

JOURNAL NO. 48

VOL. I, August 05, 1986

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c523dac95897/>

Tuesday, August 5, 1986

CALL TO ORDER

At 9:48 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. Teodoro C. Bacani, to wit:

Father, for more than two months now, we have been working at our appointed task of formulating a Constitution that will be truly responsive to the Filipino people. Often now, we feel weariness, perhaps on occasions discouragement.

Father, give us renewed strength. Continue to pour down Your light upon us; continue to fill our hearts with love and concern for our brethren especially the less privileged; and continue to give us strength of body and soul, so that with unflagging zeal, we may continue the task that You have given us and that what You have begun so marvelously in us may be accomplished by You.

This we ask You through Christ our Lord.

Amen.

ROLL CALL

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

Bacani, T. C. Monsod, C. S.

Bennagen, P. L. Nieva, M. T. F.

Bernas, J. G. Padilla, A. B.

Rosario Braid, F. Muñoz Palma, C.

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

Calderon, J. D. Rama, N. G.

De Castro, C. M. Regalado, F. D.

Concepcion, R. R. De los Reyes, R. F.

Davide, H. G. Rigos, C. A.

Foz, V. B. Rodrigo, F. A.

Garcia, E. G. Romulo, R. J.

Gascon, J. L. M. C. Rosales, D. R.

Guingona, S. V. C. Sarmiento, R. V.

Jamir, A. M. K. Suarez, J. E.

Laurel, J. B. Sumulong, L. M.

Lerum, E. R. Tadeo, J. S. L.

Maambong, R. E. Tan, C.

Tingson, G. J. Villacorta, W. V.

Treñas, E. B. Villegas, B. M.

Uka, L. L.

With 39 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.

Abubakar, Y. R. Colayco, J. C.

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

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

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

Bengzon, J. F. S.

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 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. 442 — Constitutional Commission of 1986

Letter from Mr. Oscar N. Rivera of Zobel Street, San Miguel Village, Makati, suggesting that the issue of United States military bases in the Philippines be treated as a separate proposal independent of the main Constitution when the Constitution is presented to the people for ratification

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 443 — Constitutional Commission of 1986

Letter from Fr. Raymundo Hilot of the Episcopal Commission on Tribal Filipinos, 372 Cabildo Street, Intramuros, Manila, submitting a resolution adopted by the 5th SILDAP-SIDLAKAN General Assembly, seeking inclusion in the Constitution of provisions on the national tribal Filipinos' right to self-determination

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 444 — Constitutional Commission of 1986

Communication from Sheikh Ahmad Bashier, Chairman of the Bangsa Moro Multi-Sectoral Conference, submitting proposals on autonomous governments and autonomy for the Bangsa Moro nation as special constitutional provisions

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 445 — Constitutional Commission of 1986

Letter from Mr. Fred C. Whiting, President, The American Chamber of Commerce of the Philippines, Inc., P.O. Box 1578 MCC, Makati, Metro Manila, expressing the opinion that proposed resolutions before the Constitutional Commission regarding foreign participation in franchised utilities in the Philippines would be counter-productive to the government's goal of making the business climate attractive to foreign investment, urging therefor a very serious consideration of the negative effects that may well result from altering the present 60/40 ratio of participation

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 446 — Constitutional Commission of 1986

Letter from Ms. Remedios C. Galsim and five others of the Concerned Citizens Council, B.F. Homes, Parañaque, Metro Manila, suggesting inclusion in the article on social justice in the Constitution, the definition and principles of "just wage" and "labor has priority over capital"

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 447 — Constitutional Commission of 1986

Letter from Mr. Elviro P. Lagrana of Pulupandan, Negros Occidental, submitting a position paper for the retention of U.S. military bases in the Philippines until such time that we attain economic strength capable of developing our land, air and naval defenses against external attack

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 448 — Constitutional Commission of 1986

Letter from Mr. Delfin R. Manlapaz of 1707 E. Rodriguez, Sr. Blvd., Cubao, Quezon City, Metro Manila, submitting proposed amendments to "Resolution to Incorporate in the New Constitution an Article on Education, Science and Technology, Sports, Arts and Culture" (Committee Report No. 29)

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 449 — Constitutional Commission of 1986

Communication from the Tribal Filipino Apostolate, Diocesan Pastoral Services, Sacred Heart Convent, Zamora Street, Butuan City, signed by Mr. Eric Rico and forty-one others, urging the Constitutional Commission to consider the following proposals: (1) that the Lumads be given the right to own/utilize their

ancestral domain; (2) that the Lumads be given the right to self-determination; (3) that the Lumad culture be honored and respected; (4) that a government agency motivated to serve the Lumads and the rest of the minority peoples be created; and (5) that government services be made available to the Lumads

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 450 — Constitutional Commission of 1986

Letters from Mr. Bienvenido A. Castillo of 50 MacKinley, Pulilan, Bulacan, suggesting the following: prohibiting elected officials from acting as sponsors in weddings or baptism to do away with the padrino system; Congressional approval of the declaration of martial law, suspension of the writ of habeas corpus and foreign borrowings; prohibiting members of the Cabinet from holding other government offices; the President shall not be empowered to grant reprieves, commutations and pardons; trial by jury, among others, and opposing the creation of autonomous government of Cordillera and Mindanao, and land reform saying that it is outright landgrabbing and a political gimmick of the past regime; and saying that the discussion of the U.S. military bases issue at this time is delaying the country's economic recovery

TO THE STEERING COMMITTEE

Communication No. 451 — Constitutional Commission of 1986

Letter from Mr. Briccio T. Aguilos, Jr., Provincial Attorney of Leyte, submitting, upon direction of the Sangguniang Panlalawigan of said province, proposals on local government autonomy

TO THE COMMITTEE ON LOCAL GOVERNMENTS

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.

TERMINATION OF THE PERIOD OF SPONSORSHIP AND DEBATE ON THE ARTICLE ON SOCIAL JUSTICE

Thereafter, on motion of Mr. Rama, there being no objection, the Body closed the period of sponsorship and debate on the Article on Social Justice.

PERIOD OF AMENDMENTS

On motion of Mr. Rama, there being no objection, the Body proceeded to the Period of Amendments.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session to give time to the Committee on Social Justice to go over the amendments submitted by the proponents.

It was 9:59 a.m.

RESUMPTION OF SESSION

At 10:17 a.m., the session was resumed.

Upon resumption of session, Mr. Sarmiento presented to the Body the procedure to be followed in presenting the amendments, to wit:

1)

The proponents would present their amendments. Should there be a clarification, the Members of the Committee would give their explanation without necessarily accepting or rejecting the amendments.

2)

All the proponents would present their amendments and the Committee will pool all these amendments and discuss them in the afternoon.

3)

The Committee would give its reaction to the amendments presented by the different proponents in the next session, after which the Body would vote.

Mr. Sarmiento reiterated that the Body would not vote on the amendments during the morning session.

PROPOSED AMENDMENT OF MR. ROMULO

Mr. Romulo proposed the substitution of Section 1 with the following:

THE STATE SHALL PURSUE SOCIAL JUSTICE IN ALL PHASES OF NATIONAL DEVELOPMENT. IN PURSUIT THEREOF, CONGRESS SHALL ENACT MEASURES TO ENHANCE HUMAN DIGNITY BY REDUCING SOCIAL, ECONOMIC AND POLITICAL INEQUITIES AND BY EQUITABLY DIFFUSING WEALTH AND POWER FOR THE COMMON GOOD.

Mr. Bengzon suggested to change the word "reducing" to ELMINATING which Mr. Romulo did not accept on the ground that it is unreal.

Mr. Romulo accepted Mr. Monsod's proposal to insert the word PROFITS after "wealth".

Mr. Villegas proposed the insertion of the words TO PROMOTE PRIVATE INITIATIVE IN ECONOMIC ACTIVITY after the word "measures", explaining that during the past regime, crony capitalism as well as state capitalism had inflicted untold injustices, not only on workers and farmers, but also on the millions of small and medium-scale entrepreneurs who, he noted, had been completely forgotten in the proposed Article on Social Justice.

Mr. Romulo accepted Mr. Villegas' proposed amendment.

Mr. Bernas proposed the deletion of the word "enact" and in lieu thereof to substitute the phrase GIVE HIGHEST PRIORITY TO THE ENACTMENT OF, explaining that the proposal would give a sense of urgency to this very important matter.

Mr. Romulo accepted the proposal.

Mr. Bacani proposed to maintain the phrase "TO ENHANCE HUMAN DIGNITY" following the word "measures" so that together with Mr. Villegas' amendment, it would read SHALL GIVE THE HIGHEST PRIORITY TO THE ENACTMENT OF MEASURES TO ENHANCE HUMAN DIGNITY BY PROMOTING

INITIATIVES IN ECONOMIC ACTIVITY AND BY REDUCING...

Mr. Bacani explained that the amendment would make "human dignity" the centerpiece.

Mr. Romulo accepted the amendment.

Mr. Ople proposed to transpose Mr. Villegas' amendment to a later part of the paragraph, explaining that the focus of Section 1 is on the reordering of social and economic relations in order to bring about structural social justice. He stated that the insertion of another philosophy on freedom of initiative and freedom of enterprise may detract from the central meaning of the principle of social justice.

