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Saturday, September 13, 1986

OPENING OF SESSION

At 9:47 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 Christine Tan.

Everybody remained standing for the Prayer.

PRAYER

SR. TAN: We will say our Prayer with the Hindu poet, Rabindranath Tagore.

Where the mind is without fear and the head is held high;

Where the knowledge is free;

Where the world has not been broken up into
fragments by narrow domestic walls;

Where words come out from the depth of truth;

Where tireless striving stretches its arms
towards perfection;

Where the clear stream of reason has not lost
its way into the dreary desert sand of dead
habit;

Where the mind is led forward by Thee into
ever-widening thought and action;

Into that heaven of freedom, my Father, let
my country awake.

Amen.

ROLL CALL

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

THE SECRETARY-GENERAL, reading:

Abubakar Present Aquino Absent

Alonto Absent Azcuna Present[*]

Bacani Present Nollado Present

Bengzon Present[*] Ople Present

Bennagen Present Padilla Present

Bernas Present Quesada Present[*]

Rosario Braid Present Rama Present

Calderon Present Regalado Present

Castro de Present Reyes de los Present

Colayco Present Rigos Present

Concepcion Present Rodrigo Present

Davide Present Romulo Present

Foz Present[*] Rosales Absent

Garcia Present Sarmiento Present[*]

Gascon Present[*] Suarez Present

Guingona Present Sumulong Present

Jamir Present Tadeo Present

Laurel Present Tan Present

Lerum Present[*] Tingson Present

Maambong Present Treñas Present

Monsod Present Uka Present

Natividad Present[*] Villacorta Present

Nieva Present Villegas Present

The President is present.

The roll call shows 35 Members responded to the call.

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

MR. CALDERON: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

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

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

MR. CALDERON: 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

Letter from Mr. Antonio A. Balgos of Villa Rica, Banica, Roxas City, expressing doubts whether the new Constitution will be ratified because of the inclusion of controversial and divisive issues, suggesting therefor that in the plebiscite, there must be only one "yes-no" vote on the main body of the draft which includes all "non-controversial" sections and to have separate "choice" votes by the people to allow them to select between two opposing versions of provisions of controversial sections.

(Communication No. 882 — Constitutional Commission of 1986)

To the Committee on Amendments and Transitory Provisions.

Letter from the officers and members of the Commission on Population, NCR Office, expressing their support on the basic primacy of human dignity and freedom in individual decisions concerning family planning.

(Communication No. 883 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Mr. Geronimo R. Cruz of 34 Lilac, SSS Village, Marikina, Metro Manila, suggesting that the completed Constitution, when presented to the electorate for approval, should exclude the controversial provisions of the Article on National Economy and Patrimony so that the voter will just approve/disapprove (a) the whole Constitution without said provisions and (b) only such controversial provisions.

(Communication No. 884 — Constitutional Commission of 1986)

To the Committee on Amendments and Transitory Provisions.

Letter from Dr. Frank Y. Arcellana, President of the National Organization against Nuclear Power and Nuclear Weapons (N.O. Nukes), requesting for a few minutes of the Constitutional Commission's time during the first day of its deliberations on the Declaration of Principles for the consideration of the Constitutional Commission so as to make a formal presentation of the first batch of signatures that it has gathered as part of the campaign for the inclusion of "nuclear-free" provisions in the new Constitution.

(Communication No. 885 — Constitutional Commission of 1986)

To the Steering Committee.

THE PRESIDENT: With respect to this particular communication, the same has already been accomplished with the submission of the two volumes on signatures. So there is no need to refer this to the Steering Committee but to the Committee on Preamble, National Territory, and Declaration of Principles.

THE SECRETARY-GENERAL, reading:

Letter from Mr. Pedro R. Feliciano of 117 Quezon Avenue, Angono, Rizal, submitting for consideration various proposals regarding the establishment of national, provincial, city, and municipal museums; the rule of command responsibility; the Philippine flag; and the collection of taxes.

(Communication No. 886 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Mr. Teotimo Ponce Rosaceña of 1191 Sto. Rosario Street, Pandacan, Manila, suggesting, among others, that if school personnel decide to go on strike, their application should be filed before the opening of classes and be displayed in corners accessible to the viewing public.

(Communication No. 887 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Letter from Mr. Felino C. Marcelo of Taytay, Rizal, urging the Constitutional Commission to incorporate in the Constitution a provision on the inviolability of the Church and the State.

(Communication No. 888 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Communication from Ms. S. Galia, transmitting Resolution No. 65, s. 1986 of the Sangguniang Bayan of Catarman, Camiguin, suggesting to the Constitutional Commission to reserve the title "President" to the President of the Republic only.

(Communication No. 889 — Constitutional Commission of 1986)

To the Committee on the Executive.

Letters seeking to incorporate in the new Constitution a provision obliging the State to protect the life of the unborn from the moment of conception, from:

1) Two hundred ninety-three students of St. Joseph's College, Quezon City, with their respective addresses.

(Communication No. 890 — Constitutional Commission of 1986)

2) Dr. Nelo L. Conol and fifty-nine other residents of Cagayan de Oro City.

(Communication No. 891 — Constitutional Commission of 1986)

3) Dr. Gerard Perlas and sixty-two other concerned citizens of Caloocan City.

(Communication No. 892 — Constitutional Commission of 1986)

4) Ms. Vivian Fraga and twenty-six other concerned residents of Barangay No. 32, Legaspi City.

(Communication No. 893 — Constitutional Commission of 1986)

5) Twenty-six students and teachers of St. Raphael's Academy, Legaspi City.

(Communication No. 894 — Constitutional Commission of 1986)

6) One hundred forty-six students of Aquinas University of Legaspi, Legaspi City.

(Communication No. 895 — Constitutional Commission of 1986)

7) Mr. Cesar C. Bilbao and one hundred ninety-one signatories from the Asian Development Bank.

(Communication No. 896 — Constitutional Commission of 1986)

8) Six thousand five hundred eleven signatories from UP-PGH and other hospitals, UST, UP, San Miguel Corporation and government employees.

(Communication No. 897 — Constitutional Commission of 1986)

9) Three hundred fifty-three concerned citizens working at International Packaging, Inc., Libis, Quezon City.

(Communication No. 898 — Constitutional Commission of 1986)

10) Ms. Ma. Lourdes T. Pektipekit and one thousand two hundred eighty-nine other signatories from Cebu City.

(Communication No. 899 — Constitutional Commission of 1986)

11) One thousand three hundred eighty concerned citizens from Malita, Davao del Sur.

(Communication No. 900 — Constitutional Commission of 1986)

12) Nine hundred twenty-eight signatories from schools, colleges and universities in Metro Manila.

(Communication No. 901 — Constitutional Commission of 1986)

13) Vice-Mayor Hector Ruiz of Olongapo City and four hundred forty-nine other concerned citizens of the city.

(Communication No. 902 — Constitutional Commission of 1986)

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

Letters urging the Constitutional Commission to incorporate in the Constitution a provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines, from:

- 1) Mr. George N. Capaque
Inter-Varsity Christian Fellowship
P.O. Box 2094, Manila.

(Communication No. 903 — Constitutional Commission of 1986)

- 2) Ms. Ruth Pujadas and three others
Making Evangelical Church
Parang, Maguindanao

(Communication No. 904 — Constitutional Commission of 1986)

To the Committee on General Provisions.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

CONSIDERATION OF PROPOSED RESOLUTION NO. 537

(Article on the Declaration of Principles)

Continuation

PERIOD OF SPONSORSHIP AND DEBATE

MR. RAMA: I move that we continue the consideration on Second Reading of Proposed Resolution No. 537 on Committee Report No. 36 as reported out by the Committee on Preamble, National Territory, and Declaration of Principles.

THE PRESIDENT: Is there any objection that we continue the consideration of the proposed resolution to incorporate in the new Constitution an Article on the Declaration of Principles? (Silence) The Chair hears none; the motion is approved.

The honorable chairman and members of the Committee on Preamble, National Territory, and Declaration of Principles are requested to occupy the front table.

Is there any suggested procedure we will follow this morning, Mr. Floor Leader?

MR. RAMA: Yes, Madam President. We are going to have speakers on the military bases question as was agreed upon yesterday. And after all the speeches are finished, we will proceed to the period of interpellations.

So, in the meantime, we will call on the Members who would like to speak on the issue.

I ask that Commissioner Guingona be recognized.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Thank you, Madam President.

Madam President, I have expressed my views on the military bases issue in a six-page paper, copies of which were distributed to the honorable Members of this Commission. I shall, therefore, not impose on the time of my esteemed colleagues by reading it, except the last page thereof. But I respectfully request the Commission's permission to submit a copy of this paper to the Secretary-General so that the contents thereof which would not have been read by me may be included in the Journal of our proceedings for today. [*]

Before reading the last page of my paper, Madam President, I would like to seek your indulgence to express some random thoughts on the military bases issue. I fully agree with the view expressed by Commissioner Rodrigo that there should be no mention of military bases in the Constitution either for the retention or the removal thereof.

I respectfully submit that there is a need for a searching and in-depth study of all aspects of this issue — military, political, legal, social, economic and moral — which this Commission has not and could not undertake. First, because we could not obtain all the data needed, including classified data, our efforts were also restricted by the sheer volume of our work. We have so many areas of concern — human rights, social justice, national economy and patrimony, the form and structure of government, the functions of officials, education and many others — and also, there is the time constraint.

I, therefore, contend that studies should be left to the executive and, after such studies, a decision could be made by the executive and the Congress, and, if desired, by the people through a referendum.

May I invite attention to the statement of President Corazon Aquino, which was published in the papers, where

she categorically stated that she shall not allow herself to be dictated upon by the United States.

Our stand, therefore, Madam President, is that we would have no objection if, after the searching and in-depth study which we have suggested, the decision is reached to remove the bases in 1991.

On the other hand, if the decision is to allow the continuance of the bases, then our stand is that we should demand terms as favorable, if not more so, as the terms of agreement with Spain, Great Britain, Italy, Malaysia, Turkey and Greece and provide for a short-term rental period of five years renewable every five years thereafter.

