

## R.C.C. NO. 11

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Tuesday, June 17, 1986

### OPENING OF SESSION

At 3:30 p.m., the President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

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

Everybody rose to sing the National Anthem.

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

Everybody remained standing for the Prayer.

PRAYER

MR. DE CASTRO: Panginoon, kami po ay naririto ngayon upang bumalangkas ng isang Saligang Batas na narapat at minimithi ng sambayanang Pilipino. Bigyan Mo po kami ng lakas, masusing pagpupunyagi at sapat na karunungan upang matamo namin ang layunin at pangarap ng aming bayan. Huwag Mo pong bayaang malihis ang aming landas sa aming gawain upang ito ay matapos namin sa lalong madaling panahon, sapagkat ito po ang inaasahan sa amin ng buong bayang Pilipino. Amen.

ROLL CALL

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

THE SECRETARY-GENERAL, reading:

Abubakar Present Calderon Present

Alonto Present Castro de Present

Aquino Present Colayco Present

Azcuna Present Concepcion Present

Bacani Present Davide Present

Bengzon Present Foz Present

Bennagen Present Garcia Present

Bernas Present Gascon Present

Rosario Braid Present Guingona Present

Brocka Present Jamir Present

Laurel Present Rodrigo Present

Lerum Present Romulo Present

Maambong Present Rosales Present

Monsod Present Sarmiento Present

Natividad Present Suarez Present

Nieva Present Sumulong Present

Nolledo Present Tadeo Present

Ople Present Tan Present

Padilla Present Tingson Present

Quesada Present Treñas Present

Rama Present Uka Present

Regalado Present Villacorta Present

Reyes de los Present Villegas Present

Rigos Present

The President is present.

The roll call shows 46 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.

#### APPROVAL OF JOURNAL

MR. CALDERON: I move that we dispense with the reading of the Journal of yesterday's session and that we approve the same.

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

MR. CALDERON: 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 Proposed Resolutions on First Reading and Communication, the President making the corresponding references:

**PROPOSED RESOLUTIONS ON FIRST READING**

Proposed Resolution No. 115, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION PROHIBITING A GENERAL REVAMP OF THE JUDICIARY BY LEGISLATION.

Introduced by Hon. Davide, Jr.

To the Committee on the Judiciary.

Proposed Resolution No. 116, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION REQUIRING THE SUBMISSION TO THE SUPREME COURT WITHIN TEN DAYS FOLLOWING ITS APPROVAL ORGANIC LAWS WHICH AFFECT THE RIGHTS OF THE PEOPLE TO LIFE, LIBERTY AND PROPERTY AND PROVIDING THAT THE SAME SHALL TAKE EFFECT ONLY AFTER SAID COURT SUSTAINS ITS CONSTITUTIONALITY.

Introduced by Hon. Davide, Jr.

To the Committee on the Judiciary.

Proposed Resolution No. 117, entitled:

RESOLUTION CALLING FOR THE INCORPORATION IN THE NEW CONSTITUTION OF A PROVISION WHICH WOULD INDUCE AN ELECTIVE OFFICIAL TO ASSUME HIS POSITION WITHOUT DELAY BY SETTING ASIDE HIS ELECTION AND DISQUALIFYING HIM TO HOLD ANY PUBLIC OFFICE IF HE FAILS TO ASSUME OFFICE WITHIN THIRTY DAYS FOLLOWING THE DATE FIXED BY LAW FOR HIM TO DO SO.

Introduced by Hon. Davide, Jr.

To the Committee on Constitutional Commissions and Agencies.

Proposed Resolution No. 118, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION REQUIRING THE APPROVAL OR CONSENT OF THE LEGISLATURE FOR THE EFFECTIVITY AND VALIDITY OF TREATIES, EXECUTIVE AGREEMENTS AND RECOGNITION OF STATES OR GOVERNMENTS.

Introduced by Hon. Davide, Jr.

To the Committee on the Executive.

Proposed Resolution No. 119, entitled:

RESOLUTION REDUCING THE RETIREMENT AGE OF MEMBERS OF THE SUPREME COURT AND JUDGES OF INFERIOR COURTS FROM SEVENTY TO SIXTY-FIVE.

Introduced by Hon. Davide, Jr.

To the Committee on the Judiciary.

Proposed Resolution No. 120, entitled:

RESOLUTION PROCLAIMING THE INCUMBENT PRESIDENT AND VICE-PRESIDENT AS THE DULY ELECTED PRESIDENT AND VICE-PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES DURING THE ELECTIONS OF FEBRUARY 7, 1986.

Introduced by Hon. de Castro.

To the Committee on Amendments and Transitory Provisions.

Proposed Resolution No. 121, entitled:

RESOLUTION TO TAKE POSITIVE AND STRICT MEASURES AGAINST GRAFT AND CORRUPTION  
IN ALL LEVELS OF GOVERNMENT AND SOCIETY.

Introduced by Hon. de Castro.

To the Committee on Accountability of Public Officers.

Proposed Resolution No. 122, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION STATING THE  
FORM OF THE NATIONAL ECONOMY MOST CONDUCIVE TO THE ATTAINMENT OF A JUST AND  
HUMANE SOCIETY.

Introduced by Hon. Villegas.

To the Committee on the National Economy and Patrimony.

Proposed Resolution No. 124, entitled:

RESOLUTION REQUIRING CONCURRENCE OF THE CENTRAL MONETARY AUTHORITY AND  
DUE NOTICE TO THE LEGISLATURE BEFORE GOVERNMENT GUARANTEES ARE EXTENDED TO  
FOREIGN BORROWINGS.

Introduced by Hon. Ople, de los Reyes, Jr. and Maambong.

To the Committee on the Executive.

Proposed Resolution No. 125, entitled:

RESOLUTION TO INCLUDE IN THE ACCOUNTABILITY OF PUBLIC OFFICERS A PROVISION  
THAT THE ARBITRARY REMOVAL AND/OR REPLACEMENT OF ELECTIVE PUBLIC OFFICIALS IS  
A CULPABLE VIOLATION OF THE CONSTITUTION AS A GROUND FOR IMPEACHMENT.

Introduced by Hon. Ople, Maambong, Natividad and de los Reyes, Jr.

To the Committee on Accountability of Public Officers.

Proposed Resolution No. 126, entitled:

RESOLUTION TO INCLUDE IN THE GENERAL PROVISION OR DECLARATION OF PRINCIPLES A  
PROVISION TO AID AND ASSIST THE DISABLED, HANDICAPPED, ORPHANS, AGED AND OTHER  
DISADVANTAGED CITIZENS.

Introduced by Hon. de los Reyes, Jr., Maambong and Natividad.

To the Committee on Social Justice and Social Services.

