. And may I request the Presiding Officer to allow us to have our Secretary, Judge Rodriguez, with us.

THE PRESIDING OFFICER (Mr. Jamir) : The request is approved.

MR. GUINGONA: Thank you, Mr. Presiding Officer.

There are only three functions that we are supposed to discuss this morning, and we hope to finish our work as soon as possible. One is the report which we have circularized yesterday regarding repetitions. This was prepared by the chairperson of our Subcommittee on Review, the Honorable Felicitas Aquino, and we are just submitting this for the consideration of our fellow Commissioners by way of information.

There is no recommendation regarding the deletion of any of the repetitions indicated in this report. So unless there is any question on the matter, I would like to move that we consider the matter of repetitions already indicated in our report as merely for information purposes and, therefore, we would no longer consider this matter of repetitions.

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

MR. GUINGONA: Thank you, Mr. Presiding Officer.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner de Castro is recognized.

MR. DE CASTRO: Is this the report that the Commissioner is referring to?

MR. GUINGONA: No, that is not the report, Mr. Presiding Officer. I am going into this now.

I am going to that report which the honorable Commissioner de Castro is showing us, and I would like to request that the body consider the sequencing of the sections in the 18 articles that we have approved found in these stapled sheets of paper.

May we just mention, Mr. Presiding Officer, that there has been an omission in this report, which is in the first page. Article V was not included and there should be an Article V entitled "SUFFRAGE."

But we are not concerned, Mr. Presiding Officer, with this first page; we are concerned with the subsequent pages, and in order to expedite matters, may I request the permission of the Chair and the permission of the honorable Commissioners to allow us to call on the chairmen of the various committees involved, and find out their reactions. And if there is no objection or any suggested modifications on their part, and unless there is any objection on the part of the Commissioners, we will consider the sequencing of each article as approved.

We would like to go to Article I. Before we go to that, may I request that the vice-chairperson of our Subcommittee on Rubrics be recognized.

MR. MAAMBONG: Mr. Presiding Officer, the report on sequencing which the Commissioners received is the report we distributed yesterday, but please understand that it was only last night when we approved the last article on Transitory Provisions.

In view of the approved sequencing of the articles, we had to rush to the Computer Unit, and in a short while, we will be receiving a new report which is signed by the chairman of Sponsorship and signed by the chairman of the Committee on Rubrics. It will contain practically the same as the one we have, except for the fact that that would be really official because they will carry the signatures of both chairmen, and a so will already reflect the sequence which our chairman has indicated, from Preamble down to Transitory provisions.

So there will be no misunderstanding, the report that we have in our possession will be practically the same except for the resequencing which we had to make last night.

I will repeat: the official copy will reach you in a short while. It is being prepared now by our Printing Section.

Thank you.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Guingona is recognized.

MR. GUINGONA: May we proceed article by article, and call on the vice-chairperson of the Committee on National Territory and Declaration of Principles, Commissioner Tingson, to manifest any change his committee would wish to make, if there is, insofar as the Article on National Territory is concerned. I understand there is only one section.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Tingson is recognized.

REV. RIGOS: Mr. Presiding Officer

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Rigos is recognized.

REV. RIGOS: I recall that the Article on National Territory had already been approved on Third Reading. Is it still possible now for the committee even to make some changes?

MR. GUINGONA: Mr. Presiding Officer, we are not making any changes except for the matter of sequencing, meaning to say, the placing of the sections in logical order.

MR. MAAMBONG: Mr. Presiding Officer, there is nothing to sequence in National Territory: there is only one section.

MR. GUINGONA: Yes, Mr. Presiding Officer. May we hear from the vice-chairperson of the committee?

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner de Castro is recognized.

MR. DE CASTRO: On page 2 of the report, Article II is National Territory and Article I is Declaration of Principles and State Policies.

MR. MAAMBONG: That is precisely why in my prefatory statement, I said that because we approved only last night the complete sequencing of the articles, we are now following the draft which we have submitted. In just a short while, the new approved sequence of articles will reach you.

MR. DE CASTRO: So, when we begin to go into this report, we will consider National Territory as Article I.

MR. MAAMBONG: Yes, that is correct.

MR. GUINGONA: Mr. Presiding Officer, may we call the attention of the honorable Commissioners, that we are not concerned here about the sequencing of the articles that has already been approved a couple of days ago; what we are concerned here are the sequencing of the sections in each article. So we will request the honorable Commissioners to ignore the sequencing of the articles. We now go to the Declaration of Principles, Mr. Presiding Officer. May we hear from the vice-chairperson?

MR. MAAMBONG: Before we proceed, kindly look at the sequencing report. There are two columns there: a section number which has no parenthesis and a section number which has a parenthesis. If the presentation is a section number without a parenthesis, it means that that is the original section number of the Third Reading copy. If the section number not in parenthesis is followed by a number in parenthesis, the one in parenthesis is the original number of the third reading copy; this is true in all articles except Transitory Provisions because, for one reason or another, the report of the Committee on Style did not tally in numbering with the numbering of the Third Reading copy. And so we have to use the Committee on Style numbering sequence so that we will not get lost. So, in Declaration of Principles, there are only a very few changes; it is only in original Sections 8, 5, 6 and 7 for the simple reason that during the formulation of the sequence on the floor I already suggested a sequence which was accepted by the committee. So I move for the approval of the sequence on Declaration of Principles which is practically the same as the sequence approved by the body.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; the sequence on Declaration of Principles is approved.

MR. GUINGONA: Mr. Presiding Officer, may we now go to the Bill of Rights? May we ask the chairperson of the Committee on the Bill of Rights to please react to the proposed sequencing. Commissioner Laurel is not here; may we hear from the vice-chairperson then, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Bernas is recognized.

FR. BERNAS: What does the Committee want to hear, Mr. Presiding Officer.

MR. GUINGONA: If the Commissioner has any modification; if this is acceptable to him, Mr. Presiding Officer.

FR. BERNAS: I am accepting Commissioner Maambong's sequencing.

MR. GUINGONA: Thank you.

May we move for approval of the sequencing of the Bill of Rights, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; the sequencing of the Bill of Rights is approved.

MR. GUINGONA: We now go to the Article on Citizenship. May we hear from the chairperson or vice-chairperson of the Committee on Citizenship?

MR. TINGSON: There are three sections here, Mr. Presiding Officer, on Article 3.

MR. MAAMBONG: Incidentally, in the report, we have Sections 1, 2 and 3. We sequenced this on the basis of the previously approved copy of the Committee on Style which reached our computer unit. However, when we went over the Article on Citizenship last night, we found out that the original Sections 4 and 5, which appeared in the Third Reading copy, were restored and so Article 4 on Citizenship will have to carry additional sections — Sections 4 and 5 on page 2 of the report Section 4 will be on citizens who marry aliens and Section 5, on dual allegiance of citizens.

Now, this is the original sequence as approved by the body; therefore, there was no need for us to sequence it.

I move for its approval, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; the original sequencing of Sections 4 and 5 is approved.

MR. GUINGONA: The next article will be the Article on Suffrage, and there is no sequencing required, so I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; the sequencing of the Article on Suffrage is approved.

MR. GUINGONA: We now go, Mr. Presiding Officer, to the Article on Legislative and may I request the chairperson of the Legislative Department, Commissioner Davide, to give his reaction.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Davide is recognized.

MR. DAVIDE: Thank you, Mr. Presiding Officer. I have only one reaction to the placement of the Question Hour. I propose that instead of putting it as Section 31, it should follow Legislative Inquiries.

THE PRESIDING OFFICER (Mr. Jamir) : What does the committee say?

MR. GUINGONA: I ask Commissioner Maambong to reply, Mr. Presiding Officer.

MR. MAAMBONG: Actually, we consider that previously when we sequenced this but we reasoned out that in Section 21, which is Legislative Inquiry, it is actually a power of Congress; whereas, a Question Hour is not actually a power of Congress in terms of their own lawmaking power because in Legislative Inquiry it is in aid of legislation. And so we put Question Hour in Section 31. I hope Commissioner Davide will consider this.

MR. DAVIDE: The Question Hour is closely related with the legislative power, and it is precisely necessary as a complement to or a supplement of the Legislative Inquiry. The appearance of the members of the Cabinet would be very, very essential not only in the application of check and balance but also, in effect, in aid of legislation.

MR. MAAMBONG: After conferring with the committee, we find merit in the suggestion of Commissioner Davide. In other words, we are accepting that and so this Section 31 would now become Section 22. Would that be, Commissioner Davide?

MR. DAVIDE: Yes.

MR. MAAMBONG: It would be Section 22, (Section 21) and we will renumber sequentially the succeeding numbers so that it will fit up to Section 32.

MR. DAVIDE: Thank you.

MR. GUINGONA: Mr. Presiding Officer, may we move for approval of this Article as far as sequencing is concerned, as amended by Commissioner Davide?

MR. PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; the sequencing of the Article on the Legislative is approved.

MR. GUINGONA: We now come to the Executive Department, and we would like to request the chairperson of the Committee on Executive Department to react.

MR. SUMULONG: Mr. Presiding Officer, we have no correction to make in the realignment of these sections in

the Article of the Executive Department. As a matter of fact, when that article was being considered on Second Reading, we had already the pleasure of receiving the cooperation of Commissioner Maambong regarding the realignment.

MR. MAAMBONG: Thank you for that. As a matter of fact, it will be reflected that there is no change at all in the sequence because the sections were actually sequenced on Second Reading as manifested by the chairman of the Committee on the Executive, the Honorable Sumulong.

MR. GUINGONA: May I move for the approval, Mr. Presiding Officer, of the Executive Department as far as the sequencing is concerned.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; the sequencing of the Article on the Executive is approved.

MR. MAAMBONG: Mr. Presiding Officer, before we proceed, the official copy of our sequencing which will reflect what is the actual sequencing of Article I to Article XVIII, I understand, is now in the possession of the individual Commissioners. I suggest that we now make use of that official copy.

MR. GUINGONA: We now go, Mr. Presiding Officer, to the Judicial Department. May we request the chairperson, the Honorable Concepcion, to please react as far as its sequencing is concerned.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Concepcion is recognized.

MR. CONCEPCION: Thank you, Mr. Presiding Officer.

I think the sequence is all right, but insofar as the outline submitted to us where the numbering of the sections appear, there is this in connection with Section 4, which is now Section 3, "Composition of the Supreme Court sitting en banc."

What cases should be heard en banc with majority of the Members plus one vote is no longer plus one; it is only majority members. And, second, what appears as subdivision No. 3 is now part of subdivision No. 2. The rest are correct; I have no objection.

MR. MAAMBONG: As far as the sequence is concerned, I understand the Commissioner has no objection?

MR. CONCEPCION: I have no observation.

MR. MAAMBONG: This happened because there was, I think, an amendment made.

MR. CONCEPCION: As amendment, that is right.

MR. MAAMBONG: And we will just correct the sectional heading accordingly.

MR. CONCEPCION: Thank you.

MR. GUINGONA: Mr. Presiding Officer, may we respectfully move for the approval of the Article on the Judiciary as far as sequencing is concerned.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; sequencing of the Article on the Judiciary is approved.

MR. GUINGONA: We now go to Constitutional Commissions, Article IX. May we manifest that we have included here the changes proposed by the chairperson of the Committee on Constitutional Commissions, the Honorable Foz.

May we ask for the reaction?

MR. CONCEPCION: Mr. Presiding Officer, may I be recognized.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Concepcion is recognized.

MR. CONCEPCION: I suggest, if possible, that when an article is called the page where the particular article appears be stated, because it takes time to locate otherwise. And before we locate the pertinent article, a number of things has transpired. I would appreciate it very much.

Thank you, Mr. Presiding Officer.

MR. GUINGONA: I thank the Gentleman for his suggestion.

MR. MAAMBONG: In reply to that suggestion of Commissioner Concepcion, I would like the Members to go over their copies now. There is a table of contents, and in the table of contents, the particular page of the article under consideration is indicated. For example, if we are now in the Constitutional Commissions, that would be page 10 of the official report.

So, will the Commissioners kindly open to page 10 of the official report?

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Guingona is recognized.

MR. GUINGONA: We are now referring to the material that has just been distributed. This is the revised material. May we ask that Commissioner Foz be recognized for his reaction on the Article on Constitutional Commissions.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Foz is recognized.

MR. REGALADO: Excuse me, Mr. Presiding Officer, may I go back to a prior portion, on the Judiciary?

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Regalado is recognized.

MR. REGALADO: On page 9, there is mention here in Section 10, which used to be Section 13, something about the interim salary of the Chief Justice and the associate justices. Is it understood that this section does not provide for these salaries but should actually be in the Transitory Provisions?

MR. MAAMBONG: It is already indicated in the Transitory Provisions, Mr. Presiding Officer.

May I ask the Committee on Style, if that is so indicated in their final formulation because I might be mistaken.

The question is: Is the salary of the Chief Justice of the Supreme Court and the associate justices of the Supreme Court specifically indicated in the former Section 13 of the Article on the Judiciary Department?

MR. AZCUNA: No, it is not; it is, no longer there. What we retain is "during their continuance in office their salary shall not be decreased."

MR. MAAMBONG: Thank you.

MR. GUINGONA: Thank you, Mr. Presiding Officer. May we now ask the reaction of Commissioner Foz.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Foz is recognized.

MR. FOZ: Actually, last night, we have conferred with Commissioner Maambong on these changes, these transpositions of some sections in the Constitution on the provisions involving the Constitutional Commissions, and I find that all the suggestions of the committee have been followed and so we offer no objection to the

arrangement.

MR. MAAMBONG: I just want to indicate that on the floor when Commissioner Foz offered three suggestions, I made it of record that the Subcommittee on Sequencing was ahead of him. It was already approved by the Subcommittee on Sequencing and last night there were two other sections which Commissioner Foz also wanted resequenced. We spent 15 minutes on consultations and, if the Commissioner will go over page 11, what he has suggested last night is already indicated.

MR. FOZ: Thank you.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Guingona is recognized.

MR. GUINGONA: May we move for approval of this Article on Constitutional Commissions insofar as sequencing is concerned.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; the sequencing of the Article on Constitutional Commissions is approved.

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Foz is recognized.

MR. FOZ: May I take advantage on my being on the floor so that we can already present the proposal that I have made earlier at the start of the session in connection with the recasting of Section 8 of the article involving the Commission on Elections.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Rodrigo is recognized.

MR. RODRIGO: Yes. Our ADAN Committee already met with Commissioner Foz and our committee unanimously decided to accept the amendment which is purely for phraseology. There is no change whatsoever in substance or essence. So, may I ask for its approval.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; recasting of Section 8 is approved.

MR. RODRIGO: May I request Commissioner Foz to give that to our Secretary who is sitting there, Atty. Rafael de Guzman.

MR. FOZ: Thank you.

MR. GUINGONA: Mr. Presiding Officer, may we now go to Article X, Local Government and may we request the chairperson of the Committee on Local Government, the honorable Commissioner Nollado, to please react.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Nollado is recognized.

MR. GUINGONA: This is on page 13, Mr. Presiding Officer.

MR. NOLLEDO: Thank you, Mr. Presiding Officer.

I have noticed here that the Commissioners have made drastic changes in the sequence of the provisions on Local Government.

MR. MAAMBONG: Yes, Mr. Presiding Officer.

MR. NOLLEDO: In general, I commend them for these changes. But I have one observation. I hope the committee will agree with my recommendation that there should be some minor adjustments.

I noticed that the Gentleman put Section 3 on the Local Government Code as Section 6. I am referring to Commissioner Maambong that all these sections on the General Provisions with the exceptions of the new provisions like the regional development councils are embodied in the Local Government Code. I believe the Local Government Code should be ahead of this provision. I recommend that it should be the third provision that should appear under the General Provisions. That is my only adjustment.

MR. MAAMBONG: Let me put it this way, Mr. Presiding Officer.

The flagship provision of local government, from our standpoint, is the provision that local governments will be given local autonomy.

MR. NOLLEDO: I agree, Mr. Presiding Officer.

MR. MAAMBONG: Because of that, right after Section 1 when we talk about territorial and political subdivisions, we immediately place the flagship provisions on local autonomy in Section 2. In view of this concept of local autonomy, it necessarily follows that we have to put after Section 2, Sections 12, 13 and 14 because when the local government units have local autonomy, we give them the power to create sources of revenue, which is Section 12. We give them the power to have a just share in national taxes, which is Section 13, and we give them the power to have a share in the proceeds of the national wealth. That is precisely the concept that we have tried to present, Mr. Presiding Officer.

With the indulgence of Commissioner Nolleto, I plead with him not to change this concept by putting in the Local Government Code ahead, otherwise, my sequence of the flagship provisions and the three provisions which follow will be utterly destroyed.

MR. NOLLEDO: But the power of taxation is not the only basis of local autonomy. In fact, the structure of government has great pertinence to local autonomy. If we were to follow the Commissioner's argument, then Section 14 of his recommendation, which was formerly Section 11 on Regional Development Councils, should likewise appear in the upper side because this will concern also local autonomy, and the autonomous regions are involved in the implementation of the principle of local autonomy. If we read the provisions on the Local Government Code, as amended by Commissioner Davide, the thrust there is local autonomy on all aspects of local governments, on local structures, in appointment of public officials, in election of public officials, et cetera. So taxation is only a part and parcel of the general rule on local autonomy. I really recommend very strongly that we transfer the provision on Local Government Code.

MR. MAAMBONG: No, we are only discussing this, Mr. Presiding Officer.

MR. NOLLEDO: Yes.

MR. MAAMBONG: I am just putting in my thinking that as a result of local autonomy, we put in Sections 12, 13 and 14. I would like to know from the Gentleman because he is more knowledgeable about this, being the Chairman of the Committee on Local Governments.

MR. NOLLEDO: No, I think the Gentleman is equally knowledgeable, Mr. Presiding Officer.

MR. MAAMBONG: Where will I place the Local Government Code, Mr. Presiding Officer?

MR. NOLLEDO: I would recommend after "local autonomy" because we will notice that the provisions on taxes, power of supervision of the President, term of office, sectoral representation will, I am very sure, appear in the

local Government Code. Congress will always put them there.

MR. MAAMBONG: I would agree with that but in order not to separate the local government powers under the Local Government Code with the supervisory powers of the President, would he kindly agree that after "local autonomy," we will put in the Local Government Code and next in line will be the power of supervision of the President.

MR. NOLLEDO: I fully agree, Mr. Presiding Officer. In fact, that was my original recommendation but I did not like to overburden the committee, so I just concentrated with the Local Government Code.

MR. MAAMBONG: It is all right then.

MR. NOLLEDO: I think the Gentleman is reading my mind.

MR. MAAMBONG: To be certain about this, Mr. Presiding Officer, on page 13, our Sections 6 and 7 should be transposed between Sections 2 and 3. Is that correct, Mr. Presiding Officer?

MR. NOLLEDO: It is correct, Mr. Presiding Officer. I have no objection with respect to all others.

MR. MAAMBONG: Then we will change the numbers sequentially.

Thank you very much, Mr. Presiding Officer.

MR. GUINGONA: Mr. Presiding Officer.

MR. NOLLEDO: Mr. Presiding Officer, I would like to take this opportunity of asking for apology from Commissioner Maambong because in the course of the proceedings during the four-month period of our deliberations, I think I uttered many words which are wanting in civility to him. I know his heart is as big as mine. I hope he will pardon me.

MR. MAAMBONG: That never entered my mind, Mr. Presiding Officer; but thank you, anyway.

MR. NOLLEDO: Thank you, Mr. Presiding Officer.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Guingona is recognized.

MR. GUINGONA: May we respectfully request for approval of Article X, as sequenced, on Local Government?

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Article X on Local Government, as sequenced, is approved.

MR. GUINGONA: We now go to Article XI, Accountability of Public Officers.

MR. MAAMBONG: Page 14 in the new report.

MR. GUINGONA: This is on page 14. May we know who is going to react on Accountability? Is it Commissioner Foz or Commissioner Monsod?

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Monsod is recognized.

MR. MONSOD: Mr. Presiding Officer, I have gone through the proposal and I agree.

MR. GUINGONA: Thank you, Mr. Presiding Officer.

MR. MAAMBONG: Thank you very much.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Guingona is recognized.

MR. GUINGONA: I respectfully move for approval of Article XI, as sequenced, on Accountability of Public Officers.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Article XI on Accountability of Public Officers, as sequenced, is approved.

MR. GUINGONA: The next is National Economy and Patrimony.

MR. MAAMBONG: Page 15.

MR. GUINGONA: Article XII, page 15.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Villegas is recognized.

MR. VILLEGAS: I find the new ordering more logical and I commend the Committee on Sponsorship for a good job. We have no objection.

MR. GUINGONA: Thank you, Mr. Presiding Officer.

MR. MAAMBONG: Thank you very much.

MR. GUINGONA: May I respectfully move for approval of Article XII on National Economy and Patrimony as sequenced?

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Article XII on National Economy and Patrimony, as sequenced, is approved.

MR. GUINGONA: May we now go to the next article, Article XII, Social Justice and Human Rights. May we request the honorable Commissioner Teresa Nieva to please react.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Nieva is recognized.

MR. MAAMBONG: Page 16 of the report.

MS. NIEVA: Yes, I concur with the arrangement.

MR. GUINGONA: Thank you, Mr. Presiding Officer.

May I respectfully move for approval of Article XIII on Social Justice and Human Rights, as sequenced.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Article XIII, as sequenced, is approved.

MR. GUINGONA: Article XIV, page 18. The full title is "Education, Science and Technology, Arts, Culture and Sports."

MR. MAAMBONG: May I just indicate, before the honorable chairman of the Committee on Education reacts, that this particular article had already been sequenced in advance, because during the deliberation, the honorable Chairman Villacorta was very receptive to our suggestion that we sequence it in advance.

There is only one change: We deleted the original Section 1 and transferred it to Section 17 of Declaration of Principles.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Villacorta is recognized.

MR. VILLACORTA: Mr. Presiding Officer, the committee has no objection and we would like to thank the Honorable Maambong for his help.

MR. GUINGONA: Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Padilla is recognized.

MR. PADILLA: Just a point of inquiry, Mr. Presiding Officer.

Was not this article entitled, "Human Resources"?

MR. MAAMBONG: No, Mr. Presiding Officer.

As I understand it, it is the Committee on Human Resources, but the article is not Human Resources, Mr. Presiding Officer.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Guingona is recognized.

MR. GUINGONA: Mr. Presiding Officer, may I move for approval of Article XIV?

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection?

Commissioner Azcuna is recognized.

MR. AZCUNA: There should, I think, be a comma (,) after "Culture" in the title; also in the Table of Contents.

MR. GUINGONA: Thank you, Mr. Presiding Officer.

May I move for the approval of Article XIV, as sequenced.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Article XIV, as sequenced, is approved.

MR. GUINGONA: May we go to Article XV on the Family and this is found on page 20.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Nieva is recognized.

MS. NIEVA: Yes, I agree; there is no change in sequence.

MR. GUINGONA: Thank you, Mr. Presiding Officer.

May I move for the approval of Article XV on the Family, as sequenced.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Article XV, as sequenced, is approved.

MR. GUINGONA: Article XVI on General Provisions which is found on page 20.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Mr. Presiding Officer, I commend the committee for their resequencing, but may I suggest or recommend that Sections 9, 10, 11 be resequenced.

First of all, what is now Section 11 is an advisory consultative body on cultural communities and is not related to communication. So, here we really break the trend, because Section 11 is the original Section 10, which is

Communication.

So, I recommend that what is now Section 11 be Section 9 since it is a government agency. What is now Section 9 be Section 10, since it is on consumerism related to communication. Then what is now Section 10 be Section I 1; and then Section 12 remains as it is.

