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Thursday, June 5, 1986

OPENING OF SESSION

At 3:12 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 Adolfo S. Azcuna.

Everybody remained standing for the Prayer.

PRAYER

MR. AZCUNA: O God, help us to be true to the great privilege and responsibility You have given us. Give us a sense of proportion, wisdom of mind, clearness of thinking, truth in speech and love in our hearts, that we may work in peace and harmony.

Help us, O God, to blend freshness in youth with wisdom in age.

Finally, grant that as we propose a new charter for our people, we heed the counsel of an old poet and storyteller: "Let me write the songs of a nation, and I care not who writes its laws." Amen.

ROLL CALL

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

THE SECRETARY-GENERAL, reading:

Abubakar Present * Brocka Present

Alonto Present * Calderon Present

Aquino Present Castro de Present

Azcuna Present t Colayco Presen

Bacani Present Concepcion Present

Bengzon Present Davide Present

Bennagen Present Foz Present

Bernas Present Garcia Present*

Rosario Braid Present Gascon Present

Guingona Present * Rigos Present

Jamir Present Rodrigo Present

Laurel Present Romulo Present

Lerum

Present Rosales Present

Maambong Present Sarmiento Present

Monsod Present Suarez Present

Natividad Present * Sumulong Present

Nieva Present Tadeo Present

Nolledo Present * Tan Present

Ople Present * Tingson Present

Padilla Present * Treñas Present

Quesada Present Uka Present

Rama Present Villacorta Present

Regalado Present Villegas Present

Reyes de los Present

The President is present.

The roll call shows 40 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.

APPROVAL OF JOURNAL

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

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

MR. RAMA: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

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

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Madam President, may I respectfully ask for the suspension of the Rules for Journal No. 2 because I notice that the Prayer recited yesterday was included in the present Journal No. 3, but the Prayer for Journal No. 2 was inadvertently omitted.

May I respectfully ask that it be included also in Journal No. 2?

THE PRESIDENT: Yes, Commissioner Tingson, the Secretariat assures us that the same has been included.

MR. TINGSON: Thank you.

THE PRESIDENT: Thank you.

The Acting Floor Leader is recognized.

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

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

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

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

PROPOSED RESOLUTIONS ON FIRST READING

Proposed Resolution No. 35, entitled:

RESOLUTION PROVIDING FOR SIGNIFICANT MULTI-SECTORAL REPRESENTATION IN THE NATIONAL LEGISLATURE.

Introduced by Hon. Villacorta.

To the Committee on the Legislative.

Proposed Resolution No. 36, entitled:

RESOLUTION TO FORM AN AD HOC COMMITTEE ON FUNDAMENTAL VALUES.

Introduced by Hon. Azcuna.

To the Steering Committee.

Proposed Resolution No. 37, entitled:

RESOLUTION PROPOSING GENUINE AND BROADER LAND REFORM POLICIES AND FOR THE INCORPORATION IN THE NEW CONSTITUTION OF A SEPARATE ARTICLE ON LAND REFORM.

Introduced by Hon. Davide, Jr.

To the Committee on the National Economy and Patrimony.

Proposed Resolution No. 38, entitled:

RESOLUTION TO INCLUDE ANOTHER PROVISION IN THE RULES.

Introduced by Hon. Suarez, Tadeo, Jamir and Villegas.

To the Steering Committee.

Proposed Resolution No. 39, entitled:

RESOLUTION PROVIDING FOR THE APPOINTMENT BY THE PRESIDENT OF THE PHILIPPINES OF THE MEMBERS OF THE SUPREME COURT SOLELY UPON THE RECOMMENDATION OF THE INTEGRATED BAR OF THE PHILIPPINES, AND THE MEMBERS OF THE INFERIOR COURTS SOLELY UPON THE RECOMMENDATION OF THE SUPREME COURT.

Introduced by Hon. Colayco.

To the Committee on the Judiciary.

