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Wednesday, June 4, 1986

OPENING OF SESSION

At 3:22 p.m., the President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

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

Everybody rose to sing the National Anthem.

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

Everybody remained standing for the Prayer.

PRAYER

MS. AQUINO. Almighty Father, in whose hands lies the destiny of people and nations, we implore Your healing grace on a world torn by strife and man's inhumanity to man.

Grant us Your wisdom, strength and courage, for us to be able to work for the preservation of civil liberties and the upholding of human rights, to strive for a more equitable distribution of the country's wealth and resources, and to be on the side of the poor, the exploited and the victims of injustice.

To this task, we commit ourselves in the name of Your Son, Jesus Christ, and the power of the Holy Spirit. Amen.

ROLL CALL

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

THE SECRETARY-GENERAL, reading.

Abubakar

Present Bernas Present

Alonto Present* Rosario Braid Present

Aquino Present Brocka Present

Azcuna Present Calderon Present

Bacani Present Castro de Present

Bengzon Present Colayco Present

Bennagen Present Concepcion Present

Davide

Present Regalado Present

Foz Present Reyes de los Present

Garcia Present* Rigos Present

Gascon Present Rodrigo Present

Guingona Present* Romulo Present

Jamir

Present Rosales Present

Laurel Present Sarmiento Present

Lerum Present Suarez Present

Maambong Present Sumulong Present

Monsod Present Tadeo Present

Natividad Present* Tan Present

Nieva

Present Tingson Present

Nolledo Present Treñas Present

Ople Present Uka Present

Padilla

Present Villacorta Present

Quesada Present Villegas Present

Rama Present

The President is present.

The roll call shows 43 Members responded to the call.

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

MR. RAMA: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. RAMA: I move that we read and then approve the Journal of yesterday's session.

THE PRESIDENT: Is there any objection?

MR. SARMIENTO: Madam President, I move that we dispense with the reading of the Journal.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the reading of the Journal is dispensed

with.

FR. BERNAS: Madam President, just one minor correction on the Journal, if I may. On page 20, line 4, change "these three" to AT LEAST TWO. So, lines 3 and 4 should read: ". . . it could only be exercised with the cooperation of AT LEAST TWO departments."

Incidentally, I would like to commend the Secretariat for making a better summary than the presentation yesterday .

THE PRESIDENT: Is there any objection to the correction on page 20, line 4 of the Journal of yesterday's session? (Silence) The Chair hears none; the correction is approved.

APPROVAL OF JOURNAL

MR. RAMA: Madam President, I move for the approval of the Journal, as corrected.

THE PRESIDENT: Is there any objection to the approval of the Journal as corrected? (Silence) The Chair hears none; the Journal, as corrected, is approved.

MR. RAMA: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

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

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

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

The Secretary-General read the following Proposed Resolutions on First Reading and Communication, the President making the corresponding references:

PROPOSED RESOLUTIONS ON FIRST READING

Proposed Resolution No. 30, entitled:

RESOLUTION PROPOSING THE CREATION OF ADDITIONAL COMMITTEES.

Introduced by Hon. Suarez, Tadeo and Jamir.

To the Steering Committee.

Proposed Resolution No. 31, entitled:

RESOLUTION PROPOSING THE USE OF THE 1973 CONSTITUTION AS THE WORKING DRAFT IN THE EVENT THAT THE PARLIAMENTARY SYSTEM OF GOVERNMENT IS CHOSEN BY THE CONSTITUTIONAL COMMISSION.

Introduced by Hon. Suarez, Tadeo and Jamir.

To the Steering Committee.

Proposed Resolution No. 32, entitled:

RESOLUTION PROPOSING THE USE OF THE 1935 CONSTITUTION AS THE WORKING DRAFT IN THE EVENT THAT THE PRESIDENTIAL FORM OF GOVERNMENT IS CHOSEN BY THE COMMISSION

Introduced by Hon. Suarez, Tadeo and Jamir.

To the Steering Committee.

Communication from Justice Porfirio V. Sison, President of the Philippine Constitution Association, transmitting a draft constitution prepared by the Philippine Constitution Association.

(Communication No. 2 — Constitutional Commission of 1986)

To the Steering Committee.

DISCUSSION ON THE FORM OF GOVERNMENT

Continuation

THE PRESIDENT: We have an Unfinished Business which is the continuation of the discussion on the form of government.

May we know from the Acting Floor Leader if there are speakers for this afternoon.

MR. RAMA: Yes, Madam President, there are speakers on the form of government in a freewheeling discussion under the same terms as yesterday.

May I now call on Commissioner Villacorta.

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: Thank you very much.

Actually I was caught unaware when the Acting Floor Leader said that I was going to be the second speaker. But in any event, I just would like to react to the statements of Commissioners Garcia and Tadeo with respect to constitutionalizing people's power in the different branches of government.

In this connection, the body might consider the possibility of incorporating into the Article on the Legislative a provision on multisectoral representation to the national Legislature. I submitted this as a resolution in view of the fact that there is a clamor to enshrine people's power in the Constitution, and it seems that one of the most effective means to achieve this ideal is to guarantee legislative representation to the different major sectors of Philippine society.

In view of the express need to democratize the law-making branch of government, I would like to propose that in addition to the regularly elected legislators based on district or regional representation, there should be significant multisectoral representation in the legislative body. These various sectors which include, among others, farmers, workers, cultural communities, women, teachers, professionals and students should elect their own representatives to the Legislative.

That is all, thank you.

MR. RODRIGO: Madam President.

THE PRESIDENT: Yes, Commissioner Rodrigo is recognized.

MR. RODRIGO: I would like to ask Commissioner Villacorta a question for clarification.

I agree with Commissioner Villacorta's idea of having representation from different sectors such as: farmers, teachers, youth and others, but what are the mechanics of electing these representatives?

MR. VILLACORTA: The specific mechanics can be deliberated later, but offhand I think the election of sectoral

representatives could be done from within the respective sectors.

MR. RODRIGO: Will the sectoral representatives be elected nationwide, let us say, all the women all over the Philippines will elect a representative for women, and similarly for the farmers?

MR. VILLACORTA: Yes.

MR. RODRIGO: So, there will be different lists of voters for farmers, for students and for youth.

MR. VILLACORTA: Yes.

MR. RODRIGO: Is there any country in the world that has already experimented on this?

MR. VILLACORTA: Since we have just experienced a unique revolution, and we are now in a unique chapter in our history, I think we should look up to a brave new world and come up with innovations. We start here with a tabula rasa and we should come up with some imaginative ideas in forming our new government.

MR. RODRIGO: Does the Commissioner have any imaginative but feasible idea?

MR. VILLACORTA: Yes. There are some ways by which we could elect the members from the different sectors. One system that we can look into is the proportional list system which is practiced in West Germany and in other European countries. Or we can simply call it majority electoral system wherein the candidates who get the majority vote become the representatives of the sector.

If this resolution is approved, then it would be up to us to determine the number of seats to be apportioned to each sector.

However, I am not at all implying that the Legislature will be composed solely of sectoral representatives, but these should be in addition to the elected representatives from various districts or regions.

MR. RODRIGO: I like the idea; but I would wait for a more concrete and feasible plan on how this will be implemented .

Thank you.

MR. VILLACORTA: Thank you, Commissioner Rodrigo.

MR. SUAREZ: Madam President, can I ask Commissioner Villacorta few clarificatory questions?

THE PRESIDENT: Yes, Commissioner Villacorta may yield if he so desires.

MR. VILLACORTA: Willingly, Madam President.

MR. SUAREZ: Like Commissioner Rodrigo, I agree with Commissioner Villacorta's proposal to implement the idea on multisectoral representation in the form of a constitutional provision, although this may be a little more difficult.

Yesterday, Commissioners Tadeo and Garcia voiced out their sentiments regarding the possible exercise of people's power. Is my understanding correct when I say that Commissioner Villacorta is in favor of sectoral representation such that students, peasants, farmers, laborers, and church workers would all be represented in the government?

MR. VILLACORTA: That is correct.

MR. SUAREZ: And because of the peculiar nature of our democratic system, we have a common desire to veer away from what you and I consider elite democracy, as distinguished from popular or pluralistic democracy; is

that also correct?

MR. VILLACORTA: Exactly.

MR. SUAREZ: I fully subscribe to Commissioner Villacorta's proposition. But let us take the case of simple Filipino citizens, like Ka Jimmy, Ka Ed, Ka Memong, Ka Bert, Ka Bilog, Ka Dante, Ka Joma, do we envision that at some time in the future they should form part of the government?

MR. VILLACORTA: That is right, Commissioner.

MR. SUAREZ: And to carry the example further, can simple citizens, like Ka Fred Villacorta and perhaps Ka Sensing, aspire to become senators of our country?

MR. VILLACORTA: Yes.

MR. SUAREZ: However, Ka Fred and Ka Sensing would be prohibited from running or aspiring for a political position until after the first elections called, from the ratification of the new Constitution.

MR. VILLACORTA: I was going to say that, but even after one year, I have no political ambition.

MR. SUAREZ: It is also ditto for this humble Member. I am only carrying the example to its logical conclusion. And so, as we envision in the future, God willing, with this new Constitution, a person like Ka Jimmy, Ka Memong, Ka Alan, Ka Joma or Ka Dante could very well become President of this beautiful nation of ours.

MR. VILLACORTA: Yes, theoretically, although I did not have that in mind. (Laughter)

MR. SUAREZ: Suppose Senator Rodrigo and I will be willing to join the Commissioner in drafting, formulating and even sponsoring a provision that could effectively implement his thinking as presented before the Commission, will the Commissioner be kind enough to accept our offer?

MR. VILLACORTA: I am very much honored by the offer of Commissioner Suarez. I have already submitted a resolution which provides the general principles of my proposal, but with respect to the specific mechanics of choosing the sectoral representatives, I will need the help of Commissioners Suarez and Rodrigo and our other colleagues.

MR. SUAREZ: Thank you.

MR. VILLACORTA: Thank you.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Will the distinguished Gentleman yield to some questions?

THE PRESIDENT: Commissioner Villacorta may yield if he so desires.

MR. VILLACORTA: Willingly, Madam President.

MR. DAVIDE: Democracy is not only in the national level. Representation of different sectors should not only be in the national assembly or in the lawmaking body of the Republic. We have local governmental units such as the provinces, cities, municipalities and barangays — the last being the basic local unit. How would the Commissioner propose representation from these local bodies?

MR. VILLACORTA: Is the Commissioner referring to the local councils?

MR. DAVIDE: Yes.

MR. VILLACORTA: I have not given it much thought, but now that the Commissioner has mentioned it, I think we should be consistent in bringing down to the local levels the idea of multisectoral representation.

MR. DAVIDE: In other words, in one barangay, for instance, we will have to classify the voters by sectors, aside from the general class who will be considered as belonging to no particular sector.

MR. VILLACORTA: That is right.

MR. DAVIDE: But would it prohibit a member of a sector from representing the unclassified sector? Let us take for instance, a lawyer who is also a farmer, how would we classify him? Does he belong to the professional or to the farmer sector?

