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Saturday, September 6, 1986

CALL TO ORDER

At 9:48 a.m., the President of the Constitutional Commission, the Honorable Cecilia Muñoz Palma, called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Cirilo A. Rigos, to wit:

"Almighty God, whose nature is love and whose will is for us to work together in harmony, as we pause before Thy Holy Presence, impart unto us the blessings of eternity. Enable us to rise above the tumults of our time, and make us instruments of Thy peace. Keep us humble in the thought that what we hold to be true may be tainted by some error, and that the error of our neighbors may yet contain some elements of truth.

May our work today contribute to the rebuilding of a nation on-the foundation of justice and freedom; Inspire us to serve with utmost dedication so that in the process, we may be saved from pride or cynicism and from every thought of self-glorification.

We pray in Jesus' name.

Amen."

ROLL CALL

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

Bacani, T. C.

Padilla, A. B.

Bennagen, P. L.

Muñoz Palma, C.

Bernas, J. G.

Rama, N. G.

Rosario Braid, F.

Regalado, F. D.

Calderon, J. D.

De los Reyes, R. F.

De Castro, C. M.

Rigos, C. A.

Colayco, J. C.

Rodrigo, F. A.

Davide, H. G.

Sarmiento, R. V.

Foz, V. B.

Suarez, J. E.

Gascon, J. L. M. C.

Sumulong, L. M.

Guingona, S. V. C.

Tan, C.

Jamir, A. M. K.

Tingson, G. J.

Laurel, J. B.

Uka, L. L.

Monsod, C.S.

Villacorta, W. V.

Nieva, M. T. F.

With 29 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

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

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

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

Bengzon, J. F. S. Quesada, M. L. M.

Concepcion, R. R. Tadeo, J. S. L.

Garcia, E. G. Treñas, E. B.

Lerum, E. R. Villegas, B. M.

Maambong, R. E.

Messrs. Abubakar and Romulo were absent.

Mr. Rosales was sick.

READING AND APPROVAL OF THE JOURNAL

On motion of Mr. Calderon, there being no objection, the reading of the Journal of the previous session was dispensed with and the said Journal was approved by the Body with the correction, at the instance of Mr. Bacani on page 1121, line 5 of the paragraph captioned "Inquiry of Mr. Bacani", to insert the word NOT between the words "would" and "mean" so that the sentence would read: "Mr. Villacorta replied that the non-inclusion would NOT mean exclusion".

REFERENCE OF BUSINESS

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

REFERRAL TO COMMITTEES OF COMMUNICATIONS

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

Communication No. 734 — Constitutional Commission of 1986

Letter from Mr. Celso A. Landicho, transmitting a resolution of the Sangguniang Bayan of Mataas na Kahoy, Batangas, opposing the abolition of the death penalty

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

Communication No. 735 — Constitutional Commission of 1986

Letter from eighty-six (86) members of the faculty, staff and students of Convention Baptist Bible College, Bakyas, Bacolod City, urging the Constitutional Commission to incorporate in the Constitution a provision on the inviolability of the separation of Church and State

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 736 — Constitutional Commission of 1986

Letter from Mr. Cirilo M. Vera Cruz, Catholic Action Center Building, Naga City, appealing to the Constitutional Commission for the inclusion in the Constitution of a provision on the right to life and the protection of the fetus in the mother's womb

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

Communication No. 737 — Constitutional Commission of 1986

Communication from sixty (60) members of the Campus Crusade for Christ, Quezon City, submitting a resolution defending the freedom of belief, upholding the time-honored principle of separation of Church and State, and opposing mandatory religious instruction in public schools

TO THE STEERING COMMITTEE

Communication No. 738 — Constitutional Commission of 1986

Communication from Ms. Rita Macasaet Eala and one hundred ninety-nine (199) signatories of San Pablo

College, San Pablo City, urging the Constitutional Commission to incorporate in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception

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

Communication No. 739 — Constitutional Commission of 1986

Communication signed by three thousand seventy-four (3,074) concerned citizens from various parts of the country, urging the Constitutional Commission to incorporate in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception

TO THE COMMITTEE ON PREAMBLE NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

Communication No. 740 — Constitutional Commission of 1986

Communication from the members of Capitol Alliance Church, Temple of God, Foursquare Gospel Church, United Methodist Church, Isulan Christian Center, all of Isulan, Sultan Kudarat, urging the Constitutional Commission to incorporate in the Constitution a provision that the separation of Church and State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 741 — Constitutional Commission of 1986

Communication from thirty (30) signatories of Oroquieta City, seeking inclusion in the Constitution of a provision obliging the State to protect the life of the unborn from the moment of conception

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

Communication No. 742 — Constitutional Commission of 1986

Communication from seventy-two (72) concerned residents of Merville Park, Parañaque, Metro Manila, expressing strong support for the approval of Proposed Resolution No. 727, entitled: “Resolution to incorporate in the new Constitution a separate article on the protection and promotion of the rights of the family”

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

Communication No. 743 — Constitutional Commission of 1986

Communication from seventy-four (74) officers and members of the Iglesia Filipina Independiente, F. Torres St., Davao City, P.O. Box 416, appealing to the Constitutional Commission to incorporate in the Constitution a provision that the separation of Church and State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 744 — Constitutional Commission of 1986

Letter from members of the Bureau of Technical and Vocational Education, Ministry of Education, Culture and Sports, Palacio del Gobernador Bldg., Intramuros, Manila, requesting inclusion of a section on technical and vocational education to wit: “The State, in partnership with the industrial and business sectors, shall establish,

maintain and support an integrated and coordinated system of technical and vocational education and training for the secondary to tertiary levels for more effective human resource development and utilization”

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 745 — Constitutional Commission of 1986

Communication from sixty-four (64) officers and members of the Fellowship of Evangelical Churches, Cagayan de Oro City, appealing to the Constitutional Commission to incorporate in the Constitution a provision that the separation of the Church and State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 746 — Constitutional Commission of 1986

Letter from the Consistory and Members of the Pulupandan Christian Reformed Church, Pulupandan, Negros Occidental, urging the Constitutional Commission to incorporate in the Constitution the 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

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 747 — Constitutional Commission of 1986

Communication from Rosevelinda E. Calingasan, President of Holy Face Organization, urging the Constitutional Commission to incorporate in the Constitution a provision mandating the State to protect the life of the unborn from the moment of conception