Proposed Resolution No. 127, entitled:

RESOLUTION TO INCLUDE IN THE GENERAL PROVISION OR DECLARATION OF PRINCIPLES A  
PROVISION TO PREVENT THOUGHTLESS EXTRAVAGANCE AND CONSPICUOUS  
CONSUMPTION, PROHIBIT AND DISCOURAGE ACTIVITIES WHICH PROMOTE INDOLENCE AND

ARE NONPRODUCTIVE.

Introduced by Hon. de los Reyes, Jr.

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

Proposed Resolution No. 128, entitled:

RESOLUTION PROHIBITING THE PRESIDENT, VICE-PRESIDENT AND MEMBERS OF THE CABINET AND THEIR DEPUTIES FROM HOLDING ANY OTHER OFFICE AND FROM ENGAGING IN ACTIVITIES WHICH MAY GIVE RISE DIRECTLY OR INDIRECTLY TO CONFLICT OF INTEREST IN THE CONDUCT OF THEIR OFFICE, AND TO PROHIBIT THE PRACTICE OF NEPOTISM BY SAID OFFICIALS.

Introduced by Hon. Ople, de los Reyes, Jr. and Maambong.

To the Committee on the Executive.

Proposed Resolution No. 129, entitled:

RESOLUTION TO INCLUDE IN THE TRANSITORY PROVISIONS AN ARTICLE REVERTING TO THE COURTS THE POWER OF SEQUESTRATION PRESENTLY VESTED IN ANY GOVERNMENT ENTITY UPON THE RATIFICATION OF THE PROPOSED CONSTITUTION.

Introduced by Hon. Ople, Natividad, de los Reyes, Jr. and Maambong.

To the Committee on Amendments and Transitory Provisions.

Proposed Resolution No. 130, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE WHICH WOULD PROVIDE ASSISTANCE TO PRIVATE EDUCATION.

Introduced by Hon. Guingona.

To the Committee on Human Resources.

Proposed Resolution No. 131, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE WHICH WOULD ENSHRINE THEREIN THE EXERCISE OF PEOPLE'S POWER.

Introduced by Hon. Guingona.

To the Committee on Citizenship, Bill of Rights, Political Rights and Obligations and Human Rights.

Proposed Resolution No. 132, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON THE EXEMPTION OF EDUCATIONAL INSTITUTIONS FROM REAL ESTATE TAXATION.

Introduced by Hon. Guingona.

To the Committee on the Legislative.

Proposed Resolution No. 133, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION ARTICLES FOR THE EFFECTIVE PROFESSIONALIZATION OF THE ARMED FORCES.

Introduced by Hon. Guingona.

To the Committee on General Provisions.

Proposed Resolution No. 134, entitled:

RESOLUTION PROVIDING THAT THE STATE SHALL ESTABLISH AND MAINTAIN AN EDUCATIONAL SYSTEM RELEVANT TO THE NEEDS OF THE PEOPLE AND THE GOALS OF NATIONAL DEVELOPMENT.

Introduced by Hon. Rosario Braid.

To the Committee on Human Resources.

Proposed Resolution No. 135, entitled:

RESOLUTION TO INCLUDE A SEPARATE ARTICLE ON THE CIVIL SERVICE TO ENSURE ITS INDEPENDENCE.

Introduced by Hon. Rosario Braid.

To the Committee on Constitutional Commissions and Agencies.

Proposed Resolution No. 136, entitled:

RESOLUTION TO PROVIDE AN AMENDED PROVISION ON NATIONAL TERRITORY IN THE NEW CONSTITUTION.

Introduced by Hon. Nollado.

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

Proposed Resolution No. 137, entitled:

RESOLUTION TO PROVIDE IN THE TRANSITORY PROVISIONS THAT THE COMMISSIONS ON GOOD GOVERNMENT AND HUMAN RIGHTS BE GIVEN A PERIOD OF ONE YEAR FROM THE DATE OF RATIFICATION OF THE NEW CONSTITUTION TO FINISH THEIR ASSIGNED TASKS AND TO RATIFY ALL THE ACTS AND DECISIONS OF THEIR COMMISSIONS.

Introduced by Hon. Nollado.

To the Committee on Amendments and Transitory Provisions.

Proposed Resolution No. 138, entitled:

RESOLUTION TO INSERT IN THE NEW CONSTITUTION PROVISIONS ON MEANINGFUL AND AUTHENTIC DECENTRALIZATION OF LOCAL GOVERNMENTS BY ADOPTING WITH MODIFICATIONS THE PROPOSED PROVISIONS BY THE UP LAW CONSTITUTION PROJECT.

Introduced by Hon. Nollado.

To the Committee on Local Governments.

Proposed Resolution No. 139, entitled:

RESOLUTION PROVIDING FOR THE SECURITY OF TENURE OF CIVIL SERVICE EMPLOYEES WHOSE QUALIFICATIONS MEET THE STANDARD OF GOOD GOVERNMENT AND WHO HAVE BEEN FOUND EFFICIENT, DESERVING AND HONEST.

Introduced by Hon. Suarez, Jamir and Tadeo.

To the Committee on Constitutional Commissions and Agencies.

Proposed Resolution No. 140, entitled:

RESOLUTION PROVIDING FOR THE SECURITY OF TENURE OF THE MEMBERS OF THE JUDICIARY.

Introduced by Hon. Suarez, Jamir and Tadeo.

To the Committee on the Judiciary.

Proposed Resolution No. 141, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON NATIONAL TERRITORY.

Introduced by Hon. Tingson.

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

#### COMMUNICATION

Letter from Mr. Eliseo F. Ocampo, President of Concerned Citizens of San Juan, Metro Manila, Inc., transmitting a resolution of its board of directors proposing guidelines in the drafting of the Constitution.

(Communication No. 16 — Constitutional Commission of 1986).

To the Steering Committee.

MR. CALDERON: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

MR. CALDERON: I request that Commissioner Villegas be recognized.

THE PRESIDENT: Commissioner Villegas is recognized.

MR. VILLEGAS: Madam President, I would like to inform the body that yesterday, our Committee decided to postpone the consideration of all the sections within Article XIV until all the sections are presented in one so that we can see how each section fits into the total Article.

MR. CALDERON: Madam President, I request that Commissioner Bengzon be recognized.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: Madam President, I rise on a question of collective privilege.

THE PRESIDENT: Will the Commissioner state his question of collective privilege?

MR. BENGZON: Madam President, in today's issue of the *Pahayagang Malaya*, there appears on its headline the statement that the United States has interfered or seeks to interfere in the Constitutional Commission.

THE PRESIDENT: The Chair understands that according to the Rules, questions of privilege may be availed of only on Fridays. Does the Commissioner believe that his privilege speech is of paramount importance that it must be taken up today?

