

R.C.C. NO. 52

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Saturday, August 9, 1986

OPENING OF SESSION

At 9:25 a.m., the President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

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

Everybody rose to sing the National Anthem.

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Crispino M. de Castro.

Everybody remained standing for the Prayer.

PRAYER

MR. DE CASTRO: 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 those 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 on 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

THE PRESIDENT: The Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar Present[*] Natividad Present[*]

Alonto Present[*] Nieva Absent

Aquino Present[*] Nollado Present
Azcuna Present Ople Present[*]
Bacani Present Padilla Present[*]
Bengzon Present[*] Quesada Present
Bennagen Present Rama Present
Bernas Present Regalado Present
Rosario Braid Present Reyes de los Present
Brocka Present Rigos Present
Calderon Present[*] Rodrigo Present
Castro de Present Romulo Present
Colayco Present[*] Rosales Present
Concepcion Present Sarmiento Present[*]
Davide Present Suarez Present
Foz Present Sumulong Present
Garcia Present[*] Tadeo Present
Gascon Absent Tan Present
Guingona Absent Tingson Present
Jamir Present Treñas Present
Laurel Present[*] Uka Present
Lerum Present Villacorta Present[*]
Maambong Present Villegas Present
Monsod Present[*]

The President is present.

The roll call shows 31 Members responded to the call.

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

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

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

APPROVAL OF JOURNAL

MR. RAMA: I move that we approve the Journal yesterday's session.

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

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

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

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

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

COMMUNICATIONS

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.

(Communication No. 500 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

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 the RP-US Military Bases Agreement beyond its expiry date in 1991.

(Communication No. 501 — Constitutional Commission of 1986)

To the Committee on General Provisions.

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 of the educational system in the private sector.

(Communication No. 502 — Constitutional Commission of 1986)

To the Committee on Social Justice.

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.

(Communication No. 503 — Constitutional Commission of 1986)

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

Communication from Messrs. Emerito P. Nacpil and Emmanuel G. Cleto, both of the United Method 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.

(Communication No. 504 — Constitutional Commission of 1986)

To the Committee on General Provisions.

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 from Philippine territory.

(Communication No. 505 — Constitutional Commission of 1986)

To the Committee on General Provisions.

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.

(Communication No. 506 — Constitutional Commission of 1986)

To the Steering Committee.

Communication from the Philippine Association for the Advancement of Science, Inc. signed by Mr. Quintin I. 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."

(Communication No. 507 — Constitutional Commission of 1986)

To the Committee on Human Resources.

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.

(Communication No. 508 — Constitutional Commission of 1986)

To the Committee on Human Resources.

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.

(Communication No. 509 — Constitutional Commission of 1986)

To the Committee on Social Justice.

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.

(Communication No. 510 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

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.

(Communication No. 511 — Constitutional Commission of 1986)

To the Committee on General Provisions.

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."

(Communication No. 512 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: There is an important information from the Muslim world which Commissioner Uka will announce. I ask that Commissioner Uka be recognized.

THE PRESIDENT: Commissioner Uka is recognized.

MR. UKA: Madam President, honorable Members of the Constitutional Commission:

I have been requested by our other Commissioners Honorable Alonto and Abubakar, that I inform the honorable Members of the Commission that one of the most important Muslim holidays, Hariraya Hadj, will be celebrated on Friday, August 15, 1986 by the 7 million Muslims in the Philippines and about 1 billion Muslims all over the world. As a matter of fact, about 2,000 of our brother Muslims have left for the Holy City of Mecca. This is in celebration of the founding of the monotheistic faith in that part of the world by Father Abraham and his sacrifice of his son Ismael. And so, I just want to say that this is a very important occasion for us.

Thank you very much.

THE PRESIDENT: Thank you.

MR. RAMA: Madam President, the Chairman and some of the members of the Committee on Social Justice are not yet here. May I ask for a suspension of the session for five minutes?

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 9:38 a.m.

RESUMPTION OF SESSION

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

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

CONSIDERATION OF PROPOSED RESOLUTION NO. 534

(Article on Social Justice)

Continuation

PERIOD OF AMENDMENTS

MR. RAMA: We are now in the period of amendments on the Article on Social Justice. The Committee has suggested that we take up the last two sections under the title: "Role and Rights of People's Organizations."

I so move.

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

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

MR. DAVIDE. Thank you, Madam President.

Before going into that, I understand that Commissioner Garcia has a proposed definition of people's organization which needs to be incorporated into the proposed Section 19.

THE PRESIDENT: Is it Commissioner Garcia or Commissioner Monsod?

MR. DAVIDE: Commissioners Garcia and Monsod; it was Commissioner Monsod who requested a definition.

THE PRESIDENT: Can we call this later when Commissioner Monsod is around?

How about the section on health? Last night, we suspended the discussion on the Article on Social Justice with respect to health. Are we ready? Commissioner Quesada is already here.

MR. RAMA: Madam President, there are still some statements or explanations of Commissioner Quesada that are being mimeographed or xeroxed and she would want to defer this until these papers are distributed.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Madam President, if it is the understanding that we defer consideration of the definition, my proposal will be only the following: In the opening sentence of Section 19, I seek the deletion of the words "the ends of"; it will just read: "In the pursuit of Social Justice."

MR. BENNAGEN: It is accepted.

MR. DAVIDE: That is all that I seek to introduce. I am waiting for the definition because I have some amendments on it.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: We were provided with a copy of the definition of "people's organizations" which is suggested to be Section 21. I am not sure whether this is shared by the Committee, but let me just say that personally, I am not in favor of including a definition of "people's organizations" in the same manner that we did not even include even as we wanted to a definition of "social justice." I do not see why it is more important to define "people's organizations" rather than "social justice."

SUSPENSION OF SESSION

THE PRESIDENT: The Chair suspends the session for a few minutes.

It was 9:47 a.m.

RESUMPTION OF SESSION

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

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: The Committee is now ready to discuss amendments to the provision under the section on health. So may I ask that Commissioner Quesada be recognized.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: Thank you, Madam President.

The honorable Commissioners have a copy of the amended version of the section on health which would include some explanatory notes. It is necessary to explain some of the concepts so that when one makes an amendment it will be in the light of the term of reference that has been used in this provision. I would like to acknowledge the fact that this change in the formulation has been influenced to a great extent by the amendment of Commissioner Romulo. So, Section 13 will now read: "The State shall protect and promote the right to HEALTH. To this end, it shall adopt an integrated and comprehensive APPROACH TO HEALTH DEVELOPMENT . . ."

The new concept introduced here is the "integrated and comprehensive approach," and if it is an approach, it cannot just be to health care but to health development which would be more encompassing than just the provision of health care. So to continue: ". . . 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, . . ." has been substituted for the word "disadvantaged" to be in keeping with the other terms used in the other sections such as those in the Urban Land Reform and Housing where instead of the word "disadvantaged" the term "underprivileged" was used. Then ". . . the sick, women and children, aged and disabled."

The explanatory notes would explain the important concepts which are something new in this Constitution, one of which is the right to health. Everybody agrees that this is the first time that this right would ever be written in the Constitution. Health development is another concept that some might ask a few questions on. This would refer to the overall improvement of the level of health of the people to a higher level where people can live economically productive and socially satisfying lives. Health development would not just be dependent on the giving of health care, but also on the level of health resources available in our environment such as water, toilets, anti-pollution devices, and all other social services which are necessary to improve the level of health of the people.

These main concepts would probably have to be explained because they would serve as the bases for future legislation. This Member has been very conscious of the criticism leveled against non-lawyers that they are too verbose and are working on legislation rather than on constitutional provisions, so I would like just to use these terms. The integrated and comprehensive approach here contains principles on the means to achieve people's right to health that could be adopted by future legislation. Such an approach would require the integration of many sectors to become involved in addressing the health problems of the people. It would mean improvements in food, housing, education, in purchasing power and access to health services; higher allocation of resources to health; more active participation of the people in health efforts; a reorientation of health development strategies and the political will to act on policies and plans.

But more specifically on health, the concept of integration would imply the following:

As I explained earlier when Commissioner Romulo introduced the concept of integration and comprehensive health care, integration implies the need to unify the country's health delivery system along the primary health care approach which is a commitment of the Philippine government to the 134 nations that signed the Alma Declaration in 1978, which sought to meet the goal of health for all in the year 2000. The State has to work out a mechanism by which the different agencies or instrumentalities thereof would unify their efforts in addressing or satisfying the health care needs of the country. These instrumentalities would include the Ministry of Labor and Employment, Ministry of Health, Ministry of Education, Culture and Sports, Ministry of National Defense, the private sector or non-governmental organizations.

Those who wanted to introduce some concepts such as appropriate technology and people's participation and self-reliance would actually be unified in this primary health care approach because this would now include the concepts of people's participation and multi-sectoral linkages. Health interlinks with agricultural, social development and national economic programs.

Integration is likewise envisioned as maximizing existing health resources, both of the government and of the non-government or private sector in the spirit of cooperation and collaboration. The State, however, is tasked to take the initiative in strengthening "intrasectoral" efforts because it is very hard to work without a mandate. There is the territoriality of one ministry over the other, but one ministry works on its own. It never really works holistically so that we can come out with a picture of health of the people. So, whenever we talk of the state of the nation's health, most likely it is just a reflection of the statistics derived from one ministry. It does not report the statistics of the health situation of our country covering other sectors like those in education, labor, the private sector or even in the Ministry of National Defense. The latter would have its own statistics — how many people died in combat or in accidents; how many actually got sick or died from other causes. This is another concept which we hope future legislation will work out. It is not the responsibility of the subcommittee to work out the details because that would then bog us down into details which everybody is wont not to go into.

Integration also envisions the health care system to blend western medicine with traditional and oriental health care modalities or approaches so that we will not be purely dependent on the western model of health care. Integration would also direct the health care system towards prevention rather than cure; health rather than illness; and being community-based rather than being hospital-centered in the delivery of health care services.

In essence these clarifications could guide future legislators on the concept of comprehensive and integrated approach to health development.

The main consideration in the concept of comprehensive approach is health development. This would mean the following:

Health services would include health promotion with emphasis on health education. Examples of health promotion are physical fitness, personal hygiene, and food and nutrition programs. We have disease prevention or specific protection, such as immunizations to protect persons against specific diseases and use of protective wears or gears to protect from injuries or illness resulting from dangerous substances in the work environment. It also includes early diagnosis and treatment so that people will not discover that they have cancer, heart diseases and other conditions late in the game, like when Commissioner Guingona discovered that he has a problem with his gall bladder. It is good that he is now undergoing treatment. Then there is rehabilitation of the disabled. So, these are the coverage of a truly comprehensive health care. It does not just provide treatment but goes into promotion.

Then health development should also take into consideration the common health problems of the country especially those affecting the majority of our people, like communicable diseases. The number 1 killers of the country are pneumonia and tuberculosis which can be prevented. Other problems are gastroenteritis, malnutrition,

drug abuse, poor environmental sanitation, maternal and child health problems, and endemic diseases like malaria, schistosomiasis and filariasis.

We are catching up with the so-called problems of more developed countries which are the degenerative diseases like cancer, cardiovascular diseases and mental illness. So these are the problems that health services should address. That is why the approach should be comprehensive. Comprehensive coverage likewise addresses the problems of particular population. In the field of labor, health services attend to the problems of workers who are exposed to certain work conditions. In the school setting, health services address the population problem.

So, I would like to stress that a truly comprehensive approach to health care would require the educational component of health programs to enable people to be actively involved in organizing and mobilizing these programs. I would like to emphasize that this program on drug abuse is one of those programs that a comprehensive approach to health development would have to address itself to.

The fourth concept which should be clarified also for the record and for future legislation would be the phrase: "make essential goods, health and other social services available to citizens at affordable cost." This phrase is to highlight the fact that health as a human right cannot be enjoyed by the people unless these goods and services are made available and affordable to them, especially the underprivileged sectors of our society. In fact, I would agree to the proposition that there should be free medical care to the paupers, because this is one aspect of a truly just and humane health care delivery system — that people need not die. If they cannot really afford medical care, then the State provides for those who are classified as paupers. This should make Commissioner Nollado happy.

Then the fifth, the phrase "the underprivileged, the sick, women and children, aged and disabled" singles out these groups as disadvantaged in terms of access to adequate health services and resources. This being the Article on Social Justice has to single them out because they are denied the right to health and the right to life.

So, these are basically the concepts and the rest would be self-explanatory.

The second section, Section 14, states: "The State shall maintain an effective food and drug monitoring system and UNDERTAKE appropriate health manpower development and research RESPONSIVE TO THE COUNTRY'S HEALTH NEEDS AND PROBLEMS." This section has been modified in the light of the proposal of Commissioner Ople, who introduced the term "UNDERTAKE" and also the phrase "RESPONSIVE TO THE COUNTRY'S HEALTH NEEDS AND PROBLEMS."

I think that the succeeding explanatory notes would already enlighten the Commissioner on what would be covered by this provision, so I need not go into the other details. Section 13 is the one I wanted to highlight because this is where most of the proposals will coming from.

Thank you, Madam President.

MR. RAMA: Madam President, I ask that Commissioner Nollado be recognized.

THE PRESIDENT: Commissioner Nollado is recognized.

MR. NOLLEDO: Thank you, Madam President.

Commissioner Quesada said that my proposed amendment is deemed included in this provision. But I do not believe so because of the use of the term "affordable cost," which does not exist in the vocabulary paupers. They simply have no money to pay medicines or medical care.

I would like to insist on my amendment, with due respect to Commissioner Quesada and with the kindest indulgence of the Members of this Commission. I must be very frank that I was hesitant in presenting this

amendment. But my conscience bothered me and dictated to me that I should pursue it before this Commission. Madam President, it is a truism that I slept with my conscience.

I would like to explain this before I propose the amendment. I would like to submit it to the body for voting. This is a very emphatic provision that was initially objected to by my friend, Sister Christine Tan, on the ground that it will promote mendicancy but the question of whether it will promote mendicancy is the matter of implementation. I think Congress can adopt measures to see to it that this will not promote mendicancy.

I am insisting on this amendment, Madam President because just like Sister Tan, my sister, Nelia (now Sis. Idmara, S.Sp.S.) is also a nun at the Holy Spirit Convent, and with her, I really saw with my own eyes paupers dying because they had no medicines.

Paupers go to government hospitals and are given prescriptions. However, the doctor would tell them to buy the medicines they need. But they have no money; they just depend on the limited charity of other people while the government has all the resources at its command.