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

Communication No. 748 — Constitutional Commission of 1986

Letter from Pastor Camilo Napila and eighty-five (85) concerned Christians of the Tulong Evangelical Church, Tulong, Urdaneta, Pangasinan, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of Church and State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially the Philippines

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 749 — Constitutional Commission of 1986

Communication from Ms. Norma B. Dychangco, District Deputy, Daughters of Mary Immaculate, San Pablo City, urging the Constitutional Commission to incorporate in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception

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

Communication No. 750 — Constitutional Commission of 1986

Letter from Ms. Ma. Aurora J. Felipe of FILIPINA-Kilusan ng Kababaihang Pilipino, 12 Pasaje de la Paz, Project 4, Quezon City, transmitting a Statement of Common Position and Concern signed by fourteen (14) signatories urging withdrawal of the proposal to adopt in the Constitution the provision on "the right to life from the first moment of conception"

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

Communication No. 751 — Constitutional Commission of 1986

Letter from Mr. Pedro G. Payoyo of Poblacion, Palauig, Zambales, expressing support for the retention of American Military Bases in the Philippines

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

Communication No. 752 — Constitutional Commission of 1986

Communication from Bro. Rey Lauchengco, President of San Pablo Cathedral Charismatic Community, San Pablo City urging the Constitutional Commission to incorporate in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception

THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

Communication No. 753 — Constitutional Commission of 1986

Letter from Mr. Antonio W. Perez of Gerona, Tarlac, submitting an article, "Military Bases, Solution to Agonizing Economy" for consideration by the Constitutional Commission

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

Communication No. 754 — Constitutional Commission of 1986

Communication from Bro. Mario G. Bunquin, President of the Parish Council of the Laity, San Pablo City, urging the Constitutional Commission to incorporate in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception

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

Communication No. 755 — Constitutional Commission of 1986

Letter from Dr. Alejandrino O. Lola, 6090 Thornton Avenue, Newark, California 94560, U.S.A., citing various reasons for the retention of the U.S. Bases in the Philippines

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

Communication No. 756 — Constitutional Commission of 1986

Communication from Ms. Natividad P. Dizon, President of Damas de Caridad, San Pablo City, urging the Constitutional Commission to incorporate in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception

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

Communication No. 757 — Constitutional Commission of 1986

Letter from Atty. Benjamin Rigor Domingo of 1096 J.P. Rizal, Guadalupe Viejo, Makati, Metro Manila, proposing to the Constitutional Commission that all Congressmen shall be elected by the people and that the provision providing for sectoral and party-list representatives be deleted

TO THE COMMITTEE ON THE LEGISLATIVE

Communication No. 758 — Constitutional Commission of 1986

Letter from the officers of New Life in Christ Fellowship, Inc., Butuan City, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of Church and State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines

TO THE COMMITTEE ON GENERAL PROVISIONS

UNFINISHED BUSINESS: COMMITTEE

REPORT NO. 29 ON PROPOSED
RESOLUTION ON THE ARTICLE
ON EDUCATION, SCIENCE,
TECHNOLOGY, ARTS AND
CULTURE

On motion of Mr. Rama, there being no objection, the Body resumed consideration, on Second Reading, of the Proposed Resolution on the Article on Education, Science, Technology, Arts and Culture (Committee Report No. 29), entitled:

Resolution to incorporate in the Constitution an Article on Education, Science, Technology Arts and Culture.

Mr. Rama stated that the parliamentary status would be the continuation of the period of amendments.

Thereupon, the Chair recognized Mr. Villacorta and the members of the Committee on Human Resources.

At this juncture, Mr. Rama invited attention to the rule that a proponent whose amendment is accepted by the Committee need not explain it unless requested by the Committee to do so, and, in case of non-acceptance, he may explain subject to the three-minute rule. He also stated that before a vote is taken on an amendment, two Members would be allowed to speak in favor and two en contra.

PROPOSED AMENDMENT OF MR. SARMIENTO

Thereupon, Mr. Sarmiento proposed to amend Section 3(b), to read:

THEY SHALL FOSTER PATRIOTISM AND NATIONALISM, LOVE OF HUMANITY, RESPECT FOR HUMAN RIGHTS, APPRECIATION OF THE ROLE OF NATIONAL HEROES IN OUR HISTORICAL DEVELOPMENT, STRENGTHEN ETHICAL AND SPIRITUAL VALUES, ENTOURAGE CRITICAL AND CREATIVE THINKING AND PROMOTE SCIENTIFIC, TECHNOLOGICAL AND VOCATIONAL EFFICIENCY.

Coauthors are Messrs. Romulo, Maambong, Lerum, Monsod, Suarez, Bacani, Villacorta and Uka.

Mr. Sarmiento explained that the phrase "nationalism, patriotism, respect for human rights" would cover the clause "teach the rights and duties of citizenship, instill political, health and sociological consciousness and service to society"; and that the phrase "strengthen ethical and spiritual values" would cover the phrase "develop moral character and personal discipline". He adverted to the work of the late Jose P. Laurel, Sr. entitled Forces that Make a Nation Great, particularly, in the article "The Value of Ethical Principles", in which he said that ethical principles would cover moral character and personal discipline. He stated that the proponents also propose the deletion of "impart liberal education" in view of Mr. Bernas' definition of "liberal education" to mean "development of the critical and creative faculties of man so as to be of service to society". He explained that

"vocational efficiency" is retained because it has acquired a settled usage and, besides, it was contained in the 1973 Constitutional provision.

Mr. Nollado remarked that there is no euphony in the phrase "scientific and technological efficiency", to which Mr. Sarmiento replied that the same words were used in the 1973 Constitution.

Upon inquiry of Mr. Rama, Mr. Villacorta informed that the Committee is divided on the proposed amendment. Mr. Gascon suggested that inasmuch as the proposal of Mr. Sarmiento is an amendment by deletion, the Body could consider the deletion of specific phrases one after the other which would allow the Committee to explain the acceptance or rejection of each amendment.

MR. NOLLEDO'S AMENDMENT TO THE AMENDMENT

Mr. Nollado proposed to amend the last line to read "promote scientific and technological education AS WELL AS VOCATIONAL efficiency". He reiterated that the phrase "scientific and technological efficiency" is defective and even if it was used in the 1973 Constitution, it should not preclude the Commission from correcting this defect. He noted that "scientific" and "technological" would already indicate "expertise".

Mr. Sarmiento accepted the amendment.