Proposed Resolution No. 40, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION REQUIRING THE GOVERNMENT TO COMPENSATE VICTIMS OF TORTURE OR SIMILAR PRACTICES AND THEIR FAMILIES FOR THE PHYSICAL AND PSYCHOLOGICAL INJURIES INFLICTED UPON THEM, WHICH COMPENSATION SHALL LATER BE COLLECTED FROM THOSE GUILTY OF SUCH PRACTICES.

Introduced by Hon. Sarmiento.

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

Proposed Resolution No. 41, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION ENSURING THAT THE RIGHT OF THE PEOPLE FREELY AND DIRECTLY TO PARTICIPATE AT ALL LEVELS OF DECISION MAKING IS RESPECTED AND PROMOTED AND THAT THE FORMATION AND AUTONOMY OF GRASS-ROOTS ORGANIZATIONS AND AUTHENTIC POPULAR MOVEMENTS, WHETHER LOCAL, REGIONAL OR NATIONAL, ARE SECURED AND RECOGNIZED.

Introduced by Hon. Sarmiento.

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

Proposed Resolution No. 42, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION REQUIRING THE GOVERNMENT TO RESPECT THE RIGHTS OF ALL WORKERS AND EMPLOYEES, UNDER ANY AND ALL CIRCUMSTANCES, TO FREE ASSOCIATION AND COLLECTIVE BARGAINING AND TO ENGAGE IN CONCERTED ACTIVITIES FOR THEIR MUTUAL AID AND PROTECTION.

Introduced by Hon. Sarmiento.

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

Proposed Resolution No. 43, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION GIVING ADEQUATE SUPPORT TO A FAMILY THAT SUFFERS DEPRIVATION BY REASON OF THE DEATH, PHYSICAL DISABILITY, DETENTION OR IMPRISONMENT OF THE SOLE BREADWINNER OR THE INABILITY

OF THE LATTER TO FIND EMPLOYMENT DESPITE EARNEST EFFORTS.

Introduced by Hon. Sarmiento.

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

Proposed Resolution No. 44, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION ENSURING HOUSEHOLD HELPERS AND DOMESTICS THE ENJOYMENT OF THE SAME RIGHTS AND BENEFITS RECEIVED BY INDUSTRIAL WORKERS.

Introduced by Hon. Sarmiento.

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

Proposed Resolution No. 45, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION REQUIRING THE GOVERNMENT TO PROVIDE REDRESS AND PAYMENT OF COMPENSATION FOR DAMAGES TO ANY PERSON FOR ACTS COMMITTED DURING THE DECLARATION OF STATE OF EMERGENCY.

Introduced by Hon. Sarmiento.

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

MOTION

AN URGENT MOTION TO AUTHORIZE THE PRESIDENT OF THE CONSTITUTIONAL COMMISSION TO CREATE A SPECIAL COMMITTEE ON PUBLIC RELATIONS.

Introduced by Hon. Davide, Jr.

(Motion No. 2 — Constitutional Commission of 1986)

To the Steering Committee.

MR. RAMA: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

DISCUSSION ON THE FORM OF GOVERNMENT

Continuation

MR. RAMA: I move that we proceed to the Unfinished Business, which is the continuation of the discussion on the form of government. There are four registered speakers after which there will be a caucus as suggested by the President.

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

Will the Acting Floor Leader please call the first speaker for this afternoon.

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

MR. VILLEGAS: I would like to comment on some of the issues brought up in yesterday's deliberation.

First, I would like to venture some answers to the questions asked by Commissioner Bernas about how we can achieve a measure of economic equality without having to resort to bloodletting. Considering also the remarks made by Commissioner Rodrigo, I usually prefer the word "equity" to "equality" when referring to the economic

sphere. As has been experienced time and time again, any attempt to equalize income and wealth always results in equalized poverty. The varying talents and attributes of individuals are not fully tapped because there is no more motivation to exert varying efforts.

