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Friday, September 5, 1986

OPENING OF SESSION

At 9:50 a.m., the President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

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

Everybody rose to sing the National Anthem.

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Florenz D. Regalado.

Everybody remained standing for the Prayer.

PRAYER

MR. REGALADO: Almighty Father, when You created man You breathed Your own life into him. When You established a covenant with Your people, a You called them into friendship with You and assured them of Your abiding presence. You established the law as a bond of love between Yourself and Your people and between each man and his community. Through law, You have brought order into the universe, and through law You have enabled each one to find his fulfillment as a person created in Your image and likeness.

As we gather here to formulate a new law as the foundation of our society, we ask You to fill us with Your spirit of wisdom and compassion, so that our work may be an instrument of Your justice and thus lead our people on their continuing pilgrimage towards the peace and freedom of our salvation.

We make our prayer through Christ our Lord. Amen.

ROLL CALL

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

THE SECRETARY-GENERAL, reading:

Abubakar Present[*] Aquino Present [*]

Alonto Present [*] Azcuna Present [*]

Bacani Present Nollado Present [*]

Bengzon Present Ople Present [*]

Bennagen Present Padilla Present

Bernas Present [*] Quesada Present

Rosario Braid

Present Rama Present

Calderon Present Regalado Present

Castro de

Present Reyes de los Present

Colayco

Present Rigos Present

Concepcion Present Rodrigo Present

Davide Present Romulo Present

Foz Present Sarmiento Present [*]

Garcia Present [*] Suarez Present [*]

Gascon

Present [*] Sumulong Present

Guingona Present Tadeo Present [*]

Jamir Present Tan Present [*]

Laurel

Present Tingson Present

Lerum

Present [*] Treñas Present

Maambong Present Uka Present

Monsod

Present Villacorta Present

Natividad Present [*] Villegas Present

Nieva Present

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

The President is present.

The roll call shows 31 Members responded to the call.

MR. CALDERON: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

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

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

APPROVAL OF JOURNAL

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

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

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

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

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

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

PROPOSED RESOLUTION ON FIRST READING

Proposed Resolution No. 544, entitled:

RESOLUTION PROVIDING FOR SYNCHRONIZED ELECTIONS WITH A STAGGERING OF THE TERM FOR SENATORS.

Introduced by Hon. Davide, Jr.

To the Committee on Amendments and Transitory Provisions.

COMMUNICATIONS

Letter from the Honorable Salvador H. Laurel, Vice-President and Minister for Foreign Affairs, reiterating his recommendation in his letter of June 25, 1986 that the President's power to appoint "Ambassadors, other public Ministers and Consuls" be specifically provided for in the new Constitution to conform with the standard practice in international diplomacy and likewise recommend that the Constitutional Commission consider providing for a more descriptive statement of our national flag.

(Communication No. 719 — Constitutional Commission of 1986)

To the Steering Committee.

Telegram from the Christian Reformed Diaconal Assembly of Negros Occidental, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines.

(Communication No. 720 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Communication from Mr. Agaton N. Ibarbia I, President, Small Landowners Association of Buhi, Inc., 42 San

Jose St., San Felipe, Naga City, proposing the ejection of tenants who are also small landowners, and the ejection of landless tenants who have substantially dispossessed, impoverished, caused economic dislocation among small landowners.

(Communication No. 721 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Telegram from the Faculty and Staff of Christian Reformed Seminary and Bible College, Bacolod City, Negros Occidental, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines.

(Communication No. 722 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Telegram sent by Mr. Pedro B Cruz for the seven thousand eight hundred forty-six Nueva Ecija public school teachers, expressing support for the provision on industrialization, protectionism and economic nationalism.

(Communication No. 723 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Communication from Rev. Fernando R. Basilio of the Caloocan Bethel Assembly of God, Inc., 504 A. Mabini St., Caloocan City, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines.

(Communication No. 724 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Communication from the Catholic Bishops' Commission on Family Life, signed by Bishop Jesus Y. Varela, 470 Gen. Luna St., Intramuros, Manila, opposing the inclusion in the new Constitution of a provision in the 1973 Constitution stating that "it is the responsibility of the State to achieve and maintain population levels most conducive to the national welfare."

(Communication No. 725 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Communication from the Community Bible Center, P.O. Box 10, Bais City, Negros Oriental, signed by Rev. Romualdo A. Pino and sixty-five (65) others, urging the Constitutional Commission to incorporate in the Constitution a provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines.

(Communication No. 726 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Ms. Henrietta T. de Villa, transmitting Resolution No. 1 of the Council of the Laity of the Philippines, First Regional Conference, Western Visayas, proposing an amendment to the Article on Education, Science, Technology, Arts, Culture, and Sports, such that "religion shall be considered as the most important subject in the curriculum . . ."

(Communication No. 727 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Communication from Ms. Emelyn Ablay and twenty other signatories, Cambagroy, Bais City, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines.

(Communication No. 728 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Communication from one Beverley Symons on behalf of the Nuclear Free and Independent Pacific Coordinating Committee, P.O. Box A243, Sydney South, NSW 2000, Australia, expressing its belief that the U.S. military facilities in the Philippines represent a threat not only to the Filipinos but to all people in the Asian-Pacific region.

(Communication No. 729 — Constitutional Commission of 1986)

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

Communication from Rev. Emilia Tallo and eleven others of Aguinaldo Street, Bais City, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially.

(Communication No. 730 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Atty. Samuel Matunog transmitting a resolution of the Protestant Lawyers League of the Philippines, 879 EDSA, Quezon City, proposing constitutional provisions for the protection of Filipino children, youth and mothers.

(Communication No. 731 — Constitutional Commission of 1986)

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

Communication from the faculty and students of the Community Bible School, Imugan, Sta. Fe, Nueva Vizcaya, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines.

(Communication No. 732 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Communication jointly signed by Mr. Bernardo P. Villas and Mr. Rufino M. Espina of the Metro Dumaguete Post, Negros Oriental Chapter, Veterans Federation of the Philippines, Dumaguete City, proposing a constitutional provision urging the State to give a monthly pension to all World War II veterans at the age of sixty-three years and shall be treated as number one citizens of the Republic of the Philippines.

(Communication No. 733 — Constitutional Commission of 1986)

To the Committee on Social Justice.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

CONSIDERATION OF COMMITTEE REPORT NO. 29

(Article on Education, Science, Technology, Arts and Culture)

Continuation

PERIOD OF AMENDMENTS

MR. RAMA: I move that we resume consideration of the proposed Article on Education, Science, Technology, Arts and Culture.

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

The honorable chairman and members of the Committee on Human Resources will please occupy the front table.

MR. VILLACORTA: Madam President.

THE PRESIDENT: Is the committee ready to proceed or shall we suspend the session for a few minutes?

MR. VILLACORTA: We are ready, Madam President.

THE PRESIDENT: The committee is ready.

MR. VILLACORTA: Yes, Madam President. We would like to call the attention of the body on the handouts that have been distributed today which refer to the resequencing of our proposed article based on the amendments of the different Commissioners led by Commissioner Maambong. Commissioner Guingona would like to explain this resequencing.

MR. GUINGONA: Madam President the first page of the materials handed out this morning gives the outline of the succeeding pages which contain the text of the original provisions as contained in the committee report with amendments as agreed upon by the committee during the caucus held a few days ago. The last page includes the proposed new sections that have been submitted to this committee by Commissioners Bacani et al., Ople et al., Villegas et al., Davide and Padilla. Other amendments introduced by Commissioners Davide, Monsod, Bacani et al., Ople et al., Azcuna consist of reformulations, deletions or insertions in provisions proposed by the committee which the committee will be glad to consider during the period of deliberations.

Thank you, Madam President.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: May I pose a parliamentary inquiry. Does it mean that the proposed new sections in the last page of the handout are already acceptable to the committee?

MR. GUINGONA: No, we have just included these to facilitate the review by our distinguished colleagues. Thus, the committee will react to the amendments as presented. Incidentally, we have just received an additional amendment by Commissioners Tingson, Alonto, Uka, Davide, Sarmiento, Suarez, Villegas, Rama and Padilla regarding the inclusion of the lives of our national heroes. This is an insertion and is actually not a new provision. But there is a new provision which says: "TOWARDS THIS END, CONGRESS MAY BY LAW PROVIDE FOR COMMON TEXTBOOKS FOR COMMON SUBJECTS ON UNIVERSAL SPIRITUAL VALUES." This is authored by Commissioners Tingson and Davide.

We are sorry we were not able to include this amendment because this was just handed to us this morning.

MR. MAAMBONG: In other words, these proposed new sections are not exclusive of other amendments which may already be in the possession of the committee or may hereafter be presented before the committee.

MR. GUINGONA: Yes.

MR. MAAMBONG: Thank you.

MR. VILLACORTA: So, Madam President, we are now ready for amendments and interventions from our fellow Commissioners.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 10:08 a.m.

RESUMPTION OF SESSION

At 10:36 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. VILLACORTA: Madam President, we would like the body to discuss the concept of socialized fee structure as contained in Section 1 (b) of the first page.

The idea of a socialized fee structure is to require students who can afford to pay the full tuition to do so, while those who cannot afford to pay by reason of financial disadvantage shall be granted the full extent of State subsidy.

If our fellow Commissioners have questions on this concept, Commissioner Gascon, who has done studies on this, will be available to answer questions.

MR. COLAYCO: Madam President.

THE PRESIDENT: Commissioner Colayco is recognized.

MR. COLAYCO: Who is going to determine the parents who can afford?

MR. VILLACORTA: Can Commissioner Gascon answer that question?

MR. GASCON: Since this speaks of direct State subsidy to students in whatever form it may take, then it is the State that shall determine the levels of subsidy, as well as the level cut-off of those who can genuinely afford to pay the full amount.

MR. COLAYCO: Would this principle cover also the Protestant or Catholic private schools?

MR. GASCON: As the amendment is now presented, it would only be covered in tertiary state colleges and universities.

MR. COLAYCO: That is being observed in the University of the Philippines right now.

MR. GASCON: That is not true. It is a proposal right now, but it is not yet being implemented. It is being implemented at present in the Philippine Science High School.

MR. COLAYCO: Not in the University of the Philippines?

MR. GASCON: Not yet.

MR. COLAYCO: But this is only for state-owned schools?

MR. GASCON: That is correct. The situation why it is directed to state-owned schools is because of the competition involved in entering state colleges and universities, particularly in the University of the Philippines. The situation at present is that more and more students who are entering, let us say, in UP come from the upper classes — from those who can genuinely afford. These people who can genuinely afford even more than what they are paying at present are easing out the poor students who find it difficult to enter UP. So, the idea of the socializing of fees in state colleges and universities is that these rich people who can afford higher full cost will pay in full the cost to the state colleges and universities so that the subsidy which they are receiving at present, since they are paying very low tuition, will accrue to the poor who will be allowed to enter the state colleges and universities because at this point in time the taxes of the citizens — we all know that the majority of the Filipinos are poor — are being used to subsidize state colleges and universities. So what occurs is that the poor are subsidizing the rich in state colleges and universities. What we would like to do is to respond to this socializing of fees and provide greater opportunities for the poor to continue tertiary education. The principle is that assuming that we have the capability to continue tertiary education, our education should not be primarily based on our inability to pay and that the State should provide opportunities for us to continue our education despite our inability to pay.

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

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: We have discussed this matter in the period of interpellations, and I agree with the interpretation of Commissioner Gascon. My problem is that the way it is stated could mean that the tuition levels will be socialized per se. In other words, the interpretation being given by certain sectors with respect to the University of the Philippines is that the tuition should be kept low. In that case, we would not be following the spirit of what Commissioner Gascon said that the intent of this section is really to charge as close or as near the full cost as possible and then come back on the other side and subsidize the poor so that the rich would not benefit from a low tuition. They would pay the high rate. As I understand it, that is the intent of Section 1 (b).

MR. GASCON: Yes. Basically, the intent is, in state colleges and universities, as far as the socialized fees are concerned, they will be charged according to their ability to pay.

MR. MONSOD: That is right.

MR. GASCON: So, if a student is rich, then he pays what he can pay and if a student is poor, he will be charged what he can pay.

MR. MONSOD: Yes. What I am saying is that there is no difference in our approach, in our objective. It means that the tuition will be pitched at full cost or near full cost and the assistance will be directly to students. If that is indeed the intent of the committee, then that is already covered in Section 2 (c). Eliminating Section 2 (b) would avoid misinterpretation that the tuition itself should be lowered, in which case the rich would even benefit. But if we go to Section 2 (c) right away, then that is where the idea that the incentive would go to students who are deserving especially the underprivileged and would preclude the interpretation that the tuition, in general, should be lowered, in which case the rich would also benefit.

MR. GASCON: It is not the intent that tuition fees in state colleges and universities should be purposely lowered.

The intent is clear.

MR. MONSOD: I know.

MR. GASCON: We have already agreed. However, the Commissioner has referred to Section 2 (c), which actually speaks of other support mechanisms for poor and deserving students like scholarship grants, loan programs and other incentives.

MR. MONSOD: Yes, which would have a wider coverage that will include subsidy for tuition and everything else but it is limited to deserving students, especially the underprivileged, and it completely eliminates the possibility of interpreting Section 2 (b) to mean also benefits to those who can afford. Perhaps Section 2 (b) may no longer be necessary. However, if needed, we can use Section 2 (c) and we can expand it as we wish because this section leads to some problem of interpretation.

MR. GASCON: I have no problem in combining Sections 2 (b) and 2 (c). However, I would like to state for the record that in my opinion, Section 2 (c) does not cover the intent of Section 2 (b) because the former speaks of scholarship grants, student loan programs and other incentives while the latter speaks of direct subsidy to poor students which cannot be considered as loan programs nor scholarship grants.

MR. MONSOD: Yes.

MR. GASCON: This is direct subsidy. If that concept is included in Section 2 (c), then we will have no problems because essentially we agree on the intent.

MR. MONSOD: Why do we not just add the words "AND SUBSIDIES" to Section 2 (c) so as to read: "other incentives AND SUBSIDIES"? That will take care of it.

MR. GASCON: If that will be the case, what would occur actually is that if we add "and subsidies" in Section 2 (c) this would expand the original concept which we propose in Section 2 (b) because this particular section speaks only of state colleges and universities where poor students will be given direct subsidy and the rich will have to pay the full cost of their education. I would be happy if we put this phrase in Section 2 (c), because what would happen is that even students in private schools who are poor will also be given subsidy by the State.

MR. MONSOD: I agree with the Commissioner because then we are giving the students freedom to choose, and this upgrades the entire system since even private schools will have to improve their quality in order to attract the students. This would contribute to their viability. The students themselves would have the freedom of choice. And my own feeling is that quality education is not only available in public schools but also in private schools.