The second objection to my proposal is based on the need for big funding. I am a teacher of taxation in different schools, Madam President. Pardon me for saying that the procedure of tax collection in the Philippines is very defective. An example is the residence tax. I know many people who are rich and who own landholdings yet they pay only P1. Likewise, when they file income tax returns, they falsify the amounts paid as residence tax in said returns. I call the attention of Commission Bienvenido Tan, who is the present Commissioner of the BIR. The government can impose a one-peso additional residence tax which can be termed as Residence Tax E or D. The government can raise funds through the sale of postage stamps as was done under the Anti-TB Stamp Law. The Anti-TB Stamp Law generates millions of pesos every year. Also, the government can tap private resources and invite the help of socially conscious corporations, like the San Miguel Corporation, the Ayala Corporation and others. It can also impose special levies. Likewise, the government has many sources while we, private individuals who are willing to help the paupers, have limited resources.

I remember Senator Diokno telling me: "Pepe, please do something about the poor. Your Constitution must not only be nationalistic and must not only be pro-people but must be pro-poor." While we talk, Madam President, of fighting for the rights of people, we forget to talk of people fighting for their lives because of poverty brought about by mal-administration, antipathy and indifference on the part of the government. So I ask that the members of the Committee and the Members of this Commission be magnanimous. In the words of Jose Maria Escriva: "Magnanimity connotes largeness of heart wherein many can find refuge." Let us not forget the anguish of the poor. For the information of the body, Commissioner Tan has told me she will let her heart rule over her head by voting for this amendment.

MS. QUESADA: Madam President, I really sympathize with Commissioner Nollado. As a matter of fact, it is a big struggle to actually put this in the provision. That would have a lot of implications and we would like to prevent the people being raised to a high level of aspiration only to be frustrated because of the inability of the present health care system to provide free medical care. That is why we settled for affordable or minimum cost. As a matter of fact, with the present administration, there are efforts to really address the problem of the paupers. In the City of Manila, the Ministry of Health is zeroing in on this particular problem.

So, we are preparing a Constitution that is not just going to be relevant for this year or next but within this decade. We are preparing a Constitution that will be for the next generations. We hope that people will already learn how to be more conscious of health promotion and disease prevention. In addition, we really do not want to promote mendicancy.

MR. NOLLEDO: I do not think so, Madam President.

MR. COLAYCO: Madam President.

MR. NOLLEDO: I think Commissioner Colayco has something to say.

MR. BENGZON: Madam President, may the Committee be given a chance to reply so that there will be order. After the Committee gives its reply, then perhaps the proponent and others who may support him can also give their comments.

MR. COLAYCO: Madam President, what I have to say I think will help the Committee respond. I would like to give actual cases why this proposal of Commissioner Nollado can be considered an imperative. We have had occasions, particularly my wife to bring poor people to the Philippine General Hospital in Manila, and the case is always that when medicines are needed, they are told to buy these at the drug stores outside the hospital. Now, these drug stores right in front of the Philippine General Hospital sell medicines at exorbitant prices.

The poor people who go to the Philippine General Hospital need every help that our government can extend. We know that the government allots a big sum of money for the purchase of medicines and drugs which are necessary. I do not see why this allotment cannot cover the medicines which are called for in most cases being attended to in government hospitals. To my surprise, it has always been the case that whatever the medicine may be, whatever, the sickness may be — sometimes even simple fever — people are referred to commercial drug stores to buy their medicines.

I, therefore, support 100 percent the proposal of Commissioner Nollado.

MS. QUESADA: Will Commissioner Nollado please state his amendment.

MR. NOLLEDO: Since the word "paupers" has attained an established legal meaning, the amendment will read as follows: THE STATE SHALL EXTEND FREE MEDICAL CARE TO PAUPERS. Paupers are those who have no source of livelihood or their sources of income are just enough to make their body and soul together. They really have no money. We cannot talk of affordable cost with respect to paupers. The State must exercise its parens patriae role, Madam President.

THE PRESIDENT: Is that an additional sentence?

MR. NOLLEDO: Yes, an additional sentence to Section 13.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: May I introduce an amendment to the proposal of Commissioner Nollado. It will not be a new sentence but after the word "cost," delete "with priority for the needs of the UNDERPRIVILEGED, the sick, women and children, aged and disabled" and in lieu thereof insert AND WHENEVER NECESSARY, FOR FREE ESPECIALLY TO THE UNDERPRIVILEGED AND THE DISADVANTAGED, so it will read: "affordable cost, AND WHENEVER NECESSARY, FOR FREE ESPECIALLY TO THE UNDERPRIVILEGED AND THE DISADVANTAGED."

MR. NOLLEDO: Madam President, it seems to me that Commissioner Davide's amendment will also destroy the essence of the Committee amendments. It will expand the scope. I am talking only of paupers — those who have no sources of livelihood. The term "underprivileged" may cover those who are underemployed who may be able to afford medicines. I regret I cannot accept the amendment.

THE PRESIDENT: Commissioner Nolledo does not accept the proposed amendment of Commissioner Davide. Commissioner Bacani is recognized.

BISHOP BACANI: May I propose a change in the wording of the clause which might not render necessary anymore the addition of a new sentence. It will 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 THE citizens . . ." Then we continue on with the others.

THE PRESIDENT: We still have to dispose of Commissioner Nolledo's amendment first.

MR. NOLLEDO: Madam President, if the Committee will accept that amendment and with the understanding that the phrase "WITHIN THE REACH" would mean that should the paupers not be able to afford, they would be given free medical care by the government, then I will yield to the amendment of Commissioner Bacani.

MR. BENGZON: Madam President, may the Committee be given a chance to articulate its thoughts?

THE PRESIDENT: Commissioner Bengzon will state the reaction of the Committee.

MR. BENGZON: Madam President, we do not want a welfare state. We do not want to constitutionalize mendicancy. We do not want to raise the hopes of the people only to be let down because we will all be blamed for it.

As matters stand now, no matter how much the State would wish to give free medical services to all the paupers and to all the poor, it is unable to do so. But if it could, it would.

Commissioner Quesada has done a wonderful job with respect to this section on health: I do not really think that anybody here has really done all the details and the work, with all the order that he has, the way that Commissioner Quesada has done her job. It is very clear in the explanatory note on page 3, that there should be medical care to the paupers.

So, that is the sense and the objective of the Committee. However, we cannot put it in black and white in the Constitution, otherwise it becomes an absolute mandate. And if the State would be unable to give a medical care for millions of reasons, for which it shall not be blamed, the people will be disappointed frustrated, and this might complicate matters.

So, suppose the proposed amendment of Commissioner Bacani becomes unattainable, what happen? After all, the term affordable cost" does necessarily have to mean cash. It could mean that these people could pay with their services. We have a lot self-help programs. So, if these paupers cannot afford pay cash, perhaps their relatives can render services to various health clinics.

These are details which could be left to the Ministry of Health or to the government to implement. But us to specifically state in the Constitution that everything is going to be free is very dangerous. Anyway, the intent of this Commission and that of the Committee, as articulated in the explanatory note, is as much as possible to give free medical services, particularly to the paupers.

MS. QUESADA: Madam President.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: Because of my sympathy to particular cause, would Commissioner Nolledo be amenable to introducing the term PAUPERS after "the needs of the" so that it reads "with priority for the needs of the PAUPERS, the UNDERPRIVILEGED the sick, women and children, aged and disabled," with the understanding

that the health care system shall provide free medical care services for these paupers who cannot afford such services that will entitle them to right to health and the right to life.

MR. NOLLEDO: Madam President, I am deeply grateful to Commissioner Quesada, but because of existence of the term "affordable cost," I think there will really be complications.

I recommend that we adopt the suggestion of Commissioner Bernas, Madam President. We are not creating a welfare state here, that is why we are concentrating the privilege only to paupers. Instead of saying "THE STATE SHALL EXTEND," we will put THE STATE SHALL ENDEAVOR TO EXTEND FREE MEDICAL CARE TO PAUPERS.

The word "ENDEAVOR" as suggested by Commissioner Bernas will water down a little bit the provision in the sense that the State shall try its best extend free medical care to paupers.

MS. QUESADA: Madam President, I think we would like this to be thrown to the body for a vote. The Committee would not be united in its stand.

MR. NOLLEDO: I will submit to the body.

MS. QUESADA: I personally accept but I cannot speak for the entire Committee.

MR. NOLLEDO: I thank the Commissioner very much for her sympathy.

MR. RAMA: I move that we vote on the amendment.

THE PRESIDENT: Let us vote first on Commissioner Nolleddo's proposed amendment.

MR. NOLLEDO: I would like to include my friend, Reverend Father Bernas, as a co-author because the word "ENDEAVOR" changed the meaning substantially.

THE PRESIDENT: May we have the Commissioner's proposed amendment.

MR. NOLLEDO: It reads: THE STATE SHALL ENDEAVOR TO EXTEND FREE MEDICAL CARE TO PAUPERS. I think that is reasonable enough.

MS. QUESADA: The Commissioner has convinced the Committee. I think the Committee accepts that reformulation.

MR. NOLLEDO: I thank the Commissioner very much and may God bless her.

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

MR. NOLLEDO: Thank you.

MR. BENGZON: Before anything else, Madam President, I move that this position paper prepared by Commissioner Quesada be integrated into the record in toto.[*]

MS. QUESADA: Thank you.

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

MR. RAMA: Madam President, Commissioner Rosario Braid seeks recognition. I ask that she be recognized.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Madam President, I find Commissioner Quesada's paper enlightening and

comprehensive but I would like to put also on record that an earlier conversation between Minister Pardo Tavera and Minister Bengzon, both have indicated one problem that, although implied here, has not been stressed; that is, the services are available but the people are indifferent and passive in the acceptance of these services. As noted, in the immunization program although immunization is available, one out of two acceptors does not continue the immunization program. Both Ministers have indicated that a refocusing of the program would put emphasis on education and attitudinal transformation. That is why they have expressed concern with the mass media and all types information that would effect the transformation attitudes and passivity. This is one.

The other concern is that in this decade where voluntarism is the model and where there is an attempt to really move towards the self-reliant use of backyard farming, backyard gardening, indigenous health and indigenous medicines, I would like to highlight the need for indigenous health resources and self-reliance. While we accept that for many years there will be focus on delivery of services, we would also like to highlight the equal importance of developing self-reliance because the indigenous and local resources are there.

The third point has to do with Section 14 which is the need for an even distribution or regional distribution of health personnel. As statistics would show and I am sure that Commissioner Quesada would bear me out, there are adequate rural health workers totaling more than 92,000 and there is a total national ratio of 1:70 the population, but there is uneven regional distribution of health workers.

MR. BENGZON: May we, therefore, have the Commissioner's proposed amendment.

MS. ROSARIO BRAID: Yes. The proposed amendment to Section 13 would retain everything that Commissioner Quesada has submitted, except that I have pruned it down to 40 words which says: 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 USE OF INDIGENOUS HEALTH RESOURCES. This is for Section 13.

MS. QUESADA: Can we respond for every section and for every proposed amendment?

We would like to assure Commissioner Rosario Braid that the concept of self-reliance and the use of indigenous health resources are already integrated in term "comprehensive and integrated approach." We just did not want to single out all these components of such an integrated and comprehensive approach to health development. Otherwise, we will miss out some of the important principles undergirding this approach.

So, self-reliance is an objective where a primary health care program addresses itself to make people take care of their own health or the country to become self-reliant. Actually, it is encompassed in the explanatory note as is the meaning of integrated and comprehensive approach.

MS. ROSARIO BRAID: Thank you.

But using also the philosophy of the Committee in underscoring important concepts, I thought we could adopt this and use the word "underprivileged" to mean "the sick, women and children, aged and disabled," so that instead of mentioning all the beneficiaries, we would only use the word UNDERPRIVILEGED. I would like to emphasize SELF-RELIANCE rather than mere delivery of social services.

And so, I would appeal to the Commissioner to include the concept of self-reliance because as we know, we are very rich in resources such as herbal medicines. I think there is a comprehensive documentation of herbal medicines and local indigenous foods and I would like to emphasize their utilization.

So, if the Committee would not accept, I would like to throw this to the body.

SUSPENSION OF SESSION

THE PRESIDENT: The Chair suspends the session for two minutes to afford Commissioner Rosario Braid time to confer with the members of the Committee on the word "SELF-RELIANCE."

It was 10:32 a.m.

RESUMPTION OF SESSION

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

THE PRESIDENT: The session was resumed.

The Floor Leader is recognized.

MR. RAMA: Madam President, may I ask that Commissioner Rosario Braid be recognized.

THE PRESIDENT: Commissioner Rosario Braid is recognized to restate her proposed amendment. Is it an entire substitution or just an insertion of certain words?

MS. ROSARIO BRAID: It will just be insertion, Madam President. I think I will go along and use all the phrases of Commissioner Quesada but eliminate "the sick, women and children, aged and disabled" as this would belong to the underprivileged, and then add the phrase "AND ENCOURAGE SELF-RELIANCE THROUGH USE OF INDIGENOUS HEALTH RESOURCES."

THE PRESIDENT: Where shall this be inserted, after the word "disabled"?

MS. ROSARIO BRAID: After the word "UNDERPRIVILEGED," Madam President.

THE PRESIDENT: The Commissioner proposes to eliminate the rest?

MS. ROSARIO BRAID: Yes, Madam Presidents but to insert instead the phrase "AND ENCOURAGE SELF-RELIANCE THROUGH USE OF INDIGENOUS HEALTH RESOURCES."

THE PRESIDENT: Is this accepted by the Committee?

BISHOP BACANI: Madam President.

THE PRESIDENT: Yes, Commissioner Bacani is recognized.

BISHOP BACANI: May I ask that if we should vote on this, we should vote first on the deletion of the words that the Commissioner proposes to delete.

THE PRESIDENT: Is that acceptable to the Committee that we vote first on the proposed deletion of the words "the sick, women and children and disabled" on Section 13?

MR. BENGZON: Yes, we will vote first on that motion to delete before we can insert the proposed amendment.

MS. QUESADA: Madam President, I just like to clarify the enumeration.

THE PRESIDENT: Yes, please proceed.