MR. SUAREZ' AMENDMENT TO THE AMENDMENT

Mr. Suarez proposed a transposition, to wit: "THINKING, VOCATIONAL EFFICIENCY and promote scientific and technological education".

Mr. Nollado accepted the amendment. Mr. Villacorta informed that the 1973 Constitution used the same wordings — "scientific, technological and vocational efficiency".

SUSPENSION OF SESSION

The Chair suspended the session.

It was 10:10 a.m.

RESUMPTION OF SESSION

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

Upon resumption of session, Mr. Sarmiento presented the amendment, line by line, to wit:

THEY SHALL INCULCATE PATRIOTISM AND NATIONALISM.

Mr. Sarmiento informed that the proponents have accepted Mr. Davide's amendment. In reply, Mr. Villacorta noted that this line is in the amended formulation of the Committee, copies of which had been distributed to the Members.

Thereafter, Mr. Sarmiento restated the following phrases which Mr. Villacorta affirmed were the formulations of the Committee:

FOSTER LOVE OF HUMANITY,
RESPECT FOR HUMAN RIGHTS,
APPRECIATION OF THE ROLE OF NATIONAL HEROES IN THE HISTORICAL DEVELOPMENT OF
THE COUNTRY, TEACH THE RIGHTS AND DUTIES OF CITIZENSHIP,

At this juncture, Mr. Villacorta raised a point of order, stating that Mr. Sarmiento was asking acceptance of the Committee formulation.

Mr. Gascon interposed an inquiry whether Mr. Sarmiento intended to delete the clause "teach the rights and duties of citizenship," to which Mr. Sarmiento replied that he and his coauthors had accepted to retain it but would like to delete the clause "instill political, health and ecological consciousness and service to society; develop moral character and personal discipline", because it is already covered by the words "nationalism, patriotism, love of humanity, respect for human rights, teach the rights and duties of citizenship".

At this juncture, the Chair observed that the Committee was divided on the proposed formulation and suggested that it be submitted to a vote, to which Mr. Sarmiento agreed and read the proposed reformulation, to wit:

THEY SHALL INCULCATE PATRIOTISM AND NATIONALISM, FOSTER LOVE OF HUMANITY, RESPECT FOR HUMAN RIGHTS, APPRECIATION OF THE ROLE OF NATIONAL HEROES IN THE HISTORICAL DEVELOPMENT OF THE COUNTRY, TEACH THE RIGHTS AND DUTIES OF CITIZENSHIP, STRENGTHEN ETHICAL AND SPIRITUAL VALUES, ENCOURAGE CRITICAL AND CREATIVE THINKING AND BROADEN SCIENTIFIC AND TECHNOLOGICAL KNOWLEDGE AND PROMOTE VOCATIONAL EFFICIENCY.

He stated that he reformulated the Section together with Messrs. Romulo, Maambong, Lerum, Monsod, Suarez, Bacani, Rigos, Villacorta, Uka, Davide and Nollado.

Mr. Villacorta clarified that he should not be included as coauthor because he represents the Committee.

Mrs. Rosario Braid commented that the phrase proposed to be deleted is important because while literacy was emphasized in the past, it failed to develop political awareness and political literacy.

At this juncture, Mr. Bernas suggested submission of each concept to a vote since the Committee was divided on the issue.

In support of the retention of the phrase, Mr. Bennagen stated that the Filipino culture is of the *tama na, sobra na* type whereby people tend to wait for a crisis before responding. He stressed that to inculcate political, health and ecological consciousness at a very early stage of the educational system would avert the emergence of several crises, to which response might be too late.

Mr. Rama reiterated Mr. Bernas' suggestion, to which Mr. Gascon objected by asking for a vote on the whole proposal.

Mrs. Rosario Braid supported Mr. Bernas' suggestion.

Mr. Colayco raised a point of order by urging a vote on Mr. Sarmiento's amendment since it could not be lumped with that of the Committee, to which Mr. Gascon replied that Mr. Sarmiento's group amendment is essentially a motion to delete.

Mr. Bernas stated that the Sarmiento group amendment is not an amendment by deletion but by substitution, which Mr. Sarmiento confirmed.

The Chair ruled that the proposed amendment be submitted to a vote.

In reply to Mr. Padilla's suggestion to retain the phrases "develop moral character" and "personal discipline", Mr. Sarmiento stated that his group would want to stand by the amendment they proposed.

Mr. Padilla pointed out that the phrases he wanted retained appeared in the 1973 Constitution as well as in the original and amended draft. of the Committee. He stated that the deletion might imply that the Body is no longer

interested in developing moral character and personal discipline, which he said, after patriotism and nationalism, is more important than "ethical and spiritual values", to which Mr. Villacorta agreed.

Mr. Davide suggested that the Committee proposal be made the basis for the Sarmiento, et al. amendment, on the ground that only a few clauses are sought to be deleted therefrom.

Mr. Bernas stated that the Sarmiento, et al. amendment is a combination of substitution and deletion, in view of which, he reiterated his suggestion for a more orderly procedure of voting on each concept.

Mrs. Quesada expressed support for Mr. Bernas' suggestion. She also expressed apprehension that the deletion of "health consciousness" would jeopardize the aim to promote health and prevent diseases.

Mr. Colayco observed that Mr. Bernas' suggestion was an amendment to the amendment proposed by Mr. Sarmiento and his group, and, therefore, the Sarmiento group amendment should be voted upon.

Mr. Bernas insisted on a vote by parts, to which the Chair agreed.

Mr. Rama manifested the Body's readiness to vote on the proposal to delete the phrase "instill political".

Thereupon, submitted to a vote, and with 23 Members voting in favor and 8 against, the Body approved the deletion.

On the deletion of "health", with 17 Members voting in favor and 15 against, the Body approved the deletion.

On the deletion of "ecological consciousness and service to humanity", with 23 Members voting in favor and 12 against, the Body approved the deletion.

Speaking for the retention of "service to Society" Mr. Gascon stated that education should not only be viewed from the privileges that it provides for the people, but also from the responsibilities that it imposes. He stated that the retention of the phrase would encourage the students to commit themselves to serve the poor, the deprived and the oppressed.

Submitted to a vote, and with 18 Members voting in favor of the deletion and 17 against, the Body approved the deletion of "service to society".

Mr. Tingson expressed support for Mr. Padilla's proposal to retain "develop moral character" and "personal discipline" and appealed for their retention, to which Mr. Sarmiento agreed.