MR. GASCON: That is correct.

MR. MONSOD: Therefore, if we expand the coverage, we are really helping the underprivileged and improving the entire system. So, I am with the Commissioner in expanding Section 2 (c).

MR. GASCON: So, the intent that the Commissioner wishes to express is that when we speak of "socializing fees" we provide subsidy to the poor which should not only be in public schools but also in private schools.

MR. MONSOD: We are subsidizing the poor regardless of where they go.

MR. GASCON: That is correct. So, we are expanding the concept of socializing not only for the public state colleges and universities but the private schools as well.

MR. MONSOD: Yes.

MR. GASCON: The students will be very happy with that because there are quite a lot of poor students in private

schools.

MR. MONSOD: That was my proposal in the interpellation. If we adopt that philosophy, then we do not need subparagraph (b). All we need to do is add a word or two in subparagraph (c).

MR. GASCON: So long as the intent is not lost, we will accept any amendment to that later on.

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized because he stood up first.

MR. PADILLA: Paragraph (b) refers to tertiary level of education?

MR. GASCON: Yes.

MR. PADILLA: That means colleges and universities. There has always been some stress on those who can afford and those who cannot afford. Should not tertiary education be confined to honor students with aptitudes, with talents, with good records rather than whether they are rich or poor? I understand there are science high schools wherein the students are the honor students from the different high schools throughout the country and the advanced students who qualified by examinations. These science high schools have a much higher level of education and instruction over the ordinary provincial or city high schools. If we have this kind of distinction or, at least, greater opportunity for the brighter students to pursue higher education, should not this tertiary level of education be encouraged for the talented students with more aptitude for liberal education?

MR. GASCON: Yes.

MR. PADILLA: Those who may not have as much talent or probably fail to display such talents through hard work should be encouraged instead to enter vocational or technological schools rather than making it general for all students, rich or poor, to pursue higher education.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I would like to respond to that.

What we are saying here is that there is a vicious cycle in our education system that the poor start from very inadequate fundamentals and, in fact, even in the science schools, like the Philippine Science High School, Manila Science High School and so on, the entrance hurdle is different for those coming from urban schools as compared with those who are coming from rural schools.

A couple of years or just last year, the hurdle rate was 60 percent for those coming from urban schools or Manila and 44 percent for those from rural areas, precisely, to give recognition to the fact that there is this vicious cycle and we have to do something special to change the whole structure of our society and to give special incentives to those who are disadvantaged in life.

What we are saying here is that referring to the merit system, the poor have already a disadvantage. As long as the poor students can earn a grade and do not have to be outstanding, then they should be given the subsidy. The rich who have already an advantage even in fundamentals from the beginning, can be given honorific citations. They can belong to honor societies. That, I think, is enough but the actual subsidy should be given to the poor, because we are trying to change something fundamental and structural in our society.

MR. GASCON: Thank you, and I would like to add something.

When we speak of tertiary education, the first assumption is aptitude, because they would need such an aptitude to continue four years of tertiary education.

This is just to cite the situation: Out of 750,000 students who took the NCEE, 50 percent were from the P500-and-below income bracket. Those from this monthly income bracket of P500 and below scored above the median which means that those who can enter college constituted 13 percent above the mean, or a total of 97,555 students.

From this same monthly income bracket of P500 and below, those who scored within the 90 percentile and above constituted about 1.73 percent of the total number of examinees, making a total of 12,975 students. Yet they have the necessary high level of excellence and aptitude to continue tertiary education. However, the ratio of the probability of these 12,975 students to continue four years of tertiary education is very low. In the long run, they may have to drop out because of their incapability to pay. So, what will happen to these 12,975 students who belong within a percentile greater than 90 percent, yet because of their low income level cannot continue tertiary education? These are the students in which a socialized fee structure, or whatever term the Commissioner wishes to call it, seeks to address.

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

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: I am more concerned about this socialized fee structure. If it should be adopted, what would be the specific mechanics in determining the fact of the stratum entitled to this subsidy?

About a number of years ago, I received a letter from the University of the Philippines asking me to submit a copy of my income tax returns for that purpose. I believe that that is not only an unlawful way of inquiring into our economic status, but also inaccurate. So, what does the committee envision on the actual mechanics or the implementation of the socialized fee structure?

MR. GASCON: There could be many ways to implement this. It could take the form of giving direct subsidy to each student. Students are given based on their income bracket a certain amount of money considered as a direct subsidy which they will use to pay. It could not be in a form of a loan, a scholarship grant, or other incentives. That is one.

Second, based again on their income, it could also be a graduation of the tuition fees which are demanded from them. So if the student is from the P100,000-and-above annual income bracket, he will be charged a larger amount for the same number of units as compared with a student who comes from a P13,000 or P20,000 annual income bracket. To be more specific, this could probably be done in state colleges and universities. Just for the record, I could say that the Philippine Science High School, a government-owned school, has been implementing a scholarship scheme which resembles our proposed socialized tuition fee scheme. It is hinged on the principle that the wealthier students get less subsidy, whereas the poorer ones get more. There are five different levels of scholarships applied to different income brackets.

How does the scholarship scheme work? The school asks for the gross or net income of the family depending on whether their sources of livelihood are fixed or not. They then deduct the cost-of-living expenditures from the income declared. These are called allowable deductions. If the remaining amount is equal to zero or less, then the student is entitled to the highest subsidy and privileges allowed by the school. If the remaining amount is greater than zero, meaning, after all the possible cost-of-living expenditures and deductions a portion of their income still remains, this residue is compared with varying ceiling rates which are the point levels of the scholarship grant.

The socialized tuition fee scheme is more comprehensive than the usual scholarship grant because it gives subsidy to varying levels of income, not just to students in the lowest bracket. It can be applied to other state universities. The point that we are making is that the richest student will be paying the full cost of education should their income bracket show this. So, the basic practice can be varying in different situations. We leave it to Congress; we leave it to the implementing procedures of the Ministry of Education, Culture and Sports based on the particular consideration in the locality, but the principle of providing subsidy to the poor as against not providing subsidy to the rich in tertiary education is what we are trying to establish here.

MR. REGALADO: The socialized or subsidized form that the Commissioner has been talking about, however, presupposes and is based upon a prior requirement of competitive entrance examinations. Is that correct?

MR. GASCON: Yes, especially when we speak of tertiary education, for we know for a fact that not everyone can be competent to continue tertiary education.

MR. REGALADO: And the University of the Philippines, to use the tertiary level as a basis, has only a particular number of slots available for this purpose.

MR. GASCON: What does the Commissioner mean?

MR. REGALADO: Just a certain number will be admitted.

It is only in the College of Law wherein so many will be admitted.

MR. GASCON: Yes, the UP administration has quotas for certain specific degree courses.

MR. REGALADO: Therefore, what is taken into consideration is not only the fact that the student belongs to a certain financial level, but also his capacity or competence and also a student's entrance examination which would serve as a predictor of his academic success, should he be permitted to enrol in the University of the Philippines.

MR. GASCON: That is assumed since we speak of tertiary education. The whole point is that we make sure that those who come from the poor sectors will be able to continue tertiary education considering all of the costs of education.

MR. REGALADO: If we follow the proposal of Commissioner Monsod that this same subsidy be extended also to private schools under the same arrangement of competitive examinations, does the Commissioner think that our government will be in a position to also subsidize private schools?

MR. GASCON: The Commissioner should direct that question to Commissioner Monsod.

MR. MONSOD: I would like to make the distinction that these incentives and subsidies under subparagraph (c) are for the students, not for the school.

MR. REGALADO: So that provision would be applicable to both public and private schools.

MR. MONSOD: It would be applicable to all students who are deserving or to the underprivileged regardless of where they are going.

MR. GASCON: That is the intent of the amendment of Commissioner Monsod.

MR. REGALADO: If we therefore eliminate subparagraph (b), then we could just incorporate the word "SUBSIDY" in subparagraph (c) to apply to all students.

MR. MONSOD: Yes.

MR. GASCON: That would, therefore, expand the concept in subparagraph (b) which was limited to state

colleges alone. But if we now put it in subparagraph (c) and just use the word "SUBSIDY," it would also accrue to the poor and the underprivileged students in private schools.

MR. REGALADO: I am particularly interested in that, because I notice from the report of the Ministry of Education, Culture and Sports that for the school year 1984-1985, there were only 137,724 enrollees in government tertiary schools; whereas in private schools, there were 972,730 enrolled in the tertiary level. That is only a 78-percent report. So it would seem that almost a million college students are actually enrolled in private schools, whereas in government schools, there are only 137,724 and that should be taken into account when we talk about subsidies and the transposition of subparagraph (b) to be incorporated in subparagraph (c). We should think not only in terms of the financial outlay involved but also of the population of the different sectors, public and private.

Thank you.

THE PRESIDENT: Commissioner Villegas is recognized.

MR. VILLEGAS: Madam President, let me just say that I would highly caution the body against the use of a very technical phrase called "socialized pricing" because it is fraught with a lot of technical complications. Let me say that the most well-known use of socialized pricing is with electric rate and it is very easy to apply it to the billings of MERALCO or other electrical power companies, because automatically any family that uses less than 100 kilowatt hours a month is charged 12 centavos per kilowatt hour. Then, as the kilowatt consumption goes up, the rate is increased. It is very easy to assume that any family that uses less than 100 kilowatt hours a month must be a family that has only several bulbs and definitely does not even have a refrigerator or could not possibly have an air-conditioning unit so we do not get into all sorts of technical questions on who is poor, who is of the middle income and who is rich. Therefore, I find it very difficult to apply to the operation of a university. It is better to use a generally understood word like "subsidy" and then later on we can also talk about scholarships and grants, rather than get into that very technically complicated concept called "socialized pricing" or "socialized fee structure."

MR. GASCON: Thank you.

May I ask a question? With regard to the principle and the intent of what we are trying to say, does the Commissioner think that it is . . .

MR. VILLEGAS: It is indispensable in the Philippine social structure, definitely. We have to subsidize the children of the underprivileged so that they can go to tertiary education. There is no question about the indispensability of the objective of the provision.

MR. GASCON: That is what we would like to stress — the intent of the term and that we do not have fixation for the term, so long as the intent is clear to all. The original proposal was in state colleges and universities because we believe that it can be implemented much faster in state colleges and universities because of the subsidy accrued already to the state colleges at present. What we are trying to do now is to actually rationalize the subsidy already given to state colleges and universities, instead of equalizing it to all students who enter the state colleges and universities whether they come from the rich or from the poor. What we are trying to say now is that the subsidy should be greater for the poor. And the assumption is, since they are already studying in state colleges and universities, these people who come from rich families, let us say, the upper 10 percent of the Philippine society, do not need direct subsidy from the State anymore because they are already enrolled in the schools. So, what we wish is to transfer the subsidy that they are receiving at present to the poor so there could be more poor people who could enter the universities.

An example of this was done in UP in the 1960s. During those years there used to be an automatic acceptance of valedictorians and salutatorians from all schools, both public or private. In this case, we had a high level of excellence because these were the valedictorians and salutatorians. But we should also have an equalizing factor because most of our high schools are public. Hence, there was an equalizing factor done before; but because of the competitive examinations now, those who come from private schools and from urban centers usually ease out even the highly intelligent public school students simply because of the quotas set in tertiary education.

MR. VILLACORTA: Madam President.

THE PRESIDENT: The chairman of the committee is recognized.

MR. VILLACORTA: There have been sufficient discussions on the subject. The way the committee sees it, there are two concepts that we should vote on: First is the matter of subsidies for poor students at the tertiary level, and second is the question of whether these subsidies should apply to both public and private colleges and universities.

MR. GASCON: Yes.

REV. RIGOS: Madam President.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: May I state my original motion so that we can vote on it. My motion is to delete subparagraph (b) and to insert the words "AND SUBSIDIES" after the word "incentives" in subparagraph (c).

MR. GASCON: Just to clarify further. When the Commissioner makes the motion to delete, does that not necessarily mean that he is making the motion to delete the intent of subparagraph (b)?

MR. MONSOD: What I want to delete is what this subparagraph means. This means that "tuition must be automatically low" and this is capable of being interpreted by putting the words "AND SUBSIDIES" in subparagraph (c). We retain the intent and avoid the confusion on tuition fees.

MR. GASCON: The issue here is that we agree on the intent that subsidy be given to the poor students on indigent levels.

MR. MONSOD: Yes, to the students rather than to schools.

MR. GASCON: So, the issue really is that we subsidize based on the ability to pay.

MR. MONSOD: Yes.

REV. RIGOS: Madam President.

THE PRESIDENT: So, the proposed amendment of Commissioner Monsod would be: "Maintain a system of SUBSIDY, a government subsidy . . ."

MR. MONSOD: No, it would read: ". . . maintain a system of scholarship grants, student loan programs, and other incentives AND SUBSIDIES which shall be available to deserving students in both public and private schools, especially the underprivileged."

THE PRESIDENT: Will the Commissioner not be in favor of putting the word "SUBSIDIES" ahead first?

MR. MONSOD: I would really prefer to put "grants" and "loans." We can put it after the word "programs." So, it will read: ". . . maintain a system of scholarship grants, student loan programs, SUBSIDIES, and other incentives

which shall be available to deserving students."

THE PRESIDENT: What does the committee say?

MR. VILLACORTA: The committee accepts the proposal.

MR. MONSOD: Thank you.

BISHOP BACANI: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: I submitted a similar proposal and may I just add that it should be explicitly said that it should be "in both public and private schools AT ALL EDUCATIONAL LEVELS." In other words, it includes elementary, high school and tertiary levels.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I proposed it and I just wanted to make a comment that I would rather be silent about it and let Congress decide, as the resources of the State allowed because if we put "at all levels" right away, it might be interpreted as a mandate to immediately institute a massive program when we may not still be adequate at the tertiary level. Anyway, if we are silent about it, it gives Congress the flexibility.

BISHOP BACANI: Provided there is an openness to that.

MR. MONSOD: Yes.

BISHOP BACANI: Yes. I am agreeable to that.

Thank you very much.

MR. VILLACORTA: Commissioner Quesada would like to ask for a clarification before we vote on the matter.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: Commissioner Monsod, when we encompass the concept of subparagraph (b) on socialized fee structure, and we cover it in subparagraph (c), would this refer to tertiary level of education?

MR. MONSOD: As I answered Commissioner Bacani, the way it is stated, it would even cover beyond that. But by putting it in general terms, it is up to Congress to determine the priorities. But certainly, the tertiary level is definitely covered. It might even go beyond that, depending on Congress.

MS. QUESADA: So, the Commissioner would want to have the formulation retained.

