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Saturday, August 9, 1986

CALL TO ORDER

At 9:25 a.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. Crispino M. de Castro, to wit: Almighty God: We beseech Thee once again to guide our minds and our hearts so that the thoughts and feelings that may emanate from each of us will be that of the Filipino people on whose behalf we seek to fashion a fundamental law that shall embody our collective ideals and aspirations.

Enlighten us, O Lord. Open our eyes and minds. Give us the courage and the strength to see and understand those ideals and proposals that may differ from our own. Let the light of reason shine in our discussions and debates so that we may exchange ideas, thoughts and arguments with truth, clarity and sincerity towards democratic ideals. This, our people expect from us. Help us, O Lord, to finish this Constitution as early as possible because millions of Filipinos are awaiting the day when we shall live in peace and in glory.

Thank You, O Lord.

Amen.

ROLL CALL

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

Azcuna, A. S. Jamir, A.M. K.

Bacani T. C. Lerum, E. R.

Bennagen, P. L. Maambong, R. E.

Bernas, J. G. Nollado, J. N.

Rosario Braid, F. Muñoz Palma, C.

Brocka, L. O. Quesada, M. L. M.

De Castro, C. M. Rama, N. G.

Concepcion, R. R. Regalado, F. D.

Davide, H. G. De Los Reyes, R. F.

Foz, V. B. Rigos, C. A

Rodrigo, F. A. Tan, C.

Romulo, R. J. Tingson, G. J.

Rosales, D. R. Treñas, E. B.

Suarez, J. E. Uka, L. L.

Sumulong, L. M. Villegas, B. M.

Tadeo, J. S. L.

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

The following Members appeared after the Roll Call:

Abubakar, Y. R. Laurel, J. B.

Alonto, A. D. Monsod, C. S.

Aquino, F. S. Natividad, T. C.

Bengzon, J. F. S. Ople, B. F.

Calderon, J. D. Padilla, A. B.

Colayco, J. C. Sarmiento, R. V.

Garcia, E. G. Villacorta, W. V.

The following Members were absent:

Gascon, J. L.M.C. Nieva, M. T. F.

Guingona, S. V. C

READING AND APPROVAL OF THE JOURNAL

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

REFERRAL TO COMMITTEES OF COMMUNICATIONS

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

Communication No. 550 — Constitutional Commission of 1986

Radiogram from the Association of Philippine Physicians in America, Inc., 1830 Mirmar Road, Munster, Indiana 46321, proposing an amendment to Section 7 of Proposed Resolution No. 496 so as to enable a natural-born Filipino citizen who lost his Philippine citizenship to acquire private lands

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 501 — Constitutional Commission of 1986

Communication from the Philippine Union for Human Rights, 2215 Pedro Gil St., Sta. Ana, Metro Manila, expressing its support for a draft proposal prohibiting the extension of RP-US Military Bases Agreement beyond its expiry date in 1991

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 502 — Constitutional Commission of 1986

Communication from the Board of Directors of the CEU Faculty and Allied Workers Union expressing its solid support for the social justice program envisioned in the proposed Constitution and attaching thereto a copy of its proposal to convert CEU into a cooperative, hoping that the Honorable Commissioners will find some pertinent and relevant information therein for the solution of the funding problem in the educational system in the private sector

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 503 — Constitutional Commission of 1986

Communication from Mr. Roberto G. Plata of Grepalife and six hundred ninety-nine other petitioners, seeking to include in the new Constitution a provision obliging the State to protect the life of the unborn from the moment of conception

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

Communication No. 504 — Constitutional Commission of 1986

Communication from Messrs. Emerito P. Nacpil and Emmanuel G. Cleto, both of the United Methodist Church in the Philippines, proposing an amendment by substitution to Section 10 of Proposed Resolution No. 531, (Committee Report No. 31) on the separation and mutual autonomy of the Church and State

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 505 — Constitutional Commission of 1986

Letter from Mr. Abraham Sarmiento for Nationalist Alliance for Justice, Freedom and Democracy, urging the inclusion of provisions banning foreign military bases, and nuclear weapons and facilities in Philippine Territory

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 506 — Constitutional Commission of 1986

Letter from Mr. Miguel Resus of Diatagon, Lianga, Surigao del Sur, suggesting among others that Filipino Citizens abroad be allowed to vote; that every individual must be allowed to donate a portion of his tax obligation to charitable, political, educational and sports purposes; and that dual citizenship may be allowed to Filipinos who have lost their Philippine Citizenship

TO THE STEERING COMMITTEE

Communication No. 507 — Constitutional Commission of 1986

Communication from the Philippine Association for the Advancement of Science, Inc. signed by Mr. Quintin L. Kintanar, expressing its full support to Proposed Resolution No. 222, entitled: RESOLUTION ADOPTING PROVISIONS ON SCIENCE AND TECHNOLOGY FOR INCLUSION IN THE PROPOSED NEW CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 508 — Constitutional Commission of 1986

Letter from Ms. Leticia L. de Leon of 7 Mother Ignacia Avenue, Quezon City, advocating the teaching of religion in both public and private schools, making this compulsory for Catholics to be taught the Catholic faith, the Protestants, the Protestant faith, and so forth

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 509 — Constitutional Commission of 1986

Letter from Mr. Amando R. Ortiz of M. H. del Pilar Street, Tabaco, Albay, suggesting among others that coconut lands should not be covered by land reform and that P.D. No. 27 be amended to give the heirs of landowners shares of the property

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 510 — Constitutional Commission of 1986

Communication from the Philippine Institute of Civil Engineers, First Quezon City Chapter, Centroid Building, 395 Quezon Avenue, Quezon City, signed by Ms. Vivian M. de los Reyes, transmitting a Resolution addressed to President Corazon C. Aquino, requesting the adoption of a national policy requiring the utilization of services of qualified Filipino professionals and experts in all government projects which are; funded by the Philippine government or by foreign loans

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 511 — Constitutional Commission of 1986

Letter from Ms. Melba P. Maggay of the Institute for Studies in Asian Church and Culture, 4 Malinis Street, U.P. Village, Quezon City, endorsing the proposal of Konfes, a group of evangelical Christians, for the retention of the text of Section 8, Article XV of the 1973 Constitution regarding religious instruction in public elementary and high schools

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 512 — Constitutional Commission of 1986

Letter from Mr. Horacio V. Marasigan of the Concerned Citizens of San Juan, Batangas, submitting his proposal regarding THE STRATEGY FOR DISTRIBUTING THE PATRIMONY OF THE NATION and RESOLUTION ON THE DISTRIBUTION OF LAND AND ITS FRUITS

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

POINT OF INFORMATION OF MR. UKA

Thereafter, Mr. Uka, on his own and on behalf of Messrs. Abubakar and Alonto, informed the Body of the forthcoming Muslim holiday, the Hariraya Hadj, on August 15, 1986, which would be celebrated by about 7

million Muslims in the Philippines and about 1 billion Muslims worldwide. He also stated that some 2,000 Filipino Muslims were already starting their pilgrimage to the Holy City of Mecca where the monotheistic faith was founded by Abraham in the sacrifice of his son Ismael.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 9:38 a.m.

RESUMPTION OF SESSION

At 9:44 a.m., the session was resumed.

UNFINISHED BUSINESS: COMMITTEE REPORT NO. 34 ON PROPOSED RESOLUTION NO. 534 ON THE ARTICLE ON SOCIAL JUSTICE

On motion of Mr. Rama, there being no objection, the Body resumed consideration, on Second Reading, of Proposed Resolution No. 534, entitled:

Resolution to incorporate in the new Constitution a separate Article on Social Justice.

PERIOD OF AMENDMENTS ON THE ARTICLE ON SOCIAL JUSTICE

Mr. Rama stated that the Body was still in the Period of Amendments.

On motion of Mr. Rama, there being no objection, the Body deferred the proposed amendment of Mrs. Quesada, and the proposed definition of people's organizations by Mr. Monsod.

AMENDMENT OF MR. DAVIDE

As proposed by Mr. Davide, and accepted by the Sponsor, the Body approved, on the first line of Section 19, to delete the words "the ends of".

MANIFESTATION OF MR. BENNAGEN

On the proposed definition of "people's organizations", which would be the additional Section 21, Mr. Bennagen opined that it would not be necessary to define people's organization, in the same manner that a definition of social justice was not incorporated in the Article. He stated that the definition of people's organization should not be more important than that of social justice.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 9:47 a.m.

RESUMPTION OF SESSION

At 9:54 a.m., the session was resumed.

AMENDMENT OF MRS. QUESADA AS MODIFIED BY MESSRS. NOLLEDO AND BERNAS

Mrs. Quesada proposed to reword the entire Section 13 to read as follows:

SECTION 13. THE STATE SHALL PROTECT AND PROMOTE THE RIGHT TO HEALTH. TO THIS END, IT SHALL ADOPT AN INTEGRATED AND COMPREHENSIVE APPROACH TO HEALTH DEVELOPMENT WHICH SHALL MAKE ESSENTIAL GOODS, HEALTH AND OTHER SOCIAL SERVICES AVAILABLE TO ALL CITIZENS AT AFFORDABLE COST, WITH PRIORITY FOR THE NEEDS OF THE UNDERPRIVILEGED, THE SICK, WOMEN AND CHILDREN, AGED AND DISABLED.

Mrs. Quesada explained that her amendment was influenced greatly by Mr. Romulo's proposed amendment which was reworded to accommodate the new concept of integrated and comprehensive approach to health care and development to make it more encompassing than the original provision.

She pointed out that the provision introduces something new in the Constitution which is the concept of the people's right to health, adding that future Legislatures could adopt the principles laid down by the proposal which address to the problems of health to ultimately include improvement in housing, food, education, allocation of higher resources to health, more people participation in health efforts and development, and increase of purchasing power in order to have more access to health services.

She explained that integration means a unified approach to the country's health delivery system which requires the State to work out a mechanism by which its different instrumentalities and agencies could put up concerted efforts in addressing the health needs of the people.

Mrs. Quesada explained that "integrated" in her proposal emissions optimum use of existing health resources, both government and private, in a spirit of cooperation and collaboration which tasks the State to take the initiative in strengthening such intra-sectoral and inter-sectoral efforts. Integration, she said, also envisions a health care system which blends western medicines with traditional health care modalities, health prevention, and community-based rather than hospital-centered health care delivery.

On the "comprehensive approach", she explained that it means that health services would include health promotion with emphasis on health education, physical fitness, food nutrition, immunization safety in working areas, treatment of diseases, rehabilitation, drug abuse, and other problems relative to health.

She explained further that the clause "make essential goods, health and other social services available to citizens at affordable cost" highlights the fact that health, as a human right, cannot be enjoyed by people unless these are made available and affordable to them, especially the underprivileged sectors of society.

Mrs. Quesada also stated that the phrase "the underprivileged, the sick, women and children, aged and disabled" singles out these groups as disadvantaged in terms of access to health services.

She manifested that Mr. Ople's proposal on Section 14 was already incorporated in the proposed section.

At this juncture, Mr. Nollado proposed to add a sentence at the end of the section to read as follows: THE STATE SHALL EXTEND FREE MEDICAL CARE TO PAUPERS.

Mr. Nollado stated that his proposal was initially objected to by Ms. Tan for the reason that it would promote mendicancy. He opined, however, that Congress could adopt measures which would ensure that the implementation would not promote mendicancy.

He related that in most instances, when paupers go to government hospitals, doctors merely give them prescriptions and not medicines which they could not afford to buy, forcing them to depend on the charity of government in the exercise of its role as *parens patriae*, with all the resources at its command which private persons do not have. He added that if funding is the problem, the government could always improve its tax

collection, tap private resources and invite socially-conscious corporations like San Miguel Corporation and the Ayala corporations to help, improve levies, add P1.00 to the basic residence tax, or generate funds through postage stamps like the anti-TB drive.

Mr. Nollado stressed that the Constitution must not only be nationalistic and pro-people; it must also be pro-poor because the government could not fight for people's rights alone while ignoring those who fight for their lives because of poverty brought about by maladministration, antipathy and indifference on the part of society.

Mrs. Quesada did not accept the proposal, stating that more people may be frustrated when the government fails to deliver a health care system for free, for which reason the Committee settled for the phrase "affordable cost". She pointed out that there are efforts undertaken to address the problems of paupers in the City of Manila and besides, the future generations of Filipinos may have already learned to promote health and prevent diseases. She added that the Committee does not want to create a state of mendicancy.

Mr. Colayco, in support of Mr. Nollado's proposal, related that when he and his wife brought poor people to the Philippine General Hospital, the doctors merely gave them prescriptions and not medicines which they had to buy from commercial drug stores at exorbitant prices. He stressed that these people need every help the government could extend.

Mr. Davide proposed to amend the proposed amendment by rewording the last phrase to read as follows: AFFORDABLE COST AND, WHENEVER NECESSARY, FOR FREE ESPECIALLY TO THE UNDER PRIVILEGED AND THE DISADVANTAGED.

Mr. Nollado did not accept the amendment, stating that it would destroy the essence of Mrs. Quesada's proposed amendment and that the word "underprivileged" may include those who are underemployed who could afford to buy medicines.

Thereupon, Mr. Bacani proposed an amendment to change the wording of the clause to read as follows: IT SHALL ADOPT AN INTEGRATED AND COMPREHENSIVE APPROACH TO HEALTH DEVELOPMENT WHICH SHALL PUT ESSENTIAL GOODS, HEALTH AND OTHER SOCIAL SERVICES WITHIN THE REACH OF ALL CITIZENS.

Mr. Nollado stated that he would accept Mr. Bacani's proposal if it would be understood that "within the reach" means that if the paupers could not afford to buy the medicines, the government would have to give it to them free.

Mr. Bengzon stated that it is not the objective of the Committee to create a welfare state or to constitutionalize mendicancy only to raise false hopes for the people. He pointed out that no matter how much the State would wish to give free medical services to all the poor, it would not be able to do so, adding that "affordable cost" does not necessarily mean that the poor would have to pay for medical services and medicines with cash, because they could also pay with their services through self-help programs. He observed that it would be dangerous to expressly provide in the Constitution that everything will be given free.

Mrs. Quesada manifested her willingness to insert PAUPERS before "the underprivileged" with the understanding that the government would give the paupers free medical services and medicines only when they could not afford to buy them.

Mr. Nollado, however, opined that "affordable cost" might create complications. He then manifested his acceptance of Mr. Bernas' proposal to add the word ENDEAVOR so that the sentence would read: THE STATE SHALL ENDEAVOR TO EXTEND FREE MEDICAL CARE TO PAUPERS.

Mrs. Quesada, on behalf of the Committee, accepted the proposal.

There being no objection the amendment, as amended, was approved by the Body.

MOTION OF MR. BENGZON

On motion of Mr. Bengzon, there being no objection, the Body approved the insertion of the full text of Mrs. Quesada's position paper into the Record of the Constitutional Commission.

PROPOSED AMENDMENT OF MRS. ROSARIO BRAID

Mrs. Rosario Braid commended Mrs. Quesada for her position paper stating that it is not only enlightening but also comprehensive. In this connection, Mrs. Rosario Braid adverted to a conversation between Minister Pardo de Tavera and Minister Bengzon which showed concern over the past indifference to the acceptance of the services which the said position paper seeks to promote. She cited, for instance, the fact that in relation to the immunization program, some acceptors did not continue to avail of it, although, immunization was available. For this reason, she stated that the two Ministers had indicated a re-focusing of the program to put emphasis on education and attitudinal transformation to counter the clientele's indifference to the delivery of health services, one way being the highlighting of the development of self-reliance through available resources.

Thereupon, Mrs. Rosario Braid proposed a rewording of Section 13, to wit:

THE STATE SHALL PROMOTE THE RIGHT TO HEALTH AND SHALL ADOPT A COMPREHENSIVE APPROACH TO HEALTH DEVELOPMENT, MAKE ESSENTIAL SOCIAL SERVICES AVAILABLE TO ALL CITIZENS PARTICULARLY THE UNDERPRIVILEGED, AT AFFORDABLE COST, AND ENCOURAGE SELF-RELIANCE THROUGH THE USE OF INDIGENOUS HEALTH RESOURCES.

Responding thereto, Mrs. Quesada gave the assurance that the concept of self-reliance and the use of indigenous health resources were already integrated in the comprehensive and integrated approach. She stressed that singling out the components might leave out important principles.

Reacting thereto, Mrs. Rosario Braid stated that the underprivileged includes the sick, women, children, aged and disabled. She stressed that SELF-RELIANCE would encourage local scientists to improve indigenous resources such as herbal medicine.

She manifested that should the Committee reject her proposed amendment, she would like to submit it to a vote.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 10:32 a.m.

RESUMPTION OF SESSION

At 10:36 a.m., the session was resumed.

RESTATEMENT OF MRS. ROSARIO BRAID'S PROPOSED AMENDMENT

Upon resumption of session, Mrs. Rosario Braid explained that her proposed amendment would delete "the sick, women, children, aged and disabled" and add AND ENCOURAGE SELF RELIANCE THROUGH THE USE OF INDIGENOUS HEALTH RESOURCES after "underprivileged."

Mr. Bacani suggested that there should first be a vote on the proposal to delete the words, to which Mr. Bengzon agreed.

Mrs. Quesada explained that the enumeration was made to focus attention to the fact that those included therein represent a special group with special health problems which have to be addressed to the health care system. She stressed that they have to be singled out in order to provide a basis for future legislation. Mrs. Rosario Braid stated that she did not have objection to extending them special privileges but that she would like the proposed deletion considered for purposes of brevity. However, Mrs. Quesada reiterated that the provision already contained the inherent concepts of "self-reliance" and "indigenous", stating that singling out some concepts and principles, could leave out others.

Mr. Padilla proposed a simplification of the phraseology with the use of the words UNDERPRIVILEGED SICK

Replying thereto, Mrs. Quesada explained that a comma (,) was placed to denote the fact that the provision would not only cater to the needs of the sick but also to those who are healthy, it being a comprehensive health program that also seeks to address itself to the healthy populace. She stated that the phrase "underprivileged sick" would only refer to the sick.

At this juncture, the Chair stated that the proposal to delete the words "the sick, women and children, aged and disabled" had been sufficiently discussed for which she called for a vote.

With 3 Members voting in favor and 16 against, the proposed amendment was lost.

Thereafter, on Mrs. Rosario Braid's proposed amendment to add the clause AND ENCOURAGE SELF-RELIANCE THROUGH THE USE OF INDIGENOUS HEALTH RESOURCES, the Chair stated that since the Committee did not accept the proposed amendment, it would be submitted to a vote.

Thereupon, with 14 Members voting in favor and 15 against, the proposed amendment was lost.

AMENDMENTS OF MR. DAVIDE

On the same Section 13, Mr. Davide proposed to delete the words "right to" and to insert OF ALL THE PEOPLE in lieu of the comma (,) after "health".

Mrs. Quesada, however, stated that the right should be expressly stated in the provision.

Mr. Davide stated that the proposed Article on Declaration of Principles and State Policies contains the same sentence on health and that, for consistency, there is no need to state the right since it is already deemed included in the mandate to the State to protect and promote the health of all the people.

Mrs. Quesada stated that the word "right" has a special meaning on account of the many violations of this human right in the form of denial of the tender loving care which a patient deserves because of lack of understanding and appreciation of this right by those who render health services.

Mr. Davide agreed to retain the words "alright to" but manifested a reservation to amend the corresponding provision in the Article on Declaration of Principles and State Policies. He then insisted on the inclusion of the phrase OF ALL THE PEOPLE.

Mrs. Quesada, however, observed that it would be a surplusage since the provision mentions that the services would be available to all citizens, to which Mr. Davide replied that "right to health" would have no reference to whom it pertains. He maintained that the right should refer to all the people, considering that the first sentence is silent while the second mentions "of all citizens".

Mrs. Quesada accepted the amendment on behalf of the Committee.

There being no objection, the Body approved the amendment.

Thereafter, as proposed by Mr. Davide and accepted by the Committee, there being no objection, the Body approved to substitute "with priority for the needs of" with ESPECIALLY TO.

AMENDMENT OF MR. RODRIGO

On the same Section 13, line 3, Mr. Rodrigo proposed to insert BY LAW between two commas (,) so that the phrase would read "shall, BY LAW, make essential goods. . ."

Mrs. Quesada addressed the matter to Mr. Ople who indicated the same concern on the phrase.

Mr. Ople proposed to amend Mr. Rodrigo's proposed amendment by suggesting the words: ENDEAVOR TO instead of BY LAW, explaining that his proposal would put the people's expectation at a more realizable level instead of giving the impression that the government itself shall provide for all the goods and services.

Mr. Rodrigo yielded to Mr. Ople's modification.

Mrs. Quesada accepted the amendment on behalf of the Committee, and there being no objection, the same was approved by the Body.

PROPOSED AMENDMENT OF MR. OPLE

On the same Section 3, Mr. Ople proposed to put a period (.) after "affordable cost" and to start a new sentence, reading: THERE SHALL BE PRIORITY FOR THE NEEDS OF THE UNDERPRIVILEGED, THE SICK, WOMEN AND CHILDREN, THE AGED AND THE DISABLED. He stated that the priority given to these group ought not to be read in the context alone of essential goods and services but it should be a priority of the entire integrated and comprehensive approach.

Mrs. Quesada called attention to the fact that Mr. Davide's amendment just approved by the Body had shorten the provision and suggested that Mr. Ople leave the matter to the Committee on Style.

Mr. Ople, in reply thereto, stressed that this is not solely a matter of style inasmuch as it would limit the priority for the underprivileged. He maintained that reserving a sentence for the underprivileged would make the priority coextensive not only with goods and services but also with the entire range of integrated and comprehensive health care.

Upon inquiry of the Chair, Mr. Ople suggested that the sentence end with the phrase "affordable cost" and a new sentence be added, to wit: THERE SHALL BE PRIORITY FOR THE NEEDS OF THE UNDERPRIVILEGED, the sick, women and children, the aged and the disabled."

Mrs. Quesada accepted the amendment on behalf of the Committee which amendment, there being no objection, was approved by the Body.

PROPOSED AMENDMENT OF MR. RAMA

On Section 13, Mr. Rama proposed that emphasis be given to preventive medicine, which he stated, would save millions of lives. He observed that although it is contained in the explanation, many people who would read the Constitution would not have time to research and find out the explanations from these provisions. He adverted to the case of the Lung Center of the Philippines which allegedly cost P150 million to build, which amount, could

have been better spent on a prevention program such as inoculation of millions of infants. He informed that according to statistics, the number three killer in the country is tuberculosis which could have been eradicated through inoculation. He added that more important than the phrase "affordable to the people" would be whether the government has the necessary funds to render the services. He stressed that the country could save millions of lives by emphasizing preventive medicine. In relation thereto, after the clause, "essential goods, health and other services he proposed the insertion of the words **STRESSING ON PREVENTIVE MEDICINE**.

Mrs. Quesada expressed her appreciation for Mr. Rama's interest in preventive medicine and added that she is a proponent of preventive health care, however, to single out this element of a comprehensive approach to health development may bog down the Body with details on the thrust of the health programs. She took note of Mr. Rama's effort to place on record the emphasis on health promotion and added that this is included as part of the explanatory note. Thereafter, she adverted to Section 3.4 which states: "Health services provided should include health promotion (with emphasis on health education), disease prevention or specific protection" such as immunization.

Mrs. Quesada also affirmed that it is the sense of the Committee that special emphasis be placed on preventive medicine and that the future health delivery system should respond to the mandate for more prevention rather than cure.

In view thereof, Mr. Rama withdrew his proposed amendment.

AMENDMENT OF MR. BACANI

With the understanding that "health", in the phrase "essential goods, health and other social services available" would mean health services, Mr. Bacani proposed to amend the phrase to "health **SERVICES** and other social services available" so as to achieve greater clarity.

Mrs. Quesada pointed out that "health" would be part of the social services, others being education, housing, employment and security. While she stressed that other services would be required to enable the people to attain a state of health, she, however, accepted the amendment and there being no objection, the same was approved by the Body.

PROPOSED AMENDMENT OF MR. PADILLA

Mr. Padilla stated that he would like to amend the phrase "goods, health services and other social services" to make it clearer. In place of "health", he proposed the words **ESSENTIAL MEDICINES, HEALTH DRUGS AND HOSPITAL SERVICES**.

Mrs. Quesada, in reply thereto, explained that "goods" does not just refer to health goods like medicine inasmuch as that particular statement is related to the understanding that the state of health could not be achieved if there are other goods which are not made available and affordable. She stated that the comprehensive and integrated nature of this approach to health development takes cognizance of the need to interrelate with other social services.

Mr. Padilla stated that a sick individual would need medicines that are costly, although, to have a good physical and mental health, he would require not only medicine but also good food, to which, Mrs. Quesada replied that health care encompasses more than just the state of health.

Mr. Padilla manifested that he would not insist on his amendment.

PROPOSED AMENDMENT OF MR. BACANI

On the last line, Mr. Bacani proposed a rearrangement, to wit: "there shall be priority for the needs of the disadvantaged, the sick, THE AGED AND THE DISABLED, WOMEN AND CHILDREN". He noted that except for women and children, the rest of those enumerated suffer from some disadvantage or infirmity.

Mr. Rodrigo observed that there is a jarring note in the enumeration as it places women in general, even those who are wealthy and healthy, on the same class with the sick, the aged, the disabled and the underprivileged.

Ms. Aquino pointed out that women, because of their maternal functions, would need special health care services and attention.

In reply to the inquiry of Mr. Monsod whether this could be integrated with the section on women, Mrs. Quesada informed that the section on women refers to working women. Under this particular section, the provision would refer to women in general who would require health care because of their maternal functions.

Mr. Sarmiento, proposed that the section on women be phrased WORKING WOMEN AND CHILDREN to which, Mrs. Quesada replied that "women" as used in Section 13 refers to childbearers, specifically those who stay at home regardless of their social standing.

Thereafter, Mr. Monsod requested a brief suspension of session to allow the Committee to reconcile the different ideas.

SUSPENSION OF SESSION

The Chair suspended the session.

It was 11:15 a.m.

RESUMPTION OF SESSION

At 11:26 a. m., the session was resumed.

APPROVAL OF MR. BACANI'S AMENDMENT

Upon resumption of session, the Chair submitted Mr. Bacani's amendment to a vote, and there being no objection, the same was approved by the Body.

RESTATEMENT OF THE LAST SENTENCE

Thereupon, Mr. Monsod restated the last sentence, to wit:

THERE SHALL BE PRIORITY FOR THE NEEDS OF THE UNDERPRIVILEGED SICK, ELDERLY AND DISABLED, AND WOMEN AND CHILDREN.

Mr. Monsod stated that the proposal would define the sick women and children, and elderly and disabled who are entitled to special or priority attention.

VOTING ON SECTION 13

Mrs. Quesada then restated Section 13, as amended, to wit:

SECTION 13. - THE STATE SHALL PROTECT AND PROMOTE THE RIGHT TO HEALTH. TO THIS END, IT SHALL ADOPT AN INTEGRATED AND COMPREHENSIVE APPROACH TO HEALTH

DEVELOPMENT WHICH SHALL ENDEAVOR TO MAKE ESSENTIAL GOODS, HEALTH SERVICES AND OTHER SOCIAL SERVICES AVAILABLE TO ALL THE PEOPLE AT AFFORDABLE COST. THERE SHALL BE PRIORITY FOR THE NEEDS OF THE UNDERPRIVILEGED SICK, ELDERLY AND DISABLED, AND WOMEN AND CHILDREN. THE STATE SHALL ENDEAVOR TO PROVIDE FREE MEDICAL CARE TO PAUPERS.

Mr. Foz suggested putting the words "women and children" ahead of the others but the Committee disagreed and retained the amendment of Mr. Bacani to place "women and children" at the end of the enumeration.

Submitted to a vote, and with 38 Members voting in favor and none against, Section 13, as amended, was approved by the Body.

PROPOSED AMENDMENT OF MR. DAVIDE

On Section 14, Mr. Davide proposed to insert AND CONTROL between the words "monitoring" and "system".

At this juncture, Mr. Monsod informed the Body that the Committee had decided to consolidate Sections 14 and 15.

REFORMULATED AMENDMENT

Thereupon, Mrs. Quesada stated the consolidated amendment, to wit:

THE STATE SHALL MAINTAIN AN EFFECTIVE FOOD AND DRUG MONITORING SYSTEM, APPROPRIATE HEALTH MANPOWER DEVELOPMENT AND RESEARCH, AND A SPECIAL BODY FOR DISABLED PERSONS TO ENABLE THEIR INTEGRATION TO THE MAINSTREAM OF SOCIETY.

Mr. de los Reyes inquired on the reason for deleting the phrase "for their rehabilitation, self-development and self-reliance".

SUSPENSION OF SESSION

On motion of Mr. Suarez, the Chair suspended the session.

It was 11:34 a.m.

RESUMPTION OF SESSION

At 11:41 a.m., the session was resumed.

AMENDMENT OF MESSRS. REGALADO AND DAVIDE

Upon resumption of session, Mrs. Quesada manifested that due to strong reactions on the new reformulation, the Committee had decided to retain the original Sections. She then read Section 14 containing some insertions introduced by Messrs. Regalado and Davide, to wit:

SECTION 14. - THE STATE SHALL MAINTAIN AN EFFECTIVE FOOD AND DRUG MONITORING AND CONTROL SYSTEM AND UNDERTAKE APPROPRIATE HEALTH MANPOWER DEVELOPMENT AND RESEARCH RESPONSIVE TO THE COUNTRY'S HEALTH NEEDS AND PROBLEMS.

In reply to Mr. Davide's query, Mrs. Quesada affirmed that the Committee had accepted this proposal to insert the words AND CONTROL after "monitoring".

MR. OPLE'S AMENDMENT TO THE AMENDMENT

Mr. Ople proposed to amend the amendment by substituting the word "control" with REGULATORY.

Mr. Davide did not accept the amendment to his amendment on the ground that control would relate precisely to drug, to which Mr. Ople replied that "monitoring and regulatory system" is broader than "control".

Thereupon, Mr. Davide suggested a combination of the two concepts by inserting a comma (,) after "monitoring" and adding the words REGULATION OR CONTROL.

Mr. Sarmiento pointed out, however, that the words "regulation" and "control" are already contemplated in "monitoring", to which Mr. Davide replied that monitoring does not necessarily include regulation or control and, therefore, the language must be stronger to include both, considering that the provision speaks of food and drugs. Mr. Davide stressed the necessity of inserting not only the word CONTROL but also REGULATION as explained. by Mr. Ople.

Mr. Ople stated that he was willing to accept the combination of the words REGULATION and CONTROL provided that they would include the power of the government to regulate the pricing of drugs especially by foreign manufacturers.

At this juncture, Mr. Villacorta stated for the record that the phrase "food and drug monitoring and control" does not contemplate control of food distribution, intake or production.

Replying thereto, Mr. Davide stated that the control referred to means determination whether the food would be nutritious and whether it would contribute to the promotion of health.

Additionally, Mr. Ople pointed out that the intent of the Committee would be better served by the precise term "regulation" which is usually the object of monitoring by a regulatory body of the government. He opined that control would be susceptible to misinterpretation.

In reply to Mr. Suarez' query on the reference to "food", Mr. Davide stated that it refers to processed as well as raw food on which the government may impose certain rules and regulations to ensure that they do not prove disastrous to health.

Mr. Ople supported the wider interpretation given by Mr. Davide. He remarked that although the U.S. Base authorities are under obligation pursuant to the Military Bases Agreement to buy locally sourced vegetables, these vegetables are rejected at the gates of Clark Air Field and Subic Naval Base allegedly because of too high DDT contents to meet their own health standards.

COMPROMISE AMENDMENT

Thereupon, Mrs. Quesada presented a compromise amendment, to wit:

THE STATE SHALL MAINTAIN AN EFFECTIVE FOOD AND DRUG REGULATORY SYSTEM.

Messrs Ople and Davide acceded thereto, and being" to insert the words OF THE PEOPLE AND THE DEVELOPMENT OF THE COUNTRY.

Mr. Monsod stated that the Committee did not intend to bring in the matter of development of the country but to confine itself to health needs and problems.

PROPOSED AMENDMENT OF MR. DAVIDE

On the same Section 14, Mr. Davide proposed to delete the word “country’s”; and after “problems” to insert the words OF THE PEOPLE AND THE DEVELOPMENT OF THE COUNTRY.

Mr. Monsod stated that the Committee did not intend to bring in the matter of development of the country but to confine itself to health needs and problems.

Mr. Davide pointed out, however, that in the proposed Article on Declaration of Principles and State Policies, socio-economic development is the principal thrust of the development and promotion of the health of the people, to which, Mr. Monsod replied that the Commission should not be repeating the same intent in each and every section.

Thereupon, Mr. Davide desisted from pursuing his amendment.

PROPOSED AMENDMENT OF MR. OPLE

On Section 14, at the end of the sentence, Mr. Ople proposed the addition of the following words: AND CORRECT THE HISTORIC BALANCES IN THE DELIVERY OF HEALTH CARE TO THE RURAL AREAS.

Mr. Ople stated that his amendment would reflect the admission of Mrs. Quesada that there is gross disparity between health care services available to urban areas and the same services available to the rural areas.

Mr. Ople adverted to Mrs. Quesada's admission that there is a glut of nursing graduates who are sent abroad because the countryside is too unattractive for them. It is for this reason, he stated, that millions of Filipinos in the rural areas live and die without even seeing a single doctor or nurse. He then urged the Committee, in the interest of social justice for those deprived of medical care in the countryside, to give a countervailing bias so that the redressing of this imbalance in health care for the rural areas would be a part of a mandate of the health section in the Article on Social Justice.

Replying thereto, Mrs. Quesada stated that the concept behind the proposed amendment is already covered under the clause "to undertake appropriate health manpower development" which would already encompass the need of redirecting the health manpower development as well as its utilization.

Mr. Ople pointed out that his proposal covers not only manpower development but the whole range of services under the integrated and comprehensive health care and development program, to which Mrs. Quesada replied that the concept of manpower development, aside from production, utilization and management, includes the deployment and distribution of the health manpower resource.

Mr. Ople pointed out that if the Committee does admit that this is a very grave problem not only of health but also of social justice, then his proposed amendment should deserve some explicit mention in the Section.

MRS. ROSARIO BRAID'S PROPOSED AMENDMENT TO THE AMENDMENT

Mrs. Rosario Braid proposed the addition after the word "research" of the words AND ENSURE THE EVEN REGIONAL DISTRIBUTION OF HEALTH PERSONNEL, explaining that only 30% of the entire force of physicians are in the rural areas serving 70% of the population aside from the fact that the 92,000 health workers are unevenly distributed in the country.

COMMENTS OF MR. MONSOD

Mr. Monsod stated that the minutes of the Committee meetings and the record of the deliberations, as well as Mrs. Quesada's explanation clearly reflect the concept which Mr. Ople would want to convey, and it is for this reason, he opined, that it would not be necessary to include the proposed amendment on Section 13.

WITHDRAWAL OF THE PROPOSED AMENDMENT

In view of Mr. Monsod's explanation, Mr. Ople withdrew his proposed amendment.

AMENDMENT OF MR. SARMIENTO

As proposed by Mr. Sarmiento and accepted by the Sponsor, the Body approved the amendment on Section 14, to insert the words ESTABLISH AND between the words "shall" and "maintain".

PROPOSED AMENDMENT OF MR. OPLE

Mr. Ople proposed the insertion of a new Section 15 after Section 14 which reads:

SECTION 15. THE CARE AND WELFARE OF THE ELDERLY SHALL ENJOY STATE SUPPORT AND PROTECTION.

In explaining his proposed amendment, Mr. Ople pointed out that throughout the Article on Social Justice, as well as the Declaration of Principles, and State Policies, the Body acknowledged the fundamental entitlement of various groups including workers and peasants, working women and minors to the protection of the State but it left out one very important and strategic segment of the work-force composed of those who have withdrawn from work through retirement. He pointed out that there are eight million members of the Social Security System (SSS) and another one million members of the Government Service Insurance System (GSIS), many of whom are about to retire and who would want the government set right the pension schemes for which they have contributed all of their working lives, but out of which, they only get a mere pittance. He informed the Body that governments throughout the world are now moved by the advancing social morality of the age and they are taking vigorous steps to redress the disadvantages for the elderly and those who would retire from the workforce.

INQUIRY OF THE CHAIR

In reply to the query of the Chair, Mr. Ople affirmed that the veterans are covered by his proposed amendment to the extent that they are retirees of the government or of the private sector and therefore are enrolled in the SSS or in the GSIS.

REMARKS OF MR. TINGSON

Speaking in support of the amendment, Mr. Tingson stated that Members of the Commission who are over 60 years old would like to say that they could not avoid growing old but they could avoid growing cold. He pointed out that in the publication Daily Bread said that growing old has some definite advantages. He stressed that if God gave these elderlies the full use of their mental faculties, the sunset years would provide a wonderful opportunity for coming to terms with the past and they should be protected, as well as supported. He opined that it should be the care and welfare of the elderly that would enjoy the support and protection of the State, because they are not afraid of tomorrow for they have seen yesterday and they are in love with today. He ended his remarks by the saying "Come, grow old with me; the best is yet to come".

In his remarks, Mr. Bennagen adverted to a provision on family rights which stated that "The State shall

encourage the Filipino tradition of the family taking care of the elderly". He pointed out that the practice of the State of taking care of the elderly is a Western tradition and that while the State is able to take care of them, they die not from lack of care but from broken heart. He wondered whether the proposed amendment relates to said provision in the Article on Family Rights.

REMARKS OF MR. DE CASTRO

Relative to war veterans and government retirees Mr. de Castro informed the Body that he had filed, together with Mr. Nollado, Proposed Resolution No, 497 on veterans and retirees, which resolution was referred to the Committee on Preamble, National Territory and Declaration of Principles.

REMARKS OF MRS. QUESADA

Mr. Quesada stated that the concern for the elderly had already been taken care of by Section 13 in the sense that the elderly is included within the ambit of the underprivileged to whom the State should afford protection. She opined that providing another special Section for the elderly would open the floodgates to other sections to include special care for the aged, the sick and the women.

CALL FOR A VOTE

Mr. Ople called for a vote on his proposed amendment, which includes the veterans.

MR. DAVIDE'S PROPOSED AMENDMENT TO THE AMENDMENT

Mr. Davide proposed the insertion of the words ORPHANS, ABANDONED CHILDREN, WAR VETERANS AND THE before the word "elderly".

REMARKS OF MR. MONSOD

Mr. Monsod reiterated the stand of the Committee that the proposals of Messrs. Ople and Davide are amply covered by Section 13 and with respect to the other aspect of taking care of the elderly, he opined that this would be provided in the Section on Family Rights.

He then asked that the matter be submitted to a vote.

REMARKS OF MR. OPLE

Mr. Ople maintained that the recurring issue behind his proposed amendment is not on the family obligations to the elderly but on their right to be paid what is rightly due them from the GSIS and the SSS, pointing out that at present, they are only being rewarded with pittance strictly disproportionate to the money they have paid out of their very low wages throughout their working lives.

With respect to Mr. de Castro's amendment, he stated that there is already a provision in the Declaration of Principles.

Finally, Mr. Ople reiterated that his proposed amendment would give a mandate to the SSS, the GSIS and the Pension Funds of the Armed Forces of the Philippines that they should not cheat their own members by denying them living retirement pay which they had earned by faithfully remitting their premium contributions throughout their working lives.

COMMENT OF MR. MONSOD

Mr. Monsod maintained that the proposal is amply covered by Section 13 because it provides an integrated health care for all people, especially for the elderly and the aged.

REMARKS OF MR. DE CASTRO

Relative to his amendment to the amendment, Mr. de Castro read the text of his Proposed Resolution No. 497, to wit:

"It shall be the responsibility of the State to provide adequate care and benefits for war veterans and government retirees, as well as their dependents, commensurate with their present condition in life. Preference shall be given these war veterans and government retirees in the acquisition of public lands and development of natural resources".

The Chair told Mr. de Castro that the concept of his resolution had already been taken in the Declaration of Principles and State Policies, to which Mr. de Castro stated that he was toying with the idea of including the elderly in his proposed resolution because they are either war veterans or government retirees.

Mr. Ople, however, pointed out that of the 600,000 veterans in the country, half of them had retired while the other half are not yet retirable. He opined that Mr. de Castro's proposal would appropriately belong to the Declaration of Principles and State Policies or the General Provisions, perhaps immediately following the provisions concerning the Armed Forces and the defense of the State.

SUSPENSION OF SESSION

Upon request of Mr. Suarez, the Chair suspended the session.

It was 12:18 p.m.

RESUMPTION OF SESSION

At 12:23 p.m., the session was resumed.

WITHDRAWAL OF MR. DE CASTRO'S AMENDMENT TO THE AMENDMENT

Upon resumption of session, Mr. de Castro withdrew his proposed amendment to Mr. Ople's amendment.

PRIVILEGED MOTION OF MR. DAVIDE

Mr. Davide moved that the proposed amendment of Mr. Ople be deferred until the Body considers the Article on Declaration of Principles and State Policies.

Mr. Ople objected and asked that it be submitted to a vote.

Thereupon, the Chair clarified that the voting would be on whether the proposal of Mr. Ople would be proper or not in the Article on Social Justice, and if proper, the Body would again vote on its merit. The Chair, however, stated that if the Body decides that the proposal should not be placed in the Article on Social Justice, it would not necessarily mean that it has no merit, rather, it may be considered in other Articles.

Mr. Ople suggested that the Body first vote on the merit of his proposal so that if it finds no merit in it, then there would be no need to cast another vote on whether it should be placed under the Article on Social Justice.

Mr. Davide, however, affirmed the Chair's ruling.

Mr. Monsod manifested that although the Committee had found the proposal meritorious, it is already provided in Section 13.

Thereupon, the Chair explained that those who would vote Yes want the amendment in the Article on Social Justice and those who would vote No want the amendment in another Article of the draft Constitution.

Submitted to a vote and with 15 Members voting in favor and 19 against, the Body decided that the proposal of Mr. Ople would not be considered in the Article on Social Justice but may be considered in some other provision of the Constitution.

APPROVAL OF SECTION 14, AS AMENDED

On motion of Mr. Rama, there being no objection, the Body approved Section 14, as amended, to wit:

SECTION 14. THE STATE SHALL ESTABLISH AND MAINTAIN AN EFFECTIVE FOOD AND DRUG REGULATORY SYSTEM AND UNDERTAKE APPROPRIATE HEALTH MANPOWER DEVELOPMENT AND RESEARCH RESPONSIVE TO THE COUNTRY'S HEALTH NEEDS AND PROBLEMS.

RESTATEMENT OF SECTION 15

Mrs. Quesada restated Section 15, as amended, to wit:

SECTION 15. THE STATE SHALL ESTABLISH A SPECIAL BODY FOR DISABLED PERSONS FOR THEIR REHABILITATION, SELF-DEVELOPMENT AND SELF-RELIANCE AND TOWARDS THEIR TOTAL INTEGRATION TO THE MAINSTREAM OF SOCIETY.

AMENDMENT OF MR. DAVIDE

As proposed by Mr. Davide and accepted by the Sponsor, the Body approved the deletion of the word "towards" on the third line of Section 15.

INQUIRY OF MR. OPLE

In reply to Mr. Ople's query on whether ex-convicts who were socially disabled because of confinement are included in the contest of the term "disabled", Mr. Bennagen explained that they may be considered disabled if they suffered from some kind of derangement, but not necessarily because of their being ex-convicts. He underscored, however, that they have to pass through access agencies that would classify them according to their personal situations.

APPROVAL OF SECTION 15, AS AMENDED

On motion of Mr. Bengzon, there being no objection, the Body approved Section 15, as amended.

RESTATEMENT OF SECTIONS 19 AND 20 ON THE ROLE AND RIGHTS OF PEOPLE'S ORGANIZATION

Thereafter, Mr. Garcia restated Sections 19 and 20, as amended, to wit:

SECTION 19. - IN THE PURSUIT OF SOCIAL JUSTICE, THE STATE SHALL RESPECT THE INDEPENDENCE AND THE ROLE OF PEOPLE'S ORGANIZATIONS AS A MEANS OF EMPOWERING THE PEOPLE TO PURSUE AND PROTECT THROUGH PEACEFUL MEANS THEIR LEGITIMATE

AND COLLECTIVE INTERESTS AND ASPIRATIONS.

PEOPLE'S ORGANIZATIONS ARE BONAFIDE ASSOCIATIONS OF CITIZENS WITH IDENTIFIABLE LEADERSHIP, MEMBERSHIP AND STRUCTURE AND DEMONSTRATED CAPACITY TO PROMOTE THE PUBLIC INTEREST.

SECTION 20. - THE STATE SHALL RESPECT THE RIGHT OF THE PEOPLE AND THEIR ORGANIZATIONS TO EFFECTIVE AND REASONABLE PARTICIPATION AT ALL LEVELS OF SOCIAL, POLITICAL AND ECONOMIC DECISION-MAKING, AND SHALL MAKE POSSIBLE ADEQUATE CONSULTATION MECHANISMS.

Mr. Garcia explained that to empower the people is the key factor in the attainment of the ends of Social Justice, such that people's organizations would be recognized as a significant vehicle towards progress and democracy, through peaceful social reform. He stated that the Article on Social Justice would mandate the State to respect the independence of such people's organizations as a check on the powers of the State; it would institutionalize their participation through consultation of all sectors in all levels of social, political and economic decision-making; it would guarantee the right of people to have access to information necessary to make responsible decisions; and it would provide for mechanisms in the consultation with people, and in the formulation and implementation of local, regional and national plans and projects.

AMENDMENTS OF MR. ROMULO

Thereupon, on the first line of Section 19, Mr. Romulo proposed to delete the phrase "In the pursuit of social justice", and to start the sentence with the word "The". He explained that the phrase was unnecessary because the objectives of all sections in the Article on Social Justice is the pursuit of social justice, in reply to which Mr. Garcia stated that the phrase is intended to underscore the significance of people's organizations in the pursuit of social justice.

Submitted to a vote, and with 28 Members voting in favor and 9 voting against, Mr. Romulo's amendment was approved by the Body.

On the second line, Mr. Romulo also proposed to delete the words "the independence and" because it might be misinterpreted that other organization guaranteed under the Bill of Rights are not independent.

In reply, Mr. Garcia pointed out that other civic associations and unions could also be classified as people's organizations, and that the term "independence" would be necessary to ensure that they are not created and manipulated by the Government, but to be a check on the power of the State, to which Mr. Romulo replied that the State could pass laws and regulations ostensibly for the purpose of protecting their independence.

Thereupon, Mr. Garcia proposed that the word "independent" be inserted before the word "people's" on the third line so that the phrase would read: THE STATE SHALL RESPECT THE ROLE OF INDEPENDENT PEOPLE'S ORGANIZATIONS. . . which Mr. Romulo accepted.

But Mr. Colayco opined that it would imply that there are people's organizations that are not independent He then proposed that the word "independent" be deleted, in reply to which Mr. Romulo maintained that the purpose of the provision is for the State to protect bona fide organizations, and not just any other organizations like company unions. Mr. Bennagen agreed that certain organizations like company unions adopt the decisions of the government.

On Mr. Colayco's contention that company unions may not necessarily be dependent on the government, Mr. Bennagen cited other examples, like the Kabataang Barangay which could be manipulated by the government,

which the Committee would want to avoid. He reiterated that company unions carry the programs of management which may be counterproductive to the efforts of authentic labor unions.

Submitted to a vote, and with 28 Members voting in favor, none against and one abstention, the proposed amendment of Mr. Romulo, as amended by Mr. Garcia, was approved by the Body.

Mr. Rodrigo abstained from voting.

PROPOSED AMENDMENT OF MR. RODRIGO

In reply to Mr. Rodrigo's observation that people's organizations are covered by Sections 7 and 9 of the Bill of Rights, Mr. Garcia stated that the thrust of Sections 19 and 20 is to encourage people to organize themselves in order to protect their legitimate interest peacefully through collective efforts. He added that these two sections refine and amplify what has been provided for in the Bill of Rights in order to further emphasize the people's legitimate right to have a just share of political power and participate in government decision-making.

PROPOSED AMENDMENT OF MR. DAVIDE

Mr. Davide proposed on Section 19, line 4, to substitute "the people" with THEM.

Mr. Garcia did not accept the proposal because the Committee's intention is to empower the people and not the organizations. He explained that organization is the only means by which the citizenry is mobilized to pursue the unfinished social changes and to participate in the endeavors of the State.

Mr. Davide did not insist on his proposal.

AMENDMENT OF MR. DAVIDE

Mr. Davide proposed to reword the last phrase to read: THE PEOPLE TO PURSUE AND PROTECT, WITHIN THE DEMOCRATIC FRAMEWORK, THEIR LEGITIMATE AND COLLECTIVE INTERESTS AND ASPIRATIONS THROUGH PEACEFUL AND LAWFUL MEANS.

Mr. Garcia accepted the proposal.

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

AMENDMENT OF MS. AQUINO AS MODIFIED BY MR. AZCUNA

Ms. Aquino proposed to delete the phrase "as a means of empowering the people"

Mr. Garcia did not accept the amendment, stating that unless the people are organized and mobilized to pursue their collective interests and legitimate ends, they are powerless.

Thereupon, Mr. Azcuna proposed to substitute the phrase TO ENABLE THE PEOPLE. He explained that power is supposed to be inherent in the people and that it is not for the State to empower them.

Ms. Aquino accepted the amendment.

Mr. Garcia, however, rejected the amendment, as amended, reiterating that the State does not empower the people, but that the organizations are the means of empowering the people.

Additionally, Mr. Bengzon stated that the idea is that the people, in organized numbers, are able to recover their power which has been lost by their being atomized into passive individuals. He opined that although the phrase may lead to misinterpretations, the Committee intends to retain it to emphasize that people must organize

themselves to recover their strength and pursue their collective interests.

Mr. Azcuna insisted on his proposal.

Thereupon, submitted to a vote and with 30 Members voting in favor and 8 against, the same was approved by the Body.

On Section 19, Mr. Garcia read the first paragraph, to wit: THE STATE SHALL RESPECT THE ROLE OF INDEPENDENT PEOPLE'S ORGANIZATIONS TO ENABLE THE PEOPLE TO PURSUE AND PROTECT, WITHIN THE DEMOCRATIC FRAMEWORK, THEIR LEGITIMATE AND COLLECTIVE INTERESTS AND ASPIRATIONS THROUGH PEACEFUL AND LAWFUL MEANS.

The Section was submitted to 8 vote and with 38 Members voting in favor and none against, the amendment was approved by the Body.

Thereafter, Mr. Garcia read the second paragraph of the section, to wit: PEOPLE'S ORGANIZATIONS ARE BONA FIDE ASSOCIATIONS OF CITIZENS WITH IDENTIFIABLE LEADERSHIP, MEMBERSHIP AND STRUCTURE AND DEMONSTRATED CAPACITY TO PROMOTE THE PUBLIC INTEREST.

The paragraph consolidated the proposed amendments of Messrs. Ople, Romulo, Monsod and Davide.

Mr. Garcia agreed with Mr. Ople's observation that people's organizations embrace all groups of citizens who band together voluntarily for the pursuit of public interest including labor and peasant organizations, professional, neighborhood and civic organizations, ethnic and cultural groups and the like.

On Mr. Ople's query whether it is possible that more rigorous qualifications would be required for some organizations than for others, in order that they would be considered bona fide and independent people's organizations, Mr. Garcia explained that organizations vary as to nature and level of political maturity that some may not even have a constitution and by-laws but simple declaration of principles and program of action, so that no one standard could be laid down for them. He, however, concurred with Mr. Ople's suggestion that all these organizations should be required to submit their constitutions and by-laws according to their capacity and capability, to encourage them to mature politically.

On this understanding, Mr. Ople desisted from reviving his previous proposed amendment.

AMENDMENT OF MR. DAVIDE

Mr. Davide proposed to insert INDEPENDENT before "people's", so that the phrase would read INDEPENDENT PEOPLE'S ORGANIZATIONS.

Mr. Garcia accepted the proposal.

PROPOSED AMENDMENT OF MR. MAAMBONG

Mr. Maambong proposed to change "identifiable" with IDENTIFIED.

Mr. Garcia rejected the proposal.

Thereupon, Mr. Maambong desisted from pursuing his proposal.

At this juncture, Mr. Monsod pointed out that Mr. Davide's amendment to insert "independent" may not be necessary because the word was already included in the first paragraph.

Mr. Davide stated that his proposal was already accepted by Mr. Garcia.

Mr. Garcia, however, concurred with the opinion Mr. Monsod.

Mr. Davide did not insist on his amendment.

Thereafter, the second paragraph of Section 19 was submitted to a vote and with 39 Members voting in favor and none against, the same was approved by the Body.

PROPOSED AMENDMENT OF MR. MAAMBONG

On Section 20, Mr. Maambong proposed to add AS DETERMINED BY LAW after "mechanisms" in order to provide for the mechanics and process of consultation.

Mr. Monsod pointed out that the phrase "within the democratic framework" is sufficient for the purpose.

Mr. Maambong maintained that the consultation mechanism may not become effective without any implementing legislation.

Mr. Garcia stated that consultations are, in fact, already going on in many government ministries, which mechanism or practice could be referred to by the people.

Mr. Bennagen concurred with Messrs. Monsod and Garcia, adding that legislation may limit the possibility of people's organizations consulting with government.

On Mr. Regalado's query whether there is any difference between consultations to be made by labor and those to be made by other people's organizations, because in the former, the mechanisms must be provided by law, Mr. Garcia stated that in some cases the people themselves would formulate the mechanisms for consultations but for others such mechanism must be provided for by law.

Mr. Regalado stated that as discussed earlier, Section 20 encompasses labor unions. He observed that the proponents want to include the phrase AS MAY BE PROVIDED BY LAW but the same appears on the subparagraph on labor, thereby subjecting them to the labor provisions. Furthermore, he observed that the Committee did not want to have the same regulatory provision in Section 20.

Reacting thereto, Mr. Garcia clarified that there is no need for the Legislature to enact a law before consultation could take place. He stressed the importance of consultation, stating that interaction between the legislators and the people would result in a better process of lawmaking. He maintained that oftentimes, those who govern do not recognize the worker's right of participation and consultation, for which the principle should be established in the provision.

In reply to Mr. Regalado's query whether the phrase "as may be provided by law" would stifle the worker's rights, Mr. Garcia stated that it could be a constraining factor. He stated that the people might feel the need of prior legislation as a precondition for the exercise of their right to participate, when in fact they could already organize.

Mr. Regalado adverted to Section 3 on labor, wherein the Committee agreed to the clause "the consultative process and their participation therein as may be provided by law", pointing out that it might conflict with existing laws, and that the same is actually a regulatory implementation, to which Mr. Monsod replied that Section 3 does not only deal with organizations and the government but with the enterprise as well. He stated that there should be a law to define the respective rights of employers and employees. He explained that the provision refers to the people's organizations and the consultative mechanisms which are in many sectors of the government. He stressed that their rights might be impaired if enactment of a law has to be awaited. He stated, however, that this would not preclude the enactment of a law, but what the provision seeks to emphasize is that the exercise of their rights would not be preconditioned on the enactment of a law.

In reply to the Chair's query whether Mr. Regalado seeks to introduce another amendment in place of what Mr. Maambong had withdrawn, Mr. Regalado answered in the affirmative by adverting to Mr. Monsod's statement that it would not preclude the enactment of a law. He suggested that the provision be made more specific.

Submitted to a vote, and with 21 Members voting in favor and 16 against, the Body approved the amendment.

VOTING ON SECTION 20

At this juncture, Mr. Rama manifested that there are no more amendments on Section 20 and that the same should be submitted to a vote.

Upon direction of the Chair, Mr. Garcia read Section 20, to wit: THE STATE SHALL RESPECT THE RIGHT OF THE PEOPLE AND THEIR ORGANIZATIONS TO EFFECTIVE AND REASONABLE PARTICIPATION AT ALL LEVELS OF SOCIAL, POLITICAL AND ECONOMIC DECISION-MAKING, AND SHALL MAKE POSSIBLE ADEQUATE CONSULTATION MECHANISMS AS MAY BE PROVIDED BY LAW.

Submitted to a vote, with 30 Members voting in favor, 6 against and 1 abstention, the Body approved the Section, as amended.

Mr. Garcia abstained from voting on the ground that the phrase weakens the provision.

INQUIRY OF MR. NOLLEDO

In reply to Mr. Nollado's query whether "as may be provided by law" refers only to the mechanics, Mr. Regalado answered in the negative stating that it refers to the entire participation.

The Chair clarified that it is not a precondition, which Mr. Regalado confirmed, stating at he precisely proposed "as may be provided by law" as distinguished from Mr. Maambong's "as determined by law", which he said connotes a precondition.

On whether Congress could set limitations, Mr. Regalado stated that Congress could strengthen, amplify, supplement or qualify the right.

The Chair invited Mr. Nollado's attention to the phrase "and shall make possible" noting that Congress can neither retract nor reduce but can enact the mechanisms as contemplated by the Body.

MANIFESTATIONS OF MR. RAMA

Mr. Rama manifested that Mr. Ople had withdrawn his last proposed amendment.

On motion of Mr. Rama, there being no objection, the Body approved the insertion into the Records of Mr. Tingson's speech entitled LAND REFORM, PILLAR OF ECONOMIC RECOVERY.

Mr. Rama, likewise, registered Mr. Jamir's and Mr. Foz' reservations to amend Section 11.

He then moved for the termination of the period of amendments on said section.

RESERVATION OF MR. BERNAS

Mr. Bernas, likewise, registered his reservation to amend Section 20.

MANIFESTATION OF MR. MONSOD

Mr. Monsod manifested that upon consultation with Mr. de los Reyes on the drafting of the Section on the rights of fishworkers which included the phrase “service workers and other forms of contractual relationship”, the same should be regarded as a correction on style.

TERMINATION OF PERIOD OF AMENDMENTS

Thereupon, Mr. Rama reiterated his motion to terminate the period of amendments, and there being no objection, the same was approved by the Body.

ADJOURNMENT OF SESSION

On motion of Mr. Rama, there being no objection, the Chair declared the session adjourned until nine-thirty in the morning of Monday, August 11, 1986.

It was 1:36 pm.

I hereby certify to the correctness of the foregoing.

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

ATTESTED:

(SGD.) CECILIA MUÑOZ PALMA
President

Approved on August 11, 1986

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