MR. BENGZON: I believe this is an urgent matter, Madam President, so, instead of waiting until Friday, I now

request for the unanimous consent of the body to allow me to rise on this question of collective privilege.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; Commissioner Bengzon is given five minutes for his question of collective privilege.

Will five minutes be sufficient, Commissioner Bengzon?

MR. BENGZON: It will be more than sufficient.

THE PRESIDENT: Thank you.

#### QUESTION OF PRIVILEGE OF COMMISSIONER BENGZON

MR. BENGZON: Madam President, in today's issue of the *Pahayagang Malaya*, there appears on its headline, in bold letters, a statement which I quote: US INTERFERENCE IN CON COM BARED. And it goes on to state that allegedly a \$20-million aid for research was offered by the United States government to the 1986 Constitutional Commission.

Madam President, information coming from the Office of the Secretary-General and the Office of the President reveal that there was no such offer, whether official or unofficial, made by the United States to the Constitutional Commission. So, on behalf of the Commission and my colleagues, may I put on record the fact that there has not been and there is no offer of any aid made by the United States or any of its agencies to the Constitutional Commission. Moreover, on behalf of this body, I feel certain and I am sure that, even if there was such an offer, this body does not need it. We in this Commission have been appointed on the basis of our nationalism, probity, and independence of mind, and I am sure that each one of us here possesses those attributes. We do not intend to and will not succumb to nor will accept any offer of any aid, especially monetary aid, from any foreign government.

Thank you very much.

THE PRESIDENT: Thank you.

MR. SUAREZ: Madam President.

MR. NOLLEDO: Madam President, I rise also on a question of individual as well as collective privilege.

THE PRESIDENT: Commissioner Nollado is recognized.

#### QUESTION OF PRIVILEGE OF COMMISSIONER NOLLEDO

MR. NOLLEDO: Thank you, Madam President.

I rise also on a question of personal and collective privilege because I was quoted by the *Pahayagang Malaya* as allegedly the source of the news. And so, jokingly, some of my colleagues are now asking me to account for the \$20 million that must have been paid to me, and they are looking at me with quizzical eyes as if I got that money from the United States government, I will resign from the Commission and join Mr. Marcos in Hawaii.

But before I proceed, Madam President, I would like this Commission to know that three weeks before the Constitutional Commission was inaugurated, the *Business Day*, as may be confirmed by Mr. Tara Singh, carried a news item that the United States government, through the Ford Foundation, offered a \$2-million, not \$20-million, research aid. One of the readers criticized that offer. So, unofficially, there must have been an offer, and I was asked by the writer of this news item. Believing in a gentlemen's agreement and being a former newsman in courtesy to another newsman, I said I would make a comment on condition that there will be no press release about it whatsoever, considering that it involves a very delicate matter and that it may cause embarrassment to our venerable Vice-President who is now abroad. Madam President, I would like to read my press statement before

this body, and I deeply regret that the gentlemen's agreement was breached.

To my dear colleagues:

I was terribly shocked by today's headline of Malaya which implied that I was the one who bared the alleged \$20-million U.S. research fund.

I only reacted to the newspaper reports published before the opening of the CON-COM that the U.S. Government offered through the Ford Foundation a research fund to aid the CON-COM. I said that foreign interference is to be deplored and that the offer of research fund could be interpreted as indirect bribery. I have no personal knowledge of the offer. Mr. Ople said that he read about the offer, because it was really published in Business Day and in another newspaper, but he did not confirm its truth.

I did not say that the various drafts of the Constitution submitted to the Con-Com were financed by the U.S. Government. I said that the Philippines has sufficient facilities and the Con-Com Members have the mental capacities to formulate a new Constitution, and that we do not need a foreign research fund. Moreover, I said that personally, I can speak on behalf of my colleagues that if there should really be such kind of a fund, I know that we would reject it. I cannot blame reporters who misinterpret my remarks wittingly or unwittingly, which I emphasized should be off the record.

Thank you, Madam President.

MR. SUAREZ: Madam President, may we be recognized.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Madam President.

Like our colleagues, I feel a collective indignation over the publication attributed to the Malaya. I, myself, have not read it but I wonder if the discussion is in order at this point, Madam President, because I detect the absence of the man referred to by Commissioner Nollado himself, the Honorable Blas Ople. I — and this should be in parenthesis— hold no brief for any Member in this Commission who is guilty of any breach in the matter of agreement, as pointed out by Commissioner Nollado.

Considering that the Madam President has granted Commissioner Bengzon a period of five minutes to deliver his privilege speech, I was wondering whether within that five-minute period we could accommodate Commissioner Ople so that he can clarify this matter.

THE PRESIDENT: We will reserve that for Commissioner Ople should he desire to take advantage of it.

MR. BENGZON: Madam President.

THE PRESIDENT: Yes, Commissioner Bengzon is recognized.

MR. BENGZON: The comments and statements that were delivered after my remarks refer to something personal. Whatever were said about or in reference to comments or statements of our colleagues in the newspapers are of no moment to my point. Madam President, the fact remains — and I would like to emphasize this — that nothing in our records in the Commission, from the Office of the Secretary-General nor from the Office of the President, officially or unofficially, written or verbal, directly or indirectly, shows that any offer of any aid has been made by the United States Government. That is what I would like to emphasize for the record.

Thank you very much.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: For the information of my honorable colleagues here, yesterday afternoon, just before we started the session, a lady correspondent approached me at my desk and asked if it was true that there was such an offer of \$20 million for research by the United States. I told her, "Do not believe that, because if the United States will spend one cent of their money, it must have some strings attached to it." And then she asked me, "What will you do about this information?" I said in a blunt manner that if the man who made the offer would see me, I would throw him out.

THE PRESIDENT: The Chair believes that sufficient discussion has been made on this particular subject, and, therefore, the Chair closes this particular issue.

MR. CALDERON: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

MR. CALDERON: I move that we proceed with the voting of Resolution No. 72 on Third Reading.

THE PRESIDENT: Is there any objection?

MR. CALDERON: Madam President, may I request that Commissioner Brocka be given the floor.

THE PRESIDENT: Commissioner Brocka is recognized.

MR. BROCKA: Thank you very much, Madam President

I would like to move for a reconsideration of the approval on Second Reading of the proposed Preamble of the Constitution. I know that this is adding to the delay, but I would like to move for reconsideration.

THE PRESIDENT: Is there anybody seconding the motion?

MR. RODRIGO: Madam President, may I comment on that.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: Section 42 of our Rules provides, and I quote:

When a motion, report or resolution is adopted or lost, it shall be in order for a Member who voted with the majority to move for the reconsideration thereof on the same or succeeding session day.

We voted on Resolution No. 72 on Second Reading last Friday and the "succeeding session day" was yesterday; so it is too late now. It could be a violation of this Rule. But may I suggest this: The only thing that our colleague can do now is to explain his vote. To seek reconsideration at this stage would call for the suspension of this Rule and I do not think we can have unanimous consent.