MR. MONSOD: Yes, we just add "SUBSIDIES" so that Congress has enough leeway.

MS. QUESADA: Thank you.

MR. GASCON: And when we speak of subsidy, it would be in generic term.

MR. MONSOD: Yes.

MR. GASCON: It would take different forms: either direct giving of money or discounts, et cetera.

MR. MONSOD: Or invoices or coupons.

MR. GASCON: That is correct. Secondly, as I said in the beginning, when we speak of ability to pay, that means on a graduated level.

MR. MONSOD: Yes, and we are not referring only to tuition fees. We might even give some books to those who are really poor.

MR. GASCON: Yes. So what we mean is that the poor will be given subsidy but those who come from the middle class who find it also difficult to pay, will receive some forms of subsidy, but in different forms perhaps.

MR. MONSOD: Yes.

MR. GASCON: We agree totally with the Commissioner's amendment.

MR. RAMA: Madam President, the amendment of Commissioner Monsod has been accepted. May I move that we take a vote on that.

MR. VILLACORTA: Unless there is no objection.

MR. RAMA: There is no more objection.

MR. GASCON: Bishop Bacani who made a similar proposed amendment should be considered a coauthor.

MR. VILLACORTA: Also, Commissioners Nieva and Guingona.

VOTING

THE PRESIDENT: As many as are in favor of the proposed amendment of Commissioner Monsod and others, please raise their hand. (Several Members raised their hand.)

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

The results show 33 votes in favor, none against and no abstention; the proposed amendment is approved.

MR. VILLACORTA: Madam President, the next concept is the promotion of physical education and sports programs, and Commissioner Padilla has two amendments for this particular paragraph.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: Madam President, I would suggest that paragraph (d) retain the first two lines: "Promote physical education and sports programs for, the total development of a healthy and alert citizenry." We eliminate the rest of paragraph (d) because I have submitted to the committee a separate paragraph at the end of the article entitled "SPORTS." It reads: "THE STATE SHALL PROMOTE PHYSICAL EDUCATION AND ENCOURAGE SPORTS PROGRAMS FOR THE TOTAL DEVELOPMENT OF A HEALTHY AND ALERT CITIZENRY. ALL SCHOOLS, COLLEGES AND UNIVERSITIES, PUBLIC AND PRIVATE, SHALL UNDERTAKE REGULAR SPORTS ACTIVITIES, ATHLETIC COMPETITIONS IN ORGANIZED LEAGUES, FROM BARRIO, MUNICIPAL, PROVINCIAL, REGIONAL TO NATIONAL SPORTS PROGRAMS.

"THE PROMOTION OF AMATEUR SPORTS, AS DISTINGUISHED FROM PROFESSIONAL PLAYERS, SHALL BE PROVIDED BY LAW, INCLUDING THE TRAINING OF NATIONAL ATHLETES FOR ASIAN AND WORLD OLYMPIC GAMES."

In other words, with this proposal of a separate paragraph on sports at the end of the article, we can delete lines 20 to 23 of the Article on Education.

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you.

May the honorable Vice-President yield to a few questions?

MR. PADILLA: Very gladly.

MR. SUAREZ: Thank you.

We know the Commissioner's background as a national athlete, but this proposal he has submitted is not a typical Padilla vintage, because it is elaborate and I know him to be a strict constructionist when it comes to the framing of constitutional provisions. I am a little bit surprised.

Does not the Commissioner believe that the phrase appearing on lines 18 and 19, which reads "promote physical education and sports programs for the total development of a healthy and alert citizenry," embraces all of the things he has been kind enough to submit for the consideration of the Commissioners? I would like to add also that I agree with the Commissioner that lines 20 to 23 should be deleted and that we just stick to lines 18 and 19.

MR. PADILLA: In addition, we have a separate subsection on sports.

MR. SUAREZ: Yes, but when we speak of physical education and sports programs, that is all embracing.

MR. PADILLA: Maybe, but very few understand that: For example, line 23 mentions "the curricula," but that is not enough to insert in the curriculum units for physical education. There must be what I mentioned in my proposal: "REGULAR SPORTS ACTIVITIES, ATHLETIC COMPETITIONS IN ORGANIZED LEAGUES . . ."

I am surprised why the Commissioner says that my proposal is not a Padilla vintage; everyword of it is Padilla's.

MR. SUAREZ: I said it is not a typical Padilla vintage.

MR. BENGZON: Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. PADILLA: So many people do not understand what sports development is. It is not enough to insert few units in the curriculum. Sports is developed by competitive athletics in the field, not only inside the classroom.

MR. BENGZON: Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: We agreed an hour or so ago that we will discuss and just approve the concepts. So, if the two Gentlemen, together with the Members of this Commission, are in agreement that we will put the concept as articulated by Commissioner Padilla, then the committee can put the language. The members of the committee can come back and present the language to us. That is the time we will discuss the language and the details by amendment.

MR. SUAREZ: I will agree to that procedure.

MR. PADILLA: I have no objection to further discussing my proposal as a separate paragraph at the end of the Article on Sports, if some want to question the words that I have submitted for consideration and approval by this Commission.

MR. VILLACORTA: The committee is amenable to having a separate paragraph for sports.

Commissioner Quesada would like to ask for a clarification.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: Thank you, Madam President.

In Commissioner Padilla's proposed amendment, did he consider that these efforts of developing sports would go beyond the school system and would even cover the efforts of municipalities, cities and the localities to promote a healthy and alert citizenry?

MR. PADILLA: No, it is within the school program. We have some barrio schools, then primary, elementary, high schools and even state colleges and universities and my proposal is not only for public but also for private schools, and this is not outside the scope of education.

MS. QUESADA: In our present formulation, line 10 says: "Towards this end, the State shall provide opportunities for participation involving all sectors." This particular line would cover the efforts outside of the school system, because we believe that there are also opportunities for developing sports even outside the school.

Our inspiration here is the observation that many of our local government units do not provide adequate space for sports so much so that basketball courts are established on streets and children actually expose themselves to the hazards of vehicular accidents. This may be due to the fact that municipalities or cities do not give stress in the development of these sports in our localities. So, this will be a trigger for legislation, and that it will be the responsibility of the State now to create opportunities and facilities for developing sports.

MR. PADILLA: I understand that we cannot have baseball diamonds even in the barrios, or in the primary or elementary schools, but there are some provincial baseball diamonds in cities selected as sites of interscholastic games. Also it is regrettable that we had in the past so many baseball diamonds in Manila like the Nosedala Park, the Alunan Park, the Osmeña Park and the Harrison Park. We had also in the trade schools and even in the different universities.

But, unfortunately, at present we only have the Jose Rizal Memorial Baseball Diamond. That is why we used to beat Japan in baseball during the time of Bertulpo as pitcher and Platon as catcher. But now we could not even beat the other countries that never had the baseball experience we had, which was introduced and strengthened by the Armed Forces of the Philippines in Port Mills Fort (Corregidor), McKinley, Camp Stotsenberg, et cetera.

To develop sports, we must have adequate and more sports facilities. Thus, we cannot develop swimming if our youth are allowed to swim only in our rivers or beaches; we must have swimming pools.

With regard to basketball, it is so popular that even in the absence of basketball courts, we have our young people playing in the streets, as we have observed.

But the point is that we used to have interscholastic games among the public schools and we used to have the PRISAA among the private schools. But there have been attempts in the Bureau of Education before to even suspend or even eliminate these sports competitions. We cannot develop sports by merely providing physical education in the classroom. Sports is essentially competitive and it must be judged by actual performance. An example of the most important athletic event is track and field. Our first participation in the World Olympic Games in 1924 was only in running, represented by Nepomuceno with only one official, Dr. Ylanan. However, we gradually increased our deserving athletes as participants in subsequent Olympic Games.

On one occasion, I mentioned the immortal names in amateur athletics of Simeon Toribio; in swimming of Scout Teofilo Ildefonso and Miguel White; in boxing, we had the father and son, the two Villanuevas and many others, but these must be based on actual competitions in regular leagues like the PRISAA and the interscholastics and

then they go to the national aspect under the then Philippine Amateur Athletic Federation (PAAF). From these selected athletes, whose talents are based on actual performance, especially in individual events, it is not a matter of having, say, gold medals in an invitational league, like the Southeast Asia, because an athlete may be the first among four competitors. "En el reino de los ciegos, el tuerto es el rey." Their performances must approximate or even surpass time records. In individual events like swimming, a competitor must have a time record as in other individual events, like in track and field. In team events like basketball, football, etc., they must have teamwork, but not the individual records of time and distance. Hence, the Olympic motto is, "citius, altius, fortius," which means: citius — faster, altius — higher and fortius — stronger, all based on personal performance and individual records.

That such situation is even in the invitational league known as the Southeast Asia, which excludes Japan, excludes South Korea, excludes China or even Taiwan, is limited to Indonesia, Thailand, Malaysia, Singapore, Hongkong, and then the less Burma and sometimes Brunei. Our athletic performance has so deteriorated that we only come third or fourth, whereas in the past, before World War II, particularly in basketball, the Philippines was always Number 1 in all Asia, repeatedly winning over Japan, Korea and Taiwan, because for sometime, China did not participate.

These are the actual performances in the field of competitions. And if we must develop sports, we have to develop athletes and discover potential talents from our students as early as in the elementary, gradually increasing their proficiency in provincial, regional and national competitions. That is the reason why I had to give some specifics in two simple sentences, which are definitely not lengthy; namely, regular sports activities and athletic competitions in organized leagues from barrio, municipal, provincial, regional to the national level. I also mentioned the promotion of amateur sports. I want to distinguish it from professional players, like the black Americans in the professional basketball players. In my opinion that does not do very much incentives. In fact, it denies incentives to many of the students who can be good athletes, and perhaps attain the goal of all student athletes to be a member of the national team for competition in the Asian Games which was then called Far Eastern Games and the World Olympic Games.

MR. BENGZON: Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: I think the Commissioner has benefited greatly from the dissertation of Commissioner Padilla on the Article on Sports and on the concept that he is trying to inculcate in each one of us. Hence, we are ready to vote on the proposal, so that the committee can, in turn, provide the necessary language.

THE PRESIDENT: The Vice-President was explaining the rationale for having these second and third paragraphs of his proposed amendment.

What does the committee say on this proposed amendment of Vice-President Padilla?

MR. VILLACORTA: Madam President, we are accepting the proposal of Commissioner Padilla, and we shall harmonize the sense of his amendment with ours.

VOTING

THE PRESIDENT: So, the committee accepts. We now put it to a vote.

As many as are in favor of Commissioner Padilla's proposed amendment, please raise their hand. (Several Members raised their hand.)

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

The results show 35 votes in favor, none against and no abstention; so the amendment is approved.

MR. DE LOS REYES: Madam President.

THE PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: May I just place on record that in voting for the Padilla amendment and its laudable and noble concept, I would like to suggest the following wordings which I will not ask him to accept or reject: "ALL EDUCATIONAL INSTITUTIONS, PUBLIC AND PRIVATE, AS WELL AS ALL GOVERNMENT UNITS, SHALL ADOPT SPORTS PROGRAMS AND UNDERTAKE REGULAR SPORTS ACTIVITIES, AND HOLD ATHLETIC COMPETITIONS. THE STATE SHALL, BY LAW, PROMOTE AMATEUR AND PROFESSIONAL SPORTS, AND TRAIN NATIONAL ATHLETES FOR INTERNATIONAL COMPETITIONS."

THE PRESIDENT: It is just a recommendation because the Padilla amendment has already been approved.

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: May I be permitted to just explain a little?

The phrase "INTERNATIONAL COMPETITIONS" is not satisfactory because any invitational athletic competition is international. For example, a ping-pong player, now called table tennis player is invited to Hongkong or even bowling players — we have very good bowlers who are sometimes of world standard. The moment there is competition — with Filipinos going abroad or other players coming to the Philippines to participate, for example, the Philippine-Columbian tournament on tennis, and there were a few players from Hongkong and others — that is already an international competition but that is not the standard. The highest recognized regional competition is the Asian Games or the loftiest ambition is to participate in the World Olympic Games. So, while the words "INTERNATIONAL COMPETITIONS" may cover these two concepts, it has a much wider scope because although any competition wherein Filipinos play against other foreigners may be international competitions, that is not the objective of the State in training athletes, for those are intermittent, periodical, incidental competitions among athletes or players of the Philippines with other neighboring countries. My concern — as everybody should have that concern — is for a student-athlete in amateur sports to exercise not only self-restraint, discipline, obedience to training rules to attain maximum excellence in their respective sports to be able to qualify as a participating athlete of the Philippine national team in the Asian as well as World Olympic Games.

MR. BENNAGEN: Madam President, I do not know if this is in order, but may I suggest to the committee, and perhaps even to Commissioner Padilla, that in the final formulation of the proposal, two points should at least be considered: 1) to concentrate on areas that are more suitable to the limitations of the Filipino physique; and 2) to consider also the development of Filipino games, like sipa and Filipino martial arts. There is a growing body of literature on these and there is a feeling that this is a neglected aspect of the development of games in the Philippines.

MR. DE LOS REYES: Madam President.

THE PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: Madam President, in making that suggestion, I was just thinking that it would be unseemly

on our part to constitutionalize the Asian and Olympic Games and I thought that in suggesting the phrase "INTERNATIONAL COMPETITIONS," which is comprehensive enough to include among others the Olympic and Asian Games, I was doing the amendment a favor. But if Commissioner Padilla insists on constitutionalizing the Asian and Olympic competitions, I am not really sanguine about it.

THE PRESIDENT: We leave that to the committee.

May I ask the chairman?

MR. RAMA: May I ask, Madam President, that we go to the next concept, the controversial one.

MR. VILLACORTA: The next concept, Madam President, is the comprehensive approach to education that will coordinate formal, nonformal, informal and indigenous learning systems.

THE PRESIDENT: Who desires to speak or to explain?

MR. VILLACORTA: Commissioner Rosario Braid, Madam President, will elaborate on this.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: This provision recognizes the need to link formal schooling with the nonformal and informal sectors, the concept of the schooling society, the concept of providing education for out-of-school youth, continuing life-long education for adults, the concept of encouraging the development of culturally appropriate leaning systems, the concept of encouraging what we call learner-oriented systems; that is, we encourage independent studies or self-learning. We have heard that there are many pupils who are deprived of schooling because their schoolrooms had been taken over. So, I think, we should encourage other delivery systems to reach these schoolchildren who have been the victims of military or other insurgency forces. And so, we hope that the State through Congress would be able to allocate resources for the promotion of nonformal education.

Madam President, in the past, although we deplore, for instance, the average of P500 per elementary school student or P1,000 per secondary school student or P5,000 per tertiary school student, the allocation for nonformal education is P14 per out-of-school youth. To date, there have been about 4.5 million students who have dropped out of school; about 3.5 million have been reached, but the facilities are deplorable because of lack of resources.