Madam President, I would like to start my first reaction in answer to the last statement made by a member of the sponsoring committee, Commissioner Rosario Braid, who spoke about the social evils spawned by the presence of the military bases in the Cities of Angeles and Olongapo. May I say that I do not exculpate the members of the American Armed Forces involved. But it has been said, Madam President, that it takes two to tango. By this, I have no intention of casting the blame on our Filipino women who service these servicemen. I am sure that most, if not all, of them are unhappy about their occupation. But I would blame the local authorities, the law enforcement agents, for they have not only failed to enforce our laws against prostitution and drug abuse; instead, quite a number of city officials and military men have, in fact, encouraged and protected the centers of these vices. I believe that if our law enforcement agents would only perform their duties faithfully and diligently, we may not be able to eradicate but we would certainly minimize considerably the vices complained of in the paper read by Commissioner Rosario Braid. Besides, prostitution and drug abuse have proliferated in other places of our country where there are no bases.

Madam President, I would like to make an assertion that in the matter of military bases issue, all the Commissioners, whether they be pro-bases or anti-bases, are concerned with the welfare and security of our people not only of this generation but of future generations, our children and our children's children, for an overwhelming majority of us do have children. But in assessing the same issue, we look at it from different view-points, like two persons looking at the same coin from two sides — one sees tails, the other, heads.

I would like to submit that the almost 50 years of American relationship since the turn of the century have been cordial and satisfactory. It is true that we have had misunderstandings at times, but even right here in our Commission, Madam President, we too have had our misunderstandings. I submit that America has been fair with us, and may I cite two examples.

The United States has shown flexibility in dealing with us in the matter of the military bases. In fact, since 1947, there have been several reviews or revisions of the terms of the agreement, and about 40 amendments to the original agreement have been agreed upon, the most significant of which was the Serrano-Bohlen Agreement of 1959 which became effective in 1966, reducing the 99-year lease up to year 2046 to 25 years. The United States could have insisted on the original term as to its period, but it did not.

Again, after the Japanese occupied the Philippines, America, through General MacArthur, promised to return and America did return in 1945 and liberated us from the Japanese occupation forces. One year thereafter, America granted us our independence.

We appreciate, Madam President, the feeling of our fellow Filipinos who want to break away from an alliance with the United States. They feel that as members of such an alliance, they are certain to be fought over. As neutrals they might have a chance of staying out of the havoc. Our contention is that the alliance would be useful to our country in case of conventional war. In case of a nuclear war, the devastation would be so pervasive that it would affect all States, whether superpower or not, aligned or nonaligned or whether they have bases or not. We contend that what will prevent the outbreak of a nuclear war is the maintenance of a balance of power. And when

one speaks of the balance of power, one should realize that there are many factors to be considered. One of the most vital factors, Madam President, is ideological identity or similarity of value systems. There is no doubt that we share the same value systems with the United States, which is a democratic country.

In the very first section proposed by Committee Report No. 36, the Philippines is described as a democratic State. We do not say, "Thank God, the Philippines is a communist state." This section affirms the fact that we firmly believe in democracy, both as a form of government and as a way of life — an ideology which is categorically and unequivocally rejected by the communists.

The idea of neutrality or neutralism, insofar as the cold war is concerned, disregards the manifest hostility of communists, particularly Russia, to everything noncommunist. May I quote, Madam President, Walter Lippmann in his book, entitled: *International Politics, US Foreign Policy: Shield of the Republic*:

Since the first concern of the makers of foreign policy in a sovereign national state must be to achieve the greatest possible security, their object must be to avoid isolation by becoming members of an adequate combination. To be one against the many is the danger; to be among the many against the one is security.

With regard to the matter of sovereignty, Madam President, I respectfully submit that there is no loss of sovereignty as a result of the existence of military bases in our country, occupation of which bases by the United States was effected with our expressed consent pursuant to the Bases Agreement of 1947, in the same way that there is no loss of sovereignty when we permit the exercise of the right of extraterritoriality anti extraterritoriality by reason of comity, treaty or convention. Madam President, I know of no country, including Russia, that has ever contended that Great Britain is a non-sovereign country, but the fact is that there are military bases in Great Britain.

As to the unfavorable terms, I shall not repeat what I have said earlier, except to invite the attention of the honorable Commissioners to the fact that the military bases agreement was executed or agreed upon about 40 years ago. And if I am not mistaken, it was the first bases agreement after the war. So we could expect that the terms would not be as favorable as the terms of the later bases agreements. Besides, when we talk of unfavorable terms, we might look at the same subject matter with different perceptions. For example, there are those who say we receive less than Spain because Spain receives \$412 million a year while the Philippines receives only \$180 million a year. But the fact is that out of this \$412 million, only \$15 million is grants; whereas, our country is given \$120 million as grants. The rest are given to Spain as credits or long-term concessionary loans which have to be repaid.

Madam President, I shall now read the last page of my prepared paper with your kind indulgence.

Our contention is that the issue regarding the military bases is more than just an issue of sovereignty or the risk of a nuclear attack or economic benefits for us. Fundamentally, the issue really is a choice between democracy or communism. People, like the late martyred Chief Justice Jose Abad Santos and many other war heroes, had learned to like the American institutions and foundations and while they aspired for Philippine independence, they, nevertheless, as incisive realists, supported enlightened cooperation with America. We know that in the struggle between the two superpowers, which is a struggle between democracy and communism, it is obvious which side we should support in the national interest of the Philippines. Having learned the lessons of democracy, we now take democracy for granted as if there would be no end to it notwithstanding the danger brought about by the presence of powerful countries near us with ideologies diametrically opposed to our democratic way of life. There is no denying the fact that there is a cold war between the two superpowers, and the balance of power must not be tilted in favor of the Russians. The dispute would be of little or no concern to us if the conflicting superpowers were both democracies. Unfortunately, this is not so. The need for maintaining a balance of power is a geopolitical reality which dates back to the period before Christ when the

two city-states, Athens and Sparta, dominated the Greek peninsula. If we choose, as we do choose, democracy, it is our duty not to imperil or weaken the balance of power that presently prevails. By doing so, we are not protecting America; we are protecting ourselves. We have seen the dangers posed by Russia. The invasion of Afghanistan, I am sure, is still fresh in our minds. There is no doubt about the Soviet's growing military capability in this part of the world or the strength of the Soviet fleet. Its growing air force and the continued deployment of SS-20 intermediate range ballistic missiles in the Far East within reach of the Philippines are all causes for concern to all of us. Can those who would want immediate dismantling of the bases assure us that if we succeed in doing this, the Soviets will reduce their arms strength and remove all the missiles that they have deployed and are continuing to deploy in our part of the world?

Justice John Clarke of the U.S. Supreme Court, in the case of *Milwaukee v. Burleson*, 255 U.S. 407, 414, has wisely said: "The Constitution was adopted to preserve our government." In the light of the above discussion, we would certainly not be preserving our government by including in our proposed Constitution what has been described as an "immutable decision" to dismantle the bases immediately or in 1991.

Madam President, if the discussion this morning is limited to military bases, I shall end my talk. But if we are supposed to cover other areas which were taken up in Sections 1, 2 and 3, I have a couple more items to take up with the committee. In other words, Madam President, I would end my speech but I would reserve the right to react with regard to the provisions of Sections 2 and 3 regarding neutrality and Section 4 regarding the adoption of a nuclear-free country policy, when the time for discussions comes.

Thank you, Madam President.

MR. RAMA: Madam President, I ask that Commissioner Rustico de los Reyes be recognized.

THE PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: Madam President, after hearing the brilliant dissertations of the Commissioners who spoke before me, I am almost tempted not to speak anymore because most of the things I intend to say were practically covered in their speeches. Still, I must, if only to articulate this issue from the viewpoint of a common man. Moreover, I happen to be the author of Proposed Resolution No. 216 which proposes to declare our country as nuclear free. This appears to be the basis of Section 4 of the proposed article but which, for one reason or another, the committee failed to acknowledge in its report.

The arguments given in support of the positions of the contending proponents could give the fainthearted nightmares. If it is true that the presence of military bases in our country would make us inevitable targets of nuclear attack or counterattack by an enemy of the United States, there is only one power capable of doing that, and that is Russia, to call a spade a spade. Only the Soviet Union would have the nuclear capability, qualitatively and quantitatively, to lock horns with the United States. And what would they be fighting for? In whatever way they disguise their respective reasons, I submit that it would be for world supremacy and the dominance of the ideologies they espouse. One view that deserves serious consideration is that as long as the balance of terror, some call it balance of power, between the United States and the Soviet Union stays substantially equal, there is no reason to fear a nuclear attack from Russia. It is further asserted that the military bases are needed as a defense from the subversion that comes from within. Rightly or wrongly, there are great segments of our people who believe that as long as the United States military bases are in the Philippines, the subversives cannot hope to overrun this country. All these give us cause to ponder: Are we not being presumptuous to think that 48 appointive Commissioners, who were given barely three months to draft a charter, should decide this life-and-death issue for 55 million Filipinos? Madam President, I respectfully submit that this Commission, despite the brilliance, dedication, patriotism or nationalism of its Members, does not have the sufficiency of time nor the expertise of foreign policy makers to provide for a constitutional provision which, in effect, will render

our foreign policy rigid, inflexible or straightjacketed.

In our deliberations today and yesterday, several options have emerged: 1) dismantle the bases immediately; 2) call for a special plebiscite on whether or not they should continue; and 3) allow the amended 1947 Military Bases Agreement to run its full term up to September 16, 1991 and either adopt a permanent policy against military bases in the country or renegotiate entirely new mutual defense and bases treaties with the United States. All these options have strong arguments to back them up.

Immediate dismantling, according to foreign and economic experts, would bring about grave economic, social and political repercussions that could permanently doom current Philippine efforts towards national economic recovery. In fact, nobody can deny that our country is in such financial straits that, precisely, we are trying to attract investments to boost our economy. Do we think that investors would invest in a country that unilaterally abrogates an existing agreement with another country?

The diverse views simply show that at this point in time, we are in no position to make a definite decision on the bases, much less write down that stand in the Constitution for the simple reason that we lack thorough study and preparation aside from the fact that in practice, this issue is usually left to the decision of the leadership.

Let us take, for example, the argument that we would likely be the target in case of a nuclear war. It is but logical to assume that two superpowers at war with each other will concentrate their explosion of their very expensive nuclear bombs or missiles in the territory of their principal enemies because that is where the seat of power is located. The people that can exercise the authority to surrender are in their country, not in some distant Pacific Islands. A warring superpower can blow a military base in a distant foreign land to complete destruction and, yet, that will not lead to capitulation or surrender.

