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Monday, September 22, 1986

OPENING OF SESSION

At 10:01 a.m., the President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

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

Everybody rose to sing the National Anthem.

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Adolfo S. Azcuna.

Everybody remained standing for the Prayer.

PRAYER

MR. AZCUNA: Almighty Father, help us to remember that to think great thoughts, we must be heroes, as well as idealists; that we must learn to fix our course by a star which we have never seen; to dig by the divining rod for springs which we may never reach; and to go on working and giving it our best, sustained only by the conviction that years from now, generations yet unborn will be marching to the tempo of our thoughts. Amen.

ROLL CALL

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

THE SECRETARY-GENERAL, reading:

Abubakar Present[*] Davide Present[*]

Alonto Present Foz Present

Aquino Present[*] Garcia Present[*]

Azcuna Present Gascon Present

Bacani Present[*] Guingona Present

Bengzon Present Jamir Present

Bennagen Present[*] Laurel Absent

Bernas Present Lerum Present

Rosario Braid Present Maambong Present[*]

Calderon Present Monsod Present

Castro de Present Natividad Present[*]

Colayco Present[*] Nieva Present

Concepcion Present Nollado Present[*]

Ople Present Suarez Present[*]

Padilla Present Sumulong Present

Quesada Present Tadeo Present[*]

Rama Present Tan Present[*]

Reyes de los Present Tingson Present

Rigos Present Treñas Present

Rodrigo Present Uka Present

Romulo Present Villacorta Present

Rosales Absent Villegas Present

Sarmiento Present

The Secretariat is in receipt of official advice of absence of Commissioner Regalado.

The President is present.

The roll call shows 31 Members responded to the call.

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

MR. CALDERON: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

MR. CALDERON: I move that we dispense with the reading of the Journal of the previous session.

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

APPROVAL OF JOURNAL

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

THE PRESIDENT: Is there any objection that we approve the Journal of the previous session? (Silence) The Chair hears none; the motion is approved.

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

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

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

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

COMMUNICATIONS

Communication from Mr. Zacarias P. Raner, 8 Barile Street, Kabankalan, Negros Occidental, expressing his reaction against the proposal to make Tagalog/Pilipino as our national language, saying that the dominance of Tagalog, which is spoken by around 25% of our people, has caused the alienation of the 75% of our compatriots who are non-Tagalog.

(Communication No. 949 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Letter from Atty. Rodulfo S. Rosales, Editor, The Lemuria Times, 65 V. Luna Road, cor. Maginoo St., Quezon City, expressing support for the retention of the U.S. military bases and against the policy of neutrality.

(Communication No. 950 — Constitutional Commission of 1986)

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

Communication from Sister Carmen Balazo and nineteen (19) other members of the Association of Religious Women in Zambales, seeking the dismantling of the U.S. military bases in the Philippines.

(Communication No. 951 — Constitutional Commission of 1986)

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

Communication from Mr. Ernesto C. Gonzalez, 669 Aurora Blvd., Quezon City, expressing opinion on the status of Filipino citizens who are "green card" holders, saying that a "green card" holder who remains to be a Filipino retains his Filipino citizenship and as such, is entitled to the rights, duties, obligations and privileges of a Filipino citizen and consequently entitled to hold public office.

(Communication No. 952 — Constitutional Commission of 1986)

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

Communication from Mr. David D. Boaz, 224 Second Street SE, Washington, D.C., transmitting a copy of the Cato Report containing an article by Dr. Paul Craig Roberts, "The Constitutional Protection of Economic Freedom," hoping that the same may be of use to the Constitutional Commission.

(Communication No. 953 — Constitutional Commission of 1986)

To the Steering Committee.

Communication from Mr. Dexter B. Bajade, transmitting Resolution No. 13, series of 1986, adopted by the Sangguniang Panlalawigan of Agusan del Sur, expressing support to the adoption of a nationalist-oriented Philippine Constitution.

(Communication No. 954 — Constitutional Commission of 1986)

To the Steering Committee.

Communication from Ms. Erlinda Q. Martinez, transmitting Resolution No. 47-86 of the Sangguniang Bayan of Trento, Agusan del Sur, expressing support for the adoption of a truly nationalist constitution.

(Communication No. 955 — Constitutional Commission of 1986)

To the Steering Committee.

MR. CALDERON: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

CONSIDERATION OF PROPOSED RESOLUTION NO. 537

(Article on the Declaration of Principles)

Continuation

PERIOD OF AMENDMENTS

MR. CALDERON: I move that we continue the consideration of the Article on the Declaration of Principles. We are now in the period of amendments.

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

The honorable chairman and members of the Committee on the Declaration of Principles will please occupy the front table so we can continue the period of amendments. For the information of the body, we will be imposing our Rules on the time to be allotted to every speaker, the three-minute rule. We will request the members of the committee or the chairman to designate who will be the one to speak for the committee, unless there are two views, in which case, there will be one for each of the minority and the majority views.

Who will be our first speaker or proponent of an amendment?

SUSPENSION OF SESSION

MR. CALDERON: Madam President, we are now in Section 10, and those who have amendments shall please see and confer with the committee chairman.

In the meantime, I move for the suspension of the session for three minutes.

THE PRESIDENT: The session is suspended.

It was 10:10 a.m.

RESUMPTION OF SESSION

At 10:26 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. TINGSON: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Regarding Section 10, the committee, along with Commissioners Gascon, Monsod and Davide, is recommending the following formulation for our Declaration of Principles: "The State recognizes the vital role of the youth in nation-building and shall promote AND PROTECT their physical, moral, spiritual, intellectual, and social well-being. IT shall inculcate in the youth nationalism, patriotism and ENCOURAGE THEIR involvement in PUBLIC AND CIVIC SERVICE."

THE PRESIDENT: Is there any comment?

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Madam President, instead of "SERVICE," may I propose "AFFAIRS" — "PUBLIC AND CIVIC AFFAIRS."

MR. TINGSON: We accept, Madam President.

MR. GASCON: Madam President.

THE PRESIDENT: Commissioner Gascon is recognized.

MR. GASCON: During the period of interpellations, I asked two questions with regard to the term "involvement" so that I could be clarified since I wanted to present a proposal. With regard to this, we retained the words "involvement" and "encourage THEIR involvement in PUBLIC AND CIVIC AFFAIRS." I asked Commissioner Nollado whether this implies therefore that as a principle, we should also encourage representation of the youth in affairs which affect them. Is the issue of representation of the youth and the encouragement of their participation in the affairs of the State implied, Madam President?

MS. ROSARIO BRAID: Yes, Madam President. "Involvement" would be "participation and representation" in public affairs.

MR. GASCON: So, with that assurance, I will not continue my proposal of including the word "representation." I am happy with the proposal, Madam President.

THE PRESIDENT: Is there any comment? Are we ready to vote?

MS. QUESADA: Madam President.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: We would like to inform the body that the committee has decided to move lines 13, 14 and 15 to the Article on Family Rights. We believe that these lines are details which are more appropriate in the Article on the Family Rights:

The State shall protect children from all forms of neglect, cruelty and exploitation, particularly in conditions harmful to their physical, mental or moral well-being.

THE PRESIDENT: So, these will not form part anymore of Section 10?

MS. QUESADA: No more, Madam President.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I have an amendment to the first paragraph of Section 10. I propose to add the words "AND PROTECT" after the word "promote."

MR. TINGSON: That was already stated, Madam President.

THE PRESIDENT: Will the chairman please read again Section 10, as formulated.

MR. TINGSON: Yes, Section 10, as formulated, reads: "The State recognizes the vital role of the youth in nation-building and shall promote AND PROTECT their physical, moral, spiritual, intellectual, and social

well-being. IT shall inculcate in the youth patriotism, nationalism, and ENCOURAGE THEIR involvement in PUBLIC AND CIVIC AFFAIRS."

VOTING

THE PRESIDENT: As many as are in favor of this Section 10 as read by the chairman, please raise their hand. (Several Members raised their hand.)

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

The results show 22 votes in favor and none against; Section 10 as formulated is approved.

MR. TINGSON: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: The committee has drawn up the following formulation of Section 11 with the help of President Muñoz Palma, Commissioner Davide and the Secretary-General.

THE PRESIDENT: Shall this be part of the Record?

MR. CALDERON: Madam President, I think there is a pending request of Commissioner Aquino that we hold in abeyance the deliberation on Sections 11 and 12 until she arrives.

THE PRESIDENT: So, we can proceed to Section 13.

Is the committee ready with Section 13?

MR. TINGSON: Madam President, we actually acceded to that request. Would the President allow at least the committee to read our tentative proposal subject to the participation of Commissioner Aquino when she arrives so that the body will have a general idea of the formulation, or shall we just proceed now to Section 13?

THE PRESIDENT: May we first hear Section 11 as formulated by the committee?

MR. OPLE: Prejudicial question, Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Madam President, is it correct that 22 cast their votes on Section 10? Twenty-two votes fall short of a quorum and it is a matter of record that although 31 responded, only 22 cast their votes.

THE PRESIDENT: There is a quorum.

MR. OPLE: But only 22 out of the quorum present voted.

THE PRESIDENT: Yes, there still is a quorum.

MR. OPLE: Thank you for that clarification, Madam President.

MR. TINGSON: Madam President, Section 11 would sound something like this: "The State recognizes the role and participation of women in nation-building and shall ensure the EQUAL RIGHTS of women with men in all spheres of economic, political, civic, social and cultural life, including family life."

THE PRESIDENT: What about Section 12?

MR. TINGSON: Section 12, Madam President, would be something like this: "The State affirms the RIGHT of labor as a social and economic force, and shall PROMOTE THE welfare and protect THE rights OF

WORKERS."

REV. RIGOS: Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: May I ask whether it is the intention of the committee to entirely omit this paragraph concerning children?

THE PRESIDENT: That was already explained by Commissioner Quesada. What was the explanation of Commissioner Quesada?

MS. ROSARIO BRAID: It will be transferred to the Article on Family Rights, Madam President.

REV. RIGOS: Thank you.

THE PRESIDENT: So can we proceed now to Section 13?

MS. QUESADA: Madam President, there has been a slight error in the formulation of Section 12 which was approved by the committee, and this is: "The State affirms the primacy of THE RIGHT OF labor as a social and economic force, and shall PROMOTE THE welfare and protect THE rights OF WORKERS."

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I do not understand what primacy of the right of labor as . . .

THE PRESIDENT: Could we just discuss Sections 11 and 12 when Commissioner Aquino comes?

MR. MONSOD: Madam President, may I then request the committee to have these typed and distributed to us.

THE PRESIDENT: Sections 11 and 12?

MR. MONSOD: The ones that they have reformulated, Madam President.

Thank you.

MR. TINGSON: Madam President, Section 13 will now be read by Commissioner Rosario Braid.

MS. ROSARIO BRAID: Section 13 as reformulated by the committee reads: "The State shall establish, maintain, and secure adequate social services, SECURITY IN OLD AGE AND guarantee a life worthy of human dignity."

We deleted, Madam President, some phrases on lines 26, 27, 28 and 29 because we feel that these are surplusages. However, we remembered to include security in old age since we deleted it in the earlier provision.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Is this section also going to be transposed to another area or can we discuss this section now?

THE PRESIDENT: This can be discussed now.

MS. ROSARIO BRAID: Yes, this is a provision of Section 13.

MR. MONSOD: Will the Commissioner please read it again?

MS. ROSARIO BRAID: "The State shall establish, maintain, and secure adequate social services, SECURITY IN

OLD AGE AND guarantee a life worthy of human dignity."

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I thought we already covered the area of human dignity in an earlier section, and last Saturday, we approved the section calling for improved quality of life. Is there any difference between what we are saying here and what we are saying in the two other paragraphs that we have already approved?

MS. ROSARIO BRAID: This is the first time we mentioned "adequate social services, SECURITY IN OLD AGE."

MR. MONSOD: I agree with this first part, Madam President. It is only in the second part where we talk about guaranteeing them a life, et cetera. These are already covered in the other two sections where we talked about an improved quality of life, rising standard of living and protecting and recognizing human dignity. Are those not covered already, Madam President?

MS. ROSARIO BRAID: It is already to emphasize the importance of social services and security in old age but we are open to amendments.

MR. MONSOD: But why do we not just put a period there?

MS. ROSARIO BRAID: After the words "old age"?

MR. MONSOD: Yes, or after the words "social services."

MS. ROSARIO BRAID: We will be willing to accept that amendment but it was agreed upon earlier that we should include "SECURITY IN OLD AGE."

MR. MONSOD: I do not think that the body agreed. The committee agreed to consider it, and my proposal is that it be included under social services. When we talk about social services, we talk about the underprivileged, the sick, women, older people, et cetera. I believe that is defined more explicitly in the section on health in the Article on Social Justice.

MS. ROSARIO BRAID: Madam President, we will submit it to the body for a vote, since "SECURITY IN OLD AGE" was proposed by several Members last Saturday.

MR. GUINGONA: Madam President, perhaps I could seek to amend the proposed amendment of Commissioner Monsod as he originally proposed. Maybe, we could put a period (.) after "SECURITY IN OLD AGE" and exclude the expression "and guarantee a life worthy of human dignity."

MS. ROSARIO BRAID: Yes.

MR. GUINGONA: I wonder if Commissioner Monsod would accept that.

MR. MONSOD: My only reservation is that I believe taking care of our elderly is part of social services.

MR. GUINGONA: I know, but the other social services and recognition given to women, members of indigenous communities, youth and labor have been expressly provided here. If I remember correctly, it was suggested by Commissioner Maambong when I objected to the deletion by Commissioner Davide of the expression "security in old age," that this be included in Section 13, and this was accepted by the committee. Because I can see the point of the Gentleman regarding the expression "and guarantee a life worthy of human dignity," perhaps we could put a period (.) after "security in old age."

MR. MONSOD: Madam President, I will not die on that issue, but perhaps we should give the body a chance to vote on whether that should be added or we just put a period (.) after "social services."

THE PRESIDENT: But may we hear the proposed amendment of Commissioner Monsod?

MR. MONSOD: My proposed amendment, Madam President, is to put a period (.) after "social services." And if Commissioner Guingona wants to, then he can put the additional phrase to a vote.

MR. GUINGONA: So the parliamentary situation will be for Commissioner Monsod to ask for deletion of the provision after the words "social services" with a reservation on my part to seek the addition of the phrase "IN THE FIELDS OF EDUCATION AND SECURITY IN OLD AGE."

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Madam President, will Commissioner Monsod answer just one question?

MR. MONSOD: Yes.

MR. OPLE: Does the term "social services" include social security?

MR. MONSOD: Yes, Madam President. As a matter of fact, it is included in the original formulation of the committee which says: "social services in the fields of education, health, housing, employment, welfare and social security."

MR. OPLE: I am glad to hear that because I just wanted to say for the record that security in old age is only one of several major benefits granted by our Social Security System to eight million enrolled workers in the private sector, and the workers pay for these benefits, Madam President. They are not wards of the State; most of them are able-bodied workers engaged in productive employment who pay a proportion of their wages as payroll tax for social security. And, therefore, I would urge against putting them in the bracket of dependent wards of the State. They are paying for all of these benefits at the prime of their working age so that later on, in the twilight of their lives, they will have earned the security that they paid for.

Thank you, Madam President.

MR. MONSOD: Madam President, I agree with Commissioner Ople, and "social services" precisely is a more comprehensive and broader term that includes those instances.

THE PRESIDENT: The parliamentary situation is this: The committee has submitted its new formulation of Section 13. Commissioner Monsod proposed an amendment. The proposal of Commissioner Guingona is, in fact, part of the committee report.

MR. GUINGONA: Yes, Madam President.

THE PRESIDENT: So that it is already covered in the committee report.

MR. GUINGONA: Madam President, may I make a manifestation regarding the remark of Commissioner Ople? Not all those who are covered by the Social Security System now could be included in the social security that might be envisioned under this proposal. Perhaps, what we could do is, since there seems to be an objection to the limitation with reference to the social security to security in old age, we could fall back on the proposed amendment of Commissioner Davide which amplifies and explains the meaning or elaborates on the meaning of social security by saying "INCLUDING SECURITY IN THE EVENT OF UNEMPLOYMENT, SICKNESS, DISABILITY, WIDOWHOOD, OLD AGE, OR LACK OF LIVELIHOOD IN CIRCUMSTANCES BEYOND THE CONTROL OF THE CITIZEN."

THE PRESIDENT: We will have to vote first on the Monsod amendment.

Commissioner Tan is recognized.

SR. TAN: Madam President, besides what Commissioners Ople and Monsod said, I, too, have a problem with old age, because it is not only included in social services and social security, but it is within our natural life as a Filipino and which we are very proud of. It is within our culture to take care of our old. So if we mandate it in the Constitution, I think that is an insult to something we are already doing and are very proud of, and something where we differ from western countries.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I just want to call the attention of Commissioner Tan, that in the proposed Article on Family Life there is an explicit provision wherein we will give attention and care for our elderly in the Filipino tradition.

SR. TAN: Yes, I agree with the Gentleman.

MR. MONSOD: Thank you.

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: This Section 13 is another provision which starts with the clause "The State shall," and then it mentions three verbs — "establish, maintain and secure," followed by "adequate social services." This is all very broad and comprehensive. Is this concept not already included in our Constitution that we have to repeat it in the Declaration of Principles? Moreover, with regard to "social services," we have many provisions on this, especially on social justice. How do we expect the State to establish, maintain and secure social services within the entire framework of government for the purpose of not only protecting human rights, but also extending social services to all our people? I think this is unnecessary, and it may be entertained for deletion.

THE PRESIDENT: Is there a proposed amendment of Vice-President Padilla which will supersede the amendment of Commissioner Monsod?

MR. PADILLA: Madam President, I said in my last statement that this can be considered for deletion and then, I would proceed to move for the deletion of the entire section.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I am willing to accept that proposed amendment. I have a suggestion. Can we transpose the words "social services" to Section 8 where we talk about "social justice" so that we can just say "SOCIAL JUSTICE AND SOCIAL SERVICES," and then eliminate the whole paragraph?

MR. PADILLA: I have no objection to the suggestion of Commissioner Monsod.

MR. BENGZON: Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: May we, therefore, decide now on the motion of Commissioner Padilla to delete. If that is approved, then we can move on to Commissioner Monsod's suggestion to include "social services" in Section 8.

THE PRESIDENT: Does Commissioner Padilla insist on his motion to delete?

MR. PADILLA: Yes, Madam President.

THE PRESIDENT: So what we have now before the body is the proposed amendment of Commissioner Padilla to delete the entire Section 13 on the ground that it is covered already by other provisions in the Constitution.

Are we now ready to vote? The Chair wishes to advise the chairman that there is a pending motion before the body. So let us vote on whether to delete or not. If it loses, then we can reformulate Section 13.

MR. TINGSON: Thank you, Madam President.

VOTING

THE PRESIDENT: As many as are in favor of the proposed deletion of the entire Section 13, please raise their hand. (Several Members raised their hand.)

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

The results show 19 votes in favor and 16 against; the amendment is approved.

SUSPENSION OF SESSION

MR. MONSOD: Madam President, may we have one minute because we want to reinsert this in another section.

THE PRESIDENT: The session is suspended.

It was 10:53 a.m.

RESUMPTION OF SESSION

At 10:57 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

May I ask the chairman what happens now to Section 13?