We have noted that many of the dropouts in Grade IV have to be reached continually. We need to continually provide literacy programs for the adults especially since we consider literacy very important in the electoral process.

So, this is the spirit of this particular provision, Madam President.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: May I address a few questions to Commissioner Rosario Braid.

I know that some of these concepts were discussed during the period of interpellations. I just would like to ask a few questions for clarity and for me to vote intelligently.

This section contains many concepts like formal, nonformal, informal, indigenous, self-learning, independent, out-of-school study programs. First, may I know from the honorable Commissioner the meaning of formal education? Let us start with formal education.

MS. ROSARIO BRAID: Yes. Formal education means schooling. What we have been discussing the past three

days is about schooling within the four walls of the classroom.

MR. SARMIENTO: What do we mean by the word "nonformal"?

MS. ROSARIO BRAID: Nonformal schooling refers to those given in a workplace, factory or shop, which is really the upgrading of skills of the worker or the laborer.

MR. SARMIENTO: What about the word "informal" as distinguished from "nonformal"?

MS. ROSARIO BRAID: Informal is education in the home, in the church, the mass media and the other community associations and organizations.

MR. SARMIENTO: Then, what are indigenous learning systems?

MS. ROSARIO BRAID: Commissioner Bennagen has done a lot of studies in the Cordilleras and has found out that there are many ways or methods within our cultural groups that are worthy of preserving and building, because we admit that we have to start where they are and these are the learning systems that we have to preserve. Commissioner Bennagen might want to say a few words.

MR. BENNAGEN: Let me add a bit of information on the concept of indigenous learning system.

There is a movement in Asia particularly in Southeast Asia of which we are a participant through the INNOTECH. What is INNOTECH?

MR. VILLACORTA: It is the regional center for educational limitations and agriculture.

MR. BENNAGEN: Yes, of which we are a member. We seek to redefine the Asian educational system by going back to our traditions because the assessment is that we have been too Western-oriented. We have produced an educational system that seeks to replicate the values of the West, and the feeling of this organization, which is headed by education ministers of ASEAN countries, is that we must go back to a rediscovery of what we have as a people. So, there is now an ongoing comparative study, cross-cultural study, of what is referred to as indigenous learning systems. These are learning systems that have responded both to the requirements of communities as well as to influences from outside. This is a more consistent learning system in the sense that it takes into account the community as well as the influx of cultural elements from outside but within a framework that seeks to integrate political, economic and cultural values within that learning system.

Thank you, Madam President.

MR. SARMIENTO: May I go to the last concept — "self-learning, independent and out-of-school study programs."

MS. ROSARIO BRAID: "Self-learning" and "independent" are similar concepts. "Self-learning" would refer to a popular trend now of using self-learning materials, either in printed form, in audio cassettes, video cassettes under the supervision of a teacher or a guidance counsellor. An independent learning system is similar except that it includes correspondence courses or distance learning systems using the open media of communication or open university where learning is structured by the student in cooperation with the teacher. And so, what the teachers provide is various options in terms of learning materials and the student selects according to his needs and goals. Of course, the concept of out of school is understood; it is for those who have dropped out — the adults, the youths.

MR. SARMIENTO: I have one more question to ask, Madam President. It seems to me that from the explanations, we have ambitious concepts, using the words of Commissioner Rodrigo. Are we not raising false hopes among our people by providing this kind of education that is comprehensive in scope?

MS. ROSARIO BRAID: Madam President, the attempt of this provision is not to incur larger outlays; it is really more of using existing resources where the network of radio, television and community newspapers can be utilized. We have a number of audiovisual materials, libraries, and trained teachers who are able to handle nonformal education. It is really an attempt to organize all of these fragmented efforts that have been going on because some ministries are undertaking non-formal education in one form or another. The Ministry of Agriculture and Food and the Ministry of Agrarian Reform have adult education and cooperatives training but the attempt is to ensure that there is a reenforcement of this in the Constitution. One importance of this type of comprehensive approach is that often the values that are learned in school or that are taught in the home are not reenforced by the mass media, the content of the mass media or the family. And so, this type of provision would enable the strengthening of the linkage mechanisms that would ensure that the values, the learnings in the family, in the mass media and in the workplace are all coordinated so that we do not further create split personalities. That is really a hallmark of the Filipino personality on account of the conflicting values.

MR. SARMIENTO: Thank you, Madam President.

MR. REGALADO: Madam President.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: Madam President, I would just seek a little clarification about these concepts that are used in Section 1 (d). I have here with me a copy of Batas Pambansa Blg. 232, the Education Act of 1982, wherein under Section 20, formal education is defined as that which refers to the hierarchically structured and chronologically graded learnings organized and provided by the formal school system and for which certification is required in order for the learner to progress through the grades or move to higher levels. In other words, it is school-based and school-oriented.

On the other hand, nonformal education, according to Section 24 of this same Act, refers to any organized school-based educational activity undertaken by the Ministry of Education, Culture and Sports and other agencies aimed at attaining specific learning objectives for a particular clientele, especially the illiterates and the out-of-school youths and adults, distinct from and outside the regular offerings of the formal school system.

Based on the explanation that I have been listening to, it would appear that the distinction between non-formal and informal education is not well delineated, because if we follow this definition in the Education Act of 1982, nonformal education must also be school-based or directed in favor of a particular clientele, like the out-of-school youths and the disabled.

When do we speak, therefore, of informal education? Does it also have to be school-based or not at all?

MS. ROSARIO BRAID: Madam President, that is a very good question. This is, in fact, the criticisms against the Ministry's definition of nonformal education because they define nonformal education in a formal way. It formalized nonformal education by having even an undersecretary of nonformal education at one time with specific courses that are accredited. This is what we call the formalized nonformal education.

But when we talk of nonformal education and informal education, which is outside the ministry's supervision, we refer to all the learnings that happen outside the classroom indirectly, which are even more important and which are guided indirectly by parents or community members or priests.

MR. REGALADO: In other words, if it is an informal education, it is not school-based. It may have bases on other sources.

The problem that arises here is in subparagraph (e), because it speaks of a comprehensive approach to education

by coordinating the formal, the nonformal and informal learning systems. When we say "coordinating" — and we proceed on the assumption that informal is not school-based — the regulatory functions of the government entities, like the MECS, over informal education are not denied because it is not school-based.

MS. ROSARIO BRAID: Madam President, we added the words "promoting and coordinating." The concept of coordination would be more on the informal aspect, which really does not imply a regulation. It is the need to insure that each of these reinforces the other, such as in the Sri Lanka model. I always refer to that; nobody manages it. The Ministry of Education, Culture and Sports has nothing to do with it, but right from the beginning, the church, the school and the home have interplayed together and have coordinated their efforts in shaping the human personality.

MR. REGALADO: If the subjects taken up in that informal education happen to run at cross purposes with those in the formal education methods of learning, may the State intervene and prevent the teaching of those prohibited or taboo subjects in the informal education because we used the word "coordinate"?

MS. ROSARIO BRAID: The intent here in terms of future legislation is to recognize, for instance, that the mass media are important learning systems as the schools and that if we consider them as equal in terms of influence, the State should insure that the media are not only used as delivery systems, but that, in fact, the content, the approaches, the philosophy of the mass media system should really be examined in terms of whether they reinforce the values of society and the goals that we would like to develop.

MR. REGALADO: In other words, although we use the word "coordinate," in proper instances, the State may also have such regulatory powers with respect to informal or indigenous method of learning when it becomes necessary.

MS. ROSARIO BRAID: When it is in conflict with the prevailing value systems.

MR. REGALADO: Thank you, Madam President.

MR. ROMULO: Madam President.

THE PRESIDENT: Commissioner Romulo is recognized.

MR. ROMULO: I have the same basic questions as those of Commissioner Regalado. Is the sponsor suggesting that we would control the media so that they would reflect the kind of values that we feel should be passed on to our children?

MS. ROSARIO BRAID: That is not the intent, Madam President. The intent here is to have general guidelines that would show a certain desirable direction in order that we can achieve greater balance. I think freedom of information is something that we should value, but when we overstep it, such as when 80 percent of what we see in the mass media is entertainment, I think the public has a right to demand some balance in terms of education, culture, etc.

MR. ROMULO: Yes, but how would we bring about the balance? We will have guidelines, but if we cannot enforce the guidelines, what is the point of it?

MS. ROSARIO BRAID: We are trying to work on policies agreeable to all the media sectors so that they can be self-regulating for their own professional development consistent with their social responsibility vis-a-vis the directions of the learning systems.

MR. ROMULO: So, these are all hortatory. When the committee says "coordinate," but it has no control over some of the factors that it wants to coordinate, we really are not achieving very much. In effect, we would just go

out and preach certain guidelines to them on how they ought to do this and that. That seems to be the intention of this paragraph.

MS. ROSARIO BRAID: We have used it loosely, and if the Commissioner is more comfortable with the phrase "to integrate," we will accept it, but the spirit here is that there is a need to harmonize all of these so that they do not conflict. And we could not find a better word.

MR. ROMULO: Yes, but my point is that one cannot harmonize these, as Commissioner Regalado suggested, until they are regulated because society goes in diverse directions and if the committee wants to coordinate these various things, it really cannot do it effectively without regulation.

MS. ROSARIO BRAID: That is the intent in terms of what I would call self-regulation by following specific guidelines which have succeeded to some degree. As long as we have sanctions and reinforce them like a code of ethics, and if everyone adheres to the code of ethics, I think we would move more towards this type of a regulation.

MR. ROMULO: Yes, thank you.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: I just want to address one question to Commissioner Rosario Braid. I saw in several magazines in the United States that there is a great number of correspondence schools; and in the Philippines, it appears to me that there is also a proliferation now of correspondence schools. The concept is not new. Some of us have been trained by correspondence even in the army courses; we have nonresident courses in the Army. I wonder if these correspondence schools would fit into any of these classifications that were made in the proposal.

MS. ROSARIO BRAID: Yes, Madam President, these would fit but, of course, this provision intends to put up criteria not necessarily to encourage all types of correspondence schools because they proliferate and some are substandard.

MR. MAAMBONG: Would they fit under the words "self-learning, independent, and out-of-school study program"?

MS. ROSARIO BRAID: That is right, Madam President.

MR. MAAMBONG: I would assume that they would be under the administrative regulation or control of the Ministry of Education, Culture and Sports. Would that be it, Madam President?

MS. ROSARIO BRAID: This will be the intent; I think there should be one central body. It should be the Ministry of Education, Culture and Sports. There are privately led efforts in this. There is an Asian Institute of Distance Education run by the Ayala Corporation and other organizations which are independent but they are, I think, under the regulation of the Ministry, like all private schools.

MR. MAAMBONG: As of now, would the sponsor know if the Ministry of Education, Culture and Sports is supervising or regulating these correspondence schools which are proliferating all over the country?

MS. ROSARIO BRAID: Yes, Madam President.

MR. MAAMBONG: Thank you.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: May I be allowed to have some follow-up questions?

THE PRESIDENT: Please proceed.

MR. DAVIDE: In the light of the proposal now that all educational institutions shall be owned and controlled by Filipino citizens, how would these international correspondence schools fit in it, for instance, it is an American school offering international correspondence course? If we now approve the proposal on Filipinization, necessarily, we cannot allow international correspondence schools owned by aliens.

MS. ROSARIO BRAID: I think it will follow since they fall under the Ministry of Education, Culture and Sports.

MR. DAVIDE: Yes.

MS. ROSARIO BRAID: They would be under the regulations of the Ministry.

MR. DAVIDE: Thank you for that information.

MR. NOLLEDO: Madam President, I would like to ask only two or three questions.

THE PRESIDENT: Commissioner Nolleto is recognized.

MR. NOLLEDO: Thank you, Madam President. I understand that coordination does not mean integration. One does not integrate nonformal with the formal.

MS. ROSARIO BRAID: In a way, it is integration because we would like them to work together closely.

MR. NOLLEDO: Is it not true that nonformal education is only a reinforcement of the formal?

MS. ROSARIO BRAID: Not necessarily. Many learn through out-of-school programs. Many of the best-educated people are not formally schooled. As we know now, there is a greater interest in what is happening in a deschooling society — to use Illich's words.

MR. NOLLEDO: Disregarding adult education, can the nonformal or informal be a substitute for the formal in this provision? It can never be a substitute?

MS. ROSARIO BRAID: It can be a substitute. When it is informal as formalized, as Commissioner Regalado talked about, it can be a substitute for formal education as when they are now accrediting independent study programs or providing degree certificates for learning that is done outside the home through self-learning materials.

MR. NOLLEDO: So, it is possible that in certain areas of the country, nonformal education is being conducted, while in other areas, formal education is conducted. Is that possibility correct?

MS. ROSARIO BRAID: Yes. I think by the year 2000, we have to look at the burgeoning population wherein the classrooms can never accommodate thousands and millions of students. We will not have enough trained teachers. Therefore, the only way to really deliver learning is through nonformal education — the television, radio, newspapers, self-learning materials and other systems.

MR. NOLLEDO: Thank you, Madam President.

THE PRESIDENT: Commissioner Colayco is recognized.

MR. COLAYCO: Thank you, Madam President. What bothers me is the word "coordinating." Would the committee not be happy with simply saying that the State should encourage nonformal and informal and

indigenous learning systems because the main thrust here is to encourage education? And I suppose this problem is addressed to those students who, for one reason or another, cannot attend regular schooling. So, the government here could give them very practical help, I believe, providing some kind of help necessary to assist them.

If the committee insists on coordinating formal nonformal form of education, how are we going to do this? Let us take an actual case. A poor man is giving his children fundamental learning in his nipa hut. How are we going to coordinate their learning with the system of schooling in the government school?

MS. ROSARIO BRAID: I think the phraseology is acceptable as long as the intent would be to insure that these learnings do not occur independently but that they are reinforced.

MR. COLAYCO: What does the sponsor mean by "as long as they do not occur independently"? I would give them every leeway possible to encourage them because if we are going to insist that there be some nexus, some connection between formal and informal education, we would be imposing unnecessary hardships on people who are trying to do their best to educate their children because, for one reason or another, they cannot send them to school. Instead, I would provide government help. For instance, if they cannot afford their pencil and paper, which is very true in the provinces, I would give them that because the main thrust of this article is education.

MR. ROSARIO BRAID: Yes.

MR. COLAYCO: And I think it is a good idea to encourage nonformal education — also called indigenous education. But let us not make it hard by requiring some formal recognition on the part of the government. That is my main purpose here. I would be very happy to vote for this if we could do away with this coordinating requirement and instead come out openly and clearly that it is the purpose of this section to encourage.