Ms. Aquino supported Mr. Ople's view but went further by objecting to the inclusion of Mr. Villegas' amendment in Section 1. She explained that growth in the development of private entrepreneurship does not necessarily mean social distribution of its benefits and it does not sit well with the concept of social justice unless transposed or deleted from Section 1.

Mr. Ople agreed with the suggestion to transpose Mr. Villegas' amendment, adding that it should be appropriately inserted in connection with the consequences of social justice in the sense that it opens up new opportunities for economic development as in the case of Japan, Taiwan and Korea where they first introduced land reform before new capital could be released from land. He opined that "private initiative" should be made supportive to Section 1 through a new section.

Mr. Villegas agreed with Mr. Ople's suggestion, stating that his amendment was premised on the injustices committed against small entrepreneurs and self-employed people who, he stressed, should also be the object of concern of social justice.

Mr. Tingson proposed to reword the first sentence of Section 1 to read: THE STATE SHALL PURSUE THE MORAL IMPERATIVE OF SOCIAL JUSTICE IN ALL PHASES OF NATIONAL DEVELOPMENT.

Mr. Romulo did not accept the amendment on the ground that, as originally envisioned, the moral aspect is only one of the imperatives. He stated that Mr. Tingson's amendment would restrict the sense of Section 1 contrary to what the Committee would want which is to apply social justice in all phases of national development, in reply to which, Mr. Tingson maintained that the social, economic and political aspects could all be categorized as moral imperative.

At this juncture, Mr. de Castro requested that copies of the proposed amendment be furnished the Members in order that they could participate in the deliberation, to which the Chair replied that the Secretariat had already been directed to reproduce copies for distribution.

Mrs. Rosario Braid stated that Mr. Villegas' amendment could be accommodated as a new provision after Section 9 which would attend to the needs of small-scale industries.

Mr. Regalado proposed to insert the word CULTURAL after the word "SOCIAL" which Mr. Romulo accepted.

At this juncture, the Chair reminded the Body of the agreement that the Committee would be given time to go over all the proposals before it would give its official reaction.

Mr. Padilla expressed support for the proposed amendment of Mr. Villegas, reasoning that the promotion or enhancement of private enterprise and economic activity would not only give real substance to social justice but also enhance human dignity. He disagreed to the transposition of the amendment to a lesser position in the Section.

At this juncture, Mr. Sarmiento manifested that the proponents were in the process of pooling all their

amendments. He then asked for Mr. Davide's recognition for an amendment on Section 2.

DEFERMENT OF MR. DAVIDE'S AMENDMENT ON SECTION 2

Mr. Davide requested for deferment of his amendment on Section 2, stating that his original intention to combine Sections 1 and 2 would depend on the final outcome of Mr. Romulo's amendment, as amended.

PROPOSED AMENDMENT OF MR. SARMIENTO

On Section 2, Mr. Sarmiento proposed the substitution of the word "fruits" on line 17 to INCREMENTS THEREOF.

PROPOSED AMENDMENT OF MR. DAVIDE

Mr. Davide proposed the substitution of Sections 3 and 4 with the following:

SECTION ____ IT SHALL BE THE DUTY OF THE STATE TO:

A) AFFORD FULL PROTECTION TO LABOR BOTH DOMESTIC AND OVERSEAS, ORGANIZED AND UNORGANIZED, AND TO PROMOTE FULL EMPLOYMENT AND EQUALITY OF EMPLOYMENT OPPORTUNITIES REGARDLESS OF SEX, AGE, RACE, CULTURE, CREED OR POLITICAL AFFILIATION;

B) GUARANTEE THE RIGHTS OF WORKERS OF ANY CLASS OR KIND TO SELF-ORGANIZATION, COLLECTIVE BARGAINING AND NEGOTIATIONS, PEACEFUL CONCERTED ACTIVITIES, FOR THE MUTUAL BENEFIT, WELFARE OR AID, SECURITY OF TENURE, JUST AND HUMANE CONDITIONS OF WORK, AND TO PARTICIPATION IN POLICY AND DECISION-MAKING PROCESSES AFFECTING THEIR INTEREST;

C) PROMOTE VOLUNTARY MODES OF SETTling DISPUTES BETWEEN WORKERS AND EMPLOYERS, INCLUDING CONCILLATIONS, AND ENFORCE MUTUAL COMPLIANCE THEREOF;

D) REGULATE RELATIONS BETWEEN WORKERS AND EMPLOYERS IN A MANNER THAT RECOGNIZES THE MUTUALITY OF THE RIGHTS OF WORKERS TO JUST RETURNS OF THEIR LABOR AND EMPLOYERS TO REALIZE THEIR GROWTH POTENTIAL AND REASONABLE RETURNS ON INVESTMENTS; AND

E) PROVIDE FOR COMPULSORY ARBITRATION BETWEEN WORKERS AND EMPLOYERS IN SUCH CASES WHERE THE STABILITY OF THE GOVERNMENT OR ANY OF ITS AGENCIES, OR THE PUBLIC INTEREST, GENERAL WELFARE OR COMMON GOOD IS SERIOUSLY AFFECTED.

Mr. Davide explained that his proposed amendment is just an enumeration of the duties of the State with respect to labor. He stated that aside from the Committee's proposal in the matter of full employment and equality of employment opportunities, he is proposing the inclusion of "race and political affiliation" because in the Philippines, there are two classes of citizens, the natural-born and the naturalized Filipinos, who may belong to a particular nationality or race. He stressed that the Constitution, insofar as labor is concerned, must also assure protection of those citizens belonging to another race. Furthermore, Mr. Davide underscored the necessity of including political affiliation in order to avoid the possibility that by reason of one's political affiliation, he may be discriminated upon.

On the deletion of "the right to strike", he stated that it is already encompassed in the term "concerted activities", and that its inclusion might only give rise to a misunderstanding that the State would no longer have the police power to prevent strikes in certain areas, therefore, to give balance to the provision on the rights of labor,

Congress should be given the discretion to determine in what cases should strikes be allowed.

On the proposal for compulsory arbitration in certain cases, he pointed out that in the light of the provisions in the 1935 and 1973 Constitutions, which he believed should be restored, its deletion might be misconstrued as a prohibition against the exercise of this right by the State.

In reply to Mr. Bacani's query whether equality of employment opportunities regardless of race would mean that a non-citizen would also be accorded equal employment opportunities, Mr. Davide stated that his proposal made a distinction only between a natural-born citizen and a naturalized citizen, such that non-citizens would not be covered thereby.

On the right to strike, Mr. Davide reiterated that said right would already be included in the term "concerted activities".

And in reply to Mr. Rodrigo's query on whether the protection to labor, which is under the Declaration of Principles and State Policies of the 1973 Constitution, should likewise be placed under the same Article, Mr. Davide opined that in the light of the special importance given to social justice and the necessity of emphasizing its scope and role in national development, the provisions on labor should be placed under the Article on Social Justice.

In this connection, Mr. Rosales, as Chairman of the Committee on Preamble, National Territory and Declaration of Principles, also believed that provisions on labor should be placed in the Article on Social Justice and stated that it was only placed under the Declaration of Principles in the 1973 Constitution because there was no separate Article on Social Justice.

Mrs. Quesada also pointed out that during the public hearings the workers had expressed their strong support for the right to strike, citing the Constitutions of Uruguay, Argentina, Turkey and Costa Rica which all provide for the workers' right to strike in accordance with law.

On Mrs. Quesada's suggestion that the right to strike be retained but with the limitation as may be provided by law, Mr. Davide agreed, except that it should not also apply to public servants, so that the phrase would read: INCLUDING THE RIGHT TO STRIKE, EXCEPT IN MATTERS INVOLVING PUBLIC SERVICE.

Mrs. Quesada, however, expressed the apprehension that it would contradict the provisions in the Article on Civil Service which would grant such right to public servants, in reply to which Mr. Davide pointed out that the Article on Civil Service only provides for the right to self-organization but is silent on the right to strike, hence, a specific provision on the right to strike could be provided in the Article on Social Justice. Mrs. Quesada pointed out that the original proviso excluded only the members of the Armed Forces and civil defense from the scope of the right to strike, to which Mr. Davide replied that it should involve all personnel with constituent or governmental functions.

At this juncture, Mr. Bengzon stated that since the members of the Committee were divided on the issue, the same could be submitted to the Body at the proper time.

Mr. Rodrigo then suggested that the Committee also consider the right to lockout which Mrs. Quesada mentioned as also included in the Constitution of Costa Rica.

PROPOSED AMENDMENT OF MR. FOZ

Thereafter, Mr. Foz proposed to amend the last sentence of Section 4, to read: THE STATE SHALL REGULATE THE RELATIONS BETWEEN LABOR AND CAPITAL, RECOGNIZE VOLUNTARY MODES OF

RESOLVING LABOR OR INDUSTRIAL DISPUTES, ENSURE MUTUAL COMPLIANCE THEREWITH AND PROVIDE FOR COMPULSORY ARBITRATION ONLY IN NATIONAL INTEREST DISPUTES. THE STATE RECOGNIZES THE PRIMACY OF THE RIGHT OF LABOR TO ITS SHARE OF THE FRUITS OF PRODUCTION AND THE CORRESPONDING RIGHT OF CAPITAL TO A REASONABLE RETURN ON INVESTMENT.

