

JOURNAL NO. 23

VOL. I, July 03, 1986

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/af89432b941f/>

Thursday, July 3, 1986

CALL TO ORDER

At 5:22 p.m., the President of the Constitutional Commission, the Honorable Cecilia Muñoz Palma, called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Wilfrido V. Villacorta, to wit:

A reading from the Book of Psalms:

"Show Your power, Oh God, the power that You have used on our behalf, from Your temple in Jerusalem where kings bring gifts to You.

"Rebuke Egypt — that wild animal in the reeds. Rebuke the nations-that herd bulls with their calves — until they bow down and offer You their silver. Scatter those people who love to make war.

"Ambassadors will come from Egypt; the Sudanese will raise their hands in prayer to God.

"Sing to God, kingdoms of the world; sing praise to the Lord, to Him who rise in the ancient sky. Listen to Him shout with a mighty roar. Proclaim God's power, His majesty is over Israel, His might is in the skies.

"How awesome is God as He comes from His Sanctuary, the God of Israel. He gives strength and power to His people. Praise God."

Almighty Lord,

You have given us this gift of having the historic opportunity to frame the new constitution of our People. Please will it that we may reciprocate Your kindness and generosity by giving our people a worthy gift: a liberative document that will restore the freedom and dignity of which they have been deprived for four centuries.

Please make us worthy of the people's trust. While in the past, we have in our humble ways tried to help the less fortunate of our brothers and sisters, we have largely been concerned with ourselves, our family, our interests.

Please inspire and give us strength, Oh Lord, to transcend our selfish needs and aspirations so that we can fully offer ourselves towards the obliteration of exploitation in our land-exploitation coming from within as well as from without.

As we remember tomorrow our special relations with a giant power, enlighten us with Your Holy Spirit so that we can reflect thoroughly on the issues concerned and arrive at the best approach that would maximally serve the paramount national interest of our beloved Philippines; so that then we face the judgment of history, our

descendants will look back to this Constitutional Commission with pride and admiration, and not with shame and derision; and so that we all in this Commission can contribute to Your glory and that of our people.

Amen.

ROLL CALL

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

Abubakar, Y. R. Nieva, M. T. F.

Aquino, F. S. Nollado, J. N.

Azcuna, A. S. Ople, B. F.

Bacani, T. C. Padilla, A. B.

Bengzon, J. F. S. Muñoz Palma, C.

Bennagen, P. L. Quesada, M. L. M.

Bernas, J. G. Rama, N. G.

Rosario Braid, F. Regalado, F. D.

Brocka, L. O. De los Reyes, R. F.

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

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

Colayco, J. C. Romulo, R. J.

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

Davide, H. G. Suarez, J. E.

Foz, V. B. Sumulong, L. M.

Garcia, E. G. Tadeo, J. S. L.

Guingona, S. V. C. Tan, C.

Jamir, A. M. K. Treñas, E. B.

Laurel, J. B. Uka, L. L.

Lerum, E. R. Villacorta, W. V.

Maambong, R. E. Villegas, N. M.

Monsod, C. S.

With 43 Members present, the Chair declare, presence of a quorum.

The following Members appeared after the Roll Call:

Alonto, A. D. Natividad, T. C.

Gascon, J. L. M. C.

The following Members were absent:

Rosales, D. R. Tingson, G. J.

READING AND APPROVAL OF THE JOURNAL

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

REFERENCE OF BUSINESS

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

REFERRAL TO COMMITTEES OF RESOLUTIONS

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

Proposed Resolution No. 374, entitled:

RESOLUTION PROPOSING TO INCREASE FROM SIXTY TO SEVENTY-FIVE PER CENTUM CAPITAL OWNERSHIP OF FILIPINO CITIZENS IN CORPORATIONS AND OTHER ENTITIES FOR THESE CORPORATIONS TO QUALIFY AS GRANTEES OF FRANCHISES OR CERTIFICATES TO OPERATE PUBLIC UTILITIES AND TO DISALLOW FOREIGNERS FROM SITTING IN THE GOVERNING BODY OR BOARD OF ANY PUBLIC UTILITY

Introduced by Honorable Calderon, Alonto, Tingson, Maambong, Nolledo and Rama

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

Proposed Resolution No. 375, entitled:

RESOLUTION PROPOSING TO SET ASIDE LANDS OF PUBLIC DOMAIN AS PERMANENT SETTLEMENT AREAS FOR CULTURAL MINORITIES

Introduced by Honorable Tingson

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

Proposed Resolution No. 376, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION AFFORDING MORE PROTECTION TO LABOR AND GUARANTEEING BASIC HUMAN AND TRADE UNION RIGHTS

Introduced by Honorable Gascon and Garcia

TO THE COMMITTEE ON SOCIAL JUSTICE

Proposed Resolution No. 377, entitled:

RESOLUTION TO INCLUDE IN THE PROPOSED CONSTITUTION THE PROVISIONS OF SECTION THREE, ARTICLE THIRTEEN, OF THE 1973 CONSTITUTION, AS AMENDED, WITH MODIFICATION, PROVIDING FOR AUTOMATIC INITIATION OF IMPEACHMENT PROCEEDINGS AFTER THE ONE-FIFTH VOTE

Introduced by Honorable Treñas

TO THE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS

Proposed Resolution No. 378, entitled:

RESOLUTION TO INCLUDE IN THE PROPOSED CONSTITUTION A PROVISION ON ANCESTRAL LANDS AND THE DISPOSITION AND UTILIZATION OF NATURAL RESOURCES FOUND THEREIN