MR. TINGSON: Madam President, we ask that Commissioner Monsod be recognized.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: We would like to seek the guidance of the Chair because what we are going to propose is an amendment to insert the following phrase in Section 7: "PROVIDE ADEQUATE SOCIAL SERVICES." Section 7, as amended, would read as follows: "THE STATE SHALL PROMOTE A JUST AND DYNAMIC SOCIAL ORDER that will ensure the PROSPERITY AND independence of the nation and FREE the people FROM POVERTY THROUGH POLICIES THAT PROVIDE ADEQUATE SOCIAL SERVICES, PROMOTE full employment, a RISING STANDARD of living AND AN IMPROVED QUALITY OF LIFE FOR ALL." That seems to be the only place where it might fit, Madam President.

THE PRESIDENT: What does the committee say?

MS. ROSARIO BRAID: Yes, we accept, Madam President. The phrase will be "PROVIDE ADEQUATE SOCIAL SERVICES" after the words "policies that."

THE PRESIDENT: Will there have to be a motion for reconsideration?

MR. MONSOD: It may have to be that, Madam President, because we have already approved Section 7.

THE PRESIDENT: May we ask Commissioner Monsod to formally submit his motion.

MR. MONSOD: I move that we reconsider Section 7 in order to insert the phrase "PROVIDE ADEQUATE SOCIAL SERVICES" between the words "that" and "promote."

THE PRESIDENT: Is there any objection to the motion to reconsider Section 7 which was approved last Saturday for the purpose stated by Commissioner Monsod? (Silence) The Chair hears none; Section 7 is reopened for the purpose indicated.

Is the committee accepting the proposal?

MS. ROSARIO BRAID: Yes, Madam President.

MR. TINGSON: We are accepting the proposal, Madam President, and Section 7 is now proposed to read as follows: "THE STATE SHALL PROMOTE A JUST AND DYNAMIC SOCIAL ORDER that will ensure the PROSPERITY AND independence of the nation and FREE the people FROM POVERTY THROUGH POLICIES THAT PROVIDE ADEQUATE SOCIAL SERVICES, PROMOTE full employment, a RISING STANDARD of living AND AN IMPROVED QUALITY OF LIFE FOR ALL."

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: Can we not say "MAXIMUM employment" instead of "full employment"?

MS. ROSARIO BRAID: That will mean a reopening of the amendment we have approved. We only reopened for the insertion.

MR. PADILLA: Yes, but once it is reopened, it should be reopened. That is just a suggestion; instead of "full employment," we say "MAXIMUM employment."

MR. VILLEGAS: Madam President.

THE PRESIDENT: Commissioner Villegas is recognized.

MR. VILLEGAS: Just a matter of information for Commissioner Padilla.

In the field of economics, "full employment" is usually defined as attainable employment which tolerates a certain level of understandable unemployment because of changes of jobs, because of the need for training. So, "full employment" is not really in a perfect employment.

MR. PADILLA: With that explanation of the term "full employment" I will not insist on my amendment.

VOTING

THE PRESIDENT: As many as are in favor of Section 7, as now formulated, please raise their hand. (Several Members raised their hand.)

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

The results show 31 votes in favor and none against; Section 7, as now formulated, is approved.

MR. TINGSON: Madam President, with the presence now of Commissioner Aquino, may we ask that she be recognized in connection with Section 11.

MS. AQUINO: Madam President, the women section in the committee, with the conformity of the men and the Madam President, is proposing a committee amendment to Section 11, such that Section 11 will now read: "The State recognizes the role and participation of women in nation-building and shall ensure the EQUAL rightS of women with men in all spheres of economic, political, civic, social and cultural life, including family life."

MR. ROMULO: Madam President, may I ask a few questions?

THE PRESIDENT: Commissioner Romulo is recognized.

MR. ROMULO: Does this mean that the Civil Code will be automatically amended?

MS. AQUINO: The women section in this committee sympathizes with the insecurity of the men, should that be the intended effect. And we likewise do not intend to cause a massive dislocation in our Civil Code and in the civil law jurisprudence. Therefore, the committee intends that this amendment or this section should give impetus for the amendatory process done through statutes.

MR. ROMULO: In the amendatory process in accordance with legislative procedures, does this article mean that when a choice has to be made, the choice cannot be lodged by the law in the husband? I will give a concrete example with regard to residence. Under the present Civil Code, it is the husband who establishes residence. Suppose my wife insists on living in Cebu. In the process of amending that portion of the Civil Code, does this constitutional mandate prohibit Congress from allowing the husband to make such a choice?

MS. AQUINO: We will reiterate the committee interpretation of Section 11 as articulated by Commissioner Azcuna: The provision intends that in situations where sex is not a relevant factor in the determination of rights and duties of citizens, then it should be disregarded. In the context of equality in fact and in law, sex where it is irrelevant should not be considered in the determination of rights and duties.

MR. ROMULO: It establishes the principle of nonsexism. Is that right?

MS. AQUINO: In effect, yes.

MR. ROMULO: Thank you.

MR. BENGZON: Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: Madam President, does this Section 11 give credence and meaning and recognition to Filipino customs and values on family life?

MS. AQUINO: Yes, of course, Madam President.

MR. BENGZON: Therefore, in the event of a conflict between Filipino customs and values and this provision, which would prevail?

MS. AQUINO: It is axiomatic in the interpretation of laws that the courts take judicial recognition of customary law. However, in the drafting of laws and statutes, this judicial recognition does not necessarily mean affirmation, although it does not also necessarily mean that one will contravene customs and traditions.

MR. BENGZON: So, when Congress takes that step to give flesh to Section 11, Section 11 does not necessarily mean that Congress could totally ignore cultural ties or the Filipino culture insofar as this section on Philippine life is concerned.

MS. AQUINO: Yes.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: In the phrase "shall insure the right of women . . ."

MS. AQUINO: No, it should read: "insure the EQUAL rightS of women with men."

FR. BERNAS: I see. I was going to ask if the word "equal" was deliberately omitted.

MS. AQUINO: It was an unintended omission.

FR. BERNAS: Going back to Commissioner Aquino's answer to Commissioner Romulo that this does not amend the Civil Code but merely starts the process of amending, is it not a matter of fact that when a subsequent provision of the Constitution becomes inconsistent with existing civil law provisions or even criminal law provisions, the Constitution amends such provisions?

MS. AQUINO: We know that as a matter of an academic position. However, we are aware that the process of transition to a new set of laws on the rights of women would require the amendatory process in the legislature.

FR. BERNAS: Let me be more specific. In the civil law provision now on legal separation, the grounds for legal separation are adultery on the part of the wife and concubinage on the part of the husband. What effect would this provision have on pending cases for legal separation? What effect would this have on prospective cases for legal separation? Can the woman opposing the legal separation now say: "There is no ground for legal separation because what we had has been rendered unconstitutional by the new provision"?

MS. AQUINO: Madam President, even before we are to adopt this provision, the Civil Code Revision Project of the UP Law Center of which our Secretary-General Romero is a member, is actually implementing this new provision as intended by Section 11. It might appear, therefore, that in the absence of a statutory implementation of Section 11, which, however, is already being intended in the Civil Code Revision Project, the laws in the Civil Code now where they stand may be in a period of suspended animation. I would think, however, that on the matters of deciding on pending cases, the Civil Code would have to yield to the provision of the Constitution. And pursuant to this mandate, even without a statutory implementation, the courts can evolve the new jurisprudence informally with this new provision.

FR. BERNAS: The Civil Code will have to yield to the Constitution?

MS. AQUINO: Yes.

FR. BERNAS: And since it is only a project which is not yet a law, as soon as this is approved, there would be no law on legal separation.

MS. AQUINO: No. Our position is this: In the hierarchy of legal values, the constitutional mandate takes precedence over statutes. And the absence of a statutory implementation notwithstanding, the intention of Section 11 should take precedence without precluding specific statutory implementation which will amend the Civil Code.

FR. BERNAS: So, the intention, therefore, is not to automatically amend but merely to authorize amendment.

MS. AQUINO: It would not be an ipso facto amendment.

FR. BERNAS: Not ipso facto amendment?

MS. AQUINO: Yes.

FR. BERNAS: But suppose nothing is done for five years?

MS. AQUINO: We are very positive in anticipation that the Civil Code Revision Project will, by itself, provide enough ground for the amendment of the Civil Code. The Civil Code Revision Project has, in fact, been active over the past five years.

FR. BERNAS: My problem is that a mere intent unspecified in a constitutional provision and an intent which runs contrary to the letter is not just a vagueness in the letter. The letter would have to prevail over whatever unexpressed intent there is since the letter is clear. The letter expresses equal protection and every inequality in existing laws must yield to this.

MS. AQUINO: The problem is that if we provide for an ipso facto amendment of the Civil Code, particularly pertaining to the laws on personal and family relations, the determination of the rights and duties pertaining thereto carries with it intricate details which could not proceed from a vacuum if we say that ipso facto the provisions in the Civil Code are repealed. There would have to be a semblance of standards.

FR. BERNAS: In such a case, I would propose an amendment, some kind of a transitory amendment, to make things clear. It will say something to this effect: That pending the enactment of new laws on this subject, existing laws shall continue. That expresses the Commissioner's intent and that will save the Supreme Court the problem of trying to reconcile two things which are diametrically opposed.

MS. AQUINO: Would that be necessary considering that it is already clearly intended in the provision?

FR. BERNAS: To my mind, it would be necessary because we appeal to the records only when the letter is unclear. Since the letter is very clear, then whatever is said in the debate will have to yield to the letter.

MS. AQUINO: The committee is willing to accommodate the amendment, if we will be convinced that such will be necessary.

FR. BERNAS: I am convinced it is necessary, although I would not be against ipso facto abolition of existing inequities.

MS. AQUINO: We are apprehensive of a position which would adopt an ipso facto amendment because it will cause a massive dislocation in civil law and the jurisprudence.

FR. BERNAS: Therefore, I recommend some kind of a transitory provision.

MS. AQUINO: Yes. We are willing to accommodate that.

MR. NOLLEDO: Madam President.

THE PRESIDENT: Commissioner Nolleto is recognized.

MR. NOLLEDO: I would like to ask Commissioner Aquino some questions. Is it not true that the custom must never be contrary to the Constitution or existing law? That is a basic provision of the Civil Code.

MS. AQUINO: We understand that. But there is no Filipino custom that mandates the inequality of men with women. In other words, we do not foresee that fine morning when one will wake up with his wife telling him that he cannot do this or that because that is by law provided in the Constitution or in any congressional statute.

MR. NOLLEDO: I have my misgivings about this proposed provision, Madam President. It might cause some social upheaval in Muslim Mindanao. Among Muslims, husbands cannot get more than four wives, but the wives are not given this privilege. I understand from my Muslim brothers that as far as Muslims are concerned, male Muslims consider women inferior to them.

MS. AQUINO: I think the fear of Commissioner Nolleto is more apparent than real because as far as Muslim

culture is concerned, we know that even the Civil Code would yield to the Muslim laws on personal and family relations. Shari'a courts apply the Muslim Code.

MR. NOLLEDO: Yes, there is another civil code for Muslims which recognizes their customs and traditions.

MS. AQUINO: Yes.

MR. NOLLEDO: I was thinking that this provision might automatically amend the provisions of the Muslim personal law, because Muslim women will then claim their equal rights with Muslim men and Muslim men will not surrender their rights.

MS. AQUINO: I would like to assure Commissioner Nolledo that this does not intend to affect the distinctive character of cultural groups, particularly the Muslim people who have adopted their own civil code pertaining to their personal and family relations.

MR. NOLLEDO: Based on this provision of the Civil Code, there is a provision that the husband is the administrator of the conjugal regime. Under this provision, can the wife now claim joint administration with the husband?

MS. AQUINO: Yes. Ideally, the statutory implementation of this provision, as far as administration of the conjugal property is concerned, should pertain to joint administration between husband and wife. The present status of the Civil Code would give only to the wife or transfer only to the wife . . .

MR. NOLLEDO: The right to object.

MS. AQUINO: Yes. First, the right to object, when the administration has been known to be contrary to the family interests, and when the husband is mismanaging the property of the conjugal partnership.

MR. NOLLEDO: Under the Civil Code, the wife can exercise any profession or engage in any kind of business, subject to the right of the husband to object. Would the Commissioner now say that if we approve this provision, the wife is absolutely free to engage in any kind of business or exercise her profession without any objection from the husband?

MS. AQUINO: First, our position is that the equality of the rights of men with women is not absolute equality, or we do not contemplate it in terms of absolute likeness. We have to yield, therefore, to the requirements of the best interests of the family, which should not necessarily be interpreted as sublimating the interest and the rights of women.

MR. NOLLEDO: With respect to marriageable age, the marriageable age of a man is different from the marriageable age of the woman.

MS. AQUINO: Fourteen for the woman.

MR. NOLLEDO: Would the Commissioner say that the marriageable age should now be at par with each other, meaning, equal?

MS. AQUINO: In fact, if there is any group that should object to the statutory provisions on marriageable age, it is not the women but the men because the provision on marriageable age would seem to say that the level of maturity of the men does not come at par with the maturity of the women, notwithstanding similarity of age. For a valid marriage, a woman should be 14 while the man should be 16.

MR. NOLLEDO: Is Commissioner Aquino not willing to entertain an amendment and concentrate the equality between men and women in civil and political life of the nation, rather than involve the social life?

MS. AQUINO: I beg the pardon of Commissioner Nolleto.

MR. NOLLEDO: What I mean is that the equality between men and women should specifically cover the political life and civil life, without including social life because we will be adversely affecting a lot of different customs and traditions of the indigenous communities. Would the Commissioner reconcile this provision with the constitutional provision that the State shall respect the customs and traditions of indigenous communities?

MS. AQUINO: Of course. There is no intention to contravene the provisions on customary laws, especially with reference to indigenous communities.

MR. NOLLEDO: Thank you.

MS. AQUINO: But I cannot agree to limiting the provisions on equality to political and civil life; social life after all comprehends civil and political life.

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: The Civil Code of the Philippines is a statutory enactment by Congress patterned after the Civil Code of Spain, with certain amendments, particularly the paraphernal law. The Penal Code has been a statutory enactment since 1932 and may be subject to improvement or revision also by the Congress.

If this provision would entail the present or the enforced amendments of the Civil Code by a constitutional provision, I am totally against it, Madam President. First of all, there is a wrong presumption that the Civil Code is in favor of husbands and fathers of families and against wives and mothers of families. For example, the husband chooses the family residence; the husband is the administrator of the conjugal properties; the wife may engage in any profession with the consent of the husband; the wife cannot accept a donation from a stranger without the consent of the husband. All these are good provisions that are intended to preserve the unity and solidarity of the family.

There is nothing wrong in our Civil Code that is unduly favoring the husband as against the wife. As a matter of fact, the wife in good families exercises tremendous influence even over her husband.

Mention is made in the Penal Code of adultery and concubinage based on human nature because the infidelity of the wife — even if it be one intercourse with a stranger who is not her husband — may give occasion to conception and the introduction of a spurious child within the legitimate family. The problem is that when a mother delivers a child during the coverture with her husband, said child is conclusively presumed to be legitimate, and yet that child may be the product of illegitimate intercourse by the wife with a man other than her husband.

On the other hand — it is not to justify, much less encourage, the infidelity of the husband — if the husband commits some indiscretion and has intercourse with a woman other than his wife, there is no danger, as far as the husband is concerned, because the possibility of pregnancy by the woman and her delivery of a child — especially because we must preserve the child or even the unborn from its conception — does not disturb the integrity and the harmony within the legitimate family.

So, I do not understand, Madam President, why the feminist movement always wants to stress that there are inequities or inequalities in the provisions of the Civil Code and the Penal Code regarding family relations.

I think I should move for the deletion of this entire section.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: Madam President, the self-sacrifice of the women who comprise half of the population is almost legendary. It would be a tragic aggravation if we will gloss over that problem and institutionalize their powerlessness and their destitution. I would like to invite the attention of Commissioner Padilla to particular provisions of the Civil Code, and then I would leave to him the discomfort of making a reassessment of his judgment on the Civil Code.

The intention of the provision in Section 11 calls to mind the need, for example, to amend Article 110 of the Civil Code, which gives to the husband the sole prerogative to choose the family residence, in such a way as to make this a matter for both husband and wife to determine with the best interest of the family, in due consideration of the manifestation of Commissioner Nollado, as the deciding factor.

We invite the attention of the Commissioner to the provisions of Article 114 of the Civil Code which prohibit the wife from acquiring any property by gratuitous title, except from her ascendants, descendants, parents-in-law and collateral relatives within the fourth civil degree. And there is no such prohibition imposed on the husband. Effectively, that would mean that I cannot give a gift to the wife of Commissioner Padilla, without the consent of Commissioner Padilla.

I would like to invite his attention to the provisions of Articles 165 to 168 of the Civil Code in regard to the administration of the conjugal partnership, which vests the power of administration automatically in the husband when, in actuality, the Filipino woman has proven herself to be competent in managing the affairs of the conjugal partnership.

I would like him to reexamine the import of the legal dictate of Article 111 of the Civil Code which says that the husband is responsible for the support of the wife and the rest of the family. While on the other hand, Article 115 says that the wife manages the affairs of the household. The import of this provision is that the paramount destiny and the mission of the women in the country and in the population is just to fulfill the benign offices of wife and mother.

I would like to call Commissioner Padilla's attention to the legal requirements of Article 84 of the Civil Code about a widow having to wait 300 days before she can be issued a license to a new marriage when, as opined by some of the scholars, the issuance of a medical certificate to the effect that the applicant is not pregnant would be sufficient precaution against the possibility of introducing a spurious child to the line of the family.

I would like to call the Commissioner's attention to Article 17 of the Child and Youth Welfare Code withdrawing from a widow, who remarries, parental authority over her children, where no such inhibition exists upon the widower. Then, of course, we have the problem of citizenship; we have the problem of the inadequacy of our existing laws on annulment and legal separation.

This is an attempt to just go over some of the major provisions; this is not even an exhaustive enumeration. But these are the major points on this matter.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Madam President, I yield to Commissioner Villacorta for a while.

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: Madam President, it seems that the prevailing assumption suffices that equality of women is contrary to Filipino customs and values. The contrary is what really exists or what has really existed.

If we go as far back as precolonial times, our historians and anthropologists tell us that women have always had high status in precolonial Philippine society. We had female rulers; the preferred priests or the babaylans were

mostly women, and even among existent indigenous communities, women have as much share as the men in terms of responsibility, work and in terms of opportunity. I wish that Commissioner Bennagen were here to confirm that. It was also mentioned that when it came to the management of household and certain family businesses, women play a very active and important role.

So, therefore, it is not really true that in our culture, women have a subordinate role and this was confirmed by Commissioner Padilla when he spoke about assertion of women's equality even in the Civil Code which was heavily influenced by Spanish culture. Japan, where women have traditionally been subservient to men, has in its constitution a clear provision that there shall be no discrimination on the basis of gender, and the equal rights of women have always been asserted in Japanese laws. In Philippine culture, while equality of women is affirmed, the identity of women in relation to men is, of course, not accepted. And as Commissioner Aquino has said, equality is not the same as identity, that differences between women and men, biological or otherwise, are acknowledged in our culture but the equal rights, as well as equal duties of women are accepted. I think this very quality of our society is one of the major sources of the strength of the fiber of Philippine society and culture. When we speak of equality of women in economic life, we are referring to the fact that women and men shall have equal rights to be gainfully employed; shall receive the same wages for the same type of work; that women shall not be denied the employment on the basis of their gender, age or civil status; that women shall have equal opportunities for promotion and professional development; and that marriage shall not affect the rights of women to own and control their own properties, to freely engage in commerce or industry, to practice any profession, trade or craft or to use as they please the proceeds of their labor.