He explained that the regulation by the State of relations between labor and capital had been the subject of court decisions since they are not merely contractual but something invested with public interest, for which reason, it gives the State the right to impose certain rules and regulations necessary for orderly relations between the two for the greater interest of society. He added that in lieu of the word "promote", the word "recognizes" would stress the capability of both labor and management to settle their differences voluntarily. He stated, however, that compulsory arbitration would be limited to disputes involving national interest.

He pointed out that the last sentence of his proposal merely reworded the original provision and underscored the right of labor to its share in the fruits of production, and the right of capital to a reasonable return on investment.

Reacting thereto, Ms. Aquino pointed out that the Committee intended to delete the provision on compulsory arbitration to facilitate the harmonization of interests. She stated that she had initially discussed the matter with Mr. Davide who agreed to the deletion of the provision on compulsory arbitration on the understanding that the provision on voluntary modes of settling disputes do not exclude compulsory arbitration. In reply, Mr. Foz however, maintained that since a similar provision on compulsory arbitration was found in the 1935 and 1973 Constitutions, its deletion from the 1986 Charter could be construed to mean it would no longer be recognized as a means of resolving labor or industrial disputes.

Ms. Aquino pointed out that the provisions in the 1935 and 1973 Constitutions only implicitly stated such means by using the word "may", which was intended to give preference to voluntary modes of settling labor disputes, without precluding compulsory modes.

In view of such interpretation, Mr. Foz stated that he would be amenable to the deletion of the term "compulsory arbitration".

PROPOSED AMENDMENT OF MR. PADILLA

Adverting to Mr Rosales' observation that the provisions on labor in the Declaration of Principles (Section 9), could be placed under the Article on Social Justice, Mr. Padilla opined that a paragraph in the Declaration of Principles and State Policies would be stronger because it would contain fundamental principles. He suggested that Section 9 of the Declaration of Principles and State Policies of the 1973 Constitution be adopted under the Article on Social Justice in lieu of the proposed provisions on labor, in reply to which Mr. Bengzon stated that the same would be considered at the proper time.

Mr. Lerum, however, explained that although he was in favor of incorporating said Section 9 in the Article on Social Justice, it should not preclude the other provisions on labor which were already included therein.

Mr. Padilla observed that since said Section 9 is all embracing, it would be for Congress to enact the measures suggested by Mr. Romulo's amendment to Section 1 instead of burdening the Constitution with additional words or paragraphs.

PROPOSED AMENDMENT OF MR. NOLLEDO

Mr. Nollado proposed to consolidate Sections 1 and 2 to read as follows:

SECTION 1. SOCIAL JUSTICE, AS A SOCIAL, ECONOMIC, POLITICAL AND MORAL IMPERATIVE DESIGNED TO PROTECT AND ENHANCE THE INALIENABLE RIGHT TO HUMAN DIGNITY AS WELL AS TO PROMOTE THE COMMON GOOD, SHALL BE CONSIDERED BY THE STATE IN NATIONAL DEVELOPMENT. TO THIS END, THE CONGRESS SHALL GIVE THE HIGHEST PRIORITY TO THE REDUCTION OF SOCIAL, ECONOMIC AND POLITICAL INEQUITIES BY REGULATING THE ACQUISITION, OWNERSHIP, USE AND DISPOSITION OF PROPERTY AND ITS FRUITS, ESTABLISHING INDEPENDENT AND SELF-RELIANT SOCIO-POLITICAL AND ECONOMIC STRUCTURES, AFFORDING PROTECTION TO LABOR, WOMEN AND MINORS, UPLIFTING THE CONDITION OF THE POOR, PROTECTING THE HEALTH OF ALL THE CITIZENS AND RESPECTING THE RIGHTS OF INDIGENOUS COMMUNITIES.

Mr. Nollado explained that his proposal reflects the contents of the entire Committee Report but with emphasis on the phrase "regulating property" so as to abandon the usual concept of property as contemplated in the 1935 and 1973 Constitutions. He stressed that "regulation" does not mean control as laid down by the Supreme Court in its ruling in the case of *de la Cruz vs. Paras*, hence "regulation" for the common good is an expression which should find acceptance in modern Filipino society.

Mr. Bengzon stated that the Committee would consider the proposal.

Mr. Romulo manifested that his proposed amendment deals only with Section 1 and does not include Section 2.

REMARKS OF MRS. QUESADA

At this juncture, Mrs. Quesada stated for the record that the Committee originally intended to afford full protection to overseas workers in Section 3, but due to the restrictions that the Constitution should be brief and broad, the proposal that the State recognize the rights and look after the welfare of Filipino migrant workers was not included in the Committee report. She expressed the hope that Congress would take note of this particular intention.

PROPOSED AMENDMENT OF MR. OPLE

Prior to his proposed amendment, Mr. Ople inquired whether the Committee had taken into account injunctions issued by the National Labor Relations Commission and the courts as sources of government intervention in labor disputes so that an express proviso prohibiting such injunctions could be inserted in Section 4. Ms. Aquino, in reply thereto, pointed out the difficulties of inserting the proviso because of the generally accepted principle of labor-management relations that the court cannot, by judicial fiat, enjoin labor disputes by way of return-to-work orders; and the provision in the Labor Code prohibiting courts from enjoining labor disputes.

She added that an express Constitutional prohibition might also stymie the possibilities of settlement of disputes in industries which have the component of national interest and national welfare. She gave the assurance that voluntary modes of settling labor-management disputes presuppose the reduction of State intervention and interference to the barest minimum.

With this understanding, Mr. Ople did not insist on his proposal.

At this point, Mr. Lerum observed that under the Labor Code, courts are prohibited from issuing injunctions and such injunctions were, in fact, issued by the National Labor Relations Commission of the Ministry of Labor and

Employment.

Mr. Ople, by way of a rejoinder, explained that the courts are indeed prohibited by the Labor Code from issuing injunctions and that most of these injunctions were issued by the National Labor Relations Commission, a quasijudicial body attached to the Ministry of Labor and Employment, which had the power to issue injunctions. He stressed that the reason why he desisted from presenting his amendment was because Ms. Aquino explained that it is the Committee's stand that under Section 4, the NLRC should not issue injunctions.

Mr. Foz observed that under the Labor Code, courts are not allowed to resolve labor disputes, but under Section 4, the Judiciary may be empowered by Congress to provide that labor cases may or shall be decided by the regular courts.

Ms. Aquino maintained that it is not correct to say that Congress may, at any time, overturn the constitutional mandate on the sanctity of labor-management relations and the primacy of voluntary modes of settling labor disputes. She stressed that it is the Committee's intention to vest authority and jurisdiction of resolving labor disputes through voluntary modes and pre-collective bargaining with minimum State intervention or interference in the form of compulsory arbitration, to which Mr. Foz, in response thereto, stressed that there is nothing that would prevent Congress from passing a law authorizing the courts to handle compulsory arbitration.

PROPOSED AMENDMENT OF MR. DAVIDE

Mr. Davide proposed to change the whole Section 5 with the following:

SECTION 5. - THE STATE SHALL UNDERTAKE A GENUINE AGRARIAN AND LAND REFORM PROGRAM UNDER WHICH FARMERS AND FARMHOLDERS, WITH PRIORITY TO THE LANDLESS, MAY OWN INDIVIDUALLY OR COLLECTIVELY THE LANDS THEY TILL. SUCH PROGRAM SHALL COVER ALL AGRICULTURAL LANDS WHICH, SUBJECT TO SUCH LIMITATIONS AS CONGRESS MAY PRESCRIBE TAKING INTO ACCOUNT CONSERVATION, ECOLOGICAL AND DEVELOPMENTAL REQUIREMENTS, SHALL BE EQUITABLY DISTRIBUTED, UPON PAYMENT OF JUST COMPENSATION IN RESPECT TO PRIVATE LANDS.

Mr. Tadeo explained that the primary objective of Section 5 is to give farmers or tillers of the soil and farmworkers or regular workers in farms, and not seasonal, hired laborers and sacadas, the opportunity to own the lands they till.

He added that "just distribution of all agricultural lands" means that land monopoly would be demolished but the rights of small landowners would be protected through the "retention limits" while the rights of the big landowners would also be respected through "fair and progressive system of compensation" as provided in Republic Act 3844.

He also explained that the purpose of Section 6 is to give farmers and farmworkers participation in planning, organization and management of the program with the inclusion of technical, financial and marketing assistance. He added that "natural resources" in Section 7 would also include other resources under the agrarian reform program.

He pointed out that Mr. Davide's proposal would take away the primacy of farmers, and farmworkers' right to own lands; limit the reform program only to land and not to other natural resources; the retention limit is also excluded, and that the use of the word "may" is not as potent as "must".

In reply, Mr. Davide stressed that his proposal to include "land" would in effect strengthen the concept of land reform. He explained that there is a distinction between agrarian reform and land reform because the former

would refer to an arrangement whereby one works on the land of another while the latter would include the distribution of public lands to landless individuals and those who may qualify under the program. Thus, he stated, the amendment would broaden the scope of the program.