Even if Russia were to kill the Filipinos to the last man, this will not bring America to its knees as long as the American mainland and its people are still substantially intact. And, conversely, even if the Americans were to kill all the Vietnamese to the last man, this will not bring the Soviet Union to its knees as long as the Russian mainland and its people are still substantially intact. So, why should Russia expend nuclear missiles in Philippine territory to kill, say, one or two million Filipinos, when it could drop them in America and kill one or two million Americans? Let us bear in mind that England and France also possess nuclear weapons of their own. These countries fought with America or, more appropriately, America fought with these countries against the Axis powers in World War II, and they were allies in World War I. Would it not be more compelling if Russia wasted British and French lives than Filipino lives? After all, would it be possible to have a nuclear war between America and Russia without bringing in the other countries with nuclear weapons of their own? I am afraid not, because if Russia and America wasted each other exclusively, it would mean the downfall of both of them and the emergence of new superpowers. I cannot bring myself to believe that Russia's and America's respective strategies would allow these self-defeating miscalculations.

Last August 14, 1986, Mr. Alexi Drokov and Dr. Victor Gochakov, members of the Russian Praesidium, who were here on a visit stated that Russia cannot assure that it will not attack the Philippines because of the presence of American bases. We can see here the start of Russian subtle psychopolitical campaign to persuade the Filipinos to clamor for the removal of the American bases in the Philippines. We have to keep in mind that Russia cannot sincerely wish us well at this stage. It cannot and will not help in the stabilization and progress of a republican or democratic country, although it may go through the motion of trying to help. Its track record in Vietnam, Cuba, Afghanistan, Kampuchea, Laos and several South American and African countries more than prove this. Messrs. Drokov and Gochakov know only too well that without the American bases in the Philippines, we cannot hope to attract substantial foreign investments in our country, especially the medium- and long-range kind of foreign

investments. America, for diplomatic reasons, of course, will not officially articulate this. But how we Filipinos stand on the issue of American military bases in this country will definitely be one of the crucial factors in the decision of foreign investors whether or not to invest in the Philippines. Russia knows that the military bases agreement between our country and America ends in 1991 and once the American bases are out, the Philippines would be easy picking thereafter. Expect the huge inflow of Russian hardwares and frontline technical consultants for the final phase of the communist master plan in the Philippines. We will be another Cuba and the United States bases will be another Cam Ranh Bay.

Logic tells us, therefore, that the Philippines is not a nuclear missile target. But this does not mean that we are not targeted for conquest by Russia through its surrogates. Anyone who has observed the intrusion of communism all over the world knows that our country, like the other countries of the free world, is earmarked for communist takeover, the Fidel Castro way or the Vietcong way. We should, therefore, address the question of U.S. military bases upon this consideration and not on a nuclear attack of the Philippines.

Our current pressure is the continued attacks from within by subversive forces and our people, most of them anyway, do think that should these attacks reach a critical point, that point that would easily tilt the balance of dominance in favor of the subversives, then, secretly or openly, the resources of the United States military bases in our country will be placed at the disposal of the Philippine government. Our people who adhere to this belief further support this by their assumption that U.S. military bases in a communist country are just not possible and are completely irreconcilable.

The unspoken fear of our silent majority is the terror that follows or accompanies the "socialist transformation" with the communist takeover of a defeated democratic country. More often than not, it is "liquidation" rather than "transformation." And so there you are, they think the U.S. military bases would be the last bastion of democracy in the Philippines. Out of respect for them, we should not just isolate them from the military bases issue. Let us avoid writing the abolition of the military bases in the new Constitution so that should it be necessary, the duly elected leadership, not this appointive Commission, may refer the issue directly to the people.

A seasoned diplomat and statesman gave the following suggestion in answer to the question of the best diplomatic approach to international issues:

I suggest that it is what we might call the strategic approach to consider various courses of action from the point of view of their bearing upon major objective.

And now I ask: How can we avail ourselves of this strategic approach if we straightjacket our foreign policy in no less than our Constitution?

The declaration of our country as nuclear-free, however, is quite undebatable. With or without the bases, no Filipino in his right senses would want his country to be used as a dumping place for stockpiling nuclear weapons. That is another matter. And this was already explained by Commissioner Azcuna. Let me just add that in stating this as a principle in our Constitution which is not a foreign policy matter in the category of neutrality, we are manifesting to the international community of nations, especially the superpowers, our disgust, our sentiment against their deadly arms race.

In an article by C.P. Snow entitled the "Risk of Disaster or a Certainty," reprinted in New York Times, August 17, 1981, he predicted and I quote:

We are faced with an either/or situation and we haven't much time. The "either" is acceptance of a restriction of nuclear armaments. The "or" is not a risk but a certainty. It is this: There is no agreement on tests. The nuclear arms race between the United States and the Soviet Union not only continues but accelerates. Other

countries join in. Within, at most, six years, China and six other states will have a stock of nuclear bombs. Within, at the most, ten years, some of these bombs are going to go off . . . That is a certainty.

This statement was published by the Harvard Nuclear Study Group.

It is quite clear that an absolute vision of the nuclear future exists today. This vision is becoming more wide-spread and counsels that a nuclear holocaust is inevitable unless complete nuclear disarmament is achieved. This prediction is not of world-enduring efforts to achieve security but rather an "either/or" future: either complete success or complete failure; either global peace and disarmament or nuclear holocaust. And so, even if the Philippines is a small nation or a small voice in the wilderness, let this provision of Section 4, declaring our country as a nuclear-free country, be a reminder to the superpowers that we do not need their nuclear weapons in any part of our territory, with or without the bases.

As Jonathan Schell, in his article on "The Fate of Earth" said, and I quote again:

If we are honest with ourselves, we have to admit that unless we rid ourselves of our nuclear arsenals, a holocaust not only might occur but will occur, if not today, then tomorrow; if not this year, then the next. We have come to live on borrowed time; every year of continued human life on earth is a borrowed year; everyday a borrowed day.

Thank you, Madam President.

MR. NOLLEDO: Madam President.

THE PRESIDENT: Commissioner Nollado is recognized.

MR. NOLLEDO: Thank you, Madam President.

Will the Gentleman please yield to a few questions?

MR. RAMA: Madam President, the interpellations, as we have agreed, will come later.

THE PRESIDENT: Commissioner Nollado, we agreed that we will have the major speeches and then we will have the interpellations after this.

MR. NOLLEDO: No, because I was thinking that interpellations will be directed to the members of the committee or to the sponsors.

THE PRESIDENT: And also to those who have spoken.

MR. NOLLEDO: Thank you, Madam President.

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

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: Madam President, I would like to strongly defend the inclusion of the issue of military bases in the Constitution. Foreign affairs and sovereignty are fundamental concerns that must be resolved in the basic law of the land. If the argument is that sensitive concerns must be left to the government because we are merely appointed, then by the same token, this Commission should not mandate anything about equally sensitive aspects of national life, such as the national economy, bill of rights, education and other areas which our Commission has concerned itself with.

Madam President, we cannot shirk our responsibility and forego this golden opportunity to restore the sovereignty of our nation. Leaving the option to our government is actually giving no option to the government because,

prostrate as we are in the midst of an economic crisis, our government will not be in a position even by 1988 or 1991 to renegotiate for better terms, much less for the abrogation of the iniquitous bases agreement.

Hence, we feel that the abrogation of the U.S. military bases and the declaration of a neutral, nonaligned and nuclear-free policy have a place in our Constitution. Even if this alone is what our fundamental law provides, we would have done a great service to our long-suffering people. For as long as the United States has bases in our country, that superpower will always be intervening in our domestic affairs; the U.S. will always ensure that it dominates our economy, our culture, our educational system. Because its primordial interest in the Philippines is the maintenance of its bases, the United States will always want to guarantee that the political configuration and economic directions in our country, including this Constitution, are under its effective control and manipulation. Thus explains why our Big Brother is watching over us here, everyday without miss, to monitor our every thought and action, and I acknowledge his honorable presence.

It is time, therefore, Madam President, to liberate our country from the foreign element, the parasite, the leech, that bleeds our country, that arrests our national growth and development. Let this Constitution, which is supposed to embody the dreams, the aspirations of the Filipino people, terminate once and for all our international servitude. We can even unilaterally abrogate the agreement on the basis of *clausula rebus sic stantibus*, the Roman law principle that allows a nation to withdraw from its treaty obligations if the circumstances under which the treaty was signed have substantially changed.

On this matter, Madam President, I would like to quote from a distinguished author of the book *Principles of Public International Law*, Dr. Ian Brownley, Fellow of Oxford University, page 498:

The rule of law has been expressed by the International Commission in Article 44, paragraph 2, as follows:

"When a fundamental change has occurred with regard to a fact or situation existing at the time when the treaty was entered into, it may be invoked as a ground for terminating or withdrawing from the treaty if: (a) the existence of that fact or situation constituted an essential basis of the consent of the parties to that treaty, and (b) the effect of the change is to transform in an essential respect the character of the obligations undertaken in that treaty."

And finally, he proceeds in stating:

The majority of modern writers accept the doctrine of "*rebus sic stantibus*" which is reflected in this provision as in municipal systems; so in international law, it is recognized. The changes frustrating the object of an agreement and apart from actual impossibility may justify its termination.

Madam President, the conditions under which the military bases agreement was signed have substantially changed. The military bases agreement was forced on our people when we were a U.S. colony. It was also at a time when there were no nuclear weapons yet. Madam President, my colleagues in this Commission who love their country, we are supposed to be a sovereign and independent nation and in this Constitution, we assert our right to self-determination, independence and sovereignty. Moreover, in these bases that infringe on our sovereignty, it is evident that there are nuclear weapons, even if the United States refuses to either confirm or deny it, because why would a superpower waste millions of dollars every month in maintaining its biggest bases outside its territory if these strategic bases do not have nuclear weapons? These weapons pose a direct and real threat to our survival and safety as a people. They attract nuclear as well as conventional attacks from the adversaries of the United States.

Common sense alone should convince us that the Soviets or any superpower does not aim their missiles at random targets around the world. They aim them at targets that play a major military role on behalf of the Soviet Union's major adversary, the United States. According to U.S. military planners themselves, Soviet SS-20s, which are

intermediate-range, nuclear-equipped missiles located in Soviet Asia, are aimed at South Korea, Japan and the Philippines, particularly at U.S. military bases in these countries. Notice that these missiles are not aimed at Singapore, Burma or Thailand. I repeat — the Soviet Union, like the United States, does not just aim their missiles at random population centers. They aim them at military installations that are likely to prove dangerous to them in any contest that might take place between Moscow and Washington.