In the last 30 years, there have been outstanding examples of Asia-Pacific countries that have attained a measure of equity in income and wealth distribution that may serve as lessons for the Philippines for at least the next 25 to 30 years. They are the newly industrializing countries of Taiwan, Korea, Singapore and, even lately, Malaysia and Thailand. And although they may have differing cultures and political institutions in regard to their economic dimensions, they share some common traits or denominators. First, there is a strong political will of the government to bias development in favor of the poor in exercising what has been referred to as that preferential option for the poor. Consider the way Taiwan was able to introduce a thoroughgoing land reform program in stark contrast to our half-hearted efforts at land reform, or whether it be Singapore's instituting the central provident fund, a tremendously generous policy to help improve the lot of urban workers; and the same thing can be said of the Malaysians' central provident fund. And so, this is a common denominator, a strong political will of the government to apply what has been referred to many times as giving more in law to those who have less in life.

Then the other common trait is respect for private enterprise; that is, allowing private individuals, groups and associations to do what they can perform competently without the state actually taking over. And I just would like to supplement some comments made by Commissioner Ople yesterday about China, because China really presents a very dramatic lesson. First, there was the Cultural Revolution, the 11 years of vicious application of class warfare by Mrs. Mao Tse Tung and her Gang of Four, which clearly did not help the poor in China. In fact, during this period, there was mass starvation and China had to import millions and millions of tons of corn, wheat and other grains from the United States. This was followed by a dramatic economic miracle under Deng Xiaoping, which was referred to by Commissioner Ople, under which private enterprise was completely respected. Yesterday, Commissioner Ople said that right now, China under Deng Xiaoping uses the so-called "responsibility system" which allows a small farmer to till his own land to produce whatever he wants to produce without any dictate from a commune and to sell his produce at whatever price the market would dictate, removing those price controls that prevailed during the Cultural Revolution. The rest is history.

In the last six years, China has been growing at fantastic rates of 10 to 12 percent in its gross national product. In less than three years, China was able to completely eliminate its import of millions of tons of corn, wheat and other agricultural products because the Chinese have become self-sufficient. Thanks to the recognition of private enterprises.

And so, these are the lessons that we can learn from our neighboring countries in answering the question posed by Commissioner Bernas on how we can achieve a measure of economic equity without bloodletting.

Finally, let me just express some of my reservations without really giving strong objections to multisectoral representation. I wish, of course, Commissioner Villacorta all the luck in solving the logistical and mechanical problems that were brought up yesterday, especially when Commissioner Davide questioned him. But my own view is that since we accept the premise that 55 million Filipinos are sufficiently intelligent and are able to discern their legitimate representatives, it is not necessary to always choose a person from their own ranks without flattering them. It could be Commissioner Tadeo, a farmer himself, who could represent the farmers, or Commissioner Suarez, a distinguished lawyer, who could represent the poor farmers and the poor workers, or it could be any other person with a patrician background. So I have my reservation about trying to institute some kind of a tinge of class distinctions in the Constitution. But as I said, I have no strong objections to multisectoral representation as long as we work more in perfecting the one-man-one-vote approach which has been proven to be most successful in democratic countries.

Thank you.

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

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: First of all, I want to follow up the thoughts expressed yesterday regarding the mechanisms of consultations in public hearings. I have here with me a resolution regarding the mechanism of consultation to be adopted by the body. I hope that we can distribute this for people to study because I feel that getting involved in public hearings is very important. As I mentioned in my comment the other day, I feel we should not arrogate upon ourselves the power to be the sole writers of this Constitution, but allow the people to be our co-authors. Unless public hearings are held or unless the people are able to speak and write this Constitution with us, I think this Constitution will not gain the broad acceptance that it deserves. With all due respect to Commissioner Tingson's comment yesterday, I disagree with him because I feel that although we have been chosen, we are here to listen and to learn. Hence, I think in the public hearings, we can feel the pulse of our people, the direction of their thoughts and the different ideas that we should write into the Constitution.