MS. ROSARIO BRAID: We accept that as long as it is on record. What we mean is that we do not want parents to let the school provide all the education but that they also participate in guiding what programs their children would watch.

MR. COLAYCO: Yes.

MS. ROSARIO BRAID: That is the spirit of this type of coordination, but we are happy to delete it as long as that is . . .

MR. COLAYCO: Let us tie this up with our program of land reform. We parcel out the big haciendas into small ones; therefore, we would have the poor farmers rely on their children — most of them would probably be of school age. Probably, during the planting season, the children could help. And it is at this period when probably the parents could continue or maintain an informal education. So, if the committee does not mind, I would change the course of the thrust here and instead merely emphasize encouragement by the State.

MR. VILLACORTA: The proposal, Madam President, is accepted by the committee.

MS. ROSARIO BRAID: Yes, it is accepted.

MR. COLAYCO: Thank you, Madam President.

MR. VILLACORTA: Madam President, I think we have had more than sufficient discussion on the matter, and the committee would like to call for a vote.

BISHOP BACANI: Madam President.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Before we take a vote, I think there is something very fundamental in this paragraph. I do not know whether there is really a philosophy of education enshrined here. How do we look at the State? Do we look at it as the educator or the financier, the supporter, the helper, the encourager, so to say, of education? The reason I ask this is that the provision specifies that the State should provide a comprehensive approach to education.

MS. ROSARIO BRAID: Yes. The State would be more of a facilitator although it may improve, for instance, the investments in the nonformal literacy programs. But more than that, it should encourage the creative organization of existing resources. We have all the infrastructure resources needed to provide for this, except that they are not organized and integrated.

And so, we hope that this mandate will encourage the Congress and the Ministry of Education, Culture and Sports to take the necessary steps to move more vigorously towards organizing or linking the media system with the educational system and all forms of nonformal education given by the ministries and other agencies together with nongovernment agencies.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: Let me put this in historical context.

There has been a crisis in education worldwide and the Philippines has not been saved from this. The argument is that the State's mass educational system tends to be authoritarian, nonparticipatory, and it tends to homogenize values. Because of this, there has been a reaction from various groups, educationalists and scholars to examine other possibilities for education independent of what is provided for by the State.

Especially in underdeveloped countries where there is a rich variety of cultural values, the reaction to the State's mass educational system has been in terms of identifying existing learning systems that are more sensitive to community values and community requirements, that is why various learning centers have evolved. While being attached to the State in some ways in terms of support, they are able to develop curricular programs that are more responsive to the requirements of the communities, without neglecting the requirements of national development.

This is one important reason, therefore, that the State must recognize the need to evolve their own community-based educational system. It elaborates further on the trend towards increasing the participation of communities which we find in social justice, in the economy, and should be reflected also in the educational system. Therefore, it seeks to democratize in a way the educational system by the efforts of communities themselves.

BISHOP BACANI: May I just ask: When we speak of a comprehensive approach, will this mean that the State will formulate an ideology of education which will be the State's ideology in education?

MS. ROSARIO BRAID: We hope that it can work more towards formulating a more radical philosophy — I would hesitate to use the word "radical," but I think that is more like it — of education that responds to the needs of the times. I think our education, we have to admit, does not take into consideration the pace, the learner's capacity, the unique individual differences by providing, because they are provided, homogeneous and uniform education. This allows the learner to learn at his own pace; this allows more participation; this allows him to select his needs rather than be dictated upon from the top.

In other words, I think we are saying education should move away from the highly top-down authoritarian system toward being more experiential and learner-oriented.

MR. GASCON: Madam President, I think the issue here is the process. I should say we do not believe that there

should be a development of one state ideology which is imposed on the people.

BISHOP BACANI: Yes, because we are speaking of a comprehensive approach.

MR. GASCON: Yes. So, the issue is not imposing one thought pattern on the people; the issue is really encouraging new processes towards people's learning because of their experience. And I believe we accepted the proposal of Commissioner Colayco to replace the word "comprehensive."

BISHOP BACANI: Yes, to remove the idea of comprehensive approach because I do not know if that is the function of the State in its role of educating or if its function is to help mediate between the different groups that are engaged in the educational process, to see to it that the common good is safeguarded at all times, and the total human liberation, development, nationalism and national unity are fostered.

MS. ROSARIO BRAID: That is quite correct, Madam President. The State, though, has the responsibility of creating the climate where all of these integration and relationships can happen.

BISHOP BACANI: Thank you very much.

MR. NATIVIDAD: Just one question, Madam President.

THE PRESIDENT: Commissioner Natividad is recognized.

MR. NATIVIDAD: During my younger days — I do not admit that I am old — when I was serving the government as chief of the crime laboratory of the Constabulary, whose main function was the application of science in criminal investigation, I recall that whenever I testified in court as an expert in questioned documents or in ballistics fingerprints or any other scientific field, there were many individuals offering themselves as experts based on correspondence training.

This correspondence school which was mentioned, which will fall within the coordinating field of this paragraph, I think, is justified. In my own experience, we in the government took years of undergraduate and graduate training under the Federal Bureau of Investigation of the United States and Scotland Yard of Great Britain in order to attain our professional capacities. But these people who are themselves present in court as fingerprint experts, ballistic experts, questioned documents. Experts testify in court that they are graduates of, for instance, the Applied Science College in Chicago, Illinois. The court sometimes does not bother to ask whether or not they actually went to Chicago. It turned out later on that many of these experts are graduates of correspondence schools.

The question with these correspondence schools is, one will always get 100 percent because they mail the questions together with the answers. And so, when one mails back the answers, he gets 100 percent; when he testifies in court as to what he got in the course on questioned documents, he will say, "I got 100 percent." But because of the lack of supervision of the government over these correspondence schools, nobody suspected that this individual never actually went to the United States for training and this has caused a lot of deception even in courts. People present themselves as knowing ballistics who can determine the trajectory of a bullet by just being correspondence school students. Whereas, we in the government die looking at the double comparison microscope; we sacrifice our dates on weekends just to attain our professional capacities.

And so, I think that one beneficial effect of this is the statement of Commissioner Rosario Braid that correspondence schools will have to be within the ambit of supervision or coordination of the government because of the problem that many are presenting themselves a graduates of schools abroad without bothering to say that these are correspondence schools.

If this is implemented, perhaps, there will be some monitoring of the activities of these schools. This is important

because this constitutes deception inasmuch as these people are not really professionals.

Thank you, Madam President.

MS. QUESADA: Madam President.

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: After hearing Commissioner Natividad, I was just thinking also of the area of health where, under the nonformal or informal education, we have the present program of training barangay health workers who are going to deal with the lives of people in the areas where there are no professional health workers. I think it is for the protection of the citizens that there is some kind of regulation because the moment an unsuspecting or trusting citizen presents himself or herself to the care of health workers who may not have undergone proper training, then we are also endangering the health of our people.

So, I was thinking of a term, which will not just encourage but have some kind of supervision, not really regulation, over informal training that would address such programs to the meeting of certain needs of the people.

MR. NATIVIDAD: Thank you, Madam President.

MR. COLAYCO: Madam President, just a brief reaction.

MR. RAMA: Madam President.

THE PRESIDENT: Yes, Commissioner Colayco, is there any thing?

MR. RAMA: Before we suspend the session, there is a request from Commissioner Concepcion to speak on this matter.

THE PRESIDENT: Commissioner Concepcion is recognized.

MR. CONCEPCION: Thank you, Madam President.

Madam President, may I ask a question? I think we are referring to paragraph (e), are we not?

MS. ROSARIO BRAID: Yes, Madam President.

MR. CONCEPCION: We are not referring to the substance or the content of what is being taught on the basis of the language of paragraph (e). We are referring to the methods, the technic of teaching, the means and ways of imparting knowledge, not in particular the way we taught; am I correct in my assumption?

MS. ROSARIO BRAID: I think it will be both. Coordination here means coordinating the system, the structures, the methods.

MR. CONCEPCION: Yes, this is coordination insofar as the method is concerned.

MS. ROSARIO BRAID: Yes.

MR. CONCEPCION: Is the sponsor speaking of coordination with respect to the substance because I notice "learning systems" was stated here? The word "approach" was used and to me this suggests the method of teaching, the manner in which one will establish contact and impart information to the students.

MS. ROSARIO BRAID: That is right, Madam President. As a matter of fact, we give freedom to choose the content. This provision provides a lot of freedom for the learner and for the system to develop their own content.

MR. CONCEPCION: Yes, but system of teaching.

MS. ROSARIO BRAID: Yes.

MR. CONCEPCION: Not the contents, not what is going to be taught.

MS. ROSARIO BRAID: That is right, Madam President.

MR. CONCEPCION: Thank you very much.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: I think there is something that has been missed in the deliberations. I think the recognition of other learning systems outside of the State-sponsored learning systems is also a recognition for the flowering of genius outside of this State-supported system, but which genius could also be utilized by the State. For instance, one would-be Math wizard can develop his talent outside of the State system but could be used by the State system. If such a manner of recognition can be developed, then that genius does not have to submit himself for certification by the State but participates in the State's school system through his own talent. The same may be said for genius in the arts who need not go through the State-sponsored school system but who may be utilized in providing needed stimulus for further development of the arts in the Philippines. We are saying, therefore, that the recognition by the State of other learning systems allows for a greater variety of expression of genius and talent.

MS. ROSARIO BRAID: Madam President, looking into the future in terms of anticipatory planning, this type of learning alluded to by Commissioner Bennagen acknowledges the fact that the society is getting more complex and man needs more knowledge and that perhaps a more organized system such as ours would network all sorts of knowledge centers, libraries, resource centers, and make this available so that the student can select rather than be confined to a teacher and one classroom. The responsibility of the State would be to help organize these knowledge centers. The concept of what we call "knowledge networking."

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Much has been said about correspondence schools and I carry no brief for correspondence schools, although I do not mind saying that I did study in such a school. It might seem unbelievable that I studied auto mechanics under the National School Program in the United States. Mention has been made here by Commissioner Natividad about criminology schools. To supplement my knowledge of criminology, I also do not mind saying that I did study in the Institute of Applied Science precisely because these programs are not available in the country. While I agree that there should be supervision of these schools, I would just like to put on record that these schools have served a lot of people in this country because it is a self-learning method of study which I think should be enhanced because there are so many people who cannot really afford to go to school. In my case, as I said, as a supplement to my study of criminology, I had to enroll in an out-of-school correspondence course. I am just trying to put on record that this should be enhanced but it has to be supervised.

Thank you.

MS. ROSARIO BRAID: Thank you.

MR. RAMA: Madam President, there is a request from the chairman of the committee to have Section 2 (a), which was discussed yesterday, be voted formally.

THE PRESIDENT: We are discussing Section 2 (e). What happens to Section 2 (e)? Shall we defer?

MR. VILLACORTA: Madam President, the desire of the committee is that we vote on Section 2 (e), and then, before lunch, we vote on Section 2 (a) because the first sentence of subparagraph (a), which is the concept of free public elementary and secondary education, was not really clear to the committee. We do not know whether the voting down of the Rodrigo amendment last night implicitly affirmed this concept or not.

THE PRESIDENT: That is with respect to the word "high school."

MR. VILLACORTA: Yes, Madam President, with respect to free public elementary and secondary education. The interpretation of the committee is that the rejection of the Rodrigo amendment implied that the body accepted free public elementary and secondary education, but we would like to be clear on that.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: This particular section, while it may have been impliedly accepted because of the rejection of the Rodrigo amendment, might still be open to other amendments which might introduce some other concepts related thereto. I understand that Commissioner Sarmiento has his own proposed amendment which would really be an additional concept.

MR. VILLACORTA: But at least the concept of free public elementary and secondary education should be resolved this morning so that we do not have to go back to Section 2 (a). It is not systematic to do that and the discussions of last night would be wasted. We will go back to square one.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: In order to do justice to the prolonged and exhaustive debates on this question of free public school system, both on elementary and high school levels, I think we should vote on this without prejudice later on to any new concepts being introduced in addition to this core proposal in Section 2 (a).

Thank you.

MR. SARMIENTO: With that understanding, Madam President, I will have no objection.

THE PRESIDENT: We have already approved the compulsory concept for elementary education. We have approved free elementary education, so what is to be approved now is free high school education. Is that correct?

MR. VILLACORTA: That is right, Madam President.

THE PRESIDENT: Can we proceed to vote on that now?

MR. NOLLEDO: Madam President, please. I think that is subject to the condition that there will be a provision in the Transitory Provisions giving the government a certain period of time to implement the program.

MR. VILLACORTA: That is right, Madam President.

VOTING

THE PRESIDENT: As many as are in favor of providing for free high school education, please raise their hand. (Several Members raised their hand.)

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

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

The results show 28 votes in favor, 1 against and 1 abstention; the proposed concept is approved.

MR. VILLACORTA: Madam President, may we now vote on Section 2 (e) on formal and nonformal education.

THE PRESIDENT: How is it to be formulated? Is it just the concept of formal?

MR. VILLACORTA: We are changing "coordinating" to "ENCOURAGING."

THE PRESIDENT: "Providing measure," is that correct? Is it what Commissioner Colayco was proposing?

MR. VILLACORTA: It includes the phrase "providing measures," Madam President.

THE PRESIDENT: For nonformal, informal and indigenous learning systems.

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: I do not know if this is a matter of form, but instead of mentioning the words "formal," "self-learning," "independent" and "out-of-school study programs," which enumeration might imply exclusion of those not enumerated, can we not just say: "ENCOURAGE ALL SYSTEMS OF INSTRUCTIONS AND PROGRAMS OF EDUCATION," particularly those that respond to community needs? That is just a suggestion. Instead of specifying, some may not be clear to the average man, and I must confess, without the explanations, I could not distinguish clearly between formal, nonformal, informal, indigenous, self-learning and independent. Why not an all-embracing term "ALL SYSTEMS OF INSTRUCTIONS AND PROGRAMS AND EDUCATION"?

MS. ROSARIO BRAID: We appreciate Commissioner Padilla's interest, but we would rather retain the phraseology here because it connotes and it gives mandate for the State to undertake measures in these directions.

BISHOP BACANI: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: May I suggest to the Committee that the wording should just say: "The State shall ENCOURAGE FORMAL, NONFORMAL . . ." and then give due reference to the phrase "a comprehensive approach and coordinating."

MR. VILLACORTA: The committee accepts the amendment.

BISHOP BACANI: Thank you.

MS. ROSARIO BRAID: Yes.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Thank you, Madam President.