MR. MAAMBONG: I am sorry, we did not get that very well, Mr. Presiding Officer.

The Commissioner is asking first for the transfer of the presidential advisory consultative body on indigenous cultural communities, now Section 11 to Section 9.

MR. MAAMBONG: Just a moment, please.

If we place this government agency after Section 8, it will follow "pensions and other benefits" and it will be between "pensions and trade malpractices."

MS. ROSARIO BRAID: If it is a better sequencing than putting it between "communication," between what is now Section 10 and 12, section 12 follows after Section 10. So, it should not really be inserted. That is the principal change I would like to recommend. If these were "culture and communication," it would have been all right but this is on indigenous cultural communities.

MR. MAAMBONG: Can we not instead put Section 11 at the end so that there will be a flow of communication and information? Then the second one would be on mass media?

MS. ROSARIO BRAID: So as it is now, if I could see the trend, we do not change "consumers"; that remains as it is, as Section 9, and then Section 10, except for the first paragraph, will become Section 10, and then Section 11 will be what is now Section 12, and what is now Section 11 would be Section 12.

MR. MAAMBONG: Yes. Thank you.

MS. ROSARIO BRAID: Yes. Thank you very much.

MR. GUINGONA: Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Guingona is recognized.

MR. GUINGONA: May I respectfully move for approval of Article XVI on General Provisions, as sequenced.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; Article XVI, as sequenced, is approved.

MR. GUINGONA: May we now go to Article XVII, Mr. Presiding Officer.

MR. MAAMBONG: Amendments or Revisions on page 22?

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Mr. Presiding Officer.

May we take up the two together, Amendments or Revisions and Article XVIII, the Transitory Provisions?

MR. GUINGONA: Mr. Presiding Officer, we have no objection.

MR. MAAMBONG: In the case of Amendments and Revisions, this is the original sequence: We did not touch it because it is already a very good sequence. So could we leave this Amendments or Revisions then go to Transitory Provisions now, Mr. Presiding Officer?

MR. SUAREZ: Thank you.

MR. GUINGONA: Before that, Mr. Presiding Officer, may I respectfully move for approval of Article XVII on Amendments or Revisions, as far as sequencing is concerned.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Article XVII, as sequenced, is approved.

MR. GUINGONA: We now go to the last article, Article XVIII, Transitory Provisions, and may I request that the honorable Commissioner Suarez be recognized.

MR. SUAREZ: We accept the sequencing, the rubrication, whatever it is, and we would like to pay special tribute to the magnificent work done by the committee particularly by the Honorable Maambong.

MR. MAAMBONG: Thank you very much, Mr. Presiding Officer.

MR. GUINGONA: Thank you. Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Guingona is recognized.

MR. GUINGONA: May I respectfully move for approval of Article XVIII on Transitory Provisions, as sequenced.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; Article XVIII on Transitory Provisions, as sequenced, is approved.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Guingona is recognized.

MR. GUINGONA: Before we go on, may I commend the Subcommittee on Rubrics for this good work. The subcommittee is headed by the Honorable Tingson and the vice-chairperson is the Honorable Regalado Maambong, but I would like to especially commend Commissioner Maambong who spent a lot of sleepless nights and a lot of working hours in the Computer Section for this particular endeavor.

MR. MAAMBONG: May I just also say something, Mr. Presiding Officer. I would like to commend all the staff and employees of the Computer Unit under the Office of the Secretary-General who had to bear with my temper in order that we could reach the deadline especially Ms. Rhea Odilao and our Committee Secretary, Linda Castillo.

Thank you very much.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Guingona is recognized.

MR. GUINGONA: So on behalf also of the Committee on Sponsorship, I would like to repeat the commendation for all including our Secretary who is here with us now. We had two Secretaries: Atty. Linda Castillo and Judge Rodriguez who is seating beside me. I would like to commend all of them for the support given.

And now, Mr. Presiding Officer, there is only one more function that is left with us and the Members of our Committee on Sponsorship has delegated this Representation to deliver the sponsorship speech on behalf of the Sponsorship Committee after which we will be through. May I now go on with my sponsorship speech?

THE PRESIDING OFFICER (Mr. Jamir) : Please proceed.

SPONSORSHIP SPEECH OF COMMISSIONER GUINGONA

MR. GUINGONA: Thank you, Mr. Presiding Officer.

This sponsorship speech is for the entire draft of the Constitution of the Republic of the Philippines.

Today, we have completed the task of drafting a Constitution which is reflective of the spirit of our time -a spirit of nationalism, a spirit of liberation, a spirit of rising expectations.

On June 2, forty-eight men and women met in this hall-men and women from different walks of life with diverse backgrounds and orientations, even with conflicting convictions, but all sharing the same earnest desire to serve the people and to help draft a Constitution which will establish a government that the people can trust and enthusiastically support, a Constitution that guarantees individual rights and serves as a barrier against excesses of those in authority.

The men and women who drafted the 1986 Constitution were moved by the same spirit as that described by Clinton Rossiter who, in writing about the framers of the 1787 Constitution of the United States, said that the spirit of the framers was a blend of prudence and imagination, of caution and creativity, of principle and practicability, of idealism and realism about the governing and self-governing of men.

A Constitution of the people and for the people derives its authenticity and authority from the sovereign will; the power of the people precedes it. As such, it should reflect the norms, the values, the modes of thought of our society, preserve its heritage, promote its orderliness and security, protect its cherished liberties and guard against the encroachments of would-be dictators. These objectives have served as the framework in the work of drafting the 1986 Constitution.

The form and structure of our government under the draft Constitution is built within the context of the principle that the Philippines is a democratic and republican State. As such, the Constitution has provided for a presidential form of government with a bicameral legislature, where the President, the Vice-President, the members of the two Houses of Congress as well as certain officials of local governments are to be elected directly by the people by a majority vote. The draft Constitution has sought to broaden citizen participation by providing that the disabled and illiterates shall have the right to vote and the Congress shall provide for a system of absentee voting by qualified Filipinos abroad.

The concept of checks and balances has been maintained but with modifications to the traditional provisions with the end in view of making the three departments as coordinate and coequal as possible.

The executive power is vested in the President of the Philippines who possesses similar broad powers given to the Chief Executive under the 1935 Constitution. But conscious of the abuses perpetrated by the former President turned-dictator, some of these powers have been curbed. As Commander-in-Chief of all the Armed Forces of the Philippines, he may suspend the privilege of the writ of habeas corpus or place the Philippines or any part thereof under martial law. However, in order to exercise such powers there must be an actual invasion or rebellion and not just an imminent danger thereof. Although the President may exercise these powers on his own authority, Congress may revoke such proclamation or suspension. Martial law does not suspend the operation of the Constitution nor supplant the functioning of the civil courts or legislative assemblies, nor does it automatically suspend the privilege of the writ.

Another restriction, Mr. Presiding Officer, on the powers of the President is contained in the provision that the President may contract or guarantee foreign loans on behalf of the Republic of the Philippines only with the concurrence of the Monetary Board and subject to such limitations as may be provided by Congress.

A significant innovation, as far as the legislative department is concerned, refers to the composition of the members of the House of Representatives. Representation in the Lower House has been broadened to embrace various sectors of society; in effect, enlarging the democratic base. It will be constituted by members who shall be elected in the traditional manner, representing political districts, as well as by members who shall be elected through the party list system. For three consecutive terms after the ratification of the draft Constitution, a definite number of seats shall be drawn from labor, peasant, urban poor, indigenous cultural minorities, women, youth and other sectors as may be provided by law.

Another important innovation, Mr. Presiding Officer, of the proposed Charter which exhibits its populist, pro-people orientation is the system of initiative and referendum, whereby the people can "directly propose and enact laws, or approve or reject any act or law or part thereof passed by the Congress or local legislative body."

To promote a high standard of integrity in the legislature, Senators and Congressmen are obliged to make a full disclosure of their financial and business interests upon their assumption of office. There are also safeguards built into the Constitution to prevent the phenomenon of "juggling" appropriations for the benefit of politicians or of favored electoral districts.

The draft Constitution vests the judiciary with additional powers to make it meaningfully independent. Such independence is sought to be enhanced by making it immune from intrusions from the other branches of government, so that it can be an effective guardian and interpreter of the Constitution and protector of the people's rights.

The President's power to appoint members of the judiciary shall be subject to the provision that only recommendees from a Judicial and Bar Council created under the supervision of the Supreme Court may be appointed to vacancies for membership in the judiciary. Appointments to the judiciary shall not be subject to confirmation by the Commission on Appointments.

Judicial power, Mr. Presiding Officer, includes the duty "to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the government." This duty has far-reaching implications. The Supreme Court cannot, like Pilate, wash its hands from its responsibility of reviewing acts of public officials and offices, as the Supreme Court had done during the Marcos administration where vital issues that concerned civil liberties and human rights were summarily left unresolved on the ground that they were "political questions."

Congress may not deprive the Supreme Court of its jurisdiction over cases enumerated in the Constitution. Neither shall any law be passed reorganizing the judiciary when it undermines security of tenure. The Supreme Court shall have administrative supervision over all courts and the personnel thereof, and it shall have the power to appoint all officials and employees of the judiciary. Moreover, the judiciary shall enjoy fiscal autonomy.

Like the Congress and the judiciary, and to protect their independence, the constitutional commissions shall enjoy fiscal autonomy and shall appoint their officials in accordance with law.

The Civil Service Commission is charged with the task of adopting measures to promote the morale, efficiency, integrity, responsiveness, progressiveness and courtesy in the civil service. Restrictions are imposed on the eligibility of elective officials for appointment to any public position.

The Commission on Elections would have the power to file petitions in court for inclusion or exclusion of voters from the registry and to prosecute cases of violations of election laws. A free and open party system shall be allowed to evolve.

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

The Constitution is not just a written legal document which fleshes out the form of government of a State and engineers its structure, but it also serves as a symbol to represent the solidarity of a people in a pluralistic society.

The proposed Charter seeks to widen the taxing powers of local governments, enabling them to impose taxes, fees and charges which shall accrue exclusively to them. These units shall have a just share in the national taxes which shall be automatically released to them. They are entitled to the equitable share of the proceeds in the utilization and development of the national wealth within their respective areas.

The draft Constitution creates two autonomous regions: one for Muslim Mindanao and the other for the Cordilleras.

The philosophy underscored, with regard to public officials, in the draft Constitution is that

Public office is a public trust and that public officers and employees are accountable to the people.

The draft Constitution provides that:

The State shall maintain honesty, and integrity in the public service and take positive and effective measures against graft and corruption.

An additional ground for impeachment, "betrayal of public trust," which need not be an indictable offense, has been introduced. The House of Representatives shall have the exclusive power to initiate all cases of impeachment. The committee to which the verified complaint is sent cannot quash the same through nonreferral to the House, as was done during the Marcos regime.

The present anti-graft court known as the Sandiganbayan continues to function in the new Constitution. The independent office of the Ombudsman is created, the principal function of which is to investigate on its own or on complaint by any person, any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient.

The institutions through which the sovereign people rule themselves are essential for the effective operation of government. But these are not enough in order that the body politic may evolve and progress. There is need for an underlying socio-economic philosophy which would direct these political structures and serve as the mainspring for development. So it is that the draft Constitution contains separate Articles on Social Justice and National Economy and Patrimony.

Talk of people's freedom and legal equality would be empty rhetoric as long as they continue to live in destitution and misery, without land, without employment, without hope. But in helping to bring about transformation, in helping the common man break away from the bondage of traditional society, in helping restore to him his dignity and worth, the right to individual initiative and to property shall be respected.

The Social Justice Article, to which our Commission President, the Honorable Cecilia Muñoz Palma, refers to as the "heart of the Constitution," provides that Congress shall give highest priority to the enactment of measures that would reduce social, economic and political inequalities. The same article addresses the problems of (1) labor — local and overseas, organized and unorganized — recognizing the rights of all workers in the private as well as in the public sector, the rank and file and the supervisory, to self-organization, collective bargaining and peaceful and concerted activities including the right to strike in accordance with law; (2) the farmers, the farm workers, the subsistence fishermen and the fishworkers, through agrarian and natural resources reform; (3) the underprivileged

and homeless citizens in urban centers and resettlement areas, through urban land reform and housing; (4) the health of the people, through an integrated and comprehensive approach to health development; (5) the women, by ensuring the fundamental equality of women and men before the law, and (6) people's organizations, by facilitating the establishment of adequate consultation mechanisms.

The nation's economic policy must strike a healthy equilibrium between the need to spur growth and the goal of effective Filipino control of our economy. Our nation's patrimony should be protected without, however, closing our doors completely to those who wish to aid us in our task of economic recovery.

In the Article on National Economy and Patrimony, the State recognizes the indispensable role of the private sector, encourages private enterprise and offers incentives to needed investments. It sets these objectives: (1) economic self-reliance; (2) freedom from undue foreign control of the national economy, especially in strategic industries; and (3) equitable distribution of income and wealth, thus reducing economic inequality. These objectives are sought to be attained through such provisions as: (1) The state shall promote the preferential use of Filipino labor, domestic materials and locally-produced goods; (2) The Congress shall enact measures that will encourage the formation and operation of enterprises, the capital of which is wholly owned by Filipinos; and (3) The State shall regulate and exercise authority over foreign investments within its national jurisdiction in accordance with its national goals and priorities.

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

The rights that are enshrined in the Constitution reflect the people's growing concern for their inherent and inalienable rights which are given legal recognition and enforceability in this Constitution. The clamor for human rights intensified during the tyrannical years of the Marcos rule. The 1986 Constitutional Commission, conscious of this longing of our people, has sought to adopt an expanded enumeration of these rights. Although it is not claimed that we have reached millennium as far as human rights are concerned, we have in our efforts marked a milestone of progress leading to it through the expanded enumeration of these rights. A few of these include the following: whereas under the 1973 Constitution a search warrant or warrant of arrest may be issued by a judge or such other responsible officer as may be authorized by law, under the draft Constitution only a judge may issue warrants subject to the requirements specified by the Constitution. The right to bail shall not be impaired even when the privilege of the writ of habeas corpus is suspended. No person shall be detained merely by reason of his political beliefs and aspirations. No torture, force, violence, threat, intimidation or any other means which vitiates the free will shall be used against him. Secret detention places, solitary incommunicado or other similar forms of detention are prohibited. The employment of physical, psychological or degrading punishment against any prisoner or detainee shall be dealt with by law.

The draft proposal has added the right to education, which includes free public education in the elementary and secondary levels, and the maintenance of a system of scholarship grants and other incentives, including direct subsidies to students.

The draft Constitution contains a separate Article on the Family in which the State recognizes the Filipino family as the foundation of the nation, and marriage as an inviolable social institution.

A Commission on Human Rights has been created to make permanent the government's commitment to champion the cause of man's basic rights through a body which would investigate all forms of human rights violations involving civil and political rights, and provide appropriate legal measures for the protection of human rights of

all persons within the Philippines.

These are some of the provisions which we have constitutionalized. These are some of the innovations that we have introduced. These are the ideas, values and institutions which we have drawn and which we trust would serve as the foundation of our society, the keystone of our national transformation and development, the driving force for what we pray would be our irreversible march to progress. In brief, this is what the men and women of the 1986 Constitutional Commission have drafted under the able, firm and dedicated leadership of our President, the Honorable Cecilia Muñoz Palma.

The Constitution that we have drafted is a practical instrument suited to the circumstances of our time. It is also a Constitution that does not limit its usefulness to present needs; one which, in the words of U.S. Supreme Court Chief Justice John Marshall, and I quote, “is intended to endure for ages to come and consequently to be adapted to the various crises of human affairs.”

As we present the proposed fundamental law, we pray that our efforts would pave the way towards the establishment of a renewed constitutional government which we were deprived of since 1972, that these efforts would ensure that the triumph at EDSA so deservedly won by the people shall continue to be enjoyed by us and our posterity for all time, that these efforts would result in the drafting of a democratic Constitution — a Constitution which is the repository of the people's inalienable rights; a Constitution that enshrines people's power and the rule of law; a Constitution which would seek to establish in this fair land a community characterized by moral regeneration, social progress, political stability, economic prosperity, peace, love and concern for one another; a Constitution that embodies vital living principles that seek to secure for the people a better life founded on liberty and welfare for all.

Mr. Presiding Officer, on behalf of this Commission's Sponsorship Committee, I have the honor to move for the approval of the draft Constitution of the Republic of the Philippines on Second Reading.

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

The draft Constitution of the Republic of the Philippines is approved on Second Reading.

MR. ROMULO: Mr. Presiding Officer, I ask that Commissioner Villacorta be recognized.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Villacorta is recognized.

MR. VILLACORTA: Mr. Presiding Officer, I am not going to interpellate the Honorable Guingona but would like to make a manifestation, in the interest of the unity of the Constitutional Commission on this last day of its deliberations. After consulting the Honorable Monsod, I move for the deletion of yesterday's exchange between him and myself, which is reflected on page 82 of the October 11 Journal, from the second sentence of the section entitled “Manifestation of Mr. Azcuna,” starting with the words “Mr. Monsod objected to the proposal, until the end of the section. I also move that the said exchange be stricken off from the transcripts of yesterday's session.

Thank you very much, Mr. Presiding Officer. (Applause)

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

MR. ROMULO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Romulo is recognized.

SUSPENSION OF SESSION

MR. ROMULO: I move that we suspend the session until two o'clock this afternoon.

THE PRESIDING OFFICER (Mr. Jamir) : Is there any objection? (Silence) The Chair hears none; the session is suspended.

It was 12:07 p.m.

RESUMPTION OF SESSION

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

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

NOMINAL VOTING ON THE FINAL DRAFT CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES ON THIRD READING

MR. RAMA: I move that we vote on Third Reading on the final draft of the Constitution of the Republic of the Philippines.

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

Voting on the final draft on Third Reading is, therefore, in order.

The Secretary-General will read the title of the final draft.

THE SECRETARY-GENERAL: The final draft entitled: THE CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES.

FIRST ROLL CALL

THE PRESIDENT: The body will now vote on the final draft, and the Secretary-General will call the roll.

Each Commissioner is given three minutes to explain his vote.

May we likewise request the Commissioners to occupy the front podium when explaining their vote.

THE SECRETARY-GENERAL, reading:

Abubakar

COMMISSIONER ABUBAKAR EXPLAINS HIS VOTE

MR. ABUBAKAR: Madam President, I vote yes for the Constitution. I have looked at the whole Constitution and I have heard debates on each provision coming from the minds of the Members of the Constitutional Commission that are not only imbued by the spirit of patriotism but are likewise imbued by their capability, their knowledge, their dedication and their awareness that this Constitution drafted by them will be the Constitution of the Filipino people from the time of its approval until such time that this is changed.

A perusal of the Constitution will reveal that the Commissioners have considered and studied every particular chapter and provision that is in the Constitution. They have given it their thought, and have looked at it from

every facet, from every angle that will affect the rights of the individual Filipino, as well as the growth of the nation.

In voting so, I am confident that I have arrived at a good decision because I am voting for a good Constitution. I have listened to my peers expound their philosophy of government and dissect every article, and out of these conflicting interpretations of each article, I have arrived at a conclusion which is neither "for" or "against" the particular provisions debated. To my colleagues, I would like to congratulate each and every- one of them for having drafted a Constitution they can submit to our people with pride in the knowledge that they have done their best and that this Constitution is good for them and for all Filipinos to come.

I need not elaborate on every chapter and provision of this Constitution as each of my colleagues, I am sure, has analyzed every article, every paragraph and each vote would be predicated on their decision on each article that is contained in the Constitution, because it is a Constitution that they will hand not only to the present Filipinos but to future generations of Filipinos to come.

So, Madam President, you can be proud that the Commissioners whom you have guided are handing to our people a Constitution worthy of their dedication, their efforts and their conception of what a Constitution for the people should be. In voting yes, I vote not only for myself but for the people and for the nation.

Thank you. (Applause)

THE SECRETARY-GENERAL, reading:

Alonto

COMMISSIONER ALONTO EXPLAINS HIS VOTE

MR. ALONTO: Bismi'llaahir-Rahmanir-Rahim (In the name of Allah, the Beneficent, Ever Merciful)

I am casting my vote in Thy Holy Name, O God, to firm my unstinted hope for Thy mercy to grant the Filipino people by this Constitution, "Ummatun yad'una ilal khair wa ya'muruna bil ma'aruf wa'yan-hauna anil munkar," a nation that invites to good, enjoins what is right and forbids what is wrong. And so, I vote yes without any reservation whatsoever or purposes of evasion, and so Help Us, God. Amen.

THE SECRETARY-GENERAL, reading:

Aquino

Azcuna

COMMISSIONER AZCUNA EXPLAINS HIS VOTE

MR. AZCUNA: Madam President, I vote for this Constitution because it is a forward-looking Constitution predicated on experience. It is built on the past but faces the future. It articulates the ageless dreams and ideals of our people. At the same time it addresses the felt necessities of the present for peace with justice and development with freedom. It is a document forged from the fires of debate and intellectual exchange upon the anvil of political compromise, in the age-old search of mankind to strike that delicate balance between freedom and authority, between liberty and order.

As we stand truly in the fundamental sense before the hinge of history today, at a time of choice, and facing the final constraints of drafting a Constitution for all our people, I will quote not from a sage or a philosopher but from the letter of a nine-year-old daughter of mine, who said, in describing the Philippines as a paradise, and I quote:

I wish that this country would be a better country; that the Philippines would have grass that were cut and streets that did not have holes and poor people would be rich; and that this country would have no problems, and posters and notes would not be put in the walls of our country and no one will write on it; and that no jeepneys, tricycles, busses, taxis would put smoke in the streets. That would be my dream, for maybe someday all these will happen.

I, therefore, need not sign this Constitution with the blood of my children, for I have filled it with their dreams. And, as we submit to our people the product of our labor, allow me to point out some salient features in it.

We have in the political part of this Constitution opted for the separation of powers in government because we believe that the only way to protect freedom and liberty is to separate and divide the awesome powers of government. Hence we return to the separation of powers doctrine and the legislative, executive and judicial departments. We have also restored to the people their basic rights and freedoms and recognize once more that ours is a democratic way of life. We have provided for the enforcement of these freedoms through the mechanism of a constitutional writ found in our Judiciary Article. Since the Constitution truly is what the courts say it is, we have taken care that our judicial department will be truly independent of the other departments, so that the courts can truly safeguard the liberties of our people. We have likewise tried, as far as is humanly possible, to make our people truly sovereign, to give them reserved powers or to reserve their powers of legislation through initiative, referendum as well as recall.

We have likewise, in the social aspects of this Constitution, provided for the poor, the oppressed, the disadvantaged and those who have less in life. This is, therefore, a Constitution that is biased in favor of those who have less in life. We have, at the same time, forged this Constitution from the ideals of modernization, taking advantage of the cutting edge of science and technology. We have debated here well aware not only of the needs of our people in the barrios but with the latest advances in science and invention. We talked of plasma physics and fiber optics in this hall. We are, therefore, aware of the needs of today, the experiences of the past and the challenges of tomorrow. We are trying to push to the farthest limits the dimensions of freedom and equality, opportunities of learning, information, knowledge and communications. All these we tried to do in the very limited time that was given to us. It is all found in the social aspects of our Constitution.

And in - the economic aspects of this Chapter, although we differed very deeply in some of its provisions, I do believe that it is a very flexible and dynamic Charter, and that it can be suitable to the changes of the times. We will pursue in this Charter the return of the land to the tillers, as well as the development of industrialization in the countryside. We must convince our people, especially in the rural sector, that theirs is the power. The rural people must believe in their new power and we must revivify the rural sector. All these are found in our document.