MR. VILLACORTA: I think he will have to make a choice.

MR. DAVIDE: Would that choice be final, or can he opt to join the professional sector, and if he cannot win in that political sector, in the next political exercise can he also opt to become a member of the agricultural sector?

MR. VILLACORTA: Offhand, I do not see any infirmity in terms of running again under another classification.

MR. DAVIDE: In other words, once an individual classified himself as a member of a certain sector, he will be forever classified under that particular sector.

MR. VILLACORTA: On the contrary, nothing should inhibit a person from running under another sector. But I would have to give this matter much more thought.

MR. DAVIDE: Yes, because if he will be allowed to change sectors, that might be dangerous. Anybody could just claim himself to belong to a particular sector. A doctor of medicine, for instance, would just buy a few fishing vessels and he could now join the fishermen sector.

MR. VILLACORTA: The Commissioner's point is well taken.

MR. DAVIDE: How many sectors has the Commissioner in mind?

MR. VILLACORTA: I have not really given it a count, but the teachers, the workers, the farmers, the cultural communities, the women, the professionals, the students and the tribes or communities like those in Mindanao should be allowed one representative each.

MR. DAVIDE: The cultural communities are composed of several tribes. Would each tribe be allowed a representation?

MR. VILLACORTA: That would not be feasible.

MR. DAVIDE: In other words, all those belonging to the cultural communities will be entitled to so many number of seats, for instance, in the National Assembly.

MR. VILLACORTA: That is right.

MR. DAVIDE: But would the Commissioner not consider it unfair because there are tribes which are more in number than the others? For instance, could the natives of Surigao del Sur be without representation at all?

MR. VILLACORTA: I think they would have to work it out among themselves.

MR. DAVIDE: Would that proposal be the same with respect to the other sectors? For instance, must the farmers agree on one representation only?

MR. VILLACORTA: Depending on the number of seats allotted to their particular sector.

MR. DAVIDE: Does the Commissioner have in mind the number of seats to be allotted to every sector? Would it depend on their number?

MR. VILLACORTA: I think the percentage of population would be an important factor to consider. In other words, we cannot possibly have the same number of farmers' representatives as that coming from the lawyers' sector since, numerically speaking, there are more farmers than lawyers.

MR. DAVIDE: But if it would be flexible enough for every congress, the number would have to be increased depending on the increase in the population of the particular sector.

MR. VILLACORTA: That sounds reasonable.

MR. DAVIDE: Basically, in the apportionment of seats for the National Assembly, we consider the population of a particular area, say, one for every 250,000; but in that particular district of 250,000 we have already a conglomeration of sectors. How would the Commissioner allocate the composition of the unclassified sector?

MR. VILLACORTA: The Commissioner's question is not quite clear to me. I am sorry.

MR. DAVIDE: Basically, in the apportionment of seats for the National Assembly, we consider the number of the population. Let us assume that for one district with 250,000 people, one representation is allocated to that group.

MR. VILLACORTA: Yes.

MR. DAVIDE: But the 250,000 would itself be a conglomeration of several sectors. How would we allocate now a representation for the unclassified sector?

MR. VILLACORTA: The unclassified sectors would have to run at large. In other words, we cannot possibly give all sectors in the Philippine society representation, otherwise we will be saddled with a lot of seats for various groupings. We would have to allocate the seats only to the major sectors.

MR. DAVIDE: Only to the major sectors?

MR. VILLACORTA: I made it clear that it should only be for the major sectors.

MR. DAVIDE: What would be the basis for determining the major sectors?

MR. VILLACORTA: It should be the number of members of the sectors.

MR. DAVIDE: Would we, therefore, come to a point where a particular sector, which is not classified as major, would be without representation?

MR. VILLACORTA: Nothing would stop them from running at large. Could the Commissioner give an example of a sector which would be unclassified?

MR. DAVIDE: For instance, the jobless or disabled persons.

MR. VILLACORTA: Yes, but certainly they would have some kind of occupation before they became jobless.

MR. DAVIDE: Yes, but there are so many citizens who are jobless. As a matter of fact, the unemployment problem has grown so high. There are about three million unemployed. I do not know if the former Minister of Labor, Commissioner Ople, is still aware of the rise in unemployment problem. But, definitely, about three million Filipinos are without jobs, and millions more are under employed.

MR. VILLACORTA: If the Commissioner strongly thinks that the jobless sector should be given representation, I

have nothing against it.

MR. DAVIDE: Yes. In other words, in trying to allocate and accommodate representations from all sectors especially the oppressed and the urban poor, let us also allocate another sector for the jobless.

MR. VILLACORTA: If the Commissioner so wishes, that could be considered.

MR. DAVIDE: That is necessary. But my main concern, really, is the mechanics. We must allow full representation from every sector to make our democracy real, genuine, and participatory. But let us work on the mechanics.

Thank you.

MR. VILLACORTA: Thank you.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: In connection with popular or grassroots democracy, I filed this afternoon, Madam President, a resolution to incorporate in the new Constitution a provision requiring the government to respect and promote the right of the people to freely participate directly at all levels of decision-making, to encourage the formation of authentic popular or grass-roots organizations, and to respect their autonomy or movements at local, regional and national levels. Madam President, may I request Commissioner Bernas, the Gentleman from Bicol and alumnus of Ateneo, to yield to a few questions? I am referring to Father Bernas.

THE PRESIDENT: Is Commissioner Bernas willing to yield to a few questions?

FR. BERNAS: Yes, Madam President.

MR. SARMIENTO: Yesterday, Commissioner Bernas mentioned that one of the reasons against the presidential form of government is that it encourages patronage. Am I correct?

FR. BERNAS: I did not say that. The Commissioner may have misunderstood me. I said that the economic inequality in a nation encourages patronage. So, whether we have a presidential or a parliamentary system the situation will be the same. In other words, what I am citing now is what other people have said: that we must distinguish between a political revolution and a social revolution. The French revolution had three objectives: liberty, fraternity and equality. The February revolution achieved a certain measure of liberty in that we dismantled the authoritarian structures. And certainly there was a lot of festive fraternity during the revolution but equality still has to be achieved. And for as long as we do not have equality, patronage, which causes the loss of liberty, will always be encouraged.

MR. SARMIENTO: Will Commissioner Bernas agree with me that patronage will be eroded, if not abolished, and equality will be achieved if we have mass-based popular, authentic organizations composed of people who are "conscientized" and politicized, who can assert their political and economic rights?

FR. BERNAS: If the Commissioner will allow me to answer that question in a longer fashion, I would say that in order to achieve equality, we should emphasize it as a value which the Constitution must protect. But beyond emphasizing equality as a value, we must create structures which will protect that value; and one ingredient of that structure could be this element of greater mass representation.

MR. SARMIENTO: Thank you very much.

REV. RIGOS: Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: May I inquire from Commissioner Villacorta about the statements he made a while ago. He elaborated on his resolution that the mechanics of the election of sectoral representatives could be provided by the legislative body. Let us say, 160 should be elected and 40 should be allotted to sectoral representatives. The Gentleman is saying that the mechanics of appointing these 40 representatives could be set up by the legislative body itself. In the previous system, it was the President who appointed the representatives of the different sectors. Is it, therefore, within the Gentleman's thinking that these 40 may be chosen by the elected 160 people?

MR. VILLACORTA: No, Madam President, I did not have that in mind. I was thinking of this 1986 Constitutional Commission as the body to specify the mechanics in electing the sectoral representatives. I hope I did not give the wrong impression that I wanted the Legislature itself to set the mechanics. I wanted it to be specified in the new Constitution.

REV. RIGOS: But the number of sectoral groups increases every now and then. If we put the number in the Constitution, it will be very difficult to amend.

MR. VILLACORTA: The mechanics of selection does not have to include the specific numbers. In other words, we could allow certain flexibility as to the number because as the Honorable Davide has pointed out, the percentage with respect to the population changes from year to year.

REV. RIGOS: Another point, Madam President. Commissioner Suarez gave several examples of people, including Mang Joma. But he forgot to mention any Aling Maria or any woman. I am sure he did not mean that. As I said, among the names he mentioned in the example was Mang Joma. Of course, this is anybody's name. But did we get the impression the Gentleman was suggesting that the Communist Party be also represented in these sectoral groups?

MR. VILLACORTA: I cannot read the mind of Commissioner Suarez but I think he was referring to Ka Joma not as a member of the Communist Party but as a teacher or to whatever sector he belongs.

REV. RIGOS: Thank you, Madam President.

MR. VILLACORTA: Thank you.

THE PRESIDENT: Yes, Commissioner Rodrigo is recognized.

MR. RODRIGO: The short interpellation of Father Bernas brought out a very important word which I want to clarify and that is the word "equality." What is the meaning of equality insofar as constitution-making is concerned, because there is a saying that all men are created equal? A certain with said that is not true; all men are created unequal. There seems to be truth in this. Some are women, some are men, some are tall, some are short. Even identical twins are not really identical. And so, the way I understand "equality" is that men are equal before God and before the law. Some are talented, some are not; some are strong, some are weak. So, may I ask Father Bernas the meaning of equality which we will strive and provide for in our draft Constitution?

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: Yes, Madam President. At present, in the literature on this subject, the word "equality" is used but it is not meant to be a mathematical equality. What is meant when there is an appeal to equality is that everyone should have at least the minimum requirement to live with dignity. It is not absolute equality, because even if we were to divide the world today into equal parts so that each one would get absolutely the same share, within a short period we would be unequal again because of inequality of talents, and so forth. What is important is that in a society, everyone should have the opportunity to live with dignity. In other words, democracy should include a

guarantee of freedom from hunger, freedom from want and not just the consecrated liberties that we usually talk of — freedom of the press, freedom of religion, and so forth.

MR. RODRIGO: May I go further, Madam President. Everybody should be given by law the equal opportunity to earn his livelihood, at least the basic needs of life. Should the Constitution go farther than just giving equal opportunity? Should it take positive steps to see to it that there is equality, at least in providing the basic needs; or should it just provide the atmosphere that gives everybody equal chances? However, if he is lazy, if he does not work, then he does not get his basic needs. Or, should we say that even if one does not work, the state will provide him with the basic needs?

FR. BERNAS: I believe that there should be some kind of penalty for those who are unwilling to work. Certainly, there should be equality of opportunity. But in our present situation, precisely to create this equality of opportunity, the disadvantaged should at least initially be given more support in law so that they could overcome some of the disadvantages they already have. And this, again; I think is very closely related to the problem of structures.

In the 1935 Constitution, we had a social justice provision under the declaration of principles. It was honored in speech, but it did not achieve an equalization of opportunities, much less the abolition of gross inequities in an existing society. In 1971-1973, when the new Constitution was drafted, the social justice provision of the declaration of principles was expanded, spelled out, to the effect that the state may regulate property, profit, and so forth. But all of these had to be implemented by a legislative body which, under the system that existed then, was an elitist legislative body. We have removed property qualification as a requisite for running for office. But the expenses needed to run for office put all past property qualifications to shame.