MR. BROCKA: In that case then, may I move for suspension of the Rules.

THE PRESIDENT: Of the Rules?

MR. BROCKA: Yes, Madam President.

MR. RODRIGO: I would object to that, Madam President. It will waste our time and we might be criticized because after having voted on this, we are seeking reconsideration which will reopen the whole thing to debate and to amendments.

SUSPENSION OF SESSION

THE PRESIDENT: The Chair suspends the session.

It was 4:03 p.m.

RESUMPTION OF SESSION

At 4:08 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. BROCKA: Madam President, may I be recognized.

THE PRESIDENT: Commissioner Brocka is recognized.

MR. BROCKA. In the spirit of parliamentarism, I would like to withdraw my motion to suspend the Rules.

NOMINAL VOTING ON PROPOSED RESOLUTION NO. 72 ON THIRD READING

(Adopting a Preamble to the Constitution)

THE PRESIDENT: The motion has been withdrawn and, therefore, the voting on Proposed Resolution No. 72 on Third Reading is in order.

Printed copies of Resolution No. 72 were distributed on June 13, 1986 pursuant to Section 28, Rule VI of the Rules of the Constitutional Commission of 1986.

The Secretary General will read the title of the resolution.

THE SECRETARY-GENERAL: Proposed Resolution No. 72, entitled:

**RESOLUTION PROPOSING TO ADOPT A PREAMBLE TO THE CONSTITUTION.**

FIRST ROLL CALL

THE PRESIDENT. The body will now vote on this solution, and the Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar . . . . . Aquino . . . . .

Alonto . . . . .

REV. RIGOS: Madam President, parliamentary inquiry.

THE PRESIDENT: Excuse me, but once the voting has started, the voting cannot be interrupted. We will have to proceed.

MS. AQUINO: Madam President.

THE PRESIDENT: What is the pleasure of Commissioner Aquino?

MS. AQUINO: Madam President, I would like to explain my vote.

THE PRESIDENT: Commissioner Aquino has three minutes to explain her vote.

**COMMISSIONER AQUINO EXPLAINS HER VOTE**

MS. AQUINO: I am constrained to vote against the approval of proposed Resolution No. 72. It is very unfortunate that I have to take exception to the position of my Committee which is sponsoring this proposal. I had to muster a lot of raw courage to do this because I know I am running against the tide and against the decision of

my Committee. Delicadeza and the spirit of parliamentarism would have dictated and prevailed upon me but since this is a vote of conscience, it is imperative for me to explain my vote.

I have always believed that the Preamble is something more than just florid verbiage. The Preamble should be something more than just rhetorical cadence that is all sound and fury but empty. I have always thought that in the context of a very unique historical experience that we have undergone, we can do no less than do justice to the courage and the determination of the Filipino people by embodying in the Preamble, possibly in words, the most eloquent celebration of how it was and how we did it.

What is a preamble as it should be? A preamble is an explanation of the intent and the purpose of the law. It sets the origin, the scope and the purpose which provide an aid in explaining some ambiguous provisions of the Constitution. Therefore, the Preamble sets the context within which we appreciate the Constitution. And precisely, this context, as we have experienced, is very unique.

I had hoped that in this Constitution we could devise something that is original, something that will embody the essence of this unique historical experience, not just a celebration of words.

My second observation is on the process we had undergone, the deliberation on Proposed Resolution No. 72. I was given the impression, under no unmistakable terms, that the reason why we have pushed for the approval of Proposed Resolution No. 72 on Second Reading is that we wanted to impress upon the public that we are aware of the urgency of our task. This is very noble, but then I believe that if we lose sight of the proper perspective of our task, we might precisely fall into the trap of maybe rushing up a Constitution that does not really echo what the people want.

My fear is that there might be a collective mind-set in this Commission for us to immediately package a Constitution in response to the requirements of political expediency. This may be the requirement of immediately vesting the constitutional mandate in the present leadership and government.

I believe that that is not our task. Our task is to chart a new course in history, to draft a Constitution for the future and for our children, unfettered by the requirements of political expediency, even as we are very conscious of the requirements of urgency in the work.

It is on these grounds that I have to vote against the resolution.

Thank you, Madam President.

THE SECRETARY-GENERAL, reading:

Azcuna Bernas

Bacani Rosario Braid

Bengzon Brocka

Bennagen

THE PRESIDENT: What is the pleasure of Commissioner Brocka?

MR. BROCKA: My vote is no.

THE PRESIDENT: Will the Commissioner explain his vote?

MR. BROCKA: Yes, Madam President.

THE PRESIDENT: Commissioner Brocka has three minutes.

### COMMISSIONER BROCKA EXPLAINS HIS VOTE

MR. BROCKA: Thank you, Madam President.

I already spoke yesterday and expressed my reservations about the proposed resolution.

This afternoon I have distributed my alternative formulations of the Preamble for reconsideration. I must beg the indulgence of the very distinguished body here, and I must admit that I am not a parliamentarian.

I did not want to be in the Constitutional Commission precisely because I am not a parliamentarian and I do not know the rules. I am not a constitutionalist like some of the distinguished people here — but that is belaboring the point already.

When we were drafting the Preamble, I felt that it was going to be just a string of noble words and, as mentioned by Commissioner Aquino, precisely because of the very unique experience that we as a people have undergone, I felt that we should come up with a preamble which would not sound like that of the 1973 or 1935 Constitution. I think Commissioner Aquino has already expressed very brilliantly what I feel about this.

So, with the indulgence of the Members that are here, I would like to read my alternative formulations of the Preamble. I have no illusion that any of these will be accepted, but I just want to put on record my objections and these alternative formulations.

The first alternative reads: "We, the sovereign Filipino people, guided by the principle that the voice of the people is the voice of God, striving to build a just and humane society, desiring to establish a government that shall work to realize our aspirations for peace, democracy and independence, adopt and promulgate this Constitution."

The first version has 50 words in it. The second version states: "We, the sovereign Filipino people, from whom all government authority emanates, striving to build a humane society based on truth, peace, democracy and independence, adopt and promulgate this Constitution."

There are certain points to consider. I think the word "ordained" in the original, except in the context of Holy Order, sounds rather archaic. "Adopt" or "enact" is the more modern term. What happened to "common good," "equality" and "freedom" in the original? These are, I think, included in the concept of democracy. What about "conserve and develop our patrimony"? These are included in the more all-encompassing concept of "independence" or "national independence" which would enshrine the principle of nationalism, the people's nationalist aspirations, in the Preamble.

I know that the formulation of this Preamble has caused much delay, but precisely because the Preamble appears right at the very beginning and is so important, we should not sacrifice the substance and originality of this Preamble to speed up or to hasten its promulgation.

Thank you very much.

THE PRESIDENT: Thank you.

THE SECRETARY-GENERAL, reading:

Calderon . . . . .

MR. CALDERON: Madam President.

THE PRESIDENT: What is the pleasure of Commissioner Calderon?

MR. CALDERON: I abstain. My vote is neither yes nor no.

THE PRESIDENT: The Gentleman want to explain his vote of abstention?

MR. CALDERON: Yes, Madam President.

THE PRESIDENT: The Gentleman may proceed.

### **COMMISSIONER CALDERON EXPLAINS HIS VOTE**

MR. CALDERON: I believe that no other Constitution in the world has "love" in its Preamble except our Constitution. Second, the message of the Bible is love. It is not necessary to enshrine it in our Constitution so that our people will be conscious of love. So, it pains me that I cannot vote for the Preamble as it is now.

Thank you.

THE PRESIDENT: Thank you.

THE SECRETARY-GENERAL, reading:

Castro de Yes Davide Yes

Colayco Foz Yes

Concepcion Yes Garcia

THE PRESIDENT: What is the pleasure of Commissioner Garcia?

MR. GARCIA: Madam President, I would like to explain my vote.

THE PRESIDENT: Commissioner Garcia has three minutes to explain his vote.

### **COMMISSIONER GARCIA EXPLAINS HIS VOTE**

MR. GARCIA: With all due respect to my companions in this body, especially to the members of the Committee on Preamble, I would like to register a negative vote.

I vote negatively on two counts: first, on process; second, on substance.

I think what we have tried to do here is to put the cart before the horse. It is like writing the beginning of a story without knowing its end; or it is like playing music without knowing the tune. I am afraid that for the sake of brevity and speed, we have tried to come up with something to show the public. But I believe that the Preamble is such an important thing that it is only after thorough debates on substantial issues that we can perhaps capture the spirit and essence of what we wish to express in this Preamble.

Secondly, regarding substance. The Preamble has a historical context, and the Filipino people have a historical experience. The Filipino people put an end to dictatorial rule after 20 years of authoritarian rule, foreign intervention, lack of justice and equity. This experience is unparalleled; it is unedited; it is also unfinished.

I had hoped that in this Constitution, we could have captured precisely this experience and the whole effort of our people to bring about a whole new direction, specifically one that is self-determined and independent. I believe what my colleagues, who registered a negative vote, said. We have been a people held in bondage for many years and many decades. One of the deepest desires of our people right now is for us to draft our own future. Because of our struggle and our victory we have earned the right to commit our own mistakes; we have earned the right to sing our own songs, to drink from our own wells, and to walk a self-determined path to chart our unique future that is truly Filipino, independent regardless of the powers of the world. This, I believe, should be expressed in the

Preamble of the Constitution.

Thank you very much.

THE SECRETARY-GENERAL, reading:

Gascon . . . . .

MR. GASCON: Madam President, I would like to explain my vote.

THE PRESIDENT: Commissioner Gascon is given three minutes to explain his vote.

### **COMMISSIONER GASCON EXPLAINS HIS VOTE**

MR. GASCON: My vote is also in the negative because of its process.

As I participated in the discussions and deliberations when the proposed resolution was presented, I was of the understanding that after we give our suggestions, it will not go through Third Reading until after we will have gone into consultation and discussion with the people. I was also given the understanding that we could make substantial changes if, in fact, after discussing with the people, there were substantial additions, concepts or ideas which the people wanted to express in the Preamble.

As the Members of the Commission had explained, the Preamble is the totality of the spirit of the Constitution, and it imbibes a prayerful appeal to the Lord to help us in our continued struggle for independence.

As such, primarily because of its process and because we did not give enough participation to the people insofar as contributing to its substance is concerned, I vote no.

THE SECRETARY-GENERAL, reading:

Guingona Yes Jamir . . . . .

MR. JAMIR: Madam President.

THE PRESIDENT: What is the pleasure of Commissioner Jamir?

MR. JAMIR: I abstain for the same reasons given by Commissioner Gascon.

THE SECRETARY-GENERAL, reading:

Laurel . . . . .

MR. LAUREL: I abstain, Madam President.

THE SECRETARY-GENERAL, reading:

Lerum Yes Maambong . . . . .

MR. MAAMBONG: May I be allowed to explain my vote of abstention, Madam President.

THE PRESIDENT: Commissioner Maambong is given three minutes to explain his vote.

### **COMMISSIONER MAAMBONG EXPLAINS HIS VOTE**

MR. MAAMBONG: Madam President, I have nothing against the substance of the Preamble which we are voting on in its present formulation. But, like Commissioner Garcia, I also feel that we should wait for the complete substance of the Constitution so that we will really know, if the Constitution that we shall have promulgated will

truly reflect what we are saying in the Preamble.

Besides, Madam President, when we scheduled public hearings, we have created the impression in the minds of the people that we are not going to take a vote on any substance of the Constitution or the Preamble, for that matter, until we shall have held these public hearings. Otherwise, it may create the impression that we are hurrying up the formulation of the Constitution. We may have been a bit hasty on the Preamble.

Thank you, Madam President.

THE SECRETARY-GENERAL, reading:

Monsod . . . . .

MR. MONSOD: May I explain my vote, Madam President?

THE PRESIDENT: Commissioner Monsod is given three minutes to explain his vote.

### **COMMISSIONER MONSOD EXPLAINS HIS VOTE**

MR. MONSOD: I vote yes. However, I want to make two observations: One is that I agree that the events of February should find some expression in the Preamble.

However, I also would like to caution ourselves against focusing too much on the four days of February. After all, one may look at it as an "end game," that what has been happening through all the years, through all the struggles that many people had gone through, are all part of that process. I would like to think that the people who deserve more commendation are those who struggled even when there were no miracles to see.

My second observation is one of hindsight. I agree with some of my colleagues that perhaps it would have been better had we deferred action on the vote on Second Reading, in order for us to reflect as much as possible, if there are any differences between our thoughts and those of the people whom we will consult.

However, I vote yes because in my opinion the substance adequately meets the criterion of reflecting the sentiments of the people.

Thank you.

THE SECRETARY-GENERAL, reading:

Natividad . . . . . Ople . . . . .

Nieva . . . . . Padilla . . . . .

Nolledo Yes

MR. PADILLA: Madam President.

THE PRESIDENT: The Vice-President is recognized.

MR. PADILLA: I vote in favor of the resolution.

THE PRESIDENT: The Vice-President is given three minutes to explain his vote.

**COMMISSIONER PADILLA EXPLAINS HIS VOTE**

MR. PADILLA: Yes, I wish to state that I suggested the insertion of the word PROGRESS after "peace." And I also suggested the change of the word "equality" to EQUITY. But, in substance, I vote in the affirmative.

Thank you.

THE SECRETARY-GENERAL, reading:

Quesada . . . . .

THE PRESIDENT: What is the pleasure of Commissioner Quesada?

MS. QUESADA: I would like to explain my vote.

THE PRESIDENT: Commissioner Quesada is given three minutes to explain her vote.

**COMMISSIONER QUESADA EXPLAINS HER VOTE**

MS. QUESADA: I share the feelings of my co-member in the Committee on Preamble, Honorable Aquino, and that is, we really have to go through the process that we promised to the people: to really consult with them before we finalize the provisions that we will enshrine in the Constitution.

We are already hearing comments that if we have this Preamble approved prior to the consultations starting on Friday, we might be negating the principle or rationale behind these public hearings. We were supposed to withhold our decisions until after we have culled or synthesized the thoughts and feelings of the people we will be consulting here in Metro Manila and in the different parts of the Philippines.

Personally, I believe that as we go through the committee meetings, I would like to see that the spirit in which we have expressed ourselves in the Preamble are to be found in the various provisions that we will be discussing or approving in our different committees. In a sense, I would like the substance first to be deliberated upon not only by the people in the forums that we will be holding but also within the different committees so that we can really see that what we have expressed in the Preamble in a prayerful way, are really the things that we also have expressed in the provisions that we approved in our various committee meetings.

THE SECRETARY-GENERAL, reading:

Rama . . . . .

MR. RAMA: I abstain.

THE SECRETARY-GENERAL, reading:

Regalado Yes

Reyes de los . . . . .

MR. DE LOS REYES: Madam President, may I explain my vote.

THE PRESIDENT: Does Commissioner de los Reyes want to explain his vote?

MR. DE LOS REYES: Yes, Madam President.

THE PRESIDENT: The Commissioner is given three minutes.

**COMMISSIONER DE LOS REYES EXPLAINS HIS VOTE**

MR. DE LOS REYES: I respectfully submit that the Preamble which we have adopted is an improvement of the

1973 Preamble, particularly in view of the addition of the phrase "to build a just and humane society."

I was one of those who felt that perhaps the word "love" should not be placed in the Preamble, but after a mature reflection, I think there is nothing wrong in enshrining love in our Preamble. Even the Bible says this on love:

I may be able to speak the languages of men and even of angels, but if I have not love, my speech is no more than a noisy gong or a clanging bell. I may have the gift of inspired preaching; I may have all knowledge and understand all secrets; I may have all the faith needed to move mountains — but if I have not love, I am nothing. I may give away everything I have, and even give up my body to be burned — but if I have not love, it does me no good. . . . love does not keep a record of wrongs;. . . .

So, I think the insertion of the word "love" is good for our future leaders who will henceforth have in their minds that they may possess all the qualities of a leader but if they have no love they are still nothing. With the inclusion of the word "love," it is hoped that there will be no more indiscriminate sequestration of properties which practically condemns an individual before a trial which is in violation of the Bill of Rights; that there will be no more arbitrary dismissal and ouster of duly elected officials and civil service eligibles who are entitled to security of tenure; that there will be no more sword of Damocles hanging over the heads of members of the Judiciary who were compelled to tender their resignations and who do not know whether they will be retained or not; that there will be no more violent dispersal of peaceful rallies and demonstrations of people who are exercising their democratic rights to peacefully assemble and express their grievances; that there will be no more vindictiveness and that there will be total forgiveness, genuine peace and reconciliation; and that there will be no more vulgar utterances and denunciations against anybody which exacerbates political passions. In other words, the love contemplated in the Preamble, as I perceive it, is a brotherly love under the fatherhood of God.

Regarding the consultation with our constituencies, Madam President, I consulted my constituents in Laguna and within my limited constituency the reactions are varied. Some hailed our Preamble as a literary masterpiece; others think it is long and redundant; others say after explaining to them the nuances of the words inserted in the Preamble that it is pregnant with meaning but generally they found it acceptable.

Madam President, when I told them that it took us two sessions to finish the Preamble and that we were paid P500 a day, which means P1,000 for two days' work, they said, "Well, you were overpaid." Nonetheless, I vote yes, Madam President.

THE PRESIDENT: Thank you.

THE SECRETARY-GENERAL, reading:

Rigos . . . . . Romulo . . . . .

Rodrigo . . . . .

MR. ROMULO: May I explain my vote?

THE PRESIDENT: The Commissioner is given three minutes.

### COMMISSIONER ROMULO EXPLAINS HIS VOTE

MR. ROMULO: I vote affirmatively. I only wish to say that while these words and phrases are important, in the end the Constitution will be what our people make of it. And as has been said by a Justice of the U.S. Supreme Court, "The life of the law does not lie in logic but in experience."

Finally, I do not think there is anything undignified about the word "love." It embodies the principle of charity in

our Constitution, and in a way, it makes it unique, I think. Without seeming to be disrespectful, let me repeat a remark I made to Commissioner Brocka after his comments. I said that a camel is defined as an animal designed by a committee, and so I am afraid that in a deliberative body such as ours, it is not possible to get literary brilliance and poetic expressions because in the end, we are really more concerned with the substance rather than the form.

Thank you.

THE SECRETARY-GENERAL, reading:

Rosales . . . . . Sarmiento . . . . .

MR. SARMIENTO: I would like to explain my vote.

THE PRESIDENT: Commissioner Sarmiento is given three minutes.

### COMMISSIONER SARMIENTO EXPLAINS HIS VOTE

MR. SARMIENTO: I abstain purely on one ground. It is not on the substance but on the lack of the people's participation and democratic consultation. I believe that in writing the Preamble — being the reflection of our national vision, the soul of our people's struggles, collective experiences and sufferings — ang kargador, ang magbubukid, the newspaperman, the lowly employee, the mothers, the fathers, the victims of tortures and other human rights violations, the students and the urban poor should be consulted. Our people will be very happy if deep in their hearts and in the security of their humble abode they would know and feel they were active participants, not only spectators, in the formulation of this Preamble.

So I abstain.

THE PRESIDENT: Thank you.

THE SECRETARY-GENERAL, reading:

Suarez . . . . .

MR. SUAREZ: May I explain my vote.

THE PRESIDENT: Commissioner Suarez is given three minutes.

### COMMISSIONER SUAREZ EXPLAINS HIS VOTE

MR. SUAREZ: In connection with the voting on Second Reading, I abstain. I do not find any substantial development that would change our minds in this regard. I view the matter with mixed feelings because it is very difficult for a Member like me to refrain from voting in favor of a Preamble that contains a solid phrase like "establishment of a just and humane society" and the expression "for the common good." However, Madam President, I feel that the Preamble, as worded, does not express truly the highest ideals and aspirations of the Filipino people devoid of romanticism.

I abstain, Madam President.

THE SECRETARY-GENERAL, reading:

Sumulong . . . . .

MR. SUMULONG: Madam President, my vote is an abstention. And I would like to say a few words to explain my vote.

THE PRESIDENT: Commissioner Sumulong is given three minutes.

### COMMISSIONER SUMULONG EXPLAINS HIS VOTE

MR. SUMULONG: Thank you.

The Preamble to a Constitution is an epitome; it is a condensation; it is a synthesis of all that is contained in the entire Constitution. At this moment, we do not know yet how the final consolidated draft of the new Constitution will come out from our works. We do not know whether the final and consolidated draft will faithfully reflect what is stated in the Preamble now being submitted to us for a vote. I hope that this Preamble will harmonize with what will be contained in the final and consolidated draft of the new Constitution. But if it does not, then I think it will be our duty to submit the necessary amendments so that the Preamble will harmonize fully and adequately with everything that will be included in the new Constitution. It is for this reason, Madam President, that I am constrained to abstain on this matter.

Thank you.

THE PRESIDENT: Thank you.

THE SECRETARY-GENERAL, reading:

Tadeo . . . . .

MR. TADEO: Madam President.

THE PRESIDENT: What is the pleasure of Commissioner Tadeo?

MR. TADEO: Nais ko pong ipaliwanag ang aking boto na no.

THE PRESIDENT: Commissioner Tadeo is given three minutes.

### COMMISSIONER TADEO EXPLAINS HIS VOTE

MR. TADEO: Kagalanggalang kong kasamang Commissioners

Hindi tayo inihalal ng bayan. Tayo ay pinili lamang ni Presidente Cory Aquino. Paano natin mapalalakas ang kahinaang iyon? Mapalalakas lamang natin ang kahinaang ito, ang hindi paghalal sa atin ng bayan, kung bago tayo gumawa ng Preamble o Panimula ay sumangguni muna tayo sa mamamayan, makinig at matuto sa kanila, sapagkat bago naman tayo nagsimula ay sumangguni, nakinig at natuto tayo sa kanila.

Tama po iyong sinasabi ni Kasamang Ed at Kasamang Fely Aquino na inuna natin ang kariton kaysa kalabaw. Una, sinabi ni Commissioner Blas Ople noon, at iyon ang napakahalagang tanong noong araw na iyon na tinatalakay natin ang Preamble: Ano ang pagkakaiba ng Preamble ngayon, sa Preamble noong 1899, 1935 at 1973? Tama ang katanungan. Ano ba ang Panimula na gagawin natin na tutugon sa pangangailangan ng kasalukuyang panahon? At tumugon ang magbubukid; sinabi niyang iyong Divine Providence o Almighty God ay gawin nating Diyos ng Kasaysayan o Lord of History. Gusto namin ang isang Diyos na kasama namin sa kanayunan hanggang sa EDSA, kung saan pinabagsak namin ang diktadura, isang Diyos na buhay na buhay na kasama namin. Ayaw namin ang isang Diyos na separate sa amin. Gusto namin ang isang Diyos na buhay. The God of History was, is, and will always be a living God, one who relates to and identifies with the poor, struggles for an abundant life, the Filipino masses, peasants, workers, urban poor. As Jesus Christ said, If He came not for the rich, nor for those who are in good health, but for the poor and with the promise to give them life and material condition so that the people will life abundantly.

Pangalawa, kung iyon lamang Diyos ng Kasaysayan ay ating nailagay, nagsimula tayo sa tamang simula. Gaya ng sinabi ko na noong tumindig ako noon. Iyong "democracy" kasi na nakalagay dito, mula pa noong 1935 hanggang 1973, ang laging sumusulpot ay elite democracy dahilan dito sa two-party system. Kung ang nailagay lamang natin dito ay popular democracy, na siyang magwawasak ng elite democracy, tutugon ang ating Panimula sa hinihingi ng panahon.

THE PRESIDENT: Thank you.

THE SECRETARY-GENERAL, reading:

Tan . . . . .

SR. TAN: Madam President, may I explain my vote?

THE PRESIDENT: Commissioner Tan is given three minutes to explain her vote.

COMMISSIONER TAN EXPLAINS HER VOTE

SR. TAN: With all due respect, I register a negative vote. I feel the Preamble does not convey in word or sense the soul of a people that has gone through decades of tyranny, protest, suffering and courage. Perhaps were this Preamble written after the public hearings and after the main body of the Constitution had been written, there would have been greater possibility to bear this imprint and specificity. There was no substantial reason for such haste, at what price.

Thank you.

THE SECRETARY-GENERAL, reading:

Tingson . . . . .

MR. TINGSON: Madam President, may I explain my vote?

THE PRESIDENT: Commissioner Tingson is given three minutes to explain his vote.

### COMMISSIONER TINGSON EXPLAINS HIS VOTE

MR. TINGSON: I vote yes because I begin with the premise that we in this august body are supposed to compose at least a collective prayer on behalf of our suffering people. Next, I begin with the premise that we are mandated to give leadership and articulate the goals, the aims and the purposes for which we should draft this new Constitution. We are going out for public hearings, therefore, the Preamble that we have composed will give the people an idea of what the ideals, purposes, and goals of the Constitutional provisions will be that they will be discussing with us. That is why we are going to the provinces after we approve this Preamble. We will tell the people that we all want to build a just and humane society. We have articulated that matter for them — that we want to establish a government that shall embody our ideals and aspirations. We will further articulate that and bring the matter to them these coming weekends.

Likewise, this august body would like to help promote the common good through this Constitution and secure to ourselves the blessings of democracy, the rule of law, truth, justice, freedom, love, equality and peace.

Madam President, I am voting yes because with this Preamble which I hope we will approve, we are helping the people write provisions into our Constitution in an intelligent manner. I vote yes, because there is the word "God" in this Preamble. There are many people today who no longer know how to spell "God." They do not spell "God" as G-o-d but G-o-l-d. That is why I like the inclusion of the word "God" in this Preamble.

We are reminded by the Scriptures that man does not live on bread alone. I am voting yes because of the

indescribable lovely word "love." There is nothing wrong in incorporating that word into our Constitution because the recent revolution was a demonstration of love. Of the words faith, hope and love, the greatest is love. We could say that truth, justice, freedom, equality and peace are also the word "love." So, it is beautiful that we have placed it there.

Madam President, again, my vote is yes.

THE PRESIDENT: Thank you.

THE SECRETARY-GENERAL, reading:

Treñas . . . . . Uka . . . . .

THE PRESIDENT: What is the pleasure of Commissioner Uka?

MR. UKA: May I explain my vote for a few minutes?

THE PRESIDENT: Commissioner Uka is given three minutes to explain his vote.

#### COMMISSIONER UKA EXPLAINS HIS VOTE

MR. UKA: I would like to insert the word BROTHERHOOD between "freedom" and "love." I retain the word "love" because love is very appropriate and necessary. It was preached by the greatest men of God and love is a many-splendored thing. This is the second week we are working on the Preamble. We are about to approve the beautiful and meaningful Preamble. With the kind permission of the body, I would read it:

We, the sovereign Filipino people, imploring the aid of Almighty God, to build a just and humane society and establish a Government that shall embody our ideals and aspirations, promote the common good, conserve and develop our patrimony, and secure to ourselves and our posterity the blessings of democracy under a rule of law and a regime of truth, justice, freedom, BROTHERHOOD, love, equality and peace, do hereby ordain and promulgate this Constitution.

I vote yes provided the word BROTHERHOOD is included; otherwise, I abstain. But on second thought, I vote yes now.

Thank you.

THE PRESIDENT: Thank you.

THE SECRETARY-GENERAL, reading:

Villacorta . . . . .

MR. VILLACORTA: Madam President, may I explain my vote?

THE PRESIDENT: Commissioner Villacorta is given three minutes to explain his vote.

#### COMMISSIONER VILLACORTA EXPLAINS HIS VOTE

MR. VILLACORTA: The proposed Preamble has some laudable and unprecedented features. For the first time, we are unabashed in acknowledging the Almighty God. We also now speak of a just and humane society. However, I am voting against the proposed Preamble for the following reasons:

First, we are passing a constitutional provision without the benefit of a single public hearing in the name of expeditious deliberations and contrary to the stipulation of Proclamation No. 9 and the unmistakable mandate that was handed down to us: that not a single word in this new Constitution will be adopted without consulting the people.

Second, even among ourselves, we have not fully exhausted our discussions on fundamental concepts such as justice and democracy. Many of us who had misgivings about this constitutional proposal failed to air these, either because we were novices in parliamentary technicality, or because we were not quick or loud-voiced enough to catch the attention of the Chair, or because we were preempted from talking by esoteric rules of order or untimely motions for adjournment.

Third, the Preamble contains the concept of love, which though laudable and idealistic, simply has no place in a human Constitution. For while we can speak of "a regime of truth, justice, freedom, equality and peace," since a constitution can provide for the realization of all these desiderata, we cannot legislate or constitutionalize "love." Love is spontaneous, a personal feeling and no instrument of the state can encourage, much less engineer it. To speak of a regime of love is, to my mind, presumptuousness of the highest order.

Fourth, the Preamble should not only embody the spirit of the Constitution. It should also provide the ideological as well as historical context in which the fundamental law was framed. The reason why we are all here in this hall is the People's Revolution of 1986. If only for this fact, there should have been at the very least, some reference to the people's struggle for freedom and its timeless significance. No mention is there in the Preamble of this monumental chapter of our national history which later generations of Filipinos could cherish, take pride in and draw inspiration from. The enshrining of the People's Revolution in the Preamble could have been a lasting symbol and effective reminder that never again will despotism reign in our country.

For these reasons, Madam President, I protestingly vote in the negative.

THE PRESIDENT: Thank you.

THE SECRETARY-GENERAL, reading:

Villegas Yes

## SECOND ROLL CALL

THE PRESIDENT: The Secretary-General will conduct a second call for those who have not registered their votes.

THE SECRETARY-GENERAL, reading:

Alonto . . . . . Ople . . . . .

Colayco . . . . .

## APPROVAL OF PROPOSED RESOLUTION NO. 72 ON THIRD READING

(Adopting a Preamble to the Constitution)

THE PRESIDENT: The results show 26 votes in favor, 9 against and 8 abstentions.

Resolution No. 72, as amended, is approved on Third Reading.\*

REV RIGOS: Parliamentary inquiry, Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: I would like to inquire whether we approved Resolution No. 72 or Committee Report No. 1 or are they one and the same thing?

THE PRESIDENT: Resolution No. 72 is the one that was voted upon, the same as Committee Report No. 1.

MR. BENGZON: Madam President.

THE PRESIDENT: Is there any other business?

Commissioner Bengzon is recognized.

MR. BENGZON: May I just inform the body that the Steering Committee has already finished the schedules for committee hearings. So, each one will receive his copy of the schedules from the Office of the Secretary-General. We now have the printout from the computer. We have the schedules of committee meetings and hearings from June 16 to July 3. There is a schedule on July 4, just in case some committees would want to meet despite that day being a holiday.

By the way, the copies of the schedules are here already for distribution.

THE PRESIDENT: Will the Steering Committee entertain any amendments or corrections?

MR. BENGZON: Madam President, we, together with the Secretariat, found it difficult to adjust our schedules. At any rate, we were able to accommodate about 95 percent of the preferences. It is only the Committee on Human Resources and the Committee on Constitutional Commissions that have some changes. We are sorry we had to schedule Commissioner Foz at eight o'clock in the morning.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 4:59 p.m.

RESUMPTION OF SESSION

At 5:04 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

I would like to summarize the voting again. There is a slight correction. The results show 27 votes in favor, 9 against, and 8 abstentions. This makes a total of 44 votes. The President did not vote. There are three Commissioners who are absent. That makes 48 all in all.

MR. CALDERON: Madam President, I request that Commissioner Maambong be given the floor.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Madam President, I rise on a point of parliamentary inquiry.

THE PRESIDENT: Yes, what is the parliamentary inquiry?

MR. MAAMBONG: According to Section 58 of our Rules, which I understand would now be Section 59 due to the insertion of Section 27, the Rodrigo amendment, copies of the speeches or interpellations made by Members of the Commission will be given by the Secretary-General back to the Commissioners who made them for revision within three days.

THE PRESIDENT: That is right.

MR. MAAMBONG: I would like to know if this has been complied with, because if we cannot make the proper corrections, the Office of the Secretary-General would have a hard time in editing the Record. I understand that the Secretary-General's office is really burdened with so much work. In order that our Record will be complete, I suggest that this be complied with.

THE PRESIDENT: The Secretary-General will take note of that.

MR. MAAMBONG: Thank you, Madam President.

THE PRESIDENT: Is there any other business?

MR. BENGZON: Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: There is a little oversight here. The Committee on Citizenship, Bill of Rights, Political Rights and Obligations and Human Rights has informed me that the members have finished their work and that they are just waiting for the public hearings in the event that there may be some changes. So, I would like to state that the meeting time for this Committee be from 12:00 noon to two o'clock in the afternoon.

ADJOURNMENT OF SESSION

MR. CALDERON: I move that we adjourn until tomorrow at five o'clock in the afternoon.

THE PRESIDENT: The session is adjourned until tomorrow at five o'clock in the afternoon.

It was 5:08 p.m.

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[\*] Appeared after the Roll Call.

[\*] See Appendix.

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