MS. QUESADA: I would like to clarify why I enumerated the underprivileged — "the sick, women and children, aged and disabled." These are the groups we consider as the special groups with special health problems that have to be addressed to by the health care system — the sick, particularly because if they are not addressed to, then they die; the women and children because of the nature of women, especially their maternal functions, their needs; and

the children will have to be addressed too. The aged and the disabled are just as much disadvantaged because we do not have the special services and attention given to these special groups. In the health system, we already recognized these groups as those that would have special needs and singled them out to provide the basis for future legislations.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: I have no objection about mentioning all these beneficiaries, but in the spirit of brevity and in order that it could accommodate the phrase "PROMOTE SELF-RELIANCE THROUGH INDIGENOUS RESOURCES," I thought the phrase could be deleted.

MS. QUESADA: Madam President, it is not just a matter of giving in and accepting one concept or another. As I explained earlier, I took a lot of time explaining the intention of this provision so that we will not single out some of the concepts that are already inherent in such an approach, otherwise we will miss out some of the other components, like when we talk of "self-reliance" and "indigenous." These are parts of the comprehensive approach to the health development that we are addressing ourselves to.

MR. BENZON: Can we vote now, Madam President?

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: May I make a suggestion that the last two lines of Section 13 be simplified to read: "the needs of the UNDERPRIVILEGED SICK" and eliminate all the rest and then add the proposed amendment of Commissioner Rosario Braid. In other words, we just say "the UNDERPRIVILEGED SICK," instead of the "UNDERPRIVILEGED, the sick, women and children . . ."

MS. QUESADA: Madam President, I would like to respond to the suggestion or the proposal of Commissioner Padilla to use just the term "underprivileged." The reason why we put a comma (,) is that we did not want to give the impression that we are just interested in the people who are sick. Health care is also provided those people who are well, and we would like to provide a comprehensive health program that will address itself to the healthy population so that they will not get sick. By saying the "underprivileged sick," we are really referring only to the sick. So, we placed a comma (,) because we talk then about the people who need special protection, special health promotion — the preventive aspects of the health care program.

VOTING

THE PRESIDENT: The Chair believes that this has been sufficiently discussed.

Those who are in favor of deleting the phrase "the sick, women and children, aged and disabled" from Section 13, please raise their hand. (Few Members raised their hand.)

Those who are against, please raise their hand. (Several Members raised their hand.)

The results show 3 votes in favor and 16 against; the amendment is lost.

The next amendment of Commissioner Rosario Braid is to add after the word "UNDERPRIVILEGED" the phrase "AND ENCOURAGE SELF-RELIANCE THROUGH THE USE OF INDIGENOUS HEALTH RESOURCES." This has not been accepted by the Committee as explained by Commissioner Quesada.

Those in favor of the second amendment of Commissioner Rosario Braid, please raise their hand. (Few Members raised their hand.)

Those who are against, please raise their hand. (Several Members raised their hand.)

The results show 14 votes in favor and 15 against; the amendment is lost.

MR. RAMA: Madam President, I ask that Commissioner Davide be recognized.

THE PRESIDENT: Commissioner Davide, is this still on the same Section 13?

MR. DAVIDE: The same section, Madam President.

THE PRESIDENT: Please proceed.

MR DAVIDE: On the first line, insert after "HEALTH" the words OF ALL THE PEOPLE, and then delete the words "right to," so that the first line will read: "The State shall protect and promote the health OF ALL THE PEOPLE.

MS. QUESADA: Madam President.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: We find that the word "right" should be expressly stated in this particular provision.

MR. DAVIDE: Madam President, I have read the report of the Committee on Preamble, National Territory and Declaration of Principles. The same sentence relating to health is found in the Declaration of Principles. So, to be consistent with the Declaration of Principles, I think the matter of the right to health is already included when we say that the State shall protect and promote the health of all the people. It is conceded that that is a right, but it will emphasize the fact that this obligation is to all the people.

MS. QUESADA: Yes. But still we would like to retain the word "right" because this has a special meaning now to the direction of the provision of health care. We would like this expressed because there are many violations of this human right. One might be a patient one day and discover that providers of services do not recognize his right to health care and may not provide him the tender loving care that he deserves because they do not understand fully and appreciate that this is already a right that has been enshrined in the Constitution.

MR. DAVIDE: Madam President, I will agree to the non-deletion of "right to" but I reserve my right to amend the corresponding provision in the Article on Declaration of Principles and State Policies.

MS. QUESADA: Yes, we would welcome that.

MR. DAVIDE: But I insist on the inclusion after the word "HEALTH" of the phrase OF ALL THE PEOPLE.

MS. QUESADA: We accept.

THE PRESIDENT: So, what is the decision of Commissioner Davide?

MR. DAVIDE: The amendment is only to add after "HEALTH" the words OF ALL THE PEOPLE.

MS. QUESADA: On second thought, Madam President, would that not contribute to more verbiage because there is already a mention here of making all the services available to all citizens?

MR. DAVIDE: Madam President, I will have a subsequent proposal to that later. The idea here is, if we only say "right to health," whose right is it?

MS. QUESADA: Is it not understood that when we talk about the right to health, we refer to the right of all citizens?

MR. DAVIDE: I suggested OF ALL THE PEOPLE because in the succeeding sentence, only "to all citizens" is mentioned.

MR. BENGZON: Primarily, to every citizen here in this country, to the Filipinos and, of course, to everybody, regardless of race, creed or whatever. That is already understood.

MR. DAVIDE: The point is, in the first sentence, it is silent; but in the second sentence it is "to all citizens." So, this would classify certain persons in the country. The second sentence relates only to all citizens.

MS. QUESADA: Would the Commissioner want to amend the second sentence where the use of "all citizens" could be changed to "ALL THE PEOPLE"?

MR. DAVIDE: Gladly.

MS. QUESADA: We accept.

MR. DAVIDE: So, I will not insist on the amendment on the first line but instead on placing the words PEOPLE in lieu of "citizens" on the third from the last line.

MS. QUESADA: We accept, Madam President.

THE PRESIDENT: Is there any objection to this proposed amendment of Commissioner Davide which has been accepted by the Committee? (Silence) The Chair hears none; the amendment is approved.

MR. DAVIDE: On the same line where the substitution is made, I seek for the deletion of the words "with priority for the needs of," and in lieu thereof, we say ESPECIALLY TO.

THE PRESIDENT: Is this acceptable?

MS. QUESADA: Yes, Madam President, we accept.

THE PRESIDENT: Is there any objection to this proposed amendment which has been accepted by the Committee? (Silence) The Chair hears none; the amendment is approved.

MR. DAVIDE: Thank you, Madam President.

MR. RAMA: Madam President, I ask that Commissioner Rodrigo be recognized.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: Madam President, I suggest a very simple amendment on line 3 after the word "shall," and this is to place a comma (,) after "shall" and insert BY LAW then a comma (,). The amendment now reads: "shall BY LAW, make essential goods . . ."

MS. QUESADA: I understand that there is a proposal that would probably respond to this particular concern of inserting the words BY LAW by Commissioner Ople. I think the proposal is really to prevent the possibility of raising hopes. Would the Commissioner be amenable to the proposition of Commissioner Ople?

MR. RODRIGO: I want to hear it.

MR. OPLE: Madam President, would Commissioner Rodrigo at this point consider accepting an amendment to his amendment so that instead of "BY LAW," the word ENDEAVOR TO is substituted for it. This is actually indicated in a proposed amendment that I had submitted earlier to the Committee, and the reason for saying

ENDEAVOR TO is precisely to put the expectations and hopes of the people who will read this provision at a more realizable level and which also means we eliminate the expectation that the government will provide all of these goods and services. The health development program will endeavor to make all of these goods and services available at affordable cost. With that change it becomes imminently implementable at once, without having to project to a long-run future when one has to wait for vast resources to be available to finance a national health insurance program of the kind which England, for example, is now reconsidering because of the unaffordable costs.

MR. RODRIGO: The meaning of "BY LAW" is not exactly the same as the meaning of the words "ENDEAVOR TO," but between provincemates, I yield to Commissioner Ople.

MR. OPLE: Thank you.

MS. QUESADA: Madam President, we accept the proposed amendment to insert "ENDEAVOR TO" after "SHALL" on the third line.

THE PRESIDENT: Is there any objection to this proposed amendment which has been accepted by the Committee? (Silence) The Chair hears none; the amendment is approved.

MR. OPLE: I have just one more amendment, Madam President.

THE PRESIDENT: Please proceed.

MR. OPLE: On the same section, I suggest that we end the sentence at "affordable cost" which is on the third line from the bottom of the official text, and then follow it up with: "THERE SHALL BE PRIORITY FOR THE NEEDS OF THE UNDERPRIVILEGED, the sick, women and children, THE aged and THE disabled." The reason for suggesting this is that the priority for the needs of the underprivileged ought not to be read in the context alone of essential goods and services, but this should be a priority of the entire integrated and comprehensive approach. I think that makes the meaning clear, there shall be special programs in the future to implement this priority for the needs of the underprivileged, the sick, women and children and, may I say, let us use the standard term "THE aged and THE disabled," instead of merely "aged and disabled."

When we cut that sentence and establish a new priority for the needs of the underprivileged, it is a mandate of Congress to devise a special program under an integrated and comprehensive health care system for these underprivileged classes.

MS. QUESADA: Madam President, we have just approved the proposed amendment of Commissioner Davide cutting down on the words "with priority for." But this means a restyling. Would the honorable Commissioner be amenable to giving this to the Committee on Style to decide on whether it should be a separate sentence?

MR. OPLE: This is not solely a question of style because with this we are limiting the priority for the underprivileged when we cut the sentence and reserve wholly a new sentence for the underprivileged. Then we are, as I said earlier, making their priority coextensive not only with goods and services but with the entire range of the integrated and comprehensive health care.

THE PRESIDENT: What is the proposal of Commissioner Ople?

MR. OPLE: As I said, end the sentence with the words "affordable cost," then add this new sentence instead: "THERE SHALL BE PRIORITY FOR THE NEEDS OF THE UNDERPRIVILEGED, the sick, women and children, THE aged and THE disabled."

MS. QUESADA: The Committee accepts.

MR. OPLE: Thank you, Madam President.

THE PRESIDENT: Is there any objection to the latest amendment which has been accepted by the Committee? (Silence) The Chair hears none; the amendment is approved.

MR. RAMA: Madam President, I should like to present an amendment. There is a health program which I believe, is very important and might be emphasized in Section 13, and this is on preventive medicine. It is important because it could save the country millions or hundreds of millions of pesos; it could save millions of lives from sickness and death. I think it should be emphasized, although it is contained in the explanation that, as Commissioner Quesada has stated, many of the people who will read the Constitution would not have the time to research and find out the explanation of these provisions.

May I just mention one example, Madam President. I have a friend who is one of the top doctors of the Lung Center of Imelda Marcos, and I asked him, "How much money was spent to build this Lung Center?" And he said, "A hundred and fifty million pesos." And I said "Is that money well-spent to cure lung diseases?" He said, "It is foolish money because instead of building hospital or stressing on cure, this money should have gone into inoculations of millions of Filipino infants and saving the lives of these infants through the simple process of inoculating them with BCG" — I think Commissioner Quesada knows about this. According to the statistics, the no. 3 killer in the country is tuberculosis. In other countries, tuberculosis has been wiped out because of inoculation. Were the P150 million, which was spent for curative program, spent for preventive medicine, we could have saved untold sufferings, many lives and millions of pesos for the government.

Madam President, another point more important than the phrase "affordable to the people" is whether this program is affordable to the government. In other words, the question is whether the government has the money to be able to render the services and thereby save millions or hundreds of millions of pesos by emphasizing preventive medicine. So, I wonder if it would be good to stress this by inserting the words STRESSING ON PREVENTIVE MEDICINE after the phrase "essential goods, HEALTH and OTHER social services."

MS. QUESADA: Madam President, I really appreciate the interest of Commissioner Rama on the preventive aspect of health care. As a matter of fact, I am a proponent of preventive health care. But as I said earlier, and as I explained to Commissioner Rosario Braid, if we single out this element of a comprehensive approach to health development, it might bog us down in the details of what could very well be part of the thrust not even of legislation, but of health programs. But I think it is very useful that we put on record that the services should provide or should stress on health promotion, which I included as part of the explanatory note of comprehensive approach. Section 13 (4) states that health services provided should include health promotion (with emphasis on health education), disease prevention or specific protection, such as immunization. We did not single out TB because that is only one of the causes of mortality and morbidity.

MR. RAMA: And so, it is the sense of the Committee that there must be special emphasis on preventive medicine.

MS. QUESADA: Yes, we would like to put on record that the future health delivery system should respond to the mandate for more prevention rather than for cure.

MR. RAMA: Yes, I think that is a good suggestion, so I will withdraw the amendment.

MS. QUESADA: Thank you.

MR. RAMA: Madam President, may I ask that Commissioner Bacani be recognized.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Perhaps the first amendment which I want to suggest may not have to be done at all, if I am

clarified on certain points.

When we speak of a "comprehensive APPROACH TO health DEVELOPMENT WHICH shall make essential goods, HEALTH and OTHER social services available," does the word "HEALTH" qualify the word "services"?

MS. QUESADA: Yes.

BISHOP BACANI: Would the Commissioner not deem it advisable to say instead "HEALTH SERVICES and OTHER social services available"?

MS. QUESADA: The understanding is that health is part of the social services. There will be the social service of education, housing, employment, security. So, we just singled out "HEALTH" because we cannot have the state of health unless we provide health services, but which is not alone responsible for man or people attaining a state of health.

BISHOP BACANI: Yes, but what I mean is, the interest of clarity might make it necessary that we say instead "HEALTH SERVICES and OTHER social vices available." I have read this part twice, three times, and it was only later on that I realized the need to make this clear. So, may I suggest that we add the word SERVICES after "HEALTH."

MS. QUESADA: I accept the amendment, Madam President.

BISHOP BACANI: Madam President, I submit amendment which the Committee has accepted.

MR. SUAREZ: Where are we going to insert the amendment?

BISHOP BACANI: Insert the word SERVICE between the words "HEALTH" and "and OTHER" which appear on the fourth line.

MR. SUAREZ: Thank you.

THE PRESIDENT: In other words, the phrase will now read "health SERVICES and OTHER social services available."

BISHOP BACANI: Yes, Madam President.

MR. SUAREZ: The Committee accepts, Madam President.

BISHOP BACANI: So, the Committee has accepted, Madam President.

THE PRESIDENT: Is there any objection to this proposed amendment of Commissioner Bacani which been accepted by the Committee? (Silence) The Chair hears none; the amendment is approved.