He likewise pointed out that the proposed amendment would not delete but confirm the concept of the primacy of rights which concededly exists.

On the phrase "retention limits", he stated that it need not be stated in the provision as it should be left to Congress, taking into account the provisions on national patrimony.

With respect to public lands, Mr. Davide pointed out that his proposal would not even compel the payment of just and progressive compensation and that the State would have the sole authority and discretion to even distribute the lands free. He observed that under the draft provisions, farmers are required to pay just and progressive compensation.

With respect to private lands, payment of just compensation should be made in the light of the provisions in the Bill of Rights.

Reacting thereto, Mr. Tadeo stated that Mr. Davide's proposal on the word "land" would create some problems, to which Mr. Davide replied that indeed, it should pertain to the Article on National Economy and Patrimony.

Mr. Davide also stated that Mr. Villegas would support his view that the proposals under the Article on National Economy and Patrimony are broader in scope than the recommendation under the Article on Social Justice, for which reason, he maintained that "natural resource reform" should be deleted from the latter Article and transferred to the former.

On the word "may", Mr. Tadeo stated that it sounds weak for which he suggested MUST. Mr. Davide agreed, stating that it could also be SHALL.

On the primacy of the rights, Mr. Davide reiterated that they are inherent, which is why the State is being mandated to respect them.

In reply to Mr. Bengzon's query on the intention of Mr. Davide in proposing "may", Mr. Davide stated that he envisioned a situation whereby a farmer would not want to enjoy the benefits of the program, but that he had changed it to SHALL with the qualification that a farmer cannot be compelled to avail of the right.

INQUIRIES OF MR. RODRIGO

Mr. Rodrigo inquired on the meaning of the phrase "to own individually", particularly on whether this would carry the attributes of ownership. He recalled that as one of the small landowners in Bulacan affected by the land reform program, he voluntarily relinquished his lands in favor of his tenants but that after his tenants got their land transfer certificates, they came back to him disillusioned and bitter about the fact that ownership was not truly vested in them as the land could not be inherited by their children. He stated that: under the program of the previous regime, a farmer's descendants should be willing to work on the land, otherwise, the Samahang Nayon would take in another person who could work on it and that these awarded lands could not be sold or used for residential purposes.

In reply, Mr. Tadeo stated that under Republic Act 3844, land fragmentation is prohibited to maintain the economic family size farms, so that it is only the eldest among the heirs and who is willing to work on the land who would be entitled to it, the other children's recourse being to invest in industrial projects. He also stated that the awardees are prohibited from selling the land which have become the very source of their livelihood.

INQUIRIES OF MR. PADILLA

Adverting to Mr. Tadeo's statement that the proposed fair and progressive system of compensation is a deviation from the basic concept of just compensation, Mr. Padilla stated that the Civil Code recognizes the rights of preemption or redemption in favor of co-owners and adjacent owners. He explained that the right of preemption is the right to offer the same price offered by a prospective buyer, while the right of redemption is exercised when the same is consummated by a third person covering the portion of a co-owner of an undivided property. He stressed that these rights are based on proposed and actual sale of property; that just compensation refers to the price agreed upon between a person who wants to sell and another who wants to buy; and that the rights of preemption or redemption would not be an infringement on the principle of just compensation.

In reply to Mr. Padilla's observation that the phrase "to own the lands they till" would violate the rights of owners under the Bill of Rights, Mr. Tadeo adverted to Section 6 of the Declaration of Principles and State Policies of the 1973 Constitution which used the phrase "equitably diffuse property ownership". He also adverted to the definition of social justice in the case of *Calalang vs. Williams*, stating that *salus populi est suprema lex* according to Dr. Mahar Mangahas also means that the people should not be compelled to obey unjust laws. He maintained that it is the people; not the law, who shall ultimately define social justice and that reform must conform to the people's consensus of justice.

Mr. Padilla stated that he has no objections to the principles of social justice as enunciated, but that the common good and general welfare of all the component elements of society should be considered, and not the privilege of one sector at the expense of others. He added that social justice speaks of the equilibrium of all social, economic and political forces and not anarchy nor despotism.

In reply to Mrs. Nieva's query on whether he has some amendments to propose, Mr. Padilla stated that he has not prepared any proposal because he feels that the basic concept on expropriation of private property even for deserving farmworkers is illegal and unconstitutional .

At this juncture, Mr. Davide stated that his proposed amendment would take care of the concerns of Mr. Padilla by requiring payment of just compensation for the expropriation of private lands.

SUSPENSION OF SESSION

On motion of Mr. Sarmiento, the Chair suspended the session until two-thirty in the afternoon.

It was 12:16 p.m.

RESUMPTION OF SESSION

At 2:50 p.m. the session was resumed.

Thereupon, Mr. Romulo informed that he and Mr. Ople had submitted an amendment to Section 5, copies of which had been furnished the Committee and Members.

AMENDMENT OF MR. NOLLEDO

Mr. Nollado recommended to combine Sections 5 and 7 of the Article, which are interrelated, for purposes of symmetry and legal craftsmanship although with substantial modifications. Combined and amended, the provision would read:

THE STATE SHALL UNDERTAKE A GENUINE AGRARIAN REFORM PROGRAM FOUNDED ON

THE RIGHTS OF FARMERS AND FARMWORKERS TO OWN DIRECTLY OR COLLECTIVELY THE LANDS THEY TILL. TO THIS END, THE STATE SHALL ENCOURAGE AND UNDERTAKE THE JUST DISTRIBUTION OF ALL AGRICULTURAL LANDS, SUBJECT TO SUCH EXEMPTIONS AND PRIORITIES AS CONGRESS MAY PRESCRIBE AND SUBJECT TO A FAIR AND PROGRESSIVE SYSTEM OF COMPENSATION AS DEFINED BY LAW. THE PRINCIPLES OF AGRARIAN REFORM SHALL LIKEWISE APPLY TO LANDS OF THE PUBLIC DOMAIN UNDER LEASE OR CONCESSION, SUBJECT TO PRIOR RIGHTS OF SMALL SETTLERS OR LANDHOLDERS AND THE RIGHTS OF INDIGENOUS COMMUNITIES TO THEIR ANCESTRAL LANDS. IN APPROPRIATE CASES, THE PRINCIPLES OF AGRARIAN REFORM SHALL LIKE WISE APPLY IN THE DISPOSITION OF OTHER NATURAL RESOURCES

With reference to the last sentence, he noted that Mr. Davide had a point when he said that this should pertain to the Committee on National Economy and Patrimony. He stated that he would have no objection should this be referred to the said Committee. He noted that the explanations given by the Committee on Social Justice with respect to the application of general principles of agrarian reform to the disposition of other natural resources are nebulous and might be in reference to the security of tenure.

In explaining the rationale of the proposed amendment, Mr. Nollado manifested his deep concern about the plight of small landholders who constitute a great bulk of the middle class of Filipino society. He adverted to the Journal of Saturday, August 2, 1986 which contained Mr. Tadeo's explanation regarding the scheme of implementation of the genuine land reform program which would affect the small landholders. He stressed that the Constitution will be presented for ratification to these small landholders whose plight was brought to the fore in the Constitutional Commission by a Journal Officer, Mr. Vicente Roy Kayaban, Jr., who distributed a dissertation on the matter. He stated that these small landholders also have tenants and are considered farmers in the contemplation of the Committee Report. He informed that in his conversation with the other Members, many have observed that the retention limit with respect to small landholders should be 7 hectares or 10 hectares. He observed that many factors should be considered in determining the retention limits or exemptions mentioned in his proposed amendment. He stated that 24 hectares may cover lands which are not productive and would not be able to support members of a family of four or five as compared to 2 hectares which are highly productive.

He stressed that it should be left to Congress to determine what would be the extent of the exemption which it should grant instead of Congress determining the intention of the Commission from separate statements coming from the Members of the Committee.

Thereafter, he adverted to the Nilo vs. Court of Appeals case in which the Supreme Court, through Justice Gutierrez, referred to the small landholders as teachers, clerks, nurses, and other hard-working and frugal people who, in a lifetime of sacrifice, gathered their little savings and purchased small farms to supplement the inadequate pension from the GSIS or the SSS. The opinion went further to say that these landholders constitute part of the economic middle class which the government is trying to build. He noted that these people deserve as much consideration as the tenants themselves and that the provision should not create an economic disparity which would favor tenants to the detriment of the small landholders.

He added that Congress should determine priorities and exemptions with respect to the implementation of the land reform program. He noted that the small landholders are alarmed by the statement of Mr. Tadeo that their landholdings shall be subject to agrarian reform. The Members of Congress, he argued, are no less patriotic than the members of the Committee and the Constitutional Commission and they can articulate more validly the sentiments of the people who elected and mandated them.

Mr. Nollado adverted to the statement of Minister Heherson Alvarez of Agrarian Reform in the Manila Chronicle

August 4 issue, in which he said that of the 710,000 hectares of land that should come under operation of PD No. 27, only 11,000 hectares are covered by Land Transfer Certificates. Mr. Nollado stated that he used the word "priorities" in view of the statement of Minister Mitra that land reform covering rice or corn lands should be finished before undertaking land reform of coconut lands or sugar lands. He observed that the supporting structures of the land reform program would entail a lot of expense and that the Body should not raise false hopes on the part of the people. Congress, he stressed, must be given leeway to implement the land reform program as it would have the technical expertise, the facilities and the time to decide this matter. He noted that the Commission is subject to time constraints and to limitations of facilities.