But, in the final analysis, it is not the Constitution but the social forces behind the Constitution that will determine the shape of our destiny. It is, therefore, with this note that I say that we have opted for a Charter that has an open texture, which will be implemented by others. We have firmly established a document but, at the same time, we have entrusted to others its final course.

I, therefore, vote yes to this Charter.

Thank you.

THE SECRETARY-GENERAL, reading:

Bacani

COMMISSIONER BACANI EXPLAINS HIS VOTE

BISHOP BACANI: Madam President, I vote yes to this Charter not because all the things I wanted to have incorporated in this Constitution have been incorporated nor because this is a flawless Constitution, but rather because this Constitution sufficiently embodies the ideals, values and aspirations of the post-Marcos Filipino generation and because of the following characteristics of this Constitution.

First, this Constitution is pro-life. We have renounced war as an instrument of national policy. We have abolished the death penalty. We have affirmed that in principle the Philippines shall be free of nuclear weapons. And we have mandated state protection for the life of the unborn from conception.

Second, this Constitution is pro-people. Even in the structure, this pro-people bias shines through immediately. The Declaration of Principles which states that sovereignty resides in the Filipino people and all government authority emanates from them, as well as the Bill of Rights, come before the structure of government, thus indicating very clearly that government should be at the service of the people. We have provided also for a sizeable representation for marginalized sectors in our Article on the Legislative. The accountability of public officers is given stress in one whole article.

Third, this Constitution, I believe, is a pro-poor Constitution. A whole article is devoted to social justice, something that was not done in the previous constitutions. And many provisions seek special help or protection for labor, the disadvantaged, the poor, the under-privileged and even for paupers. The underlying philosophy of these provisions is stated in Section 11 in the Declaration of Principles where we read:

The State values the dignity of every human person and guarantees full respect for human rights.

Fourth, this is a pro-Filipino Constitution where we mandate effective control of the economy by Filipinos and provided the control and administration of educational institutions to be vested in citizens of the Philippines. In our foreign relations, with other states, we say the paramount consideration shall be national sovereignty, territorial integrity, national interest and the right to self-determination.

Besides these, there are other desirable features of this Constitution. And I believe that one of the desirable elements is that we implore the aid of Almighty God, named as such in the Preamble, and aspire for a regime characterized not only by justice, truth, freedom and equality, but also by love. I believe that the inclusion of family rights and of a totally new Article on Education, Culture, Science and Technology and Sports are other additional positive factors.

Madam President, I also met frustrations here. I would have been happier if the fostering of love of God had been put as one of the tasks of educational institutions, and if a statement balancing the stark statement on the separation of Church and State had been included. These are two shortcomings, I believe, of the present Constitution, but they are more than compensated for by the many positive aspects, only some of which I have been able to enumerate.

Hence, for these reasons, I vote yes for the sake of the Filipino people, the stability of the government and for the glory of God.

Thank you.

THE SECRETARY-GENERAL, reading:

Bengzon

COMMISSIONER BENGZON EXPLAINS HIS VOTE

MR. BENGZON: Madam President, my colleagues, I cast my affirmative vote, but I stand before the body now, not to explain my reasons, but to address our countrymen.

From the ashes of our ideals, democracy is alive once again. And I am grateful for this rare chance to draft the new Constitution because our dreams have become whole and our hopes are resurrected. This new Constitution reflects the deep concern of our country's leadership for the people's needs and welfare. It infuses life and vigor into democracy. It gives impetus to the social and economic rights of our people. But most of all, it enshrines the family as the basic unit of society. It is a flexible and a dynamic Constitution. This is my opening salvo of the campaign for ratification. It is a call to duty for those who share these thoughts with me. It is an invitation to the curious and to the skeptics and an offer of peaceful reconciliation to the opposition.

And now, please permit me to address the young and my children. We, in this Commission, have given our best for you. Whatever little we have we will share because that is what the Article on Social Justice means. Whatever talents we have we will use for the Filipino for that is what we meant in the Article on National Patrimony. But to me, the most important part of this Constitution is the Article on the Family, for it enshrines the Filipino family as the foundation of the nation. It is the bedrock of our country where you have a God-loving, a law-abiding and a self-disciplined family that is concerned and acts fair to its fellowmen. Thus, compliance with all the other articles in this Constitution would flow freely, for a cluster of these families would constitute a community; a group of communities would make a town; and from the towns we have the provinces; and from this is born a healthy, unified and self-disciplined nation.

Sometime in the future you shall found a family. Just remember that whatever you will make of your families will make the nation. It is now your turn.

Madam President, thank you.

THE SECRETARY-GENERAL, reading:

Bennagen

Bernas

COMMISSIONER BERNAS EXPLAINS HIS VOTE

MR. BERNAS: Madam President, when we began the task of writing this Constitution, uppermost in my mind was the need to hasten a return to normal constitutional processes. Normal constitutional processes require a constitution that is superior to government and superior to an incumbent administration.

We were called to this Commission by authority of a Freedom Constitution which, necessary as it is for the life of the nation, is, nonetheless, the creation of one woman, and, therefore, at least to that extent, unsatisfactory as a permanent anchor for nation-building, unsatisfactory, not because the Freedom Constitution is a creation of a woman, but because it is a Constitution which is inferior to government. It, therefore, has to be replaced within the shortest time possible by a fundamental document which the presidency may neither alter nor disregard. What we have done is a major step in that direction, in the direction of placing law above government. And if for nothing else, the document we have crafted deserves support.

It is also basically a strong document. I single out for special mention its provisions for a fortified judiciary, its liberal Bill of Rights, and its careful articulation of socio-economic goals for a society plagued for centuries by an inequitable distribution of economic wealth and political power. Nevertheless, I must articulate two serious misgivings.

I treasure personal dignity, human worth, and the liberty of the children of God, no matter what their party affiliation or their past sinful history. I am proud, therefore, that we have drafted a Bill of Rights which is a monument to all these and superior to any we have ever had. Yet I find the document ambivalent about the values it purportedly upholds, ambivalent because, by extending the license to sequester and to freeze, the document proclaims the message that personal privacy and punctilious adherence to time-honored legal processes have a dollar price. The auctioning off of the search-and-seizure clause of the Bill of Rights has been justified by appeal to the demands of national survival, the same justification Mr. Marcos used for suspending fundamental liberties. Mr. Marcos argued that the Filipino must sell his constitutional birthright in order to save the nation. Several days ago, this hall reverberated with similar arguments, laced with language that tended to give substance to the accusation that this administration is driven by vindictiveness even as we defended a Preamble that enshrines love. And we capped this with a provision which takes the administration of justice away from the judiciary as long as possible because we trust an administrative agency more than the judiciary. All these bode ill not just for the Bill of Rights but even for the nation.

As to the socio-economic goals we have formulated, what stands out is that necessarily they are not self-executory. To put them into effect, we have to depend on Congress. Unfortunately, however, we have, by a narrow vote of 23 to 22, decided to entrust attainment of these goals to a bicameral Congress structured in a manner that insulates its membership from direct pressures coming from the masses who are crying for socio-economic relief. Those who need representation most will be underrepresented. Thus, the road ahead is long, perhaps heavily mined, and barricaded by formidable obstacles. Nevertheless, we must begin. We cannot wait for a perfect constitution. No perfect constitution will ever come. What we have, aside from its verbosity, is substantively defective, but it is also outstanding in many ways and satisfactory in others.

For these reasons, and especially for the sake of constitutional normalization, I vote yes.

THE SECRETARY-GENERAL, reading:

Rosario Braid

COMMISSIONER ROSARIO BRAID EXPLAINS HER VOTE

MS. ROSARIO BRAID: Madam President, I vote yes. After studying the document, I am truly convinced that it is the best Constitution we have ever had. I believe we have taken a bold step towards popular democracy. I believe we have skillfully harmonized and balanced various interests. Indeed, our Charter reflects a commitment to our ideals of independence, social justice and human rights. We have responded and reconciled both the needs and demands of individuals and the demands of society. In due time, I hope that our people will recognize in the hues and weaves into this tapestry which is our Constitution their indomitable spirit, a spirit shaped by historical experience, the recent EDSA revolution, and an unshakeable confidence in the future. While it may have some deficiencies, the pluses outweigh the minuses. The recognition of the need for a preferential option for the poor is shown in over 20 new institutions and mechanisms for interaction and balance of power — initiative and referendum, the party list system that will encourage participation of the marginalized, strengthening of people's institutions, including cooperatives, broadened ownership and participation in educational and media institutions, decentralization and autonomy, are examples of these innovations.

I believe that the breakthroughs are significant. We have gone beyond political rights and considered social, cultural and economic rights equally important. Our philosophy of development is clearly stated in the principle of less government and more private initiative, economic nationalism through the restructuring of values, cultural nationalism and an effective regulatory system are evolutionary approaches towards our desired vision. Noncoercive and voluntary approaches, whether in the settling of disputes, in land sharing, encouragement of

nongovernment institutions, attest to the philosophy of subsidiarity.

This historic occasion also reminds me of Benjamin Franklin who made these remarks 199 years ago when he signed the American Constitution, and I paraphrase him: "I confess I do not approve of certain parts but the older I grow, the more I doubt my own judgment." I wish that every Member then would doubt a little his own infallibility and sign this instrument. Someone said the American Constitution is not completely satisfactory to everyone. Yet, it is because of this that it has successfully met the test of time for it favored no section of the country and no portion of its population exclusively.

May I also paraphrase Gandhi's reminder that while we must open our windows to the rest of the world, we must not allow the winds outside to blow us down. This expresses our aspiration for sovereignty as we continue to cooperate with other nations in the sharing of knowledge and technology in this our global village and in our planet earth.

I hope that our people will rally around the Constitution for it is our symbol of hope in the establishment of a balanced social order. It is also the best alternative during these times.

THE SECRETARY-GENERAL, reading:

Calderon

COMMISSIONER CALDERON EXPLAINS HIS VOTE

MR. CALDERON: Madam President, the product of a collective will has a peculiar characteristic. Everyone of its makers is happy over it but not completely. To put it in another way, everyone of its makers is disappointed over it but not totally. The reason for this is that each of the makers had made his contribution but feels that he could have contributed more. Each one of us in this chamber, I am sure, feels that this fundamental law drafted would have been a better, perhaps a perfect document if only our pet proposals that were rejected had instead been adopted.

But my friends, democracy is not a device for determining what is right and what is wrong. Democracy is the determination of what is acceptable to the greater number. As I said in my prayer to open the session yesterday, this Constitution we have drafted is not flawless but it is firm and sturdy and strong enough to withstand the pressures and the tensions that nationhood can produce. This Constitution is not faultless but it is the utmost that the spirit of compromise and accommodation among men of goodwill can devise. This Constitution is not perfect but it is the best that the genius of men in all its frailty can forge. Upon this constitutional rock, the Filipino people can rebuild the house of this nation.

Let me end, my friends, by quoting a biblical verse, Matthew 7, verse 25:

And the rain descended and the floods came and the winds blew and bit upon that house, and it fell not for it was founded upon a rock.

Madam President, I vote yes to the adoption of this Constitution.

I thank you.

THE SECRETARY-GENERAL, reading:

Castro de

COMMISSIONER DE CASTRO EXPLAINS HIS VOTE

MR. DE CASTRO: Our greatest and historic hour has come. Permit me to implore once more the divine guidance of our Lord to give me the wisdom, the strength, and the courage to accept this Constitution that the 47 of us here for 136 days, through many typhoons and floods, labored so very hard amidst agreements and disagreements. Never for one day had I been absent and so I know, through the arguments of my fellow Commissioners, that each of them had nothing in their hearts and minds but the best interest and welfare of our country and people. Yes, we disagreed among ourselves, and these disagreements became the strong foundation upon which this Constitution is anchored.

There is no question in my mind that this Constitution has many new innovations which we so built-in, all for the sake and benefit of our own people. We tried to foresee what is good and what is reasonable. We tried to perfect an instrument to promote the general welfare. And now, I sincerely believe that we have, though only theoretically, a perfect instrument.

We now leave this in the hands of the men and women who shall be entrusted to enforce the same. I fervently hope and pray that these men and women will not violate nor ignore nor evade this Constitution. For if that happens, no constitution can work. And if the people permit such men and women to remain in power and shall fear to denounce them and, instead, compromise with their misdeeds and perhaps even profit from their violations, then we are a people who do not deserve a constitution.

Let the people know that they are the constitution, that it can only live in us, for us, through us and because of us. This is our own lives. This is the realization that we are free men, that we are resolved to live and act as free men and that no man shall henceforth be allowed to trample this Constitution.

Madam President, I vote yes.

Thank you.

THE SECRETARY-GENERAL, reading:

Colayco

COMMISSIONER COLAYCO EXPLAINS HIS VOTE

MR. COLAYCO: Madam President, I am happy to give my vote of approval to the 1986 Constitution. For all its imperfections, it truly reflects the honest efforts of the Members of the 1986 Constitutional Commission, including myself, to establish a form of government that will enable it to meet the economic, political and social problems of our country, to provide for the needs of our people and to defend the independence of our country in the years to come.

Our new Constitution encourages capital to share responsibility and profit with labor. It instills social conscience in those who have more of the material goods in life. And it provides, in general, more in law for those who have less in life. I am happy to have contributed to these concepts in our new Constitution.

Speaking on a personal level, I consider my participation in this Commission the crowning event in my service to our people as a humble member of the judiciary for more than 15 years. I am proud to have been a Member of the 1986 Constitutional Commission.

THE SECRETARY-GENERAL, reading:

Concepcion

COMMISSIONER CONCEPCION EXPLAINS HIS VOTE

MR. CONCEPCION: Madam President, I think it is an honor and privilege to cast, as I do, my affirmative vote.

This Constitution is the first Constitution of the Filipino people since our defunct Republic of the Philippines Constitution drafted before the end of the 19th century. Great as the merits of the 1935 Constitution, from a constitutional viewpoint, we had a principle; we labored with them under a deep restraint. We were not sovereign. We were subject to conditions imposed by the alien sovereign.

The 1973 Constitution is even worse than that. It was made under actual, almost material duress. As a matter of fact, it was never ratified by the people. There was only a certification by the tyrant, at the time, that there had been a referendum. In truth and in fact, there had been no referendum, apart from the fact that from a legal and constitutional viewpoint, a constitution cannot be ratified through referendum. It has to be submitted to the people in a plebiscite.

So, this Constitution that is now being voted by the Members of this Constitutional Commission is the first drafted by the free people of the Philippines since the end of the 19th century. It is, in fact, a culmination of the February revolution of 1986. It is a necessary consequence; Its influence has dominated the drafting of the new Constitution.

Reference has been made to flaws, imperfections and other possible criticisms that have been made and perhaps will still be made in the future, but note that those flaws, those inconsistencies, those conflicts project actually the wholesome environment under which the new Constitution has been drafted. It showed that every element in our society is not only represented in this Commission but has also effectively enforced the interests of the groups or the schools of thought that they battled for. But I do not have to speak about the merits of the new Constitution or its demerits. The former speakers have dwelt on those points extensively and I can only say that I agree fully with their observations. But what was the spirit of the nonviolent February revolution which has led to the drafting of this Constitution? It was a spirit of dedication to democracy; it was an expression of the willingness of the people to put aside their individual interest at the altar of the nation. I do hope and pray that the new Constitution has captured the spirit of that revolution. But then a constitution, just like other laws although it has a status higher than ordinary laws, is nothing unless the people back it up, unless the people enforce the letters of the Constitution in the right spirit, the spirit of selflessness, the willingness to do everything for the country at any cost when necessary, of understanding, of dedication and of love. Actually, one of the first provisions we discussed was the Preamble. It took us several days to finish the text of the Preamble. After the whole thing was practically completed and we were about to vote on the Preamble, one of our colleagues, Commissioner Bacani, suggested: just include one word — "love." When the news spread the next day about the inclusion of the word "love" in a political instrument which is unusual, many criticized the Preamble. As a matter of fact, the committee in charge of the Preamble had a problem trying to determine in what part of the Preamble should the word "love" be placed. And up to the time of the reading of the Preamble by the Committee on Style, that problem still was projected. But above everything, the new Constitution is a work of love — love for country, love for our families, and love for the Filipino people.

There have been conflicts, serious conflicts at times, but those conflicts arose from a very wonderful reason, the desire that our Constitution should be responsive to the ideals of the people, responsive to the feeling that the people could not suppress during and immediately after the 1986 revolution.

And so, I reiterate my hope and prayer that the Members of the Commission and the people, those who are supposed to avail themselves of the benefits of the Constitution, as well as those called upon to enforce the same, will only remember that this Constitution is, in effect, an offering to a country, a dedication in consequence of the

February revolution- So, in this session, I reiterate my affirmative vote.

THE SECRETARY-GENERAL, reading:

Davide

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

THE PRESIDENT: Please proceed.

COMMISSIONER DAVIDE EXPLAINS HIS VOTE

MR. DAVIDE: For one hundred and thirty-three continuous days, together we had labored hard, spent sleepless nights, abandoned the pleasures of life, abstained from rest and leisure and forgotten ourselves to fulfill a sacred task, a great mission — the writing of a new Constitution.

At no other period in our lives than within these one hundred thirty-three days had we given all our talents, wisdom and all our energies, and prayed so intensely for divine love, life, strength and wisdom. Never before had we, of varied interests, biases and prejudices, and of different sexes, ages and minds, worked so fruitfully together to reach a common goal and achieve a common purpose under the leadership of a woman of exemplary qualities — firmness, fairness, integrity, dedication to duty and wisdom — our President, the Honorable Cecilia Muñoz Palma.

Having been victims of the oppressive, repressive, suppressive and unjust dictatorial regime of the deposed President and having been only recently ransomed from it through a successful revolution which exacted no blood and which was done only through prayers, roses and love, our task became more formidable, challenging and demanding. It called for the utmost objectivity; it challenged our impartiality; it demanded our idealism. We have completed our work, fulfilled our mission. We have drafted a new Constitution for our nation and our people. It guarantees a just and humane society and a government that shall embody our ideals and aspirations, promote the common good, conserve and develop our patrimony and secure to ourselves and our posterity the blessings of independence and democracy under the rule of law, and a regime of truth, justice, freedom, love, equality and peace.

In short, the new Constitution we have drafted lays the foundation of a new life and a new order for our people, a life always worthy of human dignity and an order which restores to and preserves for them their rights and freedoms and ensures to them political and economic stability, social and cultural equity and total human liberation and development.

With its provisions ensuring responsive and more representative, democratic and accountable government, preserving to the people through initiative, referendum and recall the power to amend the Constitution, enact laws, disapprove legislative measures and recall of local officials, broader local autonomy, equal opportunities of access to public office with elimination of political dynasties, politics-free Armed Forces, genuine social justice, agrarian and urban land reform, guaranteeing the promotion and enhancement of respect for human rights, and enshrining the sanctity of life from the moment of conception and the family as the foundation of the nation, and many more, we have crafted a new Constitution far better and more comprehensive than any of the previous constitutions.

Of course, this new Constitution is not perfect; there is no such thing as a perfect Constitution. I am fully convinced, however, that this is the best Filipino Constitution for the Filipinos. I am sure that God, the Supreme Lawgiver, was always with us, just as He is now with us, when we researched, studied, discussed, debated and voted on all its sections and articles. It is my only hope that this will be loved by our people, and that what we have begun shall be pursued by the leadership and the new Congress.

It was my singular honor and distinct privilege, perhaps never again to be accorded to me, to work and suffer with 47 brilliant men and women of proven independence, integrity, probity, patriotism and nationalism in formulating this new Constitution. Modesty aside, into this new Constitution, I have given my blood, toils, tears and sweat. This is the Constitution I am willing to die for.

I, therefore, cast a vote of yes.

THE SECRETARY-GENERAL, reading:

Foz

COMMISSIONER FOZ EXPLAINS HIS VOTE

MR. FOZ: I vote yes.

We came to this Commission armed with our own ideas and perceptions. On the crucible that is this deliberative body, some of our ideas were happily accepted while others, however enamored we were with them and however hard we fought for them, simply failed to be accepted. Let it, however, be said that whatever their seeming imperfections, only good faith and the public interest and nothing else had moved us to pursue them. We will never apologize for them.

I would have wished the provision on foreign military bases were written as originally proposed. But I can live with the approved provision which says in effect "None, except." The general rule is that no military bases shall be allowed, and the exception is when the presence of military bases is embodied in a treaty concurred in by the Senate, and when Congress decides, is ratified by the people in a referendum. The principal proponent of this formulation, Commissioner Romulo, had explained that it has been placed in the Transitory Provisions because the intention is for the provision to self-destruct. Foreign military bases are not meant to remain here forever.

I would have wished the original provision on a nuclear-free Philippines was approved. What has been approved is a provision whose intention is a basic policy of freedom from nuclear weapons as a general rule and any divergence from that policy can only be justified, as Commissioner Azcuna said, "on the crucible of our national interest." I can live with that.

I would have wished that the minimum Filipino equity was higher in corporations or associations engaged in the exploration and development of natural resources and in the operation of public utilities, especially the telecommunication corporations. But with the approved equity, the Filipinos are ostensibly on top, and Congress composed of elected representatives of our people is expressly mandated, when circumstances dictate it, to further increase the minimum Filipino equity to ensure Filipino domination of the national economy.

While some provisions did not completely satisfy my personal views or ideas or perceptions, there are likewise some others, many others, over which I can rejoice.

One of the most monumental achievements of this Commission, I submit, is the formulation of new provisions on labor which represent major breakthroughs in the struggle of labor for a better deal. We have recognized in no uncertain terms the right of government workers to unionize, to improve their terms and conditions in employment. More significantly, government workers now stand on equal constitutional footing as those in the private sector. Hence, constitutionally, they have the same rights although in view of the nature and requirements of the public service, the right to strike as part of peaceful concerted activities may be subject to some restrictions. But the Congress may only pinpoint certain critical or sensitive offices or areas in the public sector which will be the exception.

The new Constitution is especially pro-labor, for the rights of workers and employees have acquired new dimensions, while some concepts have been constitutionalized which may provide new directions for employer-employee interaction. The flagship provision on labor clearly indicates the broad sweep of state protection to labor. It says it

"shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all."

At least five labor concepts have been constitutionalized. Collective negotiations is a call for consensual approach and resolution of labor disputes rather than confrontational union politics. It gives the cue for us to consider an approach other than the American collective bargaining to worker-employer interaction on terms or conditions of employment. The right to strike is expressly recognized as a substantive portion of the right to peaceful concerted activities. The principle of shared responsibility between workers and employers underscores the truism that production is a joint undertaking which, in turn, is backstopped by a new provision that in regulating their relations which is invested with public interest, the State shall recognize the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns on investments and to the expansion and growth. For most of these ideas or concepts, we have to thank especially Commissioners Felicitas Aquino, Jose Colayco, Hilario Davide, Teresa Nieva, Minda Luz Quesada, Christian Monsod, Rene Sarmiento and many others.

The Constitution we have drafted reflects the aspirations of the Filipino for a government in which he can take part more meaningfully; for an environment in which he can live better and work better in dignity with his family and neighbors, and exercise his rights and enjoy the liberty to achieve the fullness of his human being. For all this, I vote affirmatively.

THE SECRETARY-GENERAL, reading:

Garcia

COMMISSIONER GARCIA EXPLAINS HIS VOTE

MR. GARCIA: The framing of a Constitution and its worth can be appreciated only in terms of its historical context — a historical context which gives it birth and which it addresses. It is in this light that the value of the new Constitution, which we have painstakingly written, must be seen. The historical context, which I speak of here, is none other than our people's history of struggle to be truly free — free from want and hunger, free to determine and build and create a future of their own, free to sing their own song and to dream their own dreams. This freedom necessarily implies that the essential "logic of the majority" prevail, namely, that the people, not only a few but the great majority, are truly empowered, the economy made productive and self-reliant with its fruits equitably distributed for all, and the nation made fully sovereign. The thrusts, then, of this freedom are popular democracy, economic justice, and finally national sovereignty.