MR. RODRIGO: Madam President, can we say then that the principle should not only be equality before the law, but rather, those who have less in life must have more in law?

FR. BERNAS: Yes, those who have less in life must have more in law.

MR. RODRIGO: Thank you.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Yes, Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Madam President, I would like to continue this reflection on the plight of those who are unequal.

I would like to raise this question to Commissioner Bernas: What form of government would be most responsive to the aspirations of the majority of our people living under subhuman conditions? I want to concentrate first on the substance before we go to form. In a painting, the spirit, the transcendental feelings of the artists take precedence and suggest the form. Therefore, allow me to let the disparities, the inequalities that divide the privileged elite and the majority, surface. The gaps are not only economic but also social and cultural. We have a small, modern-educated and Western-oriented elite on one hand, and a large majority who live in traditional cultures, on the other. Our middle class, which harmonizes the elite and the traditional culture, is disappearing. Our culture of poverty is also a culture of passivity. Traditional culture is indifferent to government because in the past decades, government was a distant entity to them. Many had never seen a government agent, except perhaps the military. Total development can only happen if we have a participant citizenry. But our educational systems, both formal and nonformal, are not able to provide the political education and social awareness necessary, if we have to participate as a nation. But our educational and communications systems are too centralized; they are

neocolonial; they are irrelevant to the needs of small communities which need skills tailored to the economic and social realities.

Therefore, would a presidential, parliamentary, semi-parliamentary or a federal type of government be able to close these gaps? Perhaps in our consultations, when we interact with the people, the representatives of the rural poor, the subsistence farmers and fishermen we focus on their basic needs and aspirations. Then as we catalogue the existing functions and powers of the legislative and the executive, we should ensure that sharing of power to the local communities should be a principal consideration. Such devolution of power could respond more effectively to the plight and aspirations of 50 or 60 percent of our people who live under subsistence and subhuman conditions. By focusing on these concerns, we may be able to, finally evolve a government that would truly respond to the narrowing of these disparities.

Thank you, Madam President.

FR. BERNAS: I am not sure if there is a question there.

SR. TAN: Madam President, may I ask Commissioner Bernas one question?

THE PRESIDENT: Commissioner Tan may proceed.

SR. TAN: Madam President, I am very interested in the matter of equality of opportunity because in my little experience with the urban poor, there is no class mobility precisely because there is no equality of opportunity. If Commissioner Bernas thinks that the Constitution can legislate something, is it possible that a legislation can bring about equality of opportunity, or is the root cause something else?

FR. BERNAS: I go back to the relationship between values and structures. I think our task here is to choose the values to be emphasized in our political system and to design the structures which will enable the nation to achieve these desires, to attain these values, and finally to fortify them. And very much related with this is the kind of legislative body we will have, because it is the legislative body that creates policy; it is the legislative body that allocates the financial resources of the nation. So, I think uppermost in our minds should be that question. What type of legislative system will deliver maximal benefits for the people who are in need of benefits? What type of legislative system, for instance, can do something about the educational system? I think the inequality of opportunity is very much rooted in-the inequality of educational opportunity. If we can find a legislative system that is responsive to this problem, and which in the allocation of the financial resources of the people will emphasize education for the masses, then, we know that this kind of system will contribute very much to the upliftment of the poor. So, I do not think that this constitutional body could create the formula, but it should be able to create the structures which will deliver the proper formula.

BISHOP BACANI: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: May I make a suggestion in regard to the point raised by Commissioner Bernas. Perhaps this body could formulate a system of legislature whereby the amount of property one owns can be used as a criterion. Suppose 70 percent of our people are poor, having a low income, and only 5 percent are rich, having a high income, in that case we will see that soon there will be economic equality because those who constitute the 70 percent will make sure that they will also come near the opportunities, the privileges and the possessions enjoyed by those who belong to the 5 percent. I do not believe that sectoral representation is the best in the sense that a certain fisherman will not necessarily be the best representative of other fishermen; but I think there is a common denominator, concern and aspiration of the people. They know they constitute 70 percent of the people of the land

and yet they get only a few of the opportunities for self-improvement. So, there may be a common drive among them to bring about greater equality.

THE. PRESIDENT: Commissioner Tadeo is recognized.

MR. TADEO: Madam President, ito ay ilang paglilinaw lamang sa mga sinabi ni Commissioner de los Reyes tungkol sa pagpili ng kinatawan. Ito ay tungkol din sa tanong ni Commissioner Rodrigo kung sino ang pipili sa kinatawan, at sa tanong ni Commissioner Davide kung ang kinatawan ay manananggol o magsasaka, at kung sino ang dapat niyang katawanin. Pinag-usapan din natin ang tungkol sa mga mangangisda, mga magbubukid at economic equality. Sinabi rin ni Commissioner Rodrigo na mayroon daw pong mga taong tamad.

Lilinaawin ko lang po ang sinabi ko kahapon na "democratic representation in organs of political power or form of government which will ensure the broadest class sectoral representation including proportional representation in legislature." Ang ibig ko pong sabihin nito ay hindi po kamukha noong panahon ni Ginoong Marcos na nagkaroon lamang ng isa o dalawang kinatawan ang mga magbubukid. Kapag ang 75 porsiyento ay binigyan mo ng isa o dalawang kinatawan at ang mga kasama niya ay mga professionals, lulunurin lamang ang kanilang tinig sa napakaraming mga taong iyan. Hindi po ganoon ang ibig kong sabihin. Ang ibig pong sabihin ng mga magbubukid, sa porma ng pamahalaang kanyang ninanais, kung ang nakararami sa kanayunan ay magbubukid, magbubukid ang pinakamaraming kinatawan, susunod ang manggagawa, susunod ang minorya, ang urban poor, ang estudyante, ang makabayang negosyante, ang taong simbahan, ang makabayang politiko, at iba pa. Sa tanong kung sino ang pipili, sa panig ng mag-bubukid, napakarami ng farmers organizations — nandiyan ang Kilusang Magbubukid ng Pilipinas, ang Federation of Free Farmers, ang Agrarian Reform Beneficiaries Association, at ang Pambansang Katipunan ng Samahang Nayon. Makikita natin na napakalaki ng bilang ng ating mga magbubukid pero sila ay hati-hati. Ito ay ginawa ng mga dayuhan sa tinatawag nating "divide and rule." Sa pamamagitan ng democratic representation, ang lahat ng samahang ito ay mayroong pagkakataong magkaisa. At sino talaga ang pipili? Ang dapat na pumili sa kinatawang sektoral ay hindi isang tao, tulad ni Ginoong Marcos, sapagkat ang loyalty ng isang kinatawang pinili ay babalik hindi sa sektor kundi sa taong pumili sa kanya: Kinakailangang ang loyalty ng kinatawan ay bumalik sa kanyang kinatawan.

Tungkol naman doon sa kinatawan na manananggol at magsasaka, ano po ba iyong "primary occupation"? Dapat nating makita ang pagkakahati-hati ng uri ng magbubukid — nandiyan ang rich peasants, dalawa hanggang limang porsiyento; ang middle class peasants, 15 hanggang 20 porsiyento; at ang poor peasants, 75 hanggang 85 porsiyento. Sino ang kakatawan? Siyempre ang poor peasants; hindi iyong rich peasants na iilan lamang.

Tungkol naman sa pagkakapantay-pantay o equality para sa mga walang trabaho, kakatawanin sila ng manggagawa. Sa punto ng magbubukid, ano ang ibig sabihin ng "economic equality"? Ang lupa ang pinanggagalingan ng buhay naming magbubukid. Ngunit ang lupa ay inaangkin lamang ng iilan. Hindi ganyan ang kalooban ng Diyos sa lupa. Ang lupa ay nilikha ng Diyos para sa lahat ng kanyang mga anak subalit inangkin lamang ito ng iilanang tao. Ang ibig naming sabihin ng "economic equality" ay sundin natin ang kalooban ng Panginoon na ang kanyang lupang nilikha ay para sa lahat ng kanyang mga anak. Ang mga magbubukid ay kailangang may sariling lupa sapagkat kinikilala naming siyang pangunahing batayan ng pag-unlad ng aming kabuhayan at ng kanayunan ang tunay na reporma sa lupa o ang pag-aari ng lupang aming sinasaka. Sa pamamagitan nito, mapapaunlad namin ang aming kabuhayan, lalawak ang aming "purchasing power" at uunlad ang mga industriya. Kapag umunlad ang mga industriya, lalaki ang pasok ng buwis, lalaki ang suweldo ng lahat ng empleyado. Makikita natin ang economic equality ay manggagaling sa pagpapatupad ng tunay na reporma sa lupa, sapagkat ang kabuhayan natin ay nanggagaling sa lupa. Gayundin, ang isang mag-anak na may lima hanggang anim na anak ay magkakaroon ng tahanan, sapat na pagkain, sapat na damit, at makakapag-aral ang mga anak. Sa madaling salita ay makakalasp sila ng tinatawag nating pangunahing pangangailangan.

Tungkol naman doon sa taong tamad, palagay ko ay walang katotohanan ito. Naaalala ko tuloy iyong kuwento tungkol sa isang ibon na lilipad-lipad sa itaas at sinabi sa isdang lumalangoy, "Hoy, tamad ka, isda. Hindi ka sanay lumangoy." Pero kung susubukin lamang nating bumaba tayo sa ilog at maranasan natin kung paano ang lumangoy, sasabihin nating hindi siya tamad. Isipin ninyo ang magbubukid, nagsisikap, nagbubungkal, hukluban na ang katawan, kinakain ng lupa ang kanyang mga talampakan, pero ang lahat ng kanyang pinaghirapan ay hindi sa kanya napupunta kundi sa napakataas na upa sa lupa, sa napakataas na gastos sa produksiyon at sa napakataas na halaga ng bilingin. Talagang wala nga halaga ang ating pera. Hindi siya tamad, mayroong mga dahilan. Suriin natin, bakit siya tamad? Mayroong mga dahilan kung bakit siya tinatamad. Katulad ng manggagawa, anong pagsisikap ang gagawin nila sa pabrika kung P17 lamang ang kita nila?

Kaya gusto ko lamang linawin ang sinabi ko kahapon na ang people power ay hindi nagtapos sa lansangan. Ang ibig sabihin ng people power ay isang kapangyarihan o lakas ng mamamayan na magiging bahagi ng paghubog ng ating lipunan. Ito ang tinatawag na democratic representation.

MR. FOZ: Madam President, point of inquiry.

THE PRESIDENT: Commissioner Foz is recognized.

MR. FOZ: Madam President, I am sorry to distract my colleagues from the lofty thoughts on the ideal form of government, but I have a more mundane question to ask. I would like to find out the status of the collation of our preferences for membership in the 15 committees which the Secretariat had earlier listed. We know very well that half of the work is in the committees. Without the committees, this Commission is practically useless. We can go on discussing something like this but we will never get on with our work. So the concern is the organization of committees. We have not even been fully organized, Madam President. My question is: What is the status of the collation of our preferences for membership in the 15 committees that have been listed before?