When we were sharing our thoughts on the form of government and also the aspirations of our people and our possible dreams, I thought I wanted to make a confession. After nearly 20 years of marching in the streets and after the events of February, where the power of the people put an end to dictatorial rule, I believe that we are tasked to write a constitution with a bias, a constitution for all the Filipino people, but biased in favor of the majority the poor, the 71 percent who live below the poverty threshold and the 50 percent who eat below the food threshold as mentioned by Commissioners Villegas and Tadeo.

So I want to make this clear. I think we should lay our cards on the table. In this sense, although this is a constitution for all the people, still it must be biased for the poor or the majority in this land. I would like to note that there is, I believe, from the discussions of the past two days, a convergence of substantial ideas regarding a few points. I would like to make my own personal summary of the different thoughts that have been expressed here on the floor: (1) That the powers of government must be limited; (2) That the freedom of all, especially of those who have less in life, must be guaranteed. I think this was expressed very well by Commissioner Bernas; (3) That economic equality must be encouraged and defended; (4) That popular participation must be insured; and (5) That people's organizations must be recognized. I think these were some of the salient points that have come out during the different interventions.

At the same time, I would like to register a strong disagreement with Commissioners Ople and Lerum on the thoughts they expressed yesterday. With all due respect, I want to make my position rather strong because I do not agree with their thoughts. Therefore, I would like to rise in defense of the ideas of sectoral representation together with regional representation. I believe that to truly empower the people, there must be measures providing for genuine sectoral representation in whatever form of government we have. In their expositions yesterday, they tried to show how the old dispensation practiced the politics of exclusion, that there was no real effort to try to find out who among the different sectors of society, especially those who composed the majority, are the true representatives of those sectors. They were very often marginalized from political practice and from political decisions that affected their lives.

This Constitution must precisely empower those voiceless and powerless people who normally, even with a one-man-one-vote approach, have no real effective say. This is precisely the rationale of having sectoral representation besides, regional representation. Those people whose interests are largely marginalized and forgotten will have a real chance to become co-architects of their own destiny every time there is an election.

Having said that, let me follow up some of the discussions that went on yesterday and the day before regarding our possible dreams. I think the quest of our people is a democracy where people are free and prosperous under a sovereign nation. Therefore, when we discuss the search for models, I do not think we should just go back to the classical models of the past but try to reimagine models in terms of a Third World context. I feel this is a very basic approach which explains why I would disagree with the approach of Commissioner Ople. It is important for us to reimagine and reinvent models that are distinctly applicable to Philippine conditions, so that they meet our basic needs, protect every body's freedom and ensure equality.

Regarding the form of government, it is very important that it be truly representative and responsive; that it be pluralistic and popular. That is the form of democracy which I think we seek to achieve. And, therefore, in terms of representation, it would be ideal to have both regional and sectoral representations. In this sense I would tend to think that the modified parliamentary form would be far more flexible for these needs. Secondly, we also need a form of government that is decentralized. Perhaps, at this moment I am not prepared to go all the way to having the federal form, but the direction we must pursue, I believe, must be towards the decentralized form where relative autonomy is exercised by all the different regions in this country. I also believe in what one of our companions mentioned earlier — that it is only in the coming together of strengths that the nation becomes strong. More or less, we can say that after having heard the different expositions and the sharing of thoughts during the past few days, there is some kind of consensus regarding the desire to create a democracy that is both popular and pluralistic, an economy that is self-reliant and self-sufficient, and, finally, to create a self-determined, sovereign state. In this manner we can set the stage for more equal opportunities especially for the majority — the poor and the powerless.

Thank you very much.

MR. NOLLEDO: Will the Gentleman yield to interpellations, Madam President?

THE PRESIDENT: Will Commissioner Garcia yield?

MR. GARCIA: Willingly.

MR. NOLLEDO: I would like to express my gratitude for Commissioner Garcia's support to my urgent resolution which was duly approved, but it seems that it is destined for the dustbin of history. In view of the observations of Senator Sumulong, what kind of public hearings should we contemplate? Would the public hearings be held in different parts of the country or only within Metro Manila?