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: On that same line 4, I was thinking to change the words "goods, health services and other social services" to ESSENTIAL MEDICINES, HEALTH DRUGS AND HOSPITAL SERVICES. Just a suggestion because when I read "goods," I had the impression that it includes not only vegetables, fish, meat; these are all goods, but I think what we should make available are medicines and health drugs.

The term and "OTHER social services" is also very vague. What we need are hospital services because when a person is seriously ill and he cannot be an outpatient, he has to have some hospital bed and hospital care.

MS. QUESADA: Yes. This particular statement of goods does not just refer to health goods, like medicines or the

things that we find in the hospitals. This relates now to the understanding that the state of health cannot be achieved if there are other goods which are not made available and affordable. That is why the comprehensive and integrated nature of this approach to health development takes cognizance of the need to interrelate with other social services. Thus, we did not single out just food or drugs but it would mean also the other essential goods which man needs so that he can attain good health.

MR. PADILLA: Yes. But when one is not healthy — when he has a headache, heartache, other aches — what he needs is medicine. Of course, to have good physical and mental health, one needs more than medicine, like good food and substantial proteins. But with regard to health care, it is the people who go to the hospital or to a doctor, but the common complaint is that the medicines they prescribe are very costly. The immediate need of the patient is to be able to buy the medicines or the health drugs and, perhaps, a hospital accommodation.

However, I will not insist if the Committee does not look with favor on this suggestion.

MS. QUESADA: Madam President, health care is really much broader than just the state of illness. For example, when we talk about essential goods, it would refer to goods such as the building of bridges so that people will not get sick of schistosomiasis; it will be providing the other conditions that will enable people to maintain health. So, that is why it is the total health development, including prevention, the putting up of toilets, of water facilities, mosquito nets, and all those that would prevent diseases. It is really going into the details of health development.

I suppose that with this understanding of the holism, the broadness of this concept of health, we realize that it is not just being sick or utilizing goods offered in a hospital, but also the goods which are offered in the communities that are considered.

BISHOP BACANI: Madam President, if Commissioner Padilla is no longer insisting, may I pursue a second amendment?

THE PRESIDENT: Please proceed.

BISHOP BACANI. I do not know whether this is a matter of style, but there is some reason for the change I wish to propose. After saying "There shall be priority for the needs of the underprivileged, the sick, women and children, the aged and the disabled," may I suggest that the order should be "There shall be priority for the needs of the underprivileged, the sick, THE AGED AND THE DISABLED, WOMEN AND CHILDREN." May I explain the reason. All of the previous ones, except the last two, necessarily suffer from some disadvantage or infirmity; while the women and children, though they may have special needs, do not necessarily suffer from any infirmity or disadvantage.

MS. QUESADA: Yes, Madam President, we accept.

BISHOP BACANI: Thank you.

THE PRESIDENT: May we ask Commissioner Bacani to read his amendment again.

BISHOP BACANI: "There shall be priority for the needs of the underprivileged, the sick, THE AGED AND THE DISABLED, WOMEN AND CHILDREN."

THE PRESIDENT: Do we eliminate "women and children"?

BISHOP BACANI: We put them at the last, Madam President.

THE PRESIDENT: Is there any objection?

MR. RODRIGO: Madam President.

THE PRESIDENT: Please proceed, Commissioner Rodrigo.

MR. RODRIGO: I have a special predilection for women but it is precisely because of this that I find a jarring note in this enumeration. Why should we place women, in general, in the same class with the sick, the aged, the disabled, the underprivileged? Do women, in general, include the women who are healthy, wealthy and wise?

I thought I could remedy this in the Committee on Style but I do not think I can because it is not just a matter of form. In the case of men, only the men who are sick come under this — only those who are disabled and underprivileged. But then we have placed women, in general, in the same class with the sick, the aged and the disabled.

MS. AQUINO: Madam President, it may sound jarring and a bit inelegant but apparently women have the exclusive monopoly of maternal functions and for that reason, they need special health care services and attention.

MR. MONSOD: Madam President.

MR. RODRIGO: If the women do not see anything jarring in it, I do not mean to be more popish than the Pope.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I was just wondering if we can read this in connection with the Section on Women because I guess we are applying ourselves to working conditions and to working women. Is it possible to integrate this?

THE PRESIDENT: What does Commissioner Quesada say?

MS. QUESADA: The Section on Women refers to working women, but we are referring to women all over including those who may not be working in industries but whose health care needs have to be addressed to because of their biological reproductive maternal functions.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: This is just a clarification addressed to Commissioner Quesada.

THE PRESIDENT: Is it also about women?

MR. SARMIENTO: Yes, Madam President.

THE PRESIDENT: Please proceed.

MR. SARMIENTO: The use of the word "women" is very broad. It would cover working women, women who are rich, who are wealthy, who are poor. Since we have the suggestion from Commissioner Monsod to link this with the provision on working women, can we say "WORKING women and children"?

MS. QUESADA: No. We are also referring to women who stay at home, those who are the child bearers, or the women who are not found in industry.

MR. SARMIENTO: So the intent in using the word "women" is to cover all women?

MS. QUESADA: Yes.

MR. RAMA: Madam President, there are no more proponents of amendments to Section 13.

MR. MONSOD: Madam President, may we have just one minute to try to reconcile the different ideas that have been propounded?

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 11:15 a.m.

RESUMPTION OF SESSION

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

THE PRESIDENT: The session is resumed.

Before we suspended the session, we were discussing the proposed amendment of Commissioner Bacani to transpose "women and children." Am I correct? Was the amendment to place "women and children" at the end of the sentence after "disabled" accepted by the Committee?

MR. RAMA: Yes, Madam President.

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

Is there any other pending amendment?

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

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

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, may we read our proposed last sentence per the Ople amendment: "There shall be priority for the needs of the underprivileged sick, the ELDERLY AND DISABLED, AND WOMEN AND CHILDREN." In other words, we are now defining sick women and children, elderly and disabled who are entitled to special or priority attention because of the word "underprivileged."

MR. RAMA: Madam President, there are no more proponents of any amendment to Section 13, so I move that we take a vote on the whole section.

THE PRESIDENT: Will Commissioner Quesada please read now the whole Section 13 as amended.

MS. QUESADA: "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 a affordable cost. There shall be priority for the needs of the underprivileged sick, the ELDERLY AND DISABLED, AND WOMEN AND CHILDREN. THE STATE SHALL ENDEAVOR TO PROVIDE FREE MEDICAL CARE TO THE PAUPERS."

MR. FOZ: Madam President, may I just ask one question?

THE PRESIDENT: Commissioner Foz is recognized.

MR. FOZ: Would it not be better if we put the term "women and children" ahead of all the others?

THE PRESIDENT: There is a suggestion that we put "women and children" ahead. Is this acceptable to the Committee?

MS. QUESADA: No, Madam President, we will retain the Bacani proposal which places "women and children" at the end of the enumeration.

VOTING

THE PRESIDENT: Those who are in favor of Section 13 as read by the Chairman of the Committee, please raise their hand. (All Members raised their hand.)

Those who are against, please raise their hand. (No Member raised his hand.)

The results show 38 votes in favor and none against; Section 13, as amended, is approved.

MR. RAMA: Madam President, I ask that Commissioner Davide be recognized to present an amendment to Section 14.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Madam President, this is a very simple amendment. I suggest to insert the words AND CONTROL between the words "monitoring" and "system."

MR. MONSOD: Madam President, we are consolidating Sections 14 and 15; perhaps, if we state our consolidation, then the Gentleman can introduce his amendments.

MR. DAVIDE: I am willing to defer consideration.

THE PRESIDENT: Let us hear from the Committee.

MS. QUESADA: The reformulation would be as follows: "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." So we have combined Sections 14 and 15.

THE PRESIDENT: Is that clear to the Commissioners?

MR. DAVIDE: May we have copies of the reformulation?

THE PRESIDENT: Will Commissioner Quesada please repeat slowly.

MS. QUESADA: It still retains most of Section 14:

"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: Madam President.

THE PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: May I know the purpose of lumping together the provision on a special body for disabled persons and the provision on a food and drug monitoring system for which reason we deleted the important words "for the rehabilitation, self-development and self-reliance of the disabled towards their total integration to the mainstream of society"? I find that if we lump together this provision on disabled persons with the provision on food and drug monitoring system, we dilute the special emphasis on the concern of the State for disabled persons and, therefore, while I would not mind lumping the two sections together, I would request that the provision on disabled persons be considered another paragraph.

SUSPENSION OF SESSION

MR. SUAREZ: Madam President, may we request a suspension of the session.

THE PRESIDENT: The session is suspended.

It was 11:34 a.m.

RESUMPTION OF SESSION

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

THE PRESIDENT: The session is resumed.

Commissioner Quesada is recognized.

MS. QUESADA: Due to the strong reactions to the new formulations, the Committee has decided to retain the original sections. Section 14, however, will contain some insertions of new ideas, and this would now read: "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."

This idea was introduced by Commissioners Regalado and Davide.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: So, the first amendment, the insertion of the words AND CONTROL after "monitoring," is accepted by the Committee.

MS. QUESADA: Yes.

THE PRESIDENT: Is there any objection to this particular amendment?

MR. OPLE: Madam President, will the proponent entertain an amendment to his amendment?

MR. DAVIDE: May we hear the amendment?

MR. OPLE: In lieu of "AND CONTROL," would Commissioner Davide consider REGULATORY?

MR. DAVIDE: No, Madam President; CONTROL is much better because it will relate precisely to drug. So, it is not just regulation of drug but control also of drug.

MR. OPLE: I was hoping to put this in the following context. For example, regulation would also include a mandate to appropriate government authorities to consider, for example, the point raised earlier by Commissioner Rosario Braid about the use of indigenous resources, say, the preference for generic drugs instead of these very costly foreign labels; and if we have to meet the standard of affordable cost, it may be necessary for the regulatory function of the government to take vigorous steps to overcome the resistance of the foreign drug companies to the use of generic drugs which probably cuts down the cost immediately by one-half, if not more. And so, regulation, monitoring and regulatory system can actually have this context, instead of the more limited one of controlling abuses, including mislabeling, I suppose.

MR. DAVIDE: Can we combine the two concepts by inserting a comma (,) after "monitoring," then add the words "REGULATION OR CONTROL"?

MR. SARMIENTO: Madam President, may I comment on regulation and control?

THE PRESIDENT: Please proceed, Commissioner Sarmiento.

MR. SARMIENTO: Madam President, if we look at the Explanatory Note prepared by Commissioner Quesada, the use of the words "monitoring system" would cover control and regulation. The sentence would read: "SUCH MONITORING SYSTEM WOULD ADDRESS ITSELF TO THE ADOPTION OF A NATIONAL ESSENTIAL DRUG LIST, THE USE OF GENERIC NAMES, THE STRENGTHENING OF THE NATIONAL FOOD AND DRUG REGULATORY MECHANISMS . . ." So I think the words "regulation" and "control" are contemplated by the use of the words "food and drug monitoring system."

MR. DAVIDE: Madam President, may I react?

THE PRESIDENT: The Gentleman may proceed.

MR. DAVIDE: This is merely an explanation but it is not embodied in the text of the proposal. Interpretations may be made later to instances merely of monitoring but monitoring does not necessarily include regulation or control. So, the language must be stronger to include regulation or control, especially that we are talking, among others, of food, and especially drugs. I really feel the necessity not only of the insertion of CONTROL but also of including "REGULATION" as explained by Commissioner Ople which a willing to accept.

MR. OPLE: Madam President, I am willing to accept the Davide amendment to my amendment provided it is also understood that "REGULATION" and "CONTROL" include the power of the government to regulate cartelized pricing of drugs especially by foreign manufacturers.

MR. DAVIDE: That would be included.

MR. OPLE: I understand they often resort to this, which will make it impossible for the promise made in this section of the Article on Social Justice to make available goods and services at affordable cost. If the foreign drug manufacturers which dominate the drug industry in the Philippines are allowed to resort to cartelized pricing, that is to say fixing the prices at levels behind the back of the government. . .

THE PRESIDENT: Does the Committee accept the inclusion of the words "CONTROL AND REGULATION"?

MS. QUESADA: I understand, Madam President, that the word "CONTROL" would now include the ideas of regulation as proposed by Commissioner Ople, so we will just use the word "CONTROL" to include regulatory mechanisms.

MR. DAVIDE: It will necessarily include regulation.

MR. OPLE: Regulation will necessarily include control, Madam President.

THE PRESIDENT: Does Commissioner Ople insist on his proposal to include the word "REGULATION" aside from "CONTROL"?

MR. OPLE: The Davide amendment contemplated the use of "REGULATION" and "CONTROL," Madam President.

THE PRESIDENT: What does the Committee say? The Committee only says "monitoring AND CONTROL."

MS. QUESADA: Before we make a comment on that, Commissioner Villacorta would like to clarify some possible consequence of this control.

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: Madam President, while we understand the contemplation of this phrase, "food and drug monitoring AND CONTROL," we would like to put on record that this does not at all refer to the control of food distribution, intake or production.

MR. DAVIDE: That is also correct. Control here is to determine whether this food is nutritious enough or adequate or substandard. So, the government must control not the manufacturing, although there should be some regulations in the manufacturing to see to it that it will contribute to the promotion of health.

MR. OPLE: Madam President, it seems that the intent of the Committee is better served by the more precise term "REGULATION" which is usually the object of monitoring. Monitoring is usually exercised on behalf of a regulatory power of a competent authority of the government; control can be susceptible to misinterpretation; while regulation is completely immune from being misinterpreted.

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Just one point of clarification from the Honorable Davide because the use of the word "food" may be misinterpreted in the future. Is the Gentleman referring to processed food?

MR. DAVIDE: Among others.

MR. SUAREZ: Not the raw food that we take like vegetables?

MR. DAVIDE: The government may also impose certain rules and regulations to see to it that these vegetables would not be unhealthful because in vegetable-growing, chemicals which may be disastrous to health are already applied.

MR. SUAREZ: So, even in situations like that, the Gentleman contemplates that the government could exercise monitoring and control?

MR. DAVIDE: Certainly, Madam President, because the idea is the promotion of total health.

MR. SUAREZ: I thought the Gentleman was principally referring to processed food?

MR. DAVIDE: No.

MR. OPLE: I support the wider interpretation given by Commissioner Davide. He is correct. Does the Gentleman know that although American bases authorities are obligated by agreement or treaty to buy locally sourced vegetables especially from Baguio, almost inevitably our vegetables are rejected at the gate of Clark Field and Subic because of the allegation that the DDT content is too high for their own health standards?