I would like to quote from a publication of the U.S. Information Service published this year, 1986. It is entitled: "Background on the Bases," pages 10 to 11:

The U.S. facility at Subic Bay is the primary port claiming area and logistic support base for the U.S. Seventh Fleet which operates in the Western Pacific and the Indian Ocean. It contains the major supply depot for the fleet; serves as a crucial communication link for U.S. naval forces in the region; offers ship repair capabilities, second to none in the Pacific; operates an airfield for the Seventh Fleet's carriers striking force; and provides training in all phases of naval warfare for American and Philippine forces.

Clark Air Base hosts the headquarters of the U.S. 13th Airforce. Clark facilities serve as a staging point for strategic airlifts in the Indian Ocean, including the island of Diego Garcia; permit constant surveillance of the choke points, "the Malacca, Sunda, Lombok Straits"; can handle large-scale aircraft deployments from the U.S. in case of emergency; maintain the program of air combat readiness; and provide training and upgrading of aircrews from the United States, the Philippines, and other friendly countries.

It is no wonder, Madam President, because of this extremely powerful capability of the U.S. bases, that a Soviet Diplomat Alexei Drugov, head of the four mission of the Afro-Asian Solidarity Committee of the Soviet Union that visited the Philippines said that the Philippines will not be spared in the event of a global war among the world superpowers because countries keeping weapons would be potential targets. This was provided in the set of clippings that was provided the Commission by the honorable Commissioner Crispino de Castro. He further said that countries with foreign military forces will surely be targeted during a military or nuclear war. He added that military bases all over the world, regardless of which nation runs them, do not add to the security of a particular country but rather pose as baits for attack. In the case of the Philippines, Alexei Drugov said that the Soviet Union can never be sure of the presence of nuclear arms here as the United States neither confirms nor denies their existence.

Moreover, Madam President, the dangers of a nuclear accident are ever present. If the Bataan nuclear plant were mothballed because its safety could not be assured, why could we not foresee the perils of a national holocaust that may be triggered off by accidents and computer errors within these military bases?

Just to give us an idea of the nightmare that follows a nuclear accident, may I just read from Time Magazine issue of May 12 about the consequences of the Chernobyl accident.

At distances of perhaps three to four miles, victims stood a 50-50 chance of surviving though not without bones marrow and gastro-intestinal tract damage. People living five to seven miles from the accident could experience nausea and other symptoms but would be unlikely to die. Smaller amounts of radiation within a range of 60 miles from the site would result in significantly increased deaths from leukemia and other forms of cancer during the next 30 years. People living 200 miles or more from the accident would run much smaller risks.

. . . up to 60 square miles of Soviet farmland is likely to remain severely contaminated for decades, unless steps are taken to remove the tainted topsoil. Reason: Cesium 137 and strontium 90, two radioactive particles spewed by the blaze, decay very slowly. It would take decades for the ground to be free of them.

If we are horrified by the terrible consequences of an accident in a nuclear plant which is mainly used for peaceful

purposes, why can we not imagine and why can we not accept the fact that consequences will be much worse in case of a nuclear accident inside military bases? As a matter of fact there was really an accident involving two ships — a Japanese ship and another ship, I was not sure whether it was a Filipino ship — about five years ago. Fortunately, the Japanese ship did not carry any nuclear weapon but the accident extensively polluted the China Sea. Then there are the social ills and the diseases that are widespread in the communities surrounding the bases. Prostitution, juvenile delinquency, drug abuse, child exploitation and the ever-increasing incidence of venereal diseases, particularly AIDS — and all these were extensively discussed by one of the witnesses in our public hearings, Father Cullen, a Columban priest stationed in Olongapo. Are these not enough reasons to convince us that whatever mercenary uses the bases rentals bring do not compensate for the irreparable, social and moral costs of these bases?

Yesterday morning, Madam President, Commissioner Bacani in his sermon referred to the value of perceptions in making decisions. He spoke of the experiment in which a group was shown a picture of a young woman, while another group was shown a photo of an old woman. Then a third photo of a woman with blurred features was flashed to both groups. What each group saw reflected the picture that it saw earlier. Proof that our mental and decision-making processes are conditioned by our personal experiences.

Commissioner Bacani warns us against illusions, particularly illusions that are buttressed by vested self-interest and parochial premises based on our limited experiences. Let us listen to arguments. Let us listen, please, to facts. Let us not be moved by our emotions or block affiliations. We all love Americans, but we love our countrymen more.

My dear colleagues in the Commission, the United States that our people thought was their liberator, first from the Spanish and later from the Japanese, is not the *Deus ex machina* that it has always been believed to be. We are a young nation and are, therefore, inexperienced in the ways of the cold realities of international politics. An axiom in the relations among nations as taught by my American professors is: "There are no permanent friends nor permanent enemies, only permanent interests."

Let us remember, my dear colleagues, that the United States will not always be an ally. At the height of the Sabah controversy, the United States took the side of a closer ally of hers, Great Britain, which was then supporting Malaysia. There were even reports that British warplanes refueled right inside our national territory at Clark Air Field.

In closing, Madam President, I join many of our colleagues in this Commission in reiterating, in pleading that it is time for us, especially in this Commissions, to transcend our personal friendship with the American people. Who among us have no personal sentimental ties with individual Americans? The mandate that we were given, however, by the Filipino people and that oath that we took dictate that we give precedence to the interest of the Philippines, first and foremost.

Ibig kong basahin ang napakagandang tula ng aking hinahangaang idolo, si Senador Francisco "Soc" Rodrigo, "Sanhi ng Pagka-Alipin," page 311 ng kanyang aklat:

Ano ba ang sanhi ng pang-aalipin —
Ang karahasan ba ng nang-aalipin
O ang karuwagan ng inaalipin?
Ang tanong na ito ay ating sagutin

Sa ating sariling isip at damdamin;
At minsang nasagot, atin nang sikaping
Ang taling kadena'y pilit na lagutin!

Sinabi pa ng ating minamahal na Commissioner:

Ang itinuturing kong mahalagang bunga ng katatapos na halala't kampanya ay yaong sumipot na bagong kumpiyansa nitong ating bayan sa sariling puwersa. Sa puwersa ng bayan kapagka gising na at naninindigan at nakikibaka.

Sinabi niya ito upang libakin ang mga kolonyal na mga kaibigan niya.

Ang nais mo, Inang Bansang paraiso ng dayuhan
Nguni't mistulang impiyerno ng likas na mamamayan;
Ang hangad ko'y Inang Bayang katulad ay inang tunay —
Una muna'y mga anak, saka lamang kapitbahay.

Ang nais mo'y Inang Bansang, matanghal lang bilang bansa,
Ay di baleng mamamaya'y madayukdok at makuba;
Ang hangad ko'y Inang Bayang ang adhika't unang nasa
Ay makitang bawa't anak ay payapa't mariwasa.

At ito ang kahuli-hulihang tulang napakaganda na ibig kong basahin:

Kung tunay mong iniibig itong ating Inang Bayan,
Ikaw бага'y nakalaang manindiga't magsanggalang
Pag mayroong manlulupig na sa baya'y pumapaslang,
Yumuyurak sa minanang karangala't kalayaan?

Sa harap ng sobrang pagsasamantala
At pang-aabusong ating nakikita,
Di sapat ang tayo'y magbuntong-hininga . . .
Kailangang tumindig upang makibaka!

And lastly, because I always quote my dear admired Senator alongside biblical quotations, I would like to read from Chapter 14:10-12 of the Exodus:

When the Israelites saw the king and his army marching against them, they were terrified and cried out to the Lord for help. They said to Moses, "Weren't there any graves in Egypt? Did you have to bring us out here in the desert to die? Look what you have done by bringing us out of Egypt. Didn't we tell you before we left that this would happen? We told you to leave us alone and let us go on being slaves of the Egyptians. It would be better to be slaves there than to die here in the desert."

Moses answered, and I could very well substitute Moses for Francisco "Soc" Rodrigo:

Don't be afraid! Stand your ground and you will see what the Lord will do to save you today. You will never see these Egyptians again. The Lord will fight for you and all you have to do is to keep still.

Nagsusumamo kami. Tayo ay ibong lumaya na noong nakaraang Pebrero. Iwanan na natin ang hawla at huwag na tayong magmakaawang manatili sa loob ng hawla.

Mabuhay ang malayang Pilipinas!

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

THE PRESIDENT: Commissioner Laurel is recognized.

MR. LAUREL: Thank you, Madam President.

I shall be brief. It is said that the Constitution is the imprisonment of the past and the unfolding of the future. If we

adopt the resolution under consideration, we shall be imprisoning not the past but the future.

The RP-US Bases Agreement will expire in 1991, five years from now. Between now and then, a great many things can happen. We may side with this country. We may side with that country. We may decide not to side with any country. We do not know what will happen five years from now. As the poet says, "Only the event will teach us in its hour."

I agree with Senator Rodrigo that taking a definite stance now is not only premature, it is also unwise. Adopting the proposed resolution will hamstring our decisions in the future. We shall voluntarily be confining ourselves in a legal straitjacket. By choosing our options now we foreclose all other options, and perhaps our future too.

At this stage of our history, we do not know what we shall and should decide when the RP-US Bases Agreement expires. The people may decide to dismantle the bases, and then again they may decide to continue them. We do not know. What I know is that we should not decide now what the people have a right to decide five years from now.

Katulad ng mga kababayan ng isang matandang katulad ko at mayroon pang mas matanda kaysa sa akin dito, hindi natin alam kung buhay pa tayo pagdating ng panahon. May nagsasabing kinakailangang ipagpatuloy ang bases; mayroon namang nagsasabing huwag. Kung pagdating ng tunay na panahong tayo ay dapat magbigay ng hatol, di ipagpatuloy ninyo kung kayo ay kontra; at ipagpatuloy ninyo ang inyong hatol kung kayo ay sang-ayon, pero hindi ngayon ang panahon.

One last word, and I am done. Let me counsel you also against what I once called the tyranny of labels. At ito sa palagay ko ay mahalaga. I notice that those who are in favor of the proposal are calling themselves nationalists and branding those against them as pro-Americans. I think this is unfair. In my case, my own paternal grandfather was a delegate to the Malolos Congress and he served in the Aguinaldo Cabinet once upon a time as Minister of the Interior. He died in an American concentration camp. My own father never set foot in any American base. I mention this little bit of history to disabuse the minds of those who find it convenient to categorize people as either pro or anti. Indeed, it is too simplistic to view things as either black or white, good or bad. It is wrong to go by labels. In fact, we are all nationalists, and as nationalists we are neither pro-American nor anti-American. We are, first and foremost, excluding all others, Filipinos, one and all.