MR. GARCIA: Precisely, the resolution I have here with me, in fact, has been an ongoing project of the Ateneo Center for Social Policy headed by Father Bernas and the Lakas ng Sambayanan with which I work. We have actually been conducting public hearings throughout the country. We have been going to various parts of Luzon, the Visayas and Mindanao. And this resolution is the result of preliminary public hearings where something like 150 organizations have already participated in. Therefore, the thrust would be to continue these public hearings because a lot of interest has been generated, and we can reach a lot of people who have sometimes far better ideas than we would expect. We could harness these ideas in drafting the Constitution.

MR. NOLLEDO: I was thinking that the people of Metro Manila come from the different provinces.

MR. GARCIA: Yes.

MR. NOLLEDO: That is why they say that if there is a revolution and Manila falls, the whole country falls. Considering that the group of Commissioner Garcia has already conducted public hearings in different parts of the country, would it not suffice if public hearings were held in Manila? That was the original contemplation of my

urgent motion. Then perhaps we can wire the governors, the city mayors, the executives of the different political units to inform the Members of the Constitutional Commission as to the sentiments of the people from their observations.

MR. GARCIA: Actually, I think it is envisioned in Proclamation No. 9 that the public hearings be held all over the country. In other words, we are not confined to the halls of the Batasan to draft the Constitution. I think we are tasked to write this Constitution together with the people in the public hearings. That is why we should bring this to the different regions. We can divide the teams. I thought Commissioners Monsod and Nieva were trying to tell us that a committee to draft the mechanics be formed since it is not easy to conduct public hearings. It is not a matter of just opening our doors. We have to organize. It requires a whole huge network like NAMFREL's or the Bishops-Businessmen Conference's network. Perhaps, if they are ready and willing to help, we can utilize their resources. So, if we divide into teams according to regions, we can, in a week's time, create a tremendous amount of consciousness in terms of participation of the people in the drafting of our Constitution and make the whole country a school where there is a struggle of ideas and debates which, I think, is healthy for a democracy.

MR. NOLLEDO: Will the Gentleman agree with Commissioner Sumulong, whose suggestion seems to be a reasonable amendment to my urgent motion, that instead of proceeding with public hearings under that urgent motion duly approved by this body, we just accelerate the creation of committees which have direct relevance to the form of government?

MR. GARCIA: Yes, that would also be another form.

MR. NOLLEDO: Madam President, for the past few days we have heard the distinguished Members of this Commission talk of different forms of government-parliamentary, semi-parliamentary, presidential, etc. Will the Gentleman agree with me that every Member of this Commission should reasonably be presumed to have a working knowledge of every form of government?

MR. GARCIA: Yes, I believe so, Madam President.

MR. NOLLEDO: And in view of the illuminating speeches that we have heard, will the Gentleman agree with me, if I suggest that this Constitutional Commission pass a resolution or agree on a consensus voting? For example, we will request the Secretariat to prepare a question which runs like this: "What form of government do you prefer — (1) Presidential, (2) Parliamentary, (3) Semi-Parliamentary, (4) Federal, (5) Any other — please specify the same.

MR. GARCIA: I agree, as long as it does not bind us. That is why I was saying that the important thing really is for us to look into the substance-what makes the government democratic, responsive, representative, accountable rather than we trying to form it. Maybe this is not the approach the Members would take, but this is my approach. Second, is to bring this to the people through public hearings and get their consensus, although the straw vote would not bind us, if we can get a feel of the body's thinking.

MR. NOLLEDO: Madam President, that is only a premise to a more important statement that after we will have voted and the result of the consensus voting reveals that a presidential form of government is the choice of the majority of the Members of the Commission, then we adopt the resolution recommended by Commissioners Foz, Suarez, Tadeo, and the others that the 1935 and the 1973 Constitutions be the working drafts. Immediately, we proceed to public hearings to be conducted by the different committees, the functions of which are relevant to the form of government, without prejudice to hearing further proposals from different sectors of our society. Will the Commissioner agree to that?