THE PRESIDENT: The Chair is glad to inform the Commission that this afternoon we already received the complete list of preferences of the Members. But the Chair is still waiting for the Committee on Rules to finalize the report in order that we may know just how many committees we will have; how many members will be in a particular committee before the final listing of membership can be done.

MR. FOZ: Madam President, when is the Committee on Rules going to submit its report?

THE PRESIDENT: May we ask the Chairman of the Committee on Rules to answer the question?

MR. ROMULO: Madam President, Senator Sumulong is not here, so perhaps I can enlighten the body.

THE PRESIDENT: Commissioner Romulo is recognized.

MR. ROMULO: Madam President, we have been meeting since you appointed us. We will meet again tomorrow at one o'clock, so I think the report will be ready by Friday.

THE PRESIDENT: The Chair understands that the deadline given to the Committee on Rules is Friday morning.

MR. ROMULO: Yes, I believe Commissioner Sumulong will have it ready by Friday morning. We have attempted to formulate a schedule which will help the body proceed as expeditiously as possible. Also, we have tried to simplify the Rules, which is already quite simple. Commissioner Foz has given us several suggestions on how we may abbreviate proceedings and we have taken this into consideration. So, I think, Madam President, on Friday we will be able to issue our committee report.

THE PRESIDENT: Is Commissioner Foz satisfied?

MR. FOZ: I have another question in connection with what Commissioner Romulo has reported. After the

Committee has submitted its report, what is the next stage? Will the report, as submitted, be thrown to the Commission for further discussion?

MR. ROMULO: I think necessarily so. We cannot legislate for the entire Commission. Ours, I take it, will be recommendatory and if the body, as a majority, finds it wise and prudent, then it may adopt our suggestions.

MR. FOZ: In that connection, Madam President, may we suggest that instead of discussing the report of the Special Committee on Rules in an open session like this, the Members of the Commission meet in a caucus to discuss this proposed Rules, where Members would be free to submit their own proposals to the set of rules as recommended by the Special Committee?

MR. ROMULO: I cannot speak for the Chairman, but I think he has no objection to that. Probably, that is the most expeditious way of doing it because I am sure each of us will have specific suggestions on particular sections.

MR. FOZ: Thank you, Madam President.

THE PRESIDENT: That will, of course, depend on the pleasure of the body whether to take up the committee report in a caucus or in an open session.

MR. SUAREZ: Madam President, parliamentary inquiry.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Madam President, Commissioners Tadeo and Jamir and myself have submitted a resolution calling for the creation of more committees like the Committee on Labor, Committee on Land Reform, Committee on Social Justice and Committee on Rural and Community Development. We feel, Madam President, that these sectors which will be represented by the said committees deserve equal prominence and projection. So, may we request the members of the Committee on Rules to take up this particular resolution when they discuss the proposed rules which could lead eventually to the approval of our permanent Rules, Madam President.

THE PRESIDENT: Will Commissioner Romulo please answer whether or not the Committee on Rules accepts this resolution mentioned?

MR. ROMULO: Pardon me, Madam President.

MR. SARMIENTO: Madam President, may I help Commissioner Romulo? I am also a member of the Committee on Rules. We have formulated a section to meet that contingency. We discussed that matter this afternoon. So we are not limiting ourselves to 15 committees. We are expanding the committees to include other committees suggested by the Commissioners.

THE PRESIDENT: So the Chair will instruct the Secretariat to furnish the Committee on Rules with copies of the corresponding resolutions. Is Commissioner Suarez satisfied?

MR. SUAREZ: Yes, Madam President.

THE PRESIDENT: Thank you. Commissioner Ople is recognized.

MR. OPLE: Madam President, I think the present preoccupation of the Commission is a very important principle or value as Commissioner Bernas had earlier termed it especially in terms of an egalitarian constitution and, in particular, an egalitarian legislature. May I, therefore, request Commissioner Villacorta to answer a few questions regarding the proposal for multisectoral representation, the proportions of which are not yet determined for a future legislature under a new Constitution. Is the Commissioner aware that the principle of sectoral

representation is nothing new, that it is an integral part of the 1973 Constitution?

MR. VILLACORTA: Yes, I am aware of the nominal or semantic provision for sectoral representation in the Marcos Constitution.

MR. OPLE: Does the Commissioner know that there were actually warm bodies sent by the respective sectors to represent them in the defunct Batasang Pambansa?

MR. VILLACORTA: Madam President, if I may say so, what Commissioner Ople had under the Batasang Pambansa of Mr. Marcos was a sectoral misrepresentation rather than sectoral representation.

MR. OPLE: Yes. Of course, the Gentleman is expressing a valued opinion.

MR. VILLACORTA: I think I am stating a fact because the sectoral representatives were not elected; the respective sectors were not even consulted. They were beholden to the President then and were appointed by Mr. Marcos.

MR. OPLE: That is precisely the point I would like to seek some enlightenment about. During the period of the Batasang Pambansa, there were 14 sectoral representatives: those representing the youth, the workers and the farmers. I hope that one of them who is here will not later on stand up to protest against discrimination because they were denied their pay whereas the other elected Members of the Batasang Pambansa were allowed to collect their pay for services rendered. But in any case, the Commissioner might want to know, as part of the background to his proposal, who chose the workers' representatives, the sectoral representatives, the youth representatives, and the farmers' representatives in the Batasang Pambansa. Basically, the law provided for an electoral college, but who composed the electoral college for workers? I think Mr. Marcos saw to it that those who composed the electoral college were capable of sympathizing with his policies. And so, mainly, the sectoral representatives were drawn from the Trade Union Congress of the Philippines at that time, which is not to say that the TUCP did not change its political position later. Many of them supported President Aquino in the elections. Who chose the farmers' sectoral representatives? Not Commissioner Tadeo but the Federation of Free Farmers, Huks, Vets, and FAITH, identified with Mr. Luis Taruc, and many other organizations like the Association of Land Reform Beneficiaries and the Samahang Nasyon. Therefore, they constituted the electoral college which nominated the sectoral representatives to the Batasang Pambansa, and it was understandable to politicians anyway that Mr. Marcos would tend to favor names of nominees considered sympathetic to his own policies, if not to himself.

This is half of the controversy. Are we to understand that in a future electoral college for workers, the KMU will now substitute for the TUCP, on the same grounds that the President considers them closer to her own basic political thinking than the others? Will this mean that Jaime Tadeo of the Pagkakaisa ng Magbubukid will just substitute for the Federation of Free Farmers and for Mr. Luis Taruc's Huk, Vets and FAITH organizations? Will this mean that in the case of the students, Chito Gascon of the UP will substitute for the Kabataang Barangay in the electoral colleges?

It is all very well to talk of giving all the disadvantaged sectors incapable of otherwise winning elections a one-man-one-vote basis of seats in a legislature; but there is at work what Malinowski calls the "Iron Law of Oligarchy," even for the disadvantaged sector. A small band of leaders will emerge through natural selection in order to speak for them. I do not think we ought to lose sight of the fact that it was a lawyer, a full-time revolutionary, the son of a distinguished family of noble heritage in Russia, who organized the disadvantaged groups, the workers and the farmers. That was Vladimir Lenin. There is, I repeat, an iron law of oligarchy. Any kind of mass-based organizations will have to generate a small group that will speak for them, negotiate for them, and perhaps install their representative in a deliberative body.

The notion, therefore, that you can have a purely egalitarian structure is somewhat flawed. You have to recognize the fact that a society functions through leaders. We have to recognize the fact that across 2,000 years of the experience of democracy since Athens and since the forum at Rome, no one has improved on the one-man-one-vote as the basis for a democracy.

Now, of course, at this point, I feel like requesting Father Bernas to address some questions concerning equality itself. I just wanted to give a contemporary background experienced by some of us as an input in the proposal he has put forward which, in some agreeable and practical form, we hope we can support in the course of the deliberations of the Constitutional Commission. I sketched some of the difficulties but I do not want the Commissioner to feel daunted by them. I think they can be surmounted.

Thank you very much, Mr. Villacorta.

MR. VILLACORTA: Madam President, may I just say a few words.

THE PRESIDENT: Yes, Commissioner Villacorta.

MR. VILLACORTA: I am happy that despite the traumatic experiences under the oppressive Marcos dictatorship which cloned the mind-set on which the Commissioner based his premises, he is open to the idea of multisectoral representation.

MR. OPLE: I think the remarks are bordering on the unparliamentary. That is just a notice of what I intend to do.

MR. VILLACORTA: Yes. But I am happy to note that he is open to the idea of a multisectoral representation with some improvements which I hope he will help us formulate. I think we live in a different atmosphere now; it is no longer the atmosphere of repression that we had just experienced, and it would be an insult to the intelligence of the farmers, the fishermen, and the workers to say or to imply that they would not be able to choose from among themselves the best representatives for their respective sectors. I do not think that they will allow, especially at this heightened level of consciousness among our people, that the more elitist among them will represent them.

I also think it is an oversimplification to say that the KMU will be the favored labor union by the President and that Ka Jimmy's organization is the favored farmers' organization. I think that is also a very unparliamentary remark.

MR. OPLE: I was citing a hypothetical example without any malice whatsoever. This is a forum of pronounced biases and I have no objection to these biases being articulated if it is understood that they can be reciprocated in full. But may I now request, if the Madam President agrees and the body agrees, that the Honorable Bernas answer a few questions concerning equality as a whole.

FR. BERNAS: I will be glad to.

MR. OPLE: Thank you.

THE PRESIDENT: Will Commissioner Bernas yield?

FR. BERNAS: Yes, with pleasure.

MR. OPLE: I have been impressed with the presentation of Commissioner Bernas on the value of equality. I dreamt at one time of going to the Ateneo University, but my class origin would allow me only to go to the MLQ University, which is not an admission of any distribution of ranks between two universities.

But equality has already been tested constitutionally and structurally through a good period of human history, and

we are very well acquainted with some of the major models that have emerged from the test of time. There is the Soviet model — the 1917 model; there is the American model which is not exactly representative of this type of democracy but is probably in most ways the most familiar with us. There is also, it is said, the Japanese model. In the case of the Soviet model, and let us admit it, also the Chinese model, I think the thrust toward human equality is built-in.

The accent is in preventing inequality, which means that no one can grow too rich. It is a scandal when there are so many who are very poor; which, of course, does not prevent that system from generating its own inequalities. May it interest you to know, since I am the Chairman of the Philippine-Soviet Friendship Society, that in Moscow, there is a lane reserved exclusively for the members of the Politburo, and if you are not part of that hierarchy, it is prudent for you to stay out of that lane as a motorist. And, of course, it is very well known in that country that unless you belong to the Communist Party, you have no access to some of the facilities where goods from the West are available on a highly selective and restrictive basis.

And yet, we also know that there are not too many millionaires in the Soviet Union. There are 250,000 millionaires in the United States; in ruble terms, there are probably less than one thousand in the Soviet Union, and there is no question that there is greater economic equality in the Soviet Union.