Introduced by Honorable Treñas

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

Proposed Resolution No. 379, entitled:

RESOLUTION TO INCLUDE IN THE PROPOSED CONSTITUTION A PROVISION TO EMPHASIZE AND STRENGTHEN THE CONSTITUTIONAL BASE FOR A SOCIAL HOUSING PROGRAM

Introduced by Honorable Treñas

TO THE COMMITTEE ON SOCIAL JUSTICE

Proposed Resolution No. 380, entitled:

RESOLUTION TO INCLUDE IN THE PROPOSED CONSTITUTION THE FIXING OF THE MINIMUM ELECTION PERIOD

Introduced by Honorable Treñas

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

Proposed Resolution No. 381, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION MANDATING THE ELIMINATION OF ALL FORMS OF FOREIGN CONTROL OR DOMINATION IN THE POLITICAL, ECONOMIC, SOCIAL AND CULTURAL LIFE OF THE NATION

Introduced by Honorable Davide, Jr.

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

Proposed Resolution No. 382, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION RECOGNIZING HUMAN RIGHTS AS INVOLABLE AND INALIENABLE

Introduced by Honorable Davide, Jr.

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

Proposed Resolution No. 383, entitled:

RESOLUTION RECOGNIZING THE RIGHT OF A CITIZEN TO REFUSE TO RENDER WAR SERVICE ON GROUNDS OF CONSCIENCE

Introduced by Honorable Davide, Jr.

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

Proposed Resolution No. 384, entitled:

RESOLUTION AFFIRMING THE RIGHT OF THE PEOPLE, WHETHER EMPLOYED BY THE STATE OR NOT, TO FORM ASSOCIATIONS OR UNIONS WHOSE PURPOSE IS NOT CONTRARY TO LAW

Introduced by Honorable Lerum

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

Proposed Resolution No. 385, entitled:

RESOLUTION STRENGTHENING THE FREEDOM OF THE PRESS BY INCORPORATING IN THE NEW CONSTITUTION A PROVISION EXPRESSLY PROHIBITING CENSORSHIP

Introduced by Honorable Davide, Jr.

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

Proposed Resolution No. 386, entitled:

RESOLUTION TO IMPRESS WITH IMMEDIATE EFFECTIVENESS THE RIGHTS GUARANTEED BY THE BILL OF RIGHTS BY INCORPORATING IN THE NEW CONSTITUTION A PROVISION THAT SAID RIGHTS BIND THE LEGISLATURE, THE EXECUTIVE, AND THE JUDICIARY AS DIRECTLY ENFORCEABLE LAW

Introduced by Honorable Davide, Jr.

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

Proposed Resolution No. 387, entitled:

RESOLUTION TO INCLUDE A SECTION ON EDUCATION IN THE ARTICLE ON HUMAN RESOURCES

Introduced by Honorable Rosario Braid

TO THE COMMITTEE ON HUMAN RESOURCES

Proposed Resolution No. 388, entitled:

RESOLUTION TO INCLUDE IN THE ARTICLE ON NATIONAL ECONOMY AND PATRIMONY OF THE NATION A PROVISION TO INCLUDE AIRWAVES AS PART OF THE NATIONAL PATRIMONY

Introduced by Honorable Rosario Braid and Bacani

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

Proposed Resolution No. 389, entitled:

RESOLUTION PROPOSING A PROVISION ALLOWING FOREIGN INVESTORS TO ACQUIRE, HOLD OR OWN LOTS WITH LIMITED AREA, REQUIRED FOR THE OPERATION OF EXPORT-ORIENTED INDUSTRIAL ENTERPRISES

Introduced by Honorable Padilla

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

Proposed Resolution No. 390, entitled:

RESOLUTION TO PROVIDE IN THE NEW CONSTITUTION THAT THE CHURCH AND THE STATE ARE INDEPENDENT OF EACH OTHER BUT MUST WORK TOGETHER HARMONIOUSLY FOR THE COMMON GOOD

Introduced by Honorable Nollado

TO THE COMMITTEE ON GENERAL PROVISIONS

Proposed Resolution No. 391, entitled:

RESOLUTION TO INCORPORATE IN THE ARTICLE ON THE LEGISLATURE PROVISIONS DEFINING THE FUNCTIONS AND POWERS OF THE LEGISLATURE TO EXEMPT FROM TAXATION CHARITABLE AND RELIGIOUS INSTITUTIONS AND TO PROHIBIT THE APPROPRIATION OF PUBLIC MONEY OR PROPERTY AND OTHER RESOURCES FOR THE USE, BENEFIT OR SUPPORT OF ANY CHURCH OR SYSTEM OF RELIGION

Introduced by Honorable Rigos

TO THE COMMITTEE ON THE LEGISLATIVE

Proposed Resolution No. 392, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION THAT THE COMMISSION OF GROSS VIOLATIONS OF HUMAN RIGHTS BY THE PRESIDENT OF THE PHILIPPINES RESULTING IN A NATIONAL FAILURE OF JUSTICE AMONG THE GROUNDS FOR IMPEACHMENT

Introduced by Honorable Sarmiento

TO THE COMMITTEE ON ACCOUNTABILITY PUBLIC OFFICERS

Proposed Resolution No. 393, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION REQUIRING THE STATE TO PROMOTE POLITICAL PLURALISM AND PROHIBIT ALL FORMS OF DISCRIMINATION AND REPRESSION BY REASON OF POLITICAL CONVICTIONS

Introduced by Honorable Sarmiento

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

Proposed Resolution No. 394, entitled:

RESOLUTION INCORPORATING IN THE NEW CONSTITUTION AN ARTICLE RECOGNIZING AND DEFINING THE RIGHTS OF POLITICAL SUBDIVISIONS TO LOCAL SELF-GOVERNMENT

Introduced by Honorable Sarmiento

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Proposed Resolution No. 395, entitled:

RESOLUTION TO INCORPORATE IN THE DECLARATION OF PRINCIPLES PROVISIONS ON THE SEPARATION OF CHURCH AND STATE

Introduced by Honorable Aquino and Quesada

TO THE COMMITTEE ON GENERAL PROVISIONS

Proposed Resolution No. 396, entitled:

RESOLUTION INCORPORATING IN THE NEW CONSTITUTION AN ARTICLE ON THE NATIONAL ASSEMBLY

Introduced by Honorable Sarmiento

TO THE COMMITTEE ON THE LEGISLATIVE

Proposed Resolution No. 397, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION CREATING AN AGENCY FOR THE MANAGEMENT OF GOVERNMENT EMPLOYEES' UNIONS AND ASSOCIATIONS

Introduced by Honorable Sarmiento and Tan

TO THE COMMITTEE ON SOCIAL JUSTICE

Proposed Resolution No. 398, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION GRANTING THE RIGHT TO FORM UNION AND COLLECTIVE BARGAINING TO GOVERNMENT EMPLOYEES

Introduced by Honorable Sarmiento and Tan

TO THE COMMITTEE ON SOCIAL JUSTICE

Proposed Resolution No. 399, entitled:

RESOLUTION EMBODYING SECTION 1, ARTICLE XII, B, OF THE 1973 CONSTITUTION IN THE PROPOSED CONSTITUTION BUT WITH AN AMENDMENT THAT THE COLLEGE DEGREE REQUIRED OF MEMBERS OF THE CIVIL SERVICE COMMISSION SHALL PREFERABLY BE IN PUBLIC ADMINISTRATION BUT THE CHAIRMAN AND A COMMISSIONER MUST HAVE BEEN MEMBERS OF THE PHILIPPINE BAR FOR AT LEAST TEN YEARS AND WITH FURTHER AMENDMENTS REGARDING THE FUNCTIONS OF THE COMMISSION

Introduced by Honorable Foz

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

Proposed Resolution No. 400, entitled:

RESOLUTION PROVIDING FOR A BICAMERAL LEGISLATURE, WHICH SHALL BE KNOWN AS CONGRESS OF THE PHILIPPINES, WHOSE UPPER HOUSE SHALL BE A SENATE OF TWENTY-FOUR (24) MEMBERS ELECTED AT LARGE AND WHOSE LOWER HOUSE SHALL BE COMPOSED OF REPRESENTATIVES ELECTED BY DISTRICTS

Introduced by Honorable Calderon, Uka, Alonto, Rodrigo and Tingson

TO THE COMMITTEE ON THE LEGISLATIVE

Proposed Resolution No. 401, entitled:

RESOLUTION PROPOSING TO INCORPORATE IN THE NEW CONSTITUTION A SEPARATE

ARTICLE ESTABLISHING THE FRAMEWORK FOR A NATIONALIST, SELF-RELIANT AND PROGRESSIVE ECONOMY FOUNDED ON GENUINE INDUSTRIALIZATION GUIDED BY THE PRINCIPLES OF NATIONAL SELF-DETERMINATION AND EQUITABLE SHARING

Introduced by Honorable Tadeo, Suarez, Quesada, Brocka, Jamir, Bennagen, Sarmiento, Villacorta, Gascon, Garcia and Aquino

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

Proposed Resolution No. 402, entitled:

RESOLUTION TO INCORPORATE IN THE DECLARATION OF PRINCIPLES PROVISIONS ON PEACE, NEUTRALITY AND NON-ALIGNMENT

Introduced by Honorable Aquino, Azcuna, Bennagen, Brocka, Garcia, Gascon, Quesada, Sarmiento, Suarez, Tadeo, Tan, Villacorta, Rosario Braid, Davide, Jr., Rigos, Uka and Regalado

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

Proposed Resolution No. 403, entitled:

RESOLUTION URGING THE CONSTITUTIONAL COMMISSION TO CONSIDER THE ADOPTION OF A PARLIAMENTARY FORM OF GOVERNMENT

Introduced by Honorable Suarez, Tadeo and Bennagen

TO THE COMMITTEE ON THE LEGISLATIVE

Proposed Resolution No. 404, entitled:

RESOLUTION PROPOSING A PROVISION IN THE NEW CONSTITUTION PROHIBITING GAMBLING AND OTHER SIMILAR VICES

Introduced by Honorable Tingson

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

Proposed Resolution No. 405, entitled:

RESOLUTION PROPOSING TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION ON SUFFRAGE

Introduced by Honorable Tingson

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

Proposed Resolution No. 406, entitled:

RESOLUTION PROVIDING FOR A SECTION ON EDUCATION IN THE ARTICLE ON THE DECLARATION OF PRINCIPLES

Introduced by Honorable Rosario Braid, Villacorta and Gascon

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

Proposed Resolution No. 407, entitled:

RESOLUTION TO INCLUDE IN THE ARTICLE ON DECLARATION OF PRINCIPLES AND STATE POLICIES A PROVISION CONSTITUTING COMMUNICATION RESOURCES AS A VITAL NATIONAL RESOURCE

Introduced by Honorable Rosario Braid

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

Proposed Resolution No. 408, entitled:

RESOLUTION PROVIDING THAT A SEPARATE ARTICLE ON MASS MEDIA AND COMMUNICATION BE INCLUDED IN THE NEW CONSTITUTION

Introduced by Honorable Rosario Braid, Villacorta; Gascon; Foz and Brocka

TO THE COMMITTEE ON GENERAL PROVISIONS

COMMUNICATIONS

Communication No. 103 — Constitutional Commission of 1986

Letter from the People's Panel for a Nationalist and Democratic Constitution signed by Mr. J. Virgilio Bautista, submitting politico-legal, socio cultural, and economic proposals

TO THE STEERING COMMITTEE

Communication No. 104 — Constitutional Commission of 1986

Letter from the People's Panel for a Nationalist and Democratic Constitution signed by Mr. J. Virgilio Bautista, requesting information on the schedule of public hearings to enable them to participate

TO THE AD HOC PLANNING COMMITTEE ON PUBLIC HEARINGS

Communication No. 105 — Constitutional Commission of 1986

Letter from Concerned Churches for Christian Liberty signed by Rev. Luis Reunilla, submitting a position paper on Christian Education

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 106 — Constitutional Commission of 1986

Communication from Solidarity, Padre Faura, Manila, presenting a program for cultural renewal

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 107 — Constitutional Commission of 1986

Letter from Paralegal Training Services Center, Tribal Filipino Desk, signed by Ms. Donna B. Zapa, enclosing a resolution for the recognition of national minority people's rights

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 108 — Constitutional Commission of 1986

Letter from the Veterans Federation of the Philippines signed by Mr. Emmanuel V. de Ocampo, submitting a resolution requesting a constitutional provision that the state shall provide compensation for services rendered

by war heroes and freedom fighters

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 109 — Constitutional Commission of 1986

Letter from the Family Planning Organization of the Philippines, Iloilo Chapter, signed by Ms. Perfecta D. Tamayo, requesting the inclusion of a policy statement on planned population growth

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication 101 — Constitutional Commission of 1986

Letter from Mr. Juan de la Cruz of Bacolod City, submitting proposed provisions regarding the executive department, among others

TO THE COMMITTEE ON THE EXECUTIVE

Communication No. 111 — Constitutional Commission of 1986

Letter from Mr. Alfredo J. Quemada of Suerte Heights, Kidapawan, Cotabato, suggesting, among others, a review of the land reform policy

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 112 — Constitutional Commission of 1986

Letter from Mr. Alvaro P. Villar of Hagonoy, Tagig, Metro Manila, suggesting provisions on graft and corruption

TO THE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS

Communication No. 113 — Constitutional Commission of 1986

Letter from Concerned Young Filipinos from the South signed by Mr. Rogelio V. Paglomutan and six others, suggesting proposals on the form of government, national economy and local governments, among others

TO THE STEERING COMMITTEE

Communication No. 114 — Constitutional Commission of 1986

Letter from Mr. Juanito M. Acanto of Iznart Street, Iloilo City, suggesting synchronization of elections, among others

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

Communication No. 115 — Constitutional Commission of 1986

Communication from the Nationalist Movement for a Progressive Philippines giving answers to questions relevant to our heritage in land

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

UNFINISHED BUSINESS: COMMITTEE REPORT NO. 3 ON PROPOSED RESOLUTION NO. 263

On motion of Ms. Aquino, there being no objection, the Body proceeded to the continuation of consideration on Second Reading (period of amendments) of Committee Report No. 3 on Proposed Resolution No. 263, entitled:

Resolution to incorporate in the new Constitution an Article on National Territory.

On request of Ms. Aquino, the Chair recognized Mr. Nollado, sponsor of the measure, and Mr. Azcuna as proponent of the substitute amendment.

AMENDMENT OF MR. DAVIDE

As proposed by Mr. Davide, and accepted by Mr. Azcuna and the Sponsor, on line 3 of the substitute amendment, the Body approved the deletion of the words "now or hereafter" between the words "territories" and "belonging."

PROPOSED AMENDMENT OF MR. BERNAS

On lines 3 and 4, Mr. Bernas proposed to delete the words "belonging to the Philippines by sovereign right or legal title" and in lieu thereof, to insert the phrase OVER WHICH THE GOVERNMENT EXERCISES SOVEREIGN JURISDICTION.

Mr. Azcuna did not accept the amendment.

Mr. Nollado, likewise, did not accept the amendment.

Explaining his proposal, Mr. Bernas adverted to the position he had earlier taken that the Article on National Territory should not contain any clause, phrase or word which may diplomatically harm Philippine relations with other countries. He pointed out that the phrase "legal title" has acquired a definite historical meaning on account of the fact that it was put in the 1973 Constitution as a cover-all for claims to Sabah, the Marianas and other areas over which the Philippines was not actually exercising jurisdiction. He said that to keep said phrase in the Constitution would mean continuing the irritation it has generated among neighbor countries.

REMARKS OF MR. GUINGONA

Reacting to Mr. Bernas' explanation, Mr. Guingona registered his opposition to the proposed amendment because it could be misconstrued to mean dropping the claim to Sabah, instead of having a flexible provision that would give the government ample room for future claims.

He expressed regret that an abandonment of the claim might be suggested even before a thorough and unbiased review of it is made, which abandonment could give rise to the presumption that the Commission had lost faith in the officials of government who might present claims without supporting evidence.

On the alleged irritation the claim would cause to a neighbor country, Mr. Guingona maintained that, assuming it is true, such irritation should not be a ground for desisting from pursuing such claim. Besides, Mr. Guingona stated that contrary to what had been presented, the Malaysians are good, understanding and friendly people.