At this juncture, the Chair reminded that the Body just approved a rule during the caucus to limit to ten minutes the time allotted to each speaker. She asked the Secretariat to put on the timer.

Thereafter, Mrs. Nieva requested Mr. Nollado to submit his amendment in writing.

REMARKS OF MR. MONSOD

Mr. Monsod, on behalf of the Committee, made a few clarifications. He stated that in Section 7, the phrase "principles of agrarian reform" meant more than security of tenure. He noted that Mr. Tadeo answered that natural resources may be of several types such as forestry, mining, or lands of the public domain which are subject to alienation, lease or concession. With respect to lands of the public domain suitable to agriculture, Mr. Monsod explained that the Committee intended that the principles of agrarian reform should be practised by the State itself in the disposition or alienation of lands of the public domain. With respect to other natural resources, he informed that the intention of the provision is merely to say that in applying the principles of agrarian reform the chief beneficiaries should be the people or the communities in the area. He noted that a by-product of this arrangement is when the people are in effect entrusted and need not be given the title to the land. He noted that it can be a concession or right under the law although these people shall be expected to take care of the area or the natural resources. Referring to Mr. Davide's proposal to amend the words "natural resources" and substitute them with the word "land", Mr. Monsod clarified that the intent of the Committee is not just land but other natural resources and lands of the public domain suitable to agriculture, whether these are disposable, alienable, under lease or concession.

In addition, Mr. Monsod manifested the Committee's feeling that there are several instances where it might be termed "an unjust acquisition" — if it is the product of political patronage or cronyism. He stressed that should it be the product of a real, honest and bona fide transaction, in the transition from single beneficiary to community as principal beneficiary, there would be a scheme for compensation.

At this point, Mr. Rama requested all the proponents of amendments to present the texts of their amendments to the Secretariat to be reproduced and distributed to the Members and thereby expedite the proceedings.

AMENDMENTS OF MR. DAVIDE

Mr. Davide inquired if the Committee had decided on his proposed amendments to change the words "may" to SHALL and "farmholders" to FARMWORKERS and "justly" to EQUITABLY which were presented earlier. He manifested that he is not insisting on deleting "natural resources" and substitute LAND in lieu thereof in view of the explanation of Mr. Monsod.

As amended, Section 5 shall now read as follows:

THE STATE SHALL UNDERTAKE A GENUINE AGRARIAN AND LAND REFORM PROGRAM UNDER WHICH FARMERS AND FARMWORKERS, WITH PRIORITY TO THE LANDLESS, SHALL

OWN INDIVIDUALLY OR COLLECTIVELY THE LANDS THEY TILL. SUCH PROGRAM SHALL COVER ALL AGRICULTURAL LANDS WHICH, SUBJECT TO SUCH LIMITATIONS AS CONGRESS MAY PRESCRIBE TAKING INTO ACCOUNT CONSERVATION, ECOLOGICAL AND DEVELOPMENTAL REQUIREMENTS SHALL BE EQUITABLY DISTRIBUTED, UPON PAYMENT OF JUST COMPENSATION WITH RESPECT TO PRIVATE LANDS.

Mrs. Nieva stated that the Committee would consider the proposed amendments.

Mr. Tadeo stated that "just compensation" poses a problem as under PD No. 27, payment for the land made by an amortizing owner was based on the average harvest of the preceding three harvest seasons multiplied by 2.5. He noted that the value of the land to be paid for 15 years on equal annual amortization does not follow "just compensation" but fair market value which would be P6,000 to P8,000. With 6% left in principal, he explained that this will reach P13,000 to P15,000. He stated that according to Minister Heherson Alvarez, from 1972 until President Marcos left the country, only 9% were able to pay the P15,000, half of which was paid in installments in a period of 15 years. He stated that what should be applied ought to be R.A. 3844, including the right of preemption or right of redemption and reasonable capacity of the farmer to pay.

Mr. Davide noted that "just compensation" had been included in the proposals of Messrs. Nollado and Padilla. He requested deferment until the Committee shall have taken into account all the proposed amendments to Section 5.

Upon inquiry of Mr. Bengzon, Mr. Davide affirmed that he would be willing to use the old definition of "just compensation".

Mr. Bengzon inquired whether "just compensation" would mean the true market value before President Marcos came out with his presidential decree, to which Mr. Davide stated that it should be aligned with the meaning of "just compensation" in the Bill of Rights. Mr. Davide added that "just compensation" would have the meaning indicated by the Chairman of the Committee on the Bill of Rights.

Mr. Monsod proposed that in the case of "just compensation", the Body should merely state the compensation to be paid to the former landowners. He noted that as far as the source of payment is concerned, the farmer may not be able to afford "just compensation" and that this is the proper area where the State can come in if it means providing support or subsidy to enable the farmer to own the land.

Mr. Davide informed that the opening sentence of this proposal states "it is the duty of the State", meaning that the State should first appropriate, distribute and then the government would deal with the farmers or farmworkers as to the mode of reimbursement or refunding the amount that the government had paid to the landowners, which should be more just and equitable arrangement for the farmers and the farmworkers.

Mr. Monsod observed that this would be consistent with the comments of Mr. Tadeo that the objective of agrarian reform is equity, so in that sense, the State may have to step in to help the farmers pay for the lands.

Mr. Tadeo explained that fair and progressive system of compensation would be a protection to owner-cultivators in the sense that the smaller the land, the higher would be its value. At the same time, it would also give protection to the tenant-beneficiaries as this is where the government would step in to help the tenant to enable him to have that "reasonable capacity" to pay. He noted that in protecting the small landholders, the value of their lands would be high but which cannot be afforded by the tenants. He noted that the statement of Mr. Monsod was correct.

Mr. Davide stated that under the proposal of Mr. Tadeo, Congress would define what should be the compensation although judging from what Mr. Tadeo said that the smaller the area, the higher the value, it would seem that there is no specific parameter for determination. He maintained that it is better to just define what "just

compensation" is in the language of the Bill of Rights and allow Congress to restate how much payment would be required to reimburse the amount paid by the State to the landowner.

INQUIRY OF MR. JAMIR

At this juncture, Mr. Jamir inquired whether Mr. Davide was using the word "may" because no individual should be compelled to own a parcel of land if he does not want to, although Mr. Davide changed this to "shall own" in which case the individual may be compelled to own lands.

Mr. Davide stated that the right may be waived but the sense of the proposal would be to clarify the mandate on the State. He added that it would be left to the farmer or farmworker to enjoy the benefit or the privilege of that right.

PROPOSED AMENDMENT OF MR. MAAMBONG

Mr. Maambong proposed to change the word "genuine" in "genuine agrarian reform" to CONTINUING. He explained that the agrarian reform program has been in place for quite a period of time and that several legislations anent this exist, to wit: Republic Act 3844 or the Agricultural Land Reform Code, Code of Agrarian Reforms, Republic Act 6389 and 6390, and Presidential Decree Nos. 2 and 27.

Replying thereto, Mr. Tadeo opined that Presidential Decree No. 27 is a "fake land reform" decree and would not do justice to the term "continuing".

Mr. Maambong pointed out, however, that land reform laws need not refer only to Presidential Decrees but also to Republic Acts 3844, 6389 and 6390, such that whether or not Presidential Decree Nos. 2 and 27 are fake, the same could not be said of the Republic Acts.

Thereupon, Mr. Rama suggested that the better word would be "effective" rather than "continuing", in order to avoid the implication of whether land reform is "genuine" or "fake", to which Mr. Maambong replied that he was willing to accept the suggestion.

PROPOSED AMENDMENT OF MR. DAVIDE

Mr. Davide proposed the following amendment to Section 6, to wit:

SECTION 6. - THE STATE SHALL CONSULT THE FARMERS, FARMWORKERS, FARMERS' COOPERATIVES OR ORGANIZATIONS IN THE PLANNING, ORGANIZING AND MANAGEMENT OF THE PROGRAM AND SHALL PROVIDE SUPPORT TO AGRICULTURE THROUGH APPROPRIATE TECHNOLOGY ADEQUATE FINANCIAL, CREDIT, REFINANCING, PRODUCTION AND MARKETING ASSISTANCE AND OTHER AIDS.

Mr. Davide explained that the use of the term "refinancing" in his amendment is entirely different from the simple concept of financial assistance in that his amendment would help the farmers in times of economic depression by allowing them refinancing scheme for farm indebtedness, thus broadening the concept of assistance in agrarian reform.

MR. ROMULO'S AMENDMENTS TO THE AMENDMENT

Mr. Romulo proposed the following amendments to the amendment:

- 1) Between the word "the" and "farmers", insert LANDOWNER;;
- 2) Between "the" and "program", insert AGRARIAN REFORM; and

3) Between "production" and "marketing", delete the word "and" and insert a comma (,).

Mr. Davide accepted the amendments to his amendment.