Does this translate into political equality? Yes, one man, one vote. But you have no choice of political party.

In the United States the economic equality is infinitely greater. The equality of opportunity as such, perhaps, is also higher.

In China — I am just laying the premise for my question to Commissioner Bernas — the tendency in recent times under Mr. Deng Xiaoping is to allow a little more inequality, from the sameness of one billion people, they are allowing some degree of differentiation in equalities, a greater diversity of incomes, and perhaps of class. I think this is why Mr. Deng Xiaoping has become such an attractive, romantic figure on the world stage by allowing some inequality in Chinese society as distinguished from the more orthodox type in the Soviet Union.

May I inquire from Commissioner Bernas whether he has pondered upon the comparative attractions of these models of equality, in the sense that these are actual living models available to this institutional body, and upon the extent to which they have adjusted their structures, their parliaments, their laws, in order to achieve a predetermined vision of society? In the case of the Soviet Union: equality especially through the centralized allocation of resources and five-year detailed economic objectives. In the case of China: a break from the old ideological matrix to allow some competition, some inequality. In the case of America: an environment which, from the point of view of the two models, is entirely responsible and unequal, and yet dedicated to fostering growth and equality through competition, through opportunity, through initiative.

And so, will Commissioner Bernas, being a very famous authority on the subject, favor us with some of his views concerning these concrete models of equality that I have enumerated.

FR. BERNAS: I would say I am hardly an authority on the Soviet or even on the Chinese system, so I have not studied very closely the structures of the Soviet and Chinese Communist governments.

But perhaps certain historical observations might be in order. Both China and Soviet Russia were scenes of a revolution, and studies have been made of the processes that follow a revolution. This is particularly true perhaps of Soviet Russia when the Czars were overthrown. They were overthrown by relative moderates. The experience of Russia was of moderates using the same structures and systems of their predecessors in order to try to achieve the goal that they wanted, but efforts were found wanting. And the process of leveling did not take place until the radicals took over. To a great extent, it was a bloody experience.

I think there is a similar pattern in the history of the revolution in China — the leveling took place when radical elements took over and the take over involved a substantial amount of bloodletting.

So, the leveling followed; the equalization followed but apparently even these were not satisfactory. There was a search for something more stable and gradually the moderates took over again. And I think that is what happened in China now. Deng Xiaoping, by communist standards, I think, would be considered a moderate. But the Commissioner says Deng Xiaoping is allowing equalization, and so forth.

I have been reflecting on this myself. We have a situation of great inequality now and other nations have had the experience of levelling via massive bloodletting. And the question I asked myself is: Is it possible for us to achieve greater measures of equality and, at the same time, avoid a bloodbath? That seems to be the challenge which we face. And it seems to me that it comes down really to choosing processes which are nonviolent.

Let me just, perhaps, give some examples. Will we have the political determination to set legal limits on property ownership? And, second, would we have the political determination to be able to use the power to tax as an instrument for equalization? These are unbloody instruments which are available to us.

I am not familiar with the tax system of other countries; I am not even very familiar with our own tax system. In a conversation with several distinguished foreigners recently, I asked them how their tax system compares with our tax system. They said that our system does not compare at all. One of them, for instance, said that in his country if one had an annual income of \$18,000 he would be taxed by 65 percent. This is an instrument for levelling.

To go back to the Commissioner's question, I must begin with an admission that I do not have familiarity with the system of the Soviet Union or China. But I think there are certain general patterns in the historical development of the two nations which we can ponder on and learn lessons from. And perhaps the question we should face is: Can we achieve a measure of equality, greater equalization levelling for the purpose of uplifting the greatly disadvantaged without having to resort to a bloodbath?

MR. OPLE: I thank Commissioner Bernas very much. I thought I would introduce a larger parameter of our debates on equality to include some of the models that have been acclaimed many times in our own time for offering equality but which involve certain trade-offs in some other values that we hold dear.

MR. LERUM: Madam President.

THE PRESIDENT: Commissioner Lerum is recognized.

MR. LERUM: May I be allowed to answer certain statements made by another Commissioner regarding sectoral representation in the interim Batasang Pambansa. May I proceed, Madam President.

THE PRESIDENT: Commissioner Lerum may proceed.

MR. LERUM: Thank you. I was forced to speak because of certain statements made by another Commissioner regarding sectoral representation in the interim Batasang Pambansa. It is not correct to say that the Members of the interim Batasang Pambansa were selected or appointed by the President. That is not true. What is true is that under the Election Code of 1978, there was a provision for sectoral representation.

The sectoral representatives were voted upon, in the case of labor, by the labor representatives from the different Sanguniang Bayans. These labor representatives met on a certain date in the provincial capital and they chose one delegate to represent them in the election of the sectoral representatives. In addition to this representative from the Sanguniang Bayan, organized labor was assigned ten delegates to be chosen by the recognized federations; Metro Manila was allotted ten delegates.

In the election of delegates for organized labor, all ten delegates came from the Trade Union Congress of the Philippines; not a single vote was received by any other federation. These ten delegates from the Trade Union Congress of the Philippines, plus the ten delegates from the City of Manila and the delegates from the provinces and chartered cities, met on the 27th of May 1978 to cast their votes. In the said election for Luzon, Assemblyman Ocampo received 51 votes; your humble representation received 42 votes, and we were proclaimed as representatives of labor for Luzon, representing the workers.

So it is not correct to say that we were creatures of Mr. Marcos or that we were chosen by Mr. Marcos as shown by our Record in the Batasang Pambansa. We have here Commissioner Davide who was a Member of the interim Batasang Pambansa, as well as Commissioner Ople. The Record of the Batasang Pambansa shows that the sectoral representatives, in fact, even opposed cabinet bills. I am referring to Cabinet Bill No. 45, now Batas Pambansa Blg. 130 which provides for the restoration of the right to strike and Cabinet Bill No. 49 which became Batas Pambansa Blg. 227. The Record of the interim Batasang Pambansa shows that we, from the sectoral group, opposed these two bills and had extended debates on the subject. Minister Ople, who was the Chairman of the Committee on Labor, is here and can attest to this.

As a matter of fact, I remember that there was only one proclamation by the President calling for a special session as a result of our opposition to Cabinet Bill No. 49. Because of our opposition to Cabinet Bill No. 49, the approval of his bill was delayed. And so, in order to expedite its approval, the President called the Batasang Pambansa to a special session.

I have a lot more to say, but I am requesting the Members of the Commission to read the Minutes of the committee meetings, the Journals and the Records of the Batasang Pambansa to confirm what I have just said. In the case of the Regular Batasang Pambansa, it is correct to say that we were appointed by the President, but the appointment was the result of the provision of law that was approved by the Batasan. I remember that we stayed up to ,about four o'clock in the morning in the committee discussing this provision.

However, it does not mean, Madam President, that because we were appointed by President Marcos, we were creatures of President Marcos. This Representation has never been a creature of any President. I have served several Presidents and I have been appointed by them even if I did not vote for them. The last example of this is the present. I did not vote for President Aquino. I voted for Mr. Marcos and I did not know I was to be chosen by her to represent labor. When President Quirino ran and Senator Laurel opposed him, I voted for Senator Laurel but later on, Quirino appointed me to the Labor Management Advisory Council. In the case of Mr. Garcia, I did not vote for him; I voted for Mr. Yulo. Later on, I was appointed by President Garcia to be a member of the Social Security Commission. In the next election after that, I voted for President Garcia, not for Mr. Macapagal. Later on, President Macapagal reappointed me as a member of the Social Security Commission. So it seemed that it was my luck to be appointed by the very person I did not vote for.

Madam President, I just want to defend myself from the statement that because I was chosen by President Marcos in the interim Batasang Pambansa, I was then his creature. That is not true. And even if I had been appointed by him, it does not mean that I will follow him. Even in this Commission, Madam President, I will be independent but at the same time I will have to vote in accordance with instructions from my sector. When I had my appointment, it said: "Labor Leader Eulogio Lerum" which means that I am representing the labor sector and that I will be bound by instructions from it. Thank you, Madam President.

THE PRESIDENT: Thank you, Commissioner Lerum.

SUSPENSION OF SESSION

THE PRESIDENT: The Chair suspends the session.

It was 4:59 p. m.

RESUMPTION OF SESSION

At 5:26 p.m., the session was resumed

THE PRESIDENT: The session is resumed.

MR. BROCKA: Madam President.

MR. RAMA: Madam President, since there are four more speakers, may I ask that Commissioner Brocka be recognized first.

THE PRESIDENT: Commissioner Brocka is recognized.

MR BROCKA: I just want to react to Commissioner Ople's comments on Commissioner Villacorta's proposal. I do not know if it will sound irreverent, kung ako ay magsasalita. Nais ko sanang sumagot kangina pero nawalan ako ng buwelo. I think I am speaking in behalf of the Members of this Commission who are new and are not familiar with parliamentary procedures or with the language that is being used. I hope the President will bear with me as I make some comments on Commissioner Ople's statements.

Basically, it is on what the Commissioner spoke of: leadership and oligarchy. I am very much impressed and fascinated to listen to such experienced parliamentarians. It is such a learning experience for me — and I mean this very sincerely — but when he speaks of leadership, of oligarchy and all that, while being open to Commissioner Villacorta's having a multisectoral representation in the government, Commissioner Ople's very brilliance and articulateness argue very precisely for a multisectoral representation in the government. Naniniwala akong higit na kailangan dito ay ang mga taong "representative" ng mga taong maliliit upang masimplehan ang lengguwahe at nang maintindihan ng lahat ang ating ginagawang Konstitusyon sa kasalukuyan.

As I said, while the Commissioner's talk is very impressive, somehow one gets lost in the arguments and impressed with the brilliance of it all. Ang ibig kong sabihin, 'yung maliliit na tao, sa ganitong sandali, ay may gustong sabihin. Ngunit mali ang sinasabi ng katulad nating mga lider na tayo lamang ang makakapag-articulate sa kanilang ibig sabihin. Ang mga tao ngayon ay nagsisimula nang ipakita na mayroon silang ibig sabihin at mayroon silang lakas para sabihin iyon. And I think all they need is an opportunity.

Of course, what Commissioner Ople spoke about is true. Subalit, ang pagkakaalam ko, kaya tayo naririto ay upang baguhin ang sistema. Kaya tayo naririto ay upang bumalangkas ng isang Konstitusyon na makatutulong sa pagbabago ng sistemang tinatalakay natin ngayon. Tinukoy ito ni Commissioner Bernas nang kanyang sabihin na anumang structure o porma ng gobyerno ang ating pag-uusapan ay mawawalan ng saysay at kahulugan kung hindi natin lulutasin ang problemang pang-ekonomiya. Kung walang pera ang mga tao at sila ay nagugutom, ano pa man ang sasabihin at isusulat natin, bagama't ang mga ito ay magandang pakinggan at tingnan kagaya ng "all men are created equal," ang mga ito'y mawawalan ng bisa at kahulugan sa maliliit na tao. Ukol sa sinabi nina Commissioners Bernas, Tadeo at Garcia, I would just like to say that perhaps while we are discussing the form of government we should likewise consider it a priority to discuss our economic problems. I would also like to agree with what Commissioner Bernas said that the structure of government should be expressive of the value of the people.