MR. GARCIA: Madam President, that sounds a good idea, but others might have better ideas. At this point, I have

not given it much thought.

MR. NOLLEDO: Thank you.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Madam President, inasmuch as the honorable Commissioner Garcia mentioned my name a while ago that he did not exactly agree with what I said yesterday, may I have the privilege to give a short rejoinder.

THE PRESIDENT: The Commissioner will please proceed.

MR. TINGSON: I am sorry if I was misunderstood yesterday afternoon. I suppose I was thinking of the time when we had to dismiss and I had to speak quite hurriedly. But may I, in a sense, apologize to Commissioner Monsod that I was not against his proposal for public hearings. May I also correct Commissioner Garcia's wrong impression, because certainly this humble Representation is all for hearing from our people before we write any provision into our Constitution. What I was trying to say, Madam President, is: Inasmuch as we are mandated to finish this Constitution within three months, why do we not take advantage of our weekends and fly to our hometowns or districts and dialogue with our people? Madam President, I remember when I was a humble Member of the 1971 Constitutional Convention it took us two full days to travel to a certain place like Davao, Cebu or Iloilo. When we arrived at a certain place, it was the people belonging to the upper crust of society who attended our committee meetings and who got an appointment to talk to us. The people from the barrio did not have the chance to talk to us because they did not even have enough money to pay for their bus fares from Kabankalan to Bacolod, for instance. That is what I was trying to say yesterday. Let us all go home on weekends and commiserate with our people and dialogue with them. Madam President, perhaps, we can have a one-page advertisement in the newspapers for those who are really interested to come to Manila inasmuch as we are laboring under a time constraint. Also, the President of this country could issue a decree providing that all kinds of mails addressed by the people from the barrio to the Members of the Commission be postage-free. That is what I was trying to say, and I am sorry if I was misunderstood by my colleagues, Commissioners Garcia and Monsod.

Thank you.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I understand from Commissioner Garcia that there were public hearings conducted by a group. If Commissioner Garcia is ready with the results of these public hearings, may I request him to formally submit to the Commission copies of the results for distribution to the Members because by then we would be one step ahead in the matter of public hearings.

MR. GARCIA: Madam President, I am ready. In fact, I will give him a copy of the list of all the groups who participated in those hearings right at this very moment. The results will be mimeographed and will be ready for distribution.

Madam President, I just want to make something very clear. Conducting public hearings by other organizations is different from the Commission itself going out and listening to the people. I think we are also mandated to listen to the people. But public hearings require a far more organized effort. We should go out as teams to different parts of the country. A tremendous effort is required to harness all the different groups, regional, sectoral, etc., to sit down with us and discuss issues and then air these live so that every province participates.

MR. DAVIDE: My point, Madam President, is that in areas where the group of Commissioner Garcia had already conducted public hearings on issues relevant to the formulation of a new constitution, we could probably

minimize the number of public hearings to be conducted in such places.

So, I request Commissioner Garcia to formally submit to the Commission reports of these public hearings.

MR. GARCIA: Yes, Madam President.

MR. MONSOD: Madam President, may I have the floor.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I would like to thank Commissioner Garcia for articulating a lot of things I wanted to discuss yesterday. The idea of going out on weekends is well within the plans of this Commission. Since there are 48 of us, we can cover as much as 15 areas every weekend. The important thing is really to organize ourselves for that effort. According to the Floor Leader, this is one of the subject matters supposed to be taken up in the caucus later this afternoon. Maybe we can discuss the procedures and preparatory work that have to be done in order to concretize these consultations with all the regions of the country.

THE PRESIDENT: Will Commissioner Davide withdraw his motion in the meantime in order that this matter can be taken up during this caucus?

MR. DAVIDE: Willingly, Madam President.

THE PRESIDENT: Thank you.