THE PRESIDENT: I am sorry I have to interrupt the Commissioner. Will he just finish his statement?

MR. VILLACORTA: Yes, Madam President.

On family life, marriage shall be based on free and mutual consent; equality of both spouses and that properties bought or awarded for the benefit and welfare of the entire family shall be in the name of both spouses. Management and disposal of such must be by the mutual determination of both spouses.

Thank you, Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Madam President.

May we address a few questions to the Honorable Aquino. I can detect that there is some agitation among the male population in this Commission with her proposal. So may we try to quiet their fears?

There are procedural and substantive problems. Let us go to the procedural problems because under the Rules of Court a wife cannot sue without joining the husband. Under the Commissioner's proposal, I suppose this situation would have to be affected; meaning, that now a wife can sue without joining the husband and correspondingly the defendant can file a counterclaim against the wife without joining the husband either. Is my understanding correct, if we fully implement the thinking spelled out in the Commissioner's proposal?

MS. AQUINO: Yes, Madam President.

MS. SUAREZ: Let us go to the substantive problems. Referring to the provisions on the Civil Code, as the Commissioner pointed out correctly, the wife is not presently the administrator nor the coadministrator of the conjugal partnership. It is the husband alone. Under the proposal of Commissioner Bernas, maybe there could be some kind of a transitory provision to cover that situation, Madam President. Does the Commissioner agree?

Let me go to the definition of the word "rights." It usually connotes something by way of obligation. In other

words, there is an equal right and there is an equal obligation. So if we are going to fully implement this, the wife would now be under legal obligation to maintain and support the family.

MS. AQUINO: Yes, Madam President.

MR. SUAREZ: And if I were a Juan Tamad, I could compel my wife to take care of the family. I could tell her: "You go to market; you go to office; you support me because we have an equal right in maintaining the family." Is that within the contemplation of this provision, Madam President?

MS. AQUINO: Rights necessarily carry with them duties and obligations but in the realm of possibilities and in the context of settled customs, that example may be a bit absurd.

MR. SUAREZ: Meaning, the example I gave will not be all that ridiculous, if we are going to implement this thinking that a right connotes an obligation. Therefore, when we speak in terms of supporting the family, it is not only the husband but also the wife who would be under obligation to support the family. She has equal right to the properties. This concept may destroy the conjugality in property ownership. Are we going to carry it to that logical extreme or conclusion?

MS. AQUINO: I do not see how it will destroy the concept of conjugality in the property ownership between husband and wife. In fact, as it is intended, Section 11 would, in effect, say that the wife is a coadministrator of the conjugal property.

MR. SUAREZ: Going back to the obligation to support the family, that would include the obligation on the part of the wife to support the children. The children could, therefore, file for support under this proposal. Would it contemplate a situation where even the children could file a claim for support against the mother, not necessarily against the father?

MS. AQUINO: Yes, Madam President.

MR. SUAREZ: In other words, they have that option?

MS. AQUINO: But the problem is this: We know that in jurisprudence, an action for support proceeds either from the wife who has been abandoned by the husband or, in all instances, from the child, filed jointly with the mother as a coparty litigant because understandably the child is a minor. The Civil Code provides that upon the age of maturity, when the child is possessed of the full faculties of human activity, he is not entitled to support.

THE PRESIDENT: Does Commissioner Suarez desire to ask for an extension of time because his time has already expired?

MR. SUAREZ: Only one more point, Madam President, regarding the matter of parental support and custody.

THE PRESIDENT: The Commissioner will please proceed.

MR. SUAREZ: So, if the children are entitled to parental support and custody, they have the option of choosing whether it is the father or the mother who will be obligated to put them in their custody or give them support?

MS. AQUINO: Yes. This would, in effect, amend the Child and Youth Welfare Code, P.D. No. 603, which says that the child remains with the mother until the age of 7.

MR. SUAREZ: So, the Commissioner would have no intention of limiting the equality of rights to, as correctly pointed out by Commissioner Nollado, civil and political exercises?

MS. AQUINO: That would smack of a certain measure of mental dishonesty. We know that civil and political rights are part and parcel of social life. If we can be so liberal with a gush as to say that we will grant equal rights

to women with men, why do we have to hold back and, on the basis of a strained explanation, say that we will limit this only to civil and political rights?

MR. SUAREZ: I thank the Commissioner for the clarification.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: My question is based on the provisions of the Revised Penal Code on marital infidelity. There are two kinds of crimes under this heading in the Reused Penal Code — one for men and one for women. In the case of men, the crime punishable is called "concubinage," which means there is no crime unless the husband cohabits With another woman, does it under scandalous circumstances, or keeps a woman in the conjugal home. In the case of the wife, however, one act of infidelity, one sexual intercourse with another man is "adultery." The women consider this unequal. If we are to equalize this, would the Commissioner want the women to be equal to men so that wives will not be guilty of any crime under marital infidelity unless they keep their paramours in the conjugal home, cohabit with them, or do their indiscretions under scandalous circumstances? Or, if the Commissioner wants the men to be equal to women, would she penalize a husband, imprison him, for just one act of indiscretion?

MS. AQUINO: The first part of the question is what actually exists now. The evidentiary burden, to be able to establish a crime of concubinage, would have to fall squarely with the requirements of the definition of concubinage which means, as the Commissioner has mentioned, putting up a concubine in the conjugal home, conducting sexual intercourse in scandalous circumstances, as against infidelity which would make a woman punishable for every single sexual act outside of the marital bed.

MR. RODRIGO: Yes. As explained by Commissioner Padilla, the reason for this is that in the case of a wife, a spurious child may be introduced into the family, and legally presumed conclusively to be the child of the poor husband. If we are going to equalize, how are we going to equalize this crime on marital infidelity for men and women? May I ask again: Should we penalize a husband, send him to jail, for just one act of sexual intercourse, like adultery now? Or, should it be the other way around? Should we not penalize the wife for a single act of sexual intercourse with another man, but only penalize her if she cohabits with another man, does her acts of infidelity under scandalous circumstances, or keeps a paramour in the conjugal home?

MS. AQUINO: First, the fear of the law is unmasked in providing that infidelity is just as much a grave act as concubinage. Just by one act of a sexual liaison outside the marital bed is justified. This kind of a conclusion inheres and is attendant to the biological difference between a man and a woman for, after all, it remains unchallenged that still the woman has the monopoly of child-bearing. However, on the possibility of interpreting the difference between proving adultery and concubinage and infusing equality, I am not, for the moment, prepared to come out with a configuration of equality except in terms of evidentiary burden.

MR. RODRIGO: That is what worries us men. We do not know how this is going to be equalized.

I thank the Commissioner very much, Madam President.

MR. COLAYCO: Madam President, may I have the floor?

THE PRESIDENT: Commissioner Colayco is recognized.

MR. COLAYCO: I think everybody recognizes that in the Philippines the husbands always consult their wives on all matters of family importance, even in business. As a matter of fact, some are even henpecks. I am serious in saying this because I believe there is no need for this provision. In actual practice, the equality of women has been

recognized in our economic, political, civic, social and cultural life. Although it is true that some of the provisions in our laws may be considered disadvantageous to the women, all these are not observed nor even demanded by the husbands. Proof of this is that our President now is a woman; the President of our Commission is a woman; and the women have excelled men in business. Most or many big businesses in our country are founded and managed by women. I believe that although it may be admitted that probably some of our laws are disadvantageous to the women, if we insist on this, it may cause even some disagreement among the couples now. For this reason, I take the view of those of us who have given their reasons for not approving this provision in our Constitution.

MS. AQUINO: Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: I would admit to a certain measure of truth in the manifestation of Commissioner Colayco, but that would pertain only to the women who have achieved a certain measure of education and, therefore, the opportunities for career and social mobility are infinite. That would pertain only to the views of the middle- and upper-middle-class husbands, the Commissioners' wives, children and sisters. What of the bigger bulk of the women population who are in the provinces, in the rural areas? The concept of women inequality partakes of two fronts — inequality that is attendant to and inheres in the social class to which the woman belongs, for example, a woman who belongs to a peasant family; and the gender oppression, which is the inequality that pertains to the woman arising from her sexual biologically determined factors. In this context, we refer to this as the double oppression of women.

MR. COLAYCO: I beg to disagree with that view, Madam President. Even among the poor classes — and I have had occasion to deal with these people — the inherent respect which Filipino people have for the women is always there. There may be some exceptions. The Commissioner may have heard about men who get drunk and when they go home, they beat their wives. These are very, very few exceptions and I can assure the Commissioner.

MR. OPLE: Madam President.

MR. COLAYCO: Just one more minute, Madam President.

THE PRESIDENT: The three minutes of the Commissioner is already over, unless he would ask for an extension of time.

MR. COLAYCO: I do not want to make an exception, Madam President.

THE PRESIDENT: Thank you. Commissioner Ople is recognized.

MR. OPLE: Will Commissioner Aquino yield to a question.

MS. AQUINO: Willingly, Madam President.

MR. OPLE: This concerns the equal rights of women with men in Section 11 which states: ". . . in all spheres of economic, political, civic, social and cultural life, including family life." I am reminded of a basic rule in management; that is, when a rule works, it is not to be changed. Is there a perceptible state of rebellion among the women of the Philippines against the Civil Code, especially its parts pertaining to family life so that Section 11 becomes an urgent response to this state of revolt against an oppressive and unacceptable legal system in the Civil Code applying to Filipino family life?

MS. AQUINO: I would like to assure Commissioner Ople that there is a great deal of consciousness on the matter which, unfortunately, has not attained to the level of a revolt. But let me cite as example the mushrooming of

women organizations in Davao where there are about 120 and in Manila. We are now witnesses to the distinct pattern of class-based women grouping together in women's organizations.

MR. OPLE: Are they protesting the Civil Code in particular, Madam President?

MS. AQUINO: Yes, Madam President.

MR. OPLE: It is very strange that this rebellion of women's groups focused on the family provisions of the Civil Code had not come to our attention until this morning. I know that there are women groups fighting for equality in all fields, especially for representation in the economic and political spheres. But I did not know that this is one of the great issues that have inspired their existence and have agitated them.

MS. AQUINO: Earlier, I have made a distinction between the two classes of oppression that are made to bear upon women. First, the oppression arising from their being a member of a social class which would pertain, therefore, to economic and political issues. Second, the oppression arising from gender we would call gender oppression. A lot of women organizations that had mushroomed during martial law and the dark days after the lifting of martial law have united. It is a unity borne out of a struggle against the Marcos dictatorship. That was essentially the imprint of the social class oppression of women, and along with it the development of the feminist aspect of the women's equality movement.

MR. OPLE: I see. In the economic field, I can agree with the proponent. I see, for example, that 70 percent of all our postgraduate enrolment consists of women but only about 1 percent of the higher administrative and managerial posts in this country are held by women. So there is a wide gap between training and the actual opportunity received. But in the matter of family life, I am beginning to fear in this section an organized invasion into my own privacy and that of my family. I do not know if so many other families will share this.

THE PRESIDENT: The time of Commissioner Ople has expired, unless he wants to have an extension of one minute.

MR. OPLE: May I wind up with a closing sentence, Madam President.

THE PRESIDENT: The Commissioner will please do so.

MR. OPLE: Lacking the opportunity to debate on what now seems to be a revolutionary and momentous issue with potential unsettling impact on the tranquility and peace of all the families in the Philippines, I would like to reserve my opposition to this section at the proper time, Madam President.

Thank you.

MS. AQUINO: Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: May we request a continuing suspension of the three-minute rule considering that the issues under discussion are of momentous significance to 48 families represented by the 48 Commissioners in the Commission, of course, not including the 52 million other Filipinos outside the halls of this Assembly.

THE PRESIDENT: Yes. But the three minutes has been quite fruitful. I think we have had enough ideas. It is just a question of repeating and repeating the same story.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Thank you, Madam President.

The proposed Section 11 has two parts. One states: "The State recognizes the role and participation of women in nation-building." And I have not heard any word of objection regarding this part. The second part says:

. . . and shall ensure the right of women to equal protection with men in all spheres of economic, political civic, social and cultural life, including family life.

My question, Madam President, is: Is this rule supposed to be envisioned to be a hard-and-fast rule or an absolute rule; especially in view of the manifestations made by the honorable Commissioners, particularly Commissioners Padilla and Rodrigo, who talked about the possible introduction of a spurious child into the family?

THE PRESIDENT: May we know the answer of Commissioner Aquino.

MS. AQUINO: Madam President, Section 11 is a constitutional provision that seeks to recognize in law and in fact the equality of women with men.

MR. GUINGONA: Is it supposed to be an absolute rule or would it admit of exceptions?

MS. AQUINO: No, I have manifested earlier that we do not speak of absolute equality or likeness, precisely because of the necessity of recognizing biologically determined differences.

MR. GUINGONA: So there could be exceptions?

MS. AQUINO: Yes, of course, there are.

MR. GUINGONA: Who would determine the exceptions?

MS. AQUINO: It is not a question of who would determine the exceptions because it is axiomatic that there is biologically determined difference between man and woman. For so long as this difference is relevant in the determination of rights and duties, then we have to yield to that.

MR. GUINGONA: Yes, but who would determine, therefore, the relevancy? I mean, this is a general statement. There must be some specifics.

MS. AQUINO: The constitutional mandate cannot exist in a vacuum. It could only be given flesh by statutory implementation and by the customs of the society.

MR. GUINGONA: Would there be any objection if we introduce, for example, the expression "AS MAY BE PROVIDED BY LAW"?

MS. AQUINO: How would the provision read now?

MR. GUINGONA: The provision would now read as follows: "IT shall ensure the EQUAL right OF women with men in all spheres of economic, political, civic, social and cultural life, including family life AS MAY BE PROVIDED BY LAW." By the expression "AS MAY BE PROVIDED BY LAW," we are talking about the exceptions, the few exceptions that the Commissioner has admitted may occur.

MS. AQUINO: I have to disagree to the addition of the clause "AS MAY BE PROVIDED BY LAW" because it will diminish the intent and meaning of the section. When you say "you recognize," you do not have to wait for a law which will recognize the equality of the rights between men and women.

MR. GUINGONA: I thank the Commissioner, Madam President.

THE PRESIDENT: Commissioner Villegas is recognized.

MR. VILLEGAS: Madam President, just a few observations. As a student of economic development in this country over the last 20 years, I have gathered enough empirical evidence that the Philippines is basically a matriarchal society. The women have definitely had prominence in economic life. They are usually the ones who start entrepreneurial enterprises. The only areas where men predominate are in the professional fields. Even in the running of family finances, women are unique in the world, together with another community in Sumatra, where very important decisions in financial matters are usually left to the women. There is what we call "entrega," a Spanish word, which means total surrender of the salaries of the husband to the wife and the wife, literally, has a monopoly of deciding how to make use of these funds. So even the statistics cited by Commissioner Ople attest to the fact that in education the women, especially in rural life, have always been preferred over the men. If there is a decision on whom to send to further schooling, for example, to a university, it is always the daughters who are given preference. This explains the fact that the Philippines is also unique in the world in having 60 percent of its university enrolment and 70 percent of graduates accounted for by women. Even the United States does not have such a bias in favor of women. So I am sure Commissioner Aquino will forgive me if I say that the way this section stands now, it smacks of colonial mentality, borrowing from the feminists movement in the U.S. I think it does not apply at all to Philippine culture. I would be happier if the section reads as follows: "The State recognizes the role and participation of women in nation-building and shall ensure the FULL USE OF THEIR RIGHTS in all spheres of economic, political, civic, social and cultural life, including family life." I do admit that in a few exceptional cases already enumerated by Commissioner Aquino, there are certain obstacles to the full use of rights by women. So this is the way I would suggest the section will read.

Thank you, Madam President.

MR. AZCUNA: Madam President.

THE PRESIDENT: Commissioner Azcuna is recognized.

MR. AZCUNA: I have a proposed amendment, Madam President, which might reconcile the different views. Instead of "EQUAL right of women with men," I propose that we say: "shall ensure the FUNDAMENTAL EQUALITY BEFORE THE LAW of women with men in all spheres." So we again go back to "equal protection," because equality before the law means "equal protection."

THE PRESIDENT: What does the committee say? Does Commissioner Aquino need time to study it?

MS. AQUINO: We have initially agreed, Madam President, in conference with Commissioner Azcuna, to accept the amendment.

MR. TINGSON: Madam President, the Commissioner is a member of the committee, so we are accepting that as a committee amendment.

THE PRESIDENT: Commissioner Romulo is recognized.

MR. ROMULO: Madam President, may I suggest another formulation for consideration, which is, after "shall," add "BY LAW REMOVE ANY DISCRIMINATION AGAINST WOMEN BY REASON OF SEX."

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 12:02 p.m.

RESUMPTION OF SESSION

At 12:09 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MS. AQUINO: Madam President, may we request the recognition of Commissioner Azcuna who will present the combined formulation of the Azcuna-Rodrigo committee amendments.

THE PRESIDENT: Commissioner Azcuna is recognized.

MR. AZCUNA: Thank you, Madam President. This is a joint formulation by Commissioners Romulo, Villacorta, Ople, Guingona, Monsod, Maambong and myself. It would read as follows: "The State recognizes the role and participation of women in nation-building and shall ensure the FUNDAMENTAL EQUALITY BEFORE THE LAW of women with men AND SHALL BY LAW REMOVE ANY DISCRIMINATION AGAINST WOMEN BY REASON OF SEX in all spheres of economic, political, civic, social and cultural life."

MS. AQUINO: So we delete "including family life."

MR. AZCUNA: Yes, we delete it.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: May I address one question to the proponent?

MR. AZCUNA: Willingly, Madam President.

MR. SARMIENTO: The Commissioner's amendment speaks of fundamental equality before the law of men and women. How is this different from the original formulation of the committee of equal rights of women with men?

MR. AZCUNA: The intention probably is the same. We just wanted to make it very clear that the equality we are speaking of here is not an identical set of rights, but rather equal protection before the law of rights which must spring from their dignity as persons — the fundamental equality of men and women. But it can admit of different treatment without violating the equality where the difference is based on rational, relevant or germane distinctions.

MR. SARMIENTO: I thank the Commissioner for that clarification.

MS. QUESADA: Madam President.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: May we just ask some questions of the proponent?

MR. AZCUNA: Willingly, Madam President.

MS. QUESADA: Would this new formulation include, for example, certain school policies in the admission of students? As a concrete example, in the University of the Philippines' College of Medicine there is a discrimination between men and women applicants. Women are required to have a higher general weighted average of 1.5 versus 1.75 for men applicants.

MR. AZCUNA: This would include that type of discrimination.

MS. QUESADA: Would this also include the admission requirements for certain degree as in nursing, where there

is discrimination against men applicants? Would this also be part of the intentions of this provisions?

MR. AZCUNA: Yes, that would also be, insofar as the relevances are disregarded.

MS. QUESADA: I thank the Commissioner.

MR. AZCUNA: According to Aristotle, and I quote:

It is the highest inequality to treat the same things differently and to treat different things the same way.

MS. QUESADA: Still another clarification. We have been talking of equality before the law. But this is not really legislation but educational policies or orientations. For instance, in the offering of courses in schools like home economics, this is only offered to girls instead of girls and boys. The choices for physical education courses for men and women show discrimination that seems to highlight the difference between men and women or girls and boys. Would these discriminations be addressed in this formulation?