The precise historical juncture in which our new Constitution finds itself is the aftermath of the popular Revolution of 1986 that toppled a foreign-backed native dictatorship and ended its extremely corrupt and abusive rule. It has been said many times before that the work of the popular revolution is far from over. The change not merely of a political nature but more substantially of a social character must continue. In other words, our people are not yet truly free in the terms I have described. The new Constitution then as the fundamental law of the land heralding the creation of a new social order has a crucial role to play in the continuing struggle of our people for authentic liberation.

How does the new Constitution measure up to this historic mission? How is it an instrument that will help set our people free? How does it, in particular, provide the ground and the structures which will enable the various forces and coalitions operative in our society to define and act upon alternative programs and platforms which embody possible futures and directions for our people?

Clearly there are in the 1986 Constitution positive gains to be found with regard to the deepening of democracy, making it more participatory and popular. We have the Articles on the Bill of Rights, the Judiciary and the Human Rights Commission which provide strong safeguards against the encroachment by the State on the fundamental, civil and political liberties of our people. We have the provisions on people's organizations which define their rights and role as a significant vehicle towards the popular empowerment of people. We also have the provisions on the system of initiative and referendum, as well as recall as concrete mechanisms that institutionalize people's power. Then there is the Article on Local Governments providing for decentralization and greater local autonomy. Finally, there are the provisions on the multiparty system and sectoral representation which do provide, even if inadequately, for the inclusion in Congress of the voice of various persuasions and of the various sectors which compose the majority.

In the area of economic justice, we find in the new Constitutional tentative advances, not clear-cut gains, which have to be made real by uncompromising decisions and undaunted actions in the future together with the sustained mobilization of people with a renewed and critical consciousness. Principal in this regard is the Article on Social Justice which mandates Congress to give highest priority to the enactment of measures which reduce economic, political and social inequalities found among the people. The mandate is, however, sadly subject to conflicting interpretations as to the degree and scope of its implementation. This is particularly true with regard to the specific provisions mandating agrarian reform which are diluted by the insertion of ambiguous qualificatory phrases. It is fortunate, however, that there is less ambiguity in statements that pertain to the other economic and social rights of the people — the rights of labor, of the urban poor, of fishermen, of women, of cultural communities; the right to health and free public education, among others.

It is in the area of advancing national sovereignty that the new Constitution is most wanting. Here we find its tragic flaw, its abdication of a historic responsibility to assert more decisively our economic independence and protect the paramount value of national interest; that is, the survival of our nation and the safety of our people. I refer here, on one hand, to the Article on the National Economy in which there is an inability, despite all its lofty declarations, to provide measures to protect our economy from domination by foreign interests and to build a truly self-reliant and progressive economy that harnesses the full productive capacity of our people and responds to their basic needs. On the other hand, I refer to the absence, in this document, of a firm declaration of principle prohibiting the presence of military bases, facilities or troops in Philippine territory. This constitutes a clear diminution of the sovereignty of our people, and exposes us to the spectre of the holocaust of nuclear madness where there are no victors, no vanquished and no survivors.

Nevertheless, we have decided to make our country one that is nuclear-weapons-free as a declaration of state policy, one of the few countries in the world to have done so. It is our unique contribution to nuclear disarmament and the quest for world peace, if only in this part of the world. It is our reminder to the superpowers to restore some sanity to this world which now lives under the threat of nuclear terror.

From the very beginning, I had no illusions. I was convinced that, at the end, this Constitution would at best be imperfect and unfinished, and would reflect the ambiguous character of the diverse social and political forces which put an end to dictatorship. Although unified against this tyranny, the coalition of forces which emerged in the aftermath of February 1986 did not, at the same time, possess defined and comprehensive long-term program to rebuild our ravaged nation. For that matter; we in the Commission represent diverse backgrounds, experiences

and philosophies and largely reflect the ongoing debate and discussion and the unresolved disagreements and divisions still found in our society. What we have forged is a compromise document, an imperfect creation that mirrors this reality, a document that, moreover, does not resolve in a more decisive manner the dilemmas faced by our people in their long historic struggle to be truly free. Nevertheless, it provides the ground for our people to pursue unfinished quests and projects in different arenas of future political struggles -electoral contests, pressure politics exerted on parliamentary actions and the political will of the executive, the tasks of building people's organizations and political parties, the parliament of the streets, the possible plebiscite on the bases before 1991, and, if necessary, the application of the reserved power of the people to initiate and bring about change.

It is for this reason that my vote for this Constitution is yes, a yes based on faith in our people, in our ability to forge a future together, to build peace together, to achieve unity from our diversity, a unity that breaks ground and looks forward. It is a recognition that what our people have undertaken in their long struggle which brought about the events of February 1986, we can do once again and that we have the capacity to fulfill this unfinished quest. Ultimately, it is a conviction that our people can make use even of an imperfect document to determine their future and say yes to life.

Finally, it is an affirmation that our people are capable of being faithful to their destiny and that a time indeed will come when we will all be truly free — free from fear and hunger, free to build and chart our own course in our own time and in our own way, and finally, free to sing our own song and make real our possible dreams.

THE SECRETARY-GENERAL, reading:

Gascon

COMMISSIONER GASCON EXPLAINS HIS VOTE

MR. GASCON: Before I begin, I would like to offer this reading from the Bible, the letter of Saint Paul to Timothy, Second Timothy IV, verses 6 to 8:

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

As I rise before the body today to cast my vote on this new Constitution of our people, I cannot but reflect on the many events which have occurred these past four months — the heated debates, the tension, the pressures, the simple joys and the heartaches. These have contributed to my development as a person and as a student of history. It has been a great learning experience for me. My teachers, my mentors and now, my friends, at the onset, I would like to thank you so much for having given me this opportunity to work and learn from you.

My friends, throughout our deliberations we have continually mentioned that historical moment in February where the people dismantled the forces of tyranny, oppression and dictatorship. We have gathered much inspiration from the popular nonviolent revolution. Let us not, however, forget that we must seek inspiration as well from the Filipino people and their struggle — the farmers, the workers, the urban poor, the fishermen, the cultural communities, the youth and students who continue to live in abject poverty — in seeking justice, freedom and equality with very little means of empowering themselves. For them, the struggle for democracy continues, not only for political democracy alone but economic and social democracy as well. What we seek is a popular democracy, one which cannot be assured by a piece of paper, but rather, is achieved through the constant education, organization and empowerment of the masses.

However, I would like to express my reservation with regard to some crucial provisions in this Constitution which may limit our effort in empowering the people. On the limitations in the declaration of martial law without the prior concurrence of Congress, and the bicameralism we have enshrined in our legislature which insulates this elite few from the cry of the masses, this I feel does not reflect the interest of the people after 20 years of dictatorship. In the same article, there is no permanent representation for sectors. And I had hoped and dreamed that these sectors would have been much more clearly represented.

Our definition of just compensation in the provision of agrarian reform as well as the provision for retention limits which is subject to Congress may provide some limitations on the aspirations of our farmers for genuine social justice. We hope and pray that Congress will become true to its commitment to achieve genuine agrarian reform and recognize the interest of the masses when they determine such retention limits.

I likewise have my reservation on the Article on National Economy, particularly on the exploitation of natural resources where the equity is 60-40 only; the provisions constitutionalizing service contracts without prior concurrence of Congress and on providing only a general law to be determined by Congress which shall guide such contracts; and the provision on public utilities where the equity ratio is likewise at 60-40. I had hoped that we would have been more decisive in asserting national interests and public security.

I would also like to express my reservation on how we had limited initiative in amending this Constitution — the people can only amend this Constitution every five years.

Furthermore, we are found lacking in asserting our commitment towards world peace when we did not provide in our Declaration of Principles our commitment for a zone of peace, freedom and neutrality and in asserting our national sovereignty when we did not face head on the issue of the United States military bases and express our decision to dismantle them. We are found lacking in asserting justice in as far as not putting a provision for the abolition of the CHDF and in asserting effective protection for the Filipinos in our economy.

However, I would like to commend the Commission in recognizing some of the basic aspirations and ideals of the people. In the provisions on Education we have provided at least the determination that education is a right of the citizens and that we should provide a system of free public elementary and secondary education.

The whole new Article on Social Justice expresses very clearly the aspirations of the basic masses in their continuing struggle for social justice. We have provided for a more responsive judiciary and greater accountability of public officers. We have clearly mandated a system of checks and balances whereby this new government would become more responsive to the interest of the masses.

And on the Article on Local Government, we have provided for autonomy for the cultural communities of the Cordilleras and Muslim Mindanao and a government that shall express more clearly their interests and work for justice.

Finally, I would like to commend this Commission for affirming a beautiful Bill of Rights and the constitutionalization of the Human Rights Commission.

I believe that this Constitution, because it is a historical document, reflects the present dynamics of the various social forces prevailing in our society today and the spirit of commitment to democracy, because the people's power revolution was primarily an anti-dictatorship and anti-totalitarian revolution. However, the revolution is not over. Still, much has to be done.

A constitution can only serve as a guidepost towards a free tomorrow, as a pillar of hope and a torch reflecting our aspirations for justice. However, it is not the means to achieve social change. It is not the solution to the basic ills

of society, the root causes of foreign domination and the social exploitation of the present capitalist system. I express my faith in the people's commitment to continue the struggle for genuine emancipation, and the call and the challenge is for them to advance the more important phase of our continuing journey for justice, freedom and democracy.

Madam President, despite the many inadequacies and deficiencies of this Constitution, I vote yes. However, it is the Filipino people themselves which is the more decisive factor in our continuing struggle for national sovereignty, popular democracy, genuine freedom, justice and equality.

Ang ating bagong nakamit na demokrasiya ay hindi pa ganap sapagkat hindi sapat na ang demokrasiya ay sa pulitika lamang. Mahaba na rin ang landas na ating natahak sa pakikibaka subalit higit na mahaba ang naghihintay na landas. Magiging makabuluhan ang ating pakikibaka sa pamamagitan ng ating pakikiisa sa mithiin ng sambayanang lumaya nang lubusan.

My colleagues, my mentors, my friends, let us join the people and advance the Filipino social revolution.

Thank you.

THE SECRETARY-GENERAL, reading:

Guingona

COMMISSIONER GUINGONA EXPLAINS HIS VOTE

MR. GUINGONA: Madam President, as we complete our task of constitution-making, we usher in a beginning — a beginning of an era of truth, justice, equality, peace and love, a beginning of our hallowed pilgrimage back to freedom and democracy which commenced dramatically with the events that culminated in the peaceful revolution of February, a beginning of renewed faith in our institutions, faith in our capacity to bring about social change and economic recovery, faith in ourselves, the Filipino people.

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

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

It was on June this year that the Members of the Commission held their first session in this very hall. One hundred thirty-two days have passed. During this time more than a hundred public hearings had been held not only in Metro Manila but throughout the country — from Laoag in the north to Basilan in the south. One thousand one hundred three communications were sent directly to the Commission which were duly recorded in our Journals. We have welcomed and received oral and written advices and recommendations from friends, as well as people whom we had not previously had the privilege to know. Their comments and their suggestions were duly noted in the preparation of our proposed resolutions, during the deliberations of the seventeen standing committees, during caucuses and during considerations in plenary sessions. In the public hearings, as well as in the many other unofficial forums we had attended, we listened — listened diligently, listened carefully, listened with open minds. We heard our people's voices — from the weary farmers who toil under the heat of the sun, the hardy fishermen who daily set out to sea, the itinerant vendors who trudge to their mobile markets, the idealistic youth of the land, the inquisitive minds of intellectuals, our Muslim brothers and compatriots in the mountains of the Cordilleras, and many others. We have heard their voices and we have responded so that their thinking, their sentiments, their aspirations, their visions find reflection in the provisions of the draft Constitution.

Today, we have completed the task of drafting a Constitution under the leadership of our beloved President, the Honorable Cecilia Muñoz Palma, a Constitution which crystallizes the political, social, economic, and cultural beliefs and aspirations of the Filipinos of the 80s. At the same time, it is a Charter with breadth and elasticity which would allow future generations to respond to challenges which we of this generation could not foretell.

As we complete the drafting of the proposed fundamental law, we trust that the ideals, values, and institutions which we have incorporated therein would serve as the foundation of our society, the keystone of our national transformation and development, the driving force for what we pray would be our irreversible march to progress.

We trust that our humble efforts would pave the way towards the establishment of a renewed constitutional government which we were deprived of since 1972, that these efforts would ensure that the marvelous triumph at EDSA so deservedly won by the people, shall continue to be enjoyed by us and our posterity for all time that these efforts have resulted in the crafting of a truly democratic and pro-people Constitution.

Finally, today we have completed the task of drafting a Constitution which we believe is reflective of the spirit of our time — a spirit of nationalism, a spirit of liberation, a spirit of dedication to our democratic way of life, a spirit of rising expectations, a spirit of confidence in the Filipino.

For these reasons, Madam President, I vote yes.

THE SECRETARY-GENERAL, reading:

Jamir

COMMISSIONER JAMIR EXPLAINS HIS VOTE

MR. JAMIR: Madam President, I vote yes on this final and Third Reading of the Constitution for which we have labored with utmost care and dedication that it may serve as our common legacy of faith in our people's march to a better and more enduring future.

We came to this hall with different and, at times, clashing ideals and solutions for our country's ills. In spite of those differences, however, we strived to mold them into one cohesive whole so that they may fit better into the Charter we were framing. More often than not, they blended beautifully with each other, resulting in the Constitution which we now offer to our people.

Among the many fundamental changes which we have enshrined in this new Charter are:

- (1) A President with very much less powers than the ones under the 1935 and 1973 Constitutions, thereby diminishing the possibility of another dictatorial and corrupt regime;
- (2) A judiciary with relatively greater powers and more independence from the legislative and the executive branches of the government, thereby enabling it to take cognizance of cases political in character;
- (3) A greater range of guarantees for individual freedom under the Bill of Rights;
- (4) A more realistic assurance for the achievement of social justice; and
- (5) A better chance for the survival of Filipino entrepreneurs under the provisions of the Article on National Economy.

They constitute, Madam President, some of the testimonials of our common desire, and a few of the reasons for my unequivocal support for our new Constitution, for they unquestionably brighten our country's future.

To be sure, I make no claim that this is a perfect charter. Against our common wish, some of the frailties of

human nature could have crept into the constitutional edifice we have just constructed. This is not an apology, should such a mishap have really taken place. But what I claim with solemn pride is that we did our best to serve the interest of our country and people without any extraneous consideration.

And now, even before the last echo of our voices and footsteps in the corridors of this hall have died away, this Constitutional Commission will have passed into history, and time, in its inexorable march, will judge what we did here with complete impartiality.

It is my devout prayer that Almighty God, in His infinite goodness and mercy, may grant that under this Constitution, our people may reap a rich harvest of peace, freedom and prosperity.

Thank you, Madam President.

THE SECRETARY-GENERAL, reading:

Laurel

COMMISSIONER LAUREL EXPLAINS HIS VOTE

MR. LAUREL: Madam President, when my late father was taking Comparative Constitutional Law at the Yale Law School under William Howard Taft, president and chief justice of the Supreme Court of the United States, the learned former Civil Governor of the Philippines, asked his class the following question: What is the best form of government?

Many stood up to answer the question, but the chief justice dismissed his class, and told his students to reflect on the question individually and to return a week later.

After a long discussion seven days later, the chief justice came out with the following answer, and I quote: "The best form of government is an absolute monarchy with an angel on the throne."

This, of course, is an unattainable dream. It is like agreeing with the poet Pope who said "for forms of government, let fools contest. Whate'er is best ministered is best."

Whatever anyone anywhere says against the fundamental law we have fashioned and formulated, I can only pray and hope that the government we seek to establish will be well-administered by those in government, now and in the future and thereby earn the support of a happy and united people. I vote yes.

THE SECRETARY-GENERAL, reading:

Lerum

COMMISSIONER LERUM EXPLAINS HIS VOTE

MR LERUM: Madam President, I vote yes.

I vote yes because this is a good Constitution made by good people. I am happy with the provisions in the Article on Social Justice, because so many of the things that I have been fighting for a long time have been embodied.

I remember when I became a labor leader in 1938, I had been fighting for profit-sharing and it has always been my obsession that in profits management made out of its business, labor should be given a share. This is now embodied in the social justice provisions of our Constitution.

I have always fought for freedom of association and the right of workers to organize and bargain collectively. We have this right but in 1975 some workers, principally government workers, were no longer allowed to form

unions, and supervisory employees, security guards were prohibited from joining unions. The other day, you have read in the Bulletin about a decision of the Supreme Court denying the so-called supervisory workers or managerial employees the right to form associations. This, to me, is against the 1935 and the 1973 Constitutions and even under the Freedom Constitution. The Bill of Rights expressly provides that the right to form an association whose purpose is not contrary to law shall not be abridged and yet in spite of this provision we have this decision of the Supreme Court denying to managerial employees the right to form unions and the reason for this is that this is so provided in the Labor Code. That is why when we approved the provision of the Bill of Rights regarding freedom of association I mentioned this particular provision of the Labor Code so that in the future there will be no doubt about the matter. I say this especially, if and when we approve the provision of the Bill of Rights, that means the provision of the Labor Code on this matter is deemed repealed. I have to do this because of my sad experience that in spite of a clear provision in the Constitution the right of the workers to organize has been denied.

I am happy that in the social justice provision we have provided for a living wage. I think this is necessary because we have to remind the employers that workers should be able to maintain themselves adequately so that they can be good workers. This is really a reminder to employers to treat their workers in the manner that they would want to be treated if they happened to be workers themselves.

In this Constitution, we have recognized the right of workers in other sectors to be represented in the law-making body. I know we have a hard time about this, but as I said, we have good people — all the Members of the Commission are good people and they are able to see the justice in the demand of the workers for representation. They have to do this because the workers constitute about 90 percent of the population.

Although they are many, the fact is that they are not united. Most of the time they quarrel among themselves so their strength is dissipated. But with this recognition of sectoral representation, they will have at least a voice in the Congress, because it is very important that they have a voice rather than not have any voice at all. I know how difficult it is that in a body of about two hundred members, there may be fourteen sectoral representation, as we had in the Batasang Pambansa. If these sectoral representatives are dedicated, they will pursue relentlessly the program that their sectors have set for themselves. I think they are bound to succeed. I say this because of my experience in the interim Batasang Pambansa. There were only four representatives from the labor sector and four from the peasant sector, and yet with that small representation, we were able to secure benefits for the workers. We are happy that this is in the social justice provision of the Constitution.

There are others that commend themselves, and I am very confident it is not what we are going to say here or what we are going to say in the future that will influence our workers in making their decision to approve our Constitution but when they see for themselves what we have provided for the people, I feel, and I am confident, that we are going to succeed, that this Constitution will be ratified.

I am very grateful to all the Members of the Commission for their interest in protecting the rights of the workers. And I want to thank the members of the Committee on Justice for reversing themselves and finally agreeing to my amendment. This Commission will remember that when we were discussing the provision of the judiciary, the committee had recommended that the present membership of fifteen justices should be reduced to eleven, on the ground that it will be easier for the members thereof to come to a decision. I objected to this because, I am sorry if I have used the word "stupid" but that is what our members in labor have told me, if fifteen justices have accumulated five thousand cases — then if we reduce this to eleven, how much more will the cases accumulate there. Therefore, I move that we restore the fifteen in the Constitution. At that time, I lost only ten of the Commissioners supported me, while twenty voted against my amendment. I am very grateful that in the last discussion on the provision of the judiciary, my position was vindicated because now we have in the Constitution

a provision providing for fifteen justices of the Supreme Court.

I am very happy with this provision we have adopted, I am happy with the Constitution, I am happy with my fellow Commissioners, and I hope all of us will fight hard so that what we have worked for so hard for all these many months will be approved and will vindicate the labor that we have exerted in this Commission.

Thank you.

THE SECRETARY-GENERAL, reading:

Maambong

COMMISSIONER MAAMBONG EXPLAINS HIS VOTE

MR. MAAMBONG: Madam President, in spite of my feeling that I have miserably failed in my earnest efforts to convince the Commission to allow our people through this Constitution to exercise their right to choose our President and Vice-President in an election or at the very least, a referendum, after the ratification of this Constitution, I still find it my privilege to join my colleagues in casting my vote for the approval of the Constitution we have drafted.

This Constitution, Madam President, contains provisions which give meaning to the principle that "sovereignty resides in the people and all government authority emanates from them." We have given the people the basic right of suffrage and in addition, the new rights of recall, referendum and initiative, not to mention the institution of the party-list system in the electoral process. There are certainly other rights reflected all over the other articles which make this Constitution, in the words of our own President of this Commission, "pro-people." I only find it unfortunate, however, that we effectively denied them the fundamental right of suffrage to participate in the choice of the highest officials of the land in the coming elections. I must, however, thank the Commission for giving me an unlimited opportunity to ventilate my views on the matter, and probably the longest speech I have ever delivered on the floor, and in a democratic spirit I have accepted the decision of this body without any rancor in my heart.

Historically, this is supposed to be the fifth constitution drafted in this country, but this one is unique because we worked in an atmosphere of a revolutionary government. Our duties are almost over and whatever contributions we individually made, will be forgotten sooner than we think. Other than the journal of the proceedings, the photographs, the news files and our voluminous records, there will probably be no trace of our being here except in our minds. Come Wednesday, we shall have become irrelevant. Hopefully, the trees we planted will endure better the test of time.

Above the din of countless arguments on the floor, we have labored, in sickness and in health, so that we can return to constitutional democracy. We have prevailed, and hopefully we will live to see the success of our goal.

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

There are no answers here and now. For this Charter, once approved with all its imperfections, will become the property of the people and the nation, but the living flesh of this structure we formed will have to be added by the men who are to make it work, that is, by fellow Filipinos practicing the arts of politics and even of statesmanship.

We have gone through a series of difficult, painful and nerve-wracking decisions, you and I. Now that tensions have subsided, we are free to take our sweet time in examining the document laid bare before us.

By the nature of my assignment, it was my privilege to examine it closely perhaps ahead of the rest. And it is my belief that this Constitution, in the hands of capable administrators, will do the work for which it is originally designed by us — to provide a government strong enough to act for the Filipino people, at the same time maintaining the subservience of the same government to the people as the true sovereign.

As I mentioned earlier, Madam President, my vote is in the affirmative.

Thank you.

THE SECRETARY-GENERAL, reading:

Monsod

COMMISSIONER MONSOD EXPLAINS HIS VOTE

MR. MONSOD: Madam President, I vote yes, because I believe that this Constitution is an honest reflection of what we are and hope to be as a country and as a people. Every single day of our deliberations was started by a prayer to God for guidance and I am sure He listened. This Constitution, therefore, is our act of faith in our own future. Indeed, it was not easy to reconcile the principle of less government and more freedom with the need for structural change. It was not easy to institutionalize safeguards against a repetition of the past and, at the same time, preserve the capacity of the government to resolve the very real problems of the economy, insurgency and partisan politics. Nor was it easy to attain a more open political system in the midst of poverty and inequality.