Iyon lamang po.

MR. RAMA: I ask that Commissioner de los Reyes be recognized.

THE PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: Madam President, I have been listening to the discussions in this Assembly and I believe that we should pay more attention to the substance of government rather than form so that the government will truly be of the people, for the people and by the people. Ayon sa sinabi nga ni Ka Jimmy Tadeo, isang pamahalaan na tunay na para sa masang Pilipino.

The French, in their declaration of the rights of men and citizens issued in 1789, declared that the inalienable rights of man are liberty, property, security and the right to resist oppression. Under this banner, the rising capitalists of France rallied the other members of society — the workers, peasants and intellectuals. This is what is actually happening now in our country — the fight against the special privileges of feudalism.

By the time the 1795 Constitution of France was passed, the right to resist oppression no longer seemed desirable as the new rulers substituted "equality" for it — equality before the law and not economic equality. These rights set free the productive forces of private enterprise — then, the necessary foundation of economic progress — and proclaimed an almost unfettered individual ownership of property for the purpose of profit making. Liberty and equality were proclaimed, but today, we have a society where liberty, freedom and equality are actually enjoyed by only a few and not by the masses of our people, thus giving rise to the saying that some people seem to be more equal than the rest.

It is difficult to imagine what personal liberty and equality can be enjoyed by an unemployed person who goes about hungry. According to Ka Jimmy's census, there are 8.4 million unemployed people in our country. Security of property does not protect the poor man in his home and land against the landlord; rather, it protects the landlord in his right to evict his tenants. Freedom of the press, under present conditions, insures the owners of newspapers and columnists a million times the effective self-expression which is not enjoyed by the ordinary man. And equality before the law gives to both rich and poor equal rights to hire expensive lawyers, thus, actually strengthening through legal process the economic inequality which already exists. Real liberty and equality can exist only where there is no unemployment and poverty and where man is not haunted by fear of being deprived tomorrow of work, home and bread. Only in such a society is real, personal and every other liberty possible, not in paper. In short, the concept of liberty and equality become transcendental guarantees, unless the people are given the basic necessities of life to make them truly equal to the others. That, as I perceive from the Members of this honorable Commission, would be delving more into the substance of government rather than form.

But to accomplish these goals, I submit that we have to change our concept of property which will perhaps be discussed more extensively when we come to tackle the principles of our government, the economic system, whether we shall have capitalism, socialism and other related subjects.

The subject for today and yesterday, as I understand it, is merely the form and structure of our government — the manner of electing our officials, how to remove them, if they do not meet the expectations of the people, who should be given more opportunities to participate actively in the affairs of the government. The right to choose an official through an election does not seem to be enough. Oftentimes, people make the wrong choice and they have to wait for another election in order to terminate the unsatisfactory services of their chosen representatives. And what is worse is that the so-called people's representatives do not become their true representatives but protectors of vested interests inimical to the general welfare. And they enact laws to protect vested interests and not laws for the masses.

What we should study, therefore, because we have given preferential treatment to the form of government, is a device by which the masses of our people could prevent or minimize the repetition of their mistakes and how they could participate continuously in the affairs of the government in the event that their chosen representatives fail to do their job.

Narinig ko 'yong mga mungkahi na magkaroon daw tayo ng sectoral representation at binigyang pansin ni Commissioner Ople na mayroon na tayo niyan subalit hindi ito nagkabisa sapagkat ang mga iba't ibang sector ay mahirap pagkaisahin. The different sectors cannot unite, and it is difficult to choose which sector should be given representation. And, therefore, I submit that perhaps it would be a good idea if we adopt the concept of initiative as followed in the State of California. I hope the Members will disabuse their minds of prejudice on any constitution that is borrowed from foreign countries.

What is this concept of initiative? I have with me the Constitution of California, and under Article II-Voting Initiative, Referendum and Recall — this is how the provision runs:

Initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them. An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by electors equal in number to five percent in the case of a statute, and eight percent in the case of an amendment to the Constitution, of the votes for all candidates for governor at the last gubernatorial election.

Samakatuwid, sa pamamagitan nitong "initiative" na ito — at ito ay hindi ko ideya kundi mayroon ho tayong modelo at ito ay ang Constitution ng California — halimbawa ay nagkamali ang isang distrito sa pagpili ng kanilang kinatawan, sa halip na tumupad sa kanyang tungkulin at hindi makagawa ng batas na makatutulong sa nakararaming masa, ang mga tao mismo ay gagawa ng kanilang sariling batas. Ito'y isasaayos ng isang namumuno sa pamahalaan, puwede ang Solicitor-General, sesertipikahan ng COMELEC na iyong mga pirma ay tunay, kung 10 porsiyento o 20 porsiyento at pagkatapos iyang batas na iyan na hindi ginawa ng mambabatas kung hindi ginawa ng mga tao ay isusumite upang aprobahan ng tao.

Halimbawa, mayroon kayong programa katulad ng urban land reform at saka agrarian reform, hindi makapasa-pasa sa Senado at sa House of Representatives sapagkat maraming kinatawang humaharang dito dahilan sa sila ay tauhan ng mga may vested interests, mismo ang mga mamamayan, sapagkat natutulog ang kanilang kinatawan, ang gagawa ng kanilang batas upang isumite sa bansa, at kung ito'y maaprobahan ng nakararaming manghahalal ay magiging batas.

Iyong system of recall ay binanggit na ni Commissioner Bernas at pakiwari ko ay maaari din nating i-adopt iyan upang pagkatapos ng kalahating term ng isang opisyal na inihalal at nakitang wala siyang maipakitang tulong sa kanyang mamamayan, sa pamamagitan ng isinaayos na petisyon ng kung ilang porsiyentong mamamayan, sesertipikahan ito ng COMELEC, ay magkakaroon din tayo ng recall. Mayroon din po niyan dito sa Constitution na aking tinutukoy.

Madam President, I submit that it is time to be innovative and not to adhere subconsciously by force of habit to the traditional concept of form and mode of government. If we can incorporate in the Constitution the concept of initiative and recall applicable to all officials, national and local, the people will be more politicized. They will be the other legislature. Kung bicameral, sila ang pangatlo na lehislatura; at kung unicameral, sila ang pangalawang lehislatura.

I imagine that if the people are given this right to exercise their political rights in a more concrete manner as in the "initiative" concept, the government will pay more attention to them; their demands will be heard and not frustrated or rendered illusory by the inactions of their elective representatives.

Bakit malilimutan ang mga mamamayan? Pagkatapos ng halalan, iyong kanilang representante ay nakaupo na lamang sa Batasan; hindi kumikilos. Nililimot na iyong pangako sa mga mahihirap. Noong nangangampanya, lahat pinangangako kahit na langit at lupa, pero pag nakaupo na hindi naman tumutupad sa tungkulin. Itong

initiative, kung hindi siya tumutupad, ang mamamayan mismo ang gagawa, mapapahiya siya. So, the representatives will be kept on their toes.

Contemporary events appear to indicate that this Commission should heed the demands of the Filipino people, that we frame a Constitution that will enable them to participate in a more direct and effective manner in the affairs of our government uninterruptedly and continuously, not only during elections.

Thank you, Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. RAMA: Madam President, may I ask that the Vice-President, the Honorable Ambrosio B. Padilla, be recognized.

THE PRESIDENT: The Vice-President, the Honorable Ambrosio B. Padilla, is recognized.

MR. PADILLA: Madam President, we all agree that a constitution must not only guarantee the rights of the people, but it should be an instrument of the people for their own promotion and welfare.

In this freewheeling discussion as to the type of the new constitution — presidential, parliamentary, modified or mixed — we must all agree that there are many problems that have existed and are still existing, among them are: unemployment, poverty, lack of opportunity for work, the low standard of many of our people for a decent life with dignity. These many problems, mainly economic or financial, will remain with us for gradual solution, whether we adopt a presidential or a parliamentary system. Many of these problems cannot be solved by simply drafting a good constitution. Many of these problems, if not all, will have to be solved by appropriate legislative measures to be adopted in consonance with the new charter or fundamental law.

Madam President, I would like to recall some historical antecedents in our constitutional history.

After the Philippine Bill of 1902 and the first popular Assembly in 1907, where my late father, Dr. Nicanor Padilla y Escobar, who was a physician, had the honor to represent the First District of the Province of Pangasinan, and thereafter, the Jones Law of 1916, we were naturally under what we might call the tutelage of the United States and we were following the presidential system.

When I was a law student in the U.P. College of Law from 1930 to 1934, what I learned of constitutional political law was mainly from our distinguished Professor, Vicente Sinco, stressing, of course, the political system at the time of three separate and coordinate branches of government — the executive, the legislative, and the judiciary — with proper checks and balances and the proper exercise of the inherent powers of government, particularly the power of taxation, the police power and the power of eminent domain.

In 1934, a constitutional convention was called which drafted the 1935 Constitution. This was the product of many brilliant minds, many patriotic leaders, among them, Claro M. Recto, the President of the Convention, Manuel A. Roxas, the first President of the Republic, Justice Jose P. Laurel, President during the Japanese occupation, Justice Manuel Briones, Senator Vicente Francisco and many other illustrious names.

The 1935 Constitution has been our fundamental law during the Commonwealth and after Independence in 1946. Many consider the product of the 1934-1935 Constitutional Convention as a good Constitution. The term of the President was for six years without reelection, but President Manuel L. Quezon suggested and supported two (2) constitutional amendments: (1) the one term of six years to four years with only one reelection and (2) the senatorial districts, which were composed of several provinces, were made national for a Senate whose twenty-four members were elected nationwide — eight Senators every two years. That 1935 Constitution, Madam President, was considered satisfactory and even desirable. Of course, it cannot be perfect, as no human product is

perfect. Our history records that our elected Presidents, President Roxas and the other Presidents that followed him — Quirino, Magsaysay, Garcia and Macapagal — were only elected for one term. Mr. Marcos was elected President in 1965 and was reelected in 1969. The 1935 Constitution explicitly provides that the maximum term of a president is only eight (8) years. But Mr. Marcos wanted to perpetuate himself in power. When the Congress decided to call for a constitutional convention in 1971, its Senators and Representatives did not intend to change the basic structure of the presidential system in favor of another system, like the parliamentary system. That sentiment was shared, I believe, by the five Senators in this Commission, Senators Sumulong, Rosales, Rodrigo, Alonto and Padilla. However, by Proclamation No. 1081 of September 21, 1972, Mr. Marcos declared martial law. The majority sentiment of the members of the 1971 Constitutional Convention was expressed in their motion that the 1971 Constitutional Convention should not proceed further, but should suspend its proceedings, because their feeling was, and I believe correctly, that it is very difficult, if not impossible, to enact a free constitution under martial law.