I was about to object to the proposal of Commissioner Bacani because the entire educational system would relate precisely to formal and nonformal education with the latter supplementing the former. So, it is not just to encourage but it should be a mandate. I would propose that it should read: "A COMPREHENSIVE APPROACH TO FORMAL AND NONFORMAL EDUCATION AND COORDINATE nonformal and informal and

indigenous learning systems . . ." So, the first is, "The State shall provide A COMPREHENSIVE APPROACH TO FORMAL AND NONFORMAL EDUCATION AND COORDINATE . . ."

MR. COLAYCO: Madam President, may I make my comments?

THE PRESIDENT: Commissioner Colayco is recognized.

MR. COLAYCO: I believe that the purpose of the committee is to distinguish formal from nonformal form of education. That is why in Section 1 (a) and (b), we provide for formal free education. That is why we speak here of free public education; that is, elementary education. The purpose, I think, of paragraph (b) is to take care of the nonformal, meaning, self-learning process outside the schoolhouse. That is how I understand this. That is why I said, instead of emphasizing coordination, we should emphasize as the main thrust the encouragement of nonformal, meaning, learning outside the classroom.

MR. OPLE: Madam President.

MR. DAVIDE: That may be correct but the fact of the matter is, nonformal education right now is usually obtained within the educational system itself, not outside the educational system.

MR. OPLE: Madam President, may I just contribute a bit of information concerning the nonformal educational system. As actually practiced in concrete situations, nonformal education refers mainly at this time to accelerated vocational courses that are also held usually in the schools, and it does not quite embrace the self-learning process earlier referred to by Commissioner Colayco. My own concern is that the concept of self-learning outside the schools ought to be a part of this system that is going to be encouraged and coordinated. There are many Filipinos who learn by self-study. There are many who are largely self-taught persons, and if I may indulge a bit of a modesty, I consider myself falling in that class of largely self-taught Filipinos. And I think that no matter how small this proportion of the learning population is, they ought also to be recognized in this section.

Thank you, Madam President.

MR. COLAYCO: May I express my thinking of Section 2 (b). All that we are now discussing involves formal school learning, except Section 2 (b).

MS. ROSARIO BRAID: Yes, Madam President.

MR. VILLACORTA: Commissioner Colayco is right.

MR. COLAYCO: That is why I was for encouraging only because we are already encouraging formal school learning, free education from primary, elementary and high school and even tertiary level. In my perception, what is sought to be emphasized here by the committee is the self-learning, independent and out-of-school study programs. That is why it mentioned earlier indigenous learning systems. When I suggested encouragement, I meant that parents of children receiving informal education in their own homes could go to the school and ask the teachers: "How should I go about teaching my son about arithmetic?" or "How can I get the materials that I need to teach him drawing"? That is what I have in mind.

MR. RAMA: Madam President, the body is now ready to vote as called for by the committee chairman on the concept of formal and nonformal education.

THE PRESIDENT: What shall be voted upon?

MR. VILLACORTA: The paragraph will read: "The State shall ENCOURAGE nonformal and informal and indigenous learning systems, as well as self-learning, independent and out-of-school study programs particularly those that respond to community needs."

MR. COLAYCO: May I have one correction? I would not include the word "formal" there.

MR. VILLACORTA: No, I did not include it, Madam President.

VOTING

THE PRESIDENT: The word "formal" was not included there.

As many as are in favor of this proposed amendment to Section 2 (e), please raise their hand. (Several Members raised their hand.)

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

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

The results show 31 votes in favor, none against and no abstention; Section 2 (e), as amended, is approved.

SUSPENSION OF SESSION

MR. RAMA: Madam President, I move that we suspend the session until two-thirty this afternoon.

THE PRESIDENT: The session is suspended until two-thirty this afternoon.

It was 12:41 p.m.

RESUMPTION OF SESSION

At 3:04 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

We ask the honorable Chairman and members of the Committee on Human Resources to please occupy the front table.

Mr. Floor Leader, is there any pending matter?

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

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Madam President, before proceeding, I would like to inquire if we will still work on concepts or shall we go now on the amendments section by section?

THE PRESIDENT: What does the chairman of the committee say?

MR. VILLACORTA: I am sorry; the Floor Leader was talking to me. Could the Commissioner kindly repeat?

MR. DAVIDE: The inquiry, Madam President, is whether we shall still go on the concept method or on the amendments section by section.

MR. VILLACORTA: I think we have been doing that but what does Commissioner Davide really mean by going through the normal amendment procedure?

MR. DAVIDE: That means we work along by section. So, right now, we can probably begin with Section 2 (f). Are we on individual amendments already or still on concepts?

MR. VILLACORTA: I think we can go by the normal amendment procedure starting with Section 2 (f) so that we

do not just approve the concept but even the exact wording, if that is the wish of the body.

MR. DAVIDE: So, if it would be by the normal process of amendments, I would propose the following amendment to Section 2 (f). The proposal is, it should be reworded to read as follows: "PROVIDE CITIZENSHIP TRAINING AND PROMOTE WORK-ORIENTED EFFICIENCY TO ADULT AND DISABLED CITIZENS AND OUT-OF-SCHOOL YOUTH."

MR. VILLACORTA: I would like to confer with the other members of the committee. Am I right that the proposal is "PROVIDE CITIZENSHIP . . . "?

MR. DAVIDE: It will read: "PROVIDE CITIZENSHIP TRAINING AND PROMOTE WORK-ORIENTED EFFICIENCY TO ADULT AND DISABLED CITIZENS AND OUT-OF-SCHOOL YOUTH."

MR. GASCON: Madam President, I would like to ask why Commissioner Davide replaced "civics" for CITIZENSHIP and "vocational" for WORK-ORIENTED.

MR. DAVIDE: Madam President, I think the original wording in the 1973 Constitution is really "citizenship training." So, it is providing for citizenship training and also vocational efficiency, because if it is to provide civics, that would relate to civic training. It would not really capture the concept of citizenship training.

MR. VILLACORTA: The wording captures the essence of what we want in this paragraph. So, the committee is accepting the modification.

MR. DAVIDE: The committee, Madam President, has accepted the proposed amendment.

THE PRESIDENT: Are there any other comments on Section 2 (f)? So, will Commissioner Davide please read the subparagraph with his amendment.

MR. DAVIDE: So, subsection (f), lines 29 to 31, will read as follows: "PROVIDE CITIZENSHIP TRAINING AND PROMOTE WORK-ORIENTED EFFICIENCY TO ADULT AND DISABLED CITIZENS AND OUT-OF-SCHOOL YOUTH."

THE PRESIDENT: Has this been accepted by the committee?

MR. GASCON: Could Commissioner Davide please repeat that.

MR. VILLACORTA: I will repeat it for Commissioner Davide: "PROVIDE CITIZENSHIP TRAINING AND PROMOTE WORK-ORIENTED EFFICIENCY TO ADULT AND DISABLED CITIZENS AND OUT-OF-SCHOOL YOUTH."

MS. AQUINO: Madam President.

MR. DAVIDE: I changed "vocational efficiency" to "WORK-ORIENTED" to include skills which are also covered under subsection (b) of Section 3. Instead of "vocational," the committee used "work-oriented" so it would be in harmony with such a proposal.

THE PRESIDENT: Was this accepted by the committee, Mr. Chairman?

REV. RIGOS: Madam President.

MR. VILLACORTA: The committee has accepted the amendment, Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: Madam President, my understanding is that we will go on the concepts in the entire section on

education and then give a chance to the committee to put the necessary wording.

THE PRESIDENT: Yes, but I think the procedure is being changed now — whenever the committee is ready to accept or not to accept, they are proceeding on so as to save time.

Is there any objection to this proposed amendment of Commissioner Davide on Section 2 (f) which has been accepted by the committee?

Commissioner Aquino is recognized.

MS. AQUINO: Madam President, the original sounded much better than the amended version, considering that the focus of this paragraph is the adult and the disabled. There might be some kind of conceptual variance in reference to the other paragraph which is technological and work-oriented efficiency. But here, the focus is on adults and the disabled.

I would object, therefore, to the amendment being proposed by Commissioner Davide.

MR. VILLACORTA: Madam President, it is not clear to the committee what the reservation of Commissioner Aquino is.

MS. AQUINO: What I mean is, I am agreeable to the formulation in Section 3 (b). And for that reason, in fact Commissioner Davide would say that for purposes of symmetry, we might as well use the same phraseology. However, we are referring to adults and the disabled in Section 2 (f), and the amendment speaks of work-oriented efficiency and citizenship training.

MR. VILLACORTA: Yes. The disabled may also acquire work-oriented skills and efficiency.

THE PRESIDENT: What does Commissioner Davide say?

MR. DAVIDE: I think Commissioner Azcuna is prepared with another amendment which would align our common objective.

THE PRESIDENT: Commissioner Azcuna is recognized.

MR. AZCUNA: Madam President, I propose this amendment to the Davide amendment, which would read as follows: "Provide adult citizens, the disabled and out-of-school youth WITH TRAINING IN CIVICS, vocational efficiency and other skills."

MR. DAVIDE: We accept.

THE PRESIDENT: How about Commissioner Aquino?

MS. AQUINO: Yes, Madam President, I accept.

THE PRESIDENT: Is it accepted now by the committee?

MR. VILLACORTA: It is accepted, Madam President, because it is a mere transposition.

MR. AZCUNA: Yes, it is only a transposition to make it clearer. It is not training really that is being provided.

MR. VILLACORTA: Thank you.

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

Let us proceed to Section 3 (a), Mr. Chairman.

MR. VILLACORTA: Section 3 (a) reads:

All educational institutions shall include the study of the Constitution and human rights as part of the curricula.

THE PRESIDENT: Are there comments or proposed amendments on this?

MR. TINGSON: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Madam President, that is an amendment proposed by this humble Representation and joined by Commissioners Alonto, Uka, Davide, Sarmiento, Suarez, Villegas, Rama, Padilla, de Castro, Abubakar and Ople, enough to make it pass, but I think the committee has studied this amendment. And so, Madam President, I should like to know what the reaction of the committee is.

THE PRESIDENT: Is the committee ready to react to the statement of Commissioner Tingson?

MR. VILLACORTA: Madam President, is Commissioner Tingson referring to the amendment that would include the lives of heroes as concerns of the curriculum? Is that the amendment the Gentleman was referring to?

MR. TINGSON: In the same sense and category or weight, Madam President, whatever the committee decides to put to the suggestion that the Constitution be studied.

MR. VILLACORTA: Madam President, the committee is divided, and we would like to throw the question to the floor.

MR. TINGSON: Madam President, may I just say something to support this amendment?

THE PRESIDENT: Please proceed.

MR. TINGSON: I am proposing along with 12 other colleagues to include as part of the curricula in all schools the study of the lives of our national heroes. Most of our children today, Madam President, are confused. They do not know what love of country is. They have not been inculcated with a sense of patriotism and nationalism. Their source of inspiration is not our heroes, but movie actors and actresses like Christopher de Leon, Gabby Concepcion, Aga Muhlach, Nora Aunor, Sharon Cuneta or even foreign actor-singers, Boy George and Michael Jackson. These people are, by and large, good and decent citizens. I certainly do not want to be misunderstood, except that almost exclusively, our young people are now devoting time to hinge their lives to these folks who are not of course, in the sense, national heroes. Our children worship and adore these movie actors and actresses. Their best reading materials are comic books and other trash, if we would call them that way, and most of them are reading materials which do not have any moral or spiritual values. As a result of this, Madam President, our children have distorted sense of values. They have not imbibed the spirit of nationalism and patriotism.

We can redirect the sense of appreciation and inspiration of our schoolchildren by letting them study the lives of our heroes. We still quote very often what we studied and memorized in our high school days — ". . . lives of great men remind us . . ." We, too, can make our lives sublime. I maintain that the study of biography is not for imitation, but for inspiration, because these are Filipino heroes, and so, the children can easily identify themselves in the lives of our heroes because they, too, are Filipinos. What can be a better example for our youth for the installation of love of country, patriotism, sacrifice and selfless dedication for others than the life of Dr. Jose Rizal, Mabini, Bonifacio and, of course, our own hero of recent vintage, Ninoy Aquino?

Aside from the previous attempts to include in the curricula of our schools the teaching of Noli and Fili, there has never been, it seems, any effort to include the study of the lives of our national heroes. Most of our children do not even know who our heroes are other than Dr. Jose Rizal. We have so many heroes and heroines who are not

known to our children, like Tandang Sora or Melchora Aquino and Teodora Alonzo, because the lives of our heroes are not included in the curricula of our schools. There is no continuing research in the lives of our national heroes. It seems that we have scanty materials about them. Perhaps, there are many more facets in the lives of our heroes which are now known to our people, and we should, Madam President, encourage them to know more about these even as we are now wanting them to study as part of the curriculum our Constitution, which is, of course, but right. Perhaps, we should then allow the lives of our heroes to mold the character of our young people by allowing also, along with the study of the Constitution, the study of the lives of our national heroes.

Thank you, Madam President.

THE PRESIDENT: Commissioner Nolledo is recognized.

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

MR. TINGSON: Gladly.

MR. NOLLEDO: Thank you, Madam President.

Who are those Filipino heroes referred to in the phrase "lives of Filipino heroes."

MR. TINGSON: As I said in this little manifestation, I refer to Dr. Jose Rizal, of course, our own Mabini, our own Bonifacio, and if the group who will later on be authorized to cull materials for this so desires, we could even include Ninoy Aquino.

MR. NOLLEDO: Would the Gentleman include the past presidents of the Republic of the Philippines as heroes? (Laughter)

MR. TINGSON: I would include presidents because there is no greater national leader than Manuel Quezon, the dynamic leader; men like Sergio Osmeña, so gentle and yet so patriotic; a man like my fellow Ilonggo, eloquent Manuel Roxas; the man of the masses like Ramon Magsaysay; and men like those. (Laughter)

MR. NOLLEDO: Would the Gentleman exclude some of them?

MR. TINGSON: I would leave it to the discretion of people who probably know them better than I profess to know them.

MR. NOLLEDO: I was thinking that there must be some standards by which one determines whether a person is a hero or not.

MR. TINGSON: Certainly. We just do not want to spell them out here in detail, naturally.

MR. NOLLEDO: Perhaps the proponents can put into the record what standards are used to determine whether we should study the life or lives of certain persons in the history of the Republic.

MR. TINGSON: Yes.

MR. NOLLEDO: Now, I presume that the Gentleman must have passed social studies, which is part of the curriculum of the elementary and of the high school.

MR. TINGSON: If I remember, I got something like 90 percent in those subjects.

MR. NOLLEDO: I am not asking for the grade of the Gentleman. (Laughter) But is it not true that the lives of Filipino heroes are studied in Social Studies and in Philippine History, as well as in Philippine Government?