MR. RAMA: Madam President, it seems that there is an overriding concern among all Members for a wider participation of the people so that they, the speakers, in this Constitution that we will draft, could hear their own voices. I would like to propose another practical step in addition to the ideas already expressed here. I move that the President of the Philippines issue a formal invitation or an appeal to all citizens and groups of citizens of the country who may have constitutional proposals to submit their proposals in writing to the Constitutional Commission so that they could be considered and deliberated upon as soon as possible. In this way, the littlest of our people in the far-off regions could be heard. I think everybody will realize that the time constraint would not allow us to hold as many public hearings as we would want to, even if we go out of Manila, for there is also the public demand that people should be heard in this Constitution we are going to draft.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I would like to propose an amendment to the motion. Instead of burdening the President with this particular duty, may I suggest that the task be given to the Secretary-General by authority of the President of the Commission.

MR. RAMA: I accept the amendment, Madam President.

THE PRESIDENT: May the Chair make this particular inquiry: Can this be in the form of an advertisement in the newspaper?

MR. RAMA: The Secretariat should decide what form it should take.

THE PRESIDENT: The motion has been amended.

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

MR. RAMA: May I ask that the Acting Assistant Floor Leader be recognized.

THE PRESIDENT: Commissioner Calderon is recognized.

MR. CALDERON: Madam President, ladies and gentlemen of this Commission: Yesterday, the Honorable Ambrosio Padilla, who as Senator when the 1971 Constitutional Convention was convoked, gave us an insight into the thinking and intention of the then Congress of the Philippines which passed the law calling that convention. Commissioner Padilla said that it was not the intention of the Congress at that time to change the form of the Philippine government from presidential to the parliamentary system. Implicit in this statement was the meaning that it was not the intention of the Filipino people to change to the parliamentary system because whenever the congressmen and senators spoke together as the Congress of the Philippines, they did so as representatives of their constituents, the Filipino people. This is an observation, Madam President, that I wish to confirm.

As everyone in this Chamber knows, 11 Members of this Commission and I had the honor to have served in the Constitutional Convention of 1971. My 11 fellow Con-Con delegates in this Chamber will attest that when the candidates for the Con-Con filed their certificates of candidacy, the Commission on Elections required that they submit a platform. The platform, among others, required that they state their preference on the form of government, whether this be presidential or parliamentary. I researched on these platforms, Madam President, and the records of the COMELEC will bear me out when I say that a majority of the candidates for delegate, and later a majority of the delegates actually elected, were for the retention of the presidential system.

I remember that on the last day of the debates over the system of government, whether presidential or parliamentary, those who spoke in favor of the presidential system were former Senators Liwag and Manglapus, President Macapagal and my humble self. However, Madam President, an alarming mystery occurred within the convention which probably only former President Marcos could explain. While the majority of the delegates were elected on a campaign platform that promised the retention of the presidential system, some mysterious motive induced many of them to change their minds and make a somersault on the issue. When I saw that the mysterious magic was working its spell on my fellow delegates so much so that many of them were making an abrupt turnaround from a presidential to a parliamentary system, I was forced to deliver a scathing speech on the floor of the convention attacking this sudden change of mind. I denounced the act as "political estafa" because these were delegates who were elected to preserve and strengthen the presidential system, but were turning their backs on this promise and championing the parliamentary system instead. I, then, said that I might seem unchristian and unkind to make so vehement a denunciation and so serious a charge but the change of mind to me then was a "political estafa" committed against the Filipino people. It was deception and imposture of the lowest order.

In a further attempt to prevent the commission of this "political estafa" against the Filipino people, a group of 32 delegates, including myself, signed a petition urging the Constitutional Convention to suspend its proceedings when Martial Law was in force. The petition was prepared in my house and most of the delegates who signed came to my house to affix their signature because I was then under house arrest.

By a strange coincidence, Madam President, after the signing and the filing of this resolution, Minister Pimentel and I, and a few others, underwent actual detention in Camp Crame. I recount all of these, Madam President, with the indulgence of my colleagues in this Constitutional Commission, because of my firm belief that the presidential system of government is at once the best suited for us, and was and still is, the overwhelming choice of the Filipino people to be their form of government.