Fellow Members of this Commission, let us not presume to vote for the future. Let the people decide for themselves when the issue is ripe for decision. Let us retain for them that necessary flexibility, the needed resiliency they will use when they decide what has to be done not now but much later. That is their right and not ours.

I shall, therefore, support our distinguished colleague, the Honorable Francisco "Soc" Rodrigo, when he moves for the noninclusion of the provisions under consideration.

Thank you.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

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

THE PRESIDENT: Commissioner Romulo is recognized.

MR. ROMULO: Thank you, Madam President.

The purpose of my address today is to present my observations on Sections 3 and 4 to the committee for its

consideration.

The issue, Madam President, is not whether we should adopt a foreign policy of neutrality but whether we should enshrine it in the Constitution. The main point I wish to make, therefore, is that neutrality does not belong to the Constitution because this is a mere policy consideration in the conduct of foreign affairs which must be susceptible to change. Consequently, not being an immutable principle, this matter is better left out of the Constitution.

The classic international law concept of "neutrality" is all but obsolete in today's circumstances and thus needs no elaboration. The current meaning given to neutrality is the political one of "nonalignment." So, Madam President, I would like to briefly trace the history of nonalignment to demonstrate my basic premise.

The idea of nonalignment was born as a result of the cold war between the United States and the Soviet Union. From the start, the concept had a chameleon-like quality. It was used to justify contrary intents and purposes. For example, Nasser advocated nonalignment for the United Arab Republic to reduce Western influence in the Middle East. He was, therefore, a pro-Soviet neutral. Yugoslavia, on the other hand, wanted to deter Soviet interference in its affairs. Hence, President Tito was a pro-West neutral. Cuba was undoubtedly a pro-Soviet neutral, while Ceylon and Iraq were pro-West in their nonalignment. To complicate matters, the bipolar cold war saw the rise of a third participant, China. The emergence of the People's Republic of China gave rise to a neutrality of the third kind — pro-China neutral. These were the small Southeast Asian states trying to forestall Chinese intervention by assuring her in the middle 50's that she was not being encircled by pro-West states.

I think I can best illustrate the point by an anecdote concerning the superior generals of the three orders who were supposedly taking their constitutional in the Via Veneto. On that day they decided to forego their favorite sport of deciding how many angels danced on the head of a needle and instead they argued the relative merits of their patron saints. They said that St. Francis was the champion of the poor or the "marginalized" as we would say today. St. Thomas Aquinas was the most brilliant theologian the Church has ever had. The Jesuit said: "But St. Ignatius de Loyola is the champion exemplar of the Church." As usual, the Jesuit being quick-witted said: "We cannot decide on this point. Let the good Lord do it. Let us go to the Basilica of St. Peter, pray before the altar and ask him to decide who of these three saints is the greatest." So they did and soon enough a note floated from above which stated:

I am a neutral. I take no sides.

Signed:

Jesus Christ, S.J. (Society of Jesus)

So, ladies and gentlemen, the internal loyalty of the participants to their respective shades of nonalignment was consequently put into question. To outsiders at least, nonalignment seemed to be a cover for opportunism. When the United States said it would not assist in constructing the Aswan Dam, Egypt turned to Russia. So did India when an American congressman expressed reluctance to finance a public steel project. Neither nonaligned country, however, stopped accepting aid from either country. Indeed, from time to time, nonaligned countries like Indonesia, Ghana, India, Egypt and Yugoslavia have accepted American or Soviet military assistance.

Thus, after the Havana Summit in 1979, it was clear that the Nonaligned Movement was suffering from erosion of its credibility, integrity and moral stature. Burma, one of its founding members, pulled out. Obviously, referring to the way Cuba manipulated the conference to unseat the government of democratic Kampuchea, Burma pointed out that there were among its ranks those who do not wish to uphold the principles of the movement and who were "deliberately destroying the movement to gain their own grand designs." Hence by 1983, the standing of the Nonaligned Movement was such that Singapore, a member country, was constrained to say through its Foreign

Minister, and I quote:

I shall state my assessment of the Nonaligned Movement in three short sentences: Its past is one which we can be justly proud of. Its present condition, however, does it no credit. And finally, if it persists in its present course, its future will be one of shameful oblivion.

At its recently concluded meeting last week in Zimbabwe, Singapore and other members again complained that the majority of the Nonaligned Movement was sparing the Soviet Union, while castigating the United States for every conceivable crime they could imagine.

It is clear from the recital of its history that neutralism or nonalignment means everything but being truly neutral. Its practitioners adopted particular interpretations of nonalignment as a policy depending on how they perceive at any given time their national or regional interest, and this is how it should be. The only constant in today's world after all is change; and so, as it has already been said, nations have no permanent friends or permanent enemies, but only permanent interests. Therefore, it behooves us to refrain from inflexibility trying our foreign policy to a concept that is ambiguous, evolving and in current disrepute. Let us continue to follow a pragmatic approach in this matter.

Accordingly, it was appropriate for the Philippines to join the other ASEAN nations in declaring Southeast Asia a zone of peace, freedom and neutrality because we did so on the basis of a long-term goal for the entire region, and not just for a single country, much less for the Philippines alone. And it is a policy that we can withdraw at any time if the country's interests so dictate.

Mr. Francisco Tatad summarizes this very well when he said, and I quote:

A statement banning military bases and proclaiming a policy of nonalignment is a statement of national policy which one administration may favor and another may reject. It is a purely political question which must be addressed by whichever party is in power, according to its program of government and how it interprets its mandate. To write that in the Constitution is to consecrate a permanent and inflexible solution to a dynamic question that is subject to volatile change.

We must bear in mind that the art of diplomacy is to move events carefully and shape them, whenever possible, so that a nation does not face an impossible choice. Walter Lippmann has astutely observed that "in foreign relations, as in all other relations, a policy has been formed only when commitments and power have been brought into balance." Otherwise, we confine ourselves to proclaiming objectives that are not translated into concrete actions and specific results. We run the risk of demonstrating that we are impotent and reduced to mouthing empty phrases.

In some ways, the same considerations of flexibility and pragmatism must be taken into account when evaluating the idea of a nuclear-free Philippines. The following questions, therefore, are relevant in seeking answers to these issues:

1. By adopting a nuclear-free policy in the Constitution, do we not unnecessarily restrict our defense options?
2. Can we really insulate our country from the effects of a nuclear confrontation, whether limited or worldwide, among the superpowers on the basis of what we write in the Constitution?
3. Is not the use of nuclear arms solely dependent on the self-interest of the superpowers and, therefore, simply declaring ourselves to be nuclear-free will not prevent them from using atomic weapons on us when it suits them to do so?
4. In the event atomic weapons proliferate, especially among small nations, is it not possible that solely for the

purpose of self-defense, and abhorrent as the thought may be, we may be forced to equip our armed forces with nuclear weapons?

5. Would not a nuclear-free policy be illusory unless countries in the region also join us in such a declaration and, more importantly, that together we have the means to enforce the declaration?

6. Since there are presently ongoing discussions between the governments of ASEAN regarding the precise position the region should take on the question of nuclear weapons, would not a unilateral declaration on our part be premature?

And to quote again Mr. Tatad, he said:

No Filipino should relish these questions, but they need to be asked and answered before the government takes any demarche. As a self-respecting country, we must exert every effort to end our security dependence on the United States. This means ultimately doing away with the American presence in Clark and Subic, but no one has been able to demonstrate that this is the time to do it.

In closing, allow me to cite a University of the Philippines Report dated August 21, 1986 which states:

All regions were against the inclusion in the Constitution of a provision on the military bases, neutrality and nuclear weapons issues.

According to the report the participants simply felt that these issues should be left to the political leadership in the executive and legislative branches.

Thank you, Madam President.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

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

THE PRESIDENT: Commissioner Tan is recognized.

SR. TAN: Madam President, there has been extensive debate on the presence of military bases in our country. I have concurred with most of the reasons given against the presence of American military bases and nuclear arms, and I express my deep respect for the persons and for the opinions of those who hold a contrary view. The reasons I shall convey, however, may not be legal or scientific, neither will they be logical, critical or creative. They will not even be the result of sessions and conventions in which I have participated during the past five years as member of the Anti-Bases Coalition and Nuclear-Free Philippines, for figures can easily be cited, words of great men quoted, the law expounded and these altogether may not always be genuine, much less, able to bear the scrutiny of God. A moment sometimes comes in one's life when a word from Him can change the flow of a nation's life. One may fail to recognize it; he may also tragically escape from it. I pray that this Commission does not escape. I shall speak not from external authority but from the inner depths of my soul which we sometimes call conscience or the voice of God. I am a sister of the Good Shepherd. For more than two centuries, our specialization, as the layman may say, in 47 countries of the world, has been the morally deviant or morally deprived person or groups of persons. It is from this moral viewpoint that I weigh the presence of American military bases. Perhaps, enough has been said about probability or possibility. The Russians may kill us all: our President's hands may be tied; 45,000 Filipinos may lose their jobs; the balance of power may be dislodged, et cetera. To make decisions on the realm of speculation is for me to start from a position of weakness. As a woman, I would like to start from a position of strength which is reality and how to deal with it. Reality today is that

because of the American military bases in Clark, Subic, John Hay, et cetera, thousands of our Filipino women have been lured into a life of prostitution. The bases have spawned dishonor, rape, exploitation, social disease in a magnitude far more monumental than Sodom and Gomorrah on which God rained fire as punishment.

We cannot look at this undisturbed for this is sin, societal sin. We cannot pretend that we do not see. A second reality is that the American bases, through nuclear testing, continually mangle the lives of island inhabitants. I shall not go through figures and examples. The American military bases, our so-called protectors, have used us to kill and bomb our Asian neighbors, the Vietnamese and the Koreans. This, to me, is murder. This is sin. I cannot call it otherwise.

When I look at the bases, I wonder why I am totally against their presence. I have no children or grandchildren to be concerned about, properties or position to keep; interest to protect; but the answer comes with clarity of mind and clarity of priorities: Asian before Americans, honor before money, others' lives before my own fears. The voice of conscience within confirms that the military bases have been an instrument of sin and evil for us Asians. I cannot side with evil. I must fight evil now, not later.

A long time ago, a marginalized man said:

What does it profit a man if he gains the whole world but suffer the loss of his immortal soul? What does it profit us Filipinos if we gain the bases, have a better economy, so-called security, but lose in exchange the purity of our women and the lives of our Asian neighbors?

Perhaps the mistake I will make by voting against the presence of nuclear arms and military bases is that I have taken the words of Jesus Christ seriously.

Thank you.