Mr. Bacani observed that the word "scientific" does not appear in the Sarmiento, et al amendment to which Mr. Villacorta replied that the Committee had accepted the last phrase of Mr. Sarmiento's amendment.

RESTATEMENT OF MR. SARMIENTO'S AMENDMENT

Thereupon, on request of Mr. Davide, Mr. Sarmiento restated his amendment, to wit:

THEY SHALL INCULCATE PATRIOTISM AND NATIONALISM, FOSTER LOVE OF HUMANITY
RESPECT FOR HUMAN RIGHTS, APPRECIATION OF THE ROLE OF NATIONAL HEROES IN THE
HIS TORICAL DEVELOPMENT OF THE COUNTRY TEACH THE RIGHTS AND DUTIES OF
CITIZENSHIP, STRENGTHEN ETHICAL AND SPIRITUAL VALUES, DEVELOP MORAL
CHARACTER AND PERSONAL DISCIPLINE, ENCOURAGE CRITICAL AND CREATIVE THINKING,
BROADEN SCIENTIFIC AND TECHNOLOGICAL KNOWLEDGE, AND PROMOTE VOCATIONAL
EFFICIENCY.

On Mr. Villacorta's query whether "scientific and technological knowledge" would include scientific attitudes

and scientific skills, Mr. Sarmiento replied in the affirmative.

On the queries of Mrs. Quesada, Mr. Sarmiento affirmed that "scientific knowledge" would also include health and that "duties of citizenship" would include service to the country as well as the responsibility to take care of their own health and that of the community.

APPROVAL OF MR. SARMIENTO'S AMENDMENT

Submitted to a vote, and with 37 Members voting in favor and one against, Mr. Sarmiento's amendment was approved by the Body.

INQUIRY OF MR. BENNAGEN

Mr. Bennagen inquired why Mr. Sarmiento proposed the deletion of the phrase "to instill political health, ecological consciousness and service to society", to which Mr. Sarmiento replied that these are already covered by the phrase "patriotism, nationalism, respect for human rights, and teach the rights and duties of citizenship"

MANIFESTATION OF MR. GUINGONA

Mr. Guingona, on behalf of the Committee, manifested that the Committee had agreed to delete the words "in writing" on line 12 of page 2 of the revised draft in line with the observation made during the caucus that it could raise problems with respect to parents or guardians who are illiterates. He explained that deleting the words would allow the parents or guardians to express their option in some other acceptable manner. As amended, Section 3(c) would read:

AT THE OPTION EXPRESSED BY THE PARENTS OR GUARDIANS, RELIGION SHALL BE ALLOWED TO BE TAUGHT TO THEIR CHILDREN OR WARDS IN PUBLIC ELEMENTARY AND HIGH SCHOOLS BY TEACHERS DESIGNATED OR APPROVED BY THE RELIGIOUS AUTHORITIES OF THE RELIGION TO WHICH THE CHILDREN OR WARDS BELONG, WITHOUT ADDITIONAL COST TO THE GOVERNMENT.

At this juncture, Mr. Rama manifested that Mr. Garcia had an anterior amendment on Subsection (b)

PROPOSED AMENDMENT OF MR. GARCIA

Mr. Garcia stated that during the discussion on the Article on National Economy and Patrimony he proposed a paragraph on the teaching of economic nationalism which was suggested to be transposed to the Article on Education. Thereupon, he proposed as an additional paragraph under Subsection (b), the following:

ECONOMIC NATIONALISM SHALL BE FOSTERED IN ALL SCHOOLS WITH THE VIEW TO INCREASING FILIPINO PARTICIPATION IN THE ECONOMIC DEVELOPMENT OF THE COUNTRY AND IN THE PROMOTION AND PATRONAGE OF LOCAL PRODUCTS AND SERVICES.

Mr. Villacorta noted that during the discussion on the Article on National Economy and Patrimony, the Committee had committed itself to accepting the amendment of Mr. Garcia.

Mr. Monsod suggested that the Body first proceed to approve the religious instruction provision if there are no further amendments inasmuch as it is the matter on the floor.

At this juncture, Mr. Garcia restated his amendment which he informed would be an addition to Subsection (b).

MR. MONSOD'S AMENDMENT TO THE AMENDMENT

Mr. Monsod observed that the second part of the amendment would not properly belong to the Article on Education inasmuch as it is already covered by the Article on National Economy and Patrimony. He stated that there are sections therein on effective control and participation of Filipinos and also on preferential use and patronage of Filipino products, labor and materials. Thereupon, he proposed an amendment to the amendment, to wit:

"... SHALL FOSTER ECONOMIC NATIONALISM FOR THE DEVELOPMENT OF A SELF-RELIANT AND INDEPENDENT NATIONAL ECONOMY".

which is the first sentence in the Article on National Economy and would be a repetition of this general idea.

Mr. Garcia accepted the amendment.

INQUIRY OF MR. RIGOS

Mr. Rigos inquired whether "economic nationalism" is not already embraced in "nationalism" on line 4 which would make another paragraph on economic nationalism unnecessary.

In reply, Mr. Garcia recalled that during the debates on the Article on National Economy and Patrimony, it was stated that if there is going to be any transformation or strengthening of economic control, it is important to instill economic nationalism in the consciousness of the young. He underscored the need to include a paragraph to highlight the significance of this thrust in education.

Mr. Rigos observed that the proposal would be best placed in the Article on the Declaration of Principles rather than in Section 3(b).

Replying thereto, Mr. Garcia stated that the Section which contains the thrust, values and directions of educational institutions would be the proper place to locate the thrust that schools foster this kind of thinking.

Mr. Monsod stated that he proposed an amendment in a manner consistent with the Article on National Economy and Patrimony but that the proposal of Mr. Rigos partakes of a principle rather than education. He noted that it could be considered in the Article on the Declaration of Principles rather than being treated as part of the school's curricula.

Mr. Garcia stated that from previous discussions on education he was made to understand that the idea of education has been broadened to include formal, nonformal and other types of education as well as to involve the different sectors of society for a comprehensive approach.

SUSPENSION OF SESSION

The Chair suspended the session.

It was 11:02 a.m.

RESUMPTION OF SESSION

At 11:13 a.m., the session was resumed.