Mr. Tadeo stated that the Committee would study the amendments.

MANIFESTATION OF MR. NOLLEDO

At this juncture, Mr. Nollado manifested that his proposed amendments to Section 7 were already included in his original amendment, his recommendation to the Committee being that Sections 5 and 7, which are related to each other, should be combined.

INQUIRY OF MR. SARMIENTO

In reply to Mr. Sarmiento's query on the scope and extent of Mr. Nollado's proposal in the addition of the words "exemptions and priorities" for the guidance of future legislators, Mr. Nollado stated that the reason why he did not cite the exemptions was because he wanted Congress to have leeway in determining these exemptions. He stated, however, that for the guidance of the Committee, he was recommending the exemption of agro-industrial corporations which are viable and committed to the exportation of certain products that contribute to the national economy in the sense that the application of land reform to areas being cultivated by these corporations might prejudice their export quota requirements.

PROPOSED AMENDMENTS OF MR. DAVIDE

Mr. Davide proposed the following amendments to Section 8, on page 3:

- 1) On line 7, between "of" and "fisherman", insert MARGINAL; and change the word "fisherman" to FISHERMEN;
- 2) On line 8, delete the words "direct or communal"; and
- 3) On line 11, before the word "for", add TO SAID FISHERMEN AND.

On Mr. Tadeo's inquiry as to the rationale for the deletion of the words "direct or communal", Mr. Davide stated that said words are not necessary because marine and fishing resources are considered communal. He also pointed out that the intent of his proposal is the recognition and protection of the right of the marginal fishermen, so that whether the use be direct or communal, they are really entitled to the use of marine and fishing resources. In this connection, he stated that the assistance contemplated here is not an assistance to the fishermen themselves but to the conservation and development of the resources.

On the effect of the deletion of the words "direct or communal use", Mr. Davide maintained that the deletion would not destroy the concept of the right, because, whether it be direct or indirect, it is still a right.

INQUIRY OF MR. MAAMBONG

On Mr. Maambong's observation that the right granted in Section 8 is already covered by Fisheries Act No. 4003, as amended by Commonwealth Act 471, and further amended by several Presidential Decrees, Mr. Davide stated that by constitutionalizing it, the State would be mandated to respect it as a right and, therefore, could not be removed by legislation. He pointed out that the laws and regulations to implement the Fisheries Act have always been in favor, not of the marginal fishermen, but of some politicians, thus, depriving the marginal fishermen of these rights.

Reacting thereto, Mr. Monsod agreed that it should be expressly provided for in the Constitution. He adverted, however, to the problems that the Committee wanted to address itself to, namely, the situation in Laguna de Bay where areas of the bay were used by private fishpen owners to the exclusion of the marginal fishermen; and of the offshore fishermen who, by reason of certain treaties with other countries, were deprived of their livelihood because of the presence of large trawlers. In this connection, Mr. Monsod inquired whether the amendment would cover the; rights of these fishermen to offshore areas, to which Mr. Davide replied that the phrase "the State shall protect the rights of fishermen" recognizes the existence of that right, whether direct or indirect. He pointed out that insofar as the problems addressed to earlier are concerned, any special grant over these areas would have to yield to specific mandate, so much so that grants affecting the right of the marginal fishermen must necessarily be recognized. In this connection, he agreed that his amendment is less limiting and would emphasize the positive character of the right, as it would also address the problem of Japanese trawlers who take advantage of the country's fishing resources.

Thereupon, Mr. Monsod suggested to insert **PREFERENTIAL** before the word "rights", to which Mr. Davide acceded.

INQUIRY OF MR. RODRIGO

In reply to Mr. Rodrigo's query on the meaning of the phrase "local communities", Mrs. Nieva affirmed that it would refer to the communities along the borders of the fishing grounds.

Additionally, Mr. Monsod stated that while the intent is for shore communities to have some preferential rights, this would not mean the exclusion of others because the Committee would want to avoid a situation where other people come in and completely take over the communal fishing grounds, taking away the livelihood of people in these shore communities. He then expressed willingness to consider amendments at the proper time that would properly reflect such intention.

REMARKS OF MR. OPLE

On the exclusivity concerning marine resources including communal fishing grounds, Mr. Ople expressed the hope that no suggestion would be made that would restrict fishing only to the people from the shore communities because the mobility and interaction of fishermen along Manila Bay are very important to widen their opportunities. He reiterated that he would welcome the interpretation that the provision does not intend to restrict the mobility of small fishermen.

Reacting thereto, Mr. Monsod stated that the observation of Mr. Ople was well taken. He pointed out, however, that the word "communal" is not intended to give a special privilege to people in those communities to parcel among themselves exclusive areas for their own fishing benefits. He adverted to the interpretation of Mr. Davide on the intent of the provision.

REMARKS OF MR. NATIVIDAD

Mr. Natividad called attention to the fact that he was one of the authors of the law prohibiting the construction of any obstruction in communal fishing grounds to the prejudice of marginal fishermen, which obstruction could be considered nuisance *per se*, the expenses for the removal of which could be charged against the person responsible for the obstruction.

He stressed that he was for the retention of the word "communal" and for the State to protect the communal fishing grounds as borne out by his experience on the procedure involved in resolving cases of such nature to the

detriment of the marginal fishermen.

Reacting thereto, Mrs. Nieva expressed willingness to consider an amendment that would protect the marginal fishermen.

Mr. de Castro inquired whether the Committee, in its desire to protect the communal fishermen, took into consideration the problem in Laguna de Bay caused by the Napindan Control Structure.

In reply, Mr. Monsod stated that during the public hearings, the Committee received testimonies from the Association of Fishpen Operators, the fishermen around Laguna de Bay and from some technical men on the effects of the Napindan Dam. These testimonies, he stated, were considered by the Committee as one of the bases in emphasizing communal use mandating the government to make sure that the fishing potential of the area is not hurt by artificial structures.

On whether the Committee took into consideration the request of these small fishermen for the total dismantling of the Napindan Control Structure, Mrs. Nieva admitted that the Committee did not go into the technical aspects of the matter.

Finally, Mr. de Castro asked the Committee to make appropriate representations on behalf of the 10,000 families around Laguna de Bay for the demolition of the Napindan Control Structure so that these small fishermen would be given the proper livelihood, to which Mr. Monsod replied that the Records of the Commission would be a very good source of information with regard to the matter.

INQUIRY OF MS. TAN

In reply to Ms. Tan's query whether in using the word "communal", the Committee intends to grant big fishermen equal rights with the marginal fishermen, Mrs. Nieva stressed that the Committee intends to protect the preferential rights of these marginal fishermen.

Additionally, Mr. Monsod adverted to the clarification made by Mr. Davide that the rights sought to be protected include the right to exclude the big fishermen from completely taking over the areas to the detriment of marginal fishermen. He stressed that the State has the duty to exclude the big fishermen who deprive marginal fishermen of their means of livelihood.

Mr. Tadeo added that with the inclusion of the words "both inland and offshore" in Section 8, marginal fishermen would be amply protected.

REMARKS OF MR. DAVIDE

Commenting on Mr. Natividad's suggestion to retain the word "communal", Mr. Davide pointed out the possibility that Congress may define certain offshore or onshore areas as noncommunal thereby diminishing the exercise of preferential right. He stated that without the word "communal", it would simply mean that the entire marine fishing resources would be open to preferential rights of marginal fishermen.

COMMENTS OF MRS. QUESADA

Commenting on Mr. Davide's amendment by substitution, specifically on the use of the words "to consult", Mrs. Quesada stated that consultation ranks low in the level of citizens' participation. She opined that the proposal does not reflect the real intention of the Committee which is to recognize the right of farmers, farmworkers, cooperatives and other independent farmers' organizations to participate in the planning, organizing and management of the agrarian reform program. She stated that the information gathered from consultations

normally ends up as insignificant in the decision making.

Mr. Davide maintained that his proposal which mandates the State to consult is stronger than the original proposal for recognition of a right. He stated that the views of these groups gathered through consultations would help the Legislature formulate policies.

Mr. Suarez stated that the difference between consultation and participation in planning is that the draft proposal reflects a recognition of the right to participate.

On whether it is the intention of the Committee to require representatives of farmers, the farmerworkers, farmers' organizations or associations to sit in agencies or government instrumentalities that would implement the agrarian reform program, Mr. Suarez affirmed that the thrust of the proposal would afford these groups the right to participate through public hearings and consultations but not necessarily to sit formally in policymaking. Mr. Davide stated that on the basis of the reply, his alternative proposal would reflect the real intention of the Committee.

Mr. Bengzon stated that Section 6 should be correlated with the last section. Mr. Davide, however, pointed out that reading Section 6 together with the last section could yield two interpretations, namely: 1) participation in the formulation of policies by way of public hearings or submission of position papers, or 2) that representatives would be allowed to sit either as regular members or as ex officio members of implementing agencies.

Mr. Garcia stressed that the Article on Social Justice should be seen as a whole. He pointed out that Section 20 thereof recognizes the role and right of people's organizations to participate and that the State shall ensure adequate consultation mechanisms for such participation.