MR. AZCUNA: Yes, Madam President. And, precisely, the second portion of the amendment which was drawn up originally by Commissioner Romulo is an affirmative action provision which makes legal affirmative action correct past discriminations.

MS. QUESADA: Would that include some customs and traditions like the responsibility of girls and boys or men and women in relation to family life?

MR. AZCUNA: With regard to customs, we probably have to go a little slower because we also take into account local customs especially in indigenous culture. That is the reason we concentrate on fundamental equality. If they strike at the fundamental rights of a person, then even that custom should yield to equality.

MS. QUESADA: So this would have implications to our value orientation which need not be legislated but could be part of the thrust of this new orientation towards equality between men and women.

MR. AZCUNA: Yes, even schools, for example, in view of this new thrust can voluntarily start affirmative action. If they are challenged in court, the courts should sustain a voluntary affirmative action to remedy imbalances in violation of this equality.

MS. QUESADA: I thank the Commissioner for the clarification.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: May I just ask a few questions? Beyond affirmative action, would this provision provide the climate for the transformation of attitudes, such as, for instance, what are found in the mass media today and the world of symbols where women are always portrayed in terms of sexist themes, their attractiveness and of being fashion models rather than for the quality of their minds? Would this provision address itself to the need to erase stereotypes, like the perception that women are good for the kitchen or for the bedroom as our former dictator had said? Would this promote better communication between husband and wife, because rigidity in roles shall be slowly removed?

I think we are more concerned about the stereotypes that are with us. We hope that certain restructuring of the world of symbols around us, as well as of attitudes, could be done in order that we can promote improved communication based on equality. We cannot communicate if the other is less equal or inferior.

MR. AZCUNA: Yes, Madam President. It encompasses all that.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I just wanted to mention that in reply to the question of Commissioner Quesada about admission requirements, for example, in medical schools, I would not be very quick to say that all of those would be eliminated because sometimes there are rational bases for these. The statistical records show that a very high disproportionate number of women do not practice the profession after they graduate.

What I am only saying is that there should not be any categorical statement that that is wrong because we really do not know what is the basis of the policy. I agree with the formulation of Commissioner Azcuna, but I would not interpret very quickly that all of these things have no basis after this constitutional provision.

The other point I want to make is: Do we need to retain the words "and participation"? When we say "recognizes the role of women in nation-building," does that not already include the idea of participation and involvement?

THE PRESIDENT: What does Commissioner Aquino say?

MS. AQUINO: The committee is amenable to delete "and participation."

MR. AZCUNA: Yes, the committee is amenable to deleting it, so the provision will just read: "The State recognizes the role of women in nation-building . . ."

THE PRESIDENT: Commissioner Colayco is recognized.

MR. COLAYCO: Thank you, Madam President.

I would like to ask the proponent. If I heard him right, has the area of family life been excluded?

MR. AZCUNA: The phrase "including family life" has been excluded, but the area of family life is still included under "social and cultural," but it is not explicitly stated.

MR. COLAYCO: The Commissioner said that the family life area was excluded because it was deemed included in "social and cultural." Am I right?

MR. AZCUNA: Yes, the Commissioner is right.

MR. COLAYCO: Would this, therefore, justify Congress in amending the Civil Code so that both husband and wife will have joint administration of the conjugal partnership?

MR. AZCUNA: Yes, Madam President. Right now, it is one of the modes allowed in the Civil Code.

MS. AQUINO: It is a premarital arrangement.

MR. AZCUNA: Actually, the Civil Code allows the parties to a marriage to choose, under an antenuptial contract, the domain or the regime of property relationships of the spouses during the marriage. It is just that if they do not make any choice that automatically it becomes the conjugal partnership of gains.

MR. COLAYCO: Precisely, Madam President. In the absence of antenuptial agreement, what would be the authority of Congress to modify the present provisions of the Civil Code?

MR. AZCUNA: If I understand the Commissioner's question right, he is asking whether or not Congress can now amend the Civil Code so that in the absence of any antenuptial agreement, the prevailing regime will be a joint administration.

MR. COLAYCO: That is it.

MR. AZCUNA: Yes. I think it will be within the ambit of legislative power to do so, but it does not have to. I think the "EQUALITY BEFORE THE LAW" clause still admits conjugal partnership of gains as a possible regime, because it can still be sustained as based on some rational distinctions. It is up to Congress to appreciate the difference.

MR. COLAYCO: So, in the matter of purchasing goods for the family like, for instance, if the husband wants to buy a new car, his wife can say no.

MR. AZCUNA: It is up to Congress, if they feel there is no rational difference between a husband and a wife buying a car considering our culture.

MR. COLAYCO: No, this is very important. I think it can cause a lot of disagreement. Under our present laws, the wife can buy any necessities for the family, like a refrigerator, without consulting her husband.

MR. AZCUNA: Yes, that is correct.

MR. COLAYCO: But the husband, it would seem, cannot buy anything without the wife's consent, which would be a very unusual situation.

MR. AZCUNA: Yes, that would be a cruel and unusual punishment. (Laughter)

THE PRESIDENT: The time of Commissioner Colayco has elapsed.

MR. COLAYCO: Just one more question, Madam President.

If we allow this, will it not cause a disruption and confusion, if not disagreement, between husband and wife?

MR. AZCUNA: Yes, Madam President. I do believe, however, that the present formulation grants enough flexibility for Congress to fine-tune our Civil Code, both in the light of the demand for equality by women and the antecedent structure of cultures in our society, so that it will not be so abrupt.

MR. COLAYCO: Thank you, Madam President.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: May I be clarified on two points. The provision, as proposed, would read "FUNDAMENTAL EQUALITY BEFORE THE LAW of women with men." How would the Commissioner distinguish this from the second sentence of Section 1 of the Article on the Bill of Rights which provides: "nor shall any person be denied the equal protection of the laws"?

MR. AZCUNA: There is no real difference, Madam President, because equality before the law means equal protection. This is one way of saying that.

MR. DAVIDE: In other words, that particular portion can be deleted because it is already covered by Section 1 of the Article on the Bill of Rights.

MR. AZCUNA: Madam President, we want to emphasize that this equal protection before the law should be observed with respect to women vis-a-vis men.

MR. DAVIDE: But the "equal protection of the laws" clause applies both to men and women, and even to a possible third sex.

MR. AZCUNA: Yes, but the women have been treated as second class persons, so we wanted to eliminate that

treatment by emphasizing that this fundamental equality before the law obtains in the relationship of women with men.

MR. DAVIDE: On the second point: What are contemplated as the components of "nation-building"? Are these not the social, civil, political, cultural, moral and intellectual components?

MR. AZCUNA: Yes, they are, but basically "nation-building" refers to the development of people.

MR. DAVIDE: Yes, civilly, politically, socially economically, intellectually and even spiritually.

MR. AZCUNA: That is right, Madam President.

MR. DAVIDE: So, in other words, the second portion of the second sentence may not even be necessary, because the flagship provision reads: "The State recognizes the role of women in nation-building." That would be sufficient since "FUNDAMENTAL EQUALITY" is covered by the "equal protection of the laws" clause. The last portion regarding civil, political, social, economic and cultural are themselves the components already of nation-building.

MR. AZCUNA: Yes, Madam President. But as I said, it has to be emphasized that in this nation-building process the women are not just taking a backseat role. They are equal participants with men in this nation-building. So there is a need to reiterate their fundamental equality before the law with men.

MR. DAVIDE: This should be a provision of first impression. It was not in the 1935 Constitution, neither in the 1973 Constitution. So if we merely stop at recognizing the role of women in nation-building, that really would be a recognition of the role of women — enshrining the particular role of women.

Thank you, Madam President.

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

THE PRESIDENT: Commissioner Tingson may proceed.

MR. TINGSON: Madam President, does the Commissioner agree that in the light of our culture in the Philippines, the husband is the head and the wife is the heart of the home?

MR. AZCUNA: That is a metaphor, to which I agree.

MR. TINGSON: That would be partly the reason why we would now delete "including family life."

MR. AZCUNA: No, Madam President. "Including family life" is to be deleted because it is already embraced and subsumed by the phrase "social and cultural life." We should not give examples or include such in the law because it is not good drafting style.

MR. TINGSON: Do I understand that our committee did not accept the amendment a while ago to add the phrase "ACCORDING TO LAW"?

MR. AZCUNA: It is included in the second portion where it says: "AND SHALL BY LAW REMOVE ANY DISCRIMINATION AGAINST WOMEN . . ."

MR. TINGSON: I thank the Commissioner, Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: Madam President, will the two main sponsors, Commissioners Azcuna and Romulo, agree to a simple formulation to read as follows: "The State recognizes the role of women in nation-building and shall

ensure the EQUALITY OF MEN AND WOMEN BEFORE THE LAW" and delete all others?

MR. AZCUNA: I regret I cannot, Madam President, because I believe the phraseology is sparse enough, considering the need really to make this equality before the law explicit in all spheres of endeavor.

MR. PADILLA: Madam President, the formulation which is based on the committee suggestion is "EQUALITY BEFORE THE LAW of women with men." I think it should be "EQUALITY OF MEN AND WOMEN." The phrase "women with men" may imply that there are discriminations, inequalities, inequities in the Civil Code, Penal Code or other laws. Let us say: "EQUALITY OF MEN AND WOMEN BEFORE THE LAW."

I am against the phrase "SHALL BY LAW REMOVE ANY DISCRIMINATION . . ." because that assumes that any such discrimination, inequality or inequity exists in the Civil Code or in the Penal Code.

Assuming arguendo that there is such discrimination, then that would be the function of the Congress. It is the Congress that passed the Civil Code and the Penal Code.

Also, I am against this phrase "in all spheres" because as observed by Commissioner Davide, these are already included in the role of nation-building. There is no necessity of making it too long or enumerating, because there is no need for an enumeration, which may not be exhaustive, for an enumeration might exclude others under the principle of *inclusio unius est exclusio alterius*. So for a provision in the Constitution, I believe that the first portion can stand without the other long phrases and clauses thereafter. I will repeat my suggestion, Madam President: "The State recognizes the role of women in nation-building and shall ensure EQUALITY OF MEN AND WOMEN BEFORE THE LAW," and delete all others.

THE PRESIDENT: But it has not been accepted by Commissioner Azcuna. How about the committee? Does it accept the proposed amendment of Commissioner Padilla?

MS. AQUINO: The committee regrets that it cannot accept the amendment of Commissioner Padilla.

THE PRESIDENT: Commissioner Romulo is recognized.

MR. ROMULO: Madam President, may I suggest that we suspend the session.

THE PRESIDENT: But we are ready to vote on Section 11 as formulated by Commissioner Azcuna.

MS. AQUINO: Madam President, the committee chairman is manifesting that we would ask for time.

MR. TINGSON: We prefer to resume this after lunch so that we could probably, in a sense, perfect this formulation and reconcile.

SUSPENSION OF SESSION

MR. ROMULO: I move that we suspend the session.

THE PRESIDENT: The session is suspended.

It was 12:32 p.m.

RESUMPTION OF SESSION

At 3:03 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

Commissioner Romulo is recognized.

MR. ROMULO: Madam President, I ask that Commissioner Padilla be recognized.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: Madam President, Section 11 was proposed to read as follows: "The State recognizes the role of women in nation-building and shall ensure EQUALITY OF MEN AND WOMEN BEFORE THE LAW."

MR. ROMULO: Will Commissioner Padilla yield to an amendment by substitution to read as follows: "The State recognizes the role of women in nation-building and shall ensure the FUNDAMENTAL EQUALITY BEFORE THE LAW OF MEN AND WOMEN."

MR. PADILLA: It is essentially the same, so I accept.

THE PRESIDENT: What does the committee say?

MS. AQUINO: We already agreed on that — that it will be transposed: "WOMEN AND MEN."

MR. AZCUNA: So ladies first.

MR. ROMULO: What does Commissioner Padilla say?

MR. PADILLA: According to Commissioner Davide, we leave it to the Committee on Style. But the first portion speaks of the role of women, so the second portion should be "EQUALITY OF MEN AND WOMEN." Even the last word becomes even more impressive than the previous word.

MS. AQUINO: Madam President, precisely proceeding from that kind of an observation, I think what is logical is that we give preference in terms of attention and focus to women.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: Even alphabetically it should be "MEN AND WOMEN." (Laughter) Adam was created before Eve.

THE PRESIDENT: How shall we submit this now to the body, Commissioner Aquino?

MS. AQUINO: I would formally move to amend that, if Commissioner Romulo is amenable to it, to transpose "WOMEN" before "MEN."

MR. ROMULO: I accept, Madam President.

THE PRESIDENT: So will the Commissioner please read it again so that we can submit it to a vote, because we have discussed this quite lengthily?

MR. ROMULO: Madam President, it shall now read: "The State recognizes the role of women in nation-building and shall ensure the FUNDAMENTAL EQUALITY BEFORE THE LAW OF WOMEN AND MEN."

VOTING

THE PRESIDENT: As many as are in favor of this new formulation of Section 11, please raise their hand. (Several Members raised their hand.)

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

The results show 28 votes in favor and none against; Section 11 is approved.

MR. TINGSON: Madam President, likewise, the committee calls on Commissioner Aquino to state the committee's formulation of Section 12.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: Madam President, conformably with the observations in the period of interpellations, the committee is introducing an amendment to Section 12 to streamline and dovetail the provisions on social justice pertaining to the labor group.

Section 12, as amended, would now read: "The State affirms the primacy of labor as a social and economic force and shall PROMOTE THE WELFARE AND PROTECT THE RIGHTS OF WORKERS."

MR. BENGZON: Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: I have an amendment which would read as follows: "THE STATE AFFIRMS THAT LABOR IS A PRIMARY SOCIAL AND ECONOMIC FORCE. ACCORDINGLY, IT SHALL PROMOTE THE WELFARE AND PROTECT THE RIGHTS OF WORKERS."

MS. AQUINO: Madam President, the committee accepts the amendment.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I have also a formulation. The primacy of labor is not a social and economic force but the primacy of the right to a just share of the fruits of production. I do not think there is a meaning to saying "primacy of labor as a social and economic force." We recognize labor as a social and economic force and protect the primacy of the right to a just share of production.

MR. BENGZON: Madam President, the primacy of the right of labor to a just share is very well enshrined in the Social Justice Article and to dovetail, precisely, what we are affirming here is the fact that labor is a primary social and economic force. So that is the principle we are declaring here and proceeding from that, therefore, is the promotion of the welfare and the protection of the rights of the workers since they are a primary social and economic force.

MR. MONSOD: I just do not understand what we mean by "A PRIMARY SOCIAL AND ECONOMIC FORCE." I think that is my problem, Madam President. What is a secondary social and economic force? What is a tertiary social and economic force?

MS. AQUINO: Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: May I intervene, Madam President. The intention behind "PRIMARY" is only to give due recognition to the fact that what requires us to recognize the labor force is the human element behind the creation of vital commodities which create wealth. It is only in the spirit of affirming human dignity in any kind of social order.

MR. MONSOD: But it is a primary force in what, Madam President? Is it in production, in national life? It must be a force for something.

BISHOP BACANI: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: If I understand it right, at least part of the inspiration of this provision comes from the proposed resolution I filed and Commissioner Aquino said that. The idea really is the primacy of labor over capital. I think Commissioner Aquino pointed out very well the thrust of that assertion. It is really an assertion of the supremacy of human dignity over things.

In the process of production, labor is always a primary and efficient cost, while capital remains a mere instrumental cost. We will notice that all the means by which a person appropriates natural resources and transforms them in accordance with his need are the result of the historical heritage of human labor. Besides, it is clear that every person sharing in the production process is the real efficient subject, while the collection of instruments, no matter how perfect they are, is only a mere instrument subordinate to human labor.

In our present system, capital is sometimes given more weight than labor. Let me give an illustration: Sometimes when there is an increase in the price of raw materials, we automatically increase the price of goods and there is no question about that because the price of raw materials has been increased. Yet when the workers ask for a corresponding increase in their wages, they are told: "Wait, the price of raw materials is already very high and you will still ask for an increase in the price of labor?"

So in actual consideration, it seems that labor takes the last place in the consideration and computation of the things that must be increased. So I think it is important to assert that.

I believe Commissioner Aquino caught the thrust very well when she said that this is really an assertion of the primacy of human dignity over things.

Thank you, Madam President.

MR. MONSOD: Madam President, I just wanted to ask one question of Commissioner Bacani.

If the Commissioner wants to affirm the primacy of labor as against capital; then that can only be concretized in terms of sharing. So the operational result of that is the primacy of their right to a just share because we can only translate the idea of primacy of labor over capital through sharing.

BISHOP BACANI: Yes. So what this aims is that in the consideration of the different economic factors, increase in labor must first be considered over the necessary increase in capital costs.

MR. MONSOD: So what the Commissioner is saying is that we recognize labor as a primary social and economic force. Is that the reason why the Commissioner added "PRIMARY"?

BISHOP BACANI: Also in relation to capital; that is, to create the goods used in the production process, it has the primary place in relation to this particular reality.

MR. MONSOD: Will the Commissioner accept a rewording that states: "THE STATE RECOGNIZES LABOR AS A PRIMARY SOCIAL AND ECONOMIC FORCE AND SHALL PROTECT THEIR WELFARE AND THEIR RIGHT TO A JUST SHARE OF THE FRUITS OF PRODUCTION"?

BISHOP BACANI: I think it does not fully convey the sense of the resolution I filed, but I would be happier if we say: "THE STATE RECOGNIZES THE PRIMACY OF LABOR OVER CAPITAL AND SHALL PROTECT THE JUST SHARE OF . . ."

MR. MONSOD: I submit to the committee because I believe in the discussions of the Social Justice Article, the same subject came up and the compromise was that there is a corresponding right of capital. If we are dropping that last phrase on the corresponding right of capital, it would be an unbalanced article. I think that would be my

comment on that, and I would like to leave it for others to discuss.

BISHOP BACANI: May I just note that in that formulation in the Article on Social Justice, the word "capital" has an ambiguous meaning there because it does not refer to things but it refers to capitalists, to people because we are not really speaking of the just share of capital; that is, of raw materials or of money, et cetera, to a corresponding share. I do not think that that is the meaning there. But what it tries to assert is the primacy of the human factor over the non-human factors in production.

THE PRESIDENT: Commissioner Bacani's time has expired for three minutes already.

BISHOP BACANI: Thank you.

SUSPENSION OF SESSION

MS. AQUINO: Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: May we request for a suspension of the session so we can harmonize the provisions of Commissioner Bengzon, which we have accepted already, with the proposal of Commissioner Monsod.

THE PRESIDENT: The session is suspended.

It was 3:18 p.m.

RESUMPTION OF SESSION

At 3:22 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MS. AQUINO: Madam President, may we request for the recognition of Commissioner Bengzon who would present the formulation for Section 12.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENZON: Madam President, this is the new formulation for Section 12. "The State affirms labor as a PRIMARY, social and economic force. ACCORDINGLY IT SHALL PROMOTE THE welfare and protect THE rights OF WORKERS."

THE PRESIDENT: Are we ready to vote?