THE PRESIDENT: Thank you.

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

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: Madam President, since the fall of man, the world has been fraught with conflicts — conflicts in the animal kingdom, in the world of plants and among men and women. The world swirls amidst intrigues and greed between the powerful and the weak, the learned and the unlettered, a cycle seemingly eternal, interrupted only by streaks of volatile peace and God's miracle. Against this backdrop, we now focus on a small developing nation called Philippines — developing but gifted with natural resources, small indeed but irresistibly coveted. Philippines! a mere strip of land in the world, but my country, my own, for whom my blood would gladly gasp forth.

Filipinas!!! Petite though she may be, yet located by God in a place strategically desired by powers at great cost. What now must she do? Those of us who advocate charting Filipinas to a definite and almost irretrievable course and direction argue the following:

1. The presence of the U.S. military facilities or any other foreign military facility now or in the future violates the principle of neutrality.
2. The presence of U.S. military facilities in the Philippines makes the country an inevitable target of nuclear attack or counterattack by any enemy of the U.S. and there is no adequate defense against nuclear missiles. In fact, they argue that even if there were no nuclear weapons on the bases, they will make us prime targets of nuclear attack because their command, communications, storage, repair and other facilities are in the bases and

because one of the main functions of the bases is projecting military force into both the Pacific Ocean and the Indian Ocean Regions — meaning, the Middle East, the hottest spot today, the area in which a superpower war is likely to start.

3. Nuclear war can start by deliberate design, human error or miscalculation, by equipment failure like computer breakdown. The country is unnecessarily exposed to the risk of annihilation, either through deliberate design or by accident.

4. The presence of the U.S. military facilities in the Philippine military bases contributes to the maldevelopment of the Philippine economy. They say that the bases exploit Filipino workers and resources. The U.S. pays Filipino workers in the bases only one-half of what it pays Korean workers, one-fourth of what it pays Japanese workers, one-eighth of what it pays U.S. workers doing the same kind of work with the same productivity. Yet, the U.S. Navy does 60 percent of all repair work on its Seventh Fleet in the Subic; and the U.S. Air Force repairs the types of jet engines all over the Western Pacific in Clark because Filipino labor is both cheap and efficient. Besides, military expenditures are inflationary in nature.

5. Huge tracts of land are kept unproductive. If the area occupied by the bases were converted to peaceful use by Filipino entrepreneurs, the contribution to our economic development would be both positive and greater in value than the wages the U.S. pays our workers and the local supply it buys.

6. The good Filipino values are destroyed in areas around military bases. The bases have caused widespread problems of smuggling, drug abuse and prostitution. Angeles City and Olongapo City and their surroundings have been converted into camp towns where American servicemen go for rest and recreation. Their recreation includes sex and drugs.

Against these, however, Madam President, those who advocate the opposite view say the following:

1. The presence of U.S. facilities in the Philippine military bases deter rather than attract an attack. The evidence supports deterrence. The American military installations around the world are not a magnet because in the 40 years since the end of World War II, no country with U.S. bases and the U.S. mutual defense treaty has been attacked. On the other hand, countries without any bases, like Afghanistan and Cambodia, have been invaded and occupied by foreign powers.

3. The question of whether military bases constitute an infringement on national sovereignty really depends on the nature of the agreement. In other words, it depends upon us. We hold the ball, so to speak; we control the key. For there is the agreement of comity which is not considered an infringement on national sovereignty in the field of international relations.

Furthermore, are we to understand that Great Britain, Spain, Italy, Turkey, Japan, Malaysia and Singapore are not sovereign and independent countries, since all have foreign military forces permanently based in their countries under mutual defense agreements?

4. With regard to the social and moral issues associated with the bases, such as drug abuse and prostitution, these are clearly negative forces to be considered in analyzing the costs and benefits of the bases, and subject to negotiations. No one wishes to condone damaging or disruptive social behavior, but such problems are an unfortunate reality near any military base, not just American bases, which must — and I say must — be addressed by the various agencies of the government.

On the imbalance of the salary scale of the Filipino employees and their American counterparts, these are certainly subject to negotiations. On the conversion of these various bases into commercial and agricultural

developments, this is easier said than done. We cannot compare ourselves to bases closed in the United States and in other parts of the world because the economic situation and business climate are not equal. There is prosperity in these other countries while we have an anemic economy in our country at the moment.

That being the case, Madam President, how sure are we then that such commercial, industrial or agricultural development projects will become viable? Again, there must be careful research and study before we can point and paint a rosy picture to our people.

But, Madam President, having said all these, I submit, however, that the true and real issue is not whether or not we should have these bases here, but should we, in this Commission, chart our country to a course of unparalleled inflexibility, or shall we allow the guardians of our nation, whom we ourselves elected, the ease and latitude of full trust and discretion?

Madam President, I submit that nothing, but nothing, should be stated in our Constitution that would foreclose any of our options now or in the future, and my reasons are the following:

1. While the draft provision as worded does not speak directly of the presence of U.S. bases on Philippine national territory, there is no doubt that it has specific reference to the abrogation of the Philippine-American military bases agreement.

This Commission should not legislate on a specific policy issue; one which is specific as to time, parties and place. The essential quality of perpetuity of the Constitution is negated by this specification. Such particularity binds succeeding generations of Filipinos who will have no leeway to interpret, construe and act within the provision to suit the needs and exigencies of and in their own time.

2. As a matter of pragmatism, the crucial question of terminating the military bases agreement warrants and deserves a separate and more comprehensive research, study and discussion.

The continuing public debate on the fate of the U.S. bases on Philippine soil must be resolved under and with the full consciousness and participation of all Filipinos.

We in this Commission were not elected but merely appointed. We neither have the time nor had the time nor the exact expertise to claim the full right to foreclose this subject matter by its perpetual burial in the Constitution. We should not present to the Filipino people a fait accompli.

3. In all democratic countries of the world, with the exception of a few, foreign policy direction is a prerogative of the executive branch of the government. The Chief Executive, in the person of the Prime Minister or the President, aided by the members of the Cabinet, determines the national interest vis-a-vis other countries' interests.

In the history of our nation, the executive department always determines our foreign policy. There is no reason, therefore, to depart from this tradition, considering that the presidency remains to be an elective position, and the President, therefore, is the representative of our people.

4. Foreign policy directions are determined always, but always, in the interest of the nation. Never in our history has the Philippines been placed in such an advantageous position. We should nurture and husband this advantage to derive the maximum benefits for all for it shall never come our way again.

Madam President, it is true that sovereignty and survival are not for lease nor for sale. But it is likewise true that they are not for giveaway through sheer neglect and false pride. For are we certain that if we remove the bases, we can fill the vacuum ourselves and truly defend our shores from external and internal aggression, solely relying on our own logistics and armaments?

Are we certain that we can at this point in time of our history defend democracy against the onslaught of opposite ideologies both militarily and economically? Or is it because we were able to survive World War II that we now think we can withstand the onslaught of such adverse forces?

Madam President, I submit that we are not in a definite position to decide all these now. That we are not possessed with the expertise, the time and much less all the needed data for an in-depth study to arrive at an intelligent and wise decision for the interest of our country and for the generations to come.

I further submit that even if we have formed our own respective opinions on the subject matter, even if we feel we have had enough research and study to formulate our own position, this is neither the time nor the forum to insist on our views for we know not what lies in the future. It would be foolhardy to second-guess the events that will shape the world, our region and our country by 1991. It would be sheer irresponsibility and a disservice of the highest caliber to our country if we were to tie down the hands of our future governments and future generations. For no matter how erudite, nay, clairvoyant, we may be, no one can predict with any scale of certitude what our strategic needs and requirements would be in 1988, 1991 or even much later.

Moreover, Madam President, we must likewise consider the interests of, and our relations with, our ASEAN neighbors, together with our interests when we weigh our circumstances that would lead us to make our decisions.

On this score, therefore, it would be totally unwise and against our national interests to lock ourselves in a direction that would bring us to a point of no return.

Finally, since the subject matter shall be embodied in a treaty and a treaty it must be, legislature will have to give its concurrence thereto.

I submit then that this Commission in all humility should refrain from charting the country to a course of unparalleled inflexibility. Let our power of persuasion be brought to bear at the proper time and at the proper forum upon the guardians of our country whom we have resoundingly elected and upon all the future trustees of this nation, after which, let us give them the latitude of full trust and discretion to steer this country to freedom and greatness.

It is for the very precise reason that the subject matter involves our survival and our sovereignty that we must allow ourselves the flexibility of time and decision; that we must trust in the patriotism and greatness of our elected leader.

I shall go back and end with my original opening: That nothing, but nothing, should be stated in the Constitution that would foreclose any of our options and flexibility.

Thank you, Madam President.

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

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Thank you, Madam President.

I would like to approach the issues contained in Section 3 and in Section 4 with profound humility, because these issues are not only momentous in their implications and ultimate significance for the Filipino people; they are also wrapped up in a tremendous complexity. Madam President, this debate has already been illuminating for me. I want to pay tribute to those who had spoken before me whatever side they took and I have been impressed by the strength of the convictions with which they put forward their respective arguments. We are faced with one or two choices in this proceedings: First, whether or not we should debate this question on its merits and submit it to the

floor for a decision. Shall we abrogate the bases agreement by the Constitution certainly beyond 1991? Shall we strike to attain a status of neutrality in this region together with those states prepared to join us in such a decision? Shall we declare the Philippines a nuclear-free territory? The second choice before us is indicated by some of those who had spoken, especially Commissioner Francisco Rodrigo, and they have made the point that perhaps this is not the time to include these provisions — at least, Section 3 of the committee report — in the draft Constitution that we are here to frame on the ground that this will preempt the Philippine government. Now, there is a sense in which a constituent body, a special organ, is appointed to frame a constitution more or less within three months. We may be presumed to possess the competence to pass upon this issue. I am speaking of the legal competence of the Constitutional Commission but at the same time, beyond the technical boundaries of our competence. I think some of the previous speakers indicated that we would be exceeding our reach by deciding these issues now on the floor of the Constitutional Commission through Sections 3 and 4. I think this doubt rests not on the idea of our collective insufficiency but on a certain dutiful regard for the competence of the Philippine government itself to exercise its own judgment at the proper time, or in the words of the present head of the government, President Corazon Aquino, to keep the options of that government open until or beyond 1991.