Thereupon, Mr. Garcia reiterated his proposed amendment, to wit: ECONOMIC NATIONALISM SHALL BE FOSTERED IN ALL SCHOOLS WITH THE VIEW TO PROMOTING AN INDEPENDENT AND SELF-RELIANT ECONOMY.

Mr. Monsod informed that in view of the opinions of Ms. Aquino and Mr. Rigos, he was withdrawing his support of the amendment.

Thereupon, he yielded the floor to Ms. Aquino.

REMARKS OF MS. AQUINO

Ms. Aquino took exception to the position of Mr. Garcia, stating that the principle of economic nationalism has already been enshrined in the Article on Education. She observed that the provision "The State shall give priority to education, science and technology, and sports to foster patriotism and nationalism" is the umbrella provision which serves as the crown jewel of the Article.

She stated that in contemporary political thought and political theory, nationalism essentially lies at the bedrock of economic nationalism. She noted that throughout the debates and deliberations on the concept of nationalism, the thoughts of Claro M. Recto, Jose W. Diokno and Renato Constantino had been cited, that Section 3(b) incorporates the phrase "They shall foster nationalism", and that the Article on National Economy and Patrimony underscores the Filipino first policy.

Mr. Garcia argued that although economic nationalism is included in the concept of nationalism, experience shows that it is usually the political cultural nationalism which is underscored when nationalism is discussed in schools. He noted that in many schools students have a colonial mentality that anything that comes from abroad is better. He stated that it is for this reason that the original draft of the amendment includes the idea to inculcate the promotion and patronage of local products and services so as to encourage the young people to value the products of Filipino labor and the country's industries.

He argued that the importance of economic nationalism cannot be better emphasized, especially among the young, and that teachers have experienced how difficult it is to explain to the youth the need for a better and stronger country.

REMARKS OF MRS. ROSARIO BRAID

Mrs. Rosario Braid agreed with the intent of Mr. Garcia's proposal, but pointed out that the goal could be better achieved in early education and preschool where qualities of discipline and craftsmanship can be instilled in the young so as to train them to be more quality conscious. She noted that the media and the schools could inculcate these values.

Ms. Aquino stated that she did not intend to depreciate the value of economic nationalism as a historical imperative and that in fact, she had Spoke time and again about it. She opined that economic nationalism, in the formation of the minds of the people and children, is essentially the thrust of value education, the burden of which would lie in the family and essentially in preschool, as pointed out by Mrs. Rosario Braid. She stated that although the school will play a decisive role, the Body should not provide a Constitutional mandate for economic nationalism to be made part of the school curricula

Thereupon, Mr. Rama observed that the Situation calls for a vote unless Mr. Garcia withdraws his amendment.

VOTING ON THE AMENDMENT OF MR. GARCIA

Submitted to a vote, and with 11 Members voting in favor and 22 against, the proposed amendment was lost.

REMARKS OF MR. RIGOS

Mr. Rigos called attention to the fact that the Committee had agreed to delete the words "in writing" on line 12. He proposed to retain the words "in writing" such that the phrase would read "At the, option expressed in writing by the parents o guardians . . ." He reasoned that the same words were used in the 1973 Constitution and that there is no compelling reason for their deletion. He stressed that the argument that illiterates would not be able to express their option in writing is the exception rather than the rule and noted that there must be some way by which they can express their options to have religion taught to their children in public schools.

POINT OF ORDER OF MR. DAVIDE

Mr. Davide raised a point of order inasmuch as the proposal for deletion had not yet been presented. He noted that he had a proposal to delete the same words.

The Chair informed that Mr. Guingona read it in the revised formulation submitted by the Committee.

Mr. Davide stated that his copy still contains the phrase "expressed in writing by". In view thereof he requested the Committee to introduce the amendment.

PROPOSED COMMITTEE AMENDMENT

Upon direction of the Chair, Mr. Villacorta restated the proposed amendment, to wit:

AT THE OPTION EXPRESSED BY THE PARENTS OR GUARDIANS, RELIGION SHALL BE ALLOWED TO BE TAUGHT TO THEIR CHILDREN OR WARDS IN PUBLIC ELEMENTARY AND HIGH SCHOOL BY TEACHERS DESIGNATED OR APPROVED BY THE RELIGIOUS AUTHORITIES OF THE RELIGION TO WHICH THE CHILDREN OR WARDS BELONG WITHOUT ADDITIONAL COST TO GOVERNMENT.

PROPOSED AMENDMENT OF MR. DAVIDE

Thereupon, Mr. Davide proposed to substitute "expressed by the" with OF so that the first line would read "At the option of parents or guardians, religion shall be allowed to be taught . . ." which the Committee accepted.

In support of the Committee's stand to delete the phrase, Mr. Bacani adverted to a 1953 Department Order of the Secretary of Education, then Secretary Gregorio Hernandez, who said that it was the basic policy of the administration to allow optional religious instruction its fullest effectivity. He, likewise, adverted to Opinion No. 157, series 1953 of the Secretary of Justice that "optional religious instruction was decreed as a constitutional mandate not so much for the benefit or support of any particular sect or system of religion as for the development and upbuilding of the spiritual standard and moral values of the public school pupils with the end in view of producing straight thinking, morally upright and God-fearing citizens of the nation". He also stated that Section 4, Article II of the 1973 Constitution and Article XV of the Child, Youth and Welfare Code contain the same concept. He stressed that religious freedom should be protected from religious bigotry. He maintained that the option expressed by the parents one way or another should be sufficient.

The Chair observed, however, that there was no objection to optional religious instruction and that the only issue is whether the option of the parents should be expressed in writing or through some other means.

Thereupon, the Chair clarified that the Body would be voting on the Rigos-amendment to insert the words "in writing".

In reply to Ms. Tan's query why the phrase "in writing" was deleted from the Committee Report, Mr. Guingona

adverted to the reasons stated by Messrs. Villacorta and Bacani that it was for the benefit of parents or guardians who could not read or write.

Mr. Rigos invited attention to the fact that during the last Committee meeting, it was agreed to retain “in writing” so that it appears in the distributed copies.

Mr. Rodrigo stated that the 1973 Constitution contained the phrase while the 1935 Constitution did not.

APPROVAL OF MR. RIGOS' AMENDMENT

Submitted to a vote, and with 20 Members voting in favor, 13 against and 5 abstentions, the Body approved the Rigos amendment.

VOTING ON SECTION 3

At this juncture, the Chair called for a vote on the entire Section 3.