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: In the Article on Social Justice, under the first subheading on Labor, we have already decided on the principle of shared responsibility between workers and employers, the right of labor to a just share in the fruits of production and the right of enterprises to reasonable returns on investments, expansion and growth. There seems to be no necessity for this Section 12. Even the suggestion of Commissioner Bengzon regarding the word "primary" will not be in consonance with what we have agreed on the section on Labor under the Article on Social Justice. Madam President, I agree with Commissioner Bacani that human force or human participation in production is more important than the instruments of production, like machinery or equipment. But what we need is more private initiative of captains of industry. Commissioner Villegas has been mentioning that private

enterprise is necessary not only for agricultural development but more so for industrial development and also for the creation of wealth by all factors of production. Unfortunately, we have so many people unemployed who are willing and are qualified to work, but unless we have more agricultural development and more industrial enterprises, the labor force may remain unemployed. We would like to have maximum or full employment, but this cannot be achieved unless we have the capital entrepreneurs who will put up industrial plants for manufacture, not only for the domestic market but also for export.

And so our President, in her visit to the United States, invited investors for capital formation in the Philippines on joint venture or even without joint venture. Under our prostrate economic society, under the many years of the Marcos dictatorial regime, our situation is prostrate, we cannot even move forward, especially with the burden of the P26-billion foreign indebtedness. We need capital and private entrepreneurs, preferably Filipinos. So why are we going to always stress the primacy of labor? I want to give the labor group the opportunities to have jobs and to share in the productive benefits of creating more wealth.

THE PRESIDENT: The time limit has already expired.

MR. PADILLA: Thank you, Madam President.

MS. QUESADA: Madam President.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: Thank you.

We just like to reiterate the position of the committee that this particular provision is very vital for the labor sector and we believe that having a flagship principle in the words of Commissioner Ople, or the curtain principle in the words of Commissioner Nollado, would set the principle underlying the implementing guidelines found in the Article on Social Justice. So we believe that it is very important to retain it in the Declaration of Principles alongside with the rest of the principles that we have provided for such concerns as the youth, women, children, indigenous communities, family, et cetera.

I think we are now ready for the vote.

THE PRESIDENT: Will Commissioner Bengzon read the new formulation of Section 12.

MR. BENGZON: "The State affirms labor as a PRIMARY social and economic force. ACCORDINGLY, IT SHALL PROMOTE THE welfare and protect THE rights OF WORKERS."

VOTING

THE PRESIDENT: As many as are in favor of the new formulation of Section 12, please raise their hand. (Several Members raised their hand.)

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

The results show 25 votes in favor and 2 against; so Section 12 is approved.

MR. TINGSON: Madam President, Section 13 has been deleted and we have approved that. We now go to Section 14. Similarly, the committee has amended this particular section and I am going to call our committee member, Commissioner Rosario Braid.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I would like to submit to the committee later a complementary section to the section on Labor that would, in turn, affirm the support of the State for private initiative. However, I would still formulate it. I just want to reserve that amendment because it should follow the provision on Labor.

THE PRESIDENT: So, is the Commissioner proposing a new section?

MR. MONSOD: Yes, to complement the provision on Labor but I will still be formulating this.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Madam President, in line with the manifestation of Commissioner Monsod, probably the committee can consider a formulation which is actually the last paragraph of Section 3 of the Article on Social Justice. By way of a suggestion to the committee, it will only be a matter of transposition. It would read as the second paragraph of Section 12: "It shall regulate the relations between workers and employers, recognizing the rights of labor to its just share in the fruits of production and the right of enterprises to reasonable returns on investments, expansion and growth." Actually we do not have to decide on this because this has already been decided upon as the last paragraph of Section 3 of the Article on Social Justice. I am only suggesting that as a complementary provision. Probably, Commissioner Monsod can consider this as the second paragraph of Section 12. By way of suggestion, I am not presenting it to the committee right now, Madam President.

Thank you.

MR. TINGSON: Madam President, ordinarily our committee would only want a statement of principles and we would rather prefer that provisions like that be left where they are in the particular corresponding article, unless the Commissioner could explain to us why it is really vital and necessary that it should be moved here.

MR. MAAMBONG: I would agree with the committee on that statement. As a matter of fact, in the outline I presented, I was suggesting a single sentence for all these principles and policies but the present formulation as approved by the body stops on the right of workers; for me, it is incomplete. A person who reads Section 12 will see that we are only trying to protect workers and, as stated by Commissioner Padilla, that is not exactly correct. So, in order that the body will not be burdened by a formulation, I suggest that we just transpose the last paragraph of Section 3 of the Article on Social Justice as the second paragraph of Section 12. That is only a suggestion to complete the whole text.

THE PRESIDENT: So, we will take that up as soon as we receive the reservation of Commissioner Monsod.

MR. MAAMBONG: Yes, Madam President.

THE PRESIDENT: So, we can proceed first to Section 14.

MR. TINGSON: Madam President, Commissioner Rosario Braid will read Section 14.

MS. ROSARIO BRAID: Section 14, which is now Section 13, reads: "The State shall promote rural development and agrarian reform as priorities BASED ON cooperativism." It ends there. We have deleted the last phrase.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I would like to suggest that we drop the thing about cooperativism, because at this point we already have a section on that in another area which is in the Article on National Economy and Patrimony. According to some labor unions, that is not, by any means, the primary way of organizing. We already have a

provision for cooperatives in the Article on National Economy and Patrimony.

MS. ROSARIO BRAID: Yes, that mandates Congress to create an agency that will unify and integrate efforts in cooperatives. This one recommends cooperativism as a principle of rural development on the basis that the real prime value in our society is the "bayanihan" or the collective unity. And so, we find out that the problem that is singled out from agrarian reform and other rural development projects is the lack of adequate collective efforts in pursuing these rural development projects. Rural development does not preclude other principles beyond cooperativism, but we just recognize the primacy of cooperativism over other forms of organizing mechanisms.

MR. MONSOD: As a matter of fact, I was going to move for the deletion of this section, because this is a part of the Article on Social Justice and the reference to cooperativism is an undue emphasis on something that has not been fully determined to be the best way that organizing should be done.

MS. ROSARIO BRAID: Madam President.

MR. MONSOD: Since it is there, then we might as well put it in the Article on National Economy and Patrimony.

MS. ROSARIO BRAID: In the Article on Social Justice, there has been no mention of rural development. There were independent efforts towards social justice as a principle, but rural development as a strategy has not been mentioned at all in any of the provisions.

MR. MONSOD: So, why do we not just say: "The State shall GIVE PRIORITY TO rural development and agrarian reform"? Either that or we delete the whole section. I will leave it to my colleagues if there are any anterior proposals in that regard.

MS. ROSARIO BRAID: The committee accepts with the understanding that cooperativism should be one of the guiding principles, if not the most important principle.

MR. MONSOD: I submit, unless there is somebody from the body who would like to propose a deletion which is really my first preference.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: May I gently oppose the move to delete this section. If we gave women and labor their respective sections, I do not see any reason why we should delete this section on agrarian reform and rural development.

May I introduce an additional amendment to this section. What is equally important other than rural development and agrarian reform is the matter of industrialization. So, may I suggest to the committee that we include the word INDUSTRIALIZATION, so that Section 14 will read: "The State shall promote rural development, agrarian reform AND INDUSTRIALIZATION as priorities with cooperativism as its organizing principle."

MR. JAMIR: Madam President, I have an anterior amendment.

THE PRESIDENT: Commissioner Jamir is recognized.

MR. JAMIR: I move to delete Section 14.

THE PRESIDENT: What does the committee say?

MS. ROSARIO BRAID: We cannot accept the deletion. We would like to react to Commissioner Sarmiento's amendment, Madam President.

MR. JAMIR: In that case, Madam President, I ask for a vote.

MR. TADEO: Madam President.

THE PRESIDENT: Commissioner Tadeo is recognized.

MR. TADEO: Madam President, ang pinakamalaki at pinakamalawak na sektor ay ang magbubukid. Bakit naman natin aalisin ang magbubukid? Totoong napakalalim ng iniwang krisis ni Ginoong Marcos sa ating bayan. Hindi na pwede pa yaong patapal-tapal o "palliatives after palliatives." Kayat hinihiling ng magbubukid sa kapulungang ito na kung maaari ay manatili ang Section 14.

MR. GASCON: Madam President.

THE PRESIDENT: Commissioner Gascon is recognized.

MR. GASCON: We are discussing the Article on Declaration of Principles. I would like to support the position of Commissioners Tadeo and Sarmiento that we should have a provision stating the general principle with regard to rural development, which affects the peasantry the most. We are not stating the implementing guidelines. That is covered in the Article on Social Justice. What we are talking about is a basic principle which will affect these peasants. I would strongly suggest that we include one sentence referring to them as far as agrarian reform and rural development are concerned. I think we owe this as much to the peasants. So, I would strongly object to this anterior amendment and when we vote, that does not preclude any amendments to this provision.

Thank you, Madam President.

MR. ABUBAKAR: Madam President.

THE PRESIDENT: Commissioner Abubakar is recognized.

MR. ABUBAKAR: Madam President, I think the amendment of Commissioner Sarmiento is not only in order but also farsighted. While we are all in favor of rural development, let us not forget that rural development is not the only factor that will propel our society from its status to a rich and progressive one. Also, another consideration or factor that will help the Filipino people to attain this progress is industrialization. While we have not yet even begun or probably we have very minor beginnings in our industrialization program, we should include it in our Declaration of Principles, because if we speak of our own concept of how Philippine society is developed and remain as it is, confined to the development of rural society, rural progress, we can never attain the industrial power and other beneficial effects to the economy. Therefore, we must combine our orientation towards agriculture and rural development; let us not forget that we are a people who aspire for better things in life. This can only be achieved if we combine the two in economic, rural and industrial development and progress. I agree with Commissioner Sarmiento that his sight is not only in what we have now but also in the future.

Thank you.

MS. NIEVA: Madam President.

THE PRESIDENT: Commissioner Nieva is recognized.

MS. NIEVA: Madam President, I think we should maintain Section 14 because there would really be an imbalance here if we stress the primacy of labor and we are not taking into account the great majority of the people who live in the agricultural area. And so, really, there is no mention of rural development as such per se in the Article on Social Justice while everything else, perhaps, would lead to rural development. If this section is supposed to be the flagship proposal, I think, we should maintain this.

MR. MAAMBONG: Madam President.

MR. RODRIGO: Parliamentary inquiry, Madam President.

THE PRESIDENT: Commissioner Rodrigo, we are still receiving comments on the motion to delete.

MR. RODRIGO: May I have a parliamentary inquiry.

THE PRESIDENT: Yes, the Commissioner may proceed.

MR. RODRIGO: I think the parliamentary situation is that there is a motion to delete the whole section.

THE PRESIDENT: Yes, we are discussing that.

MR. RODRIGO: But before that there was a proposal by Commissioner Monsod to place a period after the words "agrarian reform" and delete the rest. So, while the motion to delete the whole section is a priority, with that parliamentary situation I wonder if Commissioner Jamir might not withdraw his motion to delete the whole section to give way to this amendment of Commissioner Monsod.

THE PRESIDENT: The Chair is going to inquire from Commissioner Jamir if he insists on his motion to delete.

MR. MAAMBONG: Madam President.

THE PRESIDENT: May we have the answer first of Commissioner Jamir.

MR. JAMIR: If the committee accepts the amendment of Commissioner Monsod without any further addition, I will withdraw my motion.

MS. ROSARIO BRAID: Madam President.

MR. GASCON: I would object to that. If that is the case, then I would suggest that we vote on the motion to delete.

THE PRESIDENT: May we request Commissioner Jamir to state whether he is withdrawing or not, because it cannot be conditional.

MR. MAAMBONG: Madam President.

THE PRESIDENT: May we have the answer first of Commissioner Jamir.

MR. JAMIR: Madam President, I move that a vote be taken on my motion.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Madam President, I just want to have this thing clarified. I heard the committee say that they were accepting the amendment of Commissioner Monsod up to the words "agrarian reform" subject to the interpretation of Commissioner Rosario Braid. I do not see why we have to delete it now considering that it has been accepted by the committee. Is it my understanding that Commissioner Rosario Braid is accepting it up to the words "agrarian reform"?

MS. ROSARIO BRAID: Yes.

MR. MAAMBONG: If that be the case, Commissioner Sarmiento is not preempted here because if we approve this up to the words "agrarian reform" with the understanding that he can put in additional amendment as a primary amendment after we approve it, then we can save the situation, Madam President.

MS. ROSARIO BRAID: Yes.

THE PRESIDENT: But there is this motion of Commissioner Jamir to delete, so let us first vote on that motion.

MR. MAAMBONG: Madam President, I heard Commissioner Jamir say that if the committee accepts the amendment of Commissioner Monsod up to the word "agrarian reform," he is even willing to withdraw the motion.

MR. TINGSON: Madam President, we accept that.

MS. ROSARIO BRAID: Yes, we have accepted the amendment of Commissioner Monsod.

MR. MAAMBONG: So, that is the situation, Madam President.

MR. GASCON: Madam President, I have a previous objection.

THE PRESIDENT: There is an objection from Commissioner Gascon.

MR. GASCON: What I have objected to is the condition that the committee does not accept any other amendments assuming that once the committee has accepted the proposal of Commissioner Monsod, that does not hamper any other Commissioner to present amendments which the committee will have to act on. I do not see why we should pose on that.

THE PRESIDENT: So let us proceed to the motion of Commissioner Jamir — whether to delete or not to delete.

MR. NOLLEDO: Madam President, before we vote on the Jamir motion, may I talk only for 50 seconds?

THE PRESIDENT: Commissioner Nolleddo is recognized.

MR. NOLLEDO: Thank you, Madam President.

I vigorously object to the motion of Commissioner Jamir. Section 14 was formulated by us to underscore the importance of rural areas in national development, Madam President. About 70 percent of our population lives in rural areas. It is said by economic experts that if rural development fails, democracy will fail in our country.

Thank you, Madam President.

MR. RODRIGO: Madam President, parliamentary inquiry.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: I just want to ask this: In case the motion of Commissioner Jamir to delete is approved, may Commissioner Monsod still present his amendment which is a new formulation of Section 14?

THE PRESIDENT: Yes. That is what we did before.

MR. RODRIGO: Thank you very much.

MR. PADILLA: Madam President, I am suggesting a simple statement for Section 14.

THE PRESIDENT: Yes. But let us vote first on the motion to delete and then we will go into that so that we can get out of our chest this motion to delete of Commissioner Jamir.

MS. QUESADA: Madam President, just for the record, may we ask Commissioner Jamir to state again the reason for his motion for deletion?

MR. JAMIR: I base my motion upon the previous statement of Commissioner Monsod in effect that this provision

is unnecessary.

MS. QUESADA: Would the Commissioner not say that this is also true for the rest of the provisions that we have already approved because they are already covered?

MR. JAMIR: My reason is short and specific. It is based upon what Commissioner Monsod said.

THE PRESIDENT: With respect to Section 14.

REV. RIGOS: Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: Madam President, I understand that when Commissioner Jamir was told that the committee accepted the Monsod amendment, then he was willing to withdraw his motion to delete.

THE PRESIDENT: Yes, but there was an objection to that. It cannot be conditional.

REV. RIGOS: He has no more condition.

VOTING

THE PRESIDENT: In other words, Commissioner Jamir asked for a vote on his motion to delete. That is the latest that we have. So, let us proceed to vote on that motion to delete and if the members are not convinced on the merits of it, then please do not vote for the deletion. I think that is just very simple.

As many as are in favor of the motion of Commissioner Jamir to delete Section 14, please raise their hand. (Few Members raised their hand.)

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

The results show 9 votes in favor of the deletion and 21 against; so the motion to delete is lost.

MR. MONSOD: Madam President.

THE PRESIDENT: May we have the amendments to Section 14?

MR. MONSOD: May I then propose now my amendment which is to put a period after "agrarian reform."

THE PRESIDENT: Will the Commissioner state the whole sentence.

MR. MONSOD: "The State shall promote rural development and agrarian reform."

MS. ROSARIO BRAID: The committee accepts, Madam President.

MR. MONSOD: I just want to give an answer to Commissioner Sarmiento regarding industrialization. I just want to note for him that rural development is not synonymous with agricultural development.

MS. ROSARIO BRAID: Yes.

MR. MONSOD: When we talk about "rural development," that would include both agricultural and industrial development because "rural" is a place. It does not concern itself with either agriculture or industry.

MS. ROSARIO BRAID: Thank you, Madam President.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: May I give my brief rejoinder to the observations of Commissioner Monsod. Madam President, my submission is that rural development would not cover industrialization. We can have urban development and we can have industrialization when we speak of "urban development." To me, rural development, agrarian reform and industrialization are three different concepts which the State should give importance to. If we mention "industrialization" in the Article on National Economy and Patrimony, if we mention "agrarian reform," I see no reason why we should not mention "industrialization" which is a very vital element for national progress and development.

MR. MONSOD: Madam President.

THE PRESIDENT: May we have the answer of the committee. The committee has accepted the amendment.

MS. ROSARIO BRAID: Madam President, we explained earlier, during the period of interpellations, that industrialization is a strategy of rural development. We could have balanced agro-industrial development which is rural development. We could have educational development that is tailored to rural development and that is part of rural development, but it is a strategy. We believe that "rural development" is an all-encompassing term that will include the concept of industrialization.

MR. SARMIENTO: Madam President, I am willing to die on this proposed amendment; so, may I suggest that we vote on this concept of industrialization.

MR. TADEO: Madam President.

THE PRESIDENT: Just a minute, please. Will Commissioner Sarmiento please state again what he said?

MR. SARMIENTO: Madam President, I am suggesting that we vote on this proposed amendment that I made — that we include the concept of industrialization after "agrarian reform."

THE PRESIDENT: So this is an amendment to an amendment by Commissioner Monsod which has been accepted by the committee.

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: Madam President, to reconcile or harmonize the proposals of both Commissioners Monsod and Sarmiento, may I propose the following amendment: "The State shall promote rural AND URBAN, AGRICULTURAL AND INDUSTRIAL development."

MR. TADEO: Madam President.

THE PRESIDENT: Commissioner Tadeo is recognized.

MR. TADEO: Ipapaliwanag ko lamang po iyong "cooperativism" kung bakit dapat mapasama.

Madam President, hindi maaaring magkaroon ng rural development na hindi organisado ang mamamayan sa kanayunan. Hindi maaaring maipagtagumpay ang agrarian reform nang hindi organisado rin ang mamamayan sa kanayunan. Kaya sa akin pong palagay, dapat manatili ang "cooperativism." Batay po sa karanasan ng magbubukid, kapag hindi organisado ang mga magbubukid, lalamunin lamang siya ng sistema. Kinakailangan siyang maorganisa; kaya kailangan ang "cooperativism" as its organizing principle. Hindi maaaring magkaroon ng rural development, hindi maipagtagumpay ang agrarian reform program nang hindi organisado ang mga magbubukid. Kasama rin dapat ang "industrialization."

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 3:54 p.m.

RESUMPTION OF SESSION

At 4:05 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. TINGSON: Commissioner Rosario Braid please, Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Madam President, our reformulated provision, with the help of several Commissioners: Commissioners Monsod, Davide, Sarmiento, Villacorta, Padilla and the committee and others who have joined us, states: "The State shall promote COMPREHENSIVE rural development and agrarian reform."

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: May I know from the committee whether the concept "industrialization" could be covered by "COMPREHENSIVE rural development"?

MS. ROSARIO BRAID: The words "rural development" is an all-encompassing term which includes social, economic, human, cultural, political development and will include strategies, such as industrialization strategy, agro-industrial strategy as well as other strategies such as the integrated area of development strategy during the past decade.

MR. SARMIENTO: What about cooperativism?

MS. ROSARIO BRAID: Cooperativism is a primary organizing principle which does not preclude also other principles.

MR. SARMIENTO: With the Commissioner's explanation, I am willing to die for the new formulation. (Laughter)

MS. ROSARIO BRAID: Thank you.

MR. TINGSON: We would like the Commissioner to live for it.

THE PRESIDENT: So, are we ready to vote now?

MR. PADILLA: Madam President.

THE PRESIDENT: Is Commissioner Padilla not ready to die?

MR. PADILLA: No, I am against.

THE PRESIDENT: The Commissioner is against.

MR. PADILLA: I am against especially on the introduction of the adjective "COMPREHENSIVE." We might have to add "COMPREHENSIVE," "COORDINATED," "COMPLETE" and whatnot. This will make it even worse than the original committee report.

I do not know how industrialization can be included in rural development. Why do we not just say "rural and urban development," "agricultural and industrial productivity"? It gives the wrong impression that if we have "agrarian reform" that is already provided for in the Social Justice provision and is the "end-all" and "be-all" of our productivity.

We need to give job opportunities to the many unemployed and that cannot be covered by just rural development even if we qualify that with the adjective "COMPREHENSIVE." Job opportunities are usually the jobs in industrial plants. Many feel that while agricultural productivity is very important, it must be associated with or accompanied by industrialization to give our many people, especially in the urban areas, job opportunities.

If we do not mention productivity, the creation of wealth, how can we improve our economy? I am against the reformulation and I do not know whether the other Commissioners will not be gracious enough to consider and if possible accept my short and concise expression of the same idea.

MS. ROSARIO BRAID: Madam President, the committee does not accept. It has taken note of Commissioner Padilla's amendment and we are convinced that all of these activities or strategies are all parts of rural development. Agrarian reform is mentioned because it is the basic program on which rural development should be anchored on. We also submit that the other concepts of agricultural productivity or entrepreneurship can be accommodated in a separate provision which perhaps the Commissioner can submit at an appropriate time after we have discussed this provision. But we will maintain our wording of his provision as read earlier and we should like to request for a vote.

THE PRESIDENT: The Commissioner may read the new formulation.

MR. PADILLA: Madam President, my suggestion is in the nature of an amendment to the amendment that has been accepted by the committee.

MS. ROSARIO BRAID: Yes.

MR. PADILLA: May I ask for a vote on my proposed amendment.

MS. ROSARIO BRAID: The situation, Madam President, is that Commissioner Padilla is requesting a vote on his amendment to the amendment which he will read to our amended provision.

MR. PADILLA: My proposed amendment reads: "The State shall promote rural AND URBAN development, AGRICULTURAL AND INDUSTRIAL PRODUCTIVITY."

THE PRESIDENT: May we have the committee formulation?

MS. ROSARIO BRAID: The committee formulation is: "The State shall promote COMPREHENSIVE rural development and agrarian reform."

MR. GASCON: Madam President.

THE PRESIDENT: Commissioner Gascon is recognized.

MR. GASCON: May I just speak for one minute against the proposed amendment of Commissioner Padilla?

THE PRESIDENT: The Commissioner may proceed.

MR. GASCON: I would like to oppose it in support of the proposal of the committee after discussing with the other Commissioners because the proposal of the committee concentrates on the issue of rural development and agrarian reform, while the amendment of Commissioner Padilla speaks of urban, rural, industrial and agrarian reform which actually, if we look at it, is even simpler than total development of economy and society, which

does not really mean anything. As far as this section is concerned, the intent is to concentrate on rural and agrarian reform.

Thank you.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Just one question to the committee. Did I hear the Commissioner right when she said that "rural" includes "urban"?

MS. ROSARIO BRAID: No, we have noted, however, that 70 to 75 percent of our population lives in the rural areas and this is why it takes primacy over urban development.

MR. DE CASTRO: So the Commissioner likes to develop 75 percent but she does not like to develop 100 percent. If rural is 75 percent, as the Commissioner has said, and urban becomes 25, we are developing rural only here, but Commissioner Padilla is also including urban. So the Commissioner likes to develop 75 percent instead of 100 percent, is my understanding correct?

MS. ROSARIO BRAID: No, that is not correct. In other provisions, we have attended to the needs of the urban population such as in the Article on Labor, Social Services and other mechanisms here that would improve the lives of all the Filipinos within the nation. But because we must, as we have said, give a preferential option for the poor, the disadvantaged, we plan to enshrine this particular provision on rural development.

MR. DE CASTRO: Seventy percent of those in the urban are also poor. Do I understand that labor is only prevalent in the urban area not in the rural area?

MS. ROSARIO BRAID: No, but we will submit that a large percentage of organized labor comes from the urban population. We submit that labor encompasses both urban and rural, but this section would like to mandate the State or the Congress to attend to rural development and to come up with a more vigorous policy in rural development that is addressed to the majority of our population.

THE PRESIDENT: I am sorry, but this has been sufficiently discussed and we have to put to a vote the proposed amendment of Commissioner Padilla.

MR. DE CASTRO: To include "URBAN" in the development.

VOTING

THE PRESIDENT: The proposed Padilla amendment is: "The State shall promote rural AND URBAN development, AGRICULTURAL AND INDUSTRIAL PRODUCTIVITY."

As many as are in favor of this formulation, please raise their hand. (Few Members raised their hand.)

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

The results show 5 votes in favor and 16 against; the proposed amendment is lost.

Let us proceed to vote on the committee formulation which is: "The State shall promote a COMPREHENSIVE rural development and agrarian reform."

As many as are in favor of this formulation of Section 14 as presented by the committee, please raise their hand. (Several Members raised their hand.)

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

The results show 20 votes in favor and 4 against; Section 14 is approved.

MR. TINGSON: Madam President, regarding Section 15, the committee has deleted line 6 up to line 10, and the new formulation suggested by the committee, which will now become Section 14, reads: "The State respects the rights of indigenous communities TO PURSUE their own path of development within the framework of national unity."

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I would like to suggest that we also delete lines 4, 5 and 6, beginning with the word "to" and ending with the word "characteristics." I would also like to retain the word "recognize." So, the section will now read: "The State shall recognize and respect the rights of indigenous cultural MINORITIES within the framework of national unity AND DEVELOPMENT."

In other words, we delete the words "to choose their own path of development according to their political, economic and cultural characteristics." I think those are repeated in two or three other sections of the Constitution. It is really unnecessary when we say: "shall recognize and respect the rights." Those are all rights of indigenous cultural minorities within the framework of national unity. Then we add "AND DEVELOPMENT."

MR. TINGSON: Madam President, we would like to hear from Commissioner Bennagen.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. NOLLEDO: If he has no objection.

THE PRESIDENT: That is in connection with the formulation of the proposal of Commissioner Monsod.

MR. BENNAGEN: I leave it to the committee to decide on what they see fit.

Thank you, Madam President.

MS. ROSARIO BRAID: The committee accepts, Madam President, except we would like to verify from Commissioner Monsod if we heard it right. It reads "cultural communities" here and we would like to retain the concept of "communities" rather than "MINORITIES."

MR. MONSOD: Yes, it should be "communities." I am sorry. The section reads: "The State shall recognize and respect the rights of indigenous cultural communities within the framework of national unity AND DEVELOPMENT."

MR. TINGSON: Madam President, the committee accepts the amendment.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: May I request that the following amendments be incorporated? After the word "communities," we insert the following: "AND ENSURE THEIR FULLEST DEVELOPMENT within the framework of national unity."

MR. TINGSON: We accept, Madam President.

MR. MONSOD: Madam President, I do not think that that adds anything because we are already talking about

their development in other sections. We are talking here about the framework of national unity and development. The words "FULLEST DEVELOPMENT" would be just a verbiage at this point. We are trying to establish the principle that their rights shall be recognized in the context of both unity and development.

MR. DAVIDE: If Commissioner Monsod is not willing to accept the word "FULLEST," then at least what should be referred to as development? It is ensuring their development within the framework of national unity. It is not just respecting or recognizing the right within the framework of national unity. What is important is affording them their development within the framework of national unity.

MR. MONSOD: My only short answer, Madam President, is that their right includes the right to develop fully, culturally, economically and socially. That is part of their right. In fact, we have stated that so many times in the Constitution.

MR. DAVIDE: If that is so, may I suggest that instead of "respect" it should be "PROMOTE."

MR. MONSOD: I will agree to that and also maybe we should just take out the word "shall." We just say: "The State recognizes and shall PROMOTE the rights of indigenous cultural communities within the framework of national unity AND DEVELOPMENT."

MR. TINGSON: We accept that formulation, Madam President.

MS. AQUINO: Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: It does not sound elegant at all when we say "The State recognizes and shall PROMOTE the rights of indigenous communities." I would propose that we delete "shall" and just say "The State recognizes and PROMOTES."

MR. DE CASTRO: Madam President.

THE PRESIDENT: Let us settle this first; is that all right?

MS. ROSARIO BRAID: Yes, we accept the formulation.

THE PRESIDENT: Commissioners Davide and Monsod's amendment?

MR. MONSOD: We will leave that up to styling. As a matter of fact, that should probably be referred to the Committee on Style.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: The chairman of the committee has already accepted the formulation. Is it normal that another member shall object to the acceptance made by the chairman?

MR. TINGSON: We want the help of the original proponent, Madam President.

MR. DE CASTRO: I just like to make it straight, otherwise every member of the committee can object to the acceptance by the chairman.

THE PRESIDENT: Are we now ready to vote? Will Commissioner Rosario Braid please state Section 15?

MS. ROSARIO BRAID: Yes, I shall read Section 15 as it is renumbered as Section 14 now: "The State recognizes and PROMOTES the rights of indigenous cultural communities within the framework of national unity

AND DEVELOPMENT."

VOTING

THE PRESIDENT: As many as are in favor of Section 15 which is renumbered as Section 14, please raise their hand. (Several Members raised their hand.)

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

The results show 23 votes in favor and none against; the amendment is approved.

MR. TINGSON: Madam President, Section 16, now renumbered as Section 15 is amended and would read as follows: "The State shall encourage nongovernment and community-based organizations TO ENGAGE in activities that promote the welfare of the nation."

MS. ROSARIO BRAID: Madam President.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Can we say "nongovernmental and community-based organizations" and then delete "engaged in activities"? We will just say: "The State shall encourage NON-GOVERNMENTAL and community-based organizations that promote the welfare of the nation."

MS. ROSARIO BRAID: The committee accepts, Madam President.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: May I propose an amendment to insert the word "INDEPENDENT" before "NON-GOVERNMENTAL." I understand that the idea here really is to recognize people's organizations as mandated in the Article on Social Justice. And so, it should be: "The State shall encourage INDEPENDENT NON-GOVERNMENTAL and community-based organizations . . ."

MS. ROSARIO BRAID: Madam President, may I just give a brief background of this provision?

THE PRESIDENT: The Commissioner may proceed.

MS. ROSARIO BRAID: This provision recognizes a philosophy that is prevalent now even in our country as well as in many other countries of the world — that volunteerism and participation of nongovernmental organizations should be encouraged. I think this has been substantiated by the Club of Rome study of twenty years of development all over the Third World which showed that government-led development has failed to reduce disparities, has failed to trickle down resources to the majority and that the next decade should be a decade where volunteerism, community-based and nongovernment agencies, independent organizations will be given their due support. We would like to maintain "NON-GOVERNMENTAL" here which is really a broad term to include independent organizations also.

MR. DAVIDE: The point is that this is really related to the concept of independent people's organization in the Article on Social Justice and more specifically also in the Article on Agrarian Reform.

MS. ROSARIO BRAID: Madam President, we will entertain an amendment by addition from Commissioner Davide but the concept of nongovernmental here acknowledges private enterprise and privatization.

MR. DAVIDE: Yes, independent, therefore, not dictated by the government. Even if it is nongovernmental, it may still be dictated by the government or organized by the government. So, is the idea to preserve the concept of independent people's organization in the Article on Social Justice?

MS. ROSARIO BRAID: Madam President, the concept of NGOs or nongovernmental organizations is an acceptable concept in the international world. And so, the importance given to NGOs here acknowledges that we are rising on the wave of volunteerism and private initiative.

MR. DAVIDE: For clarification purposes, the nongovernmental and community-based organizations alluded to here are distinct and separate from independent people's organization or farmers' organizations under the Article on Social Justice.

Is this broader in a sense?

MS. ROSARIO BRAID: This is broader and the concept of the independent organizations as found in the Article on Social Justice would refer to the community-based organizations here which will be different from nongovernmental organizations which perhaps are really more organized.

MR. DAVIDE: But community-based organizations are necessarily nongovernmental?

MS. ROSARIO BRAID: That is right.

MR. DAVIDE: And that is the meaning here?

MS. ROSARIO BRAID: Some of the community-based organizations may be government-initiated.

MR. DAVIDE: So it is now very clear that under the proposed Section 16, which will eventually be Section 15, community-based organizations may be organized by the government itself?

MS. ROSARIO BRAID: Maybe and also by private enterprises.

MR. DAVIDE: In short, my last question is: The contemplation of Section 16 is broader than the organizations contemplated in the Article on Social Justice?

MS. ROSARIO BRAID: The Commissioner is right.

MR. DAVIDE: I am not going to insist then on the incorporation of the word "INDEPENDENT."

MS. ROSARIO BRAID: Thank you.

THE PRESIDENT: Are we ready to vote now?

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Just one question if Commissioner Rosario Braid will not mind. Can we have some examples of nongovernmental organizations? Let us say, in the countryside setting, we know that this is derived from the United Nations so that NGOs are generally invited to take part in international conferences, either as observers or as full participants. What are some examples of NGOs which we would like to mandate in this section of the draft Constitution?

MS. ROSARIO BRAID: I think they will be classified into different groups. They could be civic organizations, such as the Rotary Clubs and the Jaycees; development organizations, such as the Assisi foundation; independent organizations, like the NAMFREL; women's organizations, such as the YWCA; and they could also be

organizations of businessmen, like the Bishops Businessmen Conference or the Philippine Business for Social Progress.

MR. OPLE: Will this also include, let us say, labor and peasant organizations?

MS. ROSARIO BRAID: Yes, they will be included if they are nongovernmental organizations.

MR. OPLE: Thank you, Madam President.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: Before we vote on this section, may I be clarified? May I know if organizations like the Jaycees, Rotary Clubs, etc., are covered by these nongovernment and community-based organizations? What I have in mind are peasants, lawyers, human rights organizations, not these businessmen's organizations.

MS. ROSARIO BRAID: I mentioned a few, but human rights, farmers and other organizations will form part of this. That is why I mentioned Philippine Business for Social Progress, which is an umbrella organization that supports farmers' organizations. We also have community-based organizations, under which smaller peasant organizations are included.

MR. SARMIENTO: My understanding is that Jaycees and similar organizations are exclusive clubs. Before one becomes a member, he has to pay fees. I do not think these are community-based organizations. This will encourage membership from the masses, from our people. So, is that within the intendment of Section 16?

MS. ROSARIO BRAID: They would fall under nongovernmental organizations as long as they are engaged in activities that promote the welfare of the nation. We will not exclude them really from being participants of beneficial support as long as the activities are directed to social-economic upliftment of the majority of the disadvantaged population.

MR. SARMIENTO: One last question. To the best of my personal knowledge, these organizations are concerned with projects like giving medical aid, giving extra clothing to indigents during Christmas time, and similar other projects. These are the thrusts of the Jaycees and other similar organizations. Are we made to understand that we are going to encourage this kind of organizations within the intendment of Section 16?

MS. ROSARIO BRAID: I think we can add to the records the criteria for organizations that would fall under this. And among these criteria is what the Commissioner has just mentioned — that these organizations contribute to the welfare through a different kind of social service that moves away from dole outs but which, in fact, encourages participation and human development. So, if we add these criteria in the records because we could not add the phrase "PROMOTING HUMAN DEVELOPMENT AND PARTICIPATION," that is really the intent of this provision.

MR. SARMIENTO: If the intent is to do away with dole outs and other similar activities, then I accept the explanation of the committee.

MS. ROSARIO BRAID: Thank you.

THE PRESIDENT: Are we ready now to vote?

MR. GARCIA: Madam President.

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: Could we suggest a formulation? Perhaps to make this clear, just add "NON-GOVERNMENTAL, community-based and INDEPENDENT SECTORAL organizations," because I think the intent is to actually mandate the different sectoral organizations besides the nongovernmental and the community-based which would be geographical. The other one would encompass what we were discussing, the trade unions and peasant organizations, and these would be the independent sectoral organizations. So, I think if we reformulate it, that would have a wider coverage.

That is my suggestion to the committee.

MS. ROSARIO BRAID: Will the Commissioner please restate it.

MR. GARCIA: "The State shall encourage NON-GOVERNMENTAL, community-based, AND INDEPENDENT SECTORAL organizations or SECTORAL organizations that promote the welfare of the nation."

MS. ROSARIO BRAID: We accept the amendment.

MR. MONSOD: Madam President, did we maintain the word "INDEPENDENT" or we took it out?

MS. ROSARIO BRAID: No, we are accepting the word "INDEPENDENT."

MR. MONSOD: Yes, but the word "INDEPENDENT" should be applicable to all types of organizations not just to sectoral, why do we not just say "SECTORAL ORGANIZATIONS"?

MR. GASCON: We withdraw the word "INDEPENDENT."

MR. MONSOD: Thank you.

MS. ROSARIO BRAID: Withdrew, yes. So, it will read now: "The State shall encourage NON-GOVERNMENTAL and community-based SECTORAL organizations that promote the welfare of the nation."

MR. MONSOD: This is just a question of clarification. Are these not cumulative?

MS. ROSARIO BRAID: No.

MR. MONSOD: Thank you.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: We change the word "and" after "community-based" to "OR." It should read: "community-based OR SECTORAL."

MS. ROSARIO BRAID: We accept the amendment.

THE PRESIDENT: Will Commissioner Rosario Braid read the amended Section 15 so that we can proceed to a vote?

MS. ROSARIO BRAID: "The State shall encourage NON-GOVERNMENTAL or community-based and SECTORAL organizations that promote the welfare of the nation."

THE PRESIDENT: The word "OR" is placed after "community-based."

MS. ROSARIO BRAID: Yes, I am sorry, the word "OR" is after "community-based." So, again: "The State shall encourage NON-GOVERNMENTAL, community-based OR SECTORAL organizations that promote the welfare

of the nation."

VOTING

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

As many as are against, please raise their hand. (One Member raised his hand.)

The results show 24 votes in favor and 1 against; so, the new Section 15 is approved.

MR. TINGSON: Madam President, Section 16 has something to do about health and we have an expert regarding health in our committee.

Commissioner Quesada is recognized.

MS. QUESADA: Madam President, mindful of the need not to be redundant with the other provisions contained in the Article on Social Justice, we have reformulated our section here on health. This would now read: "THE STATE SHALL FOSTER HEALTH CONSCIOUSNESS AMONG THE PEOPLE." We believe that this was the main thrust of Commissioner Rama's representation when he said that one of the things that our country should develop is the health consciousness among its people which will be cheaper than investing in curative medicine. So, we feel that if this can be a principle that would govern all the instrumentalities of the government to address themselves to developing the health consciousness among the people, then we would be developing a healthy citizenry that would contribute to our economic and social development.

So we have just focused on this particular declarative principle.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: May I address a few questions to the Commissioner before voting on this formulated section.

THE PRESIDENT: The Commissioner may proceed.

MR. SARMIENTO: Will the promotion of health consciousness cover giving protection to the health of the people?

MS. QUESADA: Yes, that would be included.

MR. SARMIENTO: Will protecting the health of the people mean giving support and incentives to private hospitals?

MS. QUESADA: Yes.

MR. SARMIENTO: I ask this question because many of the private hospitals are closing down because of bankruptcy. This was the information relayed by several private hospitals, the reason being that the equipments and drugs that they imported are too costly and because of the incapacity of the indigents to pay, hospital expenses could not be collected. Will this mean giving support and incentives to these private hospitals which help in promoting the health of our people, especially the poor ones?

MS. QUESADA: Actually the Commissioner's concern will be covered in our Article on Social Justice, particularly in the section on health where we said there would be a disintegrated comprehensive approach to health development. And in our articulation of the rationale behind this section, we said that there will be the

attempt on the part of the State to really have all the sectors, both the government and the private sector, to work together in the promotion of health and in helping people benefit from their right to health. So, that would really be covered, although they have the responsibility to develop health consciousness and, therefore, would receive such support from the State.

MR. SARMIENTO: In other words, it will not be a mere attempt but a real effort on the part of the State to support or to help public and private sectors, meaning, private and public hospitals?

MS. QUESADA: Yes, we believe that if we have given support to education as it delivers educational services to the citizens because the State cannot provide for total education, in the same manner we would call upon the State to provide support to the private sector as they render services so that people will enjoy their right to health.

MR. SARMIENTO: Thank you, Madam President.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Maambong was seeking to be recognized.

MR. MAAMBONG: Yes, Madam President. I was just about to ask the committee if it will consider a suggestion to join Sections 17 and 18 because Section 18 speaks of healthy environment. I wonder if we can put these in one section. That is just my question to the committee. Is that possible?

MS. QUESADA: There is a different concern for the environment. That would not really be appropriate for our concern for health. We are talking about ecological balance as well.

MR. MAAMBONG: Yes, I know; it is ecological balance towards a healthy environment but I was thinking that it falls under the category of health. But that is just a suggestion. If it could be done, that will be fine.

Thank you.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Will Commissioner Quesada answer just one question?

MS. QUESADA: Yes, Madam President.

MR. OPLE: In the new formulation of Section 16, fostering health consciousness among the people, does the committee mean an emphasis on preventive approaches to health and medicine?

MS. QUESADA: Yes, Madam President, which would include education of the people in all settings including labor communities.

MR. OPLE: Yes. Then that will give this section a real modern dimension. Of course, Commissioner Quesada will confirm the fact that one of the great issues facing the medical community of the world is the accusation against the medical profession and the medical community as a whole that preventive approaches to medicine are being systematically neglected since obviously this will mean approaches to health that are not connected with the financial revenues of the medical community. I think this section introduces a modern dimension to the question of health by keeping to this interpretation.

Thank you, Madam President.

MS. QUESADA: The Gentleman is right. We really are stressing the self-reliant roles of individuals as they take care of their health and, therefore, the need for all people to develop that consciousness that will liberate them from dependence on doctors.

THE PRESIDENT: Are we ready to vote now?

Commissioner Suarez is recognized.

MR. SUAREZ: Madam President, may I just clear up one point with Commissioner Quesada?

When we are speaking of fostering health consciousness, I understand from what I have been reading in the newspapers and magazines that this health consciousness business is somehow related to sports or physical exercise. Is that also within the contemplation of fostering health consciousness?

MS. QUESADA: Yes, the development of physical fitness would definitely be part of health consciousness.

MR. SUAREZ: In other words, the favorite subject of our distinguished former Olympian regarding sports development could be integrated within this health consciousness matter.

MS. QUESADA: Yes.

MR. SUAREZ: Thank you.

MS. QUESADA: The consciousness that we refer to will be physical, mental, social and spiritual health.

THE PRESIDENT: Are we ready?

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: May I propose an amendment? It should be reformulated to read: "THE STATE SHALL INSTILL HEALTH CONSCIOUSNESS AMONG THE PEOPLE." So, we will have a different word but with a greater and more embracing mandate.

MS. QUESADA: Would the Gentleman say that "INSTILL" would be more stressful of our concern or would that water down?

MR. DAVIDE: I would believe so. As I say, it is really more declarative of a vigorous mandate.

MS. QUESADA: Madam President, we accept "INSTILL" instead of "foster."

MS. NIEVA: Madam President.

THE PRESIDENT: Commissioner Nieva is recognized.

MS. NIEVA: I was just wondering. We want a very strong declaration of principles as far as health is concerned. Somehow health consciousness for me is just like awareness. Consciousness and awareness do not mean a very active promotion of the health needs of the people. We can be conscious of a lot of things and may not act upon that consciousness.

The first section in the Article on Social Justice states very clearly and strongly: "The State shall protect and promote the right to health." It could be like a flagship, as we have been using this term, that would describe what we really want to cover in the whole section on health.

Is there any possibility that we consider moving the first sentence that was already approved in the Article on Social Justice to that section in the Declaration of Principles to make it very strong?

MS. QUESADA: Could the Commissioner please read the first part of the section on the Article on Social Justice?

MS. NIEVA: "The State shall protect and promote the right to health," which is a very strong and definite mandate to the State, whereas here it is just "shall INSTILL" or "foster" health consciousness. I feel that just being conscious and aware about the importance of health does not necessarily lead to the necessary implementing measures that would promote and protect the right of all the people to health.

MS. QUESADA: The reason we had that formulation in the Article on Social Justice is that this is the area where we had defined the social rights of the citizens, and health being one of those, that they should have such right. So, here is actually a thrust to make our health care become more preventive in orientation rather than having to wait for people to seek medical care when they are already sick.

MS. NIEVA: So, the thrust is just an awareness then.

MS. QUESADA: It is not just an awareness. I do not want to put the words "CRITICAL CONSCIOUSNESS," but it is actually not just knowing the facts about why one needs to brush his teeth and all that.

MS. NIEVA: But actual measures would be included already, and we are providing it there?

MS. QUESADA: Yes, a consciousness that makes people really behave and put into practice what they know about their health; so that they stop smoking, they exercise, they avoid certain foods because they now have this consciousness. So, it is a consciousness that makes people act on what they know. So, it is really what Commissioner Ople said.

MS. NIEVA: Yes, I understand what the Commissioner means, but my personal perception is that it is not strong enough. It does not mandate the State by stating in the Declaration of Principles that this is vital to the total development of the citizens.

MS. QUESADA: Actually, how this would be translated by the State would really be an emphasis on health education program which will be undertaken by all instrumentalities we have in society. It could be the mass media making people become more conscious about what they need to do. So, instead of purely entertainment, we can use the media to instill consciousness among our people and there will be a reorientation in all the settings. In schools, for example, there would be this mandate on the State to improve health education so that it will not just be wedded with physical education or character education and taught during unholy hours like 12:00 to 1:00. This would have such implications for a redirection in the thrust.

SUSPENSION OF SESSION

THE PRESIDENT: We will continue this dialogue after we suspend the session for a few minutes

It was 4:51 p.m.

RESUMPTION OF SESSION

At 5:22 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

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

MR. MONSOD: She is not yet here.

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

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I was thinking of a formulation that would combine Sections 17 and 18, not Sections 16 and 17, incorporating the comments of Commissioner Nieva: "The State shall PROTECT AND PROMOTE THE RIGHT OF THE PEOPLE TO HEALTH AND A BALANCED ECOLOGICAL ENVIRONMENT."

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: In the absence of Commissioner Nieva, may I respectfully speak in her behalf because before we suspended the session, she wished to propose an amendment by combining the first sentence of Section 11 on the Article on Social Justice and a portion of Section 16 so that the proposed amendment will read as follows . . .

May I yield the floor to Commissioner Nieva, Madam President, because she is here.

THE PRESIDENT: Commissioner Nieva is recognized.

MS. NIEVA: Yes, it will read: "The State SHALL PROTECT AND PROMOTE THE RIGHT TO HEALTH AND INSTILL HEALTH CONSCIOUSNESS AMONG THE PEOPLE."

THE PRESIDENT: Yes, there is a proposal now of Commissioner Monsod to combine Sections 17 and 18.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: I manifested to Commissioners Nieva and Sarmiento that I was joining them in this proposal. But instead of saying "PROTECT AND PROMOTE THE RIGHT TO HEALTH," I was going to suggest that we delete the word "RIGHT" and say "TO PROTECT AND PROMOTE THE HEALTH OF THE PEOPLE." I think we should concern ourselves with the promotion and protection of health.

THE PRESIDENT: How about the proposal of Commissioner Monsod to combine Sections 17 and 18?

MR. GASCON: Madam President, I would like to react to the proposal of Commissioner Monsod.

THE PRESIDENT: Commissioner Gascon may please proceed.

MR. GASCON: I would like to object to the proposal because I think the two sections are different in the sense that the first speaks of the health of the individual and the responsibility of the State to ensure the optimum health of individual persons. The second speaks of the environment, the ecology. For purposes of delineating the two concepts, it would be best, from my point of view, to separate the two because, in fact, there is a very strong movement now throughout the world calling for everyone to take a second look at our ecology and environment as a determining force in the issues of economic programs and policies, politics, and even social life. So, to maintain the purity of the concept of ecology and the environment, as well as the issue of health of individuals, I would like to request Commissioner Monsod to separate the two concepts, if it is possible.

MR. MONSOD: My only argument is that when one talks about health, that is an internal matter. So, internal and external are interacting and, therefore, we should protect both the individual health and the environment in which he lives.

MR. GASCON: Yes, we agree totally with that. However, as I said, there are two different concepts — one is the issue of ecology and environment; the second is individual health. Although they are related in the sense that just as much as we want to protect the health of the individual, we must also protect the health of the environment, the issue, I think, merits some delineation.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: The two sections on health and environment are undoubtedly linked, but not to a degree that they have to be merged.

To be sure, we ought to have a strong and powerful statement in the Declaration of Principles concerning the ecology in terms of its impact on health, but also for other equally humane and noble purposes and having in mind the danger of the exhaustion of resources. In the case of forests, this can mean eternal flooding. And so, I think that section can stand apart. But does Commissioner Monsod find anything unbearable in the present formulation of Section 16?

On the matter of the right to health, I think Commissioner Quesada is right. It should be retained in the Article on Social Justice, because the right to health of the rich and the right to health of the poor may be imbued with certain critical nuances that call for a social justice declaration on health. I think the committee is right in wanting to focus on fostering health consciousness among the people as a declaration of principles because a nation that has risen to a state of consciousness for itself and the health of its members will make so many hospitals and so many expensive outlays on social services in the field of health unnecessary. There is a very strong initial movement now in the medical profession, exemplified by the American school of Major Kenneth Cooper, which holds that this is the key to the future health of mankind. It may put the doctors out of order and may be leaving the nurses later on to be more important, because when one takes a preventive approach to health, he is making the large outlays for curative medicine unnecessary. One will permit mistakes to realize ample, perhaps, unheard-of savings, if the nation has risen to a state of health consciousness that makes it capable of preventing rather than treating diseases.

It is, therefore, on that basis that I would like to align myself with the committee regarding Section 16.

THE PRESIDENT: May we hear now from Commissioner Quesada, with respect to Commissioner Monsod's suggestions and may we also hear the formulation of Commissioners Sarmiento and Nieva.

MS. QUESADA: During the break, there was a representation from some other Members of the Commission who convinced the members of the committee to reconsider the proposal of Commissioners Nieva, Sarmiento, Davide, Gascon, Garcia and Guingona to merge the first sentence of Section 1 of the health section, which reads: "THE STATE SHALL PROMOTE AND PROTECT THE RIGHT TO HEALTH AND INSTILL HEALTH CONSCIOUSNESS AMONG THE PEOPLE." The succeeding sentence in this health section would already be the process by which the State can promote and protect such right.

THE PRESIDENT: So, the committee submits this now as the new formulation?

MS. QUESADA: The new formulation, although with the recognition of the importance that we have given to health consciousness, clearly enunciated by Commissioner Ople, would still be there except that some felt the mandate will be stronger if the first sentence of the health section is placed in the Declaration of Principles. The committee acceded to such representation during the break. So, it will now read: "THE STATE SHALL PROMOTE AND PROTECT THE RIGHT TO HEALTH AND INSTILL HEALTH CONSCIOUSNESS AMONG THE PEOPLE."

THE PRESIDENT: How about the proposals of Commissioner Monsod to combine the two sections?

MS. QUESADA: We have also talked about that, and we would appeal to Commissioner Monsod to let the provision that we have reformulated for so many times already remain as it is — a separate provision for ecology

and another one for health.

THE PRESIDENT: What is the new Section 16?

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: In view of the appeal of the committee, I will withdraw my amendment and deal with it in the next section.

MS. QUESADA: Thank you very much, Madam President.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Regarding my earlier remarks, I had a talk with Commissioner Nieva, and she explained to me that the wordings that she read are the wordings found in the Article on Social Justice and, therefore, I would like to manifest that I am supporting the formulation of Commissioner Nieva as accepted by the committee without qualification.

MS. QUESADA: Thank you, Madam President.

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: Section 11 on health in the Article on Social Justice reads: "THE STATE SHALL PROTECT AND PROMOTE THE RIGHT TO HEALTH." It seems that this will be repeated under Section 17 and with practically the same words.

MS. QUESADA: Madam President.

MR. PADILLA: Would that mean a transposition of the first sentence of Section 11 to the Declaration of Principles?

MS. QUESADA: Yes. Madam President, we have just stated that it will be a transposition — "transportation," according to Commissioner Davide — of the first line of the health section on the Article on Social Justice and incorporated with the concept of instilling health consciousness among the people. So, it will not be a repetition anymore since we are removing that in the Social Justice Article.

MR. PADILLA: Thank you.

THE PRESIDENT: Are we ready to vote now?

MR. SARMIENTO: Madam President, just one question and I will be very happy.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: In the course of the interpellation, the Gentleman has stated that it is possible that the State will give support to private hospitals because of their financial conditions. Will this mean possible tax exemption? I ask this question because I am reminded of this Hospital Journal, a quarterly publication of the Philippine Hospital Association. It disclosed that during the past two years alone, a Philippine Hospital Association survey has shown that more than 70 private hospitals in the country have declared bankruptcy, have closed or in the process of being foreclosed by their creditors, meaning, the financial lending institutions. So, may I be clarified on

this point.

MS. QUESADA: We shall leave this to Congress to deliberate on.

MR. SARMIENTO: The matter of tax exemption?

MS. QUESADA: Yes, and all the other incentives that private hospitals have already been receiving for the past years. As early as 1975, we have already worked this out during a national tripartite conference on the assistance that the government should provide to the private health care industry.

MR. SARMIENTO: Thank you, Madam President.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Did I hear the Honorable Quesada state that the first sentence of Section 11 under the Article on Social Justice will be transposed to the Declaration of Principles?

MS. QUESADA: Yes, the Gentleman has heard it right and this has been the proposal of the chairman of the Committee on Social Justice and the other Commissioners.

MR. DE CASTRO: I do not believe that will be possible under our Rules, Madam President, because we have already laid to rest — using the words of Honorable Davide — the provisions on Social Justice. We have already closed the period of amendments, the debates and we have already approved on Second Reading the Article on Social Justice. The best thing that can be done would be a suspension of the Rules and a motion for reconsideration.

MS. QUESADA: If there is no objection from the floor, then we can do that. I think we have done that in the past.

MR. DE CASTRO: What, for example?

MS. QUESADA: Like the social justice provision on all the phases of national development. That was the first sentence which is the flagship section of the Article on Social Justice.

MR. DE CASTRO: Would the Commissioner not be comfortable if we leave that in the Article on Social Justice and take it out from the Declaration of Principles so that we can be saved from the suspension of the Rules and motion for reconsideration?

MR. NOLLEDO: As far as the committee is concerned, there is no motion for reconsideration. We are not discussing the merits of the proposal that we have approved. We are not going into the substance. We are merely transposing it to another section. So we do not actually violate the Rules.

THE PRESIDENT: In fact, this can be done by the Committees on Style and Sponsorship.

MR. DE CASTRO: Thank you.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Just a very minor point. The sentence sought to be transposed reads: "THE STATE SHALL PROTECT AND PROMOTE THE RIGHT TO HEALTH." The reading of the section now by Commissioner Quesada states: "THE STATE SHALL PROMOTE AND PROTECT." So, which is which? Which will come ahead?

MS. QUESADA: I stand corrected. It shall be: "THE STATE SHALL PROTECT AND PROMOTE" as was stated in the Article on Social Justice.

MR. MAAMBONG: Thank you, Madam President.

VOTING

THE PRESIDENT: As many as are in favor of this new Section 16, as read by Commissioner Quesada, please raise their hand. (Several Members raised their hand.)

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

The results show 23 votes in favor and none against; the new Section 16 is approved.

MR. TINGSON: Madam President.

THE PRESIDENT: The chairman is recognized.

MR. TINGSON: The committee's new formulation of Section 17 reads: "The State recognizes the RIGHT OF EVERY PERSON to a HEALTHFUL environment and the singular demand of nature to follow its own rhythm and harmony. IT shall therefore PROTECT, RESTORE AND ENHANCE THE ecological balance FOR the sustenance of THIS AND future generations."

I am going to hand it over to Commissioner Azcuna for answers to whatever questions will be asked.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Just to keep our records straight, may I formally present a motion, Madam President? I move that the first sentence of Section 11 on the Article on Social Justice be transposed to Section 17 of the Article on the Declaration of Principles and State Policies, with instruction to the Committees on Style and Sponsorship to so indicate this transposition.

I so move, Madam President.

THE PRESIDENT: That is Section 17.

MR. MAAMBONG: Yes.

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

MR. MAAMBONG: I likewise move, Madam President, that the first sentence of Section 1 of the Article on Social Justice which says, "The State shall promote social justice in all phases of national development," be transposed to the new section in the Article on the Declaration of Principles and State Policies.

I so move, Madam President.

MR. OPLE: Madam President, before we act on the motion of Commissioner Maambong, may I just ask whether this same approach to transpositions or this precedent, with respect to articles already approved, after a lapse of time beyond the 48 hours provided for in the Rules, will apply to all future proposals for transpositions without the formality of reopening or a motion for reconsideration? I just wanted the Rules to be interpreted now so that this question need not arise in the future, before we act on the motion of Commissioner Maambong.

THE PRESIDENT: What does Commissioner Maambong say?

MR. MAAMBONG: Madam President, this matter of transposition does not really affect any substance of the provisions. What we are only trying to do is to transfer it to its proper place. So, to my mind, there is no need for a motion for reconsideration or suspension of the Rules because we are not deleting any portion; we are not changing the substance; we are using practically the same words. As a matter of fact, this properly belongs to the Committees on Style and Sponsorship, but we are just trying to effectuate this in a more orderly manner.

MR. OPLE: If that is the understanding, then I think this clears up the doubt in my own mind, at least.

THE PRESIDENT: Thank you.

BISHOP BACANI: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: May I be clarified by Commissioner Maambong if, when he proposes this transfer, it means that the sentence will no longer appear in the Article on Social Justice?

MR. MAAMBONG: It will no longer appear, Madam President.

BISHOP BACANI: Then, how will the second sentence sound like if we remove that? I do not remember the full sentence.

MR. MAAMBONG: Precisely, that would be the subject matter of the next motion which I was about to present.

BISHOP BACANI: I think we should spend more time in deciding this. If we transpose something, like transposing part of my hand to my feet, then, of course, we are not changing the substance of my hand apparently but it may not look as nice anymore, and the likes of this may be happening here. We approve them precisely within the context of said articles. I remember yesterday there was a long discussion for the transposition of one sentence to the Article on Social Justice. So, I think, we should be more careful about these transpositions.

MR. MAAMBONG: Madam President, the point of Commissioner Bacani is well taken. That is precisely why I was about to request the Chair to instruct the Committee on Sponsorship and the Committee on Style as regards Section 1 of the Article on Social Justice wherein the words "in pursuit thereof" should be taken out and the sentence will now start with: "Congress shall give highest priority." This is to solve the problem of Commissioner Bacani.

And in the case of Section 11 of the Article on Social Justice, instead of the words in the second sentence, "to this end it shall adopt," it will read: "THE STATE shall adopt an integrated and comprehensive approach to health development. . ." It will not change the meaning. There is nothing new in this formulation. It is only a matter of realigning it in order that the sentence will not look awkward.

THE PRESIDENT: We will take note of this as a suggestion to the Committees on Style and Sponsorship when they come to this particular section.

MR. MAAMBONG: Thank you, Madam President.

MR. JAMIR: Parliamentary inquiry, Madam President.

I remember that Commissioner Suarez raised the question on whether or not upon the transfer of the Romulo amendment to the Article on Transitory Provisions, the formulation of the Romulo amendment could be subject to change or amendments, and the Chair ruled then that in due time the Chair would announce its ruling on the matter. Will this procedure that we are adopting constitute a precedent with respect to that particular matter?

THE PRESIDENT: The situations are not similar. In other words, this is a case where a particular portion has

been approved in a section and which is now believed to be properly placed in the Declaration of Principles. So, there is no similarity between the two.

MR. JAMIR: Thank you, Madam President.

MR. DE CASTRO: Madam President, inquiry only.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you.

We are transposing the first sentence of Section 11 of the Article on Social Justice to the Declaration of Principles. If we do that, the second sentence in Section 11 will have no meaning.

THE PRESIDENT: That is why Commissioner Maambong was making some suggestions for the consideration of the Committees on Style and Sponsorship, without changing the substance. It is just a question of styling now because of the transposition of this first sentence.

MR. DE CASTRO: If the Committee on Style will put some sense in the second sentence of Section 11, it will have to change some statements because the second sentence of Section 11, if we take away the first sentence, will have no sense or meaning.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 5:44 p.m.

RESUMPTION OF SESSION

At 5:56 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. AZCUNA: Madam President.

THE PRESIDENT: Commissioner Azcuna is recognized.

MR. AZCUNA: Madam President, I would like to ask for a reconsideration of the ruling on the Maambong motion because I would like to present a different proposal.

THE PRESIDENT: Is there any objection?

MR. MAAMBONG: I have no objection as the proponent of the motion, Madam President.

THE PRESIDENT: There is no objection; the said ruling is reconsidered.

MR. AZCUNA: Thank you, Madam President.

I would like to propose that instead of transposing certain sentences from the articles that are already approved into the Declaration of Principles, we will just copy those sentences without transferring them. And then we will just direct the Sponsorship Committee to harmonize the two by deleting later on the copied sentences from the original articles and retaining them in the Declaration of Principles.

MR. MAAMBONG: I will have no objection to that, Madam President, as long as it will have the same effect as transferring the words in Sections 11 and 1 of the Article on Social Justice to the proper section in the Declaration

of Principles. What I am only worried about is that if that discretion is given entirely to the Committee on Sponsorship and the Committee on Style, then the said committees may not transfer the sentence to the proper section in the Declaration of Principles. But with that understanding, I have no worry about that.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I believe we should just allow the duplication and then the Sponsorship Committee or Style Committee can make a recommendation after which we will have to follow the Rules at a time when the issue arises.

MR. AZCUNA: Yes.

MR. MONSOD: There is no authority to each committee to do that.

MR. AZCUNA: Yes, with that understanding.

The chairman of the Sponsorship Committee is about to seek recognition.

THE PRESIDENT: Yes, but excuse me. The Sponsorship Committee, I believe, should be guided by the decision of the body as to where that particular sentence will be — whether it should remain in the section on the Article on Social Justice or in the Declaration of Principles.

MR. AZCUNA: Yes, without guiding them, Madam President, or without necessarily taking away all discretion from them.

THE PRESIDENT: Yes, just guide them.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

Shall we debate on all these?

MR. MONSOD: No, I just wanted to find out. Is it clear that the Rules will have to be observed at the time?

MR. AZCUNA: The Rules will have to be observed. That is right.

MR. GUINGONA: Madam President, on behalf of the Sponsorship Committee, we will do whatever the Commission decides on this matter.

MR. AZCUNA: Thank you.

THE PRESIDENT: Is there any section that we should approve?

MR. AZCUNA: Yes.

THE PRESIDENT: The chairman of the committee is recognized.

MR. TINGSON: Yes, Madam President, we will request Commissioner Azcuna.

MR. AZCUNA: I move, Madam President, that the words that were supposed to be transposed from the Article on Social Justice to the Declaration of Principles be merely copied instead of being transposed, thereby creating a duplication which the Sponsorship Committee can harmonize under the Rules.

MR. OPLE: I second the motion.

MR. MAAMBONG: Madam President.

THE PRESIDENT: The Chair believes that actually there will be no need for that. What we have to do now is to approve a section. Have we approved that section already?

MR. AZCUNA: Yes, we will just approve a section that is worded in the same way.

THE PRESIDENT: Yes, in the same way; that is all.

MR. AZCUNA: That is right; that is the motion.

MR. MAAMBONG: Madam President, what I am actually saying is that there is no need for the motion. The motion which I presented and which was approved by the Chair can be considered. All the words are now back to Section 1 and Section 11.

THE PRESIDENT: That is right.

MR. AZCUNA: I withdraw the motion then, Madam President.

THE PRESIDENT: That is why the Chair was asking what the section is that we will vote upon.

MR. AZCUNA: The next section that we will vote upon is Section 17, formerly Section 18, Madam President.

MR. TINGSON: Section 17.

MR. AZCUNA: This is on the right to a healthful environment. We have a new committee formulation, Madam President.

MR. TINGSON: Section 17 will read: "The State recognizes the right of a person to a healthful environment and the singular demand of nature to follow its own rhythm and harmony. It shall, therefore, protect, restore and enhance ecological balance for the sustenance of this and future generations."

MR. AZCUNA: This particular formulation is due to the efforts and coauthorship of Commissioners Garcia, Guingona, Bengzon, Rigos and myself, Madam President.

MR. OPLE: Madam President, will the proponent yield to a question?

MR. AZCUNA: Willingly, Madam President.

THE PRESIDENT: Please proceed.

MR. OPLE: "The singular demand of nature to follow its own rhythm and harmony" — that is a very charming language.

MR. AZCUNA: Thank you, Madam President.

MR. OPLE: And this is, of course, to be read in the context of what precedes it — "a healthful environment."

MR. AZCUNA: That is correct, Madam President.

MR. OPLE: Is there a kind of pantheistic dimension to this statement so that, in effect, a regression to a state of nature for humanity is endorsed? An example is the Tasaday community. Let us not talk about the controversial character of its authenticity, but does Commissioner Azcuna refer to the "singular demand of nature to follow its own rhythm and harmony" in the sense that Stone Age civilization might be singularly preferable to, let us say, a more advanced but, at the same time, a more strife-ridden culture? It is said that the Tasadays do not have the word "war" in their vocabulary. It is said that they are living in perfect harmony. But we also know that man in a

state of nature is a savage, and that is why we know about the noble savage. This is certainly not contemplated. It is an ideal state of human society in the second part of the first sentence in Section 18.

MR. AZCUNA: No, Madam President, we have precisely no intention of being atavistic in this particular formulation, but, rather, merely to respect the laws of nature which, if violated, have their own violent reactions, such as when one tries to denude a forest and there is flood. As the Gentleman has mentioned earlier, there is, therefore, merely a demand for balance in the environment.

MR. OPLE: There are no tacit choices expressed as to the preferable state of human culture and civilization.

MR. AZCUNA: None, Madam President.

MR. OPLE: This deals only with ecology in terms of the natural resources and the rhythm of nature.

MR. AZCUNA: That is correct.

MR. OPLE: Thank you very much, Madam President.

MR. AZCUNA: The Gentleman is welcome.

MR. VILLACORTA: Madam President.

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: Would the proponent yield to some questions?

MR. AZCUNA: Willingly, Madam President.

MR. VILLACORTA: Does this section mandate the State to provide sanctions against all forms of pollution — air, water and noise pollution?

MR. AZCUNA: Yes, Madam President. The right to healthful environment necessarily carries with it the correlative duty of not impairing the same and, therefore, sanctions may be provided for impairment of environmental balance.

MR. VILLACORTA: Correspondingly, does this mean that under this section there will be protection provided to human communities surrounding airports, military bases and factories?

MR. AZCUNA: There may be insofar as such mentioned matters contribute to harming the environment or the quality of the human environment.

MR. VILLACORTA: In other words, it is protection not only to the life and limb of these human communities but to their psychological welfare as well.

MR. AZCUNA: Insofar as it relates to causes from the environment such as noise, for example, which is considered as a form of pollution. This may be controlled or regulated under this provision, Madam President.

MR. VILLACORTA: Thank you very much, Madam President.

MR. AZCUNA: The Gentleman is welcome.

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you.

I wonder if the proponent would entertain an amendment by substitution. This is a simple sentence that Commissioner Monsod and myself had been working on and the sentence will read simply like this: "THE STATE SHALL PROTECT AND ENHANCE A BALANCED ECOLOGICAL ENVIRONMENT FOR THE PRESENT AND FUTURE GENERATIONS."

MR. AZCUNA: That sounds good to me, Madam President. May the Gentleman repeat it.

MR. SUAREZ: Yes. "THE STATE SHALL PROJECT AND ENHANCE A BALANCED ECOLOGICAL ENVIRONMENT FOR THE PRESENT AND FUTURE GENERATIONS."

I think the thrust of what the proponent has in mind is already integrated in this expression because the words "BALANCED ECOLOGICAL ENVIRONMENT" not only for the present but also for the future generations are already included.

MR. AZCUNA: Yes. My problem there is, it does not state the right to a healthy or healthful or clean environment which is, in modern development, considered a right of every person with the correlative duty of nonimpairment. I wonder if we could somehow put it in the duty or responsibility of the State to protect and enhance the ecological environment.

MR. SUAREZ: Taking into consideration the factor which the Gentleman has brought out, probably, it could be further amended to read: "IT SHALL PROTECT AND ENHANCE THE RIGHT OF THE PEOPLE TO A BALANCED ECOLOGICAL ENVIRONMENT FOR THE PRESENT AND FUTURE GENERATIONS."

SUSPENSION OF SESSION

MR. AZCUNA: May we ask for a suspension, Madam President?

THE PRESIDENT: The session is suspended.

It was 6:09 p.m.

RESUMPTION OF SESSION

At 6:17 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

Commissioner Azcuna is recognized.

MR. AZCUNA: Madam President, we have a reformulation which is the combined poetic effort of all the Commissioners here present, namely: Commissioners Garcia, Guingona, Bengzon, Rigos, Ople, Jamir, Monsod, Villacorta, Suarez, Davide, Aquino, Quesada, Gascon, Rosario Braid. Nolleto . . .

THE PRESIDENT: Are there so many poets here?

MR. AZCUNA: There are so many poets, Madam President. (Laughter). And it reads as follows: "THE STATE GUARANTEES THE RIGHT OF THE PEOPLE AND THEIR POSTERITY TO A BALANCED AND HEALTHFUL ECOLOGICAL ENVIRONMENT IN ACCORD WITH THE SINGULAR DEMAND OF NATURE TO FOLLOW ITS RHYTHM AND HARMONY."

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla does not seem to agree. (Laughter) What does he say?

MR. PADILLA: If we were writing a poem, that phrase "rhythm and harmony" may have some place, but not in a Constitution, and much less in the Declaration of Principles. Madam President, in fact, taxis Section 17 is within the inherent power of the State under its police power. In fact, the Civil Code has provisions on nuisances under Article 6, line 4, which provides that a nuisance is any act, commission, establishment, business, condition or property or anything else which: (1) injures or endangers the health or safety of others; (2) annoys or offends the senses; (3) shocks, defies or disregards decency or morality; (4) obstructs or interferes with the free passage of any public highway or street or any body of water; and (5) hinders or impairs the use of property.

And then it provides for nuisances per se or per accidens and public or private nuisances.

So, if we must be prevailed upon to include a provision in the Declaration of Principles, to which I do not exactly concur, let us make it simple, similar to what was suggested by Commissioner Suarez. Or if we want to preserve some of the wordings of the committee report, let us just simply say: "THE STATE RECOGNIZES THE HUMAN RIGHT TO HEALTHFUL ENVIRONMENT AND TO ECOLOGICAL BALANCE OF NATURE" or adopt what Commissioner Suarez suggested, because it is not necessary to say "FOR THIS AND FUTURE GENERATIONS" or "FOR NOW AND POSTERITY." It is understood that whatever we do here is intended for the general welfare of all the people now and tomorrow.

On the question of environment, balanced ecology may be disrupted by, for example, the striking out of trees especially the deforestation or the denudation of our forests, because trees, I understand, absorb carbon dioxide and emit oxygen, and that is good for the human body. Water, which is stagnant, will also create problems not only from possible diseases, germs, et cetera. And if water is not stagnant but running, there is less chance of nonecological balance.

And so, I am against the new formulation, especially when it mentions "THE SINGULAR DEMAND OF NATURE FOR RHYTHM AND HARMONY." These may be beautiful words, but they have no substantial meaning.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Am I entitled to three minutes?

THE PRESIDENT: Yes, three minutes.

MR. OPLE: Thank you, Madam President.

I just wanted to express my disagreement with Commissioner Padilla concerning this section. I do appreciate his demand and concern for simplicity and clarity, and I think this section meets that standard and somewhat exceeds it, I suppose, in terms of this phrase that has been described as poetic, which undoubtedly it is, but which is far from being meaningless. It speaks of a balanced and healthful ecological environment in accord with the singular demand of nature for rhythm and harmony. I believe this is far from being a meaningless or a hollow statement. It conveys a powerful sense of the very real problems that we face. Having violated the rhythm and harmony of nature with the rape of our forests and lakes, we have to take seriously the admonitions of many experts that if nothing drastic is done by the government and the people in 50 years, we can be a desert, Madam President. Our lakes are already dying. The Laguna de Bay, according to most experts, can literally die in 20 years if nothing gets done now. In my own Province of Bulacan, the pollution problem is beginning to feed an insurrectionary atmosphere among many fishermen, for example. Farms and rivers which are the only means of sustenance for many thousands of families are being irreparably damaged by pollution from some chemical companies there.

And so, I think, a statement on ecology this powerful and attractive should have a place in the Declaration of Principles.

Thank you, Madam President.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I agree in full with the proposal of the committee, but to shorten it, may I just move for the deletion of the words "THE SINGULAR DEMAND OF NATURE TO FOLLOW." So, it will only read: "IN ACCORD WITH THE RHYTHM AND HARMONY OF NATURE."

THE PRESIDENT: What does the committee say? Commissioner Azcuna is recognized.

MR. AZCUNA: We accept, Madam President.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: May we also change the word "GUARANTEES" to "PROTECTS"? Instead of "GUARANTEES," place "PROTECTS," because the word "GUARANTEES" would be used the first time in the Constitution and somehow it sounds like a financial transaction.

MR. OPLE: Will Commissioner Monsod agree with the words "TO PROTECT AND ADVANCE THE RIGHT"?

MR. MONSOD: I think those were the words of Commissioner Suarez.

MR. OPLE: "Advance" is stronger than "enhance."

MR. MONSOD: I will leave that to the committee. I was just taking issue with the word "GUARANTEES."

MR. OPLE: Thank you.

THE PRESIDENT: So, how will this new section now read?

MR. AZCUNA: The new section will now read: "THE STATE SHALL, PROTECT AND ADVANCE THE RIGHT OF THE PEOPLE AND THEIR POSTERITY TO A BALANCED AND HEALTHFUL ECOLOGICAL ENVIRONMENT IN ACCORD WITH THE RHYTHM AND HARMONY OF NATURE."

MR. GASCON: Madam President, parliamentary inquiry.

THE PRESIDENT: Commissioner Gascon is recognized.

MR. GASCON: Did Commissioner Padilla propose an anterior amendment?

THE PRESIDENT: I do not think there was any. He was just making a suggestion.

MR. GASCON: So, we shall be voting on the committee proposal then.

THE PRESIDENT: Yes, taking into account the objections of Commissioner Padilla.

Commissioner Bennagen is recognized.

MR. BENNAGEN: I have been involved in the environmental movement for sometime. But this is the first time I heard about ecological environment. Why not simply say "balanced ecology"?

MR. AZCUNA: The ecological environment, Madam President, refers to the total human environment.

MR. BENNAGEN: That is the meaning of ecology.

MR. AZCUNA: Yes.

MR. BENNAGEN: But why "environment"? What I am saying is, just use "ecology" instead of "ecological environment."

MR. AZCUNA: We accept, Madam President.

MR. MONSOD: I just want to ask, Madam President: Is the committee willing to accept "ADVANCE"? It sounds like a military operation.

MR. AZCUNA: How about "ENFORCE"?

MR. OPLE: Since I suggested the word "ADVANCE," Madam President, may I have the floor for just a minute.

I think advancing the right of people is nothing odd nor curious. We encounter this in all literature, but especially with respect to human rights, the rights of the poor, enhancing a right is out of place. One cannot enhance a right. There are no degrees of rights but advancing the right of the people to a sound ecology is perfectly in order and there is a resonance to it which ought not to be begrudged when we speak of a strong and powerful statement on ecology and health.

Thank you.

THE PRESIDENT: Are we ready now for the formulation?

MR. AZCUNA: May I read it once more, Madam President: "THE STATE SHALL PROTECT AND ADVANCE THE RIGHT OF THE PEOPLE AND THEIR POSTERITY TO A BALANCED AND HEALTHFUL ECOLOGY IN ACCORD WITH THE RHYTHM AND HARMONY OF NATURE."

MR. ROMULO: Madam President, may I suggest the deletion of "POSTERITY" for the sake of economy of words, because I think Commissioner Padilla is right. What we pass here is for now and the future.

MR. AZCUNA: "THE PEOPLE" means the present and future generations; we agree.

MR. ROMULO: Yes.

VOTING

THE PRESIDENT: As many as are in favor of the new Section 17, please raise their hand. (Several Members raised their hand.)

As many as are against, please raise their hand. (One Member raised his hand.)

The results show 22 votes in favor and one against; so, the new Section 17 is approved.

MR. ROMULO: Madam President.

ADJOURNMENT OF SESSION

MR. TINGSON:: Madam President, it has been a long day of rhythm and harmony and to add rhyme and reason to it, we suggest that we adjourn.

THE PRESIDENT: What does the Acting Floor Leader say?

MR. ROMULO: Madam President, in the interest of the committee's biorhythm, I support the motion to adjourn until nine-thirty tomorrow morning.

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

It was 6:33 p.m.

[*] Appeared after the roll call.

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