MR. TINGSON: Yes, they are, but in a very perfunctory manner. And inasmuch as we are putting an accent here

on the study of a document which is lifeless and yet inspiring — the Constitution — I would like to balance that by the study of living illustrations and demonstrations of people, like we mentioned here in the social justice provision, who understood and who fought for and who died for the principle of social justice.

MR. NOLLEDO: Does Commissioner Tingson recommend now that the subject, the lives of Filipino heroes, be made an independent subject in the elementary or high school or even college?

MR. TINGSON: In the same manner that the committee is thinking to so treat the study of the Constitution.

MR. NOLLEDO: Thank you.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: I would like to say a word in opposition to the proposal, but please let me explain. I have nothing against heroes; in fact, I have nothing against actors and actresses either. But what I am against is the multiplication of prescribed subjects. I would be satisfied to put in the Constitution the study of human rights as part of the curriculum. But if we add one more subject to it, before we know it, there will be no more time for arithmetic, no more time for reading, no more time for writing. But if at all, I would put it down in simple phrase as one of the goals mentioned in Section 2 (b), like "Familiarity with the lives of heroes." "They shall foster nationalism, love of fellowmen, respect for human rights, FAMILIARITY WITH THE LIVES OF HEROES, teach the rights . . ." But to formalize it as a subject would impinge on what we were talking about the other day, institutional academic freedom.

MR. TINGSON: Madam President, I would not want to treat the subject of studying the life of our national heroes in a secondary category to the study of the Constitution. I am all for the study of the Constitution and human rights because I, Madam President, am one of the Commissioners here who have filed a precise resolution on that score, on that subject. But it seems to me that it would be a wonderful idea to study the lives of people who were flesh and blood along with us, and who did precisely become heroes because they lived and they died following the precepts and the principles and the thrusts of this beautiful, new, inspiring, nationalistic Constitution we are now framing. And the very fact that 12 other respected Commissioners very willingly and on their own initiative wanted to coauthor with me this proposal, there must be some merit to this, Madam President.

THE PRESIDENT: What does the committee say?

MR. VILLACORTA: Madam President, as we have mentioned, the committee is divided and we would like the body to decide on the issue.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: I would like to speak against the proposal for one important consideration. It is not that I am against the understanding of the lives of heroes. But more important than understanding the lives of heroes would be to understand the social processes that lead to the emergence of heroes. And the way it is being interpreted now, it tends to highlight individuals and personalities, as if these are icons above the historical process. I think their lives can be treated in a number of social science courses — political science, history, social studies as mentioned earlier. I think the lives of heroes can be adequately treated in these subjects; and if they are treated in these small, encompassing subjects of social processes, then it will allow students, as well as teachers, to better appreciate the very social background that led to these individuals' dying for their country. There is a danger in constitutionalizing the study of national heroes in terms of a hero worship, apart from the historical processes that

led to the emergence of these heroes.

MR. TINGSON: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: May I just make a brief rejoinder? Madam President, our own Dr. Jose Rizal of whom we are so proud was, among other things, a doctor of medicine, a man of science, an engineer, a linguist, a sculptor and all that. And there is no more beautiful thing, Madam President, than to personalize these studies and realize that indeed, there were Filipinos who walked through the soil of the 7,000 isles and personified the very things we are writing here and enshrining in our Constitution.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: I see myself as a coauthor of the proposed amendment and, of course, I am delighted to be invited to coauthor such a very welcomed amendment to Section 2 (g). However, will Commissioner Tingson and the other coauthors consider some recasting of these amendments so that instead of "THE LIVES OF OUR NATIONAL HEROES," we can say "THE HISTORY OF THE COUNTRY, INCLUDING THE LIVES OF OUR NATIONAL HEROES," so that this will at least partially meet the concern expressed by both Commissioners Bernas and Bennagen? "THE LIVES OF OUR NATIONAL HEROES" will be merely a kind of elaboration and exemplification for purposes of focusing on historical lessons, and they will be appreciated in the context of the history that this country has gone through, including the participation of the people themselves in the making of that history. In a sense, many historians believe that the people are the truly unacknowledged heroes of history, although this heroism is better focused in terms of exemplary life, including those of national heroes.

Will it disturb the symmetry of this intended paragraph if this amendment is considered, Madam President? May I read it as a whole with the proposed amendment: "The study of the Constitution, human rights, AND THE HISTORY OF THE NATION INCLUDING THE LIVES OF OUR NATIONAL HEROES shall be part of the curricula in all schools."

MR. TINGSON: Madam President, I would gladly accept that amendment to my amendment.

MR. REGALADO: Madam President.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: May I propose an amendment to the amendment of Commissioner Ople. Section 3 already mandates the study of the Constitution, and I recall that the committee the other day warned that the moment we open the gates to the introduction of constitutionally mandated subjects, there may be no end to other subjects sought to be included therein.

We have here the study of the Constitution and on top of it, it is followed by "and human rights." I am proposing the amendment by deletion of the words "human rights" because a study of the Constitution will necessarily now involve the study of human rights since we have ingrafted in the Constitution a Commission on Human Rights. We cannot study the Constitution involving the Commission on Human Rights unless we necessarily study human rights. That is aside, of course, from the Bill of Rights.

So my reason for the amendment by deletion is that the study of human rights is necessary and should necessarily be included in the study of the Constitution, because of the new provision we have on the Commission on Human Rights.

THE PRESIDENT: Commissioner Abubakar is recognized.

MR. ABUBAKAR: Madam President, I have listened to the explanation of support for or against the proposal of studying the lives of our national heroes. I am for the support of the proposal because I consider it not only enlightening but a means of calling to the attention of the Members of this body that aside from Rizal, Mabini, and Bonifacio who are from Luzon, there were also heroes who came from Mindanao and who really fought and shed blood for the Philippines.

These are never mentioned or seldom are they mentioned in the textbooks. Even the Members of this Commission know that Mindanao fought for Philippine independence even ahead of the occupation of the island by Spain. There were heroes there who gave up their lives fighting for the independence of our country. If Mindanao is part of the Philippines, then the heroes produced in this country were men who fought hard against the intrusion of foreign rule — against Spain, against America — even with their motley arms and small number, they resisted to the end.

Therefore, I am in favor of this proposal so that every Filipino would be apprised, would know that there are also people from Mindanao — natives of Sulu, Lanao, Cotabato and other parts of the island — who not only shed their blood but resisted foreign domination and aggression. They are equally the heroes of the Filipino people. But they are seldom mentioned in books or even in our history. Are we giving them justice, these people who died for our cause, who, in their very resistance, projected the image that the Filipino people do not want to be enslaved? They fought against Spain; they fought against the Americans; they fought against the Dutch, against every intruder that wanted to colonize and control the Philippines. So, let us not forget them.

If we include heroes from Luzon or from the Visayas, Mindanao has its own share, and on this basis, I agree to the proposal of Commissioner Tingson to study the lives of our heroes. In this connection, I expect that the heroes from Mindanao be known by the leaders from Luzon and the Visayas and all parts of the Philippines so that they would know that their Muslim brothers, or the people in Mindanao fought for justice, for independence and liberation from foreign domination.

Therefore, on this basis, I think it would be in the interest of all Filipinos that they should know their heroes: heroes not only from Luzon or the Visayas but also from Mindanao and Sulu.

Thank you.

THE PRESIDENT: Commissioner Tadeo is recognized.

MR. TADEO: Ginang Pangulo, nais ko lang pong maghain ng susog sa page 2, line 2, upang ang pariralang "human rights" ay palitan ng "SOCIAL JUSTICE." Bagamat nakalagay na rin ang "social justice" sa ating Saligang Batas, ang paglalagay ng mga salitang ito ay pagbibigay diin mismo sa kahalagahan ng "social justice." Sa paksang social justice, tinatalakay mismo ang human rights, ngunit inuugat naman kung ano ang pinanggagalingan ng paglabag sa human rights.

Nais kong ipaliwanag ang aking panig tungkol sa bagay na ito. Narito ho kasi ang isang editorial ng Malaya tungkol sa nangyari sa St. Scholastica's College at kay Minister Juan Ponce Enrile:

The Education Ministry's move to respect the academic freedom of private schools should set right whatever misimpressions some other zealous government men still have about how Filipino children should be helped to appreciate the realities of their society. The school, like most other sectarian private schools, had in recent years striven to get away from its elitist image and make education more relevant to its students. This naturally included helping students appreciate the realities of Philippine society and imbue them with a social cancer. Thus, it did not

balk at the idea of letting its students listen to the Cagayan farmers who fled to escape being caught in the cross fire between rebels and soldiers.

In backing the school, the Education Ministry manifested a broad and enlightened outlook in teaching. It showed that schools can and should help our young Filipinos be more aware than ever of the national situation by exposing them to such situation as the encounter with the Cagayan farmers, with the caution that teachers should help students process the experience. This way, our young children will not grow up with simplistic notion of heroes and villains, but with a deep and broad understanding of what is really going on in their country.

Kaya po, napakahalaga ng paksang "social justice." Sinasabi nga po ni Commissioner Bennagen na dapat maunawaan iyong "understanding social processes." Pangalawa, nais ko lang bigyang diin, Ginang Pangulo, na kung maaalala natin, minsang nag-usap ang mag-asawang magsasaka, si Mang Juan at si Aling Maria, pinag-usapan nila kung anong karera ang kukunin ng kanilang anak. Pinag-usapan nila na ang nais nilang maging karera ng kanilang anak ay maging abogado o maging isang duktor. Nawalan sila ng pagpapahalaga sa dignity of labor — doon ba sa pagpapahalaga sa gawain na dapat ikarantal ng isang magsasaka sa kanyang gawain.

Sa pamamagitan ng paglalagay natin ng pariralang "social justice," pahahalagahan nila ang dignity of labor. Kaya, para sa akin, dapat ilagay ang "social justice"; dapat itong bigyan ng diin bagamat kasama na ito sa ating Saligang Batas. Sa halip na "human rights," iminumungkahi ko sa komite na ipalit ang SOCIAL JUSTICE.

REV. RIGOS: Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: We are now talking about three subjects which I think can be handled individually. The proposal of Commissioner Tingson will have to be amended to conform with the suggestion of Commissioner Bernas and Commissioner Ople. I suggest we take this up first, after which we can tackle the recommendation of Commissioner Regalado and then later on the suggestion of Commissioner Tadeo.

MR. COLAYCO: Madam President.

THE PRESIDENT: Commissioner Colayco is recognized.

MR. COLAYCO: Thank you, Madam President.

The proposal is to require the study of the lives of our national heroes. I do not mean to demean the memory of Rizal, Aguinaldo and other national heroes, but what is involved here is, our heroes became heroes because of what they did, not because of how they lived.

If we are going to require the study of the lives of our heroes, it would be for the sole purpose of edifying our youth, to encourage them to follow the heroes' private lives. So, what is the purpose of requiring our students to study their lives? Are we sure that their lives could stand some scrutiny? I mean let us be practical. They became heroes because they immolated themselves for our country, not because they were model citizens in their private lives.

For this reason, I believe that the proposal does not merit consideration.

MR. TINGSON: Madam President.

FR. BERNAS: Madam President.

MS. QUESADA: Madam President.

THE PRESIDENT: Commissioner Quesada is recognized first.

MS. QUESADA: Madam President, the committee is amenable to removing "human rights" and just constitutionalizing the study of the Constitution as part of the curriculum, the primary reason being that we do not want to open the floodgates to many other courses that would now be sought to be introduced.

We also remember the proposal of Commissioner Bernas to incorporate the proposal of Commissioner Tingson, et al in the objectives of educational institutions. Therefore, we will stop at constitutionalizing only the study of the Constitution, recognizing that the subject areas of human rights and social justice are already contained in the Constitution. We will not change the old provision of the Constitution in this way.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: I would like to formalize my opposition to the amendment of Commissioner Tingson, not so much in the form of something negative but by way of an amendment to his amendment.

First, I propose that the sense of the proposal be transferred to the second paragraph and the following be added somewhere on line 5: "THEY SHALL FOSTER NATIONALISM, LOVE OF FELLOWMEN, RESPECT FOR HUMAN RIGHTS AND APPRECIATION OF THE ROLE OF NATIONAL HEROES IN OUR HISTORICAL DEVELOPMENT."

MR. TINGSON: I accept, Madam President. I do accept that with gratitude, and may I request that we include the names of others who did join me originally in this amendment.

MR. RAMA: I understand, Madam President, that the committee accepts, so I ask that we take a vote so we can proceed to the other amendments.

THE PRESIDENT: Let us vote first on Section 3 (a), which according to Commissioner Quesada has been modified to include only the Constitution. Is that correct Commissioner Quesada?

MS. QUESADA: Yes, Madam President.

THE PRESIDENT: So, will Commissioner Quesada please read Section 3 (a)?

MS. QUESADA: "All educational institutions shall include the study of the Constitution as part of the curricula."

MR. NOLLEDO: Before we vote, Madam President, may I just ask one question of Commissioner Quesada?

THE PRESIDENT: Please proceed.

MR. NOLLEDO: Thank you, Madam President.

I know for a fact that in the study of the Constitution, because I am also teaching the subject, we concentrate only on the framework of the government. We seldom touch on such subjects as social justice and human rights. Is it the sense of the committee that in the study of the Constitution there should be emphasis on such topics as human rights and social justice?

MS. QUESADA: That is the sense that we would like to introduce now.

MR. NOLLEDO: Thank you very much.

THE PRESIDENT: Is there any objection to Section 3 (a) as read by Commissioner Quesada?

MR. GARCIA: I would like to object, Madam President. First of all, I would like to oppose the committee's decision to drop the words "human rights." As explained by Commissioner Nollado, when we study the

Constitution, it would be the legal framework. I do not think one will go into the basic reasons why human rights are violated, nor the importance of civil and political rights, but expand it to include precisely the social and economic rights which also encompass the concept of social justice which Commissioner Tadeo very strongly supported.

In other words, I would like to suggest that we retain "human rights" here and have the complete meaning of human rights — civil, political, social and economic rights — because one would see the whole historical dimension and its importance with regard to the struggle for a future alternative society which the people should work for.

MS. QUESADA: Madam President, we would like to point out that the objective of the respect for human rights is contained in the objectives of educational institutions which are provided in Section 3 (b), so it is the idea of constitutionalizing subjects in the curriculum that we would not want to tread into because it will open the floodgates to other courses or subjects being introduced in the Constitution. But we do appreciate the importance of highlighting this and that is why Commissioner Nollado put these ideas into the Journal, stating that it will no longer be just the study of the legal framework but it will stress on the importance of human rights and social justice, as we now have discussed in this body.

VOTING

MR. RAMA: Madam President, the chairman would like to throw the issue to the body for a vote.

THE PRESIDENT: As many as are in favor of Section 3 (a) as stated, please raise their hand. (Several Members raised their hand.)