MS. QUESADA: Madam President, we would like to propose this compromise so we can cut down on the words and still achieve the same meanings that both Commissioners Davide and Ople have presented, and that is to use the word REGULATORY. "The State shall maintain an effective food and drug REGULATORY system," to include the idea of monitoring, control and regulation.

MR. DAVIDE: So, "monitoring" will be deleted?

MR. OPLE: That is acceptable to me, Madam President.

MR. DAVIDE: It is accepted.

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

MR. OPLE: I have another amendment, if Commissioner Davide has already used his turn.

MR. DAVIDE: I have an amendment on the third line. My proposal is to delete the word "COUNTRY'S" and after "PROBLEMS," insert the following: OF THE PEOPLE AND THE DEVELOPMENT OF THE COUNTRY.

THE PRESIDENT: How will it read then?

MR. DAVIDE: It reads as follows: "RESPONSIVE TO THE HEALTH NEEDS AND PROBLEMS OF THE PEOPLE AND THE DEVELOPMENT OF THE COUNTRY."

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: The idea of the Committee here is not to bring in the development of the country, only health needs and problems. That belongs to the section on the national economy.

MR. DAVIDE: Not only that, Madam President. In the proposed Article on Declaration of Principles, the principal thrust of the development and promotion of the health of the people is for socioeconomic development. So, this is only to dovetail that particular proposal.

MR. MONSOD: No, we do not have to repeat in each and every section social, political, economic and health development and everything else because the whole Constitution must be read in that context.

MR. DAVIDE: Then I will not insist on that particular proposal.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: May I propose an amendment at the very end of the consolidated section.

THE PRESIDENT: It is not being consolidated anymore.

MS. QUESADA: No, it has been separated.

MR. OPLE: It has been separated again. Anyway, on Section 14, after the very end of the present sentence "and research on health care problems," please add the following: AND CORRECT THE HISTORIC IMBALANCES IN THE DELIVERY OF HEALTH CARE TO THE RURAL AREAS.

May I explain briefly, Madam President.

THE PRESIDENT: The Gentleman may proceed.

MR. OPLE: Thank you.

During the period of interpellations on this subject, this Commission's records would reflect the admission of the Committee through Commissioner Quesada that there is, in fact, a very gross disparity now existing in the health care services available to the urban areas and the services available to the rural areas. She admitted that although we have a glut of nursing graduates sent abroad, there are no takers among nurses and doctors for vacancies existing in the rural health units of the country. The reason is that the countryside is too unattractive for doctors and nurses. That is why we hear from representatives of Mindanao that there are millions in Mindanao, in the countryside, who live and die without ever seeing a single doctor or a nurse. Although this is probably an extreme example in the case of Mindanao, the fact that many Filipinos live and die without seeing a doctor reflects a nationwide reality outside the cities.

Therefore, I strongly urge the Committee, in interest of social justice, for those deprived of medical care in the rural areas, to give a countervailing bias now in this section so that the redressing of this imbalance in health care for the rural areas, for the rural poor in particular, will be part of the mandate of the health section of the Article on Social Justice.

MS. ROSARIO BRAID: Madam President.

MS. QUESADA: Madam President.

MR. BENGZON: May the Committee react first to that amendment before any proposals are presented, Madam President.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: Madam President, we have taken into consideration the rationale behind the proposed amendment of Commissioner Ople. We have act taken his proposed term — "TO UNDERTAKE APPROPRIATE HEALTH MANPOWER DEVELOPMENT" — which would now encompass the need of redirecting the health manpower development so that we can address these resources to the needs of the country particularly the rural poor. But we do not want to specify manpower development as it would be only one development.

MR. OPLE: It is not only manpower development but the whole range of services under the integrated and comprehensive health care and development program.

MS. QUESADA: Yes, the concept of manpower development being from production to utilization management, which includes the deployment distribution of the health manpower resource.

So, we are really addressing this redirection in the manpower training and education to meet the needs of our people, particularly the rural poor.

MR. BENGZON: We cannot accept the amendment.

MR. OPLE: The Committee does admit that this a very grave problem not only of health but also of social justice. If this is correct and it rises to that gravity, should it not deserve some explicit mention in this section?

MS. ROSARIO BRAID: Madam President, may I be recognized?

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Yes, I concur with Commissioner Ople. This is why I have an amendment to his amendment and perhaps we could put it together. After "research," add the phrase AND ENSURE THE EVEN REGIONAL DISTRIBUTION OF HEALTH PERSONNEL. I concur with Commissioner Ople because statistics would show that only 30 percent of the entire force of physicians are in the rural areas serving 70 percent of the population. I mentioned earlier that although there are 92,000 rural health workers, there is an uneven distribution in the country. So, with this amendment, I strongly urge this concept of redressing the imbalances through coming up with an amendment, like that of Commissioner Ople and my amendment, in the spirit of a more even regional distribution of health care services.

MR. MONSOD: Madam President, may the Committee reply?

THE PRESIDENT: Commissioner Monsod may proceed.

MR. MONSOD: I think the minutes of committee meetings and the minutes of these discussions as well as the explanation of Commissioner Quesada very clearly say that the words in Section 13 already include the concept that the Gentleman is stating. We are willing to have these interpretations read into the Record in order that the

interpretation is not lost. However, we regret that we cannot add these words because they are already subsumed and included in the total concept of the Committee. I believe Commissioner Ople is a member of the Committee and he will recall that when we were discussing this, he suggested that this was all being considered already and we feel that it is not necessary to add these words anymore.

MR. OPLE: If the intent is very clearly and emphatically recorded, I will go along with the Committee, Madam President.

MR. MONSOD: Thank you, Madam President.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: I ask that Commissioner Sarmiento be recognized.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: My amendment, Madam President, is a simple amendment. It is an amendment by addition on Section 14. After "shall," add the words ESTABLISH AND so that it shall read: "The State shall ESTABLISH AND maintain an effective food and drug regulatory system."

This is a consequence of the amendment proposed by Commissioner Davide and adopted by the Committee.

MS. QUESADA: We accept the amendment.

MR. SARMIENTO: Thank you, Madam President.

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

MR. RAMA: Madam President, there are no more proponents of amendments.

MR. OPLE: Madam President, there is indeed a proposed amendment which should immediately follow Section 14. With the indulgence of the Floor Leader, may I state this proposed amendment now, in association with Commissioners Aquino, Sarmiento, Calderon, Tingson and Rodrigo. It merely says: SECTION 15. THE CARE AND WELFARE OF THE ELDERLY SHALL ENJOY STATE SUPPORT AND PROTECTION.

May I explain briefly, Madam President?

The reason for this amendment is that throughout the Article on Social Justice and also the Article on Declaration of Principles, this Commission has already acknowledged the fundamental entitlement to the protection of the State of various disadvantaged groups. These include, of course, workers and peasants, women at work, minors. That just about leaves out just one more very important and strategic segment of the work force that should be entitled to our protection. They are the ones that have withdrawn from the work force through retirement. There are eight million members of the Social Security System, many of whom are attaining the age of retirement. There are one million members of the GSIS, many of whom are also attaining the age of retirement. There is a nationwide clamor from all of these retirees for the government to set right the pension schemes for which they have contributed all of their working lives but out of which they now get a mere pittance.

I was in San Miguel, Bulacan the other day and some of the government retirees spoke to me. They retired about 10 years ago. They said 10 years ago, this P200 from the GSIS could still buy three sacks of rice. Today, they get the same amount and this can hardly buy a sack of rice. Of course, the retirees do not have champions unlike those still enrolled in the active labor force. Throughout the world, governments are now moved by the advancing

social morality of the age. They are taking vigorous steps to redress the disadvantages for the elderly, those who will retire from the work force.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Excuse me. May the Chair propound one question, if I can be allowed to propound one question?

MR. OPLE: Yes, Madam President. It is a great honor.

THE PRESIDENT: Will the veterans be included because we have been receiving so many communications, hundreds of them, asking for the protection also of the rights of veterans?

MR. OPLE: The veterans are included 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.

MR. TINGSON: Madam President.

MR. BENNAGEN: Madam President.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Madam President, may I add a little word in support of this amendment.

THE PRESIDENT: The Gentleman may proceed.

MR. TINGSON: Madam President, those of us who are over 60 years old in this Constitutional Commission would like to say that we cannot avoid growing old, but we can avoid growing cold. We read in a very well-known publication all over the world, entitled Daily Bread, that growing old has some definite advantages. If God gave us full use of our mental faculties, the sunset years provide a wonderful opportunity of coming to terms with our past. So, the elderly should be protected in the sense that they should be supported. The care and welfare of the elderly shall enjoy the support and protection of the State because the elderly are not afraid of tomorrow. They have seen yesterday and they are in love with today. A famous poet aptly said:

The vain regrets of yesterday had vanished through God's pardoning grace. The guilty fear has passed away and joy has come to take its place.

Madam President, I strongly support this amendment because those of us who are getting old would like to say: "Come, grow old with me; the best is yet to be."

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: Thank you, Madam President.

We have in the section on family rights a provision which says that the State shall encourage the Filipino tradition of the family taking care of the elderly. We recognize that the practice of the State taking care of the elderly is a western tradition. But while the State and government agencies may be able to take care of the elderly, the elderly will die not from lack of care but from a broken heart. I do not know that this provision shall relate to that provision in the Article on Family Rights.

MR. DE CASTRO: Madam President.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Madam President.

Mention has been made by the President on the voluminous letters we receive from war veterans and government retirees. Commissioner Nollado and I have filed Resolution No. 497 for these war veterans and government retirees, and this had been referred to the Committee on Declaration of Principles. So, I would not present it at this time in the Article on Social Justice because it is appropriately referred to the Committee on Declaration of Principles.

Thank you, Madam President.

THE PRESIDENT: What is the Committee's reaction to this Ople amendment?

MS. QUESADA: Madam President, we do sympathize with the concern of the Commissioners but we would like to state that Section 13, indeed, takes into consideration such concern for the elderly when this special group has been singled out as one of the underprivileged to which the State should afford protection because it includes not only the right to health but also the other essential social services which this particular disadvantaged or underprivileged group would be able to obtain. So, we feel that providing another special section would open the floodgates to other sections that would include special care for the aged, the sick and women.

MR. OPLE: May I call for a vote, Madam President. And in this respect, may I amend our own amendment so that it will include the veterans.

MR. DAVIDE: Madam President.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Before the amendment is put to a vote, I seek to introduce some amendments.

Both proponents took into account only the elderly; we have forgotten the orphans and the abandoned children. So, I seek to amend the second line by inserting before "ELDERLY" the following: "ORPHANS, ABANDONED CHILDREN, WAR VETERANS AND THE ELDERLY."

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Yesterday, Madam President, there was a discussion here on the section for minors, in which the phrase "ORPHANS AND ABANDONED CHILDREN" was to be included. We believe that both the suggestions of Commissioner Ople and Commissioner Davide are amply covered in Section 13 because that section talks about the underprivileged, the elderly, women and children, and it is in the context of a total approach to health care.

Secondly, the other aspect of taking care of the elderly will be provided for in the section on family rights as mentioned by Commissioner Bennagen.

So, we believe that this is amply covered in this section on social justice and health services.

The veterans would be included in the elderly as well because veterans are approaching old age.

If the proponents insist on their amendments, then we are willing to call for a vote and ask for the judgment of the body on whether their inclusion would not be redundant.

MR. OPLE: Madam President, may I reply briefly to the Committee before the amendment is voted upon?

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: I appreciate the intervention of other colleagues — Commissioners de Castro, Davide, Sarmiento, and above all, Monsod, on behalf of the Committee — concerning this subject. However, I think they missed the jugular issue behind this proposed amendment.

As I said in my remarks, we are not talking of family obligations to the elderly. They have earned their right in the Social Security System and in the Government Service Insurance System by paying to these funds all their working lives, only to be rewarded later with pittances, strictly disproportionate to the money they have paid out of their very low wages throughout their working lives. The veterans, of course, already have earned a niche for themselves in the Declaration of Principles.

The de Castro amendment is actually taken from a provision already existing, I understand, in the Declaration of Principles.

So, when we speak of State protection for the elderly, we are giving a mandate especially 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 that they have already earned in this system by faithfully remitting their premium contributions all of their working lives.

That is one very important significance of this proposed amendment, Madam President.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: May we just say that Section 13 precisely begins with the phrase "The State shall protect and promote" and talks of a comprehensive integrated health care to all the people, with priority to the elderly and the aged, et cetera. So, we believe that this amply covers the elderly. However, we leave it to the vote of the body, Madam President.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: We have been talking about the elderly, war veterans and government retirees. I believe, and I made mention of my Resolution No. 497 co-authored with Commissioner Nollado, it is timely that we read a provision of Resolution No. 497. It says:

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 conditions in life. Preference shall be given these war veterans and government retirees in the acquisition of public lands and the development of natural resources.

May I be allowed to explain this.

THE PRESIDENT: But the point is that this particular idea of the Gentleman is already in the Article on Declaration of Principles. That is what I understand; that is what was stated. What we have here now is just Commissioner Ople's amendment on the welfare of the elderly.

MR. DE CASTRO: I was thinking if the elderly can also be included in this resolution because they are also war veterans and government retirees. While this was referred by the Committee on the Accountability of Public Officers to the Committee on Declaration of Principles, it is not yet in the report of the Committee on Declaration of Principles because the reference was late.

THE PRESIDENT: Is Commissioner Ople agreeable to the suggestion of Commissioner de Castro? Actually, the proposal of Commissioner de Castro is an amendment to the amendment.

MR. OPLE: Madam President, I am a veteran of World War II but I am not retired. There are 600,000 veterans in the country. Approximately half of these are retired and the others are not retired. However, there is no bar to providing for the veterans in our proposed amendment although the right place for veterans . . . I would like to be associated with Commissioner de Castro in that proposal provided it is appropriately located in the Article on Declaration of Principles or in the General Provisions, perhaps immediately following the statement concerning the Armed Forces and the defense of the State.

THE PRESIDENT: So, just to clarify from the Committee. The Committee does not accept the proposed Ople amendment. It does not also accept the inclusion of the issue on veterans in this particular section of the Article on Social Justice. Is that correct?

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

SUSPENSION OF SESSION

MR. SUAREZ: May we ask for a suspension of the session.

THE PRESIDENT: The session is suspended.

It was 12:18 p.m.