RESPONSE OF MR. BERNAS

As a rejoinder, Mr. Bernas pointed out that although the amendment does not include Sabah, neither does it exclude it. He stated that the country adheres to the generally accepted principle of international law which enables nations to acquire territory through various modes like cession and purchase and, accordingly, the amendment embodies a flexible concept which would permit, not just the present government, but also any future government to include in the Philippine territory any area over which it may exercise sovereign jurisdiction at that time.

REMINDER FROM THE CHAIR

At this juncture, the Chair reminded the Members that the state of consideration is the period of amendments which should no longer entail a long debate, although the Chair had allowed some comments and/or objections in order that the Members could intelligently vote on the amendment.

REMARKS OF MR. MAAMBONG

In this connection, Mr. Maambong invited attention to the five-minute rule on amendments. However, he manifested that he was not raising a point of order and that he was agreeable to a relaxation of the Rules.

Thereupon, having been informed that Mr. Guingona had consumed only four minutes, the Chair granted the balance of one minute to Mr. de Castro who sought recognition to make his remarks.

REMARKS OF MR. DE CASTRO

Before making his remarks on the measure, Mr. de Castro observed that the time allowed for the Members who spoke in the previous day's session was in violation of the Rules. He asked that in all fairness, he should not be limited to just 30 seconds or one minute.

On the merits of the amendment, Mr. de Castro expressed regret over the change of the word "historic" to "sovereign" simply because Malaysia did not like it. He said that between friends, he would consider it blackmail if one extends his hands in friendship on condition that the other removes the word "historic" from the definition of its national territory. He also stressed that the provision, being a municipal law which is effective only within the country, must be retained in the new Constitution just as it was retained in the 1973 Constitution.

Thereafter, Mr. Nollado sought permission to speak for two minutes, which request, there being no objection, was granted by the Chair.

REMARKS OF MR. NOLLEDO

Mr. Nollado stated his stand against the amendment by pointing out that the term "legal title" does not only refer to the claim over Sabah but also to the boundaries set forth in the Treaty of Paris and related treaties. He also pointed out that the Treaty of Paris recognized some areas beyond the 12-mile limit as part of the national waters but over which the country does not really exercise effective jurisdiction, thus, the clause "over which the government exercises sovereign jurisdiction" could be susceptible to misinterpretation. He maintained that the elimination of the phrase "historic right or legal title" would be a retrogression of the highest order.

VOTING ON THE AMENDMENT

Ms. Aquino moved for a vote on the amendment. Thereupon, on request of the Chair, Mr. Bernas restated his proposal to delete on lines 3 and 4 of the draft article the clause "belonging to the Philippines by sovereign right or legal title" and to insert in lieu thereof the clause **OVER WHICH THE PHILIPPINES EXERCISES SOVEREIGN JURISDICTION**, so that the first four lines would read:

THE NATIONAL TERRITORY COMPRISES THE PHILIPPINE ARCHIPELAGO, WITH ALL THE ISLANDS AND WATERS EMBRACED THEREIN, AND ALL THE OTHER TERRITORIES OVER WHICH THE GOVERNMENT EXERCISES SOVEREIGN JURISDICTION. . .

Submitted to a vote, and with 31 Members voting in favor and 14 against, the Chair declared the amendment carried.

MOTION OF MR. GUINGONA

Mr. Guingona moved for nominal voting.

SUSPENSION OF SESSION

The Chair suspended the session.

It was 6:07 p.m.

RESUMPTION OF SESSION'

At 6:16 p.m., the session was resumed.

Upon resumption, acting on Mr. Guingona's motion, the Chair ruled that the Body could proceed to nominal voting pursuant to Section 37, Rule VIII of the Rules of Constitutional Commission.

NOMINAL VOTING ON MR. BERNAS' AMENDMENT

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

EXPLANATION OF VOTES

The following Members explained their votes:

By Mr. Alonto

Mr. Alonto voted for the amendment "interest and welfare of the country."

By Ms. Aquino

Ms. Aquino voted Yes on the understanding that the amendment does not contemplate to exclude the possibility of a claim on Sabah.

By Mr. Bacani

Mr. Bacani voted against the amendment for the reasons, namely 1) that the proposal of Mr. Azcuna does not exclude the claim to Sabah but at the same time does not state that the Philippines is claiming it; and 2) because of the doubt it would cast over the ownership of territories over which the government is temporarily unable to exercise sovereign jurisdiction.

By Mr. Bengzon

Mr. Bengzon voted for the proposal on the grounds that 1) it does not preclude the government from pursuing a claim on any territory; and 2) it does not consider as a loss any part of the country which any foreign nation may take by force or by invasion.

By Mr. Bennagen

Mr. Bennagen voted affirmatively on the understanding that the proposal would not bar any future claim.

By Mr. Bernas

As the proponent of the amendment, Mr. Bernas gave the assurance that it would not preclude the Philippines from exercising whatever right it may have under international law.

By Mrs. Rosario Braid

Mrs. Rosario Braid voted for the amendment on the assumption that it leaves Sabah open to a claim or negotiation.

By Mr. Brocka

Mr. Brocka registered an affirmative vote, stating that he was in agreement with the perceptions of Messrs. Abubakar and Alonto.

By Mr. de Castro

Mr. de Castro voted No to the amendment because it would seem to convey that the national territory consists only of areas over which the Philippines presently exercises sovereign jurisdiction.

On the word "historic" he stated that it could refer to both the past and the future and that it does not exclusively refer to the Sabah claim.