Originally, I was inclined to call for a decision on the merits of these issues on the floor so that the will of the majority can decide on the issues and the merits instead of merely saying: "Why do we not take this out of the draft Constitution now and leave it to President Aquino and her government and, perhaps, to the Filipino people to decide these issues ultimately through a referendum?" I think that course is still open since we are merely engaged in a period of general debate, but I have been increasingly impressed by the points made by my colleagues who think that if we do act on these issues now and vote on them on the merits, we might be, regardless of the results and without intending to do so, pulling what military writers call a "preemptive strike" against our own government, and especially President Aquino, who happens to be for the moment the head of that government. The Constitution, of course, once ratified, is above a government and, therefore, it is able to command a government on what to do. But the Constitutional Commission, which we constitute here by a number of 47 persons, I do not think can elevate itself above a government.

I think we are also time-bound and, therefore, are obliged to take account of the realities in which this very Commission must function. Assuming that these issues are voted upon on their merits and there is a decision to approve Section 3, let us allow for this consequence first. Granted Section 3 is approved. Then what will be the implication? The draft Constitution will be submitted to the people and, of course, if the Constitution is ratified, together with Section 3 of the report of the Committee on Preamble, National Territory, and Declaration of Principles, then the government will be under a mandate to terminate the bases agreement irrevocably and without recourse by 1991, or procedurally speaking, even way ahead of that. Second, the government immediately seeks to attain a status of neutrality — perhaps unilaterally — and, in the nature of neutrality, try to persuade all the powers in the region. Those powers would include the United States, the Soviet Union, China, Japan and Vietnam, so that all these powers will guarantee our neutrality. Without those guarantees, of course, a neutrality is essentially deceptive or it is an illusion. And if Section 4 is also approved by majority vote then, of course, that is a mandate to the government to prohibit immediately the stationing of any nuclear weapons on Philippine soil and depending on how this is construed to prohibit forever even the development of a nuclear power industry as a substitute for fossil fuel in our country.

On the other hand, if it is disapproved, then what is the consequence that follows? Since it is disapproved, then I do not think serious consequences for the country and for other countries will follow.

On the other hand, if we take this out of the Constitution, and we have been forewarned by Commissioners Rodrigo and Laurel that they will seek an amendment by deletion at the proper time, then there is no real

engagement or no direct engagement of the issues. What will happen is that this will alert the nation that a great debate on these issues is about to take place — that all classes of society, all segments of the citizenry are invited to take part in that great national debate. In any case, the consequence also will be for President Aquino and the government of the Republic of the Philippines to face 1988 or 1989 when the five-year review of the existing bases agreement will take place with great confidence and equanimity.

Mind you, the meaning of leaving the options to President Aquino is precisely so that she can face the prospect of 1988 or 1989 and 1991 itself with the greatest confidence and equanimity. And why do I say that? I say that because I agree with previous speakers, especially Commissioner Garcia to whom we are indebted for a great historical narrative of how these bases agreement notoriously flout from the beginning of being sprung upon an unsuspecting nation beginning in 1944 with that Joint Resolution No. 93 of the U.S. Congress. When Quezon died, Osmeña assumed the Acting Presidency of the Commonwealth and he was literally coerced into consenting when the Commonwealth of the Philippines was still, in the words of Commissioner Garcia, a dependent state of the United States of America. Osmeña was literally coerced into agreeing to a treaty of general relations in 1946 arising from that Joint Resolution No. 93 of the U.S. Congress, according to which President Roxas agreed not only to preserve but to expand the existing military and naval bases and reservations of the United States in the Philippines. This was reaffirmed and further expanded in 1947 when the military bases agreement itself was consummated, and further developed in 1951 with the conclusion of the Mutual Defense Treaty between the Philippines and the United States. We were a nation economically and psychologically prostrate at that time, when very few buildings in Manila were left standing not because of enemy action but because of friendly action. When the Americans came to liberate Greater Manila, even Intramuros, the queen of all the historical shrines, was reduced to rubbles, and yet they had the effrontery at that time to demand that we change our Constitution, apart from consenting to keeping their bases and even expanding them, in order to grant parity rights to Americanism.

I remember as a high school student in my own hometown, I captained a debating team against the parity amendment, and the incumbent governor of my province then was the chairman of the board of judges and who was deeply loyal to Roxas. His decision of giving the victory to the opposite team was loudly booed in the plaza of Hagonoy, Bulacan at that time.

And so, my friends, there is no question that this is a fraud treaty. The crowning insult was when our own Senate ratified this treaty and the United States Senate did not even take cognizance of it. Up to now, this asymmetry continues. From the standpoint of Philippine law, this is a treaty ratified by the Philippine Senate; from the standpoint of the Americans, it is just an executive agreement. And that is the reason rentals have to be charged — they call these "aid" in their own official lexicon, and in an act of self-deception we try to call these "rentals" in our own official lexicon. It was their view that prevailed, and this \$500 million to which we are now entitled as a result of the latest amendments in the bases agreement is actually aid, as far as they are concerned; rentals as far as we are concerned. But the American interpretation prevailed because this money is disbursed in the Philippines through the joint administration of the Philippine government and the USAID. If we are looking for the test of reality as to whether this is aid or rent, then we will be guided by that. If it is rent, then our government exclusively disburses it; if it is aid, then the U.S. government through the USAID participates in the decision-making.

My friends, that is precisely why I tend to favor the Rodrigo-Laurel approach, because if we do not put this Section 3 in the Constitution, if we leave the options to President Aquino and her government, then we are giving to this government the strongest political leverage that the Filipino people ever had relative to the United States since 1898. I remember the Treaty of Paris negotiations when Aguinaldo's ambassador, Felipe Agoncillo of Batangas, was humiliated by the conferees there. He was not even allowed to enter the room, and later on when he

wanted to say a few words to a committee of the American Congress, he was barred from the proceedings because the Aguinaldo government was not recognized.

In the words of the American Declaration itself, there has been a long train of usurpations and abuses, and how do we correct all of these historic inequalities in Philippine-American relations if unilaterally, we now renounce the only meaningful bargaining leverage we have with them through this imminent deadline of 1991 for the bases agreement? It is a real bargaining power that history now puts in the hands of an otherwise effete, weak and almost defenseless Philippine government. Suddenly we are no longer weak, effete and helpless; we have 1991 — the greatest clout since 1898 that destiny has placed in the hands of a Philippine President.

I belong to a party other than those in power. Last night, I had a meeting with the central committee of my party and they said:

You have the perfect opportunity to affect history now. Complete the embarrassment of President Aquino. Hasten the downfall of her government by swinging your vote to the other side.

I am a politician and I was very much impressed by these arguments last night. Commissioners Natividad and Maambong were there and the central committee wanted us to affect history, but with what result? They wanted us to vote for the approval of Section 3 but for not a very noble reason. They wanted us to help complete the political embarrassment of President Aquino, especially since she is going to America. And so I said, "It is not by such actions and maneuvers that we keep score."

We are putting our convictions ahead of political opportunity. We believe that this bargaining leverage of the Philippine government, available for the first time since the Philippine-American colonial relationship was created, should not be frittered away. It should not be thrown into the Manila Bay. It should be conserved. It should be developed. It should be wielded as a legitimate weapon at the proper time by this government in order to correct all the historic inequalities in Philippine-American relations, because without this weapon, how will we correct these?

My fiends, I can already visualize this national debate that will shape up as a result of the initiative taken by this Commission to put the issues on bases neutrality and nuclear weapons on their agenda. They will debate on issues of national survival just like we have taken cognizance of them here. Survival for most of our people, unfortunately, is an oversimplified concept. They divide the wall between the communists and the democrats. This kind of oversimplification is, of course, very irritating for some of us because this is the cold war view of how the wall is divided — on one side are the angels; on the other side are the devils. But many of our people call it ignorance, lack of sophistication, or merely lagging behind in perception. That is how they look at this bases issue. They read into these views of national security which are terribly oversimplified.

Madam President, may I call the attention of my friends to the fact that in the revised program of the National Democratic Front, issued last December 1985, there was a statement that if a coalition government took over in the Philippines under a national democratic regime, they should not rule out negotiations on the American bases. This means that the NDF revised program entertains the possibility of negotiating on the future of the American bases, assuming that they are capable of holding more advanced political positions than some of us in this Commission. I see no reason why we should not leave the option to the Philippine government to make the decisions on these bases at the proper time. I say again that I can visualize the lines of the national debate that will be taking shape from the halls of this constituent body.

Another point is, what do we get out of these bases, I mean the economic and other returns versus the social costs? Commissioner Tan earlier eloquently said: "Niloloko talaga tayo rito sa kasunduang ito. Hindi na kailangang ulitin pa yaong mga data na pinag-usapan na rito."

I was in Washington during the last week of the Marcos regime as a special envoy. I was one of the major channels utilized by the Reagan administration to send those final messages to President Marcos on the eve of his fall. But do my colleagues know what the American officials told me uniformly? They said:

You really are getting a pathetic return for all of these facilities. We look forward to a more aggressive position of the Philippine government concerning this.

I told them:

On those occasions, the Filipino people will probably not consider renewing the Bases Agreement, unless there are palpable, significant decisive signs of genuine reciprocity. Japan, Taiwan and Korea utilized your technology and your markets in order to emancipate themselves from poverty, ignorance and disease.

Other than Japan, Taiwan and Korea have become economic miracles in our time, as though taunting the economic stagnation of the Philippines. I went on further to say:

Many Filipinos will consider extending your bases for a very limited time, if they can see your technology, your markets and other mean of helping the Philippines liberate itself from mass poverty, ignorance and disease; if they can see that these are forthcoming and available, which is not to say that we are only interested in the economic prize.

But the reason there are 20,000 hostesses in Olongapo is not so much because of the bases. It is because of the bases and the mass poverty of our people. Poverty is the great enemy. I think in this Constitution we have created so many inspired provisions that can help our people accelerate their conquest of mass poverty, ignorance and disease, but it would be best if we can use that kind of technology, that kind of capital, that kind of market by means of which our own people, not through the arms of others, not through the crutches of others, but by their own strength and bootstraps, power, initiative and inspiration, can raise themselves to become a more prosperous nation. Prosperity and freedom generally have a correlation, Madam President. Democracy requires a certain measure of economic viability, a certain level of income, let us say, a certain standard of income per capita to support its great ideals of equality, liberty and honesty. Perhaps, many of our people in that forthcoming debate will see these options opening up before their eyes. I myself look forward to joining that great debate, probably starting with the ratification campaign for this Constitution. But, Madam President, I speak of Section 3.