On Mr. Davide's contention that there is no need to state in Section 6 the right of farmers and farmworkers to participate considering that such right is already recognized in the other Section, Mr. Garcia stated that Section 20 is an enabling mechanism that would make effective and real the right of people's organizations to participate.

Mr. Davide suggested that Section 6 could be amended to limit its coverage to support to agriculture since Section 20, once amended, would be an all-embracing general principle, to which Mr. Garcia replied that Section 20 would be the vehicle by which the sectors which are normally excluded from political decision making would have their share in the formulation of policies. He stated that while Section 6 refers to the land reform program, Section 20 would zero in on the need of farmers to have a vehicle for participation.

Thereupon, Mr. Davide suggested the rewording of Section 6 to carry the intent of Section 20 in order to avoid confusion.

Mr. Tadeo added that Section 6 is one component in the implementation of a genuine agrarian reform program.

PROPOSED AMENDMENT OF MR. VILLEGAS

Mr. Villegas proposed the deletion of the entire Section 9 considering that the very first section of the Article on National Economy and Patrimony would be an omnibus provision stipulating that all Philippine resources would be used for Filipinos with particular emphasis on the welfare of the poor. He likewise stated that Section 9 appears to be controversial, considering the use of the word "integrated" referring to the different sectors. He expressed the fear that this may elicit negative reaction from the people. He pointed out that although it would be easier to explain the word "integrated" at the macro economy level as simply referring to coordination of the various sectors, its use in certain areas could create intricate problems which should be left to legislation.

Replying thereto, Mr. Monsod informed that when the Committee discussed Section 9, it was aware that it might

duplicate the provisions in the Article on National Economy and Patrimony but that the Committee felt the need to state that there should be a forward or backward integration so that it could include the processing of resources that may be made available to the poor at reasonable costs. He stated, however, that the Committee would be willing to have Section 9 transposed to the Article on National Economy and Patrimony.

In reply to Mrs. Nieva, Mr. Villegas affirmed that the basic needs of the people would be amply covered by the omnibus provision in the said Article.

SUGGESTIONS OF MRS. ROSARIO BRAID

On Section 8, Mrs. Rosario Braid stated that several studies have classified traditional fishermen as municipal fishermen who use vessels of three tons or less and fish in marine and inland waters.

She suggested that Sections 7 and 9 be transferred to the Article on National Economy and Patrimony but should Section 9 be retained, she suggested the inclusion of the concepts of alternative community approaches in the development of small and medium-scale industries, fishing and marine resources in order to meet the basic needs of the people and the goals of an industrializing economy.

On Section 5, Mrs. Rosario Braid suggested the use of "comprehensive" instead of "genuine" to indicate that comprehensive land reform would go beyond the usual rice and corn lands.

On Section 1, she proposed that the definition of social justice should include the concepts of equitable sharing of the fruits and means of production and of power, as well as the concept aimed at achieving a balanced social order. She likewise suggested placing primacy on needs and that the distribution of resources should have as its objective the establishment of society that could be a habitat worthy of the dignity of man.

PROPOSED AMENDMENT OF MR. OPLE

In reply to Mr. Ople's inquiry, Mr. Monsod stated that Section 9 would be transferred to the Article on National Economy and Patrimony.

Thereupon, Mr. Ople proposed the following substitute text for the said section:

THE STATE SHALL PROTECT MUNICIPAL FISHING GROUNDS FROM INTRUSIONS EITHER BY
MAJOR TRAVELERS OR FOREIGN FISHING VESSELS.

Mr. Ople stated that his proposed amendment would allay the fears and grievances of the small fishermen especially from the Manila Bay and the Laguna Lake areas. He cited the RP-Japan Commercial Treaty which has been a threat to the rights of the small fishermen. He pointed out that municipal fishing grounds refer to communal fishing grounds which are relatively small coastal areas from where 600,000 small fishermen derive their livelihood.

Mr. Ople stated that the problem raised by the small fishermen would affect some 200,000 families along the coastlines from Zambales to Batangas whose means of livelihood had been imperilled by the continuous draining of marine resources by big foreign trawlers which do not spare even fry or fingerlings.

In reply, Mr. Monsod pointed out that the concern expressed by Mr. Ople would be adequately covered by Section 8, but the Committee would welcome further amendments thereon, with particular reference to municipal fishing grounds, in reply to which Mr. Ople stated that the protection of small fishermen under the Constitution would earn more than one million votes for the ratification of the Constitution.

PROPOSED AMENDMENTS OF MR. ROMULO

On Section 10, page 3, line 19, Mr. Romulo proposed to change the word "ensure" to MAKE; on line 20, between the words "housing" and "at", to insert AVAILABLE; and on line 21, to put a period (.) after "areas", and delete the words following it up to line 23 inclusive.

He explained that the deletion on lines 21 to 23 would allow Congress to enact laws on complimentary infrastructure, neighborhood services and employment-generating economic activities, otherwise, the proposed provision, as presently worded would imply that if Congress fails to provide for such services and activities, the basic housing program would not be pursued, in reply to which Mrs. Nieva stated that the Committee had considered the necessity of employment opportunities in relocation centers.

In reply to Mr. Monsod's query, Mr. Romulo stressed that infrastructure and neighborhood services are necessary in the integrated approach to Urban Land Reform and Housing Program.

On Section 11, line 24, between the words "dwellers" and "shall", Mr. Romulo further proposed to insert the phrase WITH LEGALLY VALID CLAIMS, to distinguish them from illegal squatters.

On the same Section, line 27, he also proposed to put a period (.) after "relocated" and to delete the words following it up to line 28 inclusive. He explained that the involvement of urban poor dwellers in the planning and implementation of resettlement should be included in the program that Congress may provide.

On the distinction of urban poor dwellers, Mr. Monsod explained the desire of the Committee to address itself even to the problems of squatters who may not have legal claim to their dwelling; therefore, due process of law would be accorded those who have legal valid claims while humane manner of relocation would be rendered to those who may not have claim at all.

Mrs. Nieva then suggested that the Section also provide the "eviction and relocation of urban poor dwellers" which would include the rural communities, which eviction and relocation should be done in humane manner, to which Mr. Romulo agreed that even violators should be entitled to humane treatment.

On Section 12, page 4, line 2, Mr. Romulo proposed to delete the words "a comprehensive" and in lieu thereof to substitute THE; and on line 3, to delete "and development" so that the phrase would read "in the context of the agrarian reform program".

COMMENT OF MS. TAN

On Mr. Romulo's proposal to insert the phrase "with legally valid claims", Ms. Tan explained that every person, even without valid claims, has the right to due process, such that the distinction on urban poor dwellers may not apply to Section 11 but more on Section 10.

COMMENT OF MR. SARMIENTO

Mr. Sarmiento likewise opined that no distinction should be made between illegal urban poor dwellers and those with valid claims because both are entitled to due process, therefore, the original Section 11 should be maintained.

On Section 10, line 20, after the word "housing", he also proposed to add the words AND SERVICES, to which Mr. Romulo agreed

PROPOSED AMENDMENT OF MR. PADILLA

On Section 10, page 3, line 19, Mr. Padilla proposed to delete the words "Land Reform and", so that the phrase would read URBAN HOUSING PROGRAM.

He explained that by incorporating "Urban Land Reform", the Commission would be giving Constitutional recognition to Presidential Decree No. 1517 which former President Marcos issued during the martial law regime, but was never implemented and would prevent Congress from modifying or repealing said decree.

Furthermore, Mr. Padilla proposed the deletion of the entire Section 11 on eviction because it is covered by the Civil Code on lease and the Rules of Court, Rule 70 on illegal entry and detainer. Moreover, it may render nugatory or repeal existing provisions of law on ejectment.

In reply, Mr. Bengzon stated that the proposals would be considered at the proper time.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 4:43 p.m.

RESUMPTION OF SESSION

At 5:23 p.m., the session was resumed.

PROPOSED AMENDMENT OF MR. VILLEGAS

Mr. Villegas stated that the remarks of Mr. Padilla had led him to reconsider some of the phrases in Section 10. He stated that housing is basically an urban problem. He stated that there are three markets which the Committee had considered, namely:

1)

open market housing for people belonging to the high income and high-middle income families which is completely subject to the law of supply and demand;

2)

economic housing, which is affordable only if there are subsidies especially in the area of interest to the buyers such as the SSS, GSIS or any other financial institutions; and

3)

social housing available to low income families almost as a dole-out.

He stated that Mr. Padilla's remarks reminded him of social housing, which is intended for poor families who could not afford to pay for these houses no matter how low the cost may be.

He therefore proposed on Section 10, page 3, to delete "Urban Land Reform and Housing Program that will ensure decent housing at affordable cost" on lines 19 and 20, and in lieu thereof, to insert SOCIAL HOUSING PROGRAM THAT WILL MAKE DECENT HOUSING AVAILABLE.

He stated that social housing cannot be made affordable to low income families for which the State should make units available either through rentals or through actual dole-outs to them.

Replying thereto, Mr. Monsod stated that the Committee wanted to avoid the constitutionalization of dole-outs, for which reason "affordable cost" was provided. He stressed that it does not mean that the State shall not subsidize the project, but that the draft provision intends to express that what the recipient should pay would be that which he could afford. He stated that the State shall come in when the individual could not afford the payment.

With respect to line 19, Mr. Monsod took note of Mr. Padilla's statement that the proposal is identical to that of the past regime which could be avoided by using a different name for the program.

Mrs. Nieva explained that the Committee is not limiting the idea to ready-made houses but also to provide for the development of sites and services.

On Section 12, on page 3, Mr. Villegas stated that studies show that there is no real housing problem in the rural areas, since the people in these areas are more flexible in adapting to their housing conditions.

REMARKS OF MR. FOZ

On socialized housing for the urban poor, Mr. Foz pointed out that a task force on reorganization assigned to the Ministry of Human Settlements (MHS), headed by Mr. Horacio Morales, had submitted a report on its findings on housing which are: 1) the cost of a lot, as computed by MHS representatives in consultation with the urban poor representatives, is a little over P8,000.00; 2) the urban poor could afford and are willing to pay on installment basis for such lots; 3) they are willing to build the houses themselves in accordance with specified government standards; and 4) after being awarded with such lots, they want to have security from demolition.

Mr. Monsod observed that although the study is laudable, there may be many cases wherein subsidy might be needed and that to assume that there is no need for a subsidy, might foreclose a housing program for the poor.

Mr. Foz stated that 75% of the squatters in Metro Manila are paying rent from P100.00 to P150.00 a month for their units to professional squatters and that about 25% are real squatters.

PROPOSED AMENDMENTS OF MR. MAAMBONG

Mr. Maambong proposed to change into small letters "URBAN LAND REFORM AND HOUSING" on Section 10, page 3, line 11, in consonance with the Committee's intention to adopt the principles of urban land reform of the previous administration but not to equate it with decrees like Presidential Decree Nos. 1617 and 1893 since the only program at present is that of the previous administration.

Mrs. Nieva concurred with Mr. Maambong's comment that urban land reform in Manila did not really start with the previous administration but way back with R.A. 1162, which expropriated landed estates or haciendas in Manila and subdivided these landed estates into small lots for sale or lease at reasonable terms.

REMARKS OF MR. REGALADO

Mr. Regalado pointed out that the Committee had made a distinction between "urban poor" and "rural poor" as provided in Sections 10 and 12, respectively in terms of benefits that would be granted by the government. He contended that since there is difficulty in distinguishing which are urban or rural areas, he would furnish the Committee with a copy of the Supreme Court decision in the case of *Fabia vs. Intermediate Appellate Court* to help in making clear the distinction.

PROPOSED AMENDMENT OF MR. NOLLEDO

On Section 13, page 4, line 11, after "disabled", Mr. Nollado proposed to add the sentence: THE STATE SHALL PROVIDE FREE MEDICAL CARE TO PAUPERS. He stated that the provision implements the role of the State as *parens patriae*. He stressed that the government could always find ways to raise funds from various sources such as residence taxes and postage stamps. He stated that the term "paupers" has acquired an established meaning in jurisprudence and its number has increased due to the repressive and corrupt Marcos regime, for which reason he stated that the Committee should consider his recommendation.

PROPOSED AMENDMENTS OF MR. DAVIDE

Mr. Davide stated that he had several amendments on Sections 13, 14 and 15, but which were mere realignments to clarify the provision. He stated that he is more interested in presenting new sections as follows: 1) On minors — THE STATE SHALL PROVIDE A SPECIAL PROTECTION TO MINORS ESPECIALLY WORKING MINORS AND SHALL PROHIBIT THEIR EXPLOITATION AND ENSURE THEIR FULL DEVELOPMENT; and 2) on social security — THE STATE SHALL PROVIDE ADEQUATE SOCIAL SECURITY SERVICES, RELIEF FROM UNEMPLOYMENT SUCH AS UNEMPLOYMENT INSURANCE, AND OTHER SOCIAL WELFARE SERVICES FOR THE OLD. He manifested that Mr. Guingona proposed to add THE AGED AND THE SICK OR DISABLED after "old."

PROPOSED AMENDMENT OF MR. SARMIENTO

Mr. Sarmiento manifested that together with Mr. Villacorta and Mrs. Quesada, they would propose a new section to read: CHILDREN SHALL HAVE THE RIGHT TO PROPER CARE, NUTRITION, A RELEVANT AND QUALITY EDUCATION AS WELL AS PROTECTION FROM ALL FORMS OF NEGLECT, CRUELTY AND EXPLOITATION PARTICULARLY IN EMPLOYMENT HARMFUL TO THEIR PHYSICAL, MENTAL OR MORAL WELL-BEING.

Mrs. Nieva stated that the Committee would reconcile the proposal with the Declaration of Principles on family rights, the youth and children.

PROPOSED AMENDMENT OF MR. NATIVIDAD

Mr. Natividad proposed on Section 14, page 4, to add a new sentence to read as follows: A PROGRAM FOR THE PREVENTION OF DRUG ABUSE SHALL BE UNDERTAKEN BY THE STATE.

On Mrs. Quesada's query, Mr. Natividad stated that he is aware of the existing drug abuse prevention program under the Dangerous Drugs Board and that his proposal is intended to emphasize this campaign so that it would continue because drug addiction remains unabated and there is a need to maintain and expand the services against drug addiction.

On whether ordinary legislation could strengthen the existing drug abuse program, Mr. Natividad stressed that a Constitutional mandate would help focus the state's attention to a very serious malady in our society.

MANIFESTATION OF MR. ROMULO

Mr. Romulo manifested that he would present his proposed amendments to the Committee after adjournment so as not to waste time.

PROPOSED AMENDMENT OF MRS. ROSARIO BRAID

On Section 14, between the words "shall" and "maintain", Mrs. Rosario Braid proposed to insert the phrase PROMOTE THE UTILIZATION OF INDIGENOUS FOODS AND HEALTH PERSONNEL to be followed by a comma (,).

Mrs. Rosario Braid stated that the use of "herbolarios", traditional midwives and traditional foods should be promoted. If this is unacceptable in Section 14, she proposed to integrate it in Section 13 which shall then read: "The State shall protect and promote the people's right to health and to this end, establish and maintain an integrated and comprehensive health care AND NUTRITION PROGRAM THAT SHALL PROMOTE UTILIZATION OF INDIGENOUS FOODS AND HEALTH PERSONNEL."

Mrs. Quesada explained that the nutrition program is already covered by a comprehensive health program and is one of the services which the State should provide to the citizens and would include concepts mentioned by Mrs. Rosario Braid such as utilization of indigenous foods, inculcation of scientific health practices. She added that the comprehensive health program would include primary health care approach which would take into consideration the principles of appropriate health care technology, people's participation, intersectoral linkages and stress on the educational component of health program.

INQUIRY OF MR. SARMIENTO

Mr. Sarmiento inquired as to the meaning of "promote appropriate health manpower development and research", to which Mrs. Quesada answered it would mean a rational, relevant, responsive health manpower. She noted that on the development aspect it would refer to how they are trained and utilized to make them responsive to the health care needs of the Filipinos instead of serving the needs of other developed countries. She added that such health manpower should respond to the needs of their countrymen and would necessitate teaching more prevention instead of cure, based more on community rather than hospital orientation, more service rather than profit.

At this juncture, Mr. Sarmiento moved to adjourn the session.

Mrs. Quesada placed on record that the Committee would submit a more comprehensive presentation of the health provision which shall be entered in the Journal, adding that the Committee did not have adequate time to explain the underlying principles of the provision.

Mr. Ople stated that he would save his questions and asked that he be allowed to interpellate the Committee, especially Mrs. Quesada in the next session.

The Chair suggested that Mr. Ople submit his questions to enable the Committee to go over them.

INQUIRY OF MR. OPLE

Upon inquiry of Mr. Ople, Mrs. Quesada affirmed that because of the rapid development of health manpower, the country has about 12,000 unemployed nurses. She also affirmed that nursing schools graduate about 6,000 nurses every year most of whom compete for jobs overseas.

Mr. Ople noted that this situation has impelled the Ministry of Health, Ministry of Labor and Employment and the Ministry of Education, Culture and Sports to consider closing some nursing schools because of the glut of graduates they produce for jobs which do not exist in the country. Mrs. Quesada concurred with the observation.

As to whether the Committee, in speaking of health manpower, would not be contemplating increasing the

number of nursing schools and aggravating the existing glut in the labor market for nurses, Mrs. Quesada replied that they were thinking of rationalizing the health manpower development.

Mrs. Quesada also agreed with the observation of Mr. Ople that there is an urgent demand for nursing manpower in most of the rural health units in the country although most of the nurses do not want to go to the rural areas and prefer instead to congregate in the urban areas waiting for opportunities to work in these places and more importantly, to scout for opportunities to work overseas.

As to whether it is the contemplation of health manpower development to rationalize the current situation and to shift the emphasis from quantity to quality, Mrs. Quesada replied that this rationalization would include reorientation in the training or education of health professionals.

As to whether the Committee would allow an amendment to reflect this concern for quality, Mrs. Quesada stated that the Committee would welcome it.

ADJOURNMENT OF SESSION

On motion of Mr. Sarmiento, there being no objection, the Chair declared the session adjourned until nine-thirty in the morning of the following day.

It was 5:57 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 August 6, 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.