I believe that as a whole we were successful in making that difficult passage and have charted a course that strikes a prudent balance among competing interests, with a clear preference for self-reliance and equitable distribution of wealth and power. We have enacted a strong social justice article, no matter how much its detractors may criticize it. I am proud to be one of its proponents. There are many new provisions on checks and balances in government, public accountability, education, human resources, communication, the national economy, family rights. We have mandated the independence of the judiciary and the constitutional commissions; established protectors of the people through a revitalized Office of the Ombudsman and a Commission on Human Rights; enshrined people power through reserved powers of legislation and constitutional amendment, consultative mechanisms and the greatest protection to the poorest of the poor. We have introduced a party-list representation in the Congress and have given sectoral representatives eleven years of reserved seats to prepare themselves for competition in the regular electoral process. The Bill of Rights contained new and strengthened provisions that protect in the clearest terms individual rights as against those of the State. We have provided for constructive autonomy to our brothers from cultural communities because justice demands it in our pursuit of nationhood. The provisions on death penalty, illiterate voting, declaration of martial law, the policy on the bases and nuclear weapons and many others have been invested with enough flexibility to respond to new circumstances still unforeseen. These are only some of the provisions that constitute concrete rather than symbolic breakthroughs.

The bar of history will be the ultimate judge of our performance. Anyone who exerts reasonable efforts to study this Constitution and its proceedings will realize its unequivocal preference for the Filipino and the underprivileged and for those who are victims of the government or of society and continue to suffer indignity, inattention, impropriety, and injustice. He will also discover the individual contributions of the Commissioners and the pattern of their advocates. I am sure there will be surprises to the conscientious researcher. But what will stand out most is the sincerity and integrity of each Commissioner and of each vote.

This Constitution is not a perfect document. We did not start out to write something perfect. We always knew that it can only reflect our own imperfectibility and that the vitality and ultimate reach of its vision will be provided by future generations. But it is a document that at least deserves an honest hearing. It can stand on its own merit and not what narrow interests may want to read into it so it can be condemned for their purpose.

Madam President, after today, we shall go back to our ordinary lives, where the pursuit of excellence is more difficult because the rewards and the recognition sometimes never come. It is a life where we are only answerable to our conscience, and there is no one to applaud the easy choice. That is when our commitment to truth, justice and nationalism will truly be tested. It is said that every good life is a heroic life, no matter how ordinary it may be. And if democracy is based on the conviction that there are extraordinary possibilities in ordinary people then what is before us are endless opportunities to put in practice the noble ideas and beautiful words of this Constitution on our everyday lives. I pray and am confident that all of us will be equal to that challenge.

Having been involved in many controversial debates in this body, I want to take this opportunity to apologize to any Commissioner I may have offended in the advocacy of my convictions. It is my honor to have served with you and I hope that we will remain friends and colleagues in our common aspirations. Finally, I want to thank the secretariat and the staff for the thankless work they have done these past four months, for they have demonstrated to us what the pursuit of excellence means in quiet and dedicated service to country. I wish them the best in their future undertakings. Thank you Madam President. And as we go our separate ways, may God continue to keep us safe in the palm of His hand.

THE SECRETARY-GENERAL, reading:

Natividad

COMMISSIONER NATIVIDAD EXPLAINS HIS VOTE

MR. NATIVIDAD: Ginang Pangulo, mga Kabalik at sa paghubog ng kapalaran ng bayan:

Sa makasaysayan at dakilang sandaling ito ay magiging tinik sa aking dibdib kapag hindi ko ipinaliwanag ang aking halal sa wikang Pilipino — ang wikang sinuso ko sa dibdib ng aking masintahin at mapagmahal na ina. Ang totoo, ang isang malaking dahilan kung bakit ako at marahil daang libong Pilipinong nagmamahal sa ating wika ay boboto ng "oo" sa Saligang Batas na ito ay sapagkat ang matagal ng panahong inaasam-asam at pinapangarap na sariling wika ay naging katotohanan na. Nagdiriwang ang mga diwang makabayan at pati na si Francisco Balagtas ay bumalikwas at nagpasalamat mula sa kanyang libingan.

Ang isang Saligang Batas ay walang halaga kundi ito papawi sa pangamba at takot sa puso ng mga taong bayan. Ang isang saligang batas ay magpapalubha lamang ng ating mga suliranin kundi ito tutugon sa pagdaralita ng bayan. A Constitution is worthless if it does not give the common man, first, freedom from fear and second, freedom from want.

Ang binalangkas nating Saligang Batas sa loob ng kulang lamang na limang buwan ay tumutugon sa dalawang pangangailangang ito. Sa Talaan ng mga Karapatan (Bill of Rights) ay ang isang hukom lamang ang maaring lumagda sa utos ng pagdakup. Bawal na ang kinatatakutang ASSO, PCO, PDA. Bawal na rin ang hamletting. Tugon ito ng Saligang Batas sa pangamba at takot ng ating bayan.

Noong araw kapag ang isang pinaghihinalaan ay dinala sa kampo o presinto ay abot na ang kaba sa dibdib. Malamang ay pilitin siyang umamin. Ngayon ay hindi na maaari iyan sa mga tadhanain ng ating Saligang Batas sapagkat sinasabi rito sa ating sinulat na Saligang Batas na kailangan ang abogado ay kaharap bago siya gumawa ng isang pag-amin.

Walumpung porsiyento ng lahat ng mga nakakulong sa mga bilangguan ay sa dahilang walang ibayad ng piyansa. Ngayon kahit walang piyansa, sa isang tapat na pangako na siya ay dadalo sa paglilitis ng kanyang usapin at pinanagutan ng kanyang mga magulang, kanayon, o puno ng barangay ay maaaring palayain siya ng hukuman. At doon naman sa talagang nakakulong — kung ang bilangguan ay sukdulan na ang sama ng kalagayan — inaatasan ng ating Saligang Batas ang Kongreso na lunasan ang kanilang kalagayan. Karaniwan ang isang Kongreso ay hindi alintana ang kalagayan ng mga preso sapagkat sila ay walang boto. Sa larangan ng pulitika sila ang karaniwang "panulak" ngunit itong ating Commission ay nilingap din sila sapagkat sa banal na kasulatan man ay sinabi, alinsunod sa aklat ni San Mateo, Capitolo 24-Bersikulo 40:

"Sasabihin ng Hari, Sinasabi ko sa inyo ng gawin ninyo ito sa pinakahamak sa mga kapatid kong ito, ito ay sa akin ninyo ginawa,"

Tatapusin ng Saligang Batas na ito ang karumaldumal na kalagayan ng mga alagad ng batas, sa ngayon sila ay nasa ilalim ng mga militar. Matatapos na ang maraming pagmamalabis na nangyayari sa ating mga alagad ng batas sa pamamahala ng mga militar. Ang pagiging alagad ng batas ay isang tunay na profession at hindi kukulangin ang mga kabataang magtataguyod sa konsepto ng Philippine National Police sa ating Saligang Batas na civilian in character at laganap sa buong bansa sapagkat mayroong 42 kolehiyo ng criminology sa buong Pilipinas ngayon. And I would like to thank my colleagues for having approved this provision without amendment, without any turno en contra and without the usual Davide comma or Davide period.

Ang Saligang Batas na ito ay hindi lamang igagalang ang karapatan ng bawat Pilipino, sa pamamagitan ng Commission on Human Rights pangangalagaan ang mga kapuspalad nating kababayan sisikaping mapaghilom ang mga sugat ng kaapihan, at dadampian ang mga perlas na luha ng ating inang bayan.

Kahit sa pagsusukatan sa pulitika ay babawasan sapagkat mayroon ng mahigpit na takdang panahon sa paglilingkod sa mga halal ng bayan. Lahat na ng paraan na maaring makahango sa karalitaan ng bansa ay nailangkap na sa Saligang Batas na ito. Article II — Declaration of Principles and State Policies; Article XIV — Education, Science, Technology, Arts and Culture; Article XII — National Economy and Patrimony — ano pa't lahat nang ating kaalaman at karanasan bilang lahi na maaaring magbunga ng kaunlaran ay isinulat na sa ating Constitution. Kayat ang aking paninindigan ay ang Saligang Batas na ito ay hindi lamang babalangkang ng isang pamahalaan ng lahing Pilipino, ito ang pawl sa lahat ng agam-agam at pangamba ng taong bayan ukol sa kanyang mga karapatan sa kanyang hanap-buhay, sa kanyang mga mahal sa buhay. Ang Saligang Batas na ito ang magiging lunday at timbulan ng ating bayan upang maigpawan ang karalitaan at marating ang ruok ng kasaganaan.

Ginang Pangulo, I submit that this Constitution will be instrumental in satisfying the primary needs of our people and in giving them freedom from fear and freedom from want.

Wala akong alinlangan na ang ating sinulat na Saligang Batas ay siyang maghahatid sa ating bansa sa isang buwang-liwayway ng isang bagong umaga ng ating lahi at bayan.

Ang halal ko ay "oo."

THE SECRETARY-GENERAL; reading:

Nieva

COMMISSIONER NIEVA EXPLAINS HER VOTE

MS. NIEVA: Madam President and my colleagues, it is with a deep sense of joy and gratitude to Almighty God that I give my full assent to the draft of the 1986 Constitution of the Philippines, a historic document which marks a new beginning in the life of our nation and a giant step forward in our long and tortuous march towards total liberation, freedom and peace. The completion of this Charter, I believe, is one more miracle in a year of miracles that saw our Filipino people rise like a phoenix from the ashes of its long years of captivity, to recapture its place in the sun as a free people thru a lightning revolution of faith and love never before seen in human history.

I think that I can truthfully claim that this Charter is not the handiwork of the 47 Members of the Commission alone; rather, it is a collaborative effort with millions of Filipinos who manifested their views and recommendations in public hearings and consultations conducted throughout the country, in a deluge of proposals and letters from all sectors of society and thru personal lobbying on specific issues of concern.

This document formulated by imperfect men and women is necessarily imperfect and may fail to rise up to the expectations of certain groups and sectors. And this is truly regrettable, but perhaps inevitable in the context of our times. I am convinced, nevertheless, that the Members of the Commission who represent in microcosm the wide spectrum of beliefs and ideologies of our pluralistic society, all acted according to their best lights and were motivated only by the highest sense of patriotism and overriding desire to serve the greatest good of the greatest number. And what is perhaps more important, with the bias for the majority of our brothers and sisters who have for too long remained poor, marginalized and powerless. I have no hesitation in affirming that this Constitution is a celebration of the dictum that sovereignty resides in the people and all authority emanates from them. "People Power," its contemporary expression, is constitutionalized directly and indirectly in many articles. We have, for example, the breakthrough Articles on Social Justice and Human Rights, the strong and powerful Bill of Rights, the Article on the Accountability of Public Officers, where we have created the new Office of the Ombudsman; the Article on Legislative, where broad based representation is now ensured thru the party-list system and the people given reserved powers thru initiative, referendum and recall to mention just the more significant ones.

In my sponsorship remarks on the new Article on Social Justice, I stated that it was our hope that this article would be the centerpiece of the new Constitution, despite some modifications, particularly in the agrarian reform section, I believe that this hope has been largely sustained. Our committee, with the biggest number of members, 17 strong members, confronted its task, fully aware that its decisions would have far-reaching effects on the social, economic, political and cultural configurations in our society.

So, we began by holding consultations with the major sectors concerned — labor, agriculture, urban poor, health, women. I dare say we held the greatest number of public hearings which were also the best-attended. After seemingly interminable committee meetings fronting our honorable President Cecilia Muñoz Palma, many anxious moments and taxing to the limit the patience of our Steering Committee Chairman, Commissioner Bengzon, the committee finally came up with a comprehensive framework containing at one stage some 70 provisions encompassing various philosophies often conflicting were finally synthesized after prolonged debates and through various drafts into the final article which is now incorporated in the new Constitution.

In voting "yes," I draw my greatest fulfillment from the modest contribution I have been privileged to make to this article and the realization that in the fundamental law of the land we have given highest priority to the protection and promotion of the well-being and the rights of our workers, our landless farmers and farm workers, our subsistence fishermen, the urban poor, the indigenous communities, the disabled, the sick and the old — all those who have less in life and shall therefore henceforth, have more in law.

And finally, I am happy to vote "yes," because at long last, our Constitution now gives due recognition and justice

to the Filipino family as the foundation of our nation in the new Article on the Family, for the best laws and institutions we know that we can ever devise will all be for naught if the very foundation on which these are built does not remain healthy and firm and strong.

Before closing, I wish to extend my deep appreciation to the Secretariat for their dedication and selfless service, and to all my esteemed colleagues in this Commission. Thank you for the inspiration and the strength that you have been to me personally, in the all-demanding and all-absorbing task of writing the basic law of the land.

I look forward to continue working with you if duty so demands in bringing life to the Charter we have collectively drawn up.

Thank you, Madam President.

THE SECRETARY-GENERAL, reading:

Nolledo

COMMISSIONER NOLLEDO EXPLAINS HIS VOTE

MR. NOLLEDO: Madam President, I would like to explain my vote. The 1986 Constitution constitutes a vital document that will transform our government from a revolutionary to a constitutional one. When given life after its effectivity, it will revitalize and invigorate the Filipino society. These provisions were formulated after exhaustive debates and discussions as well as public consultations. Thousands of proposals of citizens from all walks of life and of different beliefs and persuasions came their way into the Constitutional Commission. It is well nigh impossible to satisfy all citizens whose opinions were, in most cases, diametrically opposed to each other. The Members of the Constitutional Commission, just like judges, faced with facts, statistics and arguments, pro and con, had to make a judgment anchored on the democratic rule of the majority. The ultimate judges, after all, are the people themselves.

This 1986 Constitution, Madam President, has successfully balanced the varied interests of different groups. Every individual has a stake in this fundamental law. All the provisions of the 1986 Constitution are designed to attain the common good, to fully respect human rights, and to raise the dignity of the human personality. The 1986 Constitution is far superior over either the 1935 Constitution, or the 1973 Constitution, or the Freedom Constitution. It must be judged as a whole document. It deserves the full support of the people.

Madam President, I would like to take this opportunity to express my most profound gratitude to the Members of this Commission for their kind support for my favorite proposals that now form part of the 1986 Constitution. Permit me to mention some of them:

- No. 1) The words "and aspirations," "our patrimony" and "freedom" in the Preamble;
- No. 2) The provision that no person shall be detained solely by reason of his political beliefs and aspirations;
- No. 3) The provision that a member of the judiciary must be a person of proven competence, integrity, probity and independence;
- No. 4) Prohibition on appointment of certain officials to the Cabinet;
- No. 5) The provision that discretionary funds shall be disbursed only for public purposes, to be supported by appropriate vouchers and subject to such guidelines as may be provided by law;
- No. 6) The provision of non-prescriptibility of the right of the State to recover properties unlawfully acquired by public officials or employees;

- No. 7) The provision that the State shall endeavor to give free medical care to paupers;
- No. 8) The provision that in the grant of rights, privileges, and concessions covering the national economy and patrimony, preference shall be given to qualified Filipinos;
- No. 9) The provision that the Philippines is a democratic State aside from being declared as a republican State;
- No. 10) The provision that the State values the dignity of every human person and guarantees full respect for human rights;
- No. 11) The provision against political dynasties; and
- No. 12) The provision that the State shall inculcate in the youth patriotism and nationalism and involvement in public and civic affairs.

Of course, Madam President, the Commission's support of the report of the Committee on Local Governments that widened the taxing powers of local governments and opened the avenue to the creation of the autonomous regions in Muslim Mindanao and in the Cordilleras is gratefully acknowledged. My sponsorship of the provision on the national territory reminded me, Madam President, that I have to stand before the lectern almost five hours per session for several days answering interpellations from more than 15 Commissioners.

Lastly, I would like to explain that in the course of committee reports and proceedings of the Commission across a period of four months, I would go around furnishing information and making suggestions to speakers as my Christian way of volunteering assistance to fellow Commissioners. Sad to say, however, and I say this without rancor, when it was my turn to make a report on Local Governments, I did not see a Nollado roaming around to give help. Instead, I was subjected to rigorous interpellations that almost resulted in the loss of my sanity.

I vote "Yes" to this wonderfully and beautifully written Constitution. Going over the provisions of this Constitution will make one readily conclude that it is a Charter that can stand proudly in the annals and forefront of constitutional law. May God touch this Constitution today and make it an instrument by which He will shower His abundant blessings upon the Filipino people.

Thank you, Madam President.

THE SECRETARY-GENERAL, reading:

Ople

COMMISSIONER OPLE EXPLAINS HIS VOTE

MR. OPLE: Madam President, may I explain my vote?

It is not yet a hundred years since some of our ancestors met in Malolos in 1898 to forge the first republican constitution in the history of Asia and Africa. In 1934, the cream of another generation met again in Manila to frame another constitution under the auspices of the commonwealth in preparation for Philippine independence ten years later. Another convention met in 1971 in the hope of writing another constitution freed of any taint of colonial control.

Those earlier constitutions owed much to the time and the circumstances that gave rise to the necessity of drafting a fundamental law for the Filipino people. The draft Constitution we have framed is no different. True, we tried our best to stand outside ourselves, outside our time, to project a constitution that will endure well into the indefinite future but we do not need to apologize for being immersed in our place and time. We could not have wished for a better springboard to the future than our time which is replete with experience, both the lessons and

the traumas, but also the indomitable will of a people seeking to transform an unprecedented crisis into an opportunity for fuller freedom, dignity and justice for themselves and their posterity.

Thus drawing from contemporary realities, we have created a framework of government that allocates the powers of the State more judiciously to the three branches. If the executive is the sword, and the legislative is the purse, as Alexander Hamilton said in the Federalist Papers, and the judiciary is "the least dangerous of the three " because it has little say on both the sword and the purse, we have strengthened the judicial power. We have also strengthened the legislative power as the branch directly representing the people. And yet, Madam President, it does not follow that we have weakened the executive power on which the execution of the laws and of the Constitution itself depends. We have made those powers and the powers of the other two simply more accountable. What we have removed is the possibility of the exercise of non-accountable power, the existence of extraterritorial spaces as islands of sanctity and privilege in an otherwise open and accountable system of government which in the past had given rise to an unprecedented abuse of power. We have made accountability and popular sovereignty a pervasive theme of this Constitution.

We have fortified the rights of the people not only in the Bill of Rights but throughout this document. The Article on Social Justice and the Article on the National Economy and Patrimony are, by themselves, complete charters of social and economic rights. The people's basic right to human development and their cultural rights are asserted in the Article on Education, Science and Technology, Arts and Culture and Sports. We have authorized and expanded the role of people's organizations in decision-making; after all, a true test of the Constitution is whether or not it releases new and vital social forces. We have reserved to the people the power of initiative for changing not only the laws but even the constitution itself. We have settled with historic finality the nagging issue of a national language. We have effectively decentralized power to the local governments and granted a measure of self-determination to Muslim Mindanao and the Cordillera peoples.

Even with its imperfections, the imperfections in this document which may be quite numerous, these are some solid accomplishments of the entire Commission that will pass the severest test. Our own cautious reservations on specific provisions notwithstanding, nothing further can disturb that fact or diminish that achievement.

Madam President, an otherwise sound and excellent Constitution is unfortunately flawed in its transitory provisions by one reckless act of this Commission — the adjudication of the results of the February 7 elections as the basis for granting the incumbent President and Vice-President a regular six-year term. The Commissioners could at least have agreed to put the question of that term separately from the Constitution itself. It would have rescued this noble document from a doubt and a stigma that will linger until the parchment turns yellow with age.

Having said that and having expressed my reservations on Section 5, formerly Section 7, I would like to vote "yes" to this Constitution. This is a Charter of which we and the entire nation can be justly proud.

Madam President, this is also an opportunity to say goodbye to all colleagues in this Commission. I want to thank you, each and every one, for the privilege of working with you and for the honor of contending with you on the floor, sometimes in very animated exchanges. But the power of the democratic dialogue is precisely the principal tool we used to draft a constitution worthy of our mandate.

Here I have met many outstanding individuals whose qualities have raised my own self-esteem as a Filipino. I have sat in many deliberative bodies, both here and abroad, across a long and often exciting public career. I would like to assure you that against that background, I would not trade the experience of working in this Commission for any other.

Madam President, I cannot close without thanking President Corazon Aquino who gave the opposition, in the

spirit of reconciliation, the opportunity to serve in this Commission. We, from the opposition have tried our best to honor that appointment through hard work and nonpartisan cooperation. Destiny, however, has appointed us to be part of the contemporary opposition, and we intend to fulfill that role with honor and responsibility, if not with grace, and always with an eye to the interest of our people under this new Constitution.

I also want to thank President Cecilia Muñoz Palma for her inspiring, unflappable and splendid leadership, and the Secretariat headed by Secretary-General Florida Ruth Romero, for the outstanding support they gave us throughout our work.

I vote yes, Madam President.

THE SECRETARY-GENERAL, reading:

Padilla

COMMISSIONER PADILLA EXPLAINS HIS VOTE

MR. PADILLA: Madam President, this 1986 Constitution, after its ratification by our sovereign people, shall be the fundamental law of the Republic of the Philippines as a democratic and republican State. It satisfies the basic philosophy of a good Constitution:

- (1) The allocation of powers of government with checks and balances; and
- (2) The limitations on the exercise of governmental power for the protection of individual liberties and the promotion of human rights.

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

Madam President, I had filed two resolutions: One, the right of the State and the offended party to appeal a petition for certiorari a judgment of acquittal rendered by a trial judge in excess of jurisdiction; and two, the right of a foreign investor engaged in export to acquire an industrial lot with limited area necessary for the construction of its industrial plant; but these two proposals have not merited the approval of this Commission.

I opposed, Madam President, among others, the abolition of the death penalty, the deletion of the phrase “imminent danger of invasion or rebellion as ground for the suspension of the writ of habeas corpus”; and the non-retention of Spanish as our third official language.

I warned against so many duties and obligations imposed by this Constitution on the State, such as: free secondary education, which may not be implemented due to lack of public funds and resources for they may raise false hopes of our people and may result in their disappointment and disillusionment. However, there are many good and creditable provisions in this 1986 Constitution which need not be repeated as stated by previous Commissioners.

This Constitution shall be the foundation of our political stability, economic reconstruction and national development, for the peace, and progress, the prosperity and happiness of all our people.

I vote for the approval of this 1986 Constitution.

Thank you, Madam President.

THE SECRETARY-GENERAL, reading:

Quesada

COMMISSIONER QUESADA EXPLAINS HER VOTE

MS. QUESADA: Madam President, I stand here to vote yes to the draft Constitution, but it was with mixed, ambivalent feelings that the decision was reached: A measure of gladness on the one hand and extreme reservations on the other hand.

It had been self-fulfilling to have fought for and supported a number of positions that, as adopted in this Constitution, will provide space, leverage and opportunities for our people to improve their well-being. These are on: health, labor, education, science and technology, arts, culture and sports, women, agrarian reform, urban land reform, on housing, human rights, environment, communication, cultural communities, people's organizations and many others.

With the constitutionalization of people's power through autonomous people's organizations, the people can look forward to actively participate in national decision-making which, hitherto, was left in the hands of a few who, very often, did not even represent a broad constituency. Nevertheless, it was with extreme reluctance that I reached the decision to vote yes, because of, in my view, its serious shortcomings.

A constitution, at best, cannot be anything but be an imperfect document. But the imperfections of our draft Constitution bear upon such fundamental issues as national sovereignty, economic independence, capacity for social governance, and indeed, national and human survival, that one must ask oneself: Who will truly benefit from this Constitution? Whose interest will be served and at whose expense? In my view, these questions were not sufficiently addressed by the Constitutional Commission.