I was not a member of the 1971 Constitutional Convention, because the members of the Congress, with extreme delicadeza, considered themselves as disqualified for election in that 1971 Convention, which was called or created by the Congress of the Philippines.

The majority members of the 1971 Constitutional Convention, some of whom are presently in this Constitutional Commission, had no intention to change our Constitution from presidential to parliamentary system. But Mr. Marcos, I believe, was interested in changing the structure of our Constitution from presidential to parliamentary, because he wanted to avoid or evade the constitutional prohibition of a president remaining in office for more than eight (8) years.

I recall that the President of the Convention, former President Diosdado Macapagal, had sponsored, if not actively supported, a motion or a resolution prohibiting reelection, and that was considered by Malacaniang as directly pointed against Mr. Marcos. When the voting came after lengthy debate, the proposal against reelection was lost, which proved that Mr. Marcos had more members supporting him in the 1971 Constitutional Convention than those who had elected Macapagal President, after its first President, Carlos P. Garcia. For President Macapagal to continue in office as President of the Convention, he had to count on the support of the Marcos members. Indeed, that was a very sad situation. The proceedings went on towards the drafting of the 1973 Constitution, where a number of objectionable provisions, particularly the transitory provisions, were inserted in the 1935 Constitution. I will only mention one — that in the Bill of Rights against warrants of arrest and/or unreasonable searches and seizures, which are essentially judicial in nature to be determined by the judge upon examination of the complainant and the witnesses he may produce. The 1971 Convention inserted the objectionable phrase "or any other officer authorized by law," which means that the Executive, like Mr. Marcos, or the Minister of Defense or any other executive officer, if authorized, could issue warrants of arrest. And that unfortunate insertion in the Bill of Rights led to and justified the Arrest, Search and Seizure Orders (ASSO), Presidential Commitment Order (PCO) and even the last Presidential Detention Action (PDA).

Madam President, thereafter followed worse amendments to the 1973 Constitution, through the amendments of 1976, one of which is the abominable Amendment No. 6 that granted President Marcos the extraordinary power to legislate. Many other amendments followed in 1980, 1981 and even 1984, including the intolerable immunity provision.

During the many years of martial law, Mr. Marcos was the Chief Executive (Prime Minister or Premier) in the parliamentary system as originally initiated in the 1973 Constitution. Thereafter, he advocated the return to the presidential system with stress or emphasis on a "strong" President for our developing country. We all know that even under the 1935 Constitution, the Chief Executive was already a strong President. But Mr. Marcos, under the

martial law regime, arrogated unto himself more powers and we were the sorry victims of that accepted principle that "power tends to corrupt, and absolute power corrupts absolutely.

Madam President, many were in the opposition, many were fighting against the violations of human rights against many victims, many joined the activist movements, marches, demonstrations and rallies, known as "the parliament of the streets." Perhaps, no one could have foreseen that even after the February 7 Snap Election, which was not a free, orderly and honest election, for it was tainted by vote-buying, by terrorism and other evil practices in our electoral system, Mr. Marcos could be replaced after 20 long years of dictatorial misrule. It was only the "political miracle" coming from the Almighty, with the prayers of peace-loving citizens, the rosaries of priests and nuns, the courage and determination of many families composed of cause-oriented or mass-based sectoral representatives, and, more, of the united Filipino people, with the grace of Almighty God, that effected in our beloved country what could never have been even imagined — the toppling of the dictatorship in those four glorious days of February 22 to 25. So, we now have a new government, established and fully supported by the sovereign Filipino people. Ours is a legitimate government recognized not only by the Supreme Court but by the international community of nations, and we are now in this Commission to draft our new, permanent Constitution. Naturally, it must be a Constitution for the people, a Constitution to serve the best interest of all the people constituting the entire nation, not a Constitution for the privileged elite, not even for some groups, political, economic or otherwise, not even for sectoral or regional or local considerations, but a Constitution that will satisfy the primordial ends of a fundamental law, and that is to insure the blessings of democracy. We always add, with the blessings of "truth, justice and freedom," and I hope with progress so that we may move forward, not only to give this government political stability, but also economic reconstruction, for all sectors in the entire nation to solve gradually, at least, the many problems confronting our nation and our people. We all know that these problems are very difficult and the solution cannot be sudden. But we must lay down the framework through a Constitution that will be responsive to the needs, to the ideals and aspirations of the entire nation, of one united Filipino people.

Madam President, during the period that I was a member of the Senate, the coordinate importance of Congress was sometimes being subjected to the pre- dominance of the Executive. And that was partly the fault of Congress, because in enacting laws for projects and appropriating funds therefor, the disbursements always exceeded the estimates of available income in the budget. And so there was always the "colatilla," "subject to availability of funds." And invariably every year the appropriations by Congress were far in excess of the available funds for expenditures in the budget. The result was that the Chief Executive could not implement all the legislative measures of Congress. He was practically given the discretion to choose which among the many appropriated projects would be implemented by him. And that was one consistent weakness, not only during the time of President Marcos but even before him, making the members of Congress subservient to the Executive by requesting him to please implement a particular project affecting probably a particular municipality, province or region. If that was a defect in past administrations, which prevailed every year for many years during my incumbency in Congress, we probably should be in a position to remedy that bad situation. And the remedy is by not over-appropriating funds without the backing of actual sources of income to be collected mainly from the customs or the internal revenue and other sources of government income.

Madam President, we have very little experience on the parliamentary system, because while the 1971 Constitutional Convention started with the parliamentary system, it gradually shifted again to the presidential system. One observation I would like to make is that while our ideal is separation of powers among the three branches — the executive, the legislative and the judiciary — under the parliamentary system, there seems to be some degree of fusion between the Executive and the Legislative in the sense that many members of the Cabinet of the Executive will have to come from the Legislative. And in my opinion that does not contribute to

independent and coordinate departments but rather it is a weakness which further strengthens the powers of the Executive whom we call the Premier or the Prime Minister in a parliamentary system. Moreover, in a presidential system, the people vote directly for their President as Chief Executive and Commander-in-Chief of the Armed Forces, but in a parliamentary system, the people vote for the national leader in an indirect way by electing members of Parliament. I believe rather firmly that our people want a direct, not indirect, vote for the President.

Madam President, I am in favor of the presidential system, with proper checks and balances. I am also in favor of a bicameral legislature as in the 1935 Constitution. We should have, as working draft or as starting point of reference, the 1935 Constitution, subject to improvements and amendments that our political experience has taught us. For example, the Commander-in-Chief provision of the Constitution which is lifted, we might say, from the Jones Law intended for the American Governor-General, and then exercised now by the President as Chief Executive in suspending the writ of habeas corpus or declaring martial law under specific grounds, should be limited by requiring the concurrence of the legislative department, whether by majority or two-thirds vote and only for a limited period, not for an indefinite period as it was from September 21, 1972 until the dictatorship was toppled on February 25, 1986. Moreover, we must confer upon the Supreme Court jurisdiction to decide the factual ground invoked by the President in the exercise of that extraordinary power.

Madam President, I am in favor of autonomy to local governments. Autonomy means some decentralization of power of the central government. But I am against the federal system. I believe in the unitary system, but there must be a recognition to local governments for adequate autonomy rather than always resorting to, or depending upon, the central government even for the solution of some local, provincial or regional problems. The only problem, in my opinion, is: What is the extent or the scope of this autonomy to local governments? In the same manner: What should be the limitations to the exercise of the sovereign powers of government, like taxation, police power and eminent domain?

I heard our good friend, Ambassador Abubakar, yesterday speak on the legislative assembly in Region IX or Region XII that it is functioning well. I inquired from him if the autonomy that was mentioned in the Tripoli Agreement of 1976 is functioning and if so, why the Muslims still complain and sometimes resort to arms under the MNLF, and, worse still, why others are even suggesting secession or dismemberment. I have had occasion to read the Tripoli Agreement and it provides very clearly that the grant of autonomy, which is not defined in that agreement, is to be exercised "within the jurisdiction and territorial integrity of the Republic of the Philippines." So even under the Tripoli Agreement, there is no basis whatever of a claim for separation or dismemberment because that would be very destructive, if not suicidal.

I do not intend to continue much longer, as I have already imposed upon the benevolence of our fellow Commissioners, but I would like to end by saying: I believe that it is accepted by all that a constitution, as the foundation or the fundamental basis of government, is only the instrument of the people. And we are here as instruments of the people to draft this fundamental law to better serve the best interest of our country and one united people.

And a constitution is not so much the allocation of powers but I believe it is even more important that there be clear limitations on the exercise of these governmental powers. And the limitations are not for the public officers or for the leaders in government, but the limitations are for the protection of the people, for the defense of their rights and for the promotion of their common welfare.

Thank you, Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

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

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, yesterday there was a motion to create an ad hoc committee to conduct hearings on the form of government. I would like to propose that the terms of reference of that committee be expanded so that it becomes a Committee on Public Hearings to be conducted nationwide and to give such committee powers to create subcommittees for, say, Luzon, Visayas or Mindanao, and also to go beyond the mere subject of form of government.

The reason I am proposing this is because of the question of substance as well as budget. We all want to hear what the people all over the country want. There are many organizations which are willing to cooperate with us in this task, and perhaps we should already constitute ourselves because it takes a lot of time to prepare for those hearings, to make sure that they are meaningful.

So, I move that the creation of that Committee be amended to make it a Committee on Public Hearings and to expand the scope of the hearings to more than just the form of government.

THE PRESIDENT: This is just to refresh our understanding. The motion, as approved yesterday, was to create a special committee that will conduct public hearings and the subject was limited to the structure of government. Now we have the motion of Commissioner Monsod to expand the jurisdiction or the subject that will be taken up during those hearings so as to include other matters that may have a relation to the drafting of the Constitution. Is that correct, Commissioner Monsod?

MR. MONSOD: Yes, Madam President.

THE PRESIDENT: Are there any comments on that particular motion?

MR. AZCUNA: Madam President.

THE PRESIDENT: Commissioner Azcuna is recognized.

MR. AZCUNA: Thank you, Madam President. I have a comment on the motion of Commissioner Monsod. I filed a resolution this afternoon to expand the scope of the Committee on Forms of Government or, if necessary, to form another committee in order that the public hearings that we envision to be held in the next few days all over the country will not be limited to structures of government but will also delve into the fundamental values of our people.

I believe that in the choice of form of government, we must also be guided by the aspirations, the ideals, and the primary values of our people, for it is almost impossible to make a choice of the form of government in a vacuum. The form of government must be chosen, based on our people's values, and we must leave that articulation to the people themselves. So, I fully agree with the motion of Commissioner Monsod to expand the scope of the ad hoc committee, so that it will not only take up the form of government but also the purposes or aims of government and the primary values of our society.

Thank you.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: May I ask Commissioner Monsod some clarificatory questions to enable me to vote intelligently on this motion?

As decided yesterday, the committee that will be formed will hold public hearings to determine the form of government, whether it should be presidential or parliamentary, unitary or federal. Now, the motion is to expand the functions so that the task of this committee can cover all subjects. But how about the other committees? We have a Committee on Preamble; a Committee on Bill of Rights; a Committee on the Legislative and a Committee on the Executive, et cetera? Will all these subjects be taken up now by this single committee?

MR. MONSOD: Madam President, may I respond?

THE PRESIDENT: Yes, Commissioner Monsod.

MR. MONSOD: My proposal is to constitute a committee which will organize public hearings all over the country because the logistical and organizational aspects of such hearings are quite difficult. In other words, other subject matters may be taken up in those hearings and the appropriate committees may send representatives to participate in them. We are trying to avoid a situation where the Committee on the National Economy and Patrimony will go to Davao and, one week later, the Committee on Human Rights will also go to Davao, because we do not have the budget nor the time for a multiplicity of public hearings. Our proposal is to consolidate the hearings so that we can listen to the wants and aspirations of the people in those communities.

MR. RODRIGO: If we have only one committee that will take charge of all subjects, then, firstly, that can render inutile the other committees; and, secondly, it would take that one committee longer to cover Luzon, the Visayas and Mindanao. I think if we were to have several committees, we can farm them out. We have other problems. Do we have the funds for these hearings all over the Philippines? And not only that, if these committees go out, we will not have any quorum in our plenary sessions here. So, these things have to be studied. But, as of this moment, I am not yet ready to vote.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: The proposal to constitute this committee does not preclude simultaneous hearings in many provinces. The proposal is merely for us to have a lead time to organize those hearings. For example, the hearings may be held in 26 places or two per region during weekends. And the various committees will then coordinate with this committee on the organization of public hearings. This committee will send informational materials ahead and look for organizations in each locality that will help organize these hearings, so that the hearings will be meaningful.

The experience of many organizations is that when hearings of this kind are organized, the lead time is at least two weeks. We just want to be able to organize ourselves better.

MS NIEVA: Madam President.

THE PRESIDENT: Commissioner Nieva is recognized.

MS. NIEVA: I would like to supplement that, and maybe this might clarify the point raised by Commissioner Rodrigo.

The Bishops-Businessmen Conference has been holding national consultations on the issues of national recovery and the new Constitution. As Commissioner Monsod said, it does take time before we can bring the issues to the people. There has to be set up an organization in the different provinces to prepare and get the people whom we really want to attend, as we do not want only the elite. I think the purpose of the public hearings is to hear the masses of our people who are generally not heard and not informed. We want them to be present, and to do that takes a big organization. In our case, we had to have at least three weeks to start this project and even then, we

covered only six provinces. This is, of course, due to our limitations and this body may have much more power.

I agree with Commissioner Monsod that the task of this committee will be to organize. In the actual public hearings, practically all the committees involved will be included. The first thing to do is to get this planning committee organized so that it can start planning and organizing.

THE PRESIDENT: Is Commissioner Rodrigo satisfied?

MR. RODRIGO: If the function is organizational or the preparation of things in the provinces, can that not be accomplished better by our Secretariat instead of a separate committee? The Secretariat will also be in the position to know whether we have funds for transportation expenses and staff support. We cannot just go to the provinces without stenographers to take down the suggestions coming from the public.

May I ask that the consideration of this matter be postponed? I am not against it; I just want to have more time to study the matter.

THE PRESIDENT: What does Commissioner Monsod say? Commissioner Rodrigo is asking for deferment until tomorrow.

MR. MONSOD: I am willing to have it deferred, Madam President, but may I request that we take up the matter as soon as possible?

My second point is, I would like to formalize a suggestion by our colleague here, the Honorable Vicente Foz, for us to immediately have a caucus as soon as the Rules has been revised by the Committee on Rules, so that we can constitute the other committees perhaps during a special caucus on Friday afternoon. I understand that the plenary session on Friday will be in the morning, so I propose that the caucus be in the afternoon.

THE PRESIDENT: Is there any other comment? Commissioner Sarmiento is recognized.

MR. SARMIENTO: Madam President, may I just make a comment on the proposal made by Commissioner Monsod. I think the creation of that committee will pave the way for the creation of a super committee at the expense of other committees. And then the other thing is: may I request that the consideration of that matter be deferred until such time that we will have formulated the Rules? The creation of that super committee may affect our proposed timetable on the Rules.

We will be submitting the Rules on Friday; then we will have a caucus on Saturday, so I think we can deliberate on that proposal only either on Sunday or Monday after we shall have agreed on the Rules.

MR. FOZ: Madam President.

THE PRESIDENT: Commissioner Foz is recognized.

MR. FOZ: In connection with the previous question that I raised and the answer given by the Special Committee on Rules through Commissioner Sumulong — I understand that the Committee will submit its report on Friday morning — I would like to suggest that the Commission meet in caucus Friday afternoon, since the session will be in the morning. I suggest that we do not leave this building after the session and that we proceed to a caucus, preferably at two o'clock, to discuss the Rules.

I move, therefore, that the Commission meet in caucus at two o'clock in the afternoon of Friday, to take up the report of the Committee on Rules.

SEVERAL MEMBERS: I second the motion.

THE PRESIDENT: Is there any comment? Commissioner Rigos is recognized.

REV. RIGOS: If the Committee on Rules is prepared to make a report on Friday morning, it might be better to go into a caucus Friday morning before we meet in session so that the session itself will be brief. So, I will amend the motion of Commissioner Foz, if he agrees, so that we can meet in caucus Friday morning, and meet in plenary session in the afternoon.

MR. FOZ: But, Madam President, I think under our Provisional Rules, the plenary session on a Friday is supposed to be held at nine o'clock in the morning. Of course, we can always decide to meet in caucus even in the morning. So, if the committee report will be ready in the morning, then I will accept the amendment of Commissioner Rigos.

THE PRESIDENT: May the Chair be informed as to what particular time in the morning of Friday the committee report will be available so as to afford the Members time to go over it before they discuss it, let us say, in the afternoon of Friday?

MR. SUMULONG: Madam President, the Committee on Rules met yesterday and this afternoon. Tomorrow, we will probably be holding our last meeting, so, we will be ready to submit our report to the Commission on Friday.

I would like to second the suggestion that we suspend consideration of creating a special committee for the purpose of holding hearings on the question of form of government because there might be a duplication, Madam President. We already have 15 standing committees by virtue of the Rules provisionally adopted by the Commission, and among which are those on the executive power and the legislative power. The question of form of government will be referred to these standing committees so, if we create an ad hoc or a special committee to study the forms of government, there will be a duplication of work. And if we allow the special committee to hold hearings in different places, the standing committee might have to do the same in order not to be blamed.

While I may grant that the question of form of government may be very important, such that it has to be taken up as soon as possible, it may be prejudicial. Precisely, when we consider adopting a working draft, we will have to decide on the form of government that will be preferred by the Commission as more suitable to our people. So, in order to facilitate and expedite the work of the Commission in its committees, we will consider the advisability of using a working draft. We will have to choose between the 1935 Constitution which adopts the presidential form and the 1973 Constitution which adopts the parliamentary form.

In view of all these considerations, I suggest that we leave this matter until after we have considered the report of the Committee on Rules which will be ready by Friday.

MR. TINGSON: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Just a brief comment on the proposal of Commissioner Monsod. Modesty aside, perhaps excluding myself, this august body was precisely composed and appointed by the authorities because we are supposed to be knowledgeable; we are supposed to have known through the years, say the last ten years, the pulse, the thinking and the desires of the people from our districts. And we are only limited and mandated to write this Constitution within 90 days. And I am so honored that I was picked from out of over 1,000 names. I like to think that it is because the husband of my wife is supposed to have already known exactly what our people desire. So, why spend much money — which we do not have — in conducting hearings in our districts? Everyday, we are receiving mails containing proposals from many civic organizations. Are these not indicative of the thinking of our people? Let us sit here and gather all information, then let us go home to our provinces on our own. For instance, I am going home this weekend to the best province of the Philippines next to Ilocos Norte — Negros Occidental. When I come back, Madam President, I will know.

THE PRESIDENT: Thank you, Commissioner Tingson.

MR. TINGSON: Thank you very much.

THE PRESIDENT: The point is this: Yesterday, we already approved the creation of a special committee. Now, Commissioner Monsod moved to amplify the jurisdiction or authority of this committee. Then, there was a suggestion to defer it, to which Commissioner Monsod agreed. So, there is nothing more to discuss. The only point the Chair would like to know is whether the motion of Commissioner Monsod will be deferred until tomorrow or until after the Committee on Rules will have submitted its report.

Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I have already agreed to the deferment of my motion, but perhaps I just want to make one small comment on the observation of the Honorable Tingson.

If I follow, his logic is: why have hearings at all.

THE PRESIDENT: So, the motion of Commissioner Monsod is deferred until after the Committee on Rules has submitted its report on Friday morning. Maybe we can take it up first during the caucus.

MR. FOZ: Madam President.

THE PRESIDENT: Commissioner Foz is recognized.

MR. FOZ: I move for the previous question so that we will vote on my motion to hold a caucus on Friday morning upon receipt of the report of the Committee on Rules.

THE PRESIDENT: In other words, just to clarify, the caucus will be after the scheduled session on Friday at nine o'clock.

MR. FOZ: Yes, Madam President.

THE PRESIDENT: Is there any other comment? Commissioner Regalado is recognized.

MR. REGALADO: Madam President, since it was mentioned that the matter of logistics might be involved, I suggest that the Committee on Personnel and Budget also submit its report at noontime of Friday so that both reports can be considered in the caucus.

THE PRESIDENT: So, is Commissioner Regalado suggesting that we have the caucus in the afternoon?

MR. REGALADO: I suggest that we consider not only the Rules but also the report of the Committee on Personnel and Budget.

THE PRESIDENT: But then at what particular time? Let us decide that.

MR. FOZ: Is the suggestion to hold a caucus on both Personnel and the Rules?

MR. REGALADO: Since it was mentioned that some logistics may be involved in connection with these hearings, I suggest that the report on Personnel and Finance be submitted also.

MR. FOZ: But that is a different matter which has been deferred, Madam President. The motion, which has been approved, is to hold a caucus after the session on Friday morning.

THE PRESIDENT: Is there any objection to the motion to hold a caucus immediately after the session on Friday morning to take up the report of the Committee on Rules, and if there is time, the report of the Committee on Personnel and Budget?

MR. RODRIGO: Madam President, I think that immediately after the session, we will take lunch. So, the caucus should be at two o'clock in the afternoon.

THE PRESIDENT: Let us put that to a vote. As many as are in favor of holding the caucus in the morning after the session, say yea.

SEVERAL MEMBERS: Yea.

THE PRESIDENT: As many as are against, say nay. (Silence)

The motion is approved.

MR. RAMA: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

ADJOURNMENT OF SESSION

MR. RAMA: Madam President, I move for the adjournment of the session until tomorrow at three o'clock in the afternoon.

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

It was 6:45 p.m.

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