In closing, may I just say, I support the position taken by Commissioners de los Reyes and Azcuna that Section 4 can stand apart from Section 3. We are prepared to support a statement of principle for a nuclear-free national territory of the Philippines. We are prepared to support a transitory provision that will make certain that the issues which we may not resolve on their merits here will be brought to the people at the proper time, so that they themselves, the Filipino people, will decide this historic and momentous issue of our national life.

Thank you very much, Madam President.

MR. ROMULO: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

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

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: Madam President, I rise to support the historical and lofty position taken by the committee on the bases issue; I oppose the motion to delete, authored by Commissioners Rodrigo and de Castro.

Madam President, after having deposed a much-hated dictator through people's power, after our traumatic

experience with a tyrant, we are now in the process of redefining and reshaping the course of our lives. Part of this process of redefining our future is the writing of a new constitution which, hopefully, will bring about a new era of peace, freedom and independence in our land. It behooves all of us, Members of this Commission, that we consider the lessons we have acquired from the dark years of martial law and use these as guidelines for defining the Constitution we want.

Madam President, it is precisely these lessons that have moved the Commission to enshrine in the proposed Constitution specific provisions limiting the power of the Chief Executive and declaring a state of emergency and other provisions aimed at preventing the recurrence or emergence of another dictator. It is also these lessons that saw the birth of new human rights provisions, as well as provisions on social justice in the new Constitution.

Madam President, let us not forget that through the years of martial law, the U.S. bases were used and repeatedly used by the U.S. government as justification for open and wholesale support to the Marcos dictatorship. It was the dictatorship that saw the arrest and detention of thousands of Filipinos, that saw the arrest and detention of Commissioners Rama, Nollado, Calderon, Rodrigo, and the death and martyrdom of Ninoy Aquino.

Madam President, in the four-year period following the imposition of martial law, the U.S. increased its military aid to the Marcos government. In the four-year period following the imposition of martial law, from 1973 to 1976, military aid to the Marcos regime totalled \$166.3 million or 106 percent more than the total aid of \$80.8 million in the preceding four-year period, 1969-1972. As of 1976, military aid averaged \$40 million a year, in contrast to the pre-martial law average of approximately \$20 million. Before the martial law period, the Philippines had no access to the U.S. foreign military sales credit program. In 1974, this program was opened to the Philippines and by 1976, the country's foreign military sales credits had reached \$17 million. Arms sales by the United States to the Philippines in the four-year period of martial law was \$72.1 million or nine times the value of its sales during the preceding 20-year period.

Madam President, on March 10, 1977, despite the much publicized Carter's Human Rights Crusade, Assistant Secretary of State for East Asian and Pacific Affairs, Richard Holbrooke, defended the military aid program to the Philippines on the following grounds:

U.S. security and military facilities in the country continue to serve important national interest just as they did during World War II and during the war in Vietnam. They contribute significantly to the maintenance of stability in Southeast Asia and to American ability to keep vital sea-lanes open in the event of hostility. They contribute to America's stability to meet her obligations under the bilateral mutual defense pact with the Philippine government. And the Philippines regards military aid as a manifestation of continued U.S. interest in and commitment to the defense of that country and as an important factor in the American contribution to bilateral security relationship.

Holbrooke disclosed that:

. . . the U.S. is troubled by human rights abuses in the Philippines and that such concern had been relayed to the Philippine government along with the U.S. view that there should be marked improvement in the situation.

But he also stressed that:

Considering the Philippines' strategic importance, we do not believe that security or economic assistance should be reduced because of the human rights problem.

Madam President, the American defense strategy under Carter underscored the importance of the U.S. bases in the Philippines. This strategy merely echoed the basic elements of the Nixon doctrine similarly provided under the Ford's Pacific doctrine. It was tagged and called the "favored defense and deployment strategy" combined with

"total force" concept in defense planning. Since Clark Air Base and Subic Bay Naval Base remain as essential links in the forward bases structure, the Carter administration, despite massive human rights violations in the Philippines, continued extensive military aid to the Marcos government.

Indeed, Madam President, as long as we harbor these bases in the Philippines, the U.S. shall always interfere in our internal affairs. President Eisenhower, in a press conference on November 5, 1958, said:

Everything we do in the foreign field has for its basic purpose our national security, our national prosperity. We are not doing these things in the foreign field as a matter of altruism and charity. We are trying to keep an atmosphere in the world in which we can live, in which we can hope at least finally to get down some of our armament cost and where we can prosper.

In 1969, before the Symington subcommittee hearings, Senator Fulbright said:

"We are not really there to protect the Philippines. We are there to serve our own purposes.

Madam President, not only are these bases an instrument for foreign intervention in our country. They constitute serious, unforgiveable, condemnable, sacrilegious violation of our national sovereignty and dignity as a people. The very size of their bases and military facilities in our country is a clear argument that we have surrendered a portion of our sovereignty and independence. Specific provisions of the agreement effectuate continued U.S. monopoly over the country's security arrangements, control Philippine foreign relations, ensure enlistment of Philippine manpower into U.S. armed forces, guarantee mobilization of U.S. military forces throughout the country and institute a region of extraterritoriality for U.S. military personnel to place them beyond the reach of Philippine courts.

Finally, Madam President, as mentioned before this august body, the foreign bases constitute a threat to our very survival as a people, because they are the major storage point for tactical nuclear weapons in the Western Pacific and because they are a target of nuclear attack. The threat of nuclear annihilation hangs like a sword above our heads. Madam President, a nuclear attack would mean the total destruction of Clark and Subic. Radioactive fallout would cause incurable injuries to present and future generations of Filipinos living within 100 to 200 kilometers from the center of the detonation. Depending on wind directions, Manila to Baguio could receive a radioactive fallout. Thousands would die immediately; more would suffer a lingering death. Thousands of hectares of land would become uninhabitable for generations.

Madam President, in the same way that we see the need for specific provisions aimed at preventing the rise of another dictatorship, provisions intended to protect academic freedom, arts and culture, the rights of teachers and students, our bitter experience of hosting foreign bases likewise compels us to enshrine in our fundamental law a specific provision banning foreign bases from Philippine territory to protect our sovereignty and dignity as a people. We cannot afford to let our government decide. We cannot afford to be flexible and pragmatic when our national sovereignty and survival are at stake. A constitution as the supreme law of the land is there to provide guidelines, including prohibitions on government and government officials, to ensure the protection of the interest of the people at all times regardless of who may assume government positions. The banning of foreign bases, Madam President, is one such restriction that should not be left solely to the discretion of government as it involves the inalienable rights of our people to survive and shape their future.

Madam President, we have in the 1935 and 1973 Constitutions a provision renouncing war as an instrument of foreign policy. Is this not an inflexible and restrictive provision? Yet nobody objected to this kind of provision, and such restriction, Madam President, is not peculiar to our Constitution. The Japanese Constitution, for example, not only renounces war but also renounces the threat or use of force as a means of settling disputes with other nations. The German basic law, the Iranian Constitution and the Cuban Constitution also have restrictive,

inflexible provisions. If they can have restrictions and inflexible provisions, why can we not have a restriction against foreign bases when our survival as a people is at stake?

Madam President, now is our unique, historical opportunity to place in our Constitution a provision against foreign bases. We appeal to the Members of this Commission, who are in their golden and twilight years; to consider our national sovereignty, our dignity and survival as a people. By standing against the bases, this body, our colleagues, assure the youth, the children of this country and future generations, a bright and smiling future.

In closing, Madam President, let us heed the warning of Claro M. Recto, the father of the 1935 Constitution, should we fail in our task of including a "no bases" provision in our Constitution. Mr. Recto said:

Let not Macaulay's traveler from New Zealand, exploring the spectral ruins of Manila in the course of his post-atomic war peregrinations, and cautiously testing the radioactive waters of the Pasig from the broken arches of the Quezon Bridge, have cause to ponder that in those shuttered tenements and poisoned fields and rivers, once lived a nation unique in the annals of mankind, free men who put their liberties on the auction block, a sacrificial race with a mysterious urge to suicide, who, being weak and weaponless, took upon themselves the quarrels of the strong, and having been warned of their abandonment, still persisted in their lonely course, and whose brutalized and monstrously deformed survivors, scrambling with stunted limbs in the infected debris of their liberated cities, had forgotten even the echo of the memory of the strange illusion for which their race had fought and perished.

Thank you, Madam President.

MR. ROMULO: Madam President, the other listed speakers and interpellators have asked if they could be scheduled for Monday. Commissioner de Castro would just like to make a correction on the Journal before we adjourn.

MR. DE CASTRO: Madam President.

THE PRESIDENT: On what page does Commissioner de Castro wish to make a correction?

MR. DE CASTRO: On the Prayer, Madam President. It states like this:

Bless this stern, retired military officer, ideal of the position of military ombudsman, to strike terror among the scoundrels and scalawags in the army but who had unfortunately applied for the position of security guard at the Subic Bay shipyards.

I approached Honorable Suarez and called his attention to the fact that I have never applied as security guard in Subic Bay, and I want him to correct the error because I want truth. He promised me that he would, yet until now, he has not stood up to correct the error.

THE PRESIDENT: Is Commissioner Suarez here?

MR. DE CASTRO: He was here a while ago when I told him about it.

THE PRESIDENT: Perhaps Commissioner Suarez will fulfill his promise on Monday.

MR. DE CASTRO: He told me he will stand up to correct the error, but he failed to do so, so I am correcting it now. This was brought to my attention by Commissioner Tingson. Madam President, I am always for truth and frankness. That is why I espoused the word "truth" in our Preamble, and I watched it, I followed it up until the Third Reading. That is why I am always recording the different citations of the lawyers here who cite so many cases and so many provisions of law because I want to check on their truth. I want that on this floor only truth and frankness shall prevail. Untruthful statements have no place for gentlemen like us, for honorable people like us.

How can we be addressed as "Honorable" and yet we speak the untruth! Madam President, I cannot take that. Let us all be truthful in this Commission.

Thank you.

THE PRESIDENT: We will convey that to Commissioner Suarez. So, is there a motion to adjourn?

MR. NOLLEDO: Madam President, just one statement.

THE PRESIDENT: Commissioner Nollado is recognized.

MR. NOLLEDO: Thank you, Madam President.

Commissioner Suarez called me a "jungleman" but I did not object to that. I think all these statements there were given in a light vein, and I think there is sincerity in the words.

THE PRESIDENT: We will leave that to Commissioner Suarez to explain.

MR. NOLLEDO: Thank you.

ADJOURNMENT OF SESSION

MR. ROMULO: May I move to 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 12:37 p.m.

[*]Appeared after the roll call.

[*] See Appendix.([click here](#))

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