To the degree that it has failed to remove institutional obstacles to genuine agrarian reform, it is an imperfect constitution. To the degree that it places national industrialization in a subsidiary role, it is an imperfect constitution. To the degree that it gives foreign business interest free access to our natural resources and public utilities and does not protect the interest of Filipino business and industry, it is an imperfect constitution. To the degree that it gives any future President power to unilaterally declare martial law and install another dictatorship, it is an imperfect constitution. To the degree that there is no clear mandate to remove foreign military bases and make this country nuclear free without any qualifications whatsoever, it is an imperfect constitution. In sum, to the degree that it does not respond to the genuine needs and aspirations of the greater masses of people, it is an imperfect constitution. And yet I am voting yes. Why? To me, the republic is imperiled by all too familiar dark forces, vestiges from the recent past wishing to dismantle the present government. What good is a perfect constitution if the fragile political structures crumble, if we no longer can speak as freely as I am speaking here now, if we cannot move to other arenas where we can press for legislation? I vote yes, but with the understanding that the draft Constitution we have framed is flawed, deeply flawed in some parts. Also our people, we trust, will be spurred to continue the process of constitution making, where in the end, it is the people who make their fundamental law, not a minority.

Thank you, Madam President.

THE SECRETARY-GENERAL, reading:

Rama

COMMISSIONER RAMA EXPLAINS HIS VOTE

MR. RAMA: There are those in and outside the Constitutional Commission, who demand to see a new Constitution made in heaven.

In the first place, the tattered history of the Batasang Pambansa, our venue, has little to do with anything celestial. Seriously, the limited time plus the democratic nature of this deliberative body rendered unreachable the ideal of an outstanding constitution, applauded by all.

It may not be a great Constitution in the tradition of the 1935 Constitution which was really outstanding in that period. But what we have is a good Constitution. Oftentimes goodness is better than greatness. It is a hundred times better than the Marcos Constitution and superior to the Freedom Constitution that it seeks to replace.

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

One may question the wisdom of the new Charter but none may question the integrity of it.

There are those who complain about the tyranny of the majority in the passage of many provisions in the new Constitution. Let me remind them that the tyranny of the majority in a deliberative body is what democracy is all about or nearly all about. The alternative to the tyranny of the majority is the tyranny of the minority. This is what dictatorship is all about. This is how the Marcos martial law regime survived to the grief of the nation.

I, too, have my gripes against this new Constitution. Among others, the Preamble which generations after us would have to memorize is not irreplaceable prose. It can be scored as a list of motherhood words.

The Constitution calls for 200 Congressmen, a bumper crop compared to the old composition of 120, that the nation can ill afford. Every President in the past had groaned over the daily importunings by too many congressmen. The 200 Congressmen plus 24 Senators plus the party-list and sectoral representatives would make life miserable for Mrs. Corazon Aquino, apart from depleting the national coffers.

It requires congressional elections by district instead of province. This will ensure the reentry of the old warlords, the Marcos loyalists, and even the insurgents in the new Congress. It is easier for them to control or terrorize a congressional district than a province.

It permits the illiterates to vote, a misplaced compassion which makes for effective vote-buying and massive cheating in the elections- I contend that a system is only as good as the people running it. The necessary art, therefore, is to devise a system within a system that would produce competent leaders of intelligence and probity. Any election reform to be meaningful must start with upgrading the electorate.

But for all its fumbblings, the good features far outstrip the questionable ones. No longer can a President declare martial law without reckoning with the Supreme Court or Congress which can annul and revoke it. No longer can the President appoint any Pedro, Pablo or Juan whose only qualification is canine devotion to him a Supreme Court justice or a judge. He can only name those in the list submitted by an independent body of men of probity, the newly created Judicial and Bar Council. He can no longer seek reelection and thus be doomed to be a reelectionist politician during his entire term instead of a statesman. Never before have we enshrined so clearly the tenet that "those who have less in life must have more in law."

Erased from the Declaration of Principles found in both the 1935 and 1973 Constitutions is the simplistic anachronism left unexamined for half a century, and I quote, "The defense of the State is the prime duty of the

government" and the people and to his end every citizen may be compelled to render personal military service. The new Declaration of Principle now says: "The prime duty of the government is to serve and protect the people."

The new Charter addresses the oldest and most brutalizing problem of the nation — mass poverty.

All these and many more provisions echo in our Constitution the aspirations of the people. It is a Constitution in which the people can hear their own voices-their hopes and sentiments, even their fears and despairs.

There are those who snicker at the pretensions that a constitution is a formula for reforming man and redeeming society. One is tempted to join the sniggering until one remembers that when the Lord wanted to save the world, He sent His only Son. And the first thing He did was to revise the old laws in the Old Testament and write through His words and deed a new constitution, now known as the New Testament.

Let us hope that that divine formula for reform and salvation will work for the country and that the new Constitution be the New Testament for the Filipino people. Buoyed up by this hope, I vote yes.

THE SECRETARY-GENERAL, reading:

Regalado

MR. REGALADO: Madam President, may I explain my vote.

THE PRESIDENT: The Gentleman may proceed.

COMMISSIONER REGALADO EXPLAINS HIS VOTE

MR. REGALADO: With the cognition and the humility born of mortal shortcomings, but with the gratification and pride inspired by human achievements, I manifest my approval of the draft Constitution.

This is without any pretension that this Commission, despite the collective merits of its dedicated and altruistic membership, has crafted a fundamental law for all political seasons. That is a consummation which may devoutly be wished but it is only a proposition which can be devotionally espoused.

From the inception of our concerted efforts in the task of drafting the organic law we prayed for Divine guidance and intervention, aware that our mundane credentials can only resuscitate the past in order to appreciate the present and project for the future.

Thus, we canopied the constitutional pillars that we have erected with a mosaic of fundamental mandates so that the panoply of governmental powers shall always be for the protection, and never for the desecration, of the sovereign will. We have labored on provisions where the endowed shall not be too high as to be beyond the proscriptions for the common weal, but the underprivileged shall not be too low as to be beyond retrieval into the mainstream of the common good.

God Almighty knows how we have worked, albeit with the differences of perceptions and convictions due to the diversity of our respective backgrounds and affiliations, to frame a Charter which each of us hopes, according to his own beliefs and conscience, will yield an adequate response to what our people have never had since governments were instituted among them.

I am not unaware of criticisms, whether well-intentioned or ill-motivated, both of our completed handiwork as well as our individual and respective participations, but we must take heart in the truism that be one as pure as ice or as chaste as snow, one shall never escape the stain of calumny. Hence, I will no longer belabor the dissensions from or the merits of the constitutional provisions that we have approved not only because those who spoke

before me have already done so, but because this is no longer the time nor the occasion. Nor will I digress into reminiscences because the events that we would think of-have just been of the recent past, and the need for time and age which will have to produce the virtue of hindsight we still have to await.

I repeat, we cannot claim that we have drafted an organic act which is the best that this Commission can contrive; but I honestly believe that it is one that can rise equal to the imperatives of today and the uncertainties of tomorrow. For just as a country will grow and the people will change, this will be a living Constitution which will correspondingly grow and change with them. It will be as strong as their resolve and as lasting as their faith, for a Constitution cannot but be a calibration of the people that it serves and a testament of the ideals that they embrace.

As we close this chapter in my brief and humble participation in a vignette of our national history, I pray that the parerga et parliapomena we leave behind shall be a continuing challenge and a stabilizing legacy to those who will come after us; and I pray that they, in the words of the poet, shall "take up, where passing we leave off, and fathom more." May the Supreme Constitutionalist let these events come to pass.

Thank you, Madam President.

THE SECRETARY-GENERAL, reading:

Reyes de los

COMMISSIONER DE LOS REYES EXPLAINS HIS VOTE

MR. DE LOS REYES: Minamahal naming Pangulo ng Komisyon at mga Kasamahan, kinakailangang maintindihan ng nakararaming Pilipino ang ating sinasabi dito, kaya't ang aking paliwanag ay gagawin ko sa ating sariling wika.

Hindi maipagkakaila na ang Saligang Batas ng bansa ay salamin ng pangarap at hangarin ng mga mamamayan nito. Sapagkat ito ay isang katotohanan, tayo dito sa Komisyon ay nagpanday ng isang Saligang Batas na inaasahan nating lahat, ngayon at sa darating na panahon, ay magbibigay katuparan sa mga mithiin at layunin ng sambayanang Pilipino, upang magkaroon tayo ng tunay na pagkakaisa: isang Saligang Batas na maghihilom ng sugat na namagitan ng nagdaang panahon, magwawaksi ng mga mapapait na ala-ala at magbibigay katatagan sa isang pamahalaan na batbat ng suliranin. Naisagawa ba natin ang makapagtayo ng matibay na pundasyon sa pamamagitan ng isang Saligang Batas na pakikinabangan ng mga Pilipino?

Sinimulan natin sa Pambungad na Pananalita o Preamble ang pagsasabing isa-alangalang ang napakagandang salita, Pag-ibig; at sa dakong kalagitnaan ng Artukulo ng Katarungang Panlipunan, ay nagtadhana tayo ng mga kaukulang proteksyon sa mga manggagawa, magsasaka, mga maliliit na mangingisda, na napakalapit sa aking puso at damdamin, mga salanta at baldado, mga walang sariling tahanan na naghihirap sa kalunsuran, mga walang hanapbuhay, mga kabataan, kababaihan at matatanda. Hindi natin kinalimutan ang ating mga kapatid na Muslim sa Mindanao at mga kulturang minorya sa Kordillera. Dininig natin ang kanilang daing at suliranin at pinagsumikapang tapatan ng lunas. Ipinamalas natin ang dakilang pag-ibig sa kinabukasan ng ating bansa at saling lahi sa pamamagitan ng pagtatakda ng patakaran na maging malaya sa kapakanan ng bansa sa anumang sandatang nuklear na gugunaw sa mundo sa sandaling hindi mapigilan ang sagupaan ng mga dambuhalang bansa sa darating na panahon.

Ipinamalas natin ang pagkalinga sa mga batang mag-aaral at sa mga guro sa pamamagitan ng paglalaan ng pinakamataas na prayoridad sa budget ng pamahalaan. Sa Artikulo ng Edukasyon at Kultura, binigyan natin ng diin ang paglinang ng isang kulturang Maka-masa at maka-Pilipino, at sapilitan nating iwinawaksi ang kulturang maka-dayuhan at elitista na sumusugpo sa ating pag-unlad at pagsulong. Pinairal natin ang prinsipyo na ang

kaalaman na dapat ibigay ng paaralan ay yaong huhubog sa kabataan tungo sa pagiging mapanuri, produktibo at makabayan, kasabay pa rin ang paglilipat sa masa ng teknikal na kaalaman, at ng sa ganyan, ay tumaas ang antas ng kanilang kabuhayan.

Ang mga beterano ng digmaan at pamilya ng mga sundalo o kawal na nabuwal sa dilim ng gabi at hindi na nakita ang buwang liwayway, ay hindi kinalimutan sa Konstitusyong ito, bilang pagtanaw ng utang na loob sa kanilang kabayanihan. Idinambana natin ang wikang Pilipino, sapagkat ang paggamit ng sariling wika ang siyang susi sa ikalulubos ng ating paglaya, bagamat hindi natin tinatalikuran ang wikang Ingles na salita ng sandaigdigan.

Sa Artikulo ng Katipunan ng mga Karapatan o Bill of Rights, ay lalong tumibay ang karapatan ng mamamayan. Pinalakas natin ang sangay ng mga hukom na siyang tagapagtaguyod ng katarungan. Binigyan natin ng kapangyarihan ang susunod na mambabatas na makialam sa "martial law" at suspensyon ng pribileheyo ng "writ of habeas corpus" upang pawalan ito ng bisa sa nilolooban ng animnapung araw, o dili kaya, ay pahabain pa ang taning upang huwag makapagmalabis ang isang Pangulo, subalit hindi naman natin inalis sa Pangulo ang lakas at kapangyarihan na kailangan niyang gamitin upang siya ay makapamahala ng buong bisa, husay at galing.

Hindi natin pinabayaan ang ating angking kayamanan o natural resources. Bagama't pinahintulutan natin ang mga dayuhan na sumusuyo sa mga Pilipino, mayroon itong limitasyon na hindi lalampas sa apatnapung bahagdan (40%), at ang pamamahala at pagpapatakbo nito ay mananatiling sa kamay ng Pilipino. Sinunod natin ang konsepto ng "stewardship" sa paggamit ng lupa at kayamanan ng bansa, na dapat isa-alangalang ang kapakanan ng ibang tao at ng lipunan, sapagkat ang lupa tulad ng hangin at tubig ay galing sa Diyos at tayo ay pansamantalang tagapangalaga lamang nito.

Sa Artikulo ng Pambansang Kabuhayan at Ekonomiya, maliwanag na sinabi na ang layunin at patakaran ng pambansang kabuhayan ay sa kapakanan ng lahat lalo't higit ng mga maralita at dukha. Ang mithiing magkaroon ng tunay na industrialisasyon ay itinakda rin batay o base na mainam na pagpapasulong ng agrikultura at reporma sa lupa. Bagama't ito ay pinagmulan ng hindi pagkakaintindihan natin dito. Binigyan ng proteksyon ang negosyong Pilipino sa di makatarungan o di wastong kompetisyon ng mga dayuhan.

Marami pang magagandang panukala ang ating inilagay sa Konstitusyon, na hindi ko na bubutilin na isa-isa pa dahilan sa kakapusan ng panahon. Halos lahat ng karapat-dapat na ilagay sa isang ulirang saligang batas ay inugit natin. Bagama't hindi ko lubos na maunawaan kung bakit inalis pa natin ang artikulo sa populasyon na sangayon sa konstitusyon ng 1973 ay nagsasaad "na tamuhin at panatiliin ang kapantayan ng populasyon na pinakabagay sa pambansang kagalingan," ganoong hindi naman ito labag doon sa ating inaprobahan na bigyan ng proteksyon ang batang hindi pa ipinanganak simula ng ito ay ipaglihi.

Hindi rin po kami nasiyahan sa pagpapatibay ng tiyakang taning sa panunungkulan ng Pangulo at Pangalawang Pangulo na hindi na natin isinangguni sa mga mamamayan, samantalang ang pamamaraang pagsangguni o konsultasyon ay higit na maka-demokratiko at sang-ayon sa diwa ng bagong Saligang Batas. Ang pagsasama ng isyu na pampulitika sa katawan ng konstitusyon ay maaaring maging "sakong ni Akiles" ng bagong Saligang Batas at magiging dahilan ng pagtanggig ng maraming mamamayan sa pagpapatibay nito.

Subalit, kung titimbangin ang kabutihan laban sa kontrobersyal na nilalaman ng Konstitusyong ito, nakalalamang pa rin ang mabubuti. Malaking karangalan sa aming apat na kumakatawan sa tagasalungat ang magkaroon ng bahagi sa pagbalangkas ng Saligang Batas tungo sa ikatatatag ng ating lipunan. Hindi namin pinansin ang alipusta at pagsurot ng aming mga kasama sa pulitika, sapagkat ang nasaisip namin ay ang kapakanan ng bansa.

Nakalulungkot, nakapanghihinayang, sapagkat dahil sa isang "rider" o "puslit" na hindi dapat isama sa kabuuan ng isang konstitusyon ay halos nawala, halos napawi lahat ang kabutihan at kagandahan ng ating pinagtulong-

tulongan na kasulatan.

Ganuon pa man susundin ko ang sagot ng aking apat na anak nang ipaliwanag ko sa kanila ang nilalaman ng bagong konstitusyon at tanungin ko sila kung ano ang kanilang masasabi. Ang sagot, "puwede na rin." Kayat ang boto ko po Ginang Pangulo ay "oo" na rin. Subalit mayroon pasubali at pag-aalinlangan sa kawastuan ng Seksyon ika lima dating Seksyon ika Pito, ng Artikulo ng mga Tadhangan Lipas o Transitory Provisions na nagbigay ng tiyakang taning sa panunungkulan ng Pangulo at Pangalawang Pangulo.

Maraming salamat po.

THE SECRETARY-GENERAL, reading:

Rigos

COMMISSIONER RIGOS EXPLAINS HIS VOTE

REV. RIGOS: Madam President, I vote yes with a prayer that the good Lord may use this Constitution as a channel of His grace and an instrument of His peace, and may it contribute to the healing of the nation and the building of a new world where love and justice reign.

Salamat po. (Applause)

THE SECRETARY-GENERAL, reading:

Rodrigo

COMMISSIONER RODRIGO EXPLAINS HIS VOTE

MR. RODRIGO: Madam President, this Constitution we have drafted might not be the best constitution but we can tell the world with heads held high that in framing it we have tried our level best in accordance with the honest dictates of our judgment and conscience. This is the prime source of my gratification. Like I said in a poem which I wrote during the dictatorial regime:

Paglubog ng araw; pagsipot ng dilim,
Ang aking sarili'y aking tatanungin —
"Nakatupad ka ba sa iyong tungkuling na
Ang nagdaang araw ay iyong gamitin
Sa ikakatamo ng wastong mithiin" . . .
Masisiyahan na ang aking damdamin
Pag masasabi kong tapat at taimtim: —
"Ginawa kong lahat ang kaya kong gawin!"

Madam President, this draft Constitution is the product of joint efforts of all Commissioners. We, who adhere to democracy believed in the superiority of collective decision over one man dictation. Like I said in another poem:

Kapag tulong tulong ang sampung balikat,
Ang mga pasanin na kayang mabuhay
Ay mas malalaki at mas mabibigat
Kaysa nag-iisang balikat ni Golyat.

At this juncture, the President relinquished the Chair to the Honorable Jose F.S. Bengzon, Jr.

Mr. Presiding Officer, we also believe in pluralism in unity in diversity. Here is another poem:

Magkakapatid man ay nagkakahidwa,

Na paminsan-minsan, sa kuro at haka
Sa kung alin nga ba ang wasto at tama
Na mga hakbanging pangsagip sa bansa.
Kaya't hindi baleng tayo'y magkaiba
Sa problemang hindi lubhang mahalaga —
Kailanman at tayo ay nagkakaisa
Sa panig ng laya, dangal, at hustisya.

Finally, Mr. Presiding Officer, we believe in one omnipotent loving God who guides the lives of men and the destiny of nations, and so we started every morning's session with a prayer led alternately by each Commissioner. And here is another poem:

Gagawin ko ang lahat kong makakaya't magagawa
Upang ako'y makarating sa layunin at adhika;
Ngunit di ko lilimuting ang lakas ko'y bale-wala
Kapag hindi kinasihan ng biyaya ni Bathala.
Mr. Presiding Officer, Oo ang boto ko.

THE SECRETARY-GENERAL, reading:

Romulo

COMMISSIONER ROMULO EXPLAINS HIS VOTE

MR. ROMULO: Mr. President, I vote for the proposed Constitution, convinced as I am, that we have done our level best to produce one worthy of our people.

Last June 2nd, when I left my private practice to perform a public duty, I knew right from the beginning that the succeeding days were not going to be easy. But heaven knows I did not expect them to be that difficult. True, I look forward to the clash of ideas and spirited debates, both in committees and on the floor, but I did not anticipate encountering the rhetoric of hate, certainly not the personal attacks in the media.

(At this juncture, the Presiding Officer relinquished the Chair to the President, Honorable Cecilia Muñoz Palma.)

All that, Madam President, is however receding from memory. Like a long distance runner, I see before me the joy of breasting the tape, no longer the pain of the last 26 miles. I see a new Charter, the nation can be proud of, a new Charter that is both a hope and a guide, a statement of conviction, as well as a commitment of purpose.

Three salutary features, Madam President, stand out in this proposed Constitution. First, we have restored in our system of government the principle of checks and balances fetters against the evil of despotism. I hope never again will so much power be concentrated in so few.

Second, we have paved the way for a strong, independent and competent judiciary, by insulating the processes of choosing, compensating, correcting and even castigating members of the judiciary from the influence of partisan politics; we have provided our people a vehicle for redress of grievances, where merit, not other considerations will prevail.

Finally, we have institutionalized people power. Sovereignty of the people has become an operative principle. The new legislature we trust will rise to the occasion and provide the mechanism of how these reserved powers may be exercised in a manner befitting a nation that stopped the iron instruments of war with fragile beads and flowers of peace.

There are, I must confess, parts of the proposed

Constitution which I, like the rest of you, believe can stand some improvement. But as observed by Dr. Benjamin Franklin, who in a situation similar to ours centuries ago, said, and I quote:

When you assemble a number of men to have advantage of their joint wisdom, you inevitably assemble with those men all their prejudice, their passions, their errors of position, their local interest and their selfish views.

From such an assembly, can a perfect production be expected? Nevertheless, the Constitution we have so carefully and laboriously crafted is neither conservative nor radical; rather it is progressive. While it addresses contemporary problems, it also lays the seeds for a significant breakthrough in the areas of poverty, human rights, people power, government reform and economic progress. I am convinced that taken as a whole, we have drafted the only Constitution possible at this time, given our multifarious political and economic problems in a society in transition.

In the last analysis, anyway, the Constitution is what our people make of it. I, therefore, ask our people for their sake and for generations to come to vote for this Constitution, and I urge my colleagues to campaign for its ratification. Thereafter, let us begin the task of implementing the Constitution with the experience of the past, with hope for the future, and with confidence in the present.

I cannot close without thanking the Secretariat for their dedication and without paying tribute to the President's steadfast leadership and unfailing fairness in presiding over this Constitution. Thank you, Madam President.

THE SECRETARY-GENERAL, reading:

Rosales

Sarmiento

COMMISSIONER SARMIENTO EXPLAINS HIS VOTE

MR. SARMIENTO: Madam President, our daily prayers for more than four months, 115 days to be exact, inside and outside of this session hall, imploring the aid and guidance of the Almighty God, have borne fruit. We have produced, after animated discussions punctuated with occasional laughter and dissension, a Constitution we can call a charter pronouncing life, a document proclaiming hope to all our people. In it are ennobling provisions and lofty principles well-designed to improve and enhance the lives of our people, fortify their cherished individual and collective rights, democratize their participation in the governance of local and national affairs, and thwart the rise of another dictator. In this Constitution, the anguished, the injured, the offended, and the harassed will find a refuge.

Our Constitution, however, is far from perfect. It has its share of flaws. May I say, in all candor, that I have my reservations with regard to a few provisions in the Constitution; namely, the provision on the presidential proclamation of martial law without concurrence of Congress, the provision on civilian home defense forces and private armies, the provision on equity ratio for public utilities, the provision on agrarian reform which invites discordant interpretations, and the provision on the foreign military bases in the Article on Transitory Provisions.

The flaws notwithstanding, the Constitution framed by 47 honorable and worthy men and women under the leadership of a venerable lady jurist is admirable. In all, it deserves our commitment and support.

Although I had my reservations with respect to some provisions, I, Rene V. Sarmiento, this 12th day of October, 1986 vote yes to this Constitution.

THE SECRETARY-GENERAL, reading:

Suarez

COMMISSIONER SUAREZ EXPLAINS HIS VOTE

MR. SUAREZ: Madam President, even long before it was time to vote, I would frequently study the kind of constitution we are drafting. Without making any premature judgments, I nevertheless could not dismiss or even soothe my many misgivings about this proposed charter.

I find this Constitution verbose, especially studded with declarations of noble intentions. A colleague, whose honest judgment I value, described it as "verbose and wordy." How true! And because of its verbosity, some provisions have become ambiguous. Too many words distort the essence and proper meanings and leave the doors open for erroneous interpretations that the real public good for which these provisions were crafted can no longer be discerned or assured. A Constitution is supposed to be broad, brief and definite. Instead of being brief, our draft is too wordy. Instead of being broad, it has become too concerned with details. Instead of being definite, it suffers from vagueness and ambiguity. Justice Malcolm has wisely observed that any vagueness may lead to opposing interpretations that may cause incalculable harm and chaos to the nation.