INQUIRY OF MR. NOLLEDO

In reply to Mr. Nollado's query, Mr. Villacorta affirmed that "children or wards" refers to minors under parental authority and that "guardians" refers both to natural guardians, and guardians appointed by the court.

INQUIRIES OF MS. AQUINO

Ms. Aquino stated that the clause “by teachers designated or approved by the religious authorities of the religion” could raise disturbing questions such as whether public schoolteachers should be allowed to teach religion.

In reply, Mr. Gascon stated that the contemplation is that no public schoolteachers would have the additional load or burden of teaching religion which shall be taught by teachers designated by the religious authorities concerned outside of the regular schoolteachers in accordance with the option expressed by the parents.

INQUIRIES OF MR. BENGZON

In reply to Mr. Bengzon's query whether a public schoolteacher in Caloocan City may be designated by the religious authorities to teach religion in Quezon City, Mr. Villacorta stated that it is the thinking of the Committee that this may be allowed.

Mr. Villacorta also affirmed that what is prohibited is the teaching of religion by a public schoolteacher in the same school where she teaches because, as pointed out by Ms. Aquino, of the moral ascendancy such teacher may have over the students.

FURTHER INQUIRY OF MS. AQUINO

In reply to Ms. Aquino's further query whether religion as a subject would be given school credit, Mr. Villacorta stated that religion would be a non-credit subject. He also affirmed that attendance in religious instructions would be purely optional.

PROPOSED AMENDMENT OF MR. VILLEGAS

Reacting to the comments of Ms. Aquino, Mr. Villegas observed the details mentioned are matters for legislation, in view of which, he proposed to add after "high schools" AS MAY BE PROVIDED BY LAW, and to delete "without additional cost to the government". He maintained that the provision should be flexible enough to

allow the government to follow the examples of Singapore, Indonesia or of Great Britain where public funds are used to finance the teaching of all types of religion in the public schools.

The Committee did not accept the amendment.

PROPOSED AMENDMENT OF MR. TINGSON

Mr. Tingson proposed on page 2; line 15, between "schools" and "by", to insert WITHIN. THE AVAILABLE REGULAR SCHOOL HOURS, which proposal was coauthored by Messrs. Bacani, Bernas, Maambong, Monsod, Rama and Davide.

Mr. Bacani stated that he had agreed to the word CLASS not SCHOOL, between "the" and "hours" in the proposed phrase.

Mr. Rigos requested for a suspension of the session.

SUSPENSION OF SESSION

The Chair suspended the session

It was 11:44 a.m.

RESUMPTION OF SESSION

At 11:51 a.m., the session was resumed.

Upon resumption of session, Mr. Rama manifested that Mr. Villegas was withdrawing his proposal.

RESTATEMENT OF MR. TINGSON'S AMENDMENT

Mr. Tingson proposed a modified amendment on Section 3(c), page 2, line 15, to insert the phrase WITHIN THE REGULAR CLASS HOURS between "schools" and "by".

In reply to Mr. Ople's query whether providing optional religious instruction within the framework of the compulsory class hours would not introduce an element of duress on the students, Mr. Bacani, to whom Mr. Tingson yielded for the reply, explained that the optional religious instruction would be staggered so that it would not take the place of compulsory subjects. He pointed out that a directive from the Ministry of Education, Culture and Sports, which dates back to 1955, allows a maximum of three 30 minute break periods within a week which could be used for, religious instruction. He stated that Catholic schools do not even consume the maximum of three 30-minute free time per week for religious instructions, adding that the purpose of the proposal is to prevent religious instruction from being given at unholy hours before the class starts in the morning, during recess, meal time or after class hours.

Mr. Ople agreed that under such arrangement, the element of duress is eliminated and that the optional character of the religious instruction is maintained. However, he inquired whether using the discretionary periods during the class hours for religious instruction would not be detrimental to the integrity of the curriculum as a whole and would not detract from the quota of time allocated for major subjects, in reply to which, Mr. Bacani informed that Minister Quisumbing had given assurance that the schedule could be arranged. She explained that in the case of *McCullough vs. Champagne County* the United States Supreme Court had struck down 'as unconstitutional the practice of allowing religious instruction within the regular school hours because it violated the separation of Church and State. However, she added that in the more recent case of *Surach vs. Clauson* the U.S Supreme Court allowed religious instruction through the time release method which means that religion could only be taught after

regular school hours.

In reply thereto, Mr. Bernas explained that the amendment seeks 1) to establish uniformity in the sense that it will avoid conflicts with school administrators on the convenient hours for the teaching of religion, and 2) to provide for exception to the rule on non-establishment of religion, thereby introducing something contrary to American practices.

Ms. Aquino pointed out that the separation between the Church and the State has a rich tradition of disallowing the State from: 1) undertaking religious instruction; 2) financing any religious groups; and 3) blending sectarian and secular institutions. She added, however, that the principle of separation between the Church and State does not disallow optional religious instruction, therefore, the provision would not be essentially an exception, the only question being on the modality of carrying it out.

At this juncture, Mr. de Castro proposed that Section 3(c) be substituted with Section 8(8), Article XV of the 1973 Constitution which reads as follows: AT THE OPTION EXPRESSED IN WRITING BY THE PARENTS OR GUARDIANS AND WITHOUT COST TO THEM AND THE GOVERNMENT, RELIGION SHALL BE TAUGHT TO THEIR CHILDREN OR WARDS IN PUBLIC ELEMENTARY AND HIGH SCHOOLS, AS MAY BE PROVIDED BY LAW.

Mr. Tingson stated that he would leave it to the Body to decide.

The Chair called for a vote on Mr. Tingson's amendment, jointly with Mr. Bacani and other Members.

Mr. Azcuna, however, proposed a substitute amendment which reads: DURING ANY CONVENIENT INTERVAL WITHIN THE REGULAR CLASS HOURS.

In reply to Mr. Bengzon's inquiry whether a school administrator could schedule the holding of the religious instruction class at high noon which is an interval during class hours, Mr. Azcuna pointed out that the word "convenient" excludes such interval because the intention is to carve a free time within the regular class hour.

Mr. Ople then proposed to change "convenient" with FREE.

Mr. Davide objected on the ground that the proposal would amount to a third degree amendment.

Mr. Azcuna declined the suggestion in view of Mr. Davide's objection.

Mr. Bacani did not accept Mr. Azcuna's amendment on the ground that the phrase "convenient interval" is vague.