RESUMPTION OF SESSION

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

THE PRESIDENT: The session is resumed.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: May I withdraw my amendment to the Ople proposal because I sincerely believe that provisions on war veterans and government retirees properly belong to the Article on Declaration of Principles.

THE PRESIDENT: Thank you.

We will now proceed to vote on the amendment.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Considering that there are several issues related to this, whether this particular amendment would be proper in the Article on Declaration of Principles, I would raise a privilege motion. The privilege motion is to consider the Ople proposal in the Article on Declaration of Principles.

MR. OPLE: I oppose this motion, Madam President and I would like a vote on it.

THE PRESIDENT: We will put it to a vote then. Actually in the vote, we may already consider the proposed amendment of Commissioner Ople, whether this proposed section should be adopted in the section of the Article on Social Justice or not. Is that correct?

MR. DAVIDE: So, the privilege motion is to take this up when we consider the Article on Declaration of Principles.

THE PRESIDENT: That would be the effect of whatever action is taken by the body.

MR. DAVIDE: Yes.

THE PRESIDENT: Those in favor of including this Ople amendment on the elderly in the Article on Social Justice, please raise their hand.

MR. SUAREZ: Madam President, may we restate the motion submitted by Honorable Davide? I think it is the other way around.

MR. DAVIDE: Yes.

MR. ROMULO: Yes, the motion is not clear, Madam President.

MR. DAVIDE: The motion is to consider this Ople proposal in the Article on Declaration of Principles.

MR. OPLE: I support the decision of the Chair, which was very deliberately arrived at, that the voting be on the amendment itself.

RULING OF THE CHAIR

THE PRESIDENT: While Commissioner Davide said that this motion is a privilege motion, I believe we should take this up directly to the point whether this proposed section properly belongs to the Article on Social Justice. If it is so decided by the body, then we will vote on whether it should be included. In other words, are we in favor of this particular section? It does not necessarily mean that if it is adopted, that if we agree that it be included here, the section itself on v elderly is meritorious. Should it be here or should it be in some other section? That is the point that we should first decide. Secondly, if it should be here, are we in favor? If it is properly here in the Article on Social Justice, are we in favor of having a separate section on the elderly or is it already included, as stated by the Committee, in Section 13 where the word "aged" is already stated? That is how the Chair sees it.

MR. OPLE: Just to simplify, Madam President, are we voting on the merits of this amendment first?

THE PRESIDENT: Not yet because the Davide amendment proposes an alternative. Should it be here or should it be in some other section? So, let us first decide where it should belong — in the Article on Declaration of Principles, General Provisions or Family Rights, as stated by Commissioner Davide?

MR. OPLE: Madam President, will it be possible for Commissioner Davide to agree to a voting on the merits? If it loses, then that will not bar anyone from taking this up again in connection with the report of the Committee on the Declaration of Principles?

THE PRESIDENT: The Chair would prefer it that way.

MR. OPLE: Thank you.

THE PRESIDENT: What does Commissioner Davide say?

MR. DAVIDE: I really consider it a prejudicial question because there are proposals that it should be in the Declaration of Principles or anywhere else. There are proposals that it should be here. So, we should decide first whether it should be here or in the Declaration of Principles.

THE PRESIDENT: Or somewhere else?

MR. DAVIDE: Yes.

THE PRESIDENT: So, if you vote yes, then you believe that this is a proper provision in the Article on Social Justice. If you vote no, then you believe it should be somewhere else, either in the Article on Family Rights, Declaration of Principles or General Provisions.

MR. MONSOD: May we just say that the Committee's position is that it is meritorious and it is already included in Section 13.

VOTING

THE PRESIDENT: As many as are in favor of considering this proposed Ople amendment as part of the Article on Social Justice, please raise their hand. (Few Members raised their hand.)

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

The results show 15 votes in favor and 19 against; the Ople amendment would not be considered in the Article on Social Justice but may be considered in some other Article of the Constitution.

MR. RAMA: Madam President, there is still one anterior provision that has not been voted on as a complete text. May I ask that we vote on Section 14, as amended.

THE PRESIDENT: Will Commissioner Quesada please read Section 14, as amended?

MS. QUESADA: "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."

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; Section 14, as amended, is approved.

MR. RAMA: Madam President, there are no proponents of amendments to the last section which is Section 15. So, I ask that we vote on Section 15 as a whole.

THE PRESIDENT: Will Commissioner Quesada please read Section 15?

MS. QUESADA: "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."

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I have a very minor amendment, and that is to delete "towards."

THE PRESIDENT: So, it will read: "self-reliance AND their total integration."

MS. QUESADA: The amendment is accepted.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: May I ask the Committee a question? Does the term "disabled" in this context also include, let us say, ex-convicts, people who are in most ways psychologically wounded, and presumably in a certain narrow context also disabled, and in many ways, also legally and socially disabled because in a society like ours, they are subject to continuing penalties of ostracism? Are the ex-prisoners and ex-convicts included within the compass of the disabled in this sense?

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: Profiting from the extensive deliberations we had with the representatives of the disabled, my understanding of a disabled is one who suffers from some kind of derangement, but not necessarily by virtue of his being an ex-convict because ex-convicts would be adequately rehabilitated.

MR. OPLE: Yes. Does the Gentleman consider them qualified for the rehabilitation services provided for in this section?

MR. BENNAGEN: I think they have to enter what we call the access agencies and should be properly categorized as such depending on their personal situations.

MR. OPLE: Does the Committee adopt this position of Commissioner Bennagen?

MS. QUESADA: Yes, this was based on the public hearings with the disabled groups.

MR. OPLE: Because this will save me and the Committee the trouble of proposing an amendment if this is not included within the definition of the disabled.

MR. BENNAGEN: Yes, as a matter of fact, the original proposal only referred to those who are mentally and physically handicapped. Some members of the Committee objected to that definition because that would exclude a huge number of people who are disabled mentally, sensorially, psychologically, et cetera.

MR. OPLE: On that understanding, since the Committee has adopted this, I will not press my amendment.

MR. BENNAGEN: Thank you, Madam President.

MR. BENGZON: May we vote now on Section 15?

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; Section 15 is approved.

MR. RAMA: Madam President, the only remaining section under this Article is the section on people's organizations. I understand that the Committee would like to finish this now.

MR. BENGZON: Yes.

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

THE PRESIDENT: Commissioner Romulo is recognized.

MR. SUAREZ: Madam President, excuse me. May the Committee be allowed to state its position regarding this particular section.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: May we request the recognition Honorable Garcia?

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: First of all, we would like to read Sections 19 and 20, as revised, after having considered the amendments and suggestions of various Commissioners, especially Commissioners Davide, Ople, Rosario Braid, Romulo and, of course, the members of the Committee. So, with you is the original draft of the Committee plus a half page where we make an effort to give the definition of peoples organizations as part of Section 19. So, I will read the two sections and then give a very brief explanation.

SEC. 19. In the pursuit of the ends 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 bona fide associations of citizens with identifiable leadership, membership and structure and demonstrated capacity to promote the public interest.

SEC. 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.

I will present a very brief explanation for Sections 19 and 20 and why we feel these are very important and integral parts of the entire Article on Social Justice.

Empowering the people is a key to the attainment of the ends of social justice. So, in this new constitution, we feel we must recognize that people's organizations can be one significant vehicle in this progressive and democratic tradition. The majority of no wealth nor political influence can empower themselves through people's organizations that are popular and authentic expressions of their will. Indeed, it is argued here that people's power can find most permanent, organized and articulate expression through such organizations within the democratic framework. The new constitution must, therefore, recognize the role of people's organizations as a principal means of empowering the people to pursue and protect, in a peaceful manner, popular and social reforms and mandate the State to respect their independence as autonomous checks to State power. Finally, the new constitution must also institutionalize people's participation and ensure consultation among the basic sectors at all levels of social, political and economic decision-making, guaranteeing that the people have access to information necessary to make informed and responsible decisions. Concretely, the State must be mandated to make possible proper and adequate consultation mechanisms with the people, and the formulation and implementation of local, regional and national priorities, plans, programs and projects that affect the people's lives. Thus, in sum, empowerment of the people is the enabling mechanism in the cause of social justice and people's power can find more permanent expression in people's organizations and through the institutionalization of consultation mechanisms that insure people's participation in decision-making.

We would like now to ask if there are others who may wish to add or amend.

MR. RAMA: I ask that Commissioner Romulo be recognized.

THE PRESIDENT: Commissioner Romulo is recognized.

MR. ROMULO: Madam President, this is a brief amendment. I would like the Committee to consider the deletion of the opening clause "In the pursuit of Social Justice" because it is really unnecessary. This whole Article is devoted to social justice and Sections 1 and 2 lay down the basic premise and spell out the means of carrying it out. So, I really do not think the opening clause is necessary.

MR. GARCIA: We thought it is important to place it because people's organizations are precise vehicles and enabling mechanisms to achieve social justice. Of course, it is within the context of the whole Article.

MR. ROMULO: So are the other provisions but we do not begin the other provisions with "In the pursuit of social justice, agrarian reform, urban reform, et cetera."

MR. GARCIA: That is true but in a sense, this is a summary of the different sections. We realize that we are going to draft an imperfect constitution and, therefore, it will be up to many of the people's movements and organizations advocating the protection and the interest of their specific sectors like the farmers in land reform and the urban poor to pursue and pressure Congress so that it can be responsive to enact the laws that will definitely meet their basic needs. So, it is a summary that for social justice to be pursued and perfected, these people's organizations will finish whatever we have accomplished.

MR. ROMULO: Although it can have the meaning that the other sections are not in the pursuit of social justice.

MR. GARCIA: It does not have that meaning, of course.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: I would like to ask a basic question.

MR. BENGZON: Madam President, can we finish first the proposal of Commissioner Romulo?

MR. RODRIGO: I am sorry.

MR. ROMULO: If the Committee does not accept the amendment, I will not insist on that. May I ask what is the position of the Committee.

MR. GARCIA: We would prefer to have this phrase in the section.

MR. ROMULO: Is that the Committee's response?

THE PRESIDENT: The Committee does not accept the amendment.

MR. GARCIA: The Committee is divided; there are some who feel that it can . . .

MR. ROMULO: Then may I ask for a vote.

MR. SUAREZ: How would the amendment read?

MR. ROMULO: I would delete the phrase "In the pursuit of Social Justice" and start with "The State."

MR. SUAREZ: Thank you.

THE PRESIDENT: Is the amendment accepted now by the Committee?

MR. SUAREZ: No, Madam President.

MR. ROMULO: We ask for a vote, Madam President.

VOTING

THE PRESIDENT: As many as are in favor of the proposed amendment, please raise their hand. (Several Members raised their hand.)

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

The results show 28 votes in favor and 9 against; the proposed amendment is approved.

MR. ROMULO: I have another amendment on the first line. It will be on the words "the independence and." I believe that this may be misinterpreted to mean that other forms of organizations and associations which are guaranteed under the Bill of Rights are not entitled to independence because we are singling out for respect only the so-called people's organizations. What about the other associations like civic, religious unions, etc. which are guaranteed under the Bill of Rights?

MR. GARCIA: In our understanding, many of these associations and organizations can be classified as people's organizations. But the term "independence" is important because we want to ensure that these organizations are not simply or merely a creation of the State, that they are not manipulated in any way like what we had in the past. And so, it is important to maintain that independence so that they can be a check on the power of the State, that they are never instruments only of whatever group.

MR. ROMULO: So, the Gentleman does not mean to imply that the other types of organizations and associations which are guaranteed under the Bill of Rights do not deserve a respect of their independence?

MR. GARCIA: Of course, they have a right to that independence too. But what is important is that very often we have organizations that are created, like our experience with the Samahang Nasyon, which are simply manipulations or instruments of the State. And we want to ensure that there are no labor unions, trade unions, or any other organizations that are used for that purpose.

MR. ROMULO: The other implication is that since the Gentleman wants the State to respect their independence, the State may pass laws or regulations ostensibly for the purpose of protecting their independence. Has the Committee considered that? This may have a reverse effect.

MR. GARCIA: We do not believe so, Madam President.

MR. MONSOD: Madam President, would it solve the Gentleman's anxiety over the interpretation if we transpose the word "independent" and say: "The State shall respect the role of INDEPENDENT people's organizations"?

MR. ROMULO: Why do we not say: THE INDEPENDENT ROLE OF PEOPLE'S ORGANIZATIONS? So that the emphasis on "independence" is not necessarily to the organization but to the role which is the principal point.

MR. BENGZON: Yes. "The State shall respect the INDEPENDENT ROLE . . ."

MR. GARCIA: I am sorry. It is not simply the role but also their independence. . . We should not touch the autonomous and authentic character of those organizations.

MR. ROMULO: But that is guaranteed under the Bill of Rights. That is my whole point. If we single out one type of organization whose independence must be respected by the State, by implication, we are vitiating the general protection provided under the Bill of Rights.

MR. GARCIA: Anyway, the understanding I have is that the Gentleman is, in fact, underscoring the importance of this thing. But if he wishes, the sentence which reads: "The State shall respect the role of INDEPENDENT PEOPLE'S ORGANIZATIONS" would at least emphasize the importance.

MR. ROMULO: Could the Gentleman read it again?

MR. GARCIA: "The State shall respect the role of INDEPENDENT PEOPLE'S ORGANIZATIONS."

MR. ROMULO: Fine; I accept.

MR. GARCIA: Thank you.

MR. RODRIGO: Madam President.

THE PRESIDENT: Does Commissioner Rodrigo have any comment on this?

MR. RODRIGO: No, I have another amendment.

THE PRESIDENT: How is it now, Commissioner Garcia?

MR. GARCIA: The amendment will read: "The State shall respect the role of INDEPENDENT PEOPLE'S ORGANIZATIONS . . ."

THE PRESIDENT: Is there any objection to this proposed amendment of Commissioner Romulo which was accepted by the Committee? (Silence) The Chair hears none; the amendment is approved.

Commissioner Colayco is recognized.

MR. COLAYCO: Thank you, Madam President. If we put the adjective "INDEPENDENT" before "PEOPLE'S ORGANIZATIONS" which will be like this: "The State shall respect the role of INDEPENDENT PEOPLE'S ORGANIZATIONS," it would seem that there are people's organizations which are not independent. I would just omit the adjective "INDEPENDENT," and it will read: "The State shall respect the role of PEOPLE'S ORGANIZATIONS."

THE PRESIDENT: What does Commissioner Romulo say?

MR. ROMULO: No, the implication is wrong. Precisely, we want the State to respect only a bona fide independent people's organization, not a company union.

MR. BENGZON: Yes, that is the idea.

MR. GARCIA: Not just any group of individuals.

MR. BENNAGEN: Madam President.

MR. COLAYCO: I fail to see the difference there. I think that the word "INDEPENDENT" is a surplusage.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. COLAYCO: I do not mind if we do not have this.

MR. BENNAGEN: On behalf of the Committee, I think the same issue was raised with respect to the right of independent peasant organizations. We are saying here that there are all sorts of people's organizations and some of these are really company unions and that they carry the government line. But we would like to encourage as a source of complementary structures the existence of independent organizations that can develop their development programs apart from those that are pursued by governmental structures.

For instance, we can mention peasant organizations that are really only supportive of existing government programs, which need not really redound to the benefit of the peasant themselves.

MR. COLAYCO: Company unions are not necessarily openly dependent. They become dependent when it is proven that they are company unions. I mean, prima facie, all organizations are independent. Even if we put "INDEPENDENT PEOPLE'S ORGANIZATIONS," company unions can always claim that.

MR. BENNAGEN: That is a manner of speaking. We can cite maybe a more specific example, the Kabataang Barangay, which in itself is a kind of youth organization which is also under the ambit of people's organization. But they can be manipulated to carry on the party line as it were. That is what we want to avoid.

MR. COLAYCO: Yes, but I mean, by simply putting "INDEPENDENT PEOPLE'S ORGANIZATIONS" does not stamp any organization for that matter as independent. As I said, a company union can always claim to be an independent organization, which they always do anyway.

MR. BENNAGEN: I cannot follow because by definition, when we speak of company union, it carries the thrust of the company which may become productive to the interest of authentic labor unions.

MR. COLAYCO: But they are not officially called company unions. I will not press my point on this. I think that saving the time of the Commission is more important than this.

MR. BENNAGEN: Even ILO Convention 141, to which the Philippines is a signatory, assigns this role to independent organizations.

MR. RAMA: The Commission is ready to vote, Madam President.

VOTING

THE PRESIDENT: Is this clear: "The State shall respect the role of INDEPENDENT PEOPLE'S ORGANIZATIONS"? That is what is to be voted upon.

As many as are in favor of this particular amendment, please raise their hand. (Several Members raised their hand.)

As many as are against, please raise their hand. (Nobody raised his hand.)

MR. RODRIGO: I register my abstention, Madam President.

THE PRESIDENT: Just a minute, we will just announce the results.

The results show 28 votes in favor, no vote against and one abstention; the amendment is approved.

MR. RODRIGO: Madam President, may I ask that I be recognized.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: Just a basic question. I have before me the text of the Bill of Rights which we have approved already. Section 7 provides:

The right of the people, including those employed in the public and private sectors, to form associations, unions or societies for purposes not contrary to law shall not be abridged.

Section 9 reads:

No law shall be passed abridging the right of the people peaceably to assemble and petition the government for redress of grievances.

I would like to ask: Do these provisions not cover the "people's organizations" which are sought to be protected again by the government under Sections 19 and 20?

MR. GARCIA: Sections 19 and 20 have a very particular thrust: as an enabling mechanism precisely to make social justice real. The encouragement is given to the people that they organize themselves, that they protect their legitimate interests peacefully through their collective efforts. That is the whole thrust.

MR. RODRIGO: Yes, I understand.

MR. GARCIA: Therefore, what does it do? It refines and it amplifies what we already have in the Bill of Rights,

specifically, because of the whole vision that we have of social justice. If the Gentleman will remember, when we began the definition, we said "to redistribute wealth and power." In other words, it is not simply the State later on which will ensure that all of these protections and recognition of rights are given but the people also must have a legitimate share of political power for them to participate. And so, this is the vehicle for them.

MR. RODRIGO: I just want to be very brief. So is it my understanding now that even without these provisions, the general provisions of Sections 7 and 9 of our Bill of Rights would cover this, but for emphasis the Committee wants to particularize?

MR. GARCIA: Yes, that is the intent, Madam President.

MR. RODRIGO: But this is already covered in general.

MR. GARCIA: The general rights are found in the Bill of Rights.

MR. RODRIGO: So, this is only to particularize and for emphasis.

MR. GARCIA: Yes.

MR. RAMA: Madam President, there are three more speakers on the two sections. May I ask that Commissioner Davide be recognized?

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Thank you, Madam President.

I have very few simple amendments. On line 4, Section 19, delete the words "the people" and substitute the word THEM.

MR. GARCIA: We accept, Madam President.

THE PRESIDENT: Is there any other amendment?

MR. GARCIA: Excuse me. I am sorry. This is not simply to empower the organization but the people. It is a vehicle to empower the people.

MR. DAVIDE: The proper reference to that would really be the people's organization. So, it is to these organizations that the respect must be accorded to.

MR. GARCIA: No, I am sorry. It is basic to the people.

MR. DAVIDE: In effect, we will broaden the provision, and it might become rather deceptive.

MR. BENNAGEN: Madam President.

MR. DAVIDE: "The State shall respect the role of INDEPENDENT PEOPLE'S ORGANIZATIONS as a means of empowering them to pursue and protect through peaceful means their legitimate. . .," meaning, again, the organization.

MR. GARCIA: No. Madam President; in fact, many people are unorganized while others are organizing, but some are already organized. In a sense, we are trying to say that only a citizenry that is organized and mobilized can really pursue this very difficult endeavor of the State. In fact, if the Gentleman will remember, in many of the previous interventions, when we spoke of the unfinished popular revolution of February, we said it was a political act and that the social changes which are unfinished still have to be pursued. It is not only the task of the State but also the people. We will still have to pursue this through their organizations.

MR. DAVIDE: In other words, these organizations would be the vehicle of the people?

MR. GARCIA: Exactly.

MR. DAVIDE: Then I will not insist. But after the word "protect," I would seek certain transpositions. Delete "through peaceful means" and in lieu thereof insert the following: WITHIN THE DEMOCRATIC FRAMEWORK. And then, after "aspirations," insert THROUGH PEACEFUL AND LAWFUL MEANS. So, it will 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: We accept, Madam President.

THE PRESIDENT: Is there any objection to this proposed amendment of Commissioner Davide which has been accepted by the Committee? (Silence) The Chair hears none; the amendment is approved.

MR. RAMA: Madam President, may I ask that Commissioner Aquino be recognized?

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: Madam President, I move to delete the phrase "as a means of empowering the people" on lines 2 and 3 of Section 19.

MR. AZCUNA: Madam President.

MR. SUAREZ: Excuse me. Could Commissioner Aquino repeat the proposed amendment?

MS. AQUINO: Delete the phrase "as a means of empowering the people." I believe that it is an abstract diversion which conjures an image of an adversarial or conflict situation, and I would much rather that we focus clearly on the intent which is to pursue and protect within the democratic framework, after the Davide amendment, their legitimate and collective interests and aspirations.

MR. AZCUNA: Madam President.

THE PRESIDENT: Commissioner Azcuna is recognized.

MR. GARCIA: Excuse me, Madam President. May I answer? I believe that the phrase "empowering the people" is very important here. Our experience in the past, precisely, underlines the fact that unless our people are organized and mobilized to pursue their collective interests and their legitimate ends, they are powerless. Precisely, our purpose is to mention this.

MR. AZCUNA: I would like to suggest only that instead of deleting it, why not just say "TO ENABLE the people," because the phrase "empowering the people" is really objectionable. Power is supposed to reside in the people and the State should not empower the people because they already have the power. What we should do is to enable the people to exercise that power. So, I believe it would be better if we say: "The State shall respect the role of independent people's organizations TO ENABLE the people to pursue and protect," because it is the people who really should do this.

MS. AQUINO: I accept, Madam President.

THE PRESIDENT: What does Commissioner Aquino say?

MS. AQUINO: I accept the amendment to the amendment.

MR. GARCIA: I just want to make a clarification. Here, we are not saying that the State will empower the people — not at all. We are saying that the organizations are the means of empowering the people. It is an injunction; in

fact, it is almost an encouragement for them to get organized and to be involved. It is very difficult for people to be involved individually if they are going to protect their interests. They, therefore, must discover that vehicle which will empower them and these are the organizations we are referring to.

MR. BENNAGEN. May I, Madam President?

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: I think the idea really is for people, in their organized numbers, to recover their power which has been lost by their being atomized into passive individuals; and for me, it may not really be necessary because it can lend a number of misinterpretations. All we want to say is that the people, to recover their sense of strength, must come together to pursue their collective interests. I think that is the intent and not for anything. It is not for the State or an external agency to provide this power but the people themselves must recover and restore this to themselves.

MR. RAMA: Madam President.

MR. AZCUNA: So, we reiterate our amendment, Madam President.

THE PRESIDENT: Is Commissioner Azcuna satisfied?

MR. AZCUNA: No, Madam President. We would like to insist on the amendment to delete the phrase "as a principal means of empowering the people" and instead, insert the phrase "TO ENABLE the people." So that it will read: "The State shall respect the role of independent people's organizations TO ENABLE the people to pursue and protect . . ."

THE PRESIDENT: Instead of "empowering," it will be "TO ENABLE the people."

MR. AZCUNA: Yes.

MR. RAMA: Madam President, the situation calls for a vote now.

VOTING

THE PRESIDENT: Yes. As many as are in favor of this proposed amendment of Commissioners Aquino and Azcuna, please raise their hand. (Several Members raised their hand.)

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

The results show 30 votes in favor and 8 votes against; the amendment is approved.

MR. RAMA: Madam President, there are no amendments to Section 20, which is the last section; so I ask that a vote be taken on Section 20.

THE PRESIDENT: We have not yet voted on Section 19 as a whole. Will Commissioner Garcia please read Section 19, as amended?

MR. GARCIA: Section 19, as amended, will read: "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 PRESIDENT: There is a second paragraph.

MR. GARCIA: There are no amendments on the second paragraph.

MR. OPLE: Madam President, may I suggest that we limit the vote to the first sentence, because I would like to engage in a brief discussion later on concerning the second sentence.

THE PRESIDENT: Is there any objection?

MR. MAAMBONG: Madam President, just a very minor point which will be affected by the second paragraph.

I notice that we are about to vote on the paragraph.

THE PRESIDENT: That is the first paragraph.

MR. MAAMBONG: Yes, Madam President. When we talk of "independent people's organizations," the apostrophe is after the letter e while in the Committee definition, the apostrophe is after the letter S. Which is which, because the meaning will vary?

MR. GARCIA: "People's" is with an apostrophe after the letter e; it is just a typographical error.

MR. MAAMBONG: Thank you.

VOTING

THE PRESIDENT: As many as are in favor of the first paragraph of Section 19 which has been read by Commissioner Garcia, please raise their hand. (Several Members raised their hand.)

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

The results show 38 votes in favor and no vote against; the first sentence of Section 19 is approved.

There is a second paragraph which was read before by Commissioner Garcia.

MR. GARCIA: PEOPLE'S ORGANIZATIONS ARE BONA FIDE ASSOCIATIONS OF CITIZENS WITH IDENTIFIABLE LEADERSHIP, MEMBERSHIP AND STRUCTURE AND DEMONSTRATED CAPACITY TO PROMOTE THE PUBLIC INTEREST.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Will the Committee yield to some questions concerning the second paragraph?

First of all, do I understand it right that this is a consolidation of several proposed amendments which were earlier brought to the attention of the Committee by Commissioners Christian Monsod, Ricardo Romulo, Hilario Davide, Jr. and myself?

This definition of people's organization is acceptable to me, being one of the proponents of the amendment which are now considered subsumed in this definition. But I thought I would make the observation that indeed, this draft Constitution, not only in the Article on Social Justice but in other Articles, will probably stand out among contemporary constitutions once it is ratified in one respect: there is a fairly ubiquitous reference to people's power in several forms as one of the guiding principles for a new social order that is, in effect, ordained by this Constitution. Thus, people organizations may initiate amendments to the Constitution and the laws through the power of initiative and referendum already vested in them elsewhere. They may even overthrow a government that will become a traitor to the people and their Constitution. This is found in the Declaration of Principles. They shall participate in carrying out the mandates on social justice, especially in the fields of labor and agrarian reform. And under this new section that we are considering, they are constitutionalized for purposes of

participating in all levels of decision-making of the government and they initiate the socioeconomic structures that will best conform to the standards of social justice.

So, with all the powers and duties vested in these organizations, I am glad the Committee has agreed to incorporate a definition of these organizations. However, I would like to call the attention of the Committee, or I should put this as a question to the Committee I suppose that people's organizations do embrace all groups of citizens that band together voluntarily for the pursuit of public interest. Would that be correct?

MR. GARCIA: That is correct, Madam President.

MR. OPLE: Therefore, this would include both labor and peasant organizations?

MR. GARCIA: Yes, including professional, neighborhood and civic associations, ethnic and cultural groups, and so on.

MR. OPLE: And presumably, because of the tripartite character of negotiations for industrial peace, these should also include associations of landowners and associations of business and industry.

MR. GARCIA: Yes, because they also pursue the public interest.

MR. OPLE: May I call the attention of the Committee to the fact that in the case of bona fide labor and peasant organizations, they do write their own constitutions and bylaws embodying their principles as well as their rules of internal life. And in the case of labor organizations, these are deposited in the competent authority of the government; that is, the Ministry of Labor and Employment. Of course, when one determines the most representative workers' organization for the purpose of appointing delegates to international labor conferences, these reports also serve as a basis for determining who should be chosen. The Committee had earlier considered, as part of my proposed amendment, a minor requirement where, just in the case of bona fide labor organizations, the people's organizations which were given these powers in the Constitution would be asked to submit their constitutions and bylaws, together with the list of their elected and appointive officers, and these are deposited in the office of the government with competent authority.

Since labor organizations are already covered by these laws, then the rigor of the qualifications to be considered bona fide and independent people's organization would be higher in the case of labor than in the case of other organizations, including civic associations. Would that be correct?

MR. GARCIA: We are not trying to establish a hierarchy of one being more important than the other. We are saying that they have an equal rule. In as far as they can protect the public interests in a far more effective and better way . . .

MR. OPLE: I am describing an existing situation where by virtue of the existing law, there is indeed a higher standard of rigor for labor organizations than in the case of non-labor organizations, except those that register with the Securities and Exchange Commission.

Would the Committee not consider equalizing this standard of rigor for all by also requiring the other people's organizations to deposit their constitutions and bylaws in an appropriate office of the government?