I find this Constitution constrictingly legislative in charter, contrary to President Aquino's instructions to us at the outset of our task on June 2. Precisely, she advised us to come up with a Constitution that allows future generations to follow a path suitable to prevailing peculiarities that are impossible for us to accurately predict. Yet, there are close to a hundred provisions that were left for Congress to promulgate. We have come up unfortunately with a Constitution by accommodation. It accommodated many situations which the Commission could not handle, leaving the matter to Congress. Moreover, these provisions already prescribed solutions even to problems still unthinkable but failed to come to grips with the real needs of our country. At last count, we have come up with 99 provisions containing the phrases "as may be provided by law" or "as Congress may provide." Yet we have failed to address squarely and decisively the following gut issues of our people: Why 1.4 percent of the Philippine population controls 21.1 percent of the national wealth; why 70 percent of today's Filipinos live below the poverty line why 22 million Filipinos are homeless; why 2.2 million live in the slums; and why millions are unemployed and underemployed.

I find this Constitution dangerously promising too much to the people, promises that the poor and the underprivileged will cling to. We have almost succeeded in producing an epistle of love, so full is our draft with platitudes. Yet, where the Constitution needed to be unequivocal about its pledges of economic, social and political liberation and pave the way for their fulfillment, it falters and in faltering, almost condones their subversion.

Lest my misgivings be scoffed at for having no justifiable grounds, let me reiterate specific provisions, among others, that are fraught with perils.

First, Section 4 of the Article on Citizenship allows offsprings born to Filipino mothers and foreign fathers before January 17, 1973 and who elect Philippine citizenship to be deemed natural-born citizens. I do not begrudge any person of mixed parentage the right to become a Filipino citizen nor ask if he is worthy to be one. But bestowing on him the privilege to be regarded as a natural-born citizen makes him eligible for high, sensitive and responsible positions of the land. If, someday, the country should have a president who not only bears a foreign surname but has a foreign father occupying a sensitive position in his country, our nation may have grave security problems.

The second is the portion of the Article on the Accountability of Public Officials, creating the Office of the Ombudsman but limiting the functions and powers of the Ombudsman to merely investigating complaints against erring public officials. This appears to be a toothless position but because it is open to abuse, it is far from harmless. The failure to grant the Ombudsman prosecutorial powers takes away from him the responsibility over his investigations and renders the exalted position not merely duplicitous but totally useless.

The third is Section 1 of the Article on the Legislative, establishing a bicameral legislature. This is exacerbated by Section 5 of the same article, not only limiting the number of reserved seats for sectoral representatives but refusing to make permanent sectoral representation in the legislature. The past few years, especially after the assassination of former Senator Benigno Aquino, saw the emergence of a new wave in politics. It zeroes in on issues, addresses the roots of the many evils hounding the country, and most importantly, draws its strength and sustenance from the collective political awareness and will of the people. We ourselves have witnessed the potential of this new wave of politics and establishing a unicameral legislature could have nurtured this. This would have been more responsive to the people's needs. Instead, we have established a bicameral legislature that, in all probability, assures the continuance of traditional politics that merely builds personalities and feeds on the patronage of these personalities by the people. Political elitism works against the people's interests.

The fourth is Section 18 of the Article on the Executive, granting the commander-in-chief vast powers to declare martial law even without legislative concurrence. We know fully well that the tyranny of martial law and the wounds inflicted on us by the dictatorship have not healed. Yet, ironically, we seem to have dropped our guard all too soon and not only turned oblivious to the danger of this tyranny coming back but, in the final analysis, made it easy for it to return. The manner in which this particular provision has been approved shocked me. May I, at this juncture, Madam President, request that this position paper, which I have prepared entitled "Clearing the Ground for New Dictatorships," be inserted into the records for purposes of brevity, Madam President.

The fifth is Section 4 of the Article on Social Justice, broadening the coverage of agrarian land reform but whose implementation hinges on a number of constraints that may render this promise of land reform as empty as in the past administration. It cannot be stressed often enough that genuine land reform is the key to turn the tide of insurgency. Their lands grabbed from them and their labor unrewarded, many of our poor peasants have been driven to take up arms in desperation. It is imperative then to quiet this agitation. Had we listened to this imperative, we should have laid out the foundations of social justice.

The sixth are Sections 1, 3 and 15 of the Article on National Economy and Patrimony that all in all virtually offer the control of our economy to foreign investors and not to Filipinos. Instead of securing unto ourselves the "patrimony of the nation," I am afraid that this article entrenches foreign control of our economy. Allowing free trade, giving Filipino entrepreneurs insufficient protection, granting the President the power to enter into so-called service contracts practically unchecked and allowing 40-percent foreign equity in critical areas of investments like the exploration, exploitation and utilization of our natural resources, the operation of public utilities and commercial telecommunications, negate the essence of providing for a self-reliant and independent national economy. History will bear us out.

In the final analysis, the overriding importance of this article is that it holds the key to the achievement of political stability and the satisfaction of the basic demands for social justice. Unfortunately, we paid rapt attention to a different teacher.

The seventh is Section 24 of the Article on Transitory Provisions which not only legalizes the existing RP-US Military Bases Agreement but secures the continued presence of foreign military bases and facilities in our country, despite the introduction of constraints. We had sought to make its body understand that the existing military bases agreement is null and void from the very beginning. And for as long as we allow these bases to stay, we cannot rightfully claim to exercise true sovereignty in our land. But by far, the argument that should have been heeded was that our survival should not be traded nor bargained with nor compromised. It is not only an imagined fear when anti-bases proponents warn that the U.S. military bases invite, rather than deter attacks on our country by enemies of the United States, but not necessarily our own, and drawing us into a war not of our making. This is the age of nuclear weapons, with far more devastating effects than the ones the United States

dropped in Hiroshima and Nagasaki just to teach them a lesson. In the event of a nuclear attack, there may be no chance for us to strike back.

The eighth is Section 9 of the same article, that does not say in clear terms the disbandment of the notorious CHDF. It only states that should it be recognized by authorities, then it is saved. It is only our recent past when such horrors as the Escalante massacre and the ghastly murder of Fr. Tulio Favali were committed. I myself know of countless other well-documented violations in Central Luzon where I come from. Allowing these paramilitary units to continue to exist, the Constitution is in danger of adding more violations of human rights to the already long list, no matter if we hail the proposed Bill of Rights.

Lastly, it is said that we should vote on what is written in the Constitution and not on what is not written. But this does not mean that what we have omitted are not important or do not make a difference. One of the ignored proposals would have made a world of difference, and this was the proposal to make our country part of a Zone of Peace, Freedom and Neutrality. This proposal was made in the spirit of contributing to the worldwide effort for peace and also to gain some degree of protection for our country. However, this was shunned.

I cannot, of course, overlook the many breakthrough provisions in this proposed Constitution. But no matter how commendable they are, nor how many, they are simply overridden by a number of provisions that I believe will not redound to the common good.

I realize that this is the only instance in the history of the drafting of Philippine Constitutions where extraneous political exigencies seem as important as the merits of the Constitution. I have spent sleepless nights thinking if my vote should be influenced by the urgent call to complete the constitutional normalization of this government. I have come to the conclusion that present political exigencies are ephemeral and that the Constitution should provide the framework for a longer lasting political stability. This we would have achieved had we shown the resolve and the political will to decisively address the fundamental issues where all the instability in our country's history are rooted. In resolving this dilemma, I chose to give more importance to the objective merits of this Constitution than to the present short-term considerations.

In the end, we failed to uphold and define the fundamental rights of every Filipino which we were mandated to do. These rights belong to the Filipino even without this document. Instead, we took it upon ourselves not to give the Filipino all of his rights but only parts of them. Instead of giving him the whole, we are giving him the crumbs. And so we will have our present and future generations of farmers begging Congress for a right that naturally belongs to them.

At the root of all these provisions, our people will be begging Congress for their rights. This is the classic misconception that places no trust in our people. We still have no faith in our people even after the historic example that was the February revolution. We still are not convinced that our people can determine for and by themselves what is good for them.

Madam President, I have no qualms in saying that I have worked as hard, as conscientiously and is diligently as my colleagues. I came to this Commission with an open mind like all of us here. But despite the break-through provisions, and even if doing so may be acknowledging the futility of my efforts, it is with deep regret and anguish that I vote no to this draft Constitution.

I cannot, however, Madam President, stop here without paying tribute to my colleagues who, with great dedication and honesty of judgment, shared in the drafting of this charter. To all of them, may I, a humble and lonely dissenter, extend a warm embrace of affection.

Thank you, Madam President. (Applause)

THE SECRETARY-GENERAL, reading:

Sumulong

MR. SUMULONG: Madam President, I vote yes for the approval on Third Reading of the draft Constitution, and I would like to explain my vote.

THE PRESIDENT: Please proceed.

COMMISSIONER SUMULONG EXPLAINS HIS VOTE

MR. SUMULONG: This new Constitution will restore the principle of separation of powers in our government. In our 1935 Constitution, the powers of government were divided into three classes: the legislative, the executive and the judicial and these three powers of government were distributed to three departments.

Each department, within its own sphere, is independent. Each was coordinate and coequal with the other departments. No department can encroach on the powers of the other departments and if it does so, such encroachment will be considered null and void.

The purpose of the principle of separation of powers is to prevent any person or any group of persons to exercise all the powers of government. As pointed out by Montesquieu, the founder of the principle, the concentration of powers in the hands of one man or one group of men will inevitably lead to arbitrary rule, to abuses and excesses of power, to graft and corruption, to plundering of the people's money.

It was President Marcos who desecrated and violated the principle of separation of powers, when in September 1972, he declared martial law, he abolished the Congress of the Philippines, he did not convene the interim National Assembly and from then on, he began exercising a one-man rule, exercising not only executive power but also legislative power and control of the judiciary, because he can appoint justices and judges without need of confirmation by the Commission on Appointments.

In this new Constitution, we are restoring the principle of separation of powers and because we remember that it was by misusing and abusing the power of declaring martial law that President Marcos was able to concentrate in his hands all the powers of government. Because of this we have provided for effective restrictions and for effective safeguards against any future misuse or abuse of the power to declare martial law. We do this by limiting the power of the President to declare martial law only on two grounds: actual invasion or actual rebellion and we require that when a President declares martial law, he shall within 48 hours report it to the Congress so Congress can investigate, and if it believes that in truth and in fact there is no actual rebellion or there is no actual invasion Congress can revoke the declaration of martial law and any citizen can file a petition to the Supreme Court who is empowered to review the factual basis of the declaration of martial law. Regarding the power of the President to contract and guarantee foreign loans, the one-man rule of President Marcos contracted and guaranteed foreign loans without any check. And there could be no check at all because he exercised not only executive power but also legislative power. Because of this absence of any check he was able to incur in the name of our Republic a foreign debt amounting to \$26 billion and if the interests are to be added it will exceed \$30 billion. That is why in this new Constitution, the President in exercising the power to contract or guarantee foreign loans, concurrence on the part of the monetary board is required. We are providing that the majority of the members of the monetary board shall come from the private sector; they shall not be subject to influence or dictation by the President so that there is an effective check now. The monetary board in turn is required to make reports of its action or any application for foreign loans to the Congress so that Congress may be given the necessary information as to the

status of our foreign debt so that they can make the necessary investigation if it is necessary to do so.

In the 1935 Constitution, we have a Bill of Rights which enumerated the political and civil rights of the individual and of the people which the government can- not transgress or abridge. This was intended to prevent political and civil injustices against the people. In this new Constitution we also have a Bill of Rights to protect and prevent political and civil injustices to our people. We are also giving emphasis to protecting our people not only against political and civil injustices but more so we are providing for protection of our people against economic and social injustices. In the 1935 Constitution under the Article on Declaration of Principles, it was also provided that the promotion of social justice shall be the concern of the State, so as to insure the economic well-being and security of all the people.

In this new Constitution we have two new articles — a separate Article on Social Justice and a separate Article on Human Resources both of which contain more specific provisions on how to protect our people against economic and social injustices and how to bring about a more even and a more equitable distribution of wealth among our people.

Now, concerning the conservation of the patrimony of the nation, like the Preamble of the 1935 Constitution, the Preamble of this new Constitution states that one of its great objectives is to conserve for our people the patrimony of the nation. In this new Constitution we are expressing our concern for the preservation of our natural resources, more particularly our forest resources which have been so shamelessly despoiled and destroyed and thereby causing floods and inundations during the rainy season. As in the 1935 Constitution, we are for reserving to our people the exploitation and development of our natural resources and the operation of public utilities and we are committed to protect domestic producers and domestic industries against unfair foreign competition and unfair trade practices.

In this Constitution, we want a land reform which will give to the tenant-farmer not only the ownership of the land he tills but also after giving the land to the tenant-farmer, he should be given the credit facilities — the irrigation, the fertilizer and the equipment he needs to enable him to obtain utmost production and the utmost income from the land. He must also be encouraged to form cooperatives so that he may be paid a just price for his products instead of being victimized by alien traders who pay low prices for his products and who charge exorbitant prices for the finished products sold to the tenant-farmer.

Lastly, Madam President, may I say that it is not enough for us to produce a new Constitution. It is not enough that this new Constitution be ratified by our people.

The important thing is that, after this new Constitution goes into effect, you and I and all our people will not just pay lip service to it. If we want to breathe the breath of life into this new Constitution, we must see to it that its provisions are respected and enforced, and we must be ready to lend every possible assistance to all those who may be victimized should the powers that be or should the high and the mighty violate and trample upon the fundamental tenets and principles contained in this Constitution.

Thank you, Madam President.

THE SECRETARY-GENERAL, reading:

Tadeo

COMMISSIONER TADEO EXPLAINS HIS VOTE

MR. TADEO: Ginang Pangulo, mga Kagalangalang kong kasama sa Constitutional Commission na ito, hayaan ninyong simulan ko ang aking paliwanag sa aking boto sa isang pangungusap sa wikang banyaga: "All progress has resulted from those who took unpopular positions."

Noong tayo ay pumunta sa kapulungang ito, nagkaroon tayo ng oath of office, at sinabi natin sa ating panunumpa na ang gagawin nating Saligang Batas ay maglalaman ng "ideals and aspiration of the Filipino people." Iyon ang ating pinanumpaan bago tayo nagsimula. At sa pasimula ay sinabi ang ganito: "to build a just and humane society," ang magtayo ng isang makatarungan at isang makataong lipunan. Hindi pa tayo nasiyahan diyan, nilagyan pa natin iyan ng salitang "love."

Pero gusto kong ipaliwanag ang salitang "love." Sa wikang banyaga ang ibig daw sabihin ng "love" ay act of giving, ang bagay na mahalaga sa iyo na ibibigay mo sa iba. Kung hawak mo ang political power ng 5 porsiyento ng ruling elite, bibigyan mo ng political power ang 75 porsiyento ng marginalized sector. Iyan ang ibig sabihin ng "love," mula sa mayroon papunta sa wala; hindi ang wala ay babawasan mo at ang mayroon ay dadagdagan mo.

Ang paggawa ng Saligang Batas para sa akin ay mayroong tatlong panulukan o foundation: political, economic, at ang sovereign. Kaya nagtakda ako ng tatlong layunin noong pumasok ako sa kapulungang ito:

Una, magkaroon ng political power ang mga dukha; pangalawa, magkaroon ng economic power ang mga dukha at magkaroon tayo ng isang sovereign nation. Ito ang aking magiging gabay sa aking desisyon.

Tingnan natin ang naganap sa kapulungang ito. Tingnan natin kung nabigyan ng political power ang mga dukha. Ang naibigay lamang na kapulungang ito ay 10 porsiyento. Ang ibig sabihin sa sampu ay nabigyan ng isa. Tanong: iyon ba ang ideals and aspirations of the Filipino people, sa sampu ay bigyan mo siya ng isang political power? Hindi kaila sa atin na ang kumokontrol ng political power ay siya ring kumokontrol ng economic power. Basta hawak mo ang kapangyarihang pampolitika, ang kapangyarihang pangkabuhayan hahawakan mo. Binigyan tayo ng isa. Nakiusap tayo doon sa 10 porsiyento na sana naman perpetual. Pero pakita natin ang sinseridad ng kapulungan; hindi sila pumayag. Ang ibinigay lang sa atin ay three terms. Nasaan ang katapatan ng Constitutional Commission?

Hindi pa iyan. Hindi nagwagi ang unicameral; nagwagi ang bicameral na lalong magpapatindi sa elite democracy. Nakita na natin ang nangyari sa political power ng mga dukha. Mayroon bang love? Wala. Ngunit nakalimutan ko palang ipaliwanag pa ang love na gusto kong bigyang diin sapagkat may kabuluhan ito sa huling bahagi ng aking pagsasalita.

Para makita natin sa Banal na Aklat ang ibig sabihin ng love, ganito ang ibig sabihin ng love. Sabi ng First Corinthians, Chapter 13, verse 1:

Kung ako'y nakapagsasalita ng wika ng Diyos at ng wika ng anghel, kung wala naman akong pagibig, ang kahalintulad ko'y tansong tumutunog at batingaw na umaalingawngaw.

Ang ibig sabihin, naglagay tayo sa Preamble ng love. Kung walang love ito, ang kahalintulad ng Saligang Batas na ito ay tansong tumutunog at batingaw na umaalingawngaw lamang. Sa political power, maliwanag, walang love.

Pangalawa, tingnan ang kanyang economic foundation, economic power. Napakalalim ng krisis na iniwan ng diktadura. Hindi na puwede pa ang patapal-tapal sa paglutas ng ating problema. Hindi na puwede ang palliatives after palliatives. Ang solusyon sa problema ng bansa, economic, at ang insurgency ay ang genuine agrarian reform at national industrialization. At saan ito matatagpuan sa ating article? Sa Article on Social Justice at sa

Article on National Economy and Patrimony.

Tingnan natin ang nangyari sa Article on Social Justice. Sinasabi mismo ang kahulugan ng social justice ay ang genuine agrarian reform program. Iyon lamang ang kahulugan ng social justice. Sapagkat ang magbubukid ang pinakamalaki at pinakamalawak na sektor. Sinikap ng komite na makagawa ng isang malakas, tiyak at maliwanag na tunay na reporma sa lupa bagaman marami sa bumubuo ng komite ang "with reservation." Pero pagdating sa plenary, pinahina ito, tinadtad ito ng mga loopholes, winater down at pinalabo ito ng mga open-ended statements, subject to different interpretations. Ang tanong ng magbubukid: "Nasaan ang sinceridad ng Concom? Bakit ang isang malakas na ipinasok ng komite at maliwanag at tiyak, bakit niya pinalabo, bakit niya pinahina? Nasaan ang kanyang sinceridad"? Maliwanag.

Tingnan natin ang Article on National Economy and Patrimony. Napakaliwanag ng kasaysayan ng bansa, ang naglubog sa kahirapan ay ang free trade mula pa noong 1909, bilang ang Pilipinas ay tagapagluwas ng hilaw na sangkap at tagabili ng yaring produkto. Ngunit inilagay pa rin natin dito sa 1986 Constitution, sa pamamagitan ng Section 1, second paragraph ng Article on National Economy and Patrimony, sa pamamagitan ng industrialization based on agricultural development. Hindi na tayo naalis sa pagka-alipin sa ating ekonomiya.

Inilagay nating muli rito ang parity right sa pamamagitan ng service contract at paggalugad sa likas na yaman sa pamamagitan ng 60-40, hindi na tayo nadala sa 1935 at 1973 Constitutions. Nandiyan na iyang 60-40 at alam natin na ang kumokontrol diyan ay mga dayuhan kahit na 40 porsiyento ang sa kanila. Ginagalugad nila ang ating likas na yaman na bundok ng kayamanan, 30 billion tons, habang naghihirap ang sambayanang Pilipino. Pero hindi pa rin nasiyahan ang agila at ang kanyang mga kasabwat.

Ang public utilities, nasasakop sa sambayanan na maglilingkod, ang report ng komite ay two-thirds and one-third. Nakapagtataakang ang komite ay bumaligtad at ginawang 60-40. Patay na ang public utilities. Ang telecommunication ay napakahalaga sa national security. Ang Pilipinas, tulad ng baraha ng isang sugarol, ay lantad na lantad na kaya napakadali tayong lupigin ng kaaway. Alam nilang lahat ang ating nakabuyangyang na kabuhayan. Napakadali tayong lupigin ng kaaway sapagkat ang baraha natin ay alam na alam na nila. Iyon ang nakita natin.

Kung ang dalawang bagay na itong susi sa solusyon ng ating problema ay walang nangyari, ano ang mangyayari sa sinasabi nating "the right to life of the unborn," kung ang nagdadala ng bata ay wala namang kakainin? Matapos isilang wala ring kakainin, ano ang kanyang kinabukasan? Ano ang sinasabi nating "family rights" kung ang pamilya ay walang laman ang bulsa at nagugutom, laging mainit ang ulo niyan. Ano ang kahalagahan ng "family rights" kung wala siyang kakainin? Ano ang kahulugan ng sinasabi nating Bill of Rights? Alam naman natin na ang pinag-ugatan ng paglabag sa karapatan ng tao ay ano? Piyudalismo. Ang konsentrasyon ng lupa sa kamay ng iilan pananatilihin natin. Bale wala ang ginawa natin sa Bill of Rights. Pinaganda natin ang judiciary at ating mga hukuman ngunit ang papasok diyan ay mga magbubukid. Bakit ko sinasabing ganoon? Dahil sila ay kakapit sa patalim, wala silang kakainin. Ang sabi ng Northern Police District, 57 porsiyento ang theft and robbery. Pinalakas ang hukuman upang pasukan lamang ng nagugutom na kailangang magnakaw para manatiling buhay. Ano ang kabuluhan ng judiciary at ng Bill of Rights kung walang genuine agrarian reform at national industrialization? Walang pag-ibig sa economic power.

Pangatlo, bilang isang sovereign nation, sa paglalagay mo sa Saligang Batas ng abrogation ng military bases, pinalaya mo na sa pagka-alipin sa mga dayuhan ang Pilipinas. Ngunit iyan ay tinanggal. Ano ang nakuha natin? Freedom from nuclear weapons. Iyong "consistent with" na may kaunting lakas, gusto pang palabnawin at gusto pang lagyan ng "subject to." Naging napakailap ang kasarinlan. Hindi natin nakamit sa Saligang Batas na ito ang sobreniya. Sinuri ang lipunang Pilipino. Ang tatlong ugat ay imperyalismo, burukrata, kapitalismo at piyudalismo.

Nilutas ba ng Saligang Batas ang tatlong saligang suliranin? Hindi. Mananatili at magpapatuloy ang kahirapan at kagutuman ng sambayanang Pilipino sapagkat nandoon pa rin ang three basic problems.

Tanong: Sa Saligang Batas na ito, naging matatag ba ang mga Commissioners magtaglay ng ideals and aspirations of the Filipino people? Paano mo maitatag ang "to build a just and humane society"? Para maitatag mo ang "just and humane society," kinakailangan kang magkaroon ng strong economic foundation, strong political foundation at isang sovereign nation, upang makapagtatag ka nang isang "just and humane society." Ngunit sa isang napakahinang political at economic foundation at walang sobereniya, anong maitatag mong "just and humane society." Anong maitatag mo? Mula roon makikita na natin kaagad kung ano ang mangyayari sa Saligang Batas na ito. Wala itong love, kahalintulad ito ng isang tumutunog na batingaw na umaalingawngaw lamang. Ano ang sinasabi nang Mateo 23: 23? Upang ipakita ang pagka-ipokrito ng mga Scriba at Pariseo. Kayo mahilig kayo sa kuntil butil. Pero nakakalimutan ninyo na ang pinakamahalaga, sa Matthew Chapter 23 verse 23, ay ang katarungan, ang katarungan ng genuine agrarian reform at national industrialization.

Gusto kong buhayin si Rizal dahil binuhay ninyo si Balagtas kanina. Gusto kong sangguniin si Rizal tungkol sa Saligang Batas na ito. Ano ang sinasabi ni Rizal sa pagsulong upang makita natin kung ang Saligang Batas na ito ay sumulong? Upang ang mga Pilipino ay sumulong kinakailangan ay kumulo sa kanyang mga ugat ang diwa ang paghihimagsik sapagkat ang pagsulong ay ang pagbabagsak ng nakaraan at ang pagwawagi ng bagong kaisipan sa ibabaw ng matandang kinamihasan — iyan ang sabi ni Rizal. Tanong: Pinabagsak na ba natin ang nakaraan sa pamamagitan ang kasalukuyan? Nagwagi ba sa kapuluang ito ang bagong kaisipan sa ibabaw ng matandang kinamihasan? Ano ang sabi ng mga mulat na reporter na kausap natin? "Jimmy, ang trend ng ConCom ay conservatism." Anong sabi ni Rizal? Maliwanag. Ngayon, mga kasama, nagdudumilat ang katotohanan pagkaraan ng apat na buwan at kalahati. Ang nakamit ng sambayanang Filipino ay "mumo." Iyan ang sabi ni Lino Brocka at nagdudumilat ang katotohanan. Ang nakamit lang natin pagkaraan ng apat na buwan at kalahati ay "mumo." Bubutohan mo ba ng "yes" kung "mumo" lamang? Nasabi nga nang tinatanong ako ng aking anak, "Tatay, papaano ipaliliwanag ang mayaman at mahirap?" "Simple, anak. Bibigyan kita ng piso. Pag iyang 90 ay kinuha mo at iyong 10 sentimos ay ibinigay mo sa kapatid mo ikaw ay mayaman at ang kapatid mo ay mahirap." Ang nakuha lang natin ay "mumo" mga kasama.

Ang Con-Com ay isang malaking pamilya. Kasama ako ng pamilyang ito. At ang apat na buwan at kalahati na iyong ginawa pagkatapos ay tatanggihan mo, iyan ay napakasakit. Hindi ganoong kadali na tanggihan mo iyan. Kasama kang gumawa diyan. Hindi ganoon kadali. Pero mga kasama ang pinakamahalagang sukatan ay ang interes ng sambayanang Filipino. Nag-rerefect ba rito sa Saligang Batas na ito ang interest ng sambayanang Filipino? I vote no sapagkat gusto kong maging matapat sa interes ng sambayanang Filipino. (Applause)

THE SECRETARY-GENERAL, reading:

Tan

SR. TAN: Madam President, the attention span of our listeners has long been reached. I have written a speech but I shall discard it. I have very many reservations. I am not too happy but I vote yes with very great faith and courage. (Applause)

THE SECRETARY-GENERAL, reading:

Tingson

COMMISSIONER TINGSON EXPLAINS HIS VOTE

MR. TINGSON: life among the free nations of the world, each one of us has the sacred duty to contribute his share so that freedom, justice and democracy for which our heroes had given their lives will forever be established in our beloved country.

The political morass, economic deterioration, moral decadence, the erosion of the spiritual fiber of our people, the rise of insurgency which is the weapon of an ideology which thrives on the misery of our people cannot just be ignored.

All this, we might say, was brought about because of the two decades of misrule of a newly deposed dictator, but we cannot just close our eyes and fold our hands in cold indifference and let the world go by without doing anything for our country.

We are glad that we, in this historic body, were given the splendid opportunity and distinct privilege to serve our country by being part of this Constitutional Commission. Not everybody is given such a privilege and honor like ours. So much was expected by our people when we were named to this constitutional body. Coming from different sectors of our society, from different religious persuasions and beliefs, varied educational and professional background and political affiliations, we contributed our time, talent and effort to frame the new basic law of the land which will pass the test of time and be good not only for the present generation but for the generations yet unborn.

Madam President, our people cannot but succeed with this Constitution because we made a solemn covenant with God Almighty in our Charter's Preamble which is our collective prayer, to build a just and humane society, promote the common good, and breathe the invigorating air of freedom, truth, justice, equality, peace and love.

The stabilizing effect of this new Constitution is a basic ingredient for establishing normalcy in our country that will strengthen the shaky government which resulted after the February revolution.

As we all know, Madam President, ours was not an easy task. We were racing against time and facing all odds and criticisms. But that is now so much water under the bridge. While a great majority of our people hailed our being named to this body and sincerely prayed for our success, there were those who would want us to fail in our endeavor. There were the political sadists who did not want political stability in our country and therefore did not want anything better than what they had taken advantage of during the previous regime.

After four-and-a-half months of deliberations, heated discussions, friendly and antagonistic persuasions and sometimes intellectual snobbery punctuated by walk-outs, give and take, and, in the end, intellectual meeting of the minds, we have come out with this historic political document which we are proud to show to our people and to the world for their endorsement.

We are all aware that we did not impose against each other, neither did we threaten or cajole to accept or reject any of the proposals in the Constitution which we have already approved.

Ours was a voluntary exchange in the free market of ideas, in an atmosphere of true freedom and democracy.

All of us in this historic body are part and parcel of this Constitution. The air we breathe and even the blood through our veins were made part of our collective effort to frame this Constitution. But we were not alone in our efforts. We were guided and inspired by thousands of our countrymen who conferred with us, sent us letters, suggestions, amendments, and sometimes rebuke, in order that we can produce a constitution which is the embodiment of their dreams and aspirations.

The Con-Com has enshrined in the 1986 Constitution the most humane provisions, which uphold and guarantee individual freedom, equal opportunity for all and promote the total development of man under an atmosphere of true freedom and democracy. There is not one aspect in the promotion of man's welfare which has not been taken into consideration under the New Constitution.

Today, the focus not only of national attention but most of the free world is upon us. They are looking upon us with utmost scrutiny and the document which we have framed with awe and great expectations.

We could not have done anything more than what we had accomplished. History will judge us for what we have done. We hope that the judgment will be kind and fair. But whatever it is, we will always find consolation in the words of our Lord recorded in Holy Scripture which says:

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

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

Madam President, I cast an affirmative vote for the inspiring fellowship of 46 colleagues who represent and reflect the best in the Filipino.

I cast an affirmative vote for the dedicated leadership that guided this Commission to fruition.

I cast an affirmative vote for the invisible, but pervasive moral leadership in the Commission of President Corazon Aquino, beloved of her people and deeply respected by this constituent assembly.

I cast an affirmative vote for the heartfelt daily prayers that will, I am certain, continue to provide wings to this Constitution.

Therefore, Madam President, I am honored to cast an affirmative vote for this constitutional handicraft on behalf of our people and our country.

Thank you, Madam President.

THE SECRETARY-GENERAL, reading:

Treñas

COMMISSIONER TREÑAS EXPLAINS HIS VOTE

MR. TREÑAS: Madam President, my vote is in the affirmative.

I take immense pride in the thought that I am among the first group of Filipinos who have been given this rare opportunity to cast their votes in approving this Constitution. I am firmly convinced that this Constitution is the final answer to our people's struggle for a better and brighter future through political stability and economic recovery.

I am strongly confident that through this Constitution, we can rest assured that never again shall we have a ruler as ruthless and vicious as we had in the previous regime; never again shall we have our rights trampled and violated for the purpose only of perpetuating one man in power; and never again shall we have a government whose corruption has practically bankrupt our economy.

In this Constitution, we have strengthened the independence of the Judiciary and have effectively curtailed to some extent the dreaded presidential power to declare martial law or to suspend the privilege of the writ of habeas corpus. In no uncertain terms, we have, likewise, reinforced our people's rights, providing them with more

protection and more guarantees to stand up against abuse of authority on the part of those in power. We have made sure that our people shall have a clean and honest government.

We have put more emphasis on social justice. We have provided more protection to workers and employees, to farmers and farmworkers, to subsistence fishermen, to the underprivileged and the homeless.

To institutionalize people power, we have mandated the legislature to enact laws which shall allow the people to directly propose amendments to the Constitution as well as to directly propose and enact laws or approve or reject any act or law passed by Congress.

There are also directives in this Constitution for the State to promote and enhance the interest and welfare of the people in the field of education, health, science, and technology, sports, arts and culture. And scattered in the different provisions of this Constitution are numerous provisions all designed to improve and uplift the political and economic conditions of our people.

It was indeed a rare honor and privilege to work with you all, especially under the able leadership of our beloved Madam President.

While I must admit that this Constitution is not perfect, as all of us are not perfect nevertheless, it is the best that we can do and offer our people. It is for these reasons that I vote yes.

Thank you.

THE SECRETARY-GENERAL, reading:

COMMISSIONER UKA EXPLAINS HIS VOTE

MR. UKA: Madam President, distinguished colleagues, I will not speak long because as a teacher, I have lots of homework to do. Besides, today is Sunday, the Sabbath day. My friends, this new Constitution drafted by the 47 dedicated men and women from various sectors led by a venerable retired, but not yet tired lady jurist in the person of Justice Cecilia Muñoz Palma, under time constraint and working day and night, is a fundamental law which is pro-Almighty God, pro-democracy, pro-poor, pro-labor and pro-life for the unborn and the aged. The new fundamental law will establish a government that will embody our ideals and aspirations, promote the common good, conserve and develop our national patrimony for the benefit of all our people and the generations yet unborn. It gives the highest priority to education, the right of teachers and all other employees, both public and private. It promotes unity and brotherhood, freedom, truth, justice, equality, tolerance and peace which all of us need nowadays. Although it certainly is not perfect as all of us is not perfect and, after all, nothing can really be called perfect, it is better than good. It is the product, an outgrowth of our long and varied experience in government as a people through the years. Because of all these characteristics of the new Charter, I vote yes. May Almighty God bless all of us.

I thank you all and good night. Naimbag nga rabii, maayong gabii, buenas noches, hasta la vista, muchas gracias, daghang salamat, aloha. (Applause)

THE SECRETARY-GENERAL, reading:

Villacorta

COMMISSIONER VILLACORTA EXPLAINS HIS VOTE

MR. VILLACORTA: Madam President, it has not been easy for me to arrive at a decision concerning my vote. The present Constitution is admittedly better than the previous Constitutions. It has tightened the safeguards for the protection of human rights and the accountability of public officials. The document recognizes the role of people's organizations and the need for sectoral representation in Congress. It mandates the State to give the highest priority to education and social justice, and affirms the equality of women and the rights of children and the family, as well as, the right of teachers and civil servants to professional advancement and adequate compensation. The development of science and technology, the national culture is given the importance that they deserve. A system of recall and initiative facilitates the articulation of the people's will and their ability to change erring officials and to amend the Constitution. The autonomy of Muslim Mindanao and the Cordilleras has been constitutionalized. It is a recognition that democracy is not the tyranny of the majority, as a colleague had claimed today, but a rule of the majority that respects the rights of the minority. Any form of tyranny, even the tyranny of the majority which is mobocracy smacks of dictatorship and it has no place in any democratic pluralist and civilized assembly of persons.

But, Madam President, despite the strength that I mentioned, many of us believe that this Constitution does not adequately address the fundamental problems of the Filipino people; their compromised sovereignty, their economic dependence, and their tenuous freedoms, problems which were ventilated by the people themselves during the several public hearings that we conducted. With the nation hardly recovering from the trauma of a recent dictatorship, the Commission has still allowed the unilateral declaration of martial law by the President. With the Filipino people having barely survived the excesses of a self-anointed few, we have provided the mechanisms for the resurgence of a political aristocracy and has reinstituted a protracted legislative process by establishing a bicameral system of lawmaking.

We failed to see the urgency of the issue on the military bases and contented ourselves with a toothless provision banning nuclear weapons. We have abdicated the Filipinos' right to have full control of public utilities and natural resources. The implementation of our aspirations for genuine land reform, the Filipinization of schools and free public high school education has been circumscribed by the shackles of congressional prerogative.

But then, I ask myself: What is the alternative? If we reject this Constitution, is there a more progressive fundamental law that will take effect? If this government is destabilized, what will take its place? Already, anti-democratic forces are rearing their ugly heads.

I consulted my fellow educators, my friends and students and my family. And I never prayed so hard. And then, my 15-year old son who was with me at EDSA last February asked: "Why are you so hard on yourself, Daddy? Why do you not leave some of the burden to the young like me? Just give us something that we can hang on to. We will take care of the rest." Only then did I come to a decision.

Madam President, while I do not think that it is the best that we can offer to our people, I vote in favor of the 1986 Constitution with reservations pertaining to what I consider to be the basic weaknesses of the proposed Constitution that I earlier enumerated. I have come to this decision with deepest respect for my colleagues who voted in the negative and with the hope that this Constitution is not the end but just the beginning of a process, a stimulus towards greater vigilance among our newly awakened people to ardently fight for their rights and dignity. I am certain that someday they will usher in a truly liberative Constitution that shall be more reflective of the Filipino dream.

THE SECRETARY-GENERAL, reading:

Villegas

COMMISSIONER VILLEGAS EXPLAINS HIS VOTE

MR. VILLEGAS: Madam President, the bright color of my unconventional shirt reflects the very cheerful disposition with which I give a categorical yes to this Constitution.

The Constitution of the Republic of the Philippines that we have just drafted is true to its fundamental commitment to promote the common good. In every article, there is the effective concern not so much to attain the greatest good for the greatest member but to build a social order which shall enable every single member of society to attain his fullest development economically, politically, culturally and spiritually. This Constitution mandates the State to promote social justice but, above all, it obliges all citizens to build a just and humane society. For the first time in our constitutional history, we are explicitly stating that private property is not an absolute right but must be used to serve the common good. The principle of solidarity has been enshrined in the Constitution through the declaration that all economic agents shall contribute to the common good. In many of the articles, the preferential option for the poor is the guiding principle. The poor includes not only those who are economically destitute but all those who are weak and defenseless especially the unborn child whom we have decided to protect from the moment of conception.

The new Constitution is not a perfect document because it is too verbose, but this minor defect does not detract from the exemplary manner in which it has amply articulated the deepest aspirations of the Filipino people for truth, justice, freedom, love, equality and peace.

Finally, the revolutionary inclusion of the word "love" has provided the nation with the strongest foundation for a humane society because justice alone cannot lead to a humane society. "Love" which, in its highest form, is an act of the human will to seek the good of another, whether friend or foe, is the surest antidote to violence and class struggle. We have written a Constitution that is completely faithful to the tradition set by the peaceful revolution of February 1986. That is why, I vote yes.

Thank you, Madam President.

SECOND ROLL CALL

THE SECRETARY-GENERAL, reading:

Aquino

COMMISSIONER AQUINO EXPLAINS HER VOTE

MS. AQUINO: Madam President, today marks for all of us a day of generous enthusiasm and innocent faith; to many, this Constitution will seem like a new roof, a new remedy, perhaps even a miracle. Yes, it may be any of these. What we are about to have is like a child just born, a marriage just solemnized. This new Constitution still has to be lived by the people, their children, and their children's children after them. It will be worshipped and hated, fought over in court and maybe even in civil wars, and altered as the changing years bring unforeseen political circumstances into being.

This Constitution hopefully will become the rule of life for a country larger than any of us ever imagined and would last longer than any of us dared to hope. When this Constitution is finally ratified, then we will celebrate not the end of the struggle but the beginning. Then it becomes the dramatic epitome of the life and work of a people, a symbolic faith and confidence in our future.

Madam President, I confess that there are several parts of this Constitution which I do not, at present, approve. But I am not sure that I shall never approve them. For having worked in this Commission, I have experienced many instances of being obliged by better information or full consideration, to change opinions even on important subjects which at once I thought right but found to be otherwise later. Many private persons think highly of their own infallibility and in this Commission, many expressed it so naturally. With these sentiments, Madam President, I agree to this Constitution with all its faults; that is, warts and all. In the first place, I doubt whether under similar circumstances, any other convention may be able to produce a better Constitution. Admittedly, this is not the best package; but it is definitely the best that the situation will admit.

It has been asked: "From an assembly of men with fixed biases, passions, and prejudices can a perfect production be expected?" Honestly, it surprises me to find this system approaching so near to perfection as it does. Why? Because we have managed to transcend the limited framework of our own moral crusades.

Thus, I consent to this Constitution because I am not even sure that this is not the best. I pray, therefore, that for our sake and as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution wherever our influence may extend, and turn our future thoughts and endeavors to the means of having it well implemented

Yes, Madam President, I am certain those who believe will be proven more right than those who doubted.

Thank you, Madam President.

THE SECRETARY-GENERAL, reading:

Bennagen

COMMISSIONER BENNAGEN EXPLAINS HIS VOTE

MR. BENNAGEN: Madam president and my fellow Commissioners, society constitutionalizes only such ideas and objectives as the dominant forces would allow, with a few concessions to the dissenting masses. Society constitutionalizes values that could serve either as ideologies, understood as justificatory statements or as guidelines for concrete action directed at expanding the frontiers of justice and freedom.

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

In my nonlegal mind I am convinced that the Constitution, in spite of my fondest hopes born out of the euphoria of February when we started our work, cannot lay the basis for a comprehensive but peaceful solution of fundamental problems arising from iniquitous social structures and the neocolonial present.

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

The Constitution carries the potential for the resurgence of constitutional dictatorship by granting the President the sole power to declare martial law. This is a real possibility in a third world country caught in a grip of superpower rivalry. It must not be discounted in the Philippines.

It carries the potential for the restoration of the old iniquitous social order by restoring the bicameral legislature which, despite the salutary impact of the token sectoral representation, could concentrate legislative power in the

hands of the propertied classes and their allies, to the detriment of the broad masses of the people and especially the peasants and workers.

This would doom to failure, as it had in the past, efforts at social reforms, particularly agrarian reform. It carries the potential for more sophisticated and, therefore, more insidious foreign intervention, in various aspects of our national life by: (1) allowing service contracts and the controlling share by transnational corporations in the exploitation of our land and natural resources as well in public utilities and telecommunications; (2) equivocating on the ban on foreign military bases and nuclear weapons on Philippine territory; (3) rejecting a state policy on participating in the movement towards a Zone of Peace, Freedom, and Neutrality; and (4) being less than decisive in the area of communications and educational efforts, towards social responsibility and national cultural identity.

All told the contradictory tendencies of the Constitution would generate and exacerbate the tension between and among the social forces of Philippine society.

The attainment of a Philippine utopia envisioned in the Preamble as well as in the relevant sections would finally depend on how the broad masses of the Filipino people — meaning, the peasants, workers, urban poor, youth and students, indigenous cultural communities, women and other nationalist and democratic forces — participate in the struggle, for the social and historical fact is that utopias are not achieved without a struggle, be it in Congress, in the courts of justice, in the workplace, in the streets or in the hills, or be it in our hearts and minds.

As the provisions get translated into laws, policies, programs and projects, with all the contradictory tendencies and given the coalition of governing forces, there will be successes and there will be failures; there will be triumphs and defeats.

Should there be more failures and defeats, we could foresee people taking to the streets in the picket lines once more, with greater vigor and in greater numbers, and to be sure, they will draw lessons and inspiration from earlier struggles, including the triumphant February revolution.

In this struggle for a prosperous, just and humane society, the people would need a modicum of guarantee of their civil, political and human rights. They would need all the protection against state abuse as well as from forces of the action who would not, in the nature of things, willingly give up positions of power and privilege.

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

Supportive of the Bill of Rights is the Commission on Human Rights and the provisions respecting and protecting the right of people's organization to participate in decision-making. To this should also be added a strongly independent judiciary and those provisions on initiative, plebiscite, referenda and recall. In the volatile context of Philippine society, characterized as it is by chronic economic crisis and political instability as in most of the third world countries, the Bill of Rights provides a strong counter-point to the weak provisions of the other articles. The Bill of Rights and other sections supportive of democratic actions should provide a measure of protection for people and people's organization in the struggle for human development and liberation. If only for this reason, I say yes to the draft Constitution.

Maraming salamat sa inyong lahat. Mabuhay kayo!

THE SECRETARY-GENERAL, reading.

Rosales

Muñoz Palma

PRESIDENT MUÑOZ PALMA EXPLAINS HER VOTE

THE PRESIDENT: My distinguished colleagues in this Assembly:

At the start let me state that I would not be true to myself if I do not admit the fact that the negative votes cast here tonight have saddened me greatly. But I do respect the opinions expressed and the judgment of our distinguished colleagues and I admire the courage displayed by the strength of their convictions. I can only express the hope that someday our colleagues will be able to achieve the goals which they have failed to attain in this Constitution for the lasting benefit and welfare of our people.

My colleagues, in all humility, but with profound pride, I vote in favor of the Constitution drafted by this Constitutional Commission because I believe that the document is a worthy and inspiring legacy we can hand down to the Filipino people of today, tomorrow, and for posterity.

The reasons I will give have been given by most of the Members of this Constitutional Commission this evening. But permit me to restate them just to stress the reasons why I am voting in favor.

For the first time in the history of constitution- making in our country, we set forth in clear and positive terms in the Preamble which is the beacon light of the new Charter, the noble goal to establish a just and humane society. This must be so because at present we have to admit that there are so few with so much and so many with so little. We uphold the Rule of Law where no man is above the law, and we adhere to the principles of truth, justice, freedom, equality, love and peace. Yes, for the first time and possibly this is the first Constitution where "love" is enshrined. This is most significant at this period in our national life when the nation is bleeding under the forces of hatred and violence, brothers fighting against brothers, Filipinos torturing and killing their own countrymen. Without love, there can be no peace.

The new Charter establishes a republican democratic form of government with three branches each independent and coequal of each other affording a check and balance of powers. Sovereignty resides in the people.

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

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

For the first time, and possibly this is the first and only Constitution which provides for the creation of a Commission on Human Rights entrusted with the grave responsibility of investigating violations of civil and political rights by any party or groups and recommending remedies therefor. The new Charter also sets forth quite lengthily provisions on economic, social and cultural rights spread out in separate articles such as the Articles on

Social Justice, Education and Declaration of Principles. It is a document which in clear and in unmistakable terms reaches out to the underprivileged, the paupers, the sick, the elderly, disabled, veterans and other sectors of society. It is a document which opens an expanded improved way of life for the farmers, the workers, fishermen, the rank and file of those in service in the government. And that is why I say that the Article on Social Justice is the heart of the new Charter.

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

For the first time, the new Charter upholds the right to life of the unborn from the moment of conception, the right of the youth to free public elementary and secondary schooling and to a quality education that will instill in them the virtues of patriotism, nationalism, morality and service to one's fellowmen.

For the first time, there is a positive declaration that the State guarantees the fundamental equality before the law of women and men.

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

For the first time, the Judiciary is placed beyond the reach of politics and politicians; the re-election of elective national public officials is either prohibited, or curtailed to prevent political dynasties and the perpetuation of a few in power.

Finally, for the first time, "people power" is enshrined in this new Constitution culminating in the right of the people through their own initiative to propose amendments to the fundamental law.

My colleagues in this assembly, it is my honor to vote in favor of the proposed Constitution of the Republic of the Philippines. I do so on the occasion of the Feast of our Lady of the Pillar, and I pray that our document will be a pillar of strength that will uphold a pro-Filipino, pro-people, and a pro-God nation.

Thank you. (Applause)

Thank you, thank you very much.

We have the result of the voting. The result shows 44 votes in favor, 2 against and no abstention; the final draft of the Constitution of the Republic of the Philippines is approved by this body. (Applause)

And before we adjourn may we call on the Chairman of the Steering Committee to close our session today with a prayer.

PRAYER OF THANKS

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

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

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

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

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

ADJOURNMENT OF SESSION

MR. RAMA: Madam President, I move for adjournment until tomorrow at nine-thirty in the morning.

THE PRESIDENT. The session is adjourned until tomorrow at nine-thirty in the morning.

It was 7:53 p.m.

[*] Appeared after the roll call.

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