On Mr. de Castro's query whether he would accept his proposal, Mr. Tingson stated that although he is in favor of the 1973 Constitutional provision, he would leave it to the Body to decide.

Thereafter, Mr. Tingson's proposal was submitted to a vote, and with 20 Members voting in favor, 15 against and 3 abstentions, the same was approved by the Body.

AMENDMENTS OF MR. DAVIDE AS MODIFIED BY MR. MAAMBONG

Mr. Davide proposed, on Section 3(c), page 2, line 15, to substitute "teachers" with INSTRUCTORS; to delete the phrase "designated or approved by the religious authorities" on lines 15 and 16; and to insert THEM AND between "to" and "the".

Mr. Maambong proposed to delete "additional" on line 17.

Mr. Davide accepted the proposal.

Mr. Villacorta, in turn, accepted the amendment.

Mr. Bacani inquired why “additional” was deleted, in reply to which Mr. Davide explained that with “additional” it could be interpreted that the government would be required to provide certain expenditures for the purpose of optional religious instruction. He added that the parents, guardians and pupils could voluntarily contribute amounts for the religious instructor's stipend.

Mr. Bernas opined that the word “additional” is necessary because just by allowing religious instruction in school facilities, the government would already be involved with some of cost such as the wear and tear of the building and the electricity to light the classrooms. He stressed that “additional” should be interpreted as something over and above the normal cost necessary for the operation of the school.

Mr. Davide manifested that if the Committee would accept Mr. Bernas' interpretation, he would withdraw his acceptance of Mr. Maambong's amendment.

Mr. Bernas proposed to delete “them and” on the ground that the State cannot impose the cost on the parents.

Mr. Davide agreed.

Thereafter, Mr. Bernas suggested that the phrase “designated or approved by the religious authorities” be retained so that the school administrator would not have to decide whom he would choose among several volunteers claiming to represent a particular religion.

Mr. Davide withdrew his proposed amendments except for the word INSTRUCTORS.

On Mr. Jamir's query whether the Committee had accepted Mr. Bernas' interpretation of the word “additional”, Mr. Villacorta answered in the affirmative.

In reply to Mr. Maambong's query as to who should decide or designate the religious instructor, Mr. Bernas explained that it should be the church in order to avoid confusion.

APPROVAL OF SECTION 3 (c)

Thereafter, Mr. Villacorta read the whole Section 3(c), as amended, to wit:

AT THE OPTION EXPRESSED IN WRITING BY THE PARENTS OR GUARDIANS, RELIGION SHALL BE ALLOWED TO BE TAUGHT TO THEIR CHILDREN OR WARDS IN PUBLIC ELEMENTARY AND HIGH SCHOOLS WITHIN THE REGULAR CLASS HOURS BY INSTRUCTORS DESIGNATED OR APPROVED BY THE RELIGIOUS AUTHORITIES OF THE RELIGION TO WHICH THE CHILDREN OR WARDS BELONG, WITHOUT ADDITIONAL COST TO THE GOVERNMENT.

Submitted to a vote, and with 33 Members voting in favor, 3 against and 3 abstentions, the same was approved by the Body.

In reply to Mr. Ople's query, Mr. Villacorta affirmed that the proponents of the amendments which were appended to the re-sequenced outline presented them then and there so as not to interrupt the flow of the proceedings but could reserve them for the last part of the consideration of the Article, provided the Committee would have the power to relocate them in the appropriate places.

At this juncture, the Chair inquired if the Body could suspend for lunch and thereafter continue, to which Mr. Villacorta replied that upon consultation with the Floor Leader, the Chairman of the Steering Committee and some Members, he was made to understand that on Saturday the Body would adjourn at 1:00 in the afternoon.

Mr. Bengzon manifested that some Members want to work the whole day on Saturdays.

Thereupon, the Chair submitted the matter to a vote and with 18 Members voting in favor and 14 against, the Body decided that Saturday sessions should only be until 1:00 p.m.

At this juncture, Mr. Tingson made a reservation to introduce a new paragraph in Section 3.

INQUIRES OF MR. REGALADO

Thereafter, in reply to Mr. Regalado's query whether the provisions of Section 4(a) would have a prospect the application, Mr. Villacorta stated that the provision would be immediately applicable upon the ratification of the Constitution although some Members would like a transitory period during which foreigners who own religious schools may divest their holdings, allowing them to retain only a 25% equity. He recalled that during the interpellations, Mr. Davide requested for data on the number of foreign-owned schools which the Committee found difficult to accomplish because the MECS and the Securities and Exchange Commission (SEC) have no data on the matter. He noted that although the Catholic Education Association of the Philippines has only a directory of owners of Catholic schools and not the percentage of ownership, Bro. Rolando Dizon, who is the President of the Association, gave assurance that all Catholic missionary schools are already Filipinized. He stated that as far as the Protestant missionary schools are concerned, Mr. Rigos, on behalf of the Association of Christian Schools and Colleges, gave assurance that all Protestant missionary schools are also Filipinized.

In reply to Mr. Regalado's query whether the Filipinization refers to administration or to ownership, Mr. Villacorta replied that it refers to ownership but the Committee could not be sure whether it is 100% Filipino ownership because of the unavailability of data.

On the queries whether the Committee has taken into account 1) the matter of corporation sole which is the configuration of most religious schools owned and operated by religious orders as distinguished from corporations as understood under the Corporation Code; 2) the provision of Section 25 of P.D. No. 232 which provides that all future educational institutions shall be non-stock; and 3) the citizenship of the owners of corporations sole which have, by themselves, no citizenship, Mr. Guingona replied that the Committee, in providing for ownership by individual citizens, corporations or associations, has adopted the provisions of Section 8(7), Article XV of the 1973 Constitution.

Mr. Regalado contended that the particular provision specifically excludes educational institutions established by religious orders, mission boards and charitable organizations from the requirement of 60% Filipino ownership as reinforced by Section 1 of P.D. No. 176 which is the implementing law. He pointed out that as far as Filipino administration is concerned, with two or three exceptions, this has been accomplished because schools foreigners as administrators were given up to school-year 1976-1977 within which to change them with Filipino administrators. He stressed that Filipinization as far as administration is concerned is mandated by the 1973 Constitution and P.D. No. 176. He then inquired whether it is also the intention of the Committee to include the Filipinization of ownership, to which Mr. Guingona replied that the 1973 Constitution has already contemplated the Filipinization of foreign-owned schools as far as ownership and administration are concerned. He added that the Committee has also intended to include the exceptions provided for under Article XV, Section 8(7) of the 1973 Constitution but with 75%-25% ratio in favor of Filipino ownership. He added that as far as schools owned by corporations sole are concerned, once they are converted into nonstock corporations 75% of the members thereof should be Filipinos and 25% foreigners.

PROPOSED AMENDMENT OF MR. REGALADO

Thereupon, Mr. Regalado proposed to reword Section 4(a) to read:

PRIVATE EDUCATIONAL INSTITUTIONS, OTHER THAN THOSE ESTABLISHED BY RELIGIOUS ORDERS, MISSION BOARDS AND CHARITABLE ORGANIZATIONS, SHALL BE OWNED SOLELY BY CITIZENS OF THE PHILIPPINES OR CORPORATIONS OR ASSOCIATIONS WHOLLY OWNED BY SUCH CITIZENS.

Mr. Bernas manifested support for the proposal. He stated that the statement made by Bro. Dizon that all Catholic schools are 100% owned by Filipinos should not be accepted at face value.

At this juncture, Mr. Villacorta clarified that Bro. Dizon said that he is not sure whether the ownership of Catholic schools is 100% Filipino or just on the basis of 60%:40%.

Mr. Bernas explained that he would still support Mr. Regalado's proposal to exempt religious schools, whether Protestant or Catholic, because they are different from secular schools in the sense that their religious element transcends citizenship. He added that partial foreign ownership of religious schools may also be needed in order to maintain the quality of their instruction which sets them apart from secular schools.

Mr. Davide proposed to amend Mr. Regalado's proposal to read as follows:

PRIVATE EDUCATIONAL INSTITUTIONS SHALL BE SOLELY OWNED BY CITIZENS OF THE PHILIPPINES, OR CORPORATIONS OR ASSOCIATIONS WHOLLY OWNED BY SUCH CITIZENS. HOWEVER, UNTIL CONGRESS SHALL PROVIDE OTHERWISE, RELIGIOUS ORDERS, MISSION BOARDS OR CHARITABLE ORGANIZATIONS MAY OPERATE AND MAINTAIN EDUCATIONAL INSTITUTIONS PROVIDED THAT AT LEAST SIXTY PERCENTUM OF THE CAPITAL OF SUCH INSTITUTIONS IS WHOLLY OWNED BY CITIZENS OF THE PHILIPPINES.

THE CONTROL AND ADMINISTRATION OF PRIVATE EDUCATIONAL INSTITUTIONS SHALL BE EXCLUSIVELY VESTED IN CITIZENS OF THE PHILIPPINES.

In reply to Mr. Villacorta's query whether he should be amenable to increasing the equity percentage to 75%, Mr. Davide stated that he would leave it to the Body.

Mr. Regalado did not accept the proposal and Opted for the 1973 Constitutional provision on the matter.

Mr. Davide explained that his proposal is, in fact, a compromise because it would allow religious schools to maintain the present 60-40 ownership until such time that Congress shall have determined the necessity of a 100% Filipinization of these institutions without having to amend the Constitution.

On the query as to what would happen in the event that the Committee adopts the 75-25 ratio, Mr. Davide replied that a divestment procedure would be provided for in the Transitory Provisions, but, he stressed that under his proposal there would be no need to divest because the religious-owned schools would be allowed to maintain the 60-40 ratio in the meantime.

Mr. Rama manifested his support for Mr. Regalado's proposal to retain the 1973 Constitutional provision and maintain the present 60-40 ownership ratio. He stated that religious schools have produced some of the best people in the country because of their high academic standards and have contributed to the educational needs of the people in hinterlands. He opined that such schools should be allowed to continue their operations and present ownership instead of unduly burdening them with the proposed provision.

Replying thereto, Mr. Davide pointed out that his proposal would not prevent religious orders, mission boards or

charitable institutions from establishing more schools because they could organize corporations under the Corporation Code with 60% Filipino ownership which could, in turn, establish and maintain such schools.

At this juncture, Mr. Bengzon stated that the Body should give more concern to religious schools in the hinterlands rather than to those located in Metro Manila. He stressed that mission schools run by foreign missionaries such as the Oblates, La Sallites, Passionist Fathers and the CICMS which contribute much to the education, moral development, discipline and strengthening of the ethical and spiritual values of people in the hinterlands may have to close down if they are Filipinized considering that they receive financial support from foreign countries.

In addition thereto, Mr. Colayco pointed out that schools organized by religious orders, mission boards and charitable institutions are organized not for profit but for religious purposes.

Mr. Azcuna also opined that a 60% Filipino capital requirement for religious schools is reasonable considering that for a non-stock, non-profit corporation, the requirement is only a minimum of P5,000.00 capital to be owned by the incorporators. He added that it would then be easy for foreign missionaries to put up schools with 60% Filipino ownership.

Mr. Guingona maintained that ownership and administration are linked together and even if a school is 100% administered by Filipinos but is actually owned by foreigners, there is the danger that foreign ideas and ideologies may be transmitted through said school.

In addition, Mr. Villacorta stressed the following points: 1) there is no need to be apprehensive about missionary schools in the hinterlands because it has already been affirmed that Catholic and Protestant missionary schools have already been Filipinized; 2) requiring non-religious schools to be 100% wholly owned by Filipinos while allowing religious schools to be foreign-owned amounts to class legislation; 3) the Committee would like to support Mr. Guingona's suggestion for a pro-Filipino educational system; 4) there is the tendency of foreign-owned schools to teach additional subjects which inculcate foreign ideas; and 5) the people from the hinterlands themselves, like those who come from the Cordilleras, clamor for the establishment of more Filipino-owned public schools or private schools to teach nationalistic ideas and promote indigenous culture.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.
It was 1:09 p.m.

RESUMPTION OF SESSION

At 1:12 p.m., the session was resumed with the Honorable Jose F. S. Bengzon, Jr. presiding.

ADJOURNMENT OF SESSION

Thereupon, on motion of Mr. Rama, there being no objection, the Chair declared the session adjourned until nine-thirty in the morning of Monday, September 8, 1986.

It was 1:12 p.m.

I hereby certify to the correctness of the foregoing.

(SGD.) FLERIDA RUTH P. ROMERO

Secretary-General

ATTESTED:

(SGD.) CECILIA MUÑOZ PALMA
President
Approved on September 8, 1986

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