The experimental form of government imposed upon us by the 1973 Constitution resulted in tragedy and ruin for the Filipino people. That Constitution was in itself a travesty of what the Filipino people really wanted for their fundamental law. This is why its so-called ratification had to be manipulated and contrived. In truth and in fact, it

was never ratified by the Filipino people. This was an observation made by no less than Chief Justice Roberto Concepcion, who now sits in this Chamber as a Commissioner, when the ratification issue was brought before the Supreme Court.

Although already a moot issue, the manner in which we were chosen to be Members of this body-not by election but by appointment-continues to concern and worry a sizeable number of our people. One way to allay their fears, Madam President and ladies and gentlemen, is for us to present to them a Constitution that truly embodies their ideals and their aspirations and which returns to them the form of government which they had been used to and which they wanted and still want-the presidential system of government not only in form but, more so, in substance.

Thank you.

MR. RAMA: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. RAMA: I ask that Commissioner Guingona, the last speaker, be recognized.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona may proceed.

MR. GUINGONA: I would like to apologize, first of all, for not being in the session halls but I heard the Floor Leader say that there would be four speakers and I only heard three, so I thought there will be a fourth speaker before myself.

Madam President, if I may be allowed to borrow an expression of Commissioner Ople, during one of our preconference/caucuses — this may not be a prejudicial matter, but I think it is a necessary one because of the announcement made yesterday that the Committee on Rules will submit its final report tomorrow — I would like to anticipate or preempt a resolution which I expect to file, perhaps tomorrow or sometime next week, proposing the addition of an article on human resources in our draft Constitution. This article, Madam President, would include provisions concerning the promotion of scientific research and invention, patronage of arts and letters, conservation and development of national culture for national consciousness and sense of identity, protection of works of art, development of national language, right to inventions, writing and artistic creations, scholarships, grants-in-aid and other forms of incentives for specially gifted citizens, promotion of customs, traditions, beliefs of the various cultural communities in the country and other related matters

The principal component of this article, however, Thank you Madam President, would be the provisions on education, which at present are found both in the 1935 and in the 1973 Constitutions in the Articles on General Provisions. No one, Madam President, will dispute the importance of education and its crucial role in national development. Education is recognized as an effective social instrument to achieve the purposes of a nation and to mold the character of its citizens and would, therefore, be one of the principal instruments in bringing about the much desired moral regeneration in our country. As we know, the educational institutions are expected to inculcate love of country, teach the duties of citizenship, develop moral character, personal discipline and scientific, technological and vocational efficiency. Education has been described by the Phi Delta Kappa, Manila, Philippines Chapter, and rightly so, as the largest enterprise of the Philippine government.

I cannot understand, Madam President, why a state function as vital and as extensive as education and involving at present almost 15 million students, about 330 faculty members, not including nonteaching, non-academic and support personnel, should be relegated to relative obscurity in a broadly described article called "General

Provisions."

In the 1935 Constitution, Madam President, Article XIII entitled "Conservation and Utilization of Natural Resources" and Article XIV of the 1973 Constitution, entitled "The National Economy and Patrimony of the Nation," deal in a large measure with natural resources. I will readily agree to the fact that natural resources are vital to the growth and development of our country. But I dare say, Madam President, without fear of contradiction, that human resources are just as vital, if not more so, as natural resources. And it is for this reason that I respectfully submit or reiterate my proposal to the honorable Chairman and members of the Committee on Rules to consider the addition of an article in the draft Constitution to be entitled "Human Resources."

MR. RAMA: Madam President.

THE PRESIDENT: Yes, the Acting Floor Leader is recognized.

ADJOURNMENT OF SESSION

MR. RAMA: I move for the adjournment of the session and the holding of a caucus in the caucus room as suggested by the President.

THE PRESIDENT: The session is adjourned until tomorrow, Friday, at nine o'clock in the morning.

It was 4:12 p.m.

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