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

The results show 30 votes in favor and 6 against; Section 3 (a) is approved.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: With regard to Section 3 (b), line 5, the amendment I propose is to delete the word "and" at the beginning of the line; then add after "human rights" the phrase "AND APPRECIATION OF THE ROLE OF NATIONAL HEROES IN OUR HISTORICAL DEVELOPMENT"; delete the comma (,) after "human rights."

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

MR. TINGSON: Madam President, may I just be clarified. The amendment that the Chair has just accepted was based originally on the amendment that I did propose. Is that right?

MR. VILLACORTA: Yes.

MR. TINGSON: I just wanted to make the matter clear.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: I have a query to Commissioner Bernas. Without intending to denigrate the role of heroes — I have always believed that heroes are at best indices to historical process — heroes are created according to the people's own specifications. They are the embodiment of their dreams, their ideals, their frustrations and their defeats. In fact, the bedrock of hero worship is in the people's instinct for survival as a nation, and this is history; this is the sense of nationalism.

I would submit, Madam President, that the study of the lives of heroes and their contribution to history is

necessarily imbedded in the valued education on nationalism. If it is incorporated here as a specific subject matter, it might amount to a distortion of a sense of history. As cited by Commissioner Azcuna, we do not study the lives of saints, but we study the processes leading to the development of sainthood, or leading to the worship of a hero. Would that not be included necessarily in the concept of fostering nationalism?

FR. BERNAS: Madam President, the main reason why I have put this in is to accommodate the amendment of Commissioner Tingson vigorously defended by others. I agree that all of them are included in the concept of nationalism — love of fellowmen, respect for human rights. At the same time, however, I would add that in saying "AND APPRECIATION OF THE ROLE OF OUR NATIONAL HEROES IN OUR HISTORICAL DEVELOPMENT," this would include an appreciation not just of the positive things they contributed, but also of the negative things that they contributed to the development of the nation.

There are no perfect heroes. And in line with our desire to inculcate, to encourage critical and creative thinking, the critical study of heroes will give us an appreciation of both positive and negative things and will train students in the process of deciding, for instance, whom to vote for in election contests, and so forth.

MS. AQUINO: Madam President.

MR. TINGSON: Madam President.

THE PRESIDENT: Excuse me. Commissioner Aquino still has the floor.

MS. AQUINO: Madam President, would the critical study of heroes lead possibly to a demystification of these heroes? For example, would this possibly lead to a conclusion that this hero was self-proclaimed after all?

FR. BERNAS: Yes.

MS. AQUINO: So, in the first place, that would set practical problems.

FR. BERNAS: In other words, a proper approach to the study of heroes could lead to demythicalization of heroes and could be a counterbalance to a tendency to hero worship.

MS. AQUINO: In other words, the proper approach to the study of heroes is essentially a study of the historical process.

FR. BERNAS: Correct.

MS. AQUINO: At best, they are necessary accidents to history.

MR. TINGSON: Madam President, may I just add to say to Commissioner Aquino that when I originally proposed that amendment, I was not just thinking of the lives of these heroes, but their works and their writings which are essentially a part of these processes that are being referred to.

MS. AQUINO: I was thinking of that, too.

MR. TINGSON: I would have said that, Madam President, in my amendment, except that we want to be brief as much as possible in constitution-framing. But I just take it that the committee would also agree that when we study the life of a person, we realize that he became a hero because he did right; because he did express what his life was, and then his works and writings naturally come into the picture. There was a comment about these people who are not perfect in a sense. Of course, these are people who became heroes because they are flesh and blood like us, but in spite of the fact that they are limited like most of us, they overcame their limitations for the sake of their country that they love. I think that was why they became heroes.

So, I would add that it should include naturally the study of the works and the writings of these national heroes.

MS. AQUINO: Madam President, in the past constitutions, we did not have any specific proviso on the study of the lives of heroes, but just the same, the study of civics and Philippine history, infused with the relevant sense of historicity, would lead us to emulate the good lives of those whom we claim now to be heroes. It did not at all minimize my concept of nationalism. I did not suffer any less; I did not suffer any more as when we would now introduce a specific proviso on the study of heroes.

I am not too sanguine about my objection, but these are some observations which need to be articulated for a better appreciation of the amendment.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: Madam President, in spite of everything that I have said about the beauty of this amendment, I would much rather drop it, together with much of lines 5 to 9. The only reason I dare add this is that since we seem to be inclined to formulating litanies, we might as well complete the litany. But if we would rather be faithful to the desire of many for a more cryptic constitution, I would rather drop my amendment and then delete from the second line the phrase "teach the rights and duties of citizenship," up to "discipline" on line 9, and then continue with "encourage critical and creative thinking," and end there.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: I am glad to hear Father Bernas say that he would not go into this litany of phrases.

FR. BERNAS: Not that I am not pious, Madam President.

MR. SUAREZ: No, piety is out of the question, Madam President. But assuming that the Commissioner will finally decide to press the inclusion of the phrase "APPRECIATION OF THE ROLE OF NATIONAL HEROES IN OUR NATIONAL DEVELOPMENT," can he tell us who will do the appreciation for the students?

FR. BERNAS: The students themselves will be encouraged to be critical and creative in studying this. And the role of the teacher will be more as guide, encourager; in other words, the idea is not for the teacher to impose his own ideas, but rather to prod the students to be critical.

MR. SUAREZ: And the emphasis is on the role, and not on the lives or the works of these national heroes.

FR. BERNAS: The role would include the works.

MR. SUAREZ: Necessarily.

FR. BERNAS: And I suppose their lives also. We really cannot separate these things on the life of an individual.

MR. SUAREZ: Let me go back to the appreciation of the term "appreciation." Right now, there is some controversy as regards the role of Emilio Aguinaldo in our national development. The same is true in the case of Bonifacio; the same is true in the case of Rizal. Let us take the case of Bonifacio. I suppose the appreciation emphasis would be on his role in Philippine radicalism; in the case of Rizal, his role will be in the case of Philippine conservatism. Is my appreciation of Father Bernas' "APPRECIATION OF THE ROLE OF NATIONAL HEROES" correct?

FR. BERNAS: To my mind, the word "appreciation" is a two-edged sword. It is something which is able to recognize both the pluses and minuses of the situation. It is looking for things one can praise, looking for things one can accept, and also looking for things which one can reject, one can disagree with. That is the totality of appreciation — it is critical judgment, in other words.

MR. SUAREZ: In other words, whether they are negative or positive in character, provided that they contribute to the national development, these factors should be appreciated by our students and our people.

FR. BERNAS: Yes, I think it is important for young minds not just to see successes but also to recognize mistakes.

MR. SUAREZ: One thing is clear, therefore, that the matter of appreciation does not emanate from the State but it should come from the citizenry or from the student citizenry. Is that correct, Madam President, in order that we can set the correct perspective regarding the interpretation of the word "appreciation"?

FR. BERNAS: I take the word "appreciation" to mean a way of setting the price, and setting the price means an evaluation. So it could either be raising the price or lowering the price. However, the word "appreciation" does not necessarily mean praising.

MR. SUAREZ: Madam President, I am taking my cue from the preceding statement which reads: "They shall foster the appreciation of the role, etc." and the word "they" refers to all educational institutions. Therefore, the setting of what would constitute appreciation would come from these educational institutions. Is that the meaning of this phrasing?

FR. BERNAS: It could come from them in the sense that they will encourage critical thinking but not in the sense that they will dictate how these things are to be evaluated.

MR. SUAREZ: For example, take the case of the Ateneo University. Because Jose Rizal is an alumnus of Ateneo University, Ateneo would probably emphasize the role of Rizal and appreciate his conservatism. But in the case of the University of the Philippines which appreciates Bonifacio's radicalism, the University of the Philippines will now emphasize the appreciation of Bonifacio's radicalism rather than Rizal's conservatism. Is my perspective correct?

FR. BERNAS: I would have to say no, Madam President, because for me, appreciation does not mean "emphasis." Precisely, it means "weighing," so that whether it is Ateneo or U.P. studying Rizal or Bonifacio, both schools should be able to present both sides of the life of the individual.

MR. SUAREZ: I agree with Father Bernas, but because of the words "they shall foster," then followed by "appreciation, etc.," the word "they" would be interpreted to mean all educational institutions. Therefore, we leave the discretion on the degree of appreciation upon the educational institutions. There will be no balancing as we envision it to be.

FR. BERNAS: I do not see that following, because the very fact that we foster appreciation, this means we are fostering a critical evaluation.

MR. SUAREZ: There, that is the correct appreciation — the critical value.

FR. BERNAS: That is the main thing.

MR. SUAREZ: I would like that Father Bernas' interpretation of this phrase be stated into the record. It is the critical evaluation, I think.

FR. BERNAS: Yes.

MR. SUAREZ: Thank you.

Commissioner Bernas could change the word.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Will Commissioner Bernas yield to a question or two?

FR. BERNAS: Willingly, Madam President.

MR. OPLE: Is it my understanding that the honorable Commissioner is about to waver concerning his position on his amendment to the amendment of Commissioner Tingson and other coauthors?

FR. BERNAS: It is a conditional wavering.

MR. OPLE: Yes. The reason for my intervention, Madam President, is to appeal to Commissioner Bernas not to waver on this excellent amendment, especially since in this dialogue just concluded between the two Gentlemen, the other party being Commissioner Suarez, I think the sense has fully come up that appreciation of the role of heroes in our historical development is not tantamount to establishing a policy of hero worship, inordinate preoccupation with the lives of heroes, or perhaps some salacious details of their biographies, including those often attributed to Jose Rizal and his host of girlfriends scattered in several continents. The important point is that the lives and works of heroes in this context really mean a take-off point for a critical assessment of the history that we have gone through, a history that continues to develop to this day, a history that can be interpreted by the terms that Benedetto Croce understood history: that the only relevant history is a history of the struggle for human liberty and which the famous historian Teodoro Agoncillo actually assimilated to be the philosophy of all his writings on Philippine history.

Of course, Commissioner Bernas will recall this great iconoclastic work on our Philippine heroes, *A Question of Heroes*, written by Nick Joaquin which I think best meets Commissioner Suarez' search for the meaning of appreciation. This is a splendid appreciation of Philippine heroes, almost the whole pantheon of Philippine heroes, wherein Nick Joaquin decided to apply his own tremendous insights into the meanings of the lives of these heroes in a historical context and found so many of them wanting. For example, Nick Joaquin has never been forgiven in Bulacan for denigrating General Gregorio del Pilar and emphasizing his love affairs, a certain promiscuity and, of course, some implied hints that he might have something to do with that tragedy that occurred in the plaza of Cabanatuan when General Antonio Luna was assassinated. But I thought this type of appreciation has its place and from a purely pedagogical point of view we also know that history, in certain instances, can be better taught through biography because biography is merely a form of history.

And so, it is in the light of this consideration that I think Commissioner Bernas' amendment to the amendment proposed by Commissioner Tingson and others does find an appropriate place in Section 3 (b). It does no violence to the symmetry of the paragraph; it does not detract from the meaning of nationalism but contributes to it.

So, may I appeal to Commissioner Bernas not to waver on this excellent amendment to the amendment?

Thank you.

FR. BERNAS: Madam President, I said it is a conditional wavering. That is, if the rest of this must fall, then I would rather have mine fall also. But if the litany stays, I would keep it and in the light of the interpellation of Commissioner Suarez where the word "appreciation" seems to be understood as tantamount to hero worship, I would perhaps modify that and substitute for it the words "critical evaluation."

MR. RAMA: One more question, Madam President. Does Commissioner Bernas agree with me that in almost all schools, the history of their nation is a necessary subject in a curriculum?

FR. BERNAS: As a matter of fact, it is part of the core curriculum, Madam President.

MR. RAMA: Does Father Bernas agree with one great writer who said, "what is history, but the biographies of the great men and the heroes of that country"?

FR. BERNAS: I would also include the biographies of the nongreat because history is not just the life of the great heroes.

MR. RAMA: In other words, Madam President, if we study the lives of the great men and the heroes of a country, we necessarily would appreciate better or learn better about the history of that country which is a necessary subject in all curriculum.

FR. BERNAS: Yes.

MR. RAMA: So, Madam President, may I ask that we take a vote on the Bernas amendment?

SR. TAN: Madam President.

THE PRESIDENT: Commissioner Tan is recognized.

SR. TAN: Just one word, Madam President.

After all that has been said about heroes, it took us some time to appreciate what we heard. So, I doubt very much if the teachers in schools can convey this appreciation of heroes. This is done more perfectly in this informal education. So why should we put it in the formal education and in the Constitution, besides adding to the litany and to a wrong concept of heroes? Our teachers are not equipped. We learn this appreciation in informal education, not in Saint Scholastica's College or Ateneo University.

FR. BERNAS: I would disagree. I think if they are the proper sort of teachers, they would be quite capable of leading students towards a critical evaluation of the role of personalities in the development of history. However, if they are just the type of teachers who, in contemporary language, are people who just rely on the banking system, then I would say that they would not succeed in this. But if they are really teachers, then they should be able to accomplish this.

MR. VILLACORTA.: Madam President, we just would like to clarify with Commissioner Bernas if the wording is "appreciation" or is it "critical evaluation"?

FR. BERNAS: Since the committee accepted "appreciation," I would like to propose now "CRITICAL EVALUATION."

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: May I appeal to Commissioner Bernas to preserve "appreciation" in the light of the intent already clearly established, especially in the dialogue with Commissioner Suarez that "appreciation," which is the perfect word in literary criticism to fit the meaning that is intended, including "CRITICAL EVALUATION," is a better word than "critical evaluation." It is certainly more euphonious. It is not intended to be harsh as a beginning stance in the evaluation of heroes. It tends to be open-minded about the qualities of heroes. It is the perfect term in literary criticism and any doubts that have been expressed were successfully overcome by the previous explanations of Commissioner Bernas about the meaning of "appreciation." And so, that is just the point. I hope that Commissioner Bernas can adhere to the excellent word "appreciation."

FR. BERNAS: If Commissioner Ople is correct in the appreciation of this Commissioner's appreciation of the meaning of "appreciation," then I would agree.

MR. REGALADO: Madam President.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: I join Commissioner Ople in that appeal to Commissioner Bernas in retaining the word "appreciation."

FR. BERNAS: I yield to the appeal.

MR. REGALADO: Even from the legal standpoint, we say "appreciation of evidence." That thus includes an evaluation. On the other hand, if we say "CRITICAL EVALUATION," the word "critical" may be understood or equated with criticism, instead of a critique. So, I think "appreciation" is the better word. And I appeal to Commissioner Bernas to stick to it.

THE PRESIDENT: What does Commissioner Bernas say?

FR. BERNAS: As I said, I yield to these passionate appeals, