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Tuesday, September 23, 1986

OPENING OF SESSION

At 10:02 a.m., the President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

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

Everybody rose to sing the National Anthem.

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Efrain B. Treñas.

Everybody remained standing for the Prayer.

PRAYER

MR. TREÑAS: Almighty God, we are about to finish waiting the Constitution. We are about to end a significant milestone in the history of our people in their quest for a Constitution truly reflective of their ideals and aspirations. To be sure, we have exerted our utmost efforts to hear the voices of the people. And as many as these voices are, many are also the views and ideas expressed by them. In the same manner, the thoughts and perspectives of the Commissioners differ from one another. These differences are perceptible in issues of tremendous impact on our people. But while disagreement is inevitable, we know very well that we are united in one supreme goal, and this goal, to express it quite simply, is to promote and protect the common good.

We submit to Your divine will. We surrender to Your divine wisdom. Therefore, as we are about to reach our final destination, we humbly pray that You give us the wisdom and the vision to see what else we need to include in the new Constitution, and to omit whatever is unnecessary and should not be included therein. So that after we shall have left these august halls — these halls which hear our speeches and debates, these halls which feel our dreams and hopes — we will be reassured and re strengthened in the knowledge that we have given to our people the best Constitution possible.

Finally, I wish to thank You for returning to me health and vigor so that I may continue the task You have assigned to me.

This we pray through Your Son. Jesus Christ. Amen.

THE PRESIDENT: We wish to acknowledge the presence of students from St. Paul College and the Pamantasan

ng Lungsod ng Maynila.

ROLL CALL

THE PRESIDENT: The Secretary-General will please 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 Absent

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 Absent 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.

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

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

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

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

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

MR. AZCUNA: Madam President.

THE PRESIDENT: Commissioner Azcuna is recognized.

MR. AZCUNA: Madam President, on page 20 of the Journal of yesterday's session where we defined the rights of women, may we ask that the proposal, as finally approved be indicated as Section 11. On page 29, it says:

Thereafter, Section 11 was submitted to a vote and with 28 Members voting in favor and none against, the same was approved by the Body.

I move that immediately before that paragraph, we insert the proposal which was approved as follows: "SECTION 11. THE STATE RECOGNIZES THE ROLE OF WOMEN IN NATION-BUILDING AND SHALL ENSURE THE FUNDAMENTAL EQUALITY BEFORE THE LAW OF WOMEN AND MEN."

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

The Chair would like also to call the attention of the Members to the second paragraph on page 29, which is a reproduction of Section 11. We should erase "MEN AND," so it would read: "THE STATE RECOGNIZES THE ROLE OF WOMEN. . ."

Is there any further correction?

MR. ROMULO: Madam President.

THE PRESIDENT: Commissioner Romulo is recognized.

MR. ROMULO: Madam President, may I just manifest that my cosponsors for Section 11 are Commissioners Azcuna, Padilla and Aquino.

APPROVAL OF JOURNAL

THE PRESIDENT: There being no further observations, the Journal of yesterday's session is hereby approved.

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

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

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

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

COMMUNICATIONS

Letter from Maria Camilla R. Pascual of 13 Gen. R. Simon, Caloocan City, urging the Constitutional Commission to pick up the best of what has been written since the 1935 Constitution, to use the past as a reference not something to be cursed or discarded and to use the future as the objective and goal, and then to move on fast towards that goal.

(Communication No. 956 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Datu Melanio B. Limpuson, submitting Resolution No. 04, series of 1986, adopted in a joint meeting of the 1411 CHDF Battalion Officers and Staff and Subanons tribal and religious leaders, earnestly requesting the division of Zamboanga into three provinces.

(Communication No. 957 — Constitutional Commission of 1986)

To the Committee on the Legislative.

Letter from Mr. Rolando M. Borlaza of Magcaseville Elementary School, Santo Cristo, San Pablo City, submitting, for consideration by the Constitutional Commission, an article, entitled: "The Meaningful Symbol of Our Flag."

(Communication No. 958 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Communication from Ms. Marie Kletke of the Fil-Am Los Angeles Community, 904 N. Avalon Blvd., Wilmington, CA 90744, expressing hope that the draft Constitution will include provisions fostering the development of self-sufficient economic regions with economic and political autonomy.

(Communication No. 959 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Communication from the Catholic Educational Association of the Philippines (CEAP) signed by its president, Mr. Rolando Dizon, expressing its view that the issue of the U.S. bases should not be included in the Constitution but should be left to the government to negotiate so as to protect the highest national interest.

(Communication No. 960 — Constitutional Commission of 1986)

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

(Communications seeking to include in the Constitution provision a obliging the State to protect the life of the unborn from the moment of conception, from:

- 1) Dr. Editha Lanete and 51 physicians of UP-P.G.H., Manila
- 2) Mr. Ronald Masangkay and 95 other students from De La Salle University.
- 3) Ms. Flora Nisce Kagaoan Ministry of Health Regional Health Office No. 4 IPHO, Morong District Hospital Morong, Rizal
- 4) Ms. Marie R. Banaag, 42 Bolivia St., Better Living Subdivision, Bicutan, Parañaque, M.M. and 565 other concerned citizens.

(Communication Nos. 961, 962, 963 and 964 — Constitutional Commission of 1986)

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

Communications seeking to include in the Constitution the following:

- a) the promotion of Philippine sovereignty over our natural resources,
- b) an anti-U.S. or any foreign intervention on Philippine affairs,
- c) a no-U.S. military bases agreement, and
- d) an anti-nuclear power plant, from:

1) Glenn M. Bayon
Infant Jesus Academy
Silang, Cavite

2) Christmas Panganiban
Infant Jesus Academy
Silang, Cavite

3) William V. Panganiban
Infant Jesus Academy
Silang, Cavite

4) Oliver B. Castro
Infant Jesus Academy
Silang, Cavite

(Communication Nos. 965, 966, 967 and 968 — Constitutional Commission of 1986)

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

COMMITTEE REPORT

Committee Report No. 40 on Petition No. 3, prepared by the Steering Committee entitled:

AN URGENT PETITION TO REOPEN SECTIONS 5 AND 11 OF THE ARTICLE ON THE LEGISLATIVE POWER, recommending that the same be given due course by the Commission.

Sponsored by Hon. Bengzon, Jr. and Davide, Jr.

To the Calendar of Unassigned Business.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

CONSIDERATION OF PROPOSED

RESOLUTION NO. 537

(Article on the Declaration of Principles)

Continuation

PERIOD OF AMENDMENTS

MR. RAMA: I move that we resume consideration of Proposed Resolution No. 537 on the Article on Declaration of Principles. We are still in the period of amendments.

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

The honorable chairman and members of the committee will kindly occupy the front table

At this juncture, the President relinquished the Chair to the Honorable Cirilo A. Rigos.

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

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Mr. Presiding Officer, we are now in the section on science, technology and education. The committee has decided to combine Sections 19 and 20 or Sections 18 and 19 now in the revised draft to become one provision. We also request the transposition of the flagship provision in the already approved Article on Education, Science, Technology, Arts and Culture to be the provision for Section 19. Copies of the provision have just been distributed to the body. It reads:

The State shall give priority to education, science and technology, arts, culture and sports to foster patriotism and nationalism, accelerate social progress and promote total human liberation and development.

THE PRESIDING OFFICER (Rev. Rigos): Are there any comments?

MR. TINGSON: Mr. Presiding Officer, the committee is conscious of the fact that the Article on the Declaration of Principles should not be encumbered with unnecessary details and that we would like the body to help us write down here some strong, pungent and brief statements. And this is the reason why we have decided to combine Sections 18 and 19 in just one sentence.

THE PRESIDING OFFICER (Rev. Rigos): This is non the proposed; Section 18, is that right?

MS. ROSARIO BRAID: It will be Section 18.

THE PRESIDING OFFICER (Rev. Rigos): This will be Section 18.

MS. ROSARIO BRAID: Yes, Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): The proposed Section 18 actually combines Sections 18 and 19.

MR. TINGSON: Yes, Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Are we ready to vote?

MR. RAMA: Yes, Mr. Presiding Officer, the body is ready to vote.

MR. PADILLA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Padilla is recognized.

MR. PADILLA: Line 4 of the proposed substitute section reads: "promote total human liberation and development." Can we not just simplify that by saying, ". . . promote human developments"?

MS. ROSARIO BRAID: Mr. Presiding Officer, this section is the exact wording of the already approved Article on Education and we are just requesting a transposition of this to the Article on the Declaration of Principles. Since this has been approved, Mr. Presiding Officer, we request that this be accepted as it is.

MR. TINGSON: Mr. Presiding Officer, we would like the chairman of the Committee on Human Resources to please make some remarks on this. Our committee is proposing the transposition of the whole Section 1 to this particular part of the Article on the Declaration of Principles.

MR. VILLACORTA: Mr. Presiding Officer, I consulted the members of the Committee on Human Resources and they were agreeable to transpose the omnibus section of the Article on Education to the Article on the Declaration of Principles.

MR. TINGSON: Thank you.

Mr. Presiding Officer, if I remember right, in our deliberations yesterday we decided to just go ahead and write here what we want to write and then the Committees on Style and Sponsorship would take care of that.

We will just go ahead; that is what Commissioner Rosario Braid read a while ago. It says:

The State shall give priority to education, science and technology, arts, culture and sports to foster patriotism and nationalism, accelerate social progress and promote total human liberation and development.

We are ready to vote on this.

MR. RAMA: Mr. Presiding Officer, I move that we vote on this consolidated formulation.

VOTING

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

As many as are in favor of the transposition, please raise their hand. (Several Members raised their hand.)

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

The results show 20 votes in favor and 2 against the proposed Section 18 is approved.

MR. ROMULO: Mr. Presiding Officer, point of order.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Romulo is recognized.

MR. ROMULO: I would just like to clarify the procedure being used for this transposition. There were two approaches suggested yesterday: one was the Maambong approach and the other one was the Azcuna approach. I cannot remember offhand what we adopted. I just want it recorded that whichever procedure we adopted yesterday should be the one followed now.

Can Commissioner Azcuna please comment?

MR. AZCUNA: Mr. Presiding Officer, what we adopted yesterday was the procedure of merely reiterating the flagship provision in another article without transferring it. However, guidelines were given to the Sponsorship Committee to just delete later on one of the duplications and retain the one that is in the Article on the Declaration of Principles.

MR. ROMULO: So, Mr. Presiding Officer, I move that the same procedure be used with regard to this section.

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

MR. TINGSON: Mr. Presiding Officer.

MR. RAMA: May I ask that the chairman of the committee be recognized, Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Tingson is recognized.

MR. TINGSON: Regarding Section 21, similarly, our committee telescoped this into a shorter sentence to read: "THE RIGHT OF THE PEOPLE TO COMMUNICATE AND TO HAVE ACCESS TO INFORMATION SHALL ENJOY THE PROTECTION OF THE STATE."

I think this particular section was based mainly on the proposal of Commissioners Rosario Braid and Foz.

May I give the microphone now to Commissioner Rosario Braid.

THE PRESIDING OFFICER (Rev. Rigos): Mr. Chairman, is that a committee amendment on page 5, Section 21?

MR. TINGSON: Mr. Presiding Officer, may I turn the microphone over to Commissioner Rosario Braid. I think we have a further change on that.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Yes, we have incorporated the amendments of Commissioners Davide and others, copies of which were distributed yesterday. It reads: "THE RIGHTS OF THE PEOPLE TO COMMUNICATE AND TO HAVE ACCESS TO INFORMATION THAT WILL ENHANCE PARTICIPATION SHALL ENJOY THE PROTECTION OF THE STATE. THE COMMUNICATION MEDIA HAVE A SOCIAL RESPONSIBILITY TO PROMOTE AND SAFEGUARD THE RIGHTS AND FREEDOMS OF THE PEOPLE."

THE PRESIDING OFFICER (Rev. Rigos): Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Mr. Presiding Officer.

I wonder whether this provision is already contained in Section 6 of our Bill of Rights, more particularly the phrase "ACCESS TO INFORMATION." Section 6 of our Bill of Rights, as approved, states:

The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

Mr. Presiding Officer, my main objection here is the addition of "ACCESS TO INFORMATION" without the qualifying phrase "subject to limitations as provided by law." Does this phrase "ACCESS TO INFORMATION" refer also to intelligence information gathered by the NICA — the National Intelligence Coordinating Agency?

MS. ROSARIO BRAID: There are limitations of access which will be defined by law, and these are defined in the Bill of Rights.

Mr. Presiding Officer, this provision pertains to the need to complement the freedom to communicate with the necessary resources. Resources here means information which will equip people to act intelligently. The rights cannot be exercised unless people have adequate information.

MR. DE CASTRO: So, in short, the Commissioner means that when we speak of "ACCESS TO INFORMATION," we do not include intelligence information gathered by the police, the Armed Forces and the NICA. Am I correct?

MS. ROSARIO BRAID: These are exceptions, Mr. Presiding Officer. These do not refer to the information in this particular provision.

MR. DE CASTRO: How about information from the private sector? Mr. Presiding Officer, if the private sector is making such researches in consonance with their business, will the information be available to everybody so that they can copy the same?

MS. ROSARIO BRAID: There are provisions in terms of intellectual rights that will protect those who have access to technical information. However, there are certain information that should be given to all.

MR. DE CASTRO: What is the need, therefore, of Section 21 insofar as access to information is concerned, when we have it categorically stated in Section 6 for our Bill of Rights?

MS. ROSARIO BRAID: There is information that people need, such as information on fluctuating prices. The entrepreneur would like to have access to information that will help him select which industry he should invest in; the farmer needs adequate information on agricultural inputs, the prospective employer needs information that would enable him to decide whether or not he should be recruited by the employment agency.

MR. DE CASTRO: Mr. Presiding Officer, this is going around the circle a lot. Section 6 of the Bill of Rights is already very definite on access to information. Why do we need this kind of provision in our Article on the Declaration of Principles? Our Bill of Rights will be in a much better position.

THE PRESIDING OFFICER (Rev. Rigos): Does Commissioner de Castro have any amendment?

MR. DE CASTRO: I move to delete this section, Mr. Presiding Officer, for the very reason that the same is well defined in Section 6 of our Bill of Rights. The proponent accepted that "ACCESS TO INFORMATION does not include the intelligence information of the Armed Forces, the police and the NICA, which is really dangerous for State security without any qualification in this provision as saying subject to conditions provided for by law which is well specified in Section 6 of our Bill of Rights.

MS. ROSARIO BRAID: Yes.

MR. DE CASTRO: Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): What does the committee say?

MS. ROSARIO BRAID: These rights, Mr. Presiding Officer, have been rights and demands of the many developing countries particularly in a situation where most of the information resources are concentrated in the center, where it is not spread throughout the country so that there is very little information in the peripheral areas. So we talk of "information rich" areas, such as the urban areas and "information poor" areas which are in the poorer rural areas.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Padilla is recognized.

MR. DE CASTRO: Just one question, Mr. Presiding Officer. What information would be disseminated, for example?

MS. ROSARIO BRAID: Information for the farmer, for the entrepreneur in small-scale industry, information for the future laborer who goes to Saudi Arabia so that he would not be exploited by recruiters. There is very little information that is available to the people.

MR. DE CASTRO: Then let us specify it because when we talk of "access to information," it means the whole gamut of information involving secret matters. That is why Section 6 so specifically stated that it should be subjected to the provision of law.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Padilla is recognized.

MR. PADILLA: Thank you, Mr. Presiding Officer. If this information, according to Commissioner de Castro, would include confidential information on NICA, for example, and other matters affecting national security, there really should be no open information. I would like to invite attention also that under the Penal Code there are

provisions on discovery and revelation of secrets; Art. 290. Discovering secrets through seizure or correspondence; Art. 291. Revealing secrets with abuse of office; and Art. 292. Revelation of industrial secrets. So, obviously there should be access to information which is already covered by the Bill of Rights which should refer to matters of public concern not private information that probably may have been the result of research covered by patents or copyrights, et cetera.

Thank you.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Tan is recognized.

SR. TAN: Mr. Presiding Officer, I would agree with Commissioner de Castro that perhaps this should be deleted because it is already in the Bill of Rights. But there is one dimension which is not in the Bill of Rights and that is the last sentence. It states: "The communication media have a social responsibility to PROMOTE AND SAFEGUARD the rights and freedoms of the people." Especially after the revolution, many of us have been disillusioned by the communication media because most of the time their information is inaccurate and sensational. So I thought this was rather important if it has a place in the Constitution and for me it is not only a social responsibility but a moral responsibility.

MR. DE CASTRO: Thank you, Mr. Presiding Officer.

The communication media are again well defined and particularly stated. In fact they were so complete that we have nothing more to add in the General Provisions. Does the proponent now want to lift again transport, transpose or whatever we have that one in the General Provisions to be placed in the Declaration of Principles insofar as media are concerned?

MS. ROSARIO BRAID: Mr. Presiding Officer, this particular provision is not mentioned at all in the General Provisions. That is why we did not mention it there because we wanted it in the Declaration of Principles. So, when we talk of social responsibility as a concept, such is found only in the General Provisions Article.

MR. DE CASTRO: I have the amended provision on the General Provisions. I am a member of the committee. I do not know whether my mind is escaping me now, but I very well remember that we even spoke of communication media even on the equity participation. I think it is about two or three sections. I may get it when I have the paper. I hope that I am not correct in my statement about the media.

THE PRESIDING OFFICER (Rev. Rigos): Is Commissioner Monsod seeking to be recognized? Please proceed.

MR. MONSOD: Yes, Mr. Presiding Officer. I just want to read the proposed section in the General Provisions. It says:

The State recognizes the vital role of communication and information in the economic, cultural, societal and political development of the nation and in promoting peace and international understanding.

I think that encompasses the sense of what is now being discussed, and I would agree with Commissioner de Castro and Commissioner Tan that we should delete this provision because it is already covered in the General Provisions and in the Bill of Rights. As a matter of fact, even on the National Economy, there is a provision on information on loans, which states: ". . . shall be made available to the public." So, there are quite a number of provisions that already deliver the same messages Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): So, there is a motion to delete Section 21, page 5 of the committee draft. Are we ready to vote?

MS. QUESADA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Quesada is recognized.

MS. QUESADA: May I ask Commissioners Monsod, de Castro and Tan if they are amenable that instead of transposing that provision found in the General Provisions, we now replace what they are intending to delete.

MS. ROSARIO BRAID: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: May I just read the revised provision in the General Provisions which supersedes the one read by Commissioner Monsod. It reads:

The State recognizes the vital role of communication and information in national development. It shall promote a comprehensive communication policy . . .

There is no mention about social responsibility and promoting and safeguarding the rights and freedoms of the people, which we thought would be a general declaration on communication.

MR. DE CASTRO: Then include "SOCIAL RESPONSIBILITY."

MR. BENGZON: Mr. Presiding Officer.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Bengzon is recognized.

MR. DE CASTRO: Mr. Presiding Officer.

MR. BENGZON: Point of order, Mr. Presiding Officer.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Bengzon is recognized.

MR. BENGZON: Commissioner Rosario Braid read a report, a revised report, which has not been distributed. We have here in our possession, which was read by Commissioner Monsod, Proposed Resolution No. 531 which deals on Committee Report No. 31, and this is already a substitute resolution. So, whatever Commissioner Rosario Braid is reading is not official in the sense that it has not been properly filed. We have not received the copy.

MS. ROSARIO BRAID: No, it is already the official report. May we request the Secretariat to furnish copies.

MR. BENGZON: This is very important, Mr. Presiding Officer, because General Provisions is next on deck. After the Declaration of Principles and Family Rights, it is the General Provisions Article that will be considered by this body. And what everyone has is Proposed Resolution No. 531 which is a substitute resolution already.

THE PRESIDING OFFICER (Rev. Rigos): Does the committee need to confer?

MS. NIEVA: Mr. Presiding Officer, there must be some error, because I have substitute Resolution No. 531 which contains the provision that Commissioner Rosario Braid has read. I have Section 9 as she read it.

MS. ROSARIO BRAID: It is as of September 1, 1986. We amended it because there were still proposals that came in through the mails which the committee considered because they were very important.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Rev. Rigos): The session is suspended for two minutes.

It was 10:39 a.m.

RESUMPTION OF SESSION

At 10:43 a.m., the session was resumed.

THE PRESIDING OFFICER (Rev. Rigos): The session is resumed.

MR. TINGSON: Mr. Presiding Officer, the committee is asking Commissioner Monsod to articulate the new formulation with the approval of the committee.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Monsod is recognized.

MR. MONSOD: If, Mr. Presiding Officer, I believe the contention, the issue is that there is a thought in that sentence which is the social responsibility of media that is not in the Bill of Rights, not in the General Provisions, nor in the Article on the National Economy. If the committee wants to retain that thought, which is not in the Bill of Rights, I am going to suggest that we look into this kind of formulation: "The State HAS THE DUTY AND MEDIA THE SOCIAL RESPONSIBILITY TO RESPECT THE RIGHT OF THE PEOPLE TO ACCURATE AND TRUTHFUL INFORMATION."

THE PRESIDING OFFICER (Rev. Rigos): There is a motion to delete. How does Commissioner de Castro react to that? Is that, in effect, an amendment?

MR. DE CASTRO: Mr. Presiding Officer, I request that we put to a vote my motion to delete Section 21, as proposed, because it is already contained in the Bill of Rights, Section 6, and in the General Provisions which is being proposed.

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Monsod is recognized.

MR. MONSOD: I am willing that the body vote first on the motion for deletion and then the body may want to consider this proposal.

VOTING

THE PRESIDING OFFICER (Rev. Rigos): As many as are in favor of the motion to delete, please raise their hand. (Several Members raised their hand.)

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

The results show 17 votes in favor, 10 against and no abstention; the motion to delete is approved.

Commissioner Monsod is recognized.

MR. MONSOD: I would like to propose this provision: "The State HAS THE DUTY AND MEDIA THE SOCIAL RESPONSIBILITY TO RESPECT THE RIGHT OF THE PEOPLE TO ACCURATE AND TRUTHFUL INFORMATION."

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Bernas is recognized.

FR. BERNAS: Just one question. We are imposing a duty on the State to respect the right of the people. How can this be implemented in concrete?

MR. MONSOD: One concrete thing that comes to my mind is that the government should never again indulge in the kind of propaganda and management of the news that happened during the Marcos regime.

MS. ROSARIO BRAID: Mr. Presiding Officer.

FR. BERNAS: Would we not, in effect, be trenching on freedom of expression? I think everyone has a right to make a fool of himself.

MR. MONSOD: I think if the right is there, we are just stating the corresponding duty of the government.

FR. BERNAS: We are putting the duty on the State to respect the right of the people to accurate information. It would seem to me that this can be implemented only by some form of curtailment of the freedom of speech or the press.

MR. MONSOD: I beg the Gentleman's pardon? I am sorry.

FR. BERNAS: This can be implemented only by some form of curtailment of speech and press. In effect, we would be weakening the guarantee of freedom of the press.

MR. MONSOD: Actually, Mr. Presiding Officer, it does not need an act of the government. What it can mean is that the government will refrain from managed news and manipulation of media.

FR. BERNAS: But the government also has the right to project its own ideas. One side, we would call it management; another side, we would call it debate.

MR. MONSOD: Yes. But I think there is a difference, Mr. Presiding Officer, because we were spectators to manipulation of statistics, to manipulation of news and this would just affirm that the government may, of course, disseminate accurate and truthful information, that what it cannot do and should not do is manipulate the news.

FR. BERNAS: But in my view of freedom of expression, whatever manipulation of information there is should be answered not by curtailment of this exercise but rather by exposure of the manipulation.

MR. MONSOD: I agree with the Gentleman. I do not think there is any difference. I am just saying that this provision talks about two things: that the government should not deliberately go out and change the news and should, therefore, respect the right of the citizens to accurate and truthful information and the idea of the social responsibility of media.

FR. BERNAS: And supposing government does?

MR. MONSOD: Does what?

FR. BERNAS: Does what was described as manipulation. What possible remedy would there be against the government?

MR. MONSOD: We, might as well ask the same question on the Bill of Rights. Suppose the government does not observe the rights of the people in the Bill of Rights?

FR. BERNAS: If there is a violation of the Bill of Rights by the government, then whatever the government does is invalid. In this particular case, it is not a question of validity or invalidity but a question of muzzling government.

MR. MONSOD: I do not think it is muzzling government.

FR. BERNAS: My only concern is that any attempt to implement this would have the tendency of muzzling. And I think it could affect freedom of the press.

MS. ROSARIO BRAID: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: The concept of social responsibility implies that the government should take steps also in furthering and improving the welfare of media people and other communicators who have often been left out actually. They are left out to fend for themselves. I think that if we have to exercise social responsibility, the State should provide encouragement of professional development and incentives in terms of development programs, such as a local program fund that would improve the capability and the credibility of communicators.

THE PRESIDING OFFICER (Rev. Rigos): Does the committee accept the proposal of Commissioner Monsod?

MS. QUESADA: Mr. Presiding Officer.

MS. ROSARIO BRAID: No. The committee will accept it if Commissioner Monsod is open to one amendment. And here we are referring not only to accurate and correct information but also to adequate information. We can give accurate and correct information to a limited few, but how about the millions of people who are left out because there is lack of information? So, we would also like to include the word "ADEQUATE."

MR. ROMULO: Mr. Presiding Officer.

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Monsod is recognized.

MR. MONSOD: I just want to state that I think the word "ADEQUATE" is subsumed in "ACCURATE" and "TRUTHFUL" because a half truth is not truth. But I think there is a more important issue which was raised by Commissioner Bernas which is: Does this section open the door to press censorship? I think that is really a more important issue. My idea is that it does not open the door, but I think that there is a legitimate concern of some Commissioners that we might open the door to press censorship. So that is the issue.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Quesada is recognized.

MS. QUESADA: In that case, Mr. Presiding Officer, would it be all right if we remove the words "THE STATE HAS THE DUTY" and instead start with "COMMUNICATION MEDIA HAS THE SOCIAL RESPONSIBILITY TO RESPECT THE RIGHT OF THE PEOPLE TO TRUTHFUL AND ACCURATE INFORMATION"?

MR. ROMULO: Mr. Presiding Officer, may I comment on that?

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Romulo is recognized.

MR. ROMULO: Yes. I share the misgivings of Commissioner Bernas on the reformulation. As soon as we impose some kind of a duty or obligation on the press to follow a certain line, no matter how noble and desirable that line may be, we are opening the doors for the State to come in and impose some kind of — I will not even call it censorship — pressure on media to follow that line. That is the danger.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Bengzon is recognized.

MR. BENGZON: I was going to make a statement, Mr. Presiding Officer, because in the reformulation suggested by Commissioner Quesada, she took away that portion imposing that duty on the State and just retained the

provision which gives the right to the people to truthful information. Is that correct?

MS. QUESADA: Yes.

MR. BENGZON: There is even no need for that, Mr. Presiding Officer, because necessarily the citizens are entitled, as a matter of right, to truthful information. And it goes without saying that media have the obligation and the social responsibility to give truthful information not only to the urban centers but even to the people in the barrios. So, we do not need to put anything of that sort in the Constitution any longer. It becomes a surplusage.

THE PRESIDING OFFICER (Rev. Rigos): Does Commissioner Bengzon want to propose amendments?

MR. BENGZON: I would like to request Commissioner Monsod to withdraw his amendment.

MS. ROSARIO BRAID: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Before we do that, could we have a little discussion on this because it seems as if, when we talk of media, the thing that comes to the mind of everybody is urban media — urban newspapers, urban television. But we are talking here about communication media which could enable the people in rural areas to develop their own capability, their own self-dignity and self-reliance so that they can participate in nation-building. The reason they are left out is that they do not have information — whether correct or inaccurate — and this is what we are trying to provide here. We are trying to show that social responsibility encompasses not only the responsibility to provide accurate and correct information to our own colleagues and people living in urban centers where there is a proliferation of media but also to open the opportunity to people in the rural areas. Mr. Presiding Officer, in Digos, Davao, until only a year ago, they did not have any radio station. The Muslim communities, even if they have been granted autonomy, are deprived of adequate information. If they do have, most of these programs are produced for the Christian sectors. In other words, social responsibility means not merely adequate or accurate information but also includes meeting the need of diverse cultural communities of our society by providing them enough information for them to develop self-reliance.

MR. MONSOD: Mr. Presiding Officer.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Monsod is recognized.

MR. MONSOD: I just wanted to say that the premise of my proposal is that this is not adequately covered in the Bill of Rights. Now, the first sentence of Section 6 in the Bill of Rights states: "The right of the people to information on matters of public concern shall be recognized." If this body and the committee confirm that within this sentence is included the social responsibility as well of media to recognize that right to information of the people, then I am willing to withdraw my proposal.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Rama is recognized.

MR. RAMA: Mr. Presiding Officer, we reminded that there are many constitutionalists, including myself — although I do not consider myself an expert on constitutional law — that consider this freedom of the press as the centerpiece of our Bill of Rights. And the reason is that without information, without freedom of the press, there cannot exist a democracy; and the basis for progress, et cetera, is this freedom of expression of the press. To consider this as an important right, there must not be any qualification or any modification which would create an aberration on this right, because if one contends that this freedom must be the freedom to tell the truth or to serve a social function or whatever, then we, to a certain effect, abridge this freedom because there are many

interpretations of what is the truth and, sometimes of what is the national interest. As in the case of President Marcos, he believed that the freedom of the press must be circumscribed by the interest of the State; therefore he proposed the notion of developmental journalism which created a kind of monster journalism during the time of martial law.

Now, as to the concern that this freedom of the press might be abused, there is such a thing as a counter balance because if we have freedom of the press everybody is free to print in newspapers and to say what he wants to say, then the other papers will correct the untruth stated or abuses made by another paper. In other words, the interplay of the freedom of the press would have its own kind of control and self-discipline. But what is dangerous is to write into the Constitution some kind of objectives, regulations or conditions of this freedom of the press. That is why in the Constitution of the United States the wordings are very simple: "No law abridging the freedom of the press shall be passed."

THE PRESIDING OFFICER (Rev. Rigos): Do we understand that Commissioner Monsod has withdrawn his proposal?

MR. MONSOD: Provided that the social responsibility of the media is deemed included in the first sentence of Section 6 under the Bill of Rights. That would include the idea that there is a social responsibility involved, Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Has it been withdrawn? What is the situation now?

MR. MONSOD: I wanted to ask the committee whether their interpretation is that they consider the first sentence of Section 6 of the Bill of Rights to include the idea of social responsibility.

MS. ROSARIO BRAID: It does not, Mr. Presiding Officer, because it does not include the people's right to communicate. In other words, nothing in the Bill of Rights gives the mandate to provide the adequate resources, the adequate facilities that would enable equal access to communicate. It is just that freedom in the abstract is really freedom for only a few.

FR. BERNAS: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Bernas is recognized.

FR. BERNAS: Mr. Presiding Officer, in our tradition of liberty of the press and of expression in this country, we have recognized only two kinds of unprotected speech. These are libel and obscenity. These are the only two exceptions; these are the only two forms of expression which we consider unprotected. Everything else, even untruth, is protected by the press. And the reason for this is precisely to allow a clash of ideas in order that the truth will appear. So, if there is any statement of untruth, the remedy is not prohibition; the remedy is exposure. If there is error, the remedy is not prohibition; the remedy is debate, unlimited debate; and this amendment, I think, dangerously trenches on freedom of debate. It is not for us to say to the press, "You must exercise social responsibility," because who is to say to them what social responsibility is? This is the very essence of democracy — that people really express themselves on matters that are debatable, and it is not for the Constitution to say what this kind of liberty is or to limit it.

THE PRESIDING OFFICER (Rev. Rigos): There is a pending motion of Commissioner Bengzon to delete the Monsod proposal. Is that correct?

MR. MONSOD: It has not been approved, so there is nothing to delete.

MR. BENGZON: Mr. Presiding Officer, my motion is conditioned on Commissioner Monsod's insisting on his amendment, but if he withdraws his amendment, there is nothing to delete.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Quesada is recognized.

MS. QUESADA: We just want to put on record that the first sentence of the original proposal of Commissioner Rosario Braid would probably have bearing with the nonformal kind of communication when people have to have access to knowledge and information that would enhance their social and political participation. So, just for the record, in case this is deleted, we would like to put that sense into the record that we are interested in people having access to information that would enable them to become participants in nation-building, and that there are nonformal forms of communication education, one of which is media.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Sarmiento is recognized.

MR. SARMIENTO: Mr. Presiding Officer, this comment is addressed to Commissioner Rosario Braid. Is her concern about the people's right to communication in the rural areas not covered by two sections we approved yesterday; one section referring to "comprehensive rural development," and the other section referring to "the obligation of the State to promote a just and dynamic social order"?

MS. ROSARIO BRAID: Mr. Presiding Officer, it will be in the same way that rural development also includes health, education, science and technology and all the other development of delivery of social services. We wanted to accentuate here the importance of communication. We are living in an information and communication age. In my sponsorship speech in the General Provisions, I call communication the nerve of government. Unless we have adequate information flowing horizontally, vertically, bottom up, top down, we will never have a nation. At the same time, the information that should flow in should be the information that is accurate, adequate, that which mobilizes the community, helps integrate, and not the information that divides. This is why we are very concerned with the concept of social responsibility. This is a statement that not only mandates the State or the communicators but everybody to help build a socially responsible environment which would be ever vigilant about the role of the media. This would mean strengthening education, research, and other support areas of communication so that we are able to develop a more professional core of communicators and, above all, an alert, vigilant citizenry that is aware of the role of and respect for communication in society.

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Monsod is recognized.

MR. MONSOD: Mr. Presiding Officer, I must admit that when I made this proposal, it had a very limited and modest objective. And now, I am a little afraid if the interpretation of the committee of my simple amendment includes all of those things that Commissioner Rosario Braid has mentioned because that sounds like a shotgun to me on just a short sentence. I wanted very much to limit it to a very specific point on just a question that there is social responsibility with respect to education, nonformal and so on, that is already in the education section. So, if the purpose of this section is the purpose that Commissioner Rosario Braid mentioned, I would like to withdraw it because that is not the idea that I had in mind.

THE PRESIDING OFFICER (Rev. Rigos): The proposal is withdrawn, Mr. Floor Leader.

MR. RAMA: Mr. Presiding Officer, may I ask that we proceed to Section 22.

THE PRESIDING OFFICER (Rev. Rigos): Section 22, on page 5.

MS. ROSARIO BRAID: No, Mr. Presiding Officer, we request a vote.

MR. RAMA: It can no longer apply because the proposal has been withdrawn, so there is nothing to vote an for the whole section has been deleted.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Let us hear from Commissioner Davide.

MR. DAVIDE: I would like to find out if Commissioner Rosario Braid has her own proposal as a substitute for this section.

MS. ROSARIO BRAID: I was going to maintain the last phrase which is: "THE COMMUNICATION MEDIA HAVE SOCIAL RESPONSIBILITY TO PROMOTE AND SAFEGUARD THE RIGHTS AND FREEDOMS OF THE PEOPLE." Rights here are economic rights and political rights.

MR. DAVIDE: Mr. Presiding Officer, I think it is still proper to take that up even if Commissioner Monsod had withdrawn, although there was an earlier action of the Commission to delete. A motion to delete or an amendment to delete will not preclude another amendment to insert. That is very clear according to Section 50 of the Rules.

THE PRESIDING OFFICER (Rev. Rigos): We shall ask the committee now to read its proposed formulation of Section 21, page 5.

MS. ROSARIO BRAID: Mr. Presiding Officer, it reads: "THE COMMUNICATION MEDIA HAVE A SOCIAL RESPONSIBILITY TO PROMOTE AND SAFEGUARD THE RIGHTS AND FREEDOMS OF THE PEOPLE." And may I add, Mr. Presiding Officer, that the rights and freedoms here include economic, social, cultural, political rights and freedoms.

THE PRESIDING OFFICER (Rev. Rigos): Would the Commissioner just please read the sentence she would like to appear in Section 21?

MS. ROSARIO BRAID: "THE COMMUNICATION MEDIA HAVE A SOCIAL RESPONSIBILITY TO PROMOTE AND SAFEGUARD THE RIGHTS AND FREEDOMS OF THE PEOPLE."

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner de Castro is recognized.

MR. DE CASTRO: This is exactly what has been deleted on my motion, exactly the same words without an "a" added or without a comma (,) added. This was already deleted by the Commission, Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Bernas is recognized.

MR. DE CASTRO: I hope they can still formulate something, "ay maglubid ng buhangin para mapalagay pa uli ito."

FR. BERNAS: I would like to say the same thing, Mr. Presiding Officer, that this is precisely the idea that has been deleted. And I would add that it is a very dangerous idea as far as freedom of the press is concerned. How do we operationalize that? How do we tell media how they should exercise their social responsibility except by telling them what to do? And we are really going head on against freedom of the press when we do that.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Rama is recognized.

MR. RAMA: Mr. Presiding Officer, in view of the statement and the reminder that these are exactly the same words that were deleted by a vote, may I ask the Presiding Officer to make a formal ruling on the proposition that there is no more need to vote on this because this particular sentence had been deleted in the motion of Commissioner de Castro.

MS. ROSARIO BRAID: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: It was deleted on the proviso that we act on Commissioner Monsod's proposal, but the committee will be willing to amend this provision in order that we have a declaration.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Rev. Rigos): The session is suspended for a few minutes.

It was 11:11 a.m.

RESUMPTION OF SESSION

At 11:23 a.m., the session was resumed.

THE PRESIDING OFFICER (Rev. Rigos): The session is resumed.

MR. RAMA: May I ask that Commissioner Rosario Braid be recognized, Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Mr. Presiding Officer, we have an amended provision with the help of many Commissioners. And it reads: "ALL CITIZENS SHALL HAVE THE RIGHT TO SEEK, RECEIVE AND IMPART INFORMATION FOR EFFECTIVE PARTICIPATION IN NATION-BUILDING."

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Davide is recognized.

MR. DAVIDE: Mr. Presiding Officer, since this is the Declaration of Principles that we are talking about, may I propose an amendment? The amendment would be in the beginning; insert before "all" the following: "THE STATE SHALL ENHANCE THE RIGHT OF ALL CITIZENS TO SEEK, IMPART. . ."

THE PRESIDING OFFICER (Rev. Rigos): What does the committee say? How will it read now?

MS. ROSARIO BRAID: "THE STATE SHALL ENHANCE THE RIGHT OF ALL CITIZENS TO SEEK, RECEIVE AND IMPART INFORMATION FOR EFFECTIVE PARTICIPATION IN NATION-BUILDING."

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

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Bernas is recognized.

FR. BERNAS: May I ask again how this general principle will be operationalized or can be operationalized except by some form of dictation by the State.

This again trenches on freedom of the press. This will come back in the provision on the General Provisions.

MS. ROSARIO BRAID: Mr. Presiding Officer.

MR. NOLLEDO: We leave it to Congress.

MS. ROSARIO BRAID: Yes. The Congress shall, of course, come up with the mandate that will strengthen the people's rights to seek, receive and impart information. Those rights would come in the form of widening of information resources, access to information resources particularly in rural communities, strengthen professional development programs for all kinds of media communicators and encourage small media. We are not only talking about the mass media here. We are also talking about small non-mass media, audio-visual media and other information resources in the communities. And these are information resources that people can use to enable them

to have greater participation in nation-building. The State here would perhaps encourage incentives like tariffs in newsprint that will favor community newspapers, provide exemptions for equipment for struggling radio stations in Samar or Leyte and many other areas and provide scholarships for rural journalists and community media workers. These are the kinds of areas where the State can come in.

MR. NOLLEDO: Mr. Presiding Officer, may I add?

FR. BERNAS: There is just a plethora of ideas there whose meaning I do not know. It either says nothing or it says everything and as a law it is unwise.

MR. NOLLEDO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Nolleddo is recognized.

MR. NOLLEDO: May I add, in behalf of the committee, that Congress may perhaps require all government offices to give periodic bulletins to the people as much as possible so that the people will know what is going on in the government and give comments on governmental activities, if they have, because, Mr. Presiding Officer, the reason the government is not closer to the people is because of a communication gap.

I think Commissioner Rosario Braid is correct that this can be implemented by Congress.

Thank you, Mr. Presiding Officer.

MR. PADILLA: Mr. Presiding Officer.

MR. BENGZON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Padilla is recognized.

MR. PADILLA: In addition to the correct observations of Commissioner Bernas, I believe that this new proposal is covered by the constitutional rights of free speech and free press and this is the right of expression without previous restraint or fear of subsequent punishment. And in one decision, *In re Abostado* and *In re Quirino*, our Supreme Court said, and I quote:

The constitutional guarantee of freedom of speech and press must be protected in its fullest extent, but license or abuse of liberty of the press and of the citizen should not be confused with liberty in the true sense.

And there have been many decisions affirming and guaranteeing and protecting this constitutional right of free speech and of the press, which is already provided in our Bill of Rights. Of course, this right is not absolute, like every other constitutional right. It may be limited by certain provisions of the Penal Code that penalizes, as was mentioned, libel as against private individual.

But there must be full protection to this right of free speech and free press. If I be allowed, I shall quote from Justice Holmes in the case of *U.S. v. Schwimmer*, 279 US 644:

Freedom of speech and of the press which embraces, at the very least, the liberty to discuss publicly and truthfully all matters of public concern without previous restraint and without fear of subsequent punishment, deserves protection not only for the thought that agrees with us but even more so for the thought that we hate.

And so there is really no necessity for this provision which may even impair the correct exercise of the right of free speech and of the press.

Thank you.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Guingona is recognized.

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

In addition to the objection raised by Commissioner Bernas, I also expressed reservation during the recess regarding the use of the word "information" which I consider to be too broad. I suggested that perhaps this word should be qualified because this would include, as mentioned during the interpellation, matters that are classified data. It could include questions as to the source of information of mediamen.

But I understand that the committee has tried to formulate or improve the condition by saying "TO ENHANCE PARTICIPATION." I think that still is too broad and does not specify the information that perhaps should be included. I think there is a danger in giving the possibility of a broad interpretation or construction to the word "INFORMATION" in this particular proposed provision.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Foz is recognized.

MR. GUINGONA: And may I add, Mr. Presiding Officer, that with regard to the matter of the issuance of government bulletins, I do not think there is a need of a constitutional provision for this, even if these bulletins do not partake of the nature of government propaganda.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Foz is recognized.

MR. FOZ: As formulated originally by the committee, it really sounds like a provision that should belong to the Bill of Rights. But as amended by Commissioner Davide, it becomes a sort of a principle that should be adopted as part of the Declaration of Principles.

I am surprised that there should be any kind of Opposition at all to such a provision. At the very core of this provision is the right of the people to be informed. And we know very well that a citizen who is so well informed can better perform his duties and Obligations. And there is no idea whatsoever, not even a hint in this provision of what is feared by the other Commissioners, prior censorship of media. As a matter of fact, there is even no mention of media here. Of course, media are very much involved in this provision.

It is, of course, so ideal and so beautiful to speak of the marketplace of ideas insofar as communication media are concerned. But then we know very well that in the exercise of the freedom of the press, media almost all the time falter. They fail; there are so many failings in the exercise of this freedom because, precisely, we have followed the American practice, the American concept of freedom of the press. This freedom, we believe, belongs only to the publishers, to the editors and the reporters. Whatever they do with it, we say: 'they are only subject to the laws of libel and obscenity,' and they forget that they have a social responsibility, to which term so many of us object.

I find it a source of wonder why we should object at all to the need to stress the social responsibility of every sector, even the media and communication industry.

Thank you.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Bengzon is recognized.

MR. BENGZON: I share the statements and the concerns of Commissioner Bernas, and in addition to that, I just would like to state, Mr. Presiding Officer, before we vote, that if this proposed section, recommended by the committee, is voted down, it will not mean that this Commission will not protect the right of the people to be informed. It will not mean that this Commission does not wish the people — the common man in the barrio — to be informed of every piece of information that he should know. It will not mean that Congress cannot pass laws to insure this right, nor every agency of the government prevented from issuing its bulletin to give information to its

employees, because all of these concepts are precisely enshrined in the first sentence of Section 6 of the Bill of Rights.

I just want that clear on the record.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Mr. Presiding Officer.

Just one question: When we say: "all citizens have the right to seek and receive information," does this include intelligence information?

MR. AZCUNA: No.

MR. DE CASTRO: Does this include police intelligence? Does this include the secret plans of the AFP on defense and security?

MS. ROSARIO BRAID: Mr. Presiding Officer, we will say that the Congress shall come up with specific laws that will define what this information is. This refers to information that will enable effective participation of the public.

MR. DE CASTRO: There is nothing in her proposition which states that it will be Congress which will determine. That is why I ask: Does this include intelligence information?

MS. ROSARIO BRAID: No.

MR. DE CASTRO: Police intelligence.

MS. ROSARIO BRAID: No, we said there are exceptions, and they are defined in the Bill of Rights.

MR. DE CASTRO: So the Commissioner admits now that this is included in the Bill of Rights.

MS. ROSARIO BRAID: No, I am referring to the exceptions in terms of the kind of information.

MR. DE CASTRO: Please answer "yes" or "no" because I am asking a definite question.

MS. ROSARIO BRAND: I said no.

MR. DE CASTRO: Thank you.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Davide is recognized.

MR. DAVIDE: Before I can vote intelligently on the question, may I be allowed some clarificatory questions.

The first question is: Does this proposal, as a declaration of principle, not infringe upon, impede, obstruct or impair press freedom in any manner?

MR. AZCUNA: No, it does not.

MR. DAVIDE: But this speaks of the right of the citizen, is that not correct?

MR. AZCUNA: Yes.

MS. ROSARIO BRAID: That is right, Mr. Presiding Officer.

MR. DAVIDE: Secondly, this particular declaration of principle is not included, as a matter of fact, in Section 6

of the Bill of Rights, because Section 6 refers to the right of information and relates only to official documents, researches, acts or decisions. It does not relate to information in general to the public, is that correct also?

MS. ROSARIO BRAID: That is right, Mr. Presiding Officer. It is broader because it goes beyond what is known as a public concern.

MR. DAVIDE: Yes. As a matter of fact, without this particular declaration of principle, the meaning, the import and the significance of Section 6 may even be minimized. In other words, can it not be expanded to include to a certain extent the very right sought to be enhanced in this Declaration of Principles?

MS. ROSARIO BRAID: Yes, Mr. Presiding Officer.

MR. DAVIDE: And, finally, would she agree with me that in the matter of the implementation of this, the government can easily do that by merely, for instance, requiring more telephone connections to the barangays, and cheaper newsprints in order that more newspapers can compete in the market?

MS. ROSARIO BRAID: Yes, Mr. Presiding Officer. These are essential social services that have been ignored.

MR. DAVIDE: And, perhaps, giving tax exemptions to media people?

MS. ROSARIO BRAID: That is right, Mr. Presiding Officer.

MR. DAVIDE: So, thank you very much for the information; I am in favor of this.

MR. RAMA: Mr. Presiding Officer, the issue has been belabored. I think it is the consensus of the members that they would like to vote.

MR. GUINGONA: This is just for clarification, Mr. Presiding Officer. During the interpellation, mention was made that the proposed provision does not contain any reference to the participation of Congress through the enactment of laws. But it seems to me that there was an implied answer that Congress could intervene through the provision of law. I have expressed my reservation regarding the participation of the government, either the executive or legislative or even the courts, in this matter of dissemination of information, because there is the danger that it might infringe on the freedom of the press and of speech that we have enshrined in our Bill of Rights.

MS. ROSARIO BRAID: Mr. Presiding Officer, may I just respond? Where the government comes in will be through tax exemptions or lower tariffs — particularly for newsprint, in the providing of rural telephones, in the providing of scholarships for those who work with information dissemination in the rural areas. This is the area where the government could come in and not to interfere or to censor.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Ople is recognized.

MR. OPLE: Yes, Mr. Presiding Officer.

In spite of the impatience of the Floor Leader, which is very well founded, I would like to invoke my own right to know about the intentions of the proponents. It seems that this proposed section consists of two parts: one is the right of the people to know what their government is doing or intending to do. And I think that is a very valid concern.

The second part, however, in the phrase of Commissioner Foz, calls upon the press to exercise social responsibility, for it to submit to standards of accountability, like all the other sectors. Is that correct?

MS. ROSARIO BRAID: Mr. Presiding Officer, yes. This is the intent; it has been watered down in the amendment

MR. OPLE: It is the latter part which causes some concern for me and, apparently, other Commissioners because when social responsibility by the press and by media is stipulated here, they are, of course, not exempt from accountability.

But I think the question of Commissioner Bernas is very important. In exercising the social responsibility of the press, should Congress have a hand in establishing the standards of social responsibility and accountability?

For example, press freedom is generally defined in British jurisdiction. I said, "British jurisdiction," because this includes not only the United Kingdom, but also former colonies of Great Britain, such as Malaysia and Singapore. Press freedom is defined as the freedom from licensing by the government. However, in Malaysia and Singapore, we know that the press is licensed. One cannot publish without a government permit.

And in our country, fortunately, anybody can publish without registering even with the government, except as a business in which capacity, a newspaper company ought to register only with the SEC or with, let us say, the Bureau of Domestic Trade. But the minute it is required to register with a government institution, like the Office of Media Affairs — and this happened during martial law so that even textile companies with printing facilities for fabric were required by the Media Advisory Council at that time headed by Primitivo Mijares to register with the Office of Media Affairs — I would like to know whether in saying that Congress will take care of this and that, it will be authorized under this section to prescribe registration without which they may not be able to impose the social responsibility of the press and media.

MS. ROSARIO BRAID: Mr. Presiding Officer, although we struck out the words "social responsibility," the fact that we ask the State to enhance the rights of the citizens to receive information also places the onus of responsibility upon it to come up with some guidelines that will promote a more socially responsible media.

MR. OPLE: There will be legal guidelines for the press and media, Mr. Presiding Officer.

MS. ROSARIO BRAID: No, more of positive sanctions, if we may call it, not in terms of censorship but encouraging the improvement of professional development for all types of communicators through training and incentives. We hope that they would be like lawyers or doctors and other professionals.

MR. OPLE: So that journalists would be held accountable professionally by the Professional Regulation Commission, Mr. Presiding Officer? So that Commissioner Foz would have to prove to a regulatory body like the Professional Regulation Commission that he is capable and qualified to practice his profession as a journalist?

MS. ROSARIO BRAID: We hope that Congress, in the long run, will move to that professionalization of media communicators.

MR. OPLE: I am sorry to disagree, Mr. Presiding Officer. I think this will be a restraint on the freedom of the press and especially the freedom of newspapermen to do their duty. However, I am wholeheartedly in support of the first part of this section which establishes the people's right to know, but that should probably be the object of another effort.

Thank you.

MR. RAMA: Mr. Presiding Officer, I move that we vote on the proposed amendment of Commissioner Davide.

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

Let us ask the committee to read the amendment again.

MS. ROSARIO BRAID: We have deleted the second part, so it now reads: "The State shall ENHANCE THE

RIGHT OF ALL CITIZENS TO SEEK, RECEIVE AND IMPART INFORMATION FOR EFFECTIVE PARTICIPATION IN NATION-BUILDING."

VOTING

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

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

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

The results show 15 Members in favor, 17 against and one abstention; the amendment is lost.

MR. TINGSON: Mr. Presiding Officer.

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Foz is recognized.

MR. FOZ: I wonder if at this precise state, I can still explain why I voted for the provision.

THE PRESIDING OFFICER (Rev. Rigos): What is the question again?

MR. FOZ: May I say something, Mr. Presiding Officer, in connection with the proposal we have just voted on?

THE PRESIDING OFFICER (Rev. Rigos): The Commissioner may proceed.

MR. FOZ: I would like to oppose the view or the proposal that journalists should submit themselves to a regulatory board for examination and monitoring to determine their professional qualification in the exercise of their profession.

With that clarification, just the same, I voted for the provision.

THE PRESIDING OFFICER (Rev. Rigos): It is so noted.

The Floor Leader is recognized.

MR. RAMA: May I ask that Commissioner Tingson be recognized.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Tingson is recognized.

MR. TINGSON: With the deletion of Section 13 and Section 20, we are now on Section 19 on Page 5. That would now be about the provisions on Local Government and we would like to ask that Commissioner Nollado be recognized.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Nollado is recognized.

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

As reformulated by the committee, Section 19, originally Section 22, will now read as follows:

The State shall guarantee and promote the autonomy of local government units to ensure their fullest development as self-reliant communities.

Mr. Presiding Officer, this is a substantial reproduction of Section 10, Article II of the 1973 Constitution, and it will be noted from this provision that this is merely an introductory or curtain provision to local government

provisions found in the new Constitution. There are two basic guidelines indicated in the provision; namely, promotion of local autonomy and, consequently, promotion of self-reliance in community development.

Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Alonto is recognized.

MR. ALONTO: Mr. Presiding Officer, will the Gentleman of the committee yield to some questions?

MR. NOLLEDO: Willingly.

MR. ALONTO: In the text of the committee report that I have in my hand, Section 22, which is now Section 19, states:

The State shall guarantee and promote the autonomy of local government units and autonomous regions to ensure their fullest development as self-reliant communities.

I noticed in the statement of the distinguished chairman of the Committee on Local Governments, who is a champion of the provision regarding autonomous regions, that he has omitted the particular phrase "and autonomous regions." May I know from the Gentleman what the reason was for the committee's decision to delete that particular phrase?

MR. NOLLEDO: The Commissioner is right. We deleted the term "and autonomous regions" for symmetrical purposes, because when we talk of "autonomous regions," the term itself indicates "autonomy." So we talk of the composition of the autonomous regions as being given autonomy. I refer to the local government units composing the autonomous regions. There will be no symmetry if we still state "and autonomous regions" because the result will be some sort of redundancy. When we talk of "autonomous regions," which the Constitution authorizes to be established, we already talk of autonomy. And so, when we make this declaration, we talk of the autonomy of all local government units, whether composing an autonomous region or not.

MR. ALONTO: Am I made to understand that "autonomous regions," which we have created in this Constitution is just one form of local government units?

MR. NOLLEDO: No, I do not mean that. An autonomous region consists of different local government units. And the moment the autonomous region is established, the need for autonomy is deemed realized.

MR. ALONTO: Thank you for the Commissioner's explanation, but then this particular section, which talks about a concept of principles that is upheld by this Constitution and eliminates the mention of the autonomous regions, would mean that the State does not have any concern at all for guaranteeing and promoting the autonomous regions in order to ensure their fullest development as self-reliant communities. Does the Commissioner not realize that?

MR. NOLLEDO: But we cannot deny that the autonomous regions consist of local government units. And when we talk of local government units, we also talk of those which compose the autonomous regions.

MR. ALONTO: Yes, that is precisely why I asked the Commissioner whether under his definition of local government units the autonomous region is one form of a local government unit, and he said no. That is why I returned the question to the Commissioner.

MR. NOLLEDO: If the Commissioner wants, he can move for the reinstatement of the term "AND AUTONOMOUS REGIONS." I will have no objection to that, if the Commissioner feels it is really necessary to put it there.

MR. ALONTO: Yes, in order to avoid any doubt that this section refers to any local government units including the autonomous regions, I think it is proper to return it.

MR. NOLLEDO: The committee accepts the Commissioner's amendment.

MR. ALONTO: Thank you.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Tingson is recognized.

MR. TINGSON: That was not an amendment, but just an answer to Commissioner Alonto's question.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Davide is recognized.

MR. DAVIDE: Mr. Presiding Officer, I would not necessarily object to the restoration of the words "AND AUTONOMOUS REGIONS" because as mandated in the Article on Local Governments and Autonomous Regions, an autonomous region is already considered a local government unit.

So, may I propose the following as a reformulation? Section 19 shall read as follows: "The State shall guarantee the autonomy of local government units."

We deleted the words "and promote" and the phrase "to ensure their fullest development as self-reliant communities" because these are already embodied in the Article on Local Governments. So, a simple declaration of principle on this shall read: "The State shall guarantee the autonomy of local government units."

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Let us first hear the committee's response.

MR. NOLLEDO: We have no objection to that, Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): The proposed amendment has been accepted by the committee.

Commissioner Monsod is recognized.

MR. MONSOD: Section 2, which I believe is a Padilla amendment, of the Article on Local Governments states: "The territorial and political subdivisions shall enjoy local autonomy." Is that not the same idea?

MR. NOLLEDO: Yes. The idea, however, is not exactly reflected in the Declaration of Principles now found in Section 19 of the committee report because here the State guarantees that autonomy; in fact, promises to promote that autonomy. This is only a curtain provision. I think local government units, which compose the Republic, play a vital role in national development. We cannot delete this provision without doing violence to that principle.

MR. MONSOD: I would like to first ask the committee because I would like to move for the deletion of this section since it is already amply covered.

MR. DAVIDE: Mr. Presiding Officer, may I comment on that since I made the proposal?

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Davide is recognized.

MR. DAVIDE: I reworded Section 19 precisely so that there will be no need to change the wording of Section 2 of the Article on Local Governments. I deliberately omitted the word "promote." We only guarantee as a matter of principle. We have the specific provision in the Article on Local Governments to carry out the intent of the Declaration of Principles guaranteeing local autonomy to governmental units. So may I request Commissioner Monsod that instead of transposing, we preserve this. Anyway, the wordings in Section 2 of the Article on Local Governments are different and carry only in detail the intent of the guarantee provided for in the Declaration of

Principles.

SUSPENSION OF SESSION

MR. MONSOD: Mr. Presiding Officer, can we just have a few minutes' suspension?

THE PRESIDING OFFICER (Rev. Rigos): The session is suspended for a few minutes.

It was 12:00 p.m.

RESUMPTION OF SESSION

At 12:03 p.m., the session was resumed.

THE PRESIDING OFFICER (Rev. Rigos): The session is resumed.

The chairman of the committee is recognized.

MR. TINGSON: Commissioner Nollado will please be recognized.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Nollado is recognized.

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

We have agreed on another reformulation of Section 19 and it now reads as follows: "The State shall ENSURE the autonomy of local GOVERNMENTS."

I would like to emphasize, Mr. Presiding Officer, that the term "local governments" should include the autonomous regions.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Monsod is recognized.

MR. MONSOD: I just want to clarify that statement that the autonomous regions are deemed included in the definition of "local government" wherever under this Constitution those are set up. I just want to make sure that we are not going again into federalism.

MR. NOLLEDO: I agree with the Commissioner.

THE PRESIDING OFFICER (Rev. Rigos): It is so recorded.

Commissioner Padilla is recognized.

MR. PADILLA: I heard the word "ensure" instead of "guarantee." Is that i-n-s-u-r-e or e-n-s-u-r-e?

MR. NOLLEDO: It is e-n-s-u-r-e.

MR. TINGSON: We are ready to vote, Mr. Presiding Officer.

VOTING

THE PRESIDING OFFICER (Rev. Rigos): As many as are in favor, please raise their hand. (Several Members raised their hand.)

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

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

The results show 23 votes in favor; none against and no abstention; Section 19 is approved.

The Acting Floor Leader is recognized.

MR. MAAMBONG: Mr. Presiding Officer, we are now ready to proceed to Section 23 which is now Section 20.

MR. TINGSON: It pertains, Mr. Presiding Officer, to prohibition of political dynasties. We would like to call on Commissioner Nolleto again.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Nolleto is recognized.

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

It seems to me that the resolution asking for a provision in the Constitution to prohibit political dynasties is very popular outside but does not seem to enjoy the same popularity inside the Constitutional Commission.

And so, Mr. Presiding Officer, I would like to summarize the reasons behind this prohibition realizing what is happening in different parts of our country. This provision will widen political opportunities contrary to the opinion of Commissioner Monsod because I feel that when we talk of equal political opportunities, we have also to talk more or less of equal conditions under which candidates run for public office. And with this provision, Mr. Presiding Officer, we do away with political monopoly.

As now appearing in many parts of our country, Mr. Presiding Officer, we seem to approve of the practice that public office is inherited. Now, in order to make this provision more palatable to the Members of the Constitutional Commission, I have decided to restrict the meaning of political dynasty as a suggestion to the forthcoming Congress of the Philippines. I believe, Mr. Presiding Officer, that this prohibition, although using the term "prohibit," is not actually prohibitory but only regulatory. I am talking of this in terms of the scope of the term "political dynasty" by saying that a prohibition against political dynasty, Mr. Presiding Officer, is designed to avoid circumvention of the provision limiting reelection of public officers to give a chance to others in running for public office. I would like to be specific, Mr. Presiding Officer. In the case of local government officials like governors, for example, we allow them to have two reelections. If he is reelected twice, he can no longer run for reelection in which case, he will ask his close relative — a son or a daughter or a brother or a sister — to run for public office under his patronage. And in this case, we circumvent the rule against further reelection because it may also happen that his younger son may run for governor and he is still strong enough to exercise moral as well as effective influence upon the son. And the son becomes a sub-altern, subjecting himself to the will of the father who has apparently retired.

And so, in the case of a President, for example, under the provisions of the Constitution, the President cannot run for reelection. So if the incumbent President cannot run for reelection, she can ask, for example, Noynoy Aquino — assuming that he is already of age — to run for President, thereby negating the laudable purpose for prohibiting reelection. That seems to me to be the meaning of political dynasty although Congress may still widen the meaning of the term. In the case of a governor, Mr. Presiding Officer, if he has run for two reelections and he decides that a close relative run for election for the same position, the governor, who is now incumbent, must have built fortunes and even private armies to assure the perpetuation through the election of close relatives. His built-in advantages over his opponents will not widen political participation in an election, Mr. Presiding Officer. So I submit to the Commission.

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Monsod is recognized.

MR. MONSOD: This sounds like a replay of the debate we had in the Article on Local Governments when we talked about the same concept. This body voted down a similar proposal on prohibition of political dynasties in

the Article on Local Governments. And here we are giving exactly the same reasons; we are indulging in the same kind of debate on the same issue. Mr. Presiding Officer, as we said before, the assumption here seems to be that we are underestimating our people in their right to choose; we are trying to put a prescreening mechanism so that public office is not after all accessible to all because we are going to prohibit or exclude certain people from running for public office. And my point is, we should have a little more faith. Now that we have a new COMELEC, the process will be cleaned up, but we should give our people full choice. Let them run and let the people decide. That is the essence of suffrage.

MR. NOLLEDO: May I ask, Mr. Presiding Officer, just one question of Commissioner Monsod?

THE PRESIDING OFFICER (Rev. Rigos): The Commissioner may proceed.

MR. NOLLEDO: Suppose, as I stated in my example, the incumbent governor has run for two reelections already, and he wants his son to run to perpetuate the family in office, is that not denying equal conditions to all candidates for the same public office?

MR. MONSOD: No, that is not. What he should do is allow everybody who wants to run and trust the people to make the right choice.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Ople is recognized.

MR. OPLE: Yes, Mr. Presiding Officer, thank you.

May I ask a question of Commissioner Nolleddo?

MR. NOLLEDO: With pleasure.

MR. OPLE: Thank you.

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Is the Commissioner not yet through?

MR. MONSOD: Yes, Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Monsod is recognized.

MR. MONSOD: I just want to make the motion to delete Section 20, first, because it has been argued and debated fully in the Article on Local Governments and this body has already made a decision on the same point; and, secondly, for the reasons I have stated, that I do not think we should curtail the right of the people to a free choice on who their political leader should be.

MR. NOLLEDO: Mr. Presiding Officer, may I just comment?

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Nolleddo is recognized.

MR. NOLLEDO: I would like to comment on the assertion of Commissioner Monsod that this was already adequately discussed. The issue, at that time, was whether to authorize the Congress to include in the Local Government Code a provision against political dynasty, and the issue here now is whether to put that as a declaratory principle. (. . . deleted by order of the Chair.)

Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Ople is recognized.

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

May I ask Commissioner Nollado to tell this body, if he cares, whether political dynasties are a cause or an effect, considering a lopsided socioeconomic system especially in the countryside where the advantage of birth favors those more likely to fall in the category of dynasties as he calls them? The reason groups of families rotate power only among themselves is that they are the only ones with the means for sustaining political campaigns. Is that not correct?

MR. NOLLEDO: Yes, the Commissioner is correct.

MR. OPLE: In that sense, therefore, so-called dynasties are the effects rather than the causes of an imperfect social and economic system, especially in the countryside.

MR. NOLLEDO: That is a factor to be considered.

In connection with that, if the Commissioner will permit me, because of the economic situation we are in, the moment the others who are young but perhaps more competent than the candidate of the governor, of the incumbent, are discouraged from running considering that they know of the built-in advantages of the incumbent but they have no means to finance their political campaign, you let the incumbent and his family perpetuate themselves in office.

MR. OPLE: If they are the effects rather than the causes of prevailing and traditional social structures that maldistribute opportunities, should this Commission not attack the causes rather than the effects? And it is for that reason, I suppose, that we have drafted an Article on Social Justice with a very comprehensive land reform policy which we hope, if properly implemented in the future, will recast the society itself in the countryside, so that opportunities for running for elections will be better distributed.

MR. NOLLEDO: To my mind, recasting that society in the manner the Commissioner expects will take a long time, perhaps, 50 to 100 years; in the meantime we vote for elitist candidates and the poor ones who are more competent, highly intelligent and without the financial means are deprived of participation in the democratic process.

MR. OPLE: Is it not also correct, Mr. Presiding Officer, that notwithstanding these constraints of a lopsided social and political system, there are, in fact, many people disadvantaged from birth by the accident of being born to the poorest families? Is it not a tribute to our political system and its upward mobility that there are many people able to wrest public offices in clean and free elections from so-called dynasties?

MR. NOLLEDO: In this case, would the Commissioner agree with me?

MR. OPLE: In my own province there are no longer any dynasties. There are other provinces where you find the word "dynasty" probably misapplied to a distinguished family, let us say, to the Cojuangco and Aquino family in Tarlac or the Padilla family in Manila and Pangasinan, or the Rodrigo family in Bulacan, or the Laurel family in Batangas, and the Sumulong-Cojuangco family in Rizal, the Calderon family in Nueva Vizcaya, and Peps Bengzon has been calling my attention to the existence now of a Bengzon line of political office holders in Pangasinan. This is not to say, Mr. Presiding Officer, that the Philippine society has been immobile. We see lots of evidences that, in fact, people disadvantaged by the accident of birth have indeed risen through their own efforts to become successful competitors of entrenched political dynasties in their provinces and cities. I can sympathize with Commissioner Nollado's concern about dynasties because he comes from a province which tends to be governed by political dynasties. Is that not right, Mr. Presiding Officer?

MR. NOLLEDO: I do not think so. The Commissioner must be talking of Minister Mitra, and I think all the sons of Minister Mitra are not interested in politics. I think that is the misfortune of Minister Mitra.

MR. OPLE: Minister Mitra comes from a distinguished political family, although the provenance might be different in the case of his ancestors.

MR. NOLLEDO: But the venue is different. The father comes from Batangas and was Congressman of Mountain Province. In my case, I do not intend to build a political dynasty in Palawan, even if opportunity beckons.

MR. OPLE: So, does the Commissioner agree that this Constitution has already established numerous provisions that will militate against the perpetuation of dynasties because these provisions especially on social justice broaden economic and social opportunities and, therefore, access to public offices, and that this Constitution directly attacks the causes of the problem identified by Commissioner Nolleddo instead of addressing them as effects?

MR. NOLLEDO: The Commissioner will notice that while we prohibit reelection, the person who is no longer qualified to be reelected will let his son continue and perpetuate the family in public office. That is what the proposal wants to remedy.

MR. OPLE: One more question, Mr. Presiding Officer, before I exhaust my three minutes.

THE PRESIDING OFFICER (Rev. Rigos): The Commissioner still has one minute.

MR. OPLE: Thank you.

One final question: Does my friend, Commissioner Nolleddo, not believe that the right of suffrage should not be abridged and that the right to vote and to be voted upon actually was derived from the same concept of the right of suffrage? Will he agree to that principle?

MR. NOLLEDO: We do not infringe upon the right of suffrage. We only regulate the right of some people to run because we want to equalize the conditions between the poor and the rich candidates. And I would like the Commissioner to know that we do not prohibit the son of the governor from running for the same office because he can run later on when the governor-father is no longer in office.

MR. OPLE: I thank the Commissioner for recognizing the principle that the right to be voted upon inheres in the right to vote. Thank you very much.

MR. NOLLEDO: I agree with the Commissioner, but I think the State under its police power can regulate the same.

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

MR. JAMIR: I am disturbed, Mr. Presiding Officer, by the statement of Commissioner Nolleddo that during the debate on the Article on Local Governments that was referred to by Commissioner Monsod (. . . deleted by order of the Chair).

MR. NOLLEDO: (. . . deleted by order of the Chair.).

MR. JAMIR: But I think, Mr. Presiding Officer, that it is dangerous to be talking of (. . . deleted by order of the Chair).

MR. NOLLEDO: (. . . deleted by order of the Chair.)

MR. JAMIR: But did the Commissioner (. . . deleted by order of the Chair).

MR. NOLLEDO: (. . . deleted by order of the Chair.)

MR. DAVIDE: Question of privilege, Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): What is the question of privilege of Commissioner Davide?

QUESTION OF PRIVILEGE OF COMMISSIONER DAVIDE

MR. DAVIDE: The privilege motion is to strike off all statements regarding a quorum for the reason that they would have no basis since nobody raised a quorum at the time that it was said. And I would state for the record that at the time that the so-called absence of a quorum took place, no less than the chairman of the Committee on Local Governments presided and he would be estopped from questioning the matter of quorum even right now. So, in order to cleanse the record of any allusion regarding the integrity of the Commission, I move for the striking off of all statements regarding this issue on quorum.

MR. NOLLEDO: I have no objection to that motion, Mr. Presiding Officer.

MR. BENGZON: I second the motion, Mr. Presiding Officer.

MR. NOLLEDO: I have no objection to that, but I am not questioning the presence of the quorum to invalidate the proceeding. I am mentioning it to reenforce my argument that I think more Commissioners should be given a chance to listen to my arguments in favor of this resolution.

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

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner de Castro is recognized.

MR. DE CASTRO: Still on the matter of quorum, Mr. Presiding Officer. I think to make it formal, Honorable Nolleddo should make a motion to delete all that he said about quorum so that we can finally decide it; otherwise, the mere acceptance of the suggestion of Honorable Davide is not sufficient. There must be a formal motion by the Commissioner who raised the quorum in the first instance.

Thank you.

MR. DAVIDE: It was a formal motion, Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): That was a formal motion and there was no objection; it was approved.

Commissioner Guingona is recognized.

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

I find the reason advanced by Commissioner Nolleddo regarding the need to equalize conditions and elections valid. He is referring to an incumbent who can make use of the facilities and the powers that he has while in office in order to facilitate the election of a close relative.

Commissioner Nolleddo, however, mentioned that this particular provision seems to be popular outside but might not be so popular in the Commission. Perhaps one of the reasons, Mr. Presiding Officer, is that there is the use of the absolute word "prohibit." During the interpellations, Commissioner Nolleddo admitted that what he has in mind here is not prohibition really but regulation. So maybe the word "prohibit" could be changed to the word "REGULATE." And since "political dynasties" is not the concept — political dynasties are not explained in this provision — then perhaps we might add "AS PROVIDED BY LAW" in order to make this provision more acceptable to the Members of the Commission.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Monsod is recognized.

MR. MONSOD: I believe that there is a pending motion to delete.

THE PRESIDING OFFICER (Rev. Rigos): There is a pending motion to delete.

MR. SARMIENTO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Sarmiento is recognized.

MR. SARMIENTO: Before we vote on the motion to delete, may I just be allowed to say a few words.

THE PRESIDING OFFICER (Rev. Rigos): The Commissioner will please proceed.

MR. SARMIENTO: This seems to be a very unpopular section. But may I speak in favor of this section in spite of its unpopularity within this august body?

Political dynasties, Mr. Presiding Officer, are the bane and Waterloo of young, promising but poor candidates. And this is true in the provinces, even in my own province.

By including this provision, we widen the opportunities of competent, young and promising but poor candidates to occupy important positions in the government. While it is true we have government officials who have ascended to power despite accident of birth, they are exceptions to the general rule. The economic standing of these officials would show that they come from powerful clans with vast economic fortunes.

So, I believe that with this provision and considering that social and economic inequalities will be with us for many years, maybe for decades, then there is wisdom for the inclusion of this section in our Constitution.

MS. QUESADA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Quesada is recognized.

MS. QUESADA: Yes, I would just like to contribute something to support the position of the committee to retain this provision, which is about to be deleted. And one of the positions that we maintain is, this is a facilitating provision that would enable us to translate the principle that we had adopted concerning the participation of the sectoral representatives so that they will have a chance after three years of having reserved seats to compete in the political party. If there are going to be political dynasties, then we preclude, we limit the opportunities, the chances of the sectoral representatives who have the position or the means by which they could compete with political dynasties. I suppose that we all believe that everybody should compete, but given the social inequalities, I do not think that we will ever achieve that intention.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Yes, may I just ask one or two questions, Mr. Presiding Officer, of the proponent?

MR. NOLLEDO: Willingly.

MS. ROSARIO BRAID: Will this lead towards the development of a pluralistic society?

MR. NOLLEDO: Yes.

MS. ROSARIO BRAID: Does this provision encourage the development of a new political culture?

MR. NOLLEDO: Yes, because it really widens political opportunities.

MS. ROSARIO BRAID: Thank you.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Monsod is recognized.

MR. MONSOD: Mr. Presiding Officer, I had assumed that the committee members had already talked with each other. But, anyway, I just want to say that here we are in this assembly, extolling people power and saying that the people have a new consciousness and yet not trusting that they will make the right choice. We want to put a section on political dynasty on the assumption that there will be violations of the Electoral Code, that people in power will use their office to elect their children. We cannot assume that certain sections of this Constitution will be violated and then try to cover and compensate for them in another section.

We have in this Constitution qualifications of those who seek elective office. We are adding in this section a disqualification to those who may aspire after public office, and, in effect, amending the various provisions in this Constitution which enumerate the qualifications and disqualifications of the law.

So, I move for the deletion of this section.

THE PRESIDING OFFICER (Rev. Rigos): I think we have debated this long enough.

MR. COLAYCO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Colayco is recognized.

MR. COLAYCO: I have one angle which has not been mentioned and which makes the concept advanced by Commissioner Nollado very meritorious. One of the worst effects of political dynasties is that it breeds graft and corruption. I will give one actual example. In a city in Metropolitan Manila, the mayor has been in power for easily 20 years even before Marcos came to power. He has several children. What was the result? One took care of the graft coming from the discos. Another one received a monthly pension from the so-called motels. Another took charge of the gambling casinos. A fourth one took care of the market collections. But the chief of police looked the other way because he has been given a share in the loot. Because of the length of time the mayor has held power, he did not bother with the public criticism against his administration. This is something still happening. A group of concerned citizens in this same city created a special committee to help the present OIC. In the beginning they thought that the OIC was acting in good faith, but lately, they heard that he was following the footsteps of his predecessor.

This condition exists not only in this city. We go a little farther to the Visayas. You know whom I am referring to. This politician has such a strong private army that not even our army dares to do something about it. And what is this political dynasty doing? The same thing that the previous dynasty I mentioned is doing. His wife and children are all in power. Some are mayors, others are governors, et cetera. And in each place where they are in power, graft and corruption is present.

MR. RODRIGO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Rev. Rigos): We hope Commissioner Rodrigo will be the last speaker before we vote.

MR. RODRIGO: Yes. Before I vote intelligently on this matter, I would like to ask a very important question. What is the definition of a dynasty? What degree of consanguinity or affinity is meant by dynasty? Does it refer only to father and son? Does it refer to brother and brother? Or an uncle with his nephew? Up to what degree?

MR. NOLLEDO: We are not deciding that question here but we are recommending to Congress that the scope of relationship shall be within the third degree of consanguinity or affinity. We leave it to Congress to determine this relationship.

MR. RODRIGO: That means up to a nephew? Is it by consanguinity or also by affinity?

MR. NOLLEDO: We are recommending consanguinity and affinity but it is up to Congress to determine.

MR. RODRIGO: Is it the fault of a nephew if he happens to have an uncle who is a public officer? Why penalize the nephew? He cannot choose his uncle.

MR. NOLLEDO: To meet the Commissioner's objection, Congress may limit up to the second degree. We are not deciding that relationship because Congress will conduct public hearings on this before a regulatory law may be passed by it.

MR. RODRIGO: I do not see in the provision that it is left to Congress to decide.

MR. NOLLEDO: That is why Commissioner Guingona recommended, if this provision should not be deleted, "AS MAY BE PROVIDED BY LAW." The committee is receptive of that suggestion.

MR. RODRIGO: But in the Commissioner's thinking, may in-laws be included in the prohibition?

MR. NOLLEDO: Yes. The Commissioner knows how family ties exist in the Philippines. Even fourth cousins are very close to each other.

MR. RODRIGO: Yes. But then those are exceptions. As a matter of fact, the general rule is that in-laws do not get along well together.

MR. NOLLEDO: Perhaps in domestic affairs.

MR. RODRIGO: But the thing is a person cannot choose the husband of his sister. Why should he be penalized for something not his fault?

MR. NOLLEDO: As stated, it is Congress that will determine the relationship.

MR. RODRIGO: Yes. But I would like to visualize how Congress will act. What if Congress decides it will be up to the third degree of consanguinity, meaning, uncle and nephew?

MR. NOLLEDO: Considering the close family ties that exist in our country, not as an exceptional situation but as a general rule, I would not blame Congress in providing for that effect.

MR. RODRIGO: Is it not unfair for a nephew to be penalized, to be disqualified merely because he has an uncle not of his choice.

MR. NOLLEDO: The Commissioner will notice that I consider this not prohibitory but regulatory. We have to cut the nexus after the permissible reelection. And when there are no more built-in advantages like warlordism, graft and corruption, etc., then that nephew can run again.

MR. RODRIGO: The argument was that the incumbent has money and, therefore, he can help his nephew or brother or son be elected. But there are many cases when, let us say, a municipal mayor, even a provincial governor, is not a rich man.

MR. NOLLEDO: And after holding office for two terms or more, he becomes very rich, and builds his own private army. Mr. Presiding Officer, political dynasty is really a social malady. And I disagree with Commissioner Monsod who says that the people are against the provision. In fact, in practically all forums wherein I appeared, the people overwhelmingly support the rule against political dynasty.

THE PRESIDING OFFICER (Rev. Rigos): Commissioner Natividad is recognized.

MR. NATIVIDAD: With the Commissioners' indulgence, the reason I voted against this provision before is its vagueness. Are we speaking only of the position of the incumbent? Suppose there is a public official and his relative is running for a different position, are his relatives banned?

MR. NOLLEDO: That is the reason I said I am limiting it only to a situation where the rule against further reelection might be circumvented. That is my suggestion to Congress although the Congress can also widen the meaning of political dynasty.

MR. NATIVIDAD: Yes. That is why I was afraid of injustice not to the incumbent but to the people. This country is varied in experience. If one runs and it is clearly in furtherance of a dynasty, I believe he will be defeated. That is my experience in my own district. The easiest time that I ran and won handily was — we were running under the opposition — when I was fighting against a dynasty. It was an easy election. Let the people decide. The biggest issue that we can raise against a political opponent is that he is running as a part of a dynasty. Let the people decide; give this satisfaction to the people. I am just voicing my own experience.

MR. NOLLEDO: The Commissioner's experience is an exceptional case.

MR. NATIVIDAD: When one is an incumbent, it does not mean he is going to be politically strong; that is not true. When one remains as a political incumbent, he has more issues against him; he has more promises broken and he tends to be a little weaker. It is not true that if one is an incumbent, he cannot be defeated. One is more vulnerable as he gets to be elected several times. And then if one puts up his son, for example, to run after him — as in Bulacan — that is a formula for defeat. We have our own experiences in our own provinces; we cannot generalize this matter. I have my own experience. There is Senator "Soc" Rodrigo's. When I was in the opposition, I ran against someone who wanted his wife to be a Congresswoman, an incumbent governor, and it was the easiest victory in my five terms.

So, let the people decide. For us to ban or to declare this as unconstitutional is a different matter.

MR. NOLLEDO: Mr. Presiding Officer, in view of this transcendental question, may I ask for nominal voting.

MS. QUESADA: Mr. Presiding Officer.

NOMINAL VOTING

THE PRESIDING OFFICER (Rev. Rigos): I think we are now ready to vote on the motion of Commissioner Monsod to delete Section 20 on page 5.

MS. QUESADA: Before voting, Mr. Presiding Officer, may I just inquire whether Congress would be preempted or precluded from banning political dynasties should this provision be deleted?

FIRST ROLL CALL

THE PRESIDING OFFICER (Rev. Rigos): Not necessarily, I suppose, but first let us dispose of this motion to delete by nominal voting; the Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar Bernas

Alonto Rosario Braid No

Aquino Calderon Yes

Azcuna No Castro de Yes

Bacani Colayco No

Bengzon Yes Concepcion Yes

Bennagen Davide

MR. DAVIDE: I abstain.

THE SECRETARY-GENERAL, reading:

Foz Padilla Yes

Garcia No Quesada No

Gascon No Rama

Guingona No Regalado

Jamir Yes Reyes de los Yes

Laurel Rigos Yes

Lerum Yes Rodrigo Yes

Maambong Yes Romulo

Monsod Yes Rosales

Natividad Yes Sarmiento No

Nieva No Suarez No

Nolledo No Sumulong

Ople Yes Tadeo No

Tan No Uka

Tingson No Villacorta

Treñas Yes Villegas

SECOND ROLL CALL

THE PRESIDING OFFICER (Rev. Rigos): The Secretary-General will conduct a second call for those who have not registered their votes.

THE SECRETARY-GENERAL, reading:

Abubakar Laurel

Aquino Rama

Bacani Regalado

Bennagen Uka

Bernas Villacorta

Foz Villegas

MR. SARMIENTO: Commissioner Foz is here already.

MR. FOZ: My vote is no.

MR. MONSOD: Mr. Presiding Officer, are we entitled to seek out our colleagues in the building?

MS. QUESADA: Mr. Presiding Officer, that has been done before, when Commissioner Regalado was awakened from his rest.

MR. MONSOD: He did not vote; he was not allowed to vote.

MS. QUESADA: Yes, but he was brought here.

MR. DE CASTRO: Commissioner Regalado was not allowed to vote and the Members resisted his right to vote.

MS. QUESADA: Yes, but then he was called.

MR. NOLLEDO: That is a technicality. I think that should not hamper the proceedings.

MS. QUESADA: He was called.

MR. DE CASTRO: Mag-usap lamang tayo ng totoo rito; huwag tayong magsasabi ng hindi katotohanan. Bago tayo magsalita, isipin muna natin kung katotohanan o hindi. That is truth in our Preamble.

MR. NOLLEDO: The truth is that they voted actually. It is only the place that seems to be questionable. I think that seems to be a highly technical objection.

THE PRESIDING OFFICER (Rev. Rigos): The results show 17 votes in favor, 18 against and one abstention; the proposed amendment by deletion is lost.

MR. MONSOD: I would like to reserve the right to ask for a revote, because I think the way this was conducted was not proper.

MR. SARMIENTO: May I object, Mr. Presiding Officer, to the motion for revote. I think the voting was in order.

MR. MONSOD: Under the Rules, only two roll calls are allowed but what happened was that we had three, even four calls.

MR. SARMIENTO: When Commissioner Foz and the others voted, Mr. Presiding Officer, they were inside the session hall; they were not outside.

MR. MONSOD: Mr. Presiding Officer, there were three Members who were allowed to vote after the second call.

MR. DE CASTRO: That is right, Mr. Presiding Officer. The vote was made by three Members after the second call.

THE PRESIDING OFFICER (Rev. Rigos): Is there any motion to reconsider the voting?

MR. MONSOD: Mr. Presiding Officer, I move that we reconsider the voting and that we go into recess for lunch.

MR. SARMIENTO: May I reserve my opposition to that motion for a revote.

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

MR. GASCON: Commissioner Monsod cannot make that motion for reconsideration because he was not with the

majority.

MR. MONSOD: My ground for asking for a revote is that there has been a violation of the Rules — that the three Members were allowed to cast their votes after the second call.

MR. GASCON: My point is, it should not be a motion for reconsideration but a motion for another voting.

MR. DE CASTRO: That is the same.

MR. MONSOD: That is right.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Rev. Rigos): The session is suspended until 2:30 p.m.

It was 12:48 p.m.

RESUMPTION OF SESSION

At 2:59 p.m., the session was resumed with the Honorable Efrain B. Treñas presiding.

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

MR. SARMIENTO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Yes, Commissioner Sarmiento is recognized.

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

I rise in connection with the motion for reconsideration of the voting made by Commissioner Monsod before we suspended our session this noon. Before the suspension, Mr. Presiding Officer, I objected to the motion and to reenforce my objection, I registered my reservation to vote or to object against the motion. Unfortunately, the Presiding Officer, the honorable Commissioner Rigos, before the suspension, declared or ruled that the motion passed without any objection from the Members of the Commission.

To me, that was inaccurate since I objected and to reenforce my objection, registered my reservation to object against the motion.

My humble position, Mr. Presiding Officer, is that the motion for recounting is not proper. This is clear from the provisions of the Constitution, Jefferson's Manual and Rules of the House of Representatives of the United States Ninetieth Congress and the Rules of the Batasang Pambansa which can be invoked to govern in a supplemental manner insofar as they are not incompatible with the provisions of these rules.

Our Rules, Mr. Presiding Officer, is silent on this point, although inferentially we can deduce that the voting on that section was proper.

But what does the Jefferson's Manual state? I would like to share this with the body. Rule 15, pages 391-392 states that:

. . . and the Sergeant-at-Arms shall forthwith proceed to bring in absent Members, and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll, and each Member as he answers to his name may vote on the pending question, and, after the roll call is completed, each Member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded . . .

Now, there is a commentary or annotation after this rule, and the commentary states that:

Under this rule the roll is called over twice, and those appearing after their names are called may vote.

In other words, since the three Commissioners voted after the second call but before the announcement of the voting, their voting was in order. It was not irregular. This is also reenforced by the Rules of the Batasang Pambansa which states:

SECTION 102. Second Call on nominal voting. — After the Members have voted yeas and nays, the Secretary-General shall call in alphabetical order the names of those who did not vote so that they may vote. After the second call, no Member shall be allowed to vote.

In other words, before the announcement of the results of the voting, any Member can vote after the second call. So, my humble submission, Mr. Presiding Officer, is that the motion for a revote made by the honorable Commissioner Monsod was not proper on the basis of the rules I cited.

I humbly submit, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Are there any other Commissioners who desire to talk on the matter?

MR. MONSOD: Mr. Presiding Officer, the only reason I asked for a revote was that it did not appear to be a regular vote. We had a Commissioner rushing into the hall and voting "yes" then somebody whispering to him, "You should vote no," thus making him change his vote to "no."

What I am saying is that it was not clear what the intent of this body was, and even when the two Commissioners appeared on the edge of the rostrum, it was another Commissioner who was stating what their votes were.

As a matter of fact, if one takes a look at the record, the votes of the two Commissioners who entered through the side door were not even heard from the recorder.

MS. AQUINO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Yes, Commissioner Aquino is recognized.

MS. AQUINO: When the Presiding Officer called for a vote, I was at the dining room but I was well aware of the proceedings that were on the floor. I was conscious of the nuances of Commissioner Monsod's motion to delete; I was aware of the intervention of Commissioners Ople, Colayco, Sarmiento and Natividad.

I could not have registered a more intelligent vote under the circumstances than when I was seated here agonizing with my hunger pangs attacking me. Must we be faulted? In my case, must you begrudge me for my hunger pangs pricking the rest of me?

MR. MONSOD: May I just reply, Mr. Presiding Officer?

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

MR. MONSOD: I am not saying that the Commissioner was not aware of what was going on. What I am saying is, the circumstances under which the voting was done were such that there could be a cloud of doubt on what the vote was because there was a Commissioner who said "yes" and changed it to "no." The two who voted were not heard even from the recorder.

Thirdly, their names were called again. In other words, there was a third call before they voted. There is no such thing as a third call.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Maambong is recognized.

MR. MAAMBONG: Mr. Presiding Officer, based on the statement of Commissioner Monsod that the taking of the vote was a little bit unclear, I think what we should apply would be the rule in the Jefferson's Manual which calls for a recapitulation of the votes when they seem to be unclear.

Mr. Presiding Officer, in case the votes are unclear, these are the precedents and comments on Section 1, Rule 15 of the Jefferson's Manual and Rules of the House of Representatives:

Either before announcement of the result or after such announcement, the Speaker may order the vote recapitulated. A member may not change his vote on recapitulation if the result has been announced, but errors in the record of such votes may be corrected. A motion that a vote be recapitulated is not privileged.

So, this rule speaks of errors or probable errors in the record.

I presume that this rule on recapitulation should be applied here.

Thank you, Mr. Presiding Officer.

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

MR. VILLACORTA: Mr. Presiding Officer, just two points in reply to Commissioner Monsod.

First of all, there have been many instances where people rush from the lounge or from the entrance coming precisely to catch the voting. We usually and inevitably have to go out for personal reasons, and there is absolutely nothing wrong for any Member of this Commission to try to rush back to make it to the voting.

Secondly, with respect to my question to Commissioner Suarez as to what the issue was, when I was rushing back from the lounge, it was very clear in my mind before I had left the session hall that I was in favor of this provision proposed by the committee to ban political dynasties.

As a matter of fact, I had interpellated Commissioner Nollado about this for clarification. There was no doubt in my mind. How we vote will depend on how the motion for voting is worded.

So, in other words, I had to clear this with Commissioner Suarez in the nick of time. I do not know why a fellow Commissioner would impute ill motives. Why is there this partisanship whenever it concerns us? It seems we are always guilty of negative motives or of ignorance.

THE PRESIDING OFFICER (Mr. Treñas): Is the Commissioner through?

MR. VILLACORTA: I think it is very unparliamentary, if I may say so, Mr. Presiding Officer.

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Yes, Commissioner Monsod is recognized.

MR. MONSOD: I was not referring to Commissioner Villacorta when I made that statement about a Commissioner saying "yes" and voting "no." He was not the person I was referring to.

THE PRESIDING OFFICER (Mr. Treñas): Are there any more comments?

MR. VILLACORTA: The clarification is accepted, Mr. Presiding Officer.

MR. DAVIDE: Mr. Presiding Officer.

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

MR. DAVIDE: I abstained during that particular voting, but I think the motion for a revote is in order. Under our Rules, especially Section 39 on nominal voting, the Secretary-General shall call alphabetically the names of Members who shall answer "yes" or "no" upon being called, after which the President shall forthwith announce the result. It simply means that the particular Commissioner is right here in the session hall and that is the reason upon being called, meaning, that since he is in the session hall, he has to state his vote. I could remember pretty well in the last voting that the names of two were not really called. It was merely said that their votes were such and such, so I think the motion is in order.

RULING OF THE CHAIR

THE PRESIDING OFFICER (Mr. Treñas): Are there any more comments?

The Chair rules that the motion is in order. Let us vote on the motion of Commissioner Monsod.

MS. QUESADA: Before making the vote, may we just ask the rationale, the basis on which the Chair made its decision to accept the motion.

THE PRESIDING OFFICER (Mr. Treñas): The Chair has already ruled that the motion is in order.

MS. QUESADA: Given the explanation of Commissioner Sarmiento, what does the Chair think about the principle being cited? This will be setting a precedent in the future on which ruling we are going to use.

THE PRESIDING OFFICER (Mr. Treñas): The Chair believes that there was no clear voting; there were Commissioners who voted after the second call. So, to clarify the matter, the Chair rules that way and gives due course to the motion of Commissioner Monsod for a recount.

MS. QUESADA: It is rather unfair because everytime we throw this to a vote we end up being outvoted, so I think just throwing it to the body for voting is not going to be the solution to resolve the issue.

THE PRESIDING OFFICER (Mr. Treñas): Let the whole Commission decide this matter.

SUSPENSION OF SESSION

MR. MONSOD: Mr. Presiding Officer, may we ask for a few minutes' suspension of the session?

THE PRESIDING OFFICER (Mr. Treñas): The session is suspended for a few minutes.

It was 3:13 p.m.

RESUMPTION OF SESSION

At 3:27 p.m., the session was resumed.

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

MR. SARMIENTO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Sarmiento is recognized.

MR. SARMIENTO: I am made to understand that the ruling of the Chair is that we will proceed to a voting. In other words, we will have a recounting or revoting. But the Rules of the House of Representatives is very clear, Mr. Presiding Officer, as was enunciated by Commissioner Maambong, and I would like to quote it:

A Member may not change his vote on recapitulation if the result has been announced but errors in the record of

such votes may be corrected.

It is clear, Mr. Presiding Officer, that since there would be a recapitulation of the result of the voting, then no Member will be allowed to change his vote.

MR. MONSOD: Mr. Presiding Officer.

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

MR. MONSOD: In the interest of the body so that we do not exacerbate the situation, I would like to withdraw my motion.

THE PRESIDING OFFICER (Mr. Treñas): The motion is granted. The motion of Commissioner Monsod is hereby considered as withdrawn. May we proceed?

MR. DAVIDE: Mr. Presiding Officer.

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

MR. DAVIDE: I have a proposed amendment. The proposal is to change the word "broaden" to the following: "ENSURE EQUAL ACCESS TO." Then instead of "office" on line 13, I propose to substitute the same with the word "SERVICE." So the entire section will read: "The State shall ENSURE EQUAL ACCESS TO opportunities to public SERVICE and prohibit political dynasties." I would like to explain the change from "office" to "SERVICE." If we change "office" to "SERVICE," we would refer to both elective and appointive positions. And political dynasties do not necessarily apply to elective positions alone. They would include appointive positions and perhaps more on the latter because it is easier to get a political appointment if somebody close to the family is an elective official, but it is difficult to have a political dynasty on the basis of election because election is an expensive exercise.

I changed the word "broaden" to "ENSURE EQUAL ACCESS TO" because what is important would be equal access to the opportunity. If you broaden, it would necessarily mean that the government would be mandated to create as many offices as are possible to accommodate as many people as are also possible. That is the meaning of broadening opportunities to public service. So, in order that we should not mandate the State to make the government the number one employer and to limit offices only to what may be necessary and expedient yet offering equal opportunities to access to it, I changed the word "broaden."

May we request the reaction of the committee?

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

MR. TINGSON: Will the Commissioner kindly restate his amendment?

MR. DAVIDE: As amended it will read: "The State shall ENSURE EQUAL ACCESS TO opportunities to public SERVICE and prohibit political dynasties."

MR. TINGSON: Yes, the committee accepts the amendment.

MR. RODRIGO: Mr. Presiding Officer.

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

MR. RODRIGO: I would like to propose an amendment to that amendment; that is, by deleting the words "AND PROHIBIT POLITICAL DYNASTIES."

MR. ABUBAKAR: I second the motion.

THE PRESIDING OFFICER (Mr. Treñas): What does Commissioner Davide say?

MR. DAVIDE: I would rather leave it to the Commission, Mr. Presiding Officer.

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

MR. TINGSON: We will leave it to the body.

MR. GUINGONA: Is that already a motion?

MR. NOLLEDO: As far as I am concerned, Mr. Presiding Officer, I vigorously object to the amendment of Commissioner Rodrigo.

MR. RODRIGO: That is an amendment to the amendment which was neither accepted nor rejected. The proponent says that he would rather leave it to the body.

MR. GUINGONA: Yes. But would that mean that, if it is deleted, we will not be able to introduce further amendments along this line not exactly in the same words but still referring to political dynasties, Mr. Presiding Officer?

MR. NOLLEDO: Mr. Presiding Officer, may I raise a point of order?

THE PRESIDING OFFICER (Mr. Treñas): The Commissioner will please proceed.

MR. NOLLEDO: We have already decided to retain these words including prohibition against political dynasty, as stated. There was a move to delete the provision and the substance of the provision is found in the term "political dynasties." The intention of the committee is to prohibit political dynasties and, therefore, this intention must be correlated with the entire provision. Therefore, the motion of Commissioner Rodrigo is out of order.

MR. RODRIGO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Rodrigo will please proceed.

MR. RODRIGO: My motion is not out of order because what was voted down before was the deletion of the whole section. And now, there is a reworded proposal, and I am asking for a deletion of a portion of the reworded proposal. There is a difference. After the motion to delete the whole section was voted down, this amendment by substitution was submitted. And my amendment to the amendment is to delete a portion of the amendment by substitution. So that is not *res judicata*, if we were to use a judicial term.

MR. NOLLEDO: Mr. Presiding Officer.

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

MR. NOLLEDO: The very life and substance of the provision is found in the words "prohibit political dynasties" and I think it was in that sense that the Commission voted in favor of retaining the provision.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Maambong is recognized.

MR. MAAMBONG: The point of order raised by Commissioner Nolleddo is very well covered by Section 50 of the Rules of the Constitutional Commission, second sentence of which reads:

... A motion to strike out being lost shall not preclude an amendment or motion to strike out and insert.

That is precisely the reason the committee and the Chair allowed Commissioner Davide to introduce an

amendment, because if it were not allowed and if we were to follow the point of order raised by Commissioner Nollado, there is no point of Commissioner Davide standing up and amending the particular section not deleted by decision of the body. So, the amendment of Commissioner Rodrigo is quite valid because of Section 50. May I reread the whole of Section 50, Mr. Presiding Officer.

SECTION 50. Motion to strike out and insert. — A motion to strike out and insert is indivisible. A motion to strike out being lost shall not preclude an amendment or motion to strike out and insert.

Thank you, Mr. Presiding Officer.

MR. NOLLEDO: Mr. Presiding Officer, may I just state one sentence?

THE PRESIDING OFFICER (Mr. Treñas): What does Commissioner Nollado say in response?

MR. NOLLEDO: I would like to say that the motion of Commissioner Rodrigo is really a motion to delete the very life of the provision. So he is restating the original motion which was already defeated.

MR. RODRIGO: No, Mr. Presiding Officer. The substance of the provision, even before the amendment, is to broaden opportunities to public office.

MR. NOLLEDO: That is not the substance.

MR. RODRIGO: This matter of political dynasty is just a colatilla and in the reformulated amendment by substitution, the substance is also to broaden opportunities to seek public office. As a matter of fact, I am asking for the deletion of "AND PROHIBIT POLITICAL DYNASTIES" because, by prohibiting political dynasties, we do not broaden but restrict opportunities for public office. That phrase is even incompatible, inconsistent with the very substance of the proposed amendment.

MS. QUESADA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Quesada is recognized.

MS. QUESADA: Parliamentary inquiry. Can we ask our parliamentarian, Commissioner Maambong, clarification for us "nonparliamentarians" who are getting confused with the rigmarole of rules that are being used? We are lost somehow in the process of discussion. If I recall it right, as stated in the provision that was read in our Rules, when the motion to delete is lost — and that was the motion that we first heard this morning if I remember it right, by Commissioner Monsod and Commissioner Jamir — it was lost. But now it appears that there is another motion to delete the words that were contained in the total section which we had already approved.

MR. MAAMBONG: Mr. Presiding Officer, let us translate the Rules into simple terms. We have a formulation presented by the committee. Then there was a motion to delete. The motion to delete was lost. What is the effect? We are back to square one. We still have the formulation of the committee, which is now subject to amendment and that is exactly what we are doing. When the motion to delete was lost, the original formulation of the committee remains on the record and it is now subject to amendment. That is why the Rules clearly provides that when the motion to delete is lost, it shall not preclude an amendment or motion to strike out and insert, meaning, that we are back to square one. We still have the original formulation of the committee, which is now subject to amendment.

MS. QUESADA: Commissioner Maambong, would the basic concepts contained in the proposed provision be changed?

MR. MAAMBONG: We can change the concept; we can even change the whole provision because we are now open to amendment — we call it the primary amendment — because the original provision is now back in the

committee report, since the motion to delete was lost. That is the situation, Mr. Presiding Officer.

MS. QUESADA: All right.

MR. NOLLEDO: Mr. Presiding Officer, I have to answer.

THE PRESIDING OFFICER (Mr. Treñas): Is Commissioner Quesada clarified?

MS. QUESADA: I am just wondering why on this very important issue which, as the people have expressed is one of their big concerns, we seem to be divided. I just feel that we have to respond to the people's call during the public hearings when we said we never again should allow political dynasties to rule in our country.

MR. GUINGONA: Mr. Presiding Officer.

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

MR. GUINGONA: May I respectfully request for a reply regarding my question if the proposed amendment of Commissioner Rodrigo is approved by this Commission whether we would be precluded from proposing another amendment relative to political dynasties?

MR. RODRIGO: My opinion is, if the proposed addition is substantially the same as the portion that was deleted, then that cannot be considered anymore. But if it is not substantially the same, then it can be considered.

MR. GUINGONA: I was asking for the reply of the Chair.

THE PRESIDING OFFICER (Mr. Treñas): Yes, the Chair agrees, if there is substantial change.

MR. NOLLEDO: Mr. Presiding Officer.

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

MR. NOLLEDO: I would like to respond to the statement of Commissioner Rodrigo that the prohibition of political dynasties is only correlative to the first part. I was interpellated by Commissioner Ople and I agreed with him when he asked if it was the intention of the committee to prohibit political dynasties in order to widen opportunities to public office and I answered yes. In other words, the first part is only the effect of the conclusion and that was very clear when Commissioner Ople interpellated me. I vigorously dissent from his view that by prohibiting political dynasties we will limit opportunities to public office. I adequately explained this already this morning and I need not repeat it unless Commissioner Rodrigo is willing to listen again.

MR. RODRIGO: The Gentleman has said enough.

SR. TAN: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): The Chair recognizes Commissioner Tan.

SR. TAN: Mr. Presiding Officer, if I understand the main import and the main content of what we voted on so passionately, it was political dynasties. Now we are changing and amending it, and we can make the law. We can apply the law in whatever way we wish so that it comes out that we are not returning what we tried to delete, but in our hearts we know that the main point was political dynasties. And whatever words we use, we know that the main point is political dynasties. And I want to put that on record because those who vote against are voting against political dynasties, and those who vote for, want political dynasties to be perpetuated.

MR. DE CASTRO: Mr. Presiding Officer.

MR. ABUBAKAR: Mr. Presiding Officer, I have not spoken yet.

THE PRESIDING OFFICER (Mr. Treñas): Just a minute. Who is first?

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: Thank you.

We are not talking here of political dynasties; we are talking here of Rule X, Section 50 of our Rules as well-explained and expounded by Honorable Maambong. I will request, therefore, that Section 50 of our Rules be applied.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Abubakar is recognized.

MR. ABUBAKAR: I just arrived and it seems the debate centers on a proposition that is vital to our democracy.

This Constitutional Commission, composed of intelligent people, people who believe in the dictum that the voice of the people is the voice of God, is very religious. How can we, on the assumption that we are only appointed, or even if we were elected, suppress the voice of the people if they want an elected representative to continue with one, two, three terms? So be it. We are not here to suppress that voice. We are here to give reality and to give substance to what the people want; not to suppress their desire to elect their own representatives for the terms that they wanted them to have. So I would presume that this Commission will be able to come up with a Constitution that the people can embrace, approve and conceive as a document that looks after their interest, first and foremost. We should not contradict this voice. If a dynasty or a family is wanted by the people to represent them for two terms and another would succeed, who are we to question their choice or their voice? We are here on a constitutional mandate, and let not our power be abused at the expense of the right of the people for I believe in the dictum that the ultimate power lies in the people and the voice of the people is the voice of God. So, I agree with the proposition of Commissioner Rodrigo, which is to eliminate that portion and let the beginning stand and eliminate "prohibit political dynasties."

THE PRESIDING OFFICER (Mr. Treñas): The Chair noticed that the Floor Leader, Mr. Rama, is not here, and appoints Commissioner Maambong as Acting Floor Leader.

May the Chair inquire what the parliamentary situation is.

MR. MAAMBONG: I think, Mr. Presiding Officer, we are ready to take a vote on the motion of Commissioner Rodrigo for the deletion of that particular portion he mentioned.

MR. SARMIENTO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Sarmiento is recognized.

MR. SARMIENTO: May I just say a few words? May I just trace the history of this discussion? Before the suspension of the session this noon, Mr. Presiding Officer, we have this motion from Commissioner Monsod for the total deletion of this section and by a vote of 18 against 17, the motion was rejected or voted down. Now we have this Rodrigo motion for the deletion of that portion of the whole which we already approved in principle. In other words, here he comes asking for the deletion of that part which is a parcel of the whole which we have acted upon favorably. My submission, Mr. Presiding Officer, is that it is out of order. Secondly, we have this comment from Commissioner Maambong citing Section 50 of the Rules. But Section 50 reads: "Motion to strike out and insert." It is not only motion to strike out but we have the two words "and insert." At most, for the motion to be proper, it should be a motion to strike out and insert, but Commissioner Rodrigo's motion is only a motion to strike out.

MR. DE CASTRO: Please read the second sentence.

MR. SARMIENTO: But the section should be read as a whole.

THE PRESIDING OFFICER (Mr. Treñas): Just a minute, Commissioner Sarmiento has the floor.

MR. SARMIENTO: My submission, Mr. Presiding Officer, is that the motion to strike out is a violation of what we have approved favorably this noon and a violation of Section 50 of our Rules.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Does Commissioner de Castro desire to be recognized?

MR. DE CASTRO: I would request the Honorable Sarmiento to read the second sentence of Section 50. It states, and I quote: "A motion to strike out" — and that is the motion of Commissioner Monsod to delete — "being lost," which was lost by questionable votes, "shall not preclude an amendment . . ."

Now here comes Commissioner Davide making the amendment — "or motion to strike out." Then here comes Commissioner Rodrigo striking out. Mr. Presiding Officer, the whole of the second sentence of Section 50 is applicable to the question on the floor now. I support the explanation of Commissioner Maambong.

MR. SARMIENTO: May I respond, Mr. Presiding Officer, to the comments of Commissioner de Castro.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Just a minute, Commissioner Sarmiento.

MR. SARMIENTO: May I invite the attention of Commissioner de Castro. The caption of Section 50 reads: "Motion to strike out and insert." And the first sentence also reads: "A motion to strike out and insert is indivisible."

MR. DE CASTRO: Yes, we agree.

MR. SARMIENTO: So we should read the section in toto, Mr. Presiding Officer, not by parts.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Maambong is recognized.

MR. MAAMBONG: Before we take a vote, may I ask that Commissioner Davide be recognized?

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

MR. DAVIDE: Mr. Presiding Officer, since the motion of Commissioner Rodrigo is directed to my amendment, I would only like to explain that I am not accepting the same. And I do not think Section 50 will apply, because I now feel very strongly that the second sentence of Section 50 would only be true if the motion following a rejection of a motion to strike out would be an indivisible motion consisting actually of two: to strike out and to insert.

The amendment of Commissioner Rodrigo is merely an amendment to my amendment. My amendment is not to strike out and insert, but merely to change certain words. And so, I feel that if the matter is to be submitted to a vote, we should consider into account that the motion of Commissioner Rodrigo, he not being the main proponent of an amendment, cannot be taken under Section 50 as a motion indivisible in character, which is a motion to strike out and to insert.

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: There are only two sentences of Section 50. I am not interpreting it as a lawyer. I am only interpreting it as a layman: Motion to strike out and insert. Dalawa iyan — strike out and insert. That is the caption of the section. Comes now the first sentence, "A motion to strike out and insert is indivisible." Unluckily, the motion of Commissioner Monsod is only to strike out — to delete; not to insert. So, that first sentence does not apply. What is applicable now is a motion to strike out, no longer insert. Basahin ninyo iyan. Walang "insert" diyan. "Being lost." In fact, it was lost. "Shall not preclude," hindi aniya maaaring pagbawalan ang gagawing amendment or motion to strike out and insert, which is the motion of the Honorable Davide. And here comes the Honorable Rodrigo striking out certain portions.

I would request the Honorable Chief Justice, the ranking jurist in this hall — I am not interpreting this as a lawyer, although I am a lawyer — to clear the situation for us.

MR. RODRIGO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): May we have a recess?

MR. RODRIGO: Yes, I just want to state that the situation is this. Commissioner Davide so presented an amendment by substitution. And I presented an amendment to his amendment. He did not accept my amendment to his amendment. So the situation is, the body should vote on whether to vote for or against my amendment to his amendment.

MR. DAVIDE: Mr. Presiding Officer, for the record, my amendment was not an amendment by substitution. My amendment is to change only the following words — "broaden" and "office." And so, it is not to be considered technically as an amendment by substitution.

MR. SUAREZ: Mr. Presiding Officer, may we be recognized?

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

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

May we address a few questions to the Honorable Nollado who is seeking a question of point of order as against the proposals submitted by the Honorable Commissioner Rodrigo.

MR. NOLLEDO: Willingly, Mr. Presiding Officer.

MR. SUAREZ: Thank you.

Mr. Presiding Officer, the Gentleman is raising a point of order because of the fact that before we recessed at lunchtime, there was already a motion to delete this particular section and that motion was turned down by a vote of 18 against 19. Is my understanding correct, Mr. Presiding Officer?

MR. NOLLEDO: Correct, Mr. Presiding Officer.

MR. SUAREZ: And the Gentleman is saying that because of such development, that should practically bar any further motion to delete the substance of this particular provision. Am I also right in my understanding, Mr. Presiding Officer?

MR. NOLLEDO: The Gentleman is absolutely right, Mr. Presiding Officer, with emphasis on the word "substance."

MR. SUAREZ: And when we speak of "substance" there are two things, two principal features that appear in this

particular provision: The first one is that one pointed out by the Honorable Rodrigo; that is, the broadening of opportunities for public participation by the people, and the second one is the one pointed out by the Gentleman — the prohibition against political dynasties. Am I right in that regard, Mr. Presiding Officer?

MR. NOLLEDO: Yes, Mr. Presiding Officer, and may I add that before the motion to delete was filed by Commissioner Monsod, all the discussions were centered on whether or not to prohibit political dynasties.

MR. SUAREZ: That was beautifully put, and I confirm that because I was listening to all the arguments regarding this matter seeking the deletion of that particular phrase regarding the establishment or creation of political dynasties.

Not too long ago, Mr. Presiding Officer, I also suffered a similar setback regarding this. The Gentleman will remember that when we were seeking the deletion of the phrase in connection with that provision in the Declaration of Principles governing the establishment of foreign military bases here — transposition from the Declaration of Principles Article to the Article on Transitory Provisions beginning with the words "after the termination of the RP-US Bases Military Agreement in 1991." And I was met with the observation by no less than the chairman of the Steering Committee that we must be governed, not only by the text, but also by the concepts and principles which are covered by the particular provision, the deletion of which is being sought. Does the Gentleman remember that incident, Mr. Presiding Officer?

MR. NOLLEDO: I remember very well, Mr. Presiding Officer.

MR. SUAREZ: Now the Gentleman is invoking the principle that after all is said and done, nothing should be in derogation of the substance and the principles already enunciated and already stated in the principle which had already been attacked by virtue of a motion to delete which had been voted down by the House or by the Commission.

MR. NOLLEDO: The Gentleman is right, Mr. Presiding Officer, and, therefore, the provision authorizing to strike out in Section 50 of our Rules cannot apply to the substance of this provision.

MR. SUAREZ: And that is the reason the Gentleman is saying that the Honorable Rodrigo, with due respect to him, is out of order in this regard.

MR. NOLLEDO: Yes, Mr. Presiding Officer.

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

MR. RODRIGO: Mr. Presiding Officer.

MR. PADILLA: Mr. Presiding Officer.

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

MR. RODRIGO: Yes. When Commissioner Davide proposed his amendment to Section 19, he did not just say change this word to another word or change that word to another word. He submitted a whole sentence similar to this provision. So, I took it as an amendment by substitution. And it being an amendment by substitution, I stood up to propose an amendment to his amendment, which is to delete a portion of this section as formulated by him — the portion is to prohibit political dynasties. They say this was already voted upon. No. What was voted upon was the deletion of the entire section before. And by deleting that entire section we would delete the most important principle enunciated in that section; that is, the first portion of that section which reads: "The State shall broaden opportunities to public office." That is the very important principle in that section.

MR. NOLLEDO: Mr. Presiding Officer.

MR. RODRIGO: I would presume that those who voted against the deletion of the entire section had in mind that very important principle which would have been deleted if the motion to delete the entire section being voted upon won. But now, I am not asking for the deletion of the entire section. I am only asking for the deletion of a portion of the section as reworded by the proponent, Commissioner Davide.

MR. MAAMBONG: Mr. Presiding Officer.

MR. RODRIGO: Commissioner Davide refused my amendment. I think the situation should be to let the body vote on my amendment to my amendment. Why prevent the body?

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Just a minute, Commissioner Padilla has been standing for some time.

MR. PADILLA: Mr. Presiding Officer, as I understand the situation, there is a provision supported or advocated by the committee. Then, Commissioner Davide proposed an amendment to the provision. Thereafter, Commissioner Rodrigo submitted an amendment to the amendment of Mr. Davide which Mr. Davide did not accept. And, therefore, the parliamentary situation is: That the body should vote on the amendment to the amendment. And that is provided in Section 48 on Amendments:

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

So, we should vote on the amendment of Commissioner Rodrigo to the amendment of Commissioner Davide which the latter did not accept.

MR. MAAMBONG: Mr. Presiding Officer.

MR. GASCON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Maambong is recognized first.

MR. MAAMBONG: So we can go forward, Mr. Presiding Officer. I would like to clarify the situation by asking the committee, first, whether it accepts the amendment of Commissioner Davide to delete the word "broaden" and in its place to put the words "ENSURE EQUAL ACCESS TO"; to delete the word "office" and replace it with "SERVICE." So that the whole Section would read: "The State shall ENSURE EQUAL ACCESS TO opportunities to public SERVICE and prohibit political dynasties."

MR. TINGSON: Mr. Presiding Officer, the committee would accept that.

MR. MAAMBONG: Since that is accepted, there is now a pending motion to amend the amendment of Commissioner Davide by Commissioner Rodrigo. But just to keep the parliamentary situation in order, we cannot proceed to that, Mr. Presiding Officer, unless we resolve the point of order raised by Commissioner Nollado. And the point of order raised is that we cannot vote on the motion of Commissioner Rodrigo to delete the words "and prohibit political dynasties." There are some who believe that Section 50, which is very clear, should apply; the others believe that Section 50 should not apply. So, we request the ruling of the Chair on the point of order of Commissioner Nollado so that we can proceed further.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Treñas): Before the Chair makes a ruling, it would like to have the session suspended.

It was 4:03 p.m.

RESUMPTION OF SESSION

At 4:06 p.m., the session was resumed.

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

MR. MAAMBONG: Mr. Presiding Officer, we are now ready to vote on the point of order presented by Commissioner Nollado of the committee.

RULING OF THE CHAIR

THE PRESIDING OFFICER (Mr. Treñas): The Chair rules that the point of order raised by Commissioner Nollado is not well taken because of Section 50.

MR. NOLLEDO: Mr. Presiding Officer, I appeal to the ruling of the Chair.

MR. MAAMBONG: Mr. Presiding Officer, an appeal to the ruling of the Chair is not debatable. We can now put it to a vote. Those who are in favor, for example, of the ruling of the Chair and those who are against. May the Chair now put forward the appeal of Commissioner Nollado so that the floor can vote on it.

THE PRESIDING OFFICER (Mr. Treñas): Since Commissioner Nollado has appealed to the Commission on its ruling, those in favor of the ruling of the Chair just made, please raise their hand.

MR. DE CASTRO: Mr. Presiding Officer, before we vote . . .

THE PRESIDING OFFICER (Mr. Treñas): We are voting already.

MR. DE CASTRO: May I know the basis of the appeal?

MR. NOLLEDO: The basis of the appeal can be gleamed from the arguments that I have presented. I have presented the arguments against the motion of Commissioner Rodrigo and the arguments are embodied therein.

VOTING

THE PRESIDING OFFICER (Mr. Treñas): Can we proceed?

As many as are in favor of the ruling of the Chair just made, please raise their hand. (Several Members raised their hand.)

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

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

The results show 18 votes in favor, 14 against and no abstention; the ruling of the Chair is upheld.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: We are now ready to vote on the amendment of Commissioner Rodrigo to the amendment of Commissioner Davide. I would like to clarify the situation. The amendment of Commissioner Davide as incorporated, Section 23, which is now Section 20, reads: "The State shall ENSURE EQUAL ACCESS TO opportunities to public service and prohibit political dynasties." The amendment to the amendment of Commissioner Rodrigo would seek to delete the following words after "service" — "and prohibit political

dynasties."

We are ready for a vote, Mr. Presiding Officer.

MR. GASCON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Gascon is recognized.

MR. GASCON: Since we voted nominally this morning, I would like to request that we vote again nominally on the motion to delete of Commissioner Rodrigo.

THE PRESIDING OFFICER (Mr. Treñas): Before we vote, may the Chair request that the bell be rung so that Commissioners will come in. (The bell is sounded to call in the Commissioners.)

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

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Colayco is recognized.

MR. COLAYCO: I believe that we are departing from past practice. My recollection is that when an amendment is proposed to a first amendment and the proponent of the first amendment does not accept the second amendment to his amendment, the body voted on the main amendment first. That is my recollection.

What is going to happen now? Let us suppose now that the amendment of Commissioner Rodrigo is voted upon favorably. It would, in effect, be a reconsideration of the first vote taken on the main section. Will that stop now an amendment again to resurrect on the same issue? We will never be finished with this.

THE PRESIDING OFFICER (Mr. Treñas): Is the Gentleman through?

MR. COLAYCO: Let us simplify the issue. The first issue was that the body rejected the motion to delete the section prohibiting political dynasties. As things stood then, the section prohibiting political dynasties was approved. Now, if we are going to accept the amendment of Commissioner Rodrigo, it is, in effect, a motion for reconsideration because substantially it is the same.

But what happens if we vote now in favor of the motion for reconsideration of the amendment? We will be back where we were. Again what will stop somebody with another amendment to amend the vote which, in effect, struck out the section, which we have agreed upon by a vote of 18 to 17 to remain?

I think the motion of Commissioner Rodrigo is inconsistent with the first vote which approved the retention of the section for the prohibition against a political dynasty. That is my position, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): May I call the Gentleman's attention to Section 48 of our Rules which provides, among others, and I quote:

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

MR. COLAYCO: But the basic issue, Mr. Presiding Officer, is whether the amendment which is sought to be pushed by Commissioner Rodrigo is not inconsistent with the first position taken and voted upon affirmatively by the body.

MR. RODRIGO: Mr. Presiding Officer, that matter was already decided by the body; that was the subject of the point of order by Commissioner Nollado, and we already voted on that.

THE PRESIDING OFFICER (Mr. Treñas): Precisely.

MR. COLAYCO: I bow to the majority.

THE PRESIDING OFFICER (Mr. Treñas). To be cleared, can the Acting Floor Leader state the motion supposed to be voted upon.

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

The issue before the body, Mr. Presiding Officer, is the amendment to the amendment of Commissioner Davide presented by Commissioner Rodrigo, and this amendment to the amendment seeks to delete the words "and prohibit political dynasties" in Section 23 which is now Section 20.

I will repeat that. The amendment to the amendment seeks to delete the words "and prohibit political dynasties" from that particular section. We are ready for a vote, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): As many as are in favor, please raise their hand.

MR. GASCON: I made a motion for nominal voting, Mr. Presiding Officer.

MR. NOLLEDO: There is a request for nominal voting, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Will the Acting Floor Leader state the amendment for the clarification of all, so that they will know and there is no question later on?

MR. MAAMBONG: The amendment of Commissioner Rodrigo seeks to delete the words "and prohibit political dynasties."

Those who vote "yes" will be voting for the deletion of the words "and prohibit political dynasties." I think that is clear enough.

THE PRESIDING OFFICER (Mr. Treñas): Is that clear enough?

MR. MAAMBONG: But before we proceed, Mr. Presiding Officer, I am still worried about the Rules. In case of nominal voting, there is supposed to be one-fifth of the membership of the body who should vote for nominal voting.

I am asking that, considering that 14 voted on the previous issue, the floor would like to suggest that we will waive that requirement of one-fifth. At any rate, we can get one-fifth anyway. Just the same, I want to indicate that in the proceedings so that it will not appear that the Acting Floor Leader was remiss in his duties regarding the one-fifth requirement of nominal voting.

Thank you, Mr. Presiding Officer.

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: Just a matter of clarification. Can anybody ask for a nominal voting?

THE PRESIDING OFFICER (Mr. Treñas): Yes.

MR. DE CASTRO: If the answer is yes, it is all right with me, because the Rules does not also say who can ask for nominal voting. The Rules is silent on this.

Now, may the Chair inform us whether anybody, any Member of the Commission can ask for nominal voting?

THE PRESIDING OFFICER (Mr. Treñas): What we have done before was, upon request, to have nominal voting.

MR. DE CASTRO: Upon request of one?

THE PRESIDING OFFICER (Mr. Treñas): Yes.

MR. DE CASTRO: Then the next question is for clarification. When we vote "yes," it means that we are in favor of the Rodrigo amendment; that is, to delete the words "and prohibit political dynasties," and when we vote "no," that means the words "political dynasties" shall stay there.

Thank you, Mr. Presiding Officer.

NOMINAL VOTING

THE PRESIDING OFFICER (Mr. Treñas): We shall now proceed to a nominal voting on this matter.

FIRST ROLL CALL

THE SECRETARY-GENERAL, reading:

Abubakar Yes Azcuna No

Alonto Bacani No

Aquino No Bengzon Yes

Bennagen No Concepcion Yes

Bernas No Davide No

Rosario Braid No Foz No

Calderon Yes Garcia No

Castro de Yes Gascon

Colayco No

COMMISSIONER GASCON EXPLAINS HIS VOTE

MR. GASCON: I would like to explain my negative vote. I believe that we should have a categorical statement on prohibition of political dynasties, and second, I personally believe that this is a motion for reconsideration of what we already agreed upon.

THE SECRETARY-GENERAL, reading:

Guingona No Padilla Yes

Jamir Yes Quesada No

Lerum Rama

Maambong Yes Reyes de los No

Monsod Yes Rigos Yes

Munoz-Palma Rodrigo Yes

Natividad Yes Romulo Yes

Nieva No Rosales

Nolledo No Sarmiento No

Ople Yes Suarez

COMMISSIONER SUAREZ EXPLAINS HIS VOTE

MR. SUAREZ: I vote no, and I submit, Mr. Presiding Officer, that we should have integrity in the decisions already made by the Commission and by the Commissioners.

THE SECRETARY-GENERAL, reading:

Sumulong Yes Tadeo

COMMISSIONER TADEO EXPLAINS HIS VOTE

MR. TADEO: I vote no. Nais ko lang ipaliwanag ang aking boto.

Sa simpleng kaisipan ng magbubukid, sa pinagbotohan natin kanginang 17 and 18, ang pinakamahalaga ay ang prohibition ng political dynasties na siyang magbro-broaden ng opportunities sa public office.

Hindi ko makita ang katinuan ng kapulungang ito; hindi ko makita ang tilamsik ng katuwiran ng kapulungang ito. Ako ay nalilito. Sa simpleng kaalaman natin, pinagbotohan na natin ito. Pero bakit tayo nagkakaganito? Nawawala ang ating katinuan.

THE SECRETARY-GENERAL, reading:

Tan

COMMISSIONER TAN EXPLAINS HER VOTE

SR. TAN: I vote no, because I think we are being fooled.

THE SECRETARY-GENERAL, reading:

Tingson Yes Villacorta No

Treñas Yes Villegas

Uka Yes

SECOND ROLL CALL

THE PRESIDING OFFICER (Mr. Treñas): The Secretary-General will conduct a second call for those who have not registered their votes.

Alonto Rama

Lerum Rosales

Munoz-Palma Villegas

THE PRESIDING OFFICER (Mr. Treñas): The results show 18 votes in favor, 21 against and no abstention; the proposed amendment of Mr. Rodrigo is lost.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Maambong is recognized.

MR. MAAMBONG: Mr. Presiding Officer, if there are no other amendments, the chairman of the committee is recognized.

MR. TINGSON: Mr. Presiding Officer.

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

MR. GUINGONA: Mr. Presiding Officer.

MR. TINGSON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Just a minute, Commissioner Tingson, the chairman is recognized.

MR. MAAMBONG: I would like to call on the floor, Mr. Presiding Officer, if there are no other amendments on this Section 23, which is now renumbered as Section 20. If there are no other amendments, I would now ask for a vote by the body on the amendment of Commissioner Davide.

MR. GUINGONA: Mr. Presiding Officer, I have an amendment to the amendment.

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

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

MR. GUINGONA: Inasmuch as the honorable Commissioner Nollado has, in reply to my interpellation, mentioned that the term "political dynasties" has to be defined by law, I would like to add the words "AS MAY BE PROVIDED BY LAW." Would the Gentleman accept the amendment?

MR. DAVIDE: Mr. Presiding Officer.

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

MR. DAVIDE: I regret that I cannot accept the proposal for the following reasons: One, I do not think it would be appropriate to state in the Declaration of Principles that it may be provided by law.

Secondly, I think that Congress, in the exercise of its plenary power, can provide for the necessary guidelines in the implementation of the rule against political dynasties.

MR. GUINGONA: May I inquire, Mr. Presiding Officer, if the manifestation of Commissioner Davide is the sense of the committee?

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

MR. TINGSON: I heard a while ago that we would accept that but I am not too sure now, Mr. Presiding Officer.

MR. NOLLEDO: I have no objection to the amendment of Commissioner Guingona because the definition of "political dynasty" is left to Congress.

MR. DAVIDE: Is that the stand of the committee? Since the committee has accepted my proposal, the committee has the complete jurisdiction over the matter. But I would rather, however, propose that instead of "as may be provided by law" we say "AS MAY BE DEFINED BY LAW."

MR. GUINGONA: "AS MAY BE DEFINED BY LAW." I will accede to that. Would the committee accept, Mr. Presiding Officer?

MR. TINGSON: We accept that. The committee accepts that.

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

MR. MAAMBONG: Mr. Presiding Officer, we are now ready to vote on the formulation of the original Section 23, now renumbered as Section 20, and it would read as follows, as amended by Commissioner Davide and amended also by Commissioner Guingona: "The State shall ENSURE EQUAL ACCESS TO OPPORTUNITIES TO PUBLIC SERVICE and prohibit political dynasties AS MAY BE DEFINED BY LAW." We are now ready for a vote; Mr. Presiding Officer.

MR. GASCON: Mine is just a question of style, Mr. Presiding Officer. Is it "TO PUBLIC SERVICE" or "FOR PUBLIC SERVICE"?

MR. DAVIDE: "TO" is better I guess, but "FOR" will still do. We would rather leave it to the Style Committee.

However, may I propose that there should be a comma (,) after "SERVICE" since the definition by law would refer to "political dynasties."

MR. MAAMBONG: We will, therefore, restate the formulation: "The State shall ENSURE EQUAL ACCESS TO OPPORTUNITIES TO PUBLIC SERVICE, and prohibit political dynasties AS MAY BE DEFINED BY LAW." We are now ready for a vote, Mr. Presiding Officer.

MR. SUAREZ: Mr. Presiding Officer.

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

MR. SUAREZ: Just a point of clarification from the distinguished proponent. May I just clear it up with Honorable Davide. There might be some points of inconsistency here because in the first sentence we are saying that the State should give equal access to opportunities in order that the people can render public service, but the last portion would prohibit political dynasties in the manner prescribed by law. Would this not be a limitation of that equal access to opportunities?

MR. DAVIDE: No, Mr. Presiding Officer. On the contrary the idea of eliminating political dynasties is really to see to it that there will be greater opportunities to public service. We have to consider the common good or the greater number of people who will be benefited. When we prohibit political dynasties, it is to open up the opportunities to more and more people, otherwise it would be a monopoly only of a very few.

MR. SUAREZ: In other words, what we are saying is we are prohibiting the incumbents and their relatives from aspiring for that same position so that everybody will have equal access to or opportunity for this position.

MR. DAVIDE: That is my perception, Mr. Presiding Officer — not only relatives aspiring for the same office. Probably the law may provide that during the incumbency of an elective official, relatives may not be allowed to run for a position within the same political unit or to be appointed to any position within the same political unit. I say the same political unit because necessarily we cannot prevent, for instance, a son whose father is the governor of Metro Manila to run in Davao.

MR. SUAREZ: Thank you for clearing up the apparent inconsistency which does not exist at all.

Thank you.

MR. MAAMBONG: We are now ready for a vote, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Is the body ready to vote on the formulation or should it be read again?

MR. MAAMBONG: I suggest that it would now be the committee which should present the formulation, if it has

the complete formulation, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): For the information of the body, may the Chair suggest that the committee read what shall be voted upon.

MR. TINGSON: I think since Commissioner Nollado has been carrying the ball for this, will the Gentleman kindly restate the formulation of Section 20.

MR. NOLLEDO: "The State shall ENSURE EQUAL ACCESS TO OPPORTUNITIES FOR PUBLIC SERVICE, and prohibit political dynasties AS MAY BE DEFINED BY LAW."

MR. MAAMBONG: With comma (,) after "service," Mr. Presiding Officer.

MR. NOLLEDO: Yes, Mr. Presiding Officer.

VOTING

THE PRESIDING OFFICER (Mr. Treñas): As many as are in favor, please raise their hand. (Several Members raised their hand.)

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

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

The results show 25 votes in favor, 1 against and 1 abstention; Section 20 is approved.

MR. MAAMBONG: Mr. Presiding Officer, the body is now ready to consider the original Section 24, now renumbered Section 21, on the right of asylum to foreigners.

We turn this over, Mr. Presiding Officer, to the chairman of the committee.

THE PRESIDING OFFICER (Mr. Treñas): The chairman of the committee is recognized.

MR. TINGSON: Mr. Presiding Officer, allow me to read the original formulation here. Section 21 now reads: "The Philippines, under the conditions laid down by law, shall grant asylum to foreigners who secured in their country in defense of human rights and in the liberation of their country, and they shall not be extradited."

Mr. Presiding Officer, as chairman of this committee, I have been looking for the paternity to this particular section. I was requested to refer to the other one, but the other one I referred to also did not want to do it. So, on my own as chairman of the committee, because of this, I am proposing that we delete this unless, of course, one of them would take it up.

MR. GUINGONA: Mr. Presiding Officer.

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

MR. GUINGONA: I would like to support the proposal of the committee to delete.

May I be allowed to explain?

THE PRESIDING OFFICER (Mr. Treñas): Yes, in three minutes.

MR. GUINGONA: I would like to support the move to delete, notwithstanding the fact that I favor the extension of asylum to foreigners who are persecuted in their countries in defense of human rights and in the liberation of their country.

I am aware that the right of asylum is among those enumerated in the Universal Declaration of Human Rights. I believe, however, that the grant of asylum should not be contained in the fundamental law. It could be well the subject of statutory law which could determine when and to what extent the right is to be provided for, taking into consideration various factors, including the economic conditions of our country.

At the time when many of our brother and sister Filipinos are suffering from brutalizing poverty, perhaps we should concern ourselves more about them. After all, there is the truism that charity begins at home. This is not to say that we should close our doors completely to the possible entry of deserving refugees. All we are saying is that we should go slow about the grant of asylum at the present time without prejudice to being less selective in granting asylum as our country's economic recovery progresses.

Let me express a few random thoughts on the problems attendant to the grant of asylum. Unless adequate safeguards are provided, there is the possibility of our allowing the entry of undesirable aliens, including those who might be engaged in espionage; and people like Castro of Cuba and Khomeini of Iran, who were once upon a time legitimate freedom fighters. Also, it might be noted that the refugees are extended rights under the Refugee Convention of 1951 and the Protocol of 1967, as well as the Declaration on Territorial Asylum. Under the terms of the Convention, they are entitled to what is referred to as "quasi-consular" functions to be discharged by the asylum state. The refugee is supposed to enjoy rights, including assistance, which could include food, clothing and shelter where he has none (Article 25 of the Convention), be issued identity papers (Article 27) and others. Congress would probably have to set quotas in order to forestall the massive influx of refugees when a situation like the takeover by the Communists of Vietnam occurs.

The proposed provision even makes matters worse by saying that "refugees granted asylum shall not be extradited." It is quite possible that the State of which the refugee is or was a national, or the demanding State, might be able to produce after the grant of asylum convincing proof that the said refugee, while committing acts of sedition, had also committed other acts which are unrelated to his political offense, like murder, not homicide. Or it might produce convincing proof that before the commission of political offense, the refugee had, in fact, committed a criminal offense. Such was the case of Antonio Ezeta who was held extraditable on a charge of attempted murder prior to political hostilities. Or again acts may have been committed, unknown to the asylum State, during the commission of the political offense as happened to Clodovio Ortiz Gonzales, a paramilitary officer of the Trujillo Government in the Dominican Republic who was accused of torture.

THE PRESIDING OFFICER (Mr. Treñas): The Gentleman's three minutes is up.

MR. GUINGONA: Just to close, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): All right.

MR. GUINGONA: In all these instances, the State would be confronted with a problem. Under customary international law the committee would, in the instances cited, come into the picture especially where the State would wish to continue friendly relations. The matter would be aggravated if there were existing extradition treaties between the two countries because then we would be bound to honor the terms thereof, otherwise we would be violating the fundamental principle of *pacta sent servanda*. Violation of the terms of the treaty could lead to denunciation or abrogation of the said treaty by the offended State.

Thank you, Mr. Presiding Officer.

MR. GARCIA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Garcia is recognized.

MR. GARCIA: Thank you very much.

First of all, I would like to protest vigorously what the acting chairman of the committee has done. This provision was actually already adopted by the Committee on the Bill of Rights, Political Rights, and it was sought that it be placed here on the Declaration of Principles which was also accepted by the committee. In fact, the committee amendment is only the deletion of the last phrase "and they shall not be extradited."

Let me explain very briefly. This is actually contained already in Number 1, Article XIV of the Universal Declaration of Human Rights which provides that everyone has the right to seek and enjoy in other countries asylum from persecution which is, in fact, a peaceful and humanitarian act.

Furthermore, on December 14, 1967, the General Assembly of the United Nations adopted a declaration on territorial asylum. The granting of political asylum is governed by certain articles in this declaration. Article I states:

Asylum granted by a State in the exercise of its sovereignty to persons entitled to invoke Article XIV of the Universal Declaration of Human Rights, including persons struggling against colonialism, shall be respected by all other States.

No. 2 in the same article states:

The right to seek and to enjoy asylum may not be invoked by any person with respect to whom there are serious reasons for considering that he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect to such crimes.

In other words, Mr. Presiding Officer, including this in our Declaration of Principles simply accepts what we already stated earlier in Article I of the Declaration of Principles and makes the international law and other such instruments as also part of our own legal equipment.

So, I would like very much to protest what the acting chairman has done. I think this has already been voted by the body to be incorporated into this Constitution. It was simply transposed to the Declaration of Principles. That is the state of this provision.

MR. TINGSON: Mr. Presiding Officer.

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

MR. TINGSON: Please allow me to explain. I know that Section 24, originally in our committee deliberations was fathered, so to speak, by Commissioner Nollado and Commissioner Garcia. This morning I asked Commissioner Nollado if he would please articulate this particular section because as chairman that is what I do, if the Gentleman has noticed. He said, "No, I will not do it, you ask Commissioner Garcia." I went to Commissioner Garcia and he also refused. So, I just took it for granted that both of them, being the original formulators of Section 24, were not interested anymore.

Anyway, I am not formally asking for deletion; I just thought that was what both of us wanted. But I did not formally ask for deletion. If the Gentleman is presenting it now and he is a member of the committee, then he has the privilege of doing it.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: What the Acting Floor Leader understood from the statement of Commissioner Tingson was

that his suggestion to delete was subject to a resolutive condition that nobody would sponsor it. So, now that somebody is about to sponsor it, the Acting Floor Leader would like to know who indeed will sponsor this so that somebody can answer whatever questions will be propounded by the Members of the Commission. It is understood, Mr. Chairman, that the one who will answer any problems in the process of amendment will be Commissioner Garcia. Is the understanding of the Acting Floor Leader correct?

MR. TINGSON: And also Commissioner Nolleto.

MR. MAAMBONG: Thank you.

FR. BERNAS: Mr. Presiding Officer.

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

FR. BERNAS: I would just like to reiterate the point raised by Commissioner Garcia with respect to that portion which grants asylum. I remember very distinctly when we were sponsoring the Article on the Bill of Rights that this was proposed by Commissioner Nolleto. I opposed Commissioner Nolleto. I lost to Commissioner Nolleto when the Commission voted and on the understanding that this provision would be transferred to the Declaration of Principles upon approval then, and it was approved then. So we cannot, it seems to me, reopen a discussion on the matter of asylum without suspending the Rules because, in effect, the motion to delete is a motion for reconsideration and the motion for reconsideration comes more than two months late.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: In order to clarify our records on this, if the Chairman of the Committee on the Bill of Rights is around, I hope there will be a confirmation of the statement of Commissioner Bernas.

MR. NOLLEDO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Nolleto is recognized

MR. NOLLEDO: That provision was adequately discussed before the Commission. It was even amended by Commissioner Ople when he added the words "as may be provided by law" because he felt that it should be Congress that should decide the conditions under which the right of asylum may be granted.

FR. BERNAS: Mr. Presiding Officer.

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

FR. BERNAS: I suggest that we go back to the records and find out what we approved then and then we will be able to determine just what we discussed and rather than discuss this now, we should go to another topic while the Secretariat can look this up in the records. It comes under the discussion on the Bill of Rights.

MR. MAAMBONG: Mr. Presiding Officer, in view of the manifestation of the Acting Chairman of the Bill of Rights, Commissioner Bernas, the Acting Floor Leader, therefore, moves to suspend consideration of Section 24 which is now renumbered Section 21 and we proceed to Section 25 now renumbered as Section 22 regarding the supremacy of civilian authority over the military. We now call the chairman of the committee.

THE PRESIDING OFFICER (Mr. Treñas): Is there any objection to the motion that we suspend consideration of Section 24, now Section 21, pending the checking of the records by the Secretary-General and we move to Section 25, now Section 22?

MR. OPLE: Mr. Presiding Officer, may I support the motion especially since I heard my name mentioned as one of those who amended the original provision. I do recall that I took part in the general debate and interpellation on this provisions. I do not recall that I was present during the period of amendments and had actually amended it. So I would be very indebted myself, if the memories of all the Commissioners could be helped through the production of the pertinent records.

Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Is there any objection to the motion that we move to Section 25, now Section 22? (Silence) The Chair hears none; the motion is carried.

We proceed to Section 25, now Section 22.

MR. MAAMBONG: Mr. Presiding Officer, I ask that the Chairman of the committee be recognized.

THE PRESIDING OFFICER (Mr. Treñas): The chairman is recognized.

MR. TINGSON: Mr. Presiding Officer, Section 22 remains as originally formulated: "The civilian authority is at all times supreme over the military."

MR. DAVIDE: Mr. Presiding Officer.

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

MR. DAVIDE: I have a very simple proposal, but to give it more teeth, to give it strength, vigor, vim and vitality, I propose to just insert a comma (,) after "is" and a comma (,) after "times." So it will read: "The civilian authority IS, at all times, supreme over the military."

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

MR. TINGSON: We accept, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Is there any comment?

MR. MAAMBONG: Mr. Presiding Officer, there are no other Commissioners who would like to propose any amendments. We are now ready for a vote on Section 25 now renumbered as Section 22.

VOTING

THE PRESIDING OFFICER (Mr. Treñas): As many as are in favor of Section 25, now numbered 22, please raise their hand. (Several Members raised their hand.)

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

The results show 31 votes in favor; Section 25 now designated as Section 22 is approved, as amended.

MR. MAAMBONG: Mr. Presiding Officer, we are now going forward to Section 26, now renumbered as Section 23. We ask that the chairman of the committee be recognized.

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

MR. TINGSON: Mr. Presiding Officer, the member of our committee who had something to do with the original formulation, Commissioner de Castro, will please be recognized.

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: This is my original proposal under Proposed Resolution No. 231, and with the permission of the acting chairman of the committee, I move that this Section 26, now 23, be deleted from the Declaration of Principles for the reasons I have stated before. And these reasons are: First, that this was recommended to me by the Armed Forces of the Philippines, not knowing that it was taken from the Declaration of Independence on July 4, 1776 of the original 13 States of the United States. But that is not the main reason for that because other Commissioners, particularly Commissioner Azcuna, has reformulated this section; but the second reason which is very strong to my feeling is that this provision speaks of the right of the people to change their government. Actually, it is a revolution that is behind this formulation, and I am most afraid that a small minority may use this to continue harassing or rise up in arms against the government.

And so based on those two reasons, Mr. Presiding Officer, I move that this provision under Section 23 of the Declaration of Principles be deleted.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Ople is recognized.

MR. OPLE: Before we act on the motion of Commissioner Crispino de Castro, may I manifest my intention in association with Commissioners Guingona, Maambong, Natividad and de los Reyes upon the deletion of this section to propose an amendment by substitution and, perhaps, we can, at the proper time, try to reconcile the Azcuna amendment with ours.

Thank you, Mr. Presiding Officer.

MR. DE CASTRO: Mr. Presiding Officer, may I move for a suspension of a few minutes so that whatever proposal the Honorable Ople has can be reconciled with the formulation of Commissioner Azcuna?

THE PRESIDING OFFICER (Mr. Treñas): The session is suspended.

MR. MAAMBONG: Mr. Presiding Officer, with the indulgence of Commissioner de Castro, before the Chair rules on the motion for suspension, in line with our previous procedure, we can now act on the motion to delete; and later on, if there will be a new formulation from Commissioner Ople or Commissioner Azcuna, then we can act on it and we can ask for a suspension later on. But I think we can now act on the motion to delete, Mr. Presiding Officer.

MR. TINGSON: We subscribe to that, Mr. Presiding Officer. It is better to vote now on the motion to delete.

THE PRESIDING OFFICER (Mr. Treñas): Are we ready to vote or to suspend?

MR. TINGSON: Let us vote on the motion to delete.

VOTING

THE PRESIDING OFFICER (Mr. Treñas): As many as are in favor of the deletion of Section 26, now designated as Section 23, please raise their hand. (Several Members raised their hand.)

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

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

The results show 25 votes in favor, none against and 4 abstentions; the motion to delete the whole section is approved.

SUSPENSION OF SESSION

MR. MAAMBONG: Mr. Presiding Officer, to give time to the proponents of Proposed Resolution No. 457, Commissioners Ople, Maambong, de los Reyes, Jr. and Natividad, and the proponents of the new formulation, including Commissioner Azcuna, we ask for a suspension of the session.

THE PRESIDING OFFICER (Mr. Treñas): The session is suspended.

It was 4:51 p.m.

RESUMPTION OF SESSION

At 5:26 p.m., the session was resumed.

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

The Acting Floor Leader is recognized.

MR. MAAMBONG: Mr. Presiding Officer, we are now on the original Section 26 which is now Section 23. For purposes of record, the formulation on this section was originally proposed under Proposed Resolution No. 457 of Commissioners Ople, de los Reyes, Maambong and Natividad. There was also a formulation by Commissioner de Castro which appears in the committee report but which has already been deleted upon his own motion. We have a new formulation of Commissioners Ople, Guingona, de los Reyes, Jr., Natividad and Maambong; and we also have another formulation by the Honorable Adolfo Azcuna.

We would like to know from the committee, if the proponents have already agreed on a common formulation from the chairman of the committee, Mr. Presiding Officer.

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

MR. TINGSON: Mr. Presiding Officer, may we please recognize Commissioner Ople.

MR. OPLE: With the leave of the chairman of the committee, may I request that Commissioner Azcuna present the agreed formulation.

MR. AZCUNA: It is being distributed now, Mr. Chairman.

May I read it, Mr. Presiding Officer.

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

MR. AZCUNA: Section 23 will read: "WHEN GOVERNMENT SYSTEMATICALLY VIOLATES THE CONSTITUTION AND THE LAWS, IT FORFEITS ITS AUTHORITY, AND THE PEOPLE MAY TAKE STEPS TO REDRESS THIS FUNDAMENTAL WRONG AND ASSERT THEIR RIGHT TO A DEMOCRATIC GOVERNMENT THROUGH NON-VIOLENT MEANS."

The authors are Commissioners Ople, Guingona, de los Reyes, Jr., Natividad, Maambong and myself, Mr. Presiding Officer.

MR. MAAMBONG: Mr. Presiding Officer, may we know from Commissioner Azcuna if all the Members of the Commission have been furnished a copy of this new formulation so that they can look at it and comment on it intelligently.

MR. AZCUNA: They have been furnished just now, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): The copies are being distributed, I think.

SUSPENSION OF SESSION

MR. MAAMBONG: May I ask for a suspension of just one minute so that all the Commissioners will be given their respective copies, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): The session is suspended.

It was 5:29 p.m.

RESUMPTION OF SESSION

At 5:30 p.m., the session was resumed.

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

MR. DE CASTRO: Mr. Presiding Officer.

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

MR. DE CASTRO: May I ask a few questions to the proponent of this formulation?

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

MR. DE CASTRO: When we say: "When the government systematically," who determines this systematical violation?

THE PRESIDING OFFICER (Mr. Treñas): Will the Gentleman tell us whom he wants to answer the question?

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Ople is recognized.

MR. OPLE: Who determines whether a systematic violation of the Constitution and the laws has taken place? I think it is the people themselves at that point that will determine whether a systematic violation has, in fact, taken place, and this is roughly equivalent to what in a previous formulation, until it was deleted, Commissioner Crispino de Castro has defined as a long train of usurpations and abuses.

So, it has to be a long train of usurpations and abuses, as the same declaration of independence of the United States says. People, in general, will gladly suffer their ills under a government that has ceased to be acceptable to them, rather than take a corrective action, because it is in the nature of people to want peace and stability, until, however, this long train of abuses and usurpations attains to a critical mass.

So that in the case of that country, it decided to express its dissent in a vigorous form, beginning with the Boston Tea Party, which raised the slogan of taxation without representation. So, the perception that the situation had become unbearable under an unjust government that had set aside the Constitution from which it derives its authority will be a perception of the people themselves, Mr. Presiding Officer.

MR. DE CASTRO: Is it possible that a small group like, for example, the Marcos loyalists, can say and determine that there is a systematic violation of the Constitution and the laws?

MR. OPLE: I do not think that that threat arises at all, Mr. Presiding Officer. I think at the present time, for example, although the interim Constitution has delivered vast powers to the existing government, there is a general presumption on the part of the people that the Constitution and the laws prevail, and, therefore, there can

be no ground for a tiny minority of the population with certain political axes to grind to invoke this Section 23 in order to mount a revolt against the government.

What is contemplated here is that a broad consensus has developed that the systematic flouting of the Constitution and the laws has already reached an unbearable threshold.

MR. DE CASTRO: Is it possible that a group of labor unions, who may not be able to take what they like from the government, may say that there is a systematic violation of the Constitution and the laws?

MR. OPLE: No, that threat will not arise, Mr. Presiding Officer.

MR. DE CASTRO: Thank you.

MR. OPLE: That will not arise.

MR. DE CASTRO: When the Gentleman says the people may take steps, what are those steps that he has in mind?

MR. OPLE: That is a good question, Mr. Presiding Officer. May I say that in the Constitution that was are framing, we have already reserved to the people a number of powers. In the Committee on the Legislative, for example, in the Article on the Legislative, we reserve the power through the people as a last resort to make laws or to amend them through the power of initiative, referendum and recall.

In the Article on Constitutional Amendments, we build into the Constitution the reserve power of the people to amend or revise the Constitution, in accordance with the power of initiative that had been vested in them, as distinguished from the powers given to the legislature, either to summon a national constitutional convention or by themselves to act as a constituent assembly.

And, therefore, this will be the third reserve power in effect, subsuming all the rest according to which the people may take steps to redress a fundamental wrong when the Constitution is systematically violated.

MR. DE CASTRO: Is it possible that in taking these steps to correct a fundamental wrong this may include the use of arms even if the Gentleman states here through nonviolent means? I deleted my resolution, Section 26, because there was fear in me that arms may be taken up by even a minority group or a big group against the government and we are constitutionalizing it, although I would like to reflect on the 20 years' regime of the old administration and EDSA.

But then there is a possibility of revolt and revolution under that resolution. And from here, I can smell or I can see that the steps to right a fundamental wrong, although through nonviolent means, in all possibility is unarmed revolution, is that not the whole context of this?

MR. OPLE: No, Mr. Presiding Officer, the Constitution cannot sanction the use of violence.

MR. DE CASTRO: Of course.

MR. OPLE: So, it speaks of nonviolent means. It also includes a previous contribution of Commissioner Monsod about this means being both nonviolent and moral. In other words, such steps must be based on the spiritual values of a whole nation in order to qualify for this standard of nonviolent means.

MR. DE CASTRO: Thank you.

THE PRESIDING OFFICER (Mr. Treñas): The Gentleman's time is up.

MR. DE CASTRO: My three minutes is more in the length of the answer, Mr. Presiding Officer. (Laughter)

MR. OPLE: I try to help abbreviate the exchange, Mr. Presiding Officer.

MR. DE CASTRO: I tried as much as possible to decrease. That is why I tried to give the Gentleman more time.

Thank you, Mr. Presiding Officer.

MR. MAAMBONG: May I ask that Commissioner Rigos be recognized.

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

REV. RIGOS: Mr. Presiding Officer, I would like to pursue the important questions raised by Commissioner de Castro. Suppose the people have correctly determined that the government systematically violates the Constitution. And in their desire to take steps to redress that fundamental evil and assert their right to a democratic government they resort to the use of violence simply because the government has access to the military arm of the government, will that step be unconstitutional under this formulation?

MR. OPLE: Mr. Presiding Officer, let us begin with the premise that the State under a constitution abhors lawless violence. The State is the only one in possession of lawful means of exerting violence, in accordance with law, therefore, in this proposed amendment, if the ruler has already broken his covenant with the people, has flouted the constitution and laws systematically and continuously, he vitiates his own authority to govern that is derived from a constitution and the law. And, therefore, even at that point, the expenditure of armed force may no longer be said to enjoy the protection of the constitution and the laws and if he applies governmental force at that point, he is himself engaged in lawless violence because he can no longer govern by authority of the constitution and of the laws. What this provision makes very explicit is that even when the people have reached that point of desperation over severe tyrannical misrule, they may utilize only nonviolent and moral means to secure that end of defending themselves and asserting their right to a democratic government, Mr. Presiding Officer.

REV. RIGOS: That is a very comforting answer except that we might worry a little bit about limiting the option of the people to only nonviolent means when there might be some circumstances when the use of force may be morally justified.

MR. OPLE: Then it will have to be justified on the basis of this provision, Mr. Presiding Officer.

MR. GARCIA: Mr. Presiding Officer.

REV. RIGOS: Thank you.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Garcia is recognized.

MR. GARCIA: I think the present formulation makes this provision superfluous, in fact, unnecessary. In the third paragraph of the Preamble of the Universal Declaration of Human Rights, it states:

Whereas it is essential that man is not to be compelled to have recourse as a last resort to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

I think it is rather clear that in cases of long standing tyranny, no constitution can tell people what changes have to be done or the means to go about them. I also believe that it is the inherent right of the people to choose the viable means and ends they desire as a people to correct very serious abuses of a long-standing character.

Finally, I think nobody would debate the fact that the preferred path is the peaceful way to change. But I think we must also recognize that the people are sovereign and their choice of means unhampered. That is why there are revolutions in the world. If a revolution fails, then the people who conducted the revolution are jailed. But when a revolution precisely goes about to overturn a long standing tyranny, and the constitution sometimes goes with it,

then those people are able to govern under a new set of just laws. So, I think the way the provision is formulated is, in fact, restrictive. I do not see how this would promote and provide that kind of reason for change.

MR. OPLE: Is Commissioner Garcia in favor of striking out the word "means," and instead say: "AND ASSERT THE RIGHT TO A DEMOCRATIC GOVERNMENT THROUGH NON-VIOLENT MEANS"? Does the Commissioner consider that a restriction? Will this section rise to the sufficiency that Commissioner Garcia contemplates if we do away with this constraint of "through non-violent means"?

MR. GARCIA: In fact I am wondering whether it is wise to have it at all, because it is clear for many of us that the preferred path is peaceful. I, myself, am committed to nonviolence. We realize in the Preamble of the Universal Declaration of Human Rights that one of the major reasons why rights must be respected and protected is that people do not have to resort to rebellion as a last recourse. But the point is, still that is a reserved right of the people in case of long-standing tyranny which I think is also stated in paragraph 32 of Populorum Progreso. Even in the Catholic doctrine, the fact is that the people in these extreme situations have that right. I believe it is an inherent right of any people. But to state it in such a fashion, I am not sure if that would be sufficient.

MR. OPLE: If it is an inherent right, then I agree. I also believe it is an unspoken major premise of all written democratic constitutions. Why then should we hesitate to make that right explicit and articulate in the Declaration of Principles of our Constitution? Especially on the basis of contemporary experience, this is an eminently practicable and workable approach to the ultimate defense of the democratic rights of the people under menace from what they perceive as an unbearable tyranny.

MR. GARCIA: Because if we wish to explicitate the inherent right, then I would suggest that we approximate the Preamble of the Universal Declaration of Human Rights which precisely states that as a last resort, people can have the right to choose the viable means and objectives that they so desire to put an end to long standing tyranny.

MR. OPLE: But is not that exactly what this proposes? I think there is a sense in which that request is already met by this paragraph as reformulated. This statement, which is a powerful statement of the ultimate defense of the people whose rights to a democratic government are under imminent peril, is also a strong warning to future tyrants that the systematic and habitual disregard of the constitution and the laws will bring him in confrontation with the legal capacity of the people to redress this wrong through nonviolent means. It may also help remind the people that they have this final reserve power other than the power to make laws on their own, through initiative, referendum and recall. Other than the power of initiative to amend and revise a constitution, they have this final fallback position in defense of their rights to a democratic government in the Declaration of Principles.

MR. SARMIENTO: Mr. Presiding Officer.

MR. GARCIA: Mr. Presiding Officer, in fact, if I have to answer this point, the response is that any kind of formulation in this regard would be imperfect. It would fall far short of any kind of inherent right of the people. But I have here with me an alternative formulation which, I think, Commissioner Azcuna had earlier drafted wherein it states the following: "That the State with its institutions belongs to the people. Whenever a government fails to serve the people, they may exercise their inalienable right to alter, reform or abolish it." By keeping silent on the means, I think we are far more faithful to the idea.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Garcia's time is up.

MR. GARCIA: Thank you.

MR. OPLE: May I just point out that this formulation just read by Commissioner Garcia was actually

amalgamated into this final consensus draft to which Commissioners Azcuna and de los Reyes contributed a major part. I am afraid that we have to insist that the qualification through nonviolent means will have to remain in the text.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: In view of the many interpellators who would like to say something and ask for clarification, may we establish the following order of speakers: Commissioners Sarmiento, Padilla, Davide, Bennagen and Jamir.

I now request that Commissioner Sarmiento be recognized.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Sarmiento is recognized.

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

While I agree that the people have the inherent right to change a government, I personally believe that we should have a clear provision on this point in the Constitution.

However, I have reservations with respect to the present formulation especially with the use of the words "through nonviolent means." May I briefly explain. The use of these words preclude the use of another mode of changing an existing despotic government. We all know that we have two modes of changing government. One, done violently; and the other, done nonviolently.

Our history is replete with our people's violent struggle against tyranny and despotism. We have the Philippine Revolution of 1896, we have our war against America, and that against Japan. These were not nonviolent means; these were violent means. But to use the words of Suarez, a scholastic philosopher, it was a revolution done in self-defense against an offensive violence committed against them.

The exclusion of the words "through nonviolent means" will not be peculiar in our Constitution. We have the Constitution of Turkey; we have the Constitution of El Salvador. The Constitution of Turkey is clear and it states,

And having achieved the revolution of May 27, 1960 by exercising her right to resist a political power which has lost its legality through behavior and actions against the law contrary to the constitution.

I underscore the words "right to resist a political power."

Then, we have the Constitution of El Salvador which is very clear and I quote:

The right of the people to insurrection is recognized. The exercise of this right shall in no case result in the abrogation of laws and shall be limited, in its effect, to the removal and so far as necessary of officials of the executive branch who shall be replaced in the manner established by the Constitution.

We have our very own philosopher, Apolinario Mabini, who advocated the use of force when necessary. He said that a ruler should be deposed when he usurps the power of the government and undermines the people's welfare. He argued that the revolution staged by the Filipinos against the American regime was just, because the Americans were tyrants and usurpers. And this was a violent revolution. He said that a people who resisted a tyrant did what was in consonance with both divine and human laws. And his position is supported by scholastics like St. Thomas Aquinas, John of Salisbury and Francis Suarez.

St. Thomas said that a tyrannical government is not just because it is directed not to the common good but to the private good of the ruler. Consequently, there is no sedition in disturbing a government of this kind unless indeed

the tyrant's rule be disturbed so inordinately that the subject suffered greater harm from the consequent disturbance than from the tyranny of government.

MR. MAAMBONG: Mr. Presiding Officer, the time of the Gentleman has expired.

MR. SARMIENTO: My decision is that though I agree with that formulation, I would suggest that we delete the words "through nonviolent means" so as to include other modes of changing a government.

MR. MAAMBONG: Mr. Presiding Officer, before we recognize the next interpellator, we would just like to indicate that we are in the period of amendments. Since we are in the period of amendments, the proponent would expect amendments to his proposal or statements against the proposal. And if we are going to have interpellators who are going to speak against the proposal, we have a rule for that. We only have two, four or two against. And so I would suggest very strongly to the Members of the Commission that if they have any proposals in the form of amendment, they propose it to the proponent and if they would like to speak against or in favor, we are limited to two speakers each.

I ask that the Chair recognize the Vice-President.

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

MR. PADILLA: Will the proponent yield to a few questions?

MR. OPLE: Very gladly, Mr. Presiding Officer.

MR. PADILLA: Is this proposed section animated by the political miracle of February 1986?

MR. OPLE: Yes, although there are many sources of inspiration for this proposal. I think the dominant one is what happened in February in our own contemporary experience.

MR. PADILLA: What others say as an extraordinary political miracle. When this says "violation of the Constitution and the law," then says "nonviolent means," is not the judicial remedy to go to the Supreme Court for vindication of the right or a redress of the wrong?

MR. OPLE: Mr. Presiding Officer, this presupposes a situation where even the recourse of the courts may no longer be available as part of the systematic violation of the constitution and the law.

MR. PADILLA: This mentions redress. Does not the petition for redress of grievances start with the right to peaceful assembly?

MR. OPLE: In that narrower context of the redress of grievances, Mr. Presiding Officer, the Vice-President is correct. I believe that "redress" here is used in its generic meaning.

MR. PADILLA: Now with regard to the right to a democratic government, is not the popular will expressed in periodic elections through nonviolent means?

MR. OPLE: Yes, in normal times. I suppose this is correct, Mr. Presiding Officer, although I have pointed out a situation contemplated by this amendment wherein the people or most of them had already reached a point of alienation from the existing government to the point of desperation and, therefore, the ability to conduct the necessary clean and free elections may have already been greatly impaired by the existing situation.

MR. PADILLA: When the Gentleman mentions the moment or the point of desperation, then it becomes the inherent right of the sovereign people to change the government that does not serve their needs and that right may even include an armed public uprising or what is commonly known as rebellion.

MR. OPLE: Yes, Mr. Presiding Officer, the Vice-President is correct. But since this is an innovative undertaking to make explicit and articulate in the written Constitution the right of the people for ultimate self-defense, then we think that it should sanction only nonviolent means of securing that end; that is to say, securing their rights to a democratic government. I suppose that nothing in this paragraph prohibits the people from taking well-proportioned measures; that is to say, proportional to the threat and the tyranny. But any kind of employment of force will be in excess of the constitutional authority.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Padilla's time is up.

MR. BENGZON: Mr. Presiding Officer.

MR. PADILLA: May I just say one sentence only.

THE PRESIDING OFFICER (Mr. Treñas): Let us finish with Vice-President Padilla.

MR. PADILLA: In the U.S. Declaration of Independence, the right of the sovereign people to change their government is recognized. But that is not found in the U.S. Constitution, and so I believe that there is no need for this section in our Constitution.

Thank you.

MR. BENGZON: Mr. Presiding Officer.

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

MR. BENGZON: I was going to raise a point of order, and request the Presiding Officer to enforce Section 26 of our Rules. We are now in the period of amendments; we are no longer in the period of interpellations and under our Rules, the proponent has five minutes. Under the suppletory rules, Rules of the Batasan, there will be two speakers in favor of the amendment and two speakers against. I think we have already heard Commissioners Garcia and de Castro who spoke against by way of interpellation.

MR. OPLE: Correction, please, Mr. Presiding Officer. Commissioner de Castro did not speak against.

MR. BENGZON: So, it seems to me, Mr. Presiding Officer, that only two speakers in favor are entitled to speak at this moment.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Yes, Commissioner Davide.

MR. DAVIDE: May I just comment on that point of order?

Even in the period of amendments, the proponent of the amendment may be interpellated. What the Rules stipulate is, it would limit the number of people or Commissioners who can speak against a particular amendment. But there is no rule limiting the number of Commissioners who can interpellate a proponent of a measure.

THE PRESIDING OFFICER (Mr. Treñas): What does Commissioner Bengzon say?

MR. BENGZON: Insofar as that is concerned, precisely, we have to go through the period of sponsorship and debate and interpellations before we go into the period of amendments. So, all interpellations should be during this period of interpellations and debates. During the period of amendments, we have the amendments and the proponents will certainly articulate on their amendments together with two others who will speak in his favor and two others against. And that is the rule which is very clear and it is subject to a five-minute rule for each speaker.

MR. DAVIDE: Mr. Presiding Officer.

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

MR. DAVIDE: We are now in the period of amendments for the entire committee report. And so, any Member may stand to propose amendments and the other Members are entitled to interpellate the proponent of a particular amendment. To that there is no limitation. But as to those who will speak against a particular amendment, not merely interpellate, it may be limited to two, according to the Rules.

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

MR. MAAMBONG: Mr. Presiding Officer, we just want to clarify the situation. I have to agree with Commissioner Davide when he said that if a Member proposes an amendment, he has five minutes to explain that amendment. That is the five-minute rule. And I would like to support that with this interpretation in the Jefferson's Manual and Rules of the House of Representatives. It says:

General debate and amendment under the five-minute rule — . . . any member shall be allowed five minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon, but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment. . .

That is the rule, Mr. Presiding Officer. But the problem is, there are interpellators who stand up, they are not proposing amendments. They are only speaking for or against. And in that context, the honorable chairman of the Steering Committee is correct. And Commissioner Davide is also correct, that if the Member will just stand up and speak for or against without proposing any amendment, then we are limited to two on one side and two on the other. So I am proposing, Mr. Presiding Officer, as I have proposed earlier, that if anybody should stand up, please propose an amendment so that he will be entitled to five minutes. If he does not propose an amendment, then he may have exceeded the number of Members who are speaking for or against.

That is just a clarification, Mr. Presiding Officer.

MR. BENGZON: All I am asking, Mr. Presiding Officer, is that we enforce the Rules with respect to amendments. And we are in the period of amendments; Commissioner Ople has presented an amendment, then let us have the debates — two for and two against; then we vote.

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

MR. MAAMBONG: Mr. Presiding Officer, since we have clarified the situation to all the Members, may we now call on Commissioner Davide to present his amendment.

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

MR. DAVIDE: I will speak against instead of propose an amendment. I am against the proposal for the following reasons: First, it is unnecessary, superfluous; second, it is not only restrictive but very, very restrictive. It is superfluous because this is already covered precisely by Section 1 of the Article on the Declaration of Principles which states:

The Philippines is a democratic and republic State. Sovereignty resides in the people and all government authority emanates from them.

That is already the meat of the authority of the people to change government, if that particular government no longer carries the consent of the people.

Secondly, the provision here states:

When government systematically violates the Constitution and the laws, it forfeits its authority and the people

may take steps to redress this fundamental wrong.

What is the fundamental wrong referred to? It is not the government; it is the systematic violation of the constitution and the laws. Necessarily, we do not have to replace the government, but merely correct or make certain redresses against the violation or the laws. We have the judiciary to take care of that.

It is very, very restrictive because it would now limit the right of the people to change that particular government through nonviolent means and, secondly, only when the violation is systematic. In other words, if the violation is not systematic, the people cannot even change the government even by nonviolent means.

And so, we prevent the people, precisely, to change that particular government, despite the fact that all government authority emanates from them. That would be the effect of this proposal. It is very, very restrictive. It would, in effect, prevent the people from exercising its authority to seek redress even for a nonsystematic violation of the constitution and the laws. Thus, an approval of this would be dangerous.

Thank you.

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

MR. MAAMBONG: Mr. Presiding Officer, the Acting Floor Leader has a situation in his hands. There are already four Members who spoke against, in violation of the Rules. It was not the fault of the Chair; it was the fault of the Acting Floor Leader. He could not anticipate whether the Member who stood up was going to propose amendments or he was going to speak in favor or against. But that is the situation, Mr. Presiding Officer. Four has spoken against. The Acting Floor Leader can no longer allow anybody to speak against because it is already in excess of two.

May we now recognize Commissioner Guingona as the first speaker who will speak in favor of the amendment.

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

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Yes, Commissioner Davide.

MR. DAVIDE: I think I will have to raise a point of order. This is now the turno en contra because we were allowed to speak against. In other words, it presupposes that those who were in favor had foreclosed the right to sponsor. If we have to be very very technical about it, this is now the turno en contra, this is not the turno for the proposal. I was recognized to speak en contra, so anyone to be recognized after me will have to be also for the turno en contra.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): What does the Acting Floor Leader say?

MR. MAAMBONG: Mr. Presiding Officer, this is now a little bit nit-picking on the Rules. The instruction of our President has always been to liberalize the Rules as much as possible, if it can at all be done, so I would ask from Commissioner Davide to please withdraw his objection so that we can proceed further. At any rate, I recommend that two will be made to speak in favor since four has already spoken against. I am asking Commissioner Davide to please, in the spirit of liberality, withdraw his motion for reconsideration.

MR. OPLE: Point of inquiry, Mr. Presiding Officer, before Commissioner Davide takes the floor. May I find out if an act of great consideration to colleagues on the opposite side of an argument in accordance with which the sponsors kept silent throughout the exchanges, be considered a forfeiture of the right of the sponsors to speak on

behalf of their proposal after an act of self-abnegation? Is this what they deserve, to lose their right to speak on behalf of their proposal?

Thank you, Mr. Presiding Officer.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Just a minute. To straighten out the records, what does Commissioner Davide say about the request of the Acting Floor Leader?

MR. DAVIDE: Mr. Presiding Officer, I was just of the impression that the Commission wanted really to be very, very strict about the Rules. There was even an unfortunate termination of the period of interpellations, so I also wanted to apply the Rules strictly insofar as the turno en contra is concerned, which is where we are now. However, I am willing to withdraw the objection I raised in interest of a further discussion on a very transcendental issue.

THE PRESIDING OFFICER (Mr. Treñas): Thank you; the objection has been withdrawn.

MR. MAAMBONG: Mr. Presiding Officer, I would like to indicate my thanks to my colleague from Cebu, and he has the assurance of my vote when he runs for the Senate.

MR. GUINGONA: May I just make one observation before I make my remarks, Mr. Presiding Officer?

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Guingona may proceed.

MR. GUINGONA: As indicated by the Acting Floor Leader himself that he did not know that the persons who spoke were to speak en contra, we ourselves were not in a position to anticipate that they were to speak en contra.

I would like to say, Mr. Presiding Officer, that I am in favor of this proposed amendment in its entirety which means that I would favor the inclusion of the words "through nonviolent means." As stated by the principal proponent, this would not preclude the right of the people, as a last resort, to take up arms. According to the honorable Commissioners, who expressed their reservations, this is an inherent right which means that it is a right which can be exercised with or without constitutional approval. But we are putting here "through nonviolent means" because we want to emphasize that given the choice, the people should opt for nonviolent means. In other words, the armed revolts come as a final resort. I agree that there is this inherent right to take up arms but also contend that such a sense should not be attached to a constitutional provision because violent revolution connotes an act committed beyond the context or framework of law. And as former Chief Justice Concepcion said, the Constitution is a document that enshrines the rule of law. Therefore, any allusion to the right of violence or armed rebellion, even not expressly, would be inconsistent with the concept of the constitution being a document that enshrines the rule of law. The people may have the right to take up arms but such rights should not be extended recognition especially in the constitution.

Thus, a person may have the right to kill in self-defense, but it would not be proper to include it in enumerating his rights. It might only encourage people to kill in alleged self-defense, in the same manner that people power might turn out to be mob rule when the people are encouraged to take up arms against the lawfully instituted government on the pretext that the conditions enumerated in this proposed section or this proposed amendment allegedly exist.

And may I close, Mr. Presiding Officer, by quoting Chief Justice John Marshall of the United States. When speaking of a constitution, he says: "The language of a constitution is the language of restraint, not coercion." And if I may paraphrase Chief Justice Marshall, I say that the language of our constitution should be a language of restraint not a language of violence.

Thank you.

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

MR. MAAMBONG: Mr. Presiding Officer, since nobody has registered to speak in favor, may we now recognize the Members who will propose amendments to the proposal of Commissioners Ople and others. And in the spirit of the liberality of the Rules, I ask that the Chair allow the Members, who will propose amendments, to address some preliminary questions to the proponents of the amendment before they actually propose their own amendments.

I ask that Commissioner Bennagen be recognized.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Bennagen is recognized.

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

THE PRESIDING OFFICER (Mr. Treñas): The Gentleman has three minutes.

MR. BENNAGEN: I would like to ask the proponent a few questions first.

As formulated, is the contemplation here merely a political revolution in terms of changing a regime and not in terms of changing social structures since it is very clear that the people may take steps to redress only when a government systematically violates the constitution and the laws?

MR. OPLE: Mr. Presiding Officer, the amendment here contemplates a situation where a virtual breakdown of the constitution and the laws has already taken place and, therefore, even access to the courts and access to the people through normal elections have already been blocked. In such a situation a peaceful political revolution falls within the purview of this constitutional authority.

MR. BENNAGEN: With the emphasis on nonviolent means, is the contemplation here to constitutionalize a philosophy of pacifism to the exclusion of other options when the conditions so require?

MR. OPLE: Pacifism is really passive noninvolvement and refuge in, let us say, evasion of a crisis that has arisen. This is not a commitment to pacifism, Mr. Presiding Officer, because nonviolent means can be a very vigorous and extremely aggressive activity on the part of the people. Where it stops, however, is in granting explicit constitutional authority to the use of violence.

MR. BENNAGEN: Thank you, Mr. Presiding Officer. I have no amendment to make.

MR. MAAMBONG: I ask that Commissioner Jamir be recognized.

Commissioner Jamir has no amendment to present. I ask that Commissioner Abubakar be recognized for a possible amendment.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Abubakar is recognized.

MR. ABUBAKAR: We have listened to the brilliant speeches and remarks of every Commissioner for or against. But I believe, while we are drafting the Constitution for the people on this particular provision, the people must give the final answer.

Will it not be objectionable on the part of the proponents if we just eliminate in this section the phrase, "through non-violent means" and put a period (.) after "government"?

MR. OPLE: I am under a mandate from several Commissioners who collaborated in this draft, to preserve the phrase "through nonviolent means." Until I am released from these instructions, I am afraid, Mr. Presiding

Officer, that I cannot oblige Commissioner Abubakar, I mean his request for the deletion of "through non-violent means."

MR. MAAMBONG: Mr. Presiding Officer, may we know from Commissioner Abubakar if he is insisting on his amendment to delete the words "through nonviolent means," so that we can put it to a vote?

THE PRESIDING OFFICER (Mr. Treñas): What does Commissioner Abubakar say?

MR. ABUBAKAR: In order to avoid a prolonged debate and let the future government decide the course of action they will take with respect to this particular problem, will the proponent, as well as those who are against it, agree to eliminate the whole provision and let the people decide what means they would like to take?

MR. OPLE: Commissioner Abubakar is reiterating some previous remarks already made by Commissioner Davide and a few others, to which I hope I will be allowed to make a brief reply towards the end of this period of amendments, Mr. Presiding Officer.

MR. ABUBAKAR: Does he not believe in the maxim, "the voice of the people is the voice of God"?

MR. OPLE: Although this phrase has lately been strongly belabored, it does not diminish its relevance, Mr. Presiding Officer. I do subscribe to that.

MR. ABUBAKAR: If the Gentleman subscribes, then the elimination of this whole provision from the constitution will be in order at any time an appropriate situation arises. Let the people state and decide the course of action.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Abubakar's time is up.

MR. OPLE: Mr. Presiding Officer, just to acknowledge the point made by Commissioner Abubakar and earlier by Commissioner Davide, the general principle of sovereignty residing in the people is established in Section 1. But in this Section 23, we are putting it to its ultimate test. And that is the reason why a number of Commissioners confess a certain alarm, because we are putting the theory, the principle of popular sovereignty to a test in an extreme situation. Then the final reserve of the people's sovereignty is in the people themselves and when confronted with this test it will be assorted to redress a fundamental wrong and assert the right to a democratic government.

MR. MAAMBONG: I ask that Commissioner Rigos be recognized.

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

REV. RIGOS: Mr. Presiding Officer, my questions have been answered.

MR. MAAMBONG: In that case, Mr. Presiding Officer, just to formalize it; this amendment to Section 23 has been presented originally by Commissioner Azcuna. May we ask the committee if this amendment being sponsored by Commissioner Ople is accepted by the committee?

MR. TINGSON: Mr. Presiding Officer, the committee members are divided on this issue, that is why we want to throw it to the body.

MR. MAAMBONG: With the indulgence of the chairman of the committee, I will now read the proposed amendment so that we can put it to a vote.

Section 23, originally Section 26, as proposed, reads as follows: "WHEN GOVERNMENT SYSTEMATICALLY VIOLATES THE CONSTITUTION AND THE LAWS, IT FORFEITS ITS AUTHORITY, AND THE PEOPLE MAY TAKE STEPS TO REDRESS THIS FUNDAMENTAL WRONG AND ASSERT THE RIGHT TO A

DEMOCRATIC GOVERNMENT THROUGH NONVIOLENT MEANS."

I ask that this now be put to a vote, Mr. Presiding Officer.

MR. DE CASTRO: Mr. Presiding Officer, before we vote, may I have one statement?

THE PRESIDING OFFICER (Mr. Treñas): What is the pleasure of Commissioner de Castro?

MR. DE CASTRO: I join Commissioner Davide in deleting this section because this can be carried through initiative and recall which we have in the Constitution.

Exactly one sentence, thank you, Mr. Presiding Officer.

VOTING

THE PRESIDING OFFICER (Mr. Treñas): We will proceed with the voting.

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

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

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

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: With the indulgence of Commissioner Garcia who would have wanted very much that we take up Section 24, now Section 21, on the grant of asylum to foreigners, we will instead take up Section 27, now Section 23, on the separation of the Church and State.

I ask that the chairman of the committee be recognized.

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

MR. TINGSON: I feel we can really abbreviate our session and adjourn reasonably at an early time tonight because in the last section of our original committee report — the separation of Church and State — according to my record here, only Commissioner Bacani has a proposed amendment. But he told me personally that he will not even insist on his amendment. So I ask that we recognize Commissioner Bacani.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Bacani is recognized.

BISHOP BACANI: Mr. Presiding Officer, after talking with some people, perhaps, I will insist on at least one sentence of the amendment. I have here the amendment on a sheet of paper and it says: "WHILE THE SEPARATION OF CHURCH AND STATE SHALL BE MAINTAINED, THE STATE SEEKS THE COLLABORATION OF THE CHURCHES AND RELIGIOUS BODIES TO PROMOTE THE TOTAL WELL-BEING OF ITS CITIZENS AND ACKNOWLEDGES THE RIGHT OF CHURCHES AND RELIGIOUS BODIES TO COMMENT ON GOVERNMENT POLICIES AND ACTUATIONS."

The reasons for my amendment are the following: First, I think it is necessary that the Church and State should maintain independence of each other, otherwise, there will be chaos in the nation or it will be to the detriment of the citizens. Second, it is necessary that the Church and State should collaborate towards the achievement of the total well-being of the citizens of our country.

I was studying the constitutions of several countries and I looked up 135 constitutions. And of the 135

constitutions, I noticed that only eight of them had explicit provisions on the separation of Church and State. Two of them have something like that in substance. Of the eight, seven are communist countries. Hence, I would like to ask that we balance that statement of the separation of Church and State with a corresponding truth and, that is, the State seeks or welcomes the collaboration of the churches and religious bodies to promote the total well-being of its citizens.

Those are the reasons for the amendment, Mr. Presiding Officer.

MR. RODRIGO: Mr. Presiding Officer.

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

MR. RODRIGO: I would like to propose an amendment to the amendment. Instead of starting the section with the word "while," it should read as follows: "THE SEPARATION OF CHURCH AND STATE SHALL BE MAINTAINED. THE STATE, HOWEVER, WELCOMES THE HELP AND COLLABORATION OF CHURCHES AND RELIGIOUS BODIES TO PROMOTE THE WELL-BEING OF ITS CITIZENS." And delete the rest.

MR. MAAMBONG: Mr. Presiding Officer.

MR. ABUBAKAR: Mr. Presiding Officer.

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

MR. MAAMBONG: Before we act on the proposed amendment to the amendment of Commissioner Rodrigo, for purposes of orderly procedure, we would like to ask Commissioner Bacani first to really concretize the proposed amendment because the Members of the Commission did not get it very well. Is the amendment after the word "inviolable," Mr. Presiding Officer?

BISHOP BACANI: Yes.

MR. MAAMBONG: So that the committee can reply, how will the amendment now read? Then, we will proceed to Commissioner Rodrigo's amendment.

BISHOP BACANI: Yes. It is an amendment by substitution and this is what I mean when I said I would like to retain at least one sentence of that amendment, the one proposed by Commissioner Rodrigo, so there will be two sentences: "THE SEPARATION OF CHURCH AND STATE SHALL BE MAINTAINED. THE STATE, HOWEVER, WELCOMES THE HELP AND COLLABORATION OF CHURCHES AND RELIGIOUS BODIES TO PROMOTE THE WELL-BEING OF ITS CITIZENS."

MR. ABUBAKAR: Mr. Presiding Officer.

MR. MAAMBONG: Can we have it again, Mr. Presiding Officer?

MR. RODRIGO: It reads: "THE SEPARATION OF CHURCH AND STATE SHALL BE MAINTAINED. THE STATE, HOWEVER, WELCOMES THE HELP AND COLLABORATION OF CHURCHES AND RELIGIOUS BODIES TO PROMOTE THE WELL-BEING OF ITS CITIZENS."

MR. MAAMBONG: Mr. Presiding Officer, may we ask the response of the committee to the proposed amendment?

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

MR. AZCUNA: The committee insists on its present wording, Mr. Presiding Officer, and regrets that we cannot

accept any further amendments thereto.

MR. MAAMBONG: Mr. Presiding Officer, we would like to know from the proponents, Commissioners Bacani and Rodrigo, if they are insisting on their amendments?

BISHOP BACANI: Yes, at least up to the amendment that is proposed by Commissioner Rodrigo. We will notice that in the eight constitutions that contain the separation of Church and State, nowhere is it put as starkly as that — that the separation of Church and State is inviolable.

MR. MAAMBONG: May we ask that Commissioner Bernas be recognized.

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

FR. BERNAS: Mr. Presiding Officer, I would like to speak against the amendment.

We already have two provisions touching on the separation of Church and State in the Constitution; one, the provision on nonestablishment in the Bill of Rights; and second, this provision proposed by the committee which is a copy of what was approved under the 1973 Constitution. Both these existing provisions have a long history of jurisprudence and it is one provision in the Constitution which, in fact, is very rich in jurisprudence. And one of the things about the relation between Church and State is that it is a dynamic and changing relationship. The relationship between the Church and State throughout history has changed due to the development of the State's and the Church's self-understanding of itself. It is a very delicate relationship, and it is always a question of trying to balance the value which "separation" stands for and the value which "religious liberty" stands for.

The Constitution mentions religion twice — the freedom of religion and the nonestablishment of religion. They are not exactly the same concepts. They are distinct rights and sometimes they are in opposition to each other. There are times when insistence on separation of Church and State may trench on freedom of religion and the delicate task of balancing this is best done in the context of concrete cases.

I am afraid that this amendment, when it says that it welcomes the collaboration of churches and religious bodies to promote the total well-being of its citizens, is an invitation to entanglement of religion with the State. We do not need such invitation. We would much rather see the cooperation between the Church and the State grow dynamically without encouragement from anybody because, as I said, there is always the danger that the Church will try to impose itself on the State or else there may also be the danger that the State will try to impose itself on the Church. So rather than open the gate towards inviting greater entanglement between State and religion, I would advocate that we leave the constitutional provision as it is because all that is stated here can be done under existing provisions. But there may be moments when what is called "collaboration" is, in fact, interference.; So let us just be silent about this and leave the development of the relation between Church and State to a case in law, where positions are argued in the light of actual circumstances. So, for that reason, because of the fact that this is a very delicate matter, the less there is said about the relationship between the Church and State, the safer it would be for our nation.

Thank you, Mr. Presiding Officer.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: Considering that Commissioner Bernas is not proposing any amendment, the floor takes it that that was an argument against the proposed amendment. I ask that Commissioner Tingson of the committee be recognized.

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

MR. TINGSON: Mr. Presiding Officer, if only to enrich the record of our deliberation on this particular article, may I state to begin with that our very own forefathers, so to speak, in Article V, Title 3 of Religion of the Malolos Constitution, opted to state the following:

The State recognizes the freedom and equality of religious worship as well as the separation of the Church and the State.

I suppose Apolinario Mabini had something to do with this because he was one of the formulators of the Malolos Constitution. May I continue to state, Mr. Presiding Officer, that since that time, centuries ago, when all the civilized world had found a very pressing and compelling reason to enshrine in its laws the principle of the separation of Church and State, we have improved a great deal in our understanding of that principle. So much so that even in the face of a wide-spread awakening in our churches to the socioeconomic and political realities, a phenomenon only of recent years here and abroad, we have not witnessed the resurgence of that discredited tendency for the Church or the State to take over the prerogatives of the other, excepting only in countries where these realities are much too harsh so as to engender a revolutionary atmosphere.

By and large, the democracies of the free world have kept close to the time-honored principle of the separation of Church and State. Nonetheless, we find it to be essential to reiterate this principle in the basic law because its absence could very well invite dire possibilities in the future.

Someone once said that "man is precariously civilized." We are all witnesses to the kinship of Abel and Cain in each individual, and we might sometimes wonder how thin the ice of civilized life is.

As late as 1960, the former President of the United States, John F. Kennedy, once again had to remind Americans that the principle of the separation of Church and State existed and remains inviolable. The number of years that we have spent observing it, therefore, is no guarantee of its inviolability.

Mr. Presiding Officer, religion is a pervasive and overwhelming fact of our national existence. While we do not entertain the notion of ever regulating the observance of religion, let us make sure that religion, encompassing as it does large segments of our society, does not unduly influence the formulation and implementation of state policies.

It is a historical fallacy to attribute to the Churches an intrinsic desire to override government in its functions. Rather, the historical action had been one of evolution, from the former state of fusion to one of present-day separation. I should like to believe that old societies had found it necessary, even beneficial, to fuse the functions of governing them with the observances and rituals as these were carried out by religious leaders. Abraham, Moses, and many of the latter prophets were secular leaders of the Israelites as much as they were the religious leaders of their people.

But then, Mr. Presiding Officer, it was conceived that an individual might be free in his worship, or even in the absence of it. The imperatives of conquest brought within national boundaries a divergence of religious views. It was likewise reasoned that a government might allow the free exercise of whatever religious beliefs on condition that the government retains the basic attributes to its existence and effectiveness. But the winds of freedom, more than anything else, the spirit of democracy as we believe it to be today, have won for religion and government a new pair of eyes with which to perceive each other with understanding and tolerance.

But how will these two distinguishable but permanent institutions live alongside each other? Shall one regulate the other? Shall the other subserve the former? Obviously, our own great minds of the past have found a solution

to this. That is the reason why the separation of Church and State has long been established and enjoys a respectable place in our heritage.

Finally, Mr. Presiding Officer, the formula was and has always been to put space between Church and government — how well do I remember the debates we had on the floor of the Constitutional Convention of 1971 at the Fiesta Pavilion of Manila Hotel — a space and a respectful distance between the two. For religion, whatever it might be, to flourish in our society, has observed this principle. Because the space provided for itself in the sphere of spiritual influence is wide and broad enough that it need not aspire to control the political sphere as well as in order to fulfill itself.

Our overriding concern, therefore, can only be this: The Church or the State can destroy itself by interfering with the business of the other. We need a government to referee our conflicting aspirations, to guide us and to give us direction. We need, Mr. Presiding Officer, religion also for many reasons, but above all, to carry us above the mundane realities where the government cannot. It seems to me, as expressed by Commissioner Bernas, that the time-honored phrase "the separation of Church and State" does not certainly mean enmity between the State and the Church. Rather it means truly a friendly cooperation on the morality side and, although they are collaborating to that effect, it is best, however, that the principle separating them is best recognized.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Tingson's time is up.

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

REV. RIGOS: Mr. Presiding Officer.

MR. ABUBAKAR: Mr. Presiding Officer.

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

MR. MAAMBONG: Mr. Presiding Officer, there are two Gentlemen who are standing up: Commissioners Abubakar and Rigos. May I ask if they are speaking for or against so that we can have an orderly procedure.

I ask that Commissioner Rigos be recognized.

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

REV. RIGOS: I understand, Mr. Presiding Officer, that Commissioners Bacani and Rodrigo are not against the separation of Church and State.

BISHOP BACANI: That is true, Mr. Presiding Officer.

REV. RIGOS: So that is not debatable. What they propose is to add another sentence to the one suggested by the committee. So my suggestion is that we first vote on this sentence recommended by the committee, and then later on vote on their amendment.

MR. MAAMBONG: Mr. Presiding Officer, I would like to agree, but the problem is that even the first sentence has been amended because the original formulation is "The separation of Church and State shall be inviolable," while the proposal is "The separation of Church and State shall be MAINTAINED."

I now ask for the recognition of Commissioner Aquino who will speak against.

THE PRESIDING OFFICER (Mr. Treñas): Before the Commissioner speaks, the Chair desires that we comply as much as possible with the Rules to shorten our proceedings, and, therefore, if anyone desires to speak, please register with the Acting Floor Leader.

Commissioner Aquino is recognized.

MS. AQUINO: Mr. Presiding Officer, I speak against the proposal to introduce amendments to the committee report on the separation of Church and State.

As articulated by Commissioner Bernas, the religion clauses in all of the constitutions that carry it are constantly in tension, such that in the interpretation of this provision, and whenever there is any problem that arises from the religion clauses, almost everytime there is a requirement of the best possible efforts to accommodate according to the settled usage in law and in jurisprudence. And if only to assuage the fears of some of the Commissioners, freedom of religion does not mean a license to disregard the command of the sovereign State. Neither does the de-establishment clause mean total abstention of the State from the regular mode of support or even donation to some of the Church institutions.

In fact, the jurisprudence would state, in the United States and in some Western countries, that they have staked the existence of the State on the faith that the separation of Church and State is good both for the State and for the Church. Jurisprudence is very consistent in being zealously watchful against the fusion of secular establishments with sectarian institutions. As the metaphor goes, "there is a wall of separation" between the Church and the State, not just a fine line that will be overstepped whenever necessary. And it appears to be justified because as we all know, a good fence actually creates good neighbors.

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

MR. MAAMBONG: Mr. Presiding Officer, nobody has registered to speak against the amendment; however, Commissioner Abubakar wants to make it of record that he is against the amendment.

Mr. Presiding Officer, before we put the matter to a vote, may we ask Commissioner Bacani to say a few words.

THE PRESIDING OFFICER (Mr. Treñas): Commissioner Bacani is recognized.

BISHOP BACANI: Mr. Presiding Officer, two points have been made here. First, the necessity to uphold the "separation of the Church and the State" which is affirmed by the amendment. That is not contested. Let me make that as clear as possible.

The second point raised by Commissioner Bernas is this: that we should maintain a balance. And, precisely, the purpose of this amendment is not to negate the separation of Church and State, but to redress an imbalance. What is that imbalance?

We are church people — I am a churchman. During the martial law regime, we had to be critical of the regime, and it was not an uncommon experience that the separation of Church and State was invoked. It is sometimes invoked against the prophetic ministry of the Church.

In fact, President Marcos, in the Iglesia ni Cristo compound, accused churchmen of violating the separation of Church and State when they were only exercising their prophetic function. And if we leave it that way, "the separation of Church and State shall be inviolable," it may not be a balanced statement.

Commissioner Bernas, himself, said in a letter to Delegate Greg Tingson of the 1971 Constitutional Convention, and I quote: "according to Wilfred Parson, the phrase does not have any meaning at all. And because of this, it can be made to suit everything. Everyone wants it to suit his purpose."

So, the intention is not to deny nor to eliminate the constitutional provision. In fact, it says: "The separation of church and state shall be MAINTAINED." What we are asking for only is that the church will welcome this cooperational collaboration which is the explanation to me of Commissioner Rodrigo. That is why I agreed to the

deletion of the word "inviolable," as this includes the right of these churches to exercise prophetic criticism, which is another form of cooperation, for the well-being of the people.

So I think that should be made clear. The two points are saved. And let me ask this as a final point. Will Commissioner Nollado tell us the background of the 1973 provision alone? It seems it was Marcos who wanted it in after a disgusto with the Catholic hierarchy.

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

REV. RIGOS: Point of inquiry, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Yes, please proceed.

REV. RIGOS: Are we talking about the "separation of Church and State" or the changing of the word "inviolable" to "MAINTAIN"? I think that is the proposed amendment.

BISHOP BACANI: Yes, that is the one. I am not hard and fast on that. I can yield on that "inviolable" thing.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: Mr. Presiding Officer, I would like to clarify the situation. The proposed amendment is actually an amendment by substitution. The original formulation reads: "The separation of the Church and State shall be inviolable." The present proposed amendment changed the word "inviolable" to "MAINTAIN" and added another sentence. We are now prepared to put this to a vote, Mr. Presiding Officer.

FR. BERNAS: Mr. Presiding Officer.

MR. NOLLEDO: Mr. Presiding Officer.

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

FR. BERNAS: My name was mentioned. What I am opposing is not the separation of Church and State. It is true, I maintain, that is a legal statement. The sentence "The separation of Church and State is inviolable," is almost a useless statement; but at the same time it is a harmless statement. Hence, I am willing to tolerate it there, because, in the end, if we look at the jurisprudence on the Church and State, arguments are based not on the statement of separation of Church and State but on the nonestablishment clause in Section 8 of the Bill of Rights. What I am against is the explicit invitation for cooperation because it is opening up entanglement between the state and religion. The moment we allow this entanglement, this can be an opening for fanatics who want to reform a State to try to dictate their own will on the State.

This is my whole point and I do not want to give this opening. There are concrete problems. We had concrete problems during the time of President Marcos and there were attempts to use the doctrine of the separation of Church and State against the church. Marcos was wrong. The fact that he tried to do it does not deny the validity of the separation of Church and State. What I just to avoid is this invitation to entanglement.

MS. ROSARIO BRAID: Mr. Presiding Officer.

MR. NOLLEDO: Mr. Presiding Officer.

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

MR. MAAMBONG: We are through with speeches against and in favor; we are through with the amendments; the proponent has already made the closing statement. I do not know why we cannot vote at this point in time, but

if there are any further clarifications from the body, we will leave it to the discretion of the Chair to recognize.

BISHOP BACANI: Mr. Presiding Officer.

MR. NOLLEDO: Mr. Presiding Officer, may I say a few words in support of the Bacani proposal on condition that the word "collaboration" be changed to "COOPERATION."

I think Commissioner Bacani is willing to accept that amendment because "collaboration" will really lead to entanglement contemplated by Commissioner Bernas. I would like to confirm the statement of Commissioner Bacani that this provision was inserted through some sort of intervention on the part of Mr. Marcos, who was alarmed by the opposition against his regime by certain sectors of religion, basically from the Roman Catholic Church and certain protestant ministers. I gathered this from statements of people who were close to the former President. I believe that the Bacani proposal, on condition that "collaboration" is changed to "COOPERATION," will make the provision on Church and State separation attuned to realities. According to Commissioner Bernas in his position paper submitted to the 1971 Constitutional Convention, he observed that the prohibition of an establishment of religion should not, therefore, be based on complete separation of Church and State which is maybe a modern slogan, but misleading.

Thank you, Mr. Presiding Officer.

MS. ROSARIO BRAID: Mr. Presiding Officer.

MR. MAAMBONG: Mr. Presiding Officer.

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

MR. MAAMBONG: Does the proponent accept the amendment of Commissioner Nolleto to change the word "collaboration" to "COOPERATION"?

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

MR. RODRIGO: I am the proponent of that amendment to the amendment. Yes, Mr. Presiding Officer, I accept. Therefore, we change "collaboration" to "COOPERATION." In that case, the words "help and collaboration" shall be deleted because "help" is just the same as the word "cooperation." So that it will now read: "The separation of Church and State shall be inviolable. THE STATE, HOWEVER, WELCOMES COOPERATION OF CHURCHES AND RELIGIOUS BODIES TO PROMOTE THE WELL-BEING OF ITS CITIZENS."

MR. MAAMBONG: Mr. Presiding Office, may we know the reaction of the committee, considering that there has been a substantial amendment to the proposed amendment.

MS. AQUINO: The committee regrets that we cannot accept the amendment and we will insist on our formulation; that is, "The separation of Church and State shall be inviolable."

MR. MAAMBONG: Since the committee is not acceptable to the amendment, may I suggests Mr. Presiding Officer, that we vote on the two sentences separately.

REV. RIGOS: That was my suggestion a while ago Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): We shall now vote separately on the two sentences.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Treñas): Yes, Commissioner Davide.

MR. DAVIDE: I do not think that the first sentence should be taken as part of the proposed Bacani amendment,

because that is the original wording of the committee report. So may I propose that what is to be voted upon will only be the second sentence because the first sentence may still be subject to amendments, it being an original committee wording.

MR. MAAMBONG: Mr. Presiding Officer, I agree with Commissioner Davide. We should not vote at the moment on the first sentence because that is the original formulation of the committee. We will take it to mean that the amendment is only by addition of the second sentence.

We will now put this to a vote, Mr. Presiding Officer.

MR. TINGSON: Can we make it clear, please, Mr. Presiding Officer?

THE PRESIDING OFFICER (Mr. Treñas): Will the Acting Floor Leader read the amendment?

MR. MAAMBONG: It will read as follows: "THE STATE, HOWEVER, WELCOMES THE COOPERATION OF THE CHURCHES AND RELIGIOUS BODIES TO PROMOTE THE WELL-BEING OF ITS CITIZENS."

I ask that this be put to a vote, Mr. Presiding Officer.

MR. TINGSON: But the first sentence "the separation of Church and State shall be inviolable," is not being voted upon now, Mr. Presiding Officer?

MR. MAAMBONG: It is not being voted upon. That is part of the committee report.

MR. ABUBAKAR: Mr. Presiding Officer.

MR. MAAMBONG: Will the Gentleman please use the microphone so that everybody can hear.

THE PRESIDING OFFICER (Mr. Treñas): Will the Gentleman please use the microphone so that his statements can be properly recorded.

MR. ABUBAKAR: May I ask the Gentleman who proposed the amendment to include in his enumeration the cause of the five million Muslims, our Filipino brothers in the South, who pray in mosques, in addition to churches and religious groups. "MOSQUE" should be included.

BISHOP BACANI: Mr. Presiding Officer, that is why "religious bodies" is used, not only "churches" but "religious bodies," precisely to include the Muslims and other religious groups.

MR. ABUBAKAR: No, because the Muslims worship in a separate institutional structure just as the Christians worship in the church. If we close with the "church," which is the Christian place of worship, we will denigrate the Muslims by not including them in the religious bodies. Why not say the "church, MOSQUE, and other religious bodies"?

BISHOP BACANI: Mr. Presiding Officer, I understand in the formulation of the Constitution, the church here does not mean the place of worship but the church as an institution or as a group of people. And so "religious bodies" should be the corresponding term and not the "MOSQUE".

MR. BENGZON: Mr. Presiding Officer.

MR. ABUBAKAR: No, if we say "religious bodies," the Muslim would not understand us. This Constitution is for the Christians, the nonbelievers, the Protestants the Muslims, and all Filipinos regardless of faith. If we, therefore, mention the church as a place of worship, why can we not include the mosque?

MR. BENGZON: Mr. Presiding Officer.

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

MR. BENGZON: I am raising a point of order. There is a motion on the table which we must act upon. And the motion is to vote on the amendment of Commissioner Bacani. I ask the Chair to please call for a vote.

THE PRESIDING OFFICER (Mr. Treñas): Let us proceed with the voting.

MR. MAAMBONG: Commissioner Abubakar has already indicated that he is against the proposed amendment. May I ask that his statement be noted so that it will be considered in the process of voting, and now I ask for a vote.

MR. ABUBAKAR: I am not against the amendment, I am only against the noninclusion of what I was proposing.

VOTING

THE PRESIDING OFFICER (Mr. Treñas): We are now in the process of voting. We shall proceed. The Chair will not entertain any Commissioner anymore.

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

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

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

The results show 6 votes in favor, 26 against and 2 abstentions; the amendment is lost.

MR. MAAMBONG: Mr. Presiding Officer, I now ask for a vote on the original formulation of Section 27, now renumbered as Section 23, which reads: "The separation of Church and State shall be inviolable"

VOTING

THE PRESIDING OFFICER (Mr. Treñas): As many as are in favor, please raise their hand. (Several Members raised their hand.)

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

The results show 36 votes in favor and none against; Section 27, now Section 23, is approved.

MR. TINGSON: Mr. Presiding Officer.

MR. MAAMBONG: Mr. Presiding Officer, I now ask that the chairman of the committee be recognized.

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

ADJOURNMENT OF SESSION

MR. TINGSON: Mr. Presiding Officer, although we have finally finished the original draft of the committee, there are still five amendments or additional paragraphs. I suggest that we adjourn for the day.

MR. MAAMBONG: In view of the manifestation of the chairman of the committee, I move that the session be adjourned until tomorrow at nine-thirty in the morning.

THE PRESIDING OFFICER (Mr. Treñas): Is there any objection? (Silence) The Chair hears none; the session is adjourned until nine-thirty in the morning.

It was 7:07 p.m.

[*] Appeared after the roll call.

APPENDICES

ON THE AMERICAN MILITARY BASES

By Commissioner Teodulo C. Natividad

Kung iisipin, nasabi ng lahat ng nauna sa akin ang matuwid at saligan ng sang-ayon at maging ng tutol sa pamamalagi pa rito ng mga himpilang hukbo ng Amerikano. Gayunman, magiging malaking pagkukulang ko sa tungkulin ko bilang Komisyonado ng mabunying kapulungangang ito kung hindi ko ilalagay ang iaambag, ang butil ng binhing inihahasik natin sa kapakanan ng mga sumusunod pang saling-lahing Pilipino.

Kakambal pa ng pagpasok ni Commodore Dewey sa Look ng Maynila noong 1898 ang pagsibol ng usapan tungkol sa mga base militar ng Amerika sa Pilipinas. Ibigin man natin o hindi, ang Pilipinas, kung baga sa isang dalaga, ay isang tunay na mutya ng karikitan na maraming puso ang nagnanais makasungkit ng matamis na "oo." Nasa sangang-daan tayo ng Karagatan ng Tsina, ng Pasipiko at ng Selebes. Nasa isang pook ang ating bayan na lubhang mahalaga sa larangang panghukbo. Kaya naman, sa mula't mula pa, maraming dayuhan ang nabibihag sa atin.

Mula na nga noong 1898 hanggang sa mga sandaling ito, umaalitubtob na lagi ang usapan tungkol sa mga base militar na ito. At noong 1933, ito ang laman ng Hare-Hawes-Cutting Law na tinutulan ng sambayanang Pilipino dahil sa tuntuning nagbibigay sa Pangulo ng Amerika ng malawak na karapatan na pamalagiin dito ang mga base militar. Pinalitan ito ng Tydings-McDuffie Law na higit na mainam ang tuntuning nakalagay. Anupa't, mula noon, apatnapung ulit nang nagkaroon ng susog at mga pagbabago sa kasunduan ng Pilipinas at Amerika tungkol sa mga baseng ito.

Ang maniningning na kaisipan ng ating mga dakilang ninuno ay iniambag sa pagsusuri, paglilimi at pag-aaral sa kasunduang ito. At hindi naman masasabi ng sino man na ang ating mga ninuno at magulang na ito ay kapos sa pag-ibig sa bayan o napakasangkapan upang ipagkanulo ang bayan. Nag-aalinlangan akong sabihing tayo ang nagpasiya na hindi na kailangan ang mga base militar na ito at paalisin na ang mga Kano sa Pilipinas. Huwag nang isaalang-alang ang 42,265 kataong kababayan nating empleado ng mga baseng ito, bukod pa sa 900 kontratista at 500,000 iba pang nakikinabang sa mga base, ang isipin na lamang natin, lalo na sa panahong itong nakalugso ang kabuhayang bansa, ay ang isang bilyong dolyar na katumbas ng dalawampung bilyong piso na pakinabang ng Pilipinas sa mga baseng ito. 'Pung taon na ang nagdaan mula ng sumulpot ang suliraning ito, maraming utak ng lalong matatalino nating ninuno at magulang ang piniga upang ilagay sa ayos ang suliraning ito. Kung taon ang binilang nila, ano naman at sa isang iglap, tayong aapatnapu't pito na sa loob ng dalawa o sabihin pa nating tatlong linggo, maghihiwa-hiwalay na at magkakanya-kanyang landas, ang makapagwiwikang kayang-kaya nating tapusin at lutasin ito agad. Hindi kaya sa pagmamadali natin maiwan at makaligtaan ang maraming bagay na bukas-makalawa ay magbubunga ng lalo pang suson-susong suliranin at sakit ng ulo ng bayan?

Sabi nga ni Ambassador Pelaez, limang taon ang kailangan upang maging tunay na handa sa pag-uusap ang mga taong may tunay na kakayahan at kaalaman sa suliraning ito. Huwag tayong magmadali sapagkat wika nga ng kasabihang Pilipino, ang "lumakad ng matulin, kung matinik ay malalim."

Kaya mga kasama, buong puso kong itinataguyod ang mungkahi ng kapatid na Komisyonado Francisco "Soc"

Rodrigo na ipaubaya sa pamahalaan ang paglikha ng lupong bubuin ng mga sadyang may kasanayan at kakayahanang tauhan ng Ministri ng Tanggulang Bansa, Ministri ng Suliraning Panlabas, Ministri ng Pananalapi at Ministri ng Katarungan upang pag-aralan, matamang limiin, suriin at paraanin sa lalong masinsing bistay at lambat mula ngayon hanggang 1991 at nang maging tunay tayong handa sa pag-uusap at kahit sa pakikipagbunong braso man sa mga Amerikano tungkol sa mga himpilang hukbong ito.

At matapos itong pag-usapan, matapos na magkasundo ang dalawang panig, ang pinakamahalaga sa atin ay ipaubaya sa buong sambayanang Pilipino ang pangwakas na pasiya o pagpapatibay sa kasunduang ito na ang kasamang nakataya ay ang buhay, kapalaran at kinabukasan ng kasalukuyan at mga susunod pang saling-lahing Pilipino.

THE MILITARY BASES ISSUE

By Commissioner Serafin V.C. Guingona

There are those who would wish to dismantle the U.S. military bases in the Philippines upon ratification of the proposed Constitution. Any attempt by the Philippines to unilaterally abrogate the said Agreement would be violative of *pacta sent servanda*, a fundamental principle of international law which holds that obligations of international agreements should be discharged in good faith. If we abrogate unilaterally, we would project for our country an image of international delinquency. Those favoring immediate dismantling cite the principle of *rebus sic stantibus* which says that a treaty ceases to be binding when an essential change in circumstances in which it was concluded has occurred. But in order that the said principle would be applicable, it would require a substantial change in circumstances as to seriously jeopardize the existence of the State, a requirement which obviously does not exist.

Those who seek the non-renewal of the Military Bases Agreement contend that the Philippines should not renew the treaty because (1) the agreement is violative of our country's sovereignty; (2) the military bases serve as magnets for nuclear attack by Russia; (3) that the terms of the Agreement are unfavorable to us compared to the terms agreed upon by the U.S. with other countries where they also have military bases. Those who say that the existence of the military bases in the Philippines violates our country's sovereignty would conveniently ignore the fact that the Philippines entered into the Agreement in 1947 pursuant to Joint Resolution No. 4 of the Philippine Congress authorizing the President of the Philippines to negotiate with the President of the U.S. regarding the establishment of U.S. bases in the Philippines. It is a valid agreement because (1) the parties had capacity to contract; (2) the agents were duly empowered; (3) there was freedom of consent; and (4) the object was in conformity with international law. The Magsaysay-Nixon statement on July 3, 1956 contained in the first part thereof an assertion that the U.S. had always recognized Philippine sovereignty over the bases. The 1976 re-negotiation was preceded by a U.S. announcement of its "clear recognition of Philippine sovereignty in its use of the Philippine military bases." The 1979 Agreement reiterated the previous Joint Statements that the U.S. military bases in the Philippines were Philippine military bases over which Philippine sovereignty extends. The fact that the U.S. uses and occupies the military bases with our consent does not at all deprive us of sovereignty in much the same way that an owner does not lose ownership over his property notwithstanding the fact that the same is used and occupied by the lessee.

It is contended that the bases serve as magnets for Russian nuclear attack. The fact is that these bases actually serve as deterrents to attack. But granting for the sake of argument that they are magnets, these bases are evidently weak magnets because they have been here for forty years. During all that time there had not been even a hint of a Russian attack. Besides, as former Congressman Marcial Pimentel said, "In the event of a nuclear war, it is not necessary for a direct hit on a particular country to annihilate all her people. The radioactive fallout will be carried by the winds to all corners of the world under the 'nuclear-winter theory'. . . If the scientists are right, why worry

about the bases as targets of nuclear attack? We will die ahead of the Thailanders and Malaysians by just a few weeks. That is not much of an advantage they have over us."

It is to be admitted that some of the terms of the Agreements, as amended, are not favorable to the Philippines if compared with U.S. agreements with other countries like Spain, Great Britain, Italy, Malaysia, Turkey and Greece. But let us not forget that this Agreement was entered into in 1947 shortly after the end of the last World War and before the other agreements concerning bases were concluded. We, in fact, had benefited from the actions of the U.S. about the time the Agreement was entered into — the U.S. liberation of our country from the Japanese as well as the extensive economic aid the U.S. had extended to us for the rehabilitation of our devastated country. It might be noted that this Agreement had undergone several reviews or revisions from 1956 to 1983, which resulted in the institution of about forty amendments to the original provisions. The Philippine flag flies over these military bases under Philippine sovereignty which now have a Philippine base commander. The Philippine laws have been made effective inside the bases — laws affecting taxes, labor, immigration, customs, natural resources and, subject to agreed exceptions, criminal jurisdiction over offenses committed therein. Let us also not ignore the fact that while much of what we are getting from the United States re the military bases are outright grants, a lot of the amounts which Spain and Greece are getting are long-term concessionary loans. Besides, some of the onerous terms are of our own making. For example, Kissinger offered \$1 billion for the use of the military bases shortly before the expiration of the term of President Ford after Ford lost in the presidential election. The \$1 billion was supposed to be divided on a 50-50 basis, 50% for military assistance and 50% for economic assistance. Marcos accepted the amount but only for military assistance without any economic aid component. Mr. Kissinger refused and the matter was dropped.

Aside from the rentals paid for the use of our military bases, there are other economic benefits that we derive — benefits enjoyed by the many families residing in the areas where the bases are located, benefits from savings that the government would otherwise have to spend without U.S. assistance. In 1985, the R.P. defense budget was \$437 million. Only Brunei spent less for defense. Even tiny Singapore spends more than we do. If military assistance were to be cut off, much of our spending would go to the payment of foreign loans and to the budget of the military and little would be left for government services in the areas of education, health and sanitation, housing, public works and many others. There is, of course, one added benefit as to salaries of Filipino workers in the bases amounting to \$82,885,04 a year, "the second largest payroll in the Philippines" after the Philippine government. The impact of a sudden withdrawal of American forces from the Philippines, which could be misinterpreted to mean that we are leaning towards the communist countries, could well bring about disastrous results to our country's heroic efforts towards economic recovery. Besides, let us not forget that we have a serious insurgency problem on our hands and we will need all the friendly assistance and support of our allies, including the United States.

RESOLUTION NO. 21

RESOLUTION CONGRATULATING THE HONORABLE JOSE B. LAUREL, JR. ON HIS BEING CONFERRED THE ORDER OF KALANTIAO.

WHEREAS, the Honorable Jose B. Laurel, Jr. was conferred by Her Excellency, President Corazon C. Aquino, the Order of Kalantiao (First Class) on the occasion of his seventy-fourth birth anniversary last August 27, 1986;

WHEREAS, the prestigious award was conferred on the Honorable Laurel, Jr., in recognition of his long years of dedicated service to his country and people; of his high sense of nationalism, patriotism, loyalty and integrity; and of his enviable record as Minority Floor Leader and as Speaker for three times of the House of Representatives of the Congress of the Philippines, as Minority Floor Leader of the Batasang Pambansa, as President of the 1969

Asian Parliamentarians, as Chairman of the Philippine Panel that negotiated the Treaty of Friendship, Commerce and Navigation with Japan, and as representative of the Government to various international conferences, all of which are testimonials to the great and sterling stature and character of the man;

WHEREAS, as a Member of the Constitutional Commission of 1986, Commissioner Laurel, Jr. continues to demonstrate the same qualities of leadership and public service which has endeared him to the Filipino people;

WHEREAS, since the award was conferred on Commissioner Laurel, Jr. at a time when the Constitutional Commission of 1986 is still at work and in the process of formulating a new Philippine Constitution, the giving of the award has brought singular honor to the Commission as well: Now, therefore, be it

Resolved by the Constitutional Commission of 1986 in session assembled, To congratulate the Honorable Jose B. Laurel, Jr. on his being conferred the Order of Kalantiao (First Class) by Her Excellency, President Corazon C. Aquino, on the occasion of his seventy-fourth birth anniversary last August 27, 1986.

Resolved, further, to furnish the Honorable Laurel Jr., a copy of this resolution.

(SGD.) CECILIA MUÑOZ PALMA

President

This resolution was adopted unanimously by the Constitutional Commission of 1986 on September 3, 1986.

(SGD.) FLERIDA RUTH P. ROMERO

Secretary-General

THE NEW INFORMATION ORDER AND ITS IMPLICATIONS ON THE PLANNING AND USE OF COMMUNICATION TECHNOLOGY

By Commissioner Florangel Rosario Braid

Communication technology refers to all techniques and means employed in the collection, storage, processing, dissemination and use of information. This is the traditional definition to which I would wish to add the important function of mediating or catalyzing interactive communication between people or groups.

A common belief which I would like to rectify is the tendency to regard the new information order as the new communication technology order which are two different concepts. The present emphasis on pushing the transfer of communication technology in our developing societies such as computerization or countryside dispersal of telephone infrastructure may give the impression that this is what the new information order is all about.

What is the new international information order? Essentially, the order calls for a restructuring of the present flow of information as well as existing policies and practices which have worked primarily for the advantage of the developed countries and the urban centers of developing societies. The important elements are the following: (1) an international exchange of information must support states in developing their cultural system in an autonomous way and with complete sovereign control of resources; (2) individual countries design and implement their national policies on the basis of available resources and to meet the basic socioeconomic needs of the population; (3) public participation and decentralization of communication resources would work towards achievement of goals of endogenous (or local) development; and (4) self-reliance leading to collective self-reliance would strengthen horizontal links and bottom-up communication and would reduce dependency on the urban centers or industrialized countries.

The NIIO or NWICO, like the new economic order, aims to work towards equitable structures such as mechanisms which promote two-way exchange of information between the developed and developing countries and between rural and urban areas of the country. It supports the distribution of information so that local communities, particularly ethnic minorities, have equal access and participation in information as well as other material resources and services. In short, it supports people's right to communication and access to vital information. It further supports the strengthening of mass-based and citizen's groups through community media which can provide these groups leverage in decision making. It recommends upgrading of manpower capability especially in development perspectives particularly in the training of media personnel in order that they become more judicious in selecting strategies that promote cultural values and national goals of authentic development.

The NIIO, while acknowledging the positive contributions of new communication technology, however, provides caution in the indiscriminate transfer of technology especially if they contribute to the erosion of cultural values and in widening disparities between the urban and rural communities. The control of transnational corporations of communication resources and the implication of such in the furtherance of national goals are underscored in the NIIO and the MacBride documents. What is missing in these Reports, however, are specific guidelines for Third World countries in the planning of communication technology. As Nordenstreng, a media critic says, the MacBride Report does not contain a coherent picture of the world — neither of the world of today or of tomorrow. The vision of society is implicit and it is therefore up to us to expand the vision according to our criteria for a preferred future. Schiller criticizes the Report for having failed to confront a powerful transnational business system which is using every means and technique to do what the Report and the NIIO warn against.

I do not wish to belabor the importance of communication as a basic national resource. It is, as many say, as important a resource as energy and materials. It may even be more important than the two for in the final analysis, materials or energy could only be fully utilized if we have an effective communication system. "Information is power" states Deutsch in *Nerves of Government* and his argument is that government is essentially steersmanship and steering is decisively a matter of communication. Those who know the power of information and who equate it with power would then tend to hoard information in order to centralize power. On the other hand, we also know that in the long run, nonzero-sum strategies which include redistribution of information or broader participation and sharing are in the end the more viable strategies for everyone than the traditional zero-sum or win-lose strategy which has encouraged information concentration in the hands of a powerful few.

There is likewise concern about the possible consequences of unlimited growth in communication technology. McLuhan sounded a more optimistic note in his concept of the global village where he foresees the movement towards an international community bound by common interests. But unless the planners are aware of both the positive and the negative consequences of the information society, we in the Third World might find our culture a few years from now a homogenized version of a larger world culture, the latter being primarily an import from the western technology producing countries.

ENGLISH TRANSLATION OF SEPTEMBER 1, 1986 DELIBERATIONS

MR. PADILLA: Yes, Madam President, the Castilian or the Spanish language.

I do not believe that during the Spanish regime, Spain did not want to teach the Filipinos the Spanish language. As it is, our national hero, Dr. Jose Rizal, wrote in Spanish not only his two immortal novels, the *Noli Me Tangere* and the *El Filibusterismo*, but also his poems and verses like "My Last Farewell" and "My retirement," which the whole world admits are superior over those written by the Spaniards and Mexicans themselves. And not only Dr. Rizal, all his companions, Marcelo H. del Pilar, Emilio Jacinto and others, in their aim to improve the Philippine situation under the colonization of Spain, studied this Spanish language. After these great men, there are many

Filipinos who dominated the Spanish language, like Don Claro M. Recto. We have to realize that Spanish is the second idiom only to English in the world because we have not only Central America but also South America and Latin America, which speak Spanish with the exception of Brazil which speaks Portuguese.

It is not true that the Filipinos could not learn the Spanish language. My parents used to speak Spanish; I spoke Spanish in the family, but unfortunately, due to the American influence and other foreign influences, many of my children no longer speak Spanish. But not to speak Spanish is not a virtue. It seems to me that it is unfortunate for the Philippine nation. And it is for that reason that the late immortal poet and hero, Dr. Jose Rizal, always mentioned in his *El Filibusterismo* that what the Filipino nation needed was more education. Education and idioms, not only Filipino or Tagalog but also Spanish and now English, are very important for the progress of the Philippines. It is unfortunate, I repeat, that the present generation and the future generation cannot speak Spanish. But I believe we have to cultivate this language. Sometimes we talk of foreign language, like German, French or Italian, which has no comparison with the Spanish language.

We have had Spain for more than 300 or 400 years, and it is a disadvantage for not having the desire or the interest to conserve this idiom of our Mother Spain. How can we feel the sentiments of our national hero, especially in his poems, if we have to go into translation instead of reading the original? My father always requested me to memorize the poems of Dr. Jose Rizal, and many times he imposed upon me to recite these very beautiful verses, better than the ones written by the Spaniards and the Mexicans, before him.

Thank you very much.

MR. GUINGONA: Madam President.

MR. VILLACORTA: Madam President, the Commissioner has to read the books of historians and also the chapter in the *El Filibusterismo*, entitled: "The Difficulties of a Teacher" to understand the truism that the Spaniards really did not want to teach us the Spanish language.

I would like to ask Commissioner Padilla. How many of us here understood the Gentleman when he was speaking in Spanish?

MR. PADILLA: As I said, it is unfortunate for this generation that they cannot, at least, understand the Spanish language. I admit that Spain did not want to educate the Filipino people because the theory was that it was easier to colonize and continue the Spanish government if the Filipino masses are not well-educated. I concur that they did not want to elevate the intellectual educational sphere of the Filipino people, but not necessarily not to teach the Filipinos the Spanish language. There is a great difference. I concur that they did not want to educate the Filipinos because it was easier to dominate a nation that is ignorant than educated. But that does not mean that we should not try to conserve and, much less, not learn the Spanish language.

MR. GUINGONA: Madam President, may I ask a question of the honorable Commissioner Padilla?

MR. PADILLA: With pleasure, Madam President.

MR. GUINGONA: I just want to know the desire of the Commissioner. Is it the Commissioner's desire that we should include in our Constitution the provision that this Constitution should be promulgated in Spanish, or will the Commissioner be satisfied if we could simply say that our Constitution should be translated into our dialects and also into Spanish?

MR. PADILLA: No, I concur with the recommendation of Commissioner Tingson that our Constitution be also translated into Spanish.

MR. GUINGONA: Thank you.

PROPOSED RESOLUTION NO. 539

RESOLUTION TO INCORPORATE IN THE NEWS CONSTITUTION THE PROVISIONS ON THE COMMISSION ON HUMAN RIGHTS.

Be it resolved as it is hereby resolved, by the Constitutional Commission in session assembled to incorporate in the new Constitutions the following provisions:

ARTICLE ____

THE CONSTITUTIONAL COMMISSIONS

E. The Commission on Human Rights

SECTION 1. There shall be an independent Commission on Human Rights composed of a Chairman and two Commissioners, who shall be natural-born citizens of the Philippines, at least thirty-five years of age and members of the bar for at least ten years.

The Chairman and the Commissioners shall be appointed by the President for a term of seven years without reappointment. Of the Commissioners first appointed, one shall hold office for seven years, another for five years, and the third for three years. Appointment to any vacancy shall only be for the unexpired portion of the term of the predecessor.

SECTION 2. The Commission on Human Rights shall have the following powers and functions:

- (1) Investigate all forms of human rights violations committed by public officers, civilian and military authorities, or by private parties;
- (2) Issue subpoena and subpoena duces tecum to compel the attendance of any party to its proceedings or the production of materials and documents, with the power to cite for contempt for violations thereof in accordance with the Rules of Court promulgated by the Supreme Court of the Philippines;
- (3) Provide appropriate legal measures for the protection of human rights of all persons within the Philippines, including provisions for legal aid services for indigent persons whose human rights have been violated or need protection; and
- (4) Establish a continuing program of education and information to propagate the primacy of human rights.
- (5) Perform such other duties and functions as may be fixed by law.

COMMUNICATION OF COMMISSIONER SERAFIN V.C. GUINGONA

Hon. Cecilia Muñoz Palma
President
1986 Constitutional Commission

Dear Madam President:

This is to confirm the information I brought to Your Honor's attention that in our publication — Journal of the Constitutional Commission — my name appears with the indication that I was absent from August 6-9 without the additional remark that I was sick, which remark appears in the subsequent sessions from August 11-16. In our other publication — Record of the Constitutional Commission — I am reported as absent from August 6-16 without any indication that I was sick.

The fact is I had been confined at the Makati Medical Center where I was rushed due to acute abdominal pains

while attending the Commission's session on August 5 and I remained in the said hospital until noon of August 18.

May I request that this manifestation be included as an Appendix in the still unprinted/unpublished volume of our Journal (Volume Three) and of our Record (Volume Four) to avoid any wrong speculation that I had absented myself from the Commission's sessions without good reason.

Very truly yours,

(SGD.) SERAFIN V.C. GUINGONA

Approved:

(SGD.) CECILIA MUÑOZ PALMA

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