MR. GARCIA: Madam President, there are also different levels of organizations and their nature vary. Therefore, there are some who may not even have constitutions and bylaws. They may just simply have a declaration of principles and a program of action. Therefore, we also have to respect that level of political maturity or that level of organization which those groups have.

MR. OPLE: Yes. I am not going to insist on that.

MR. GARCIA: We would not want to impose simply one standard.

MR. OPLE: I am not going to insist on that because I already yielded to the Committee's request earlier. But would Commissioner Garcia, for purposes of recording the intent of the Committee, not agree that in the future, all the independent people's organizations, considering the powers and duties vested in them in this Constitution, including the possibility of participating in regional development councils and the planning work of the National Economic and Development Authority, should be encouraged to rise to a level of maturity and responsibility where they will write their own constitutions and bylaws for their own internal guidance and for the guidance of those who support them?

MR. GARCIA: Yes. According to their capability and capacity, of course, we would like to encourage their political development and maturity.

MR. OPLE: If that is admitted as an objective under this paragraph, then I will not insist on reviving that amendment.

Thank you, Madam President.

MR. RAMA: Madam President, we can now take a vote on the second paragraph.

THE PRESIDENT: Will Commissioner Garcia read again the second paragraph?

MR. DAVIDE: I have a very minor amendment, Madam President, on the second paragraph.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Before "people's," insert the word "independent"; and then between the letters "e" and "s" in "peoples," insert an apostrophe (').

THE PRESIDENT: Where will the word "independent" be?

MR. DAVIDE: Before the word "peoples," place the word "independent," then place an apostrophe (') between "e" and "s" in "peoples."

MR. GARCIA: Accepted, Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: May I propose an amendment by substituting the word "identifiable" with IDENTIFIED unless the Committee intentionally used the word "identifiable."

MR. GARCIA: It is "identifiable."

MR. MAAMBONG: Because "IDENTIFIED" would mean that there is no other action to be taken because they are already identified. In the case of "identifiable," I would take it to mean that some effort has to be done and there is the capability of identifying them. Why do we have to hide the identities? Why do we just say "IDENTIFIED leadership"?

MR. GARCIA: I do not think there is a need for that.

THE PRESIDENT: Does the Committee accept?

MR. GARCIA: We do not accept.

MR. MAAMBONG: I will not press the amendment.

MR. RAMA: The amendment has been withdrawn, Madam President.

THE PRESIDENT: Let us vote on the Davide amendment first.

MR. RAMA: Yes.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: We would like to request Commissioner Davide to avoid inserting the word "INDEPENDENT" because what we are defining here are "people's organizations," not independent people's organizations. The word "INDEPENDENT" is already in the first section and perhaps it is not necessary to put this here.

MR. DAVIDE: I think it is necessary because by virtue of the amendments earlier introduced, the opening sentence of Section 19 will read: "The State shall respect the role of independent people's organizations to enable the people to pursue and protect . . ."

MR. MONSOD: Madam President, there is nothing in the definition that is relevant to the word "INDEPENDENT." The definition that is here is to "people's organizations." I am just wondering whether it is still necessary to put that. Are we saying that to make the distinction here may not be necessary?

MR. RAMA: So, what is the position of the Committee so we can vote?

MR. MONSOD: We would rather not have the word "INDEPENDENT." If the Commissioner insists, we may have to go to a vote.

THE PRESIDENT: Will Commissioner Davide insist?

MR. DAVIDE: I understand that Commissioner Garcia accepted it earlier. If Commissioner Garcia would agree to the proposal of Commissioner Monsod, I am not insisting on that particular amendment.

MR. GARCIA: I concur with the opinion of Commissioner Monsod.

MR. DAVIDE: So, the only amendment is the apostrophe (').

MR. RAMA: So, we are now ready to vote on the amendment on the second paragraph, Madam President.

VOTING

THE PRESIDENT: As many as are in favor of the second paragraph of Section 19, please raise their hand. (Several Members raised their hand.)

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

The results show 39 votes in favor and no vote against; the second paragraph of Section 19 is approved.

MR. RAMA: Madam President, there is a minor amendment to Section 20 by Commissioner Maambong.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: I propose a minor amendment on Section 20 by adding the words AS DETERMINED BY LAW.

THE PRESIDENT: Where?

MR. MAAMBONG: In the last sentence after the word "mechanisms." I feel, Madam President, that the phrase

"AS DETERMINED BY LAW" is necessary in order that we could provide the mechanics and the process of consultation; otherwise, the consultation mechanism would be meaningless.

THE PRESIDENT: What does the Committee say? May we have the reaction of the Committee?

MR. GARCIA: The understanding is that whether there is a law or not, this basic right must be respected and they should be consulted. The consultation mechanism itself could be threshed out and discussed, and later on, we need not have a law for that right.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: The Committee believes that the phrase "within the democratic framework" might already be sufficient that we do not need to put the phrase "AS DETERMINED BY LAW."

MR. GARCIA: Yes.

MR. MONSOD: As a matter of fact, there are already mechanisms in place now that did not need legislation.

MR. GARCIA: Yes, that is correct.

THE PRESIDENT: Does Commissioner Maambong insist?

MR. MAAMBONG: My only point, Madam President, is that we make possible adequate consultation mechanisms but if we do not operationalize this consultation mechanism by some law or some process, how could we make it effective?

MR. GARCIA: In fact, we have discussed that earlier. This is happening in some of the ministries. In the Office of the President, there are already consultations going on, but the mechanism itself will be refined by practice.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: I agree with the comments of Commissioners Monsod and Garcia as to the spontaneous but rather effective and dynamic people's organizations and consultations with government. I think the problem with including that phrase "AS DETERMINED BY LAW" is for the law to delimit the possibilities of people's organizations consulting with government. We are saying that the full potential of people's organizations consulting with government cannot be accommodated by law. Therefore, to put that is already to provide some limitations to the fuller expression of people's organizations.

MR. REGALADO: Madam President.

MR. MAAMBONG: Madam President, this is not really the intention of the proponent but if the Committee feels that way, we do not have to put it to a vote.

THE PRESIDENT: Will Commissioner Maambong insist?

MR. MAAMBONG: We will submit.

MR. REGALADO: Madam President.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: I proposed the same amendment before because even in Section 3 (b), we stated that with

respect to labor, they shall also participate in policy- and decision-making processes affecting their rights and interests as may be provided by law. Is there a difference insofar as the participation of labor is concerned?

MR. GARCIA: It appears in other people's organizations as we already mentioned. In fact, the executive department or the different ministries can create these mechanisms where the people can be consulted and their ideas be incorporated for a better decision-making process. In other cases, the people themselves can create these mechanisms and structures and invite all officials involved so that the decision-making process can be made better.

MR. REGALADO: In the discussion that took place earlier, it was said that Section 20 also encompasses the matter of labor unions. But here, the proponents do not want to have that phrase AS MAY BE PROVIDED BY LAW whereas, under the subparagraph on labor, that phrase appears. So, if it is a labor union on one hand under Section 3 (b), they will be subjected to the provisions of the law. However, in applying Section 20, the Committee does not want to have that same regulatory provision.

MR. GARCIA: No, excuse me. I just want to clarify. What the Commissioner intends is not to wait for the legislature to enact a law before consultation mechanism can take place. In fact, we are saying it is already taking place. A public hearing is a very clear example of how an interaction between those who are supposed to enact laws and the people for whom the laws are supposed to be made should be for a better process of lawmaking.

MR. REGALADO: So, it is a question of time. Why do we not say "AS MAY BE PROVIDED BY LAW"?

MR. GARCIA: It is not merely a question of time. Very often those who govern do not, in a sense, recognize the people's right of participation and consultation. And we feel that it is important to establish this principle here.

MR. REGALADO: Is it the apprehension of Commissioner Garcia that if we put the phrase "AS MAY BE PROVIDED BY LAW," the law may stifle their rights?

MR. GARCIA: It can be a constraining factor. In other words, the people will feel that there might be a need for legislative action as a precondition before they can exercise their right to participate using the proper consultation mechanisms or before they, in fact, can organize.

MR. REGALADO: So, we go back to that original question we asked on labor where he agreed that it should be a consultative process and their participation therein may be as provided by law because it might conflict with the other existing laws. In effect, it is actually just a regulatory implementation.

MR. MONSOD: Madam President, in the case of Section 3, on labor, it is not only a question between organizations and the government; it is also a question of a third party, which is the enterprise. That is why it might be necessary to have the law define the respective rights of these two — the employer and the employee.

In this case, we are referring to organizations of people themselves and, secondly, these consultative mechanisms are already placed in many sections of the government. It might impair that right, if we have to say that it has to be formalized in a law.

This section does not say that a law may not be passed. It is possible that it will be passed. We are just saying that we do not want it to look like a precondition for the exercise of consultation.

THE PRESIDENT: Is Commissioner Regalado introducing another amendment which has been withdrawn by Commissioner Maambong?

MR. REGALADO: Yes, Madam President, I would prefer that this phrase stay here, because in the first place, Commissioner Monsod says that there is nothing that will prevent the enactment of such a law. So, why not make

it specific?

THE PRESIDENT: So, let us put it to a vote then. The proposed amendment is to add the phrase "AS MAY BE PROVIDED BY LAW."

As many as are in favor of this proposed amendment of Commissioner Regalado, please raise their hand.

MR. BENNAGEN: Madam President.

MR. BROCKA: Madam President.

MR. BENNAGEN: Just two little comments.

MR. RAMA: When there is a voting going on, nobody can speak. We finish the voting first.

VOTING

THE PRESIDENT: It has been sufficiently discussed. Commissioner Maambong has discussed it; the Committee has answered it.

As many as are in favor of the amendment to include "AS MAY BE PROVIDED BY LAW," please raise their hand. (Several Members raised their hand.)

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

The results show 21 votes in favor and 16 votes against; the amendment is approved.

MR. RAMA: Madam President, there are no more amendments to Section 20, so I ask that it be voted on as a whole.

THE PRESIDENT: Will Commissioner Garcia please read the section.

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Is the exact wording of the amendment "AS DETERMINED BY LAW" or "AS MAY BE PROVIDED BY LAW"?

MR. REGALADO: "AS DETERMINED BY LAW" was the amendment of Commissioner Maambong who withdrew the same. Mine was "AS MAY BE PROVIDED BY LAW."

MR. SUAREZ: Thank you.

MR. MONSOD: Madam President, may we just have a clarification. I believe Commissioner Regalado already said that this does not mean that a law is a precondition for consultation to take place. Is that a correct interpretation?

MR. REGALADO: That is precisely why the phrase used is "AS MAY BE PROVIDED BY LAW." There may be no law, or the present situation will just be as it is. But if Congress sees it fit to make some qualifications later on, then this will not preempt Congress. Congress may even strengthen this consultative process and require adequate mechanisms for such a consultation.

THE PRESIDENT: Is this clear now with the Committee? Can we now read the whole Section 20?

MR. GARCIA: Section 20, as amended, will read: "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."

VOTING

THE PRESIDENT: As many as are in favor of Section 20, as amended, please raise their hand. (Several Members raised their hand.)

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

MR. GARCIA: Madam President, I would like to abstain. I would simply like to put on record that the phrase "AS MAY BE PROVIDED BY LAW" substantially weakens the provision.

THE PRESIDENT: May I just announce the result of the voting.

The results show 30 votes in favor, 6 votes against and 1 abstention; Section 20 is approved.

MR. RAMA: Madam President.

MR. NOLLEDO: Madam President, may I just ask Commissioner Regalado one clarificatory question?

THE PRESIDENT: Please proceed.

MR. NOLLEDO: As I understand it, "AS MAY BE PROVIDED BY LAW" should refer only to the mechanisms.

MR. REGALADO: No, it refers to the entire participation process. The law will provide how it will be done or how the participation will be.

THE PRESIDENT: But it is not a precondition. In other words, it is not a requirement that there must be a law to provide for this. Is that clear, Commissioner Regalado?

MR. REGALADO: Yes, Madam President. That is why I used "AS MAY BE PROVIDED BY LAW" as distinguished from "AS DETERMINED BY LAW," because the latter is a precondition while the former is not.

MR. NOLLEDO: Therefore, Congress cannot set forth limitations on the right.

MR. REGALADO: Again?

MR. NOLLEDO: Therefore, Congress cannot set forth limitations.

MR. REGALADO: Congress can stand there; it can strengthen, make more effective, amplify, supplement or qualify.

MR. NOLLEDO: But not limit.

MR. REGALADO: Why should we preempt Congress in its decision-making?

THE PRESIDENT: Commissioner Nolleto, it says here "and shall make possible." So, how can it retract or reduce? It shall make possible as may be provided by law. In other words, the law will just provide the corresponding mechanism but it has to make possible all that has been stated here in this body.

MR. NOLLEDO: I agree with the Chair. Thank you.

MR. RAMA: Madam President, Commissioner Ople has graciously withdrawn his last amendment. So, there are no more provisions or sections here to be voted on. But before I ask for the termination of the period of

amendments, may I ask that we insert in the Record a speech of Commissioner Tingson, entitled: "Land Reform, Pillar of Economic Recovery," which is a comment and an observation on the section that we have.

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

Please furnish a copy to the Secretariat.

MR. TINGSON: Yes, I will, Madam President.

Thank you.

THE PRESIDENT: So, are we through now with the Article on Social Justice?

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: Madam President, before I move to terminate the period of amendments, I would like to register the reservation of Commissioner Jamir to amend Section 5 and Commissioner Foz' to amend Section 11.

With those reservations, Madam President, I move that we close the period of amendments on the Article on Social Justice.

THE PRESIDENT: Is there any objection?

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: I would also like to reserve an amendment on Section 20. That is the very last one.

MR. RAMA: Commissioner Bernas would like to make a reservation on Section 20.

MR. MONSOD: Madam President, just a small point.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I just want to make the manifestation that Commissioner de los Reyes was consulted in the drafting of the section on the rights of fish workers which included the phrase "service workers and other forms of contractual relationship." That is just for purposes of drafting it, the styling.

MR. RAMA: With those reservations, Madam President, I move that we close the period of amendments on the Article on Social Justice.

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

ADJOURNMENT OF SESSION

MR. RAMA: Madam President, I move adjourn until Monday at nine-thirty in the morning.

THE PRESIDENT: The session is adjourned until Monday at nine-thirty in the morning.

It was 1:36 p.m.

[*] Appeared after the roll call

[*] See Appendix

[*] See Appendix

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