He maintained that the deletion of the word "historic" would foreclose the right of future generations to make valid claims based on historical documents that may be found later on, since "historic" also refers to the future.

By Mr. Colayco

In addition to all the good reasons heard in favor of the amendment, Mr. Colayco stated that because of the long-pending claim over Sabah, the Philippines has not been able to foster full commercial relations with Malaysia.

By Mr. Concepcion

Mr. Concepcion cast a negative vote stating that the clause "over which the government exercises By Mr. Nollado sovereign jurisdiction" implies a waiver of whatever rights the Philippines has over Sabah for the reason that it does not exercise sovereign jurisdiction therein.

By Mr. Davide

Mr. Davide registered a negative vote stating that the proposal would cast doubt on the validity of the Philippine claim over Sabah. He stated that approval of the amendment would have the effect of depriving future generations of a basis for pursuing a claim on a territory over which the Philippines has historic right. He maintained that the Commission does not have the right to waive the people's right to such claim.

By Mr. Foz

Explaining his affirmative vote, Mr. Foz stated that the amendment has nothing to do with the Sabah claim and that the Commission should allow the national leadership to address then question.

By Mr. Guingona

Casting a negative vote, Mr. Guingona stated that the provision on national territory should be as flexible as possible and should not use ambiguous or unclear terms which are subject to misinterpretation.

He expressed apprehension that by indirectly preempting the claim over Sabah, the Filipinos would be doing more than what the Malaysians do. He called attention to the fact that Article XII of the Manila Accord, of which the Federation of Malaysia was a signatory, makes reference to the Philippine claim and "the right of the Philippines to continue to pursue it in accordance with international law and the principle of pacific settlement of disputes" and to the agreement "that the inclusion of North Borneo, now Sabah, in the Federation of Malaysia would not

prejudice either the claim or any right thereunder".

Mr. Laurel voted Yes by adverting to the assurance of the proponent, Mr. Bernas, that the amendment would not do away with any claim the Philippines may have over any territory, including Sabah.

By Mr. Maambong

Mr. Maambong voted Yes and suggested that in the event the affirmative votes prevail, there should be a corresponding realignment of the clause "areas over which the Philippines has sovereignty or jurisdiction" on lines 7 and 8 of the proposed amendment.

Mr. Nollado registered a negative vote on the ground that the amendment, in effect, drops the claim over Sabah. He also stated that elimination of the term "legal title" would imperil the country's right over its waters under the Treaty of Paris and other treaties. He expressed agreement with the views advanced by Mr. Concepcion.

By Mr. Ople

Mr. Ople explained his affirmative vote, stating that the Bernas amendment would not foreclose any claim the Philippines may have in the past, present or future to any part of the earth because such claims are duly protected by international law which, it was agreed, would be adopted in the Constitution.

He stated that while he was supportive of the Azcuna amendment, he found the Bernas amendment better in the sense that it is clear enough to prevent any future Napoleon in Malacañang from invoking any ambiguity in the national territory provision to send an army to Sabah.

He stated that a definition of the national territory makes any part thereof sacred, for which, the Filipinos could pledge their lives, fortune and sacred honor.

By Mr. Padilla

Mr. Padilla voted No to the amendment on the ground that it would contradict the already accepted fact that the national territory comprises those areas "over which the Philippines has sovereignty or jurisdiction." He pointed out that while the accepted phrase is "sovereignty or jurisdiction," the amendment would change it to "sovereign jurisdiction."

He maintained that there is no need for changing the phrase "historic (later changed to 'sovereign') right or legal title," if it is true that the amendment would not foreclose any claim.

Mr. Padilla also expressed agreement with the observations of Mr. Concepcion.

By Mrs. Quesada

Mrs. Quesada registered an affirmative vote on her understanding and assurance of the proponent that the amendment would not preclude any future claim on Sabah or any other territory.

By Mr. Rama

Mr. Rama, voting in the negative, observed that despite the proponent's assurances that the amendment would not preclude the Philippine claim to Sabah, different views had been expressed regarding its interpretation. He warned that any ambiguity, if the amendment is adopted, would be resolved against the Commission, following the legal principle that the author of the ambiguity shall suffer its adverse consequence.

By Mr. Regalado

Mr. Regalado stated that he was voting Yes not because of the proponent's assurances but because of the intent

and purpose of the amendment. He noted that the word "exercises" is in the durative verb form and the phrase "sovereign jurisdiction" is used in the sense it is understood in public international law.

By Mr. de los Reyes

Mr. de los Reyes registered an abstention on the ground that while the phrase "historic/sovereign right or legal title" may be maintained to prevent an estoppel on the Philippine claim to territories based on historic right and legal title, it appears that the Bernas amendment would not also preclude the Philippines from later on laying a claim to Sabah.

By Mr. Rodrigo

Mr. Rodrigo voted Yes and, commenting on the misgivings of those who voted No, he maintained that it would be erroneous to say that under the proposed amendment the Philippines would lose sovereign jurisdiction over a portion which may be invaded or conquered by a foreign nation. He pointed out that the amendatory phrase would have reference only to "all the other territories and not to any land, island or sea which is presently considered part of the Philippine Archipelago.

By Mr. Romulo

Mr. Romulo cast an affirmative vote on the ground that the country has enough problems with what territory clearly belongs to it and, moreover, that the amendment would not bar any claim to future territory.

By Mr. Sarmiento

Mr. Sarmiento voted Yes on the ground that the Bernas amendment would not in any way diminish the country's sovereignty over any territory and that it would not bar the government, whether the present or future, from pursuing its claim any territory.

By Mr. Suarez

Mr. Suarez registered a negative vote stating that as a simple citizen, he finds it presumptuous for the amendment to waive the nation's historic right and legal title to territories over which it has claims.

By Mr. Sumulong

Mr. Sumulong explained his affirmative vote by stating that it is a well-established rule of international law that a state can claim as its national territory only those over which it has sovereignty or jurisdiction. He stated that the Philippines cannot claim Sabah as part of the national territory if it has no control over the latter's internal or external affairs. He stressed that the Constitution may embody the country's claim over Sabah but that it cannot be considered part of the Philippine national territory as long as it does not exercise sovereignty or jurisdiction over it.

He adverted to the fact that the 1935 provision was incorporated at the instance of President Recto on the ground that the country could claim, as part of its national territory, only those over which it exercises control, sovereignty or jurisdiction.

By Ms. Tan

Ms. Tan registered an affirmative vote stating that in addition to the reasons already adduced, amendment would hasten peace and harmony among the Asian neighbors.

By Mr. Treñas

Mr. Treñas cast a negative vote adopting the reasons advanced by those who voted against proposed amendment.

By Mr. Uka

Mr. Uka voted Yes stating that the Bernas amendment was clear enough in that, among others, it would not in any way preclude claims over territories to which the country may have valid title.

By Mr. Villacorta

Explaining his negative vote, Mr. Villacorta stated that he was voting No because of the absence of an unmistakable assurance that the term “sovereign jurisdiction,” as universally understood, would not be a limitation to the assertion of any future Philippine claim based on all the stringent require self-determination.

By Mr. Villegas

Mr. Villegas voted No based on his observation that while the Malaysians object to the word "historic," the words "sovereign right" and "legal title" would be acceptable to them.

By the President

The President, the Honorable Cecilia Muñoz Palma, opted to cast a vote, a negative vote, which she explained by stating that in her opinion, there is no reason to change the phraseology proposed by the Sponsor and by Mr. Azcuna. She opined that the phrase "belonging to the Philippines by sovereign right or legal title" is more embracing and flexible enough to include all possible situations concerning the national territory of the Philippines.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor:

Abubakar Lerum
Alonto Maambong
Aquino Monsod
Bengzon Nieva
Bennagen Ople
Bernas Quesada
Rosario Braid Regalado
Brocka Rodrigo
Colayco Romulo
Foz Sarmiento
Garcia Sumulong
Gascon Tan
Jamir Uka

Laurel

Against:

Azcuna Padilla

Bacani Muñoz Palma

Calderon Rama

De Castro Rigos

Concepcion Suarez

Davide Tadeo

Guingona Treñas

Nolledo Villacorta

Villegas

Abstention:

De los Reyes

With 27 votes in favor, 17 against and 1 abstention, the amendment was approved by the Body.

PROPOSED AMENDMENT OF MR. DE CASTRO

Mr. de Castro proposed the insertion on line 4 of the phrase AS WELL AS THOSE UNDER HISTORIC RIGHT OR LEGAL TITLE after the word "jurisdiction" which amendment was not accepted by Mr. Azcuna for the reason that the Committee wanted to avoid the connotation of the word "historic." Mr. Azcuna stressed that the word "sovereign" was used to convey the precise meaning intended by the Committee.

Mr. de Castro inquired if the Committee's refusal to use the word "historic" was due to Malaysia's objection. He pointed out that the Constitution, as a municipal law, affects the Philippines only and not any other country. Thereafter, he requested for a vote on his amendment.

INQUIRY OF MR. CONCEPCION

At this juncture, Mr. Concepcion inquired if the Yes votes were conditional votes, his observation being that many Members voted in the affirmative on the understanding or assurance of the proponent and of the opinions of other Members. He inquired if such votes could be counted as affirmative votes.

REMARKS OF MS. AQUINO

Mr. Aquino stated that she voted "Yes" based on her understanding that the amendment would not exclude any claim by way of historic right or legal title and not on the basis of the assurance given by the proponent. She opined that this view was shared by those who voted "Yes" on the amendment.

OBSERVATION OF MR. PADILLA

Mr. Padilla observed that the “Yes” vote was a conditional vote based on the understanding or the assurance that the amendment would not preclude the possible claim over Sabah.

REMARKS OF MR. OPLE

Mr. Ople stated that there is no equality of legal perception among the Members regarding the amendment and while there are those who could easily perceive the intent of the proposal, the other Members, being entitled to the benefit of the doubt, cast their votes only upon assurance that such votes expressed their true intent.

OBSERVATION OF THE CHAIR

The Chair stated that the “Yes” votes stand as affirmative votes as reported regardless of the explanations given.

VOTING ON MR. DE CASTRO'S AMENDMENT

Submitted to a vote, and with 9 Members voting in favor and 24 against, the amendment was lost.

INQUIRY OF MR. GUINGONA

Mr. Guingona sought clarification whether the assurance of Mr. Bernas that his amendment would not affect any claim of the Philippines, either present or future, would have any binding effect.

POINT OF ORDER OF MR. BERNAS

Thereupon, Mr. Bernas raised a point of order stating that the periods of interpellation and amendments had been terminated.

The Chair ruled that Mr. Guingona's query was out of order.

REMARKS OF MR. MAAMBONG

At this juncture, Mr. Maambong reminded the Body of the rule which allows the proponent of the amendment and the Member who opposes it 5 minutes each to speak for and against the proposal.

PROPOSED AMENDMENT OF MR. DAVIDE

After the Bernas amendment, Mr. Davide proposed to insert the phrase OR WHICH BELONG TO IT SINCE TIMES PAST, which amendment was rejected by Mr. Azcuna.

Mr. Davide explained that since the favorable votes on the Bernas amendment were based on the assurance of the proponent that it would not fore- close any claim over Sabah, which interpretation, however, was not borne out by the language of the amendment his proposed amendment would clearly state such interpretation.

Submitted to a vote, and with 12 Members voting in favor and 18 against, the amendment was lost.

At this juncture, Mr. Concepcion, who was out of the Session Hall at the time of the voting, registered his affirmative vote for the Davide amendment.

AMENDMENTS OF MR. MAAMBONG

As proposed by Mr. Maambong and accepted by the Sponsor, the Body approved the following amendments:

1.

On line 4, substitute the word "the" with ITS; and

2.

On line 7 after the word "areas" insert THEREOF and a period (.) and delete the phrase "over which the Philippines has sovereignty or jurisdiction."

AMENDMENT OF MR. DAVIDE

As proposed by Mr. Davide and accepted by the Sponsor, the Body approved on line 6 the deletion of the word "the" between "and" and "other."

TERMINATION OF PERIOD OF AMENDMENTS

On motion of Ms. Aquino, there being no objection, the Body closed the period of amendments.

MOTION TO VOTE ON SECOND READING

At this juncture, Ms. Aquino moved that the Body proceed to the voting, on Second Reading, on Article I on National Territory, as amended.

SUSPENSION OF SESSION

The Chair suspended the session.

It was 7:20 p m.

RESUMPTION OF SESSION

At 7:23 p.m., the session was resumed.

RESTATEMENT OF MR. AZCUNA'S AMENDMENT, AS AMENDED

Upon resumption, Mr. Azcuna restated the provision on the National Territory, as amended, to wit:

ARTICLE I

THE NATIONAL TERRITORY

SECTION 1. THE NATIONAL TERRITORY COMPRISES THE PHILIPPINE ARCHIPELAGO, WITH ALL THE ISLANDS AND WATERS EMBRACED THEREIN, AND ALL THE OTHER TERRITORIES OVER WHICH THE GOVERNMENT EXERCISES SOVEREIGN JURISDICTION, CONSISTING OF ITS TERRESTRIAL, FLUVIAL AND AERIAL DOMAINS, INCLUDING THE TERRITORIAL SEA, THE SEABED, THE SUBSOIL, THE INSULAR SHELVES AND OTHER SUBMARINE AREAS THEREOF. THE WATERS AROUND, BETWEEN AND CONNECTING THE ISLANDS OF THE ARCHIPELAGO, IRRESPECTIVE OF THEIR BREADTH AND DIMENSIONS, FORM PART OF THE INTERNAL WATERS OF THE PHILIPPINES.

Thereafter, Ms. Aquino reiterated her motion that the Body proceed to vote on Second Reading on the

amendment, as amended.

Mr. Bacani, however, interposed an objection on the ground that he would first get the people's view on the provision by discussing its implications with them, before the Article is approved on Second Reading.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 7:26 p.m.

RESUMPTION OF SESSION

At 7.34 p.m., the session was resumed.

REMARKS OF MR. AZCUNA

Upon resumption of session, Mr. Azcuna manifested that he had no objection to the deferment of the voting, on Second Reading, on the Article on National Territory until the next session.

Mr. de Castro, however, interposed an objection to the deferment of the voting.

REMARKS OF MR. PADILLA

Mr. Padilla supported Mr. de Castro's stand, stating that it was his understanding that Mr. Bacani withdrew his objection to the immediate voting on Second Reading.

WITHDRAWAL OF MOTION TO VOTE ON SECOND READING

At this juncture, Ms. Aquino withdrew her motion for the Body to proceed to the voting, on Second Reading, on the Article on National Territory.

MR. DE CASTRO'S MOTION TO VOTE ON SECOND READING

Thereupon, Mr. de Castro manifested that in view of the time constraint under which the Commission is working, he was moving that the Body proceed to the voting on Second Reading on the Article on National Territory.

SUSPENSION OF SESSION

The Chair suspended the session.

It was 7:36 p.m.

RESUMPTION OF SESSION

At 7:37 p.m., the session was resumed.

POINT OF ORDER

Upon resumption of session, Ms. Aquino raised a point of order on the ground that she had already withdrawn the motion which under the Rules, only the Sponsor could present.

Thereupon, the Chair ruled Mr. de Castro's motion out of order, stating that since the Sponsor had withdrawn her motion to the same effect, the Body would vote on the Article on National Territory in the next session.

REMARKS OF MR. DE CASTRO

Mr. de Castro reiterated his contention that the Commission is under time constraint and that there was no reason to delay consideration of the matter.

REMARKS OF MR. RODRIGO

Mr. Rodrigo stated that, in fairness to those who had already left the Session Hall, the Body should not vote on such a very important provision of the Constitution.

He then moved to adjourn.

OBJECTION OF MS. AQUINO

Ms. Aquino interposed an objection stating that she still had an important motion for consideration of the Body.

Thereupon, on her motion, there being no objection, the Body reset the schedule of plenary session on Monday back to five o'clock in the afternoon to accommodate the request of some Committee Chairmen.

ADJOURNMENT OF SESSION

Thereupon, the Chair declared the session adjourned until five o'clock in the afternoon of Monday, July 7, 1986.

It was 7:39 p.m.

I hereby certify to the correctness of the foregoing.

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

ATTESTED:

(SGD.) CECILIA MUÑOZ PALMA
President

Approved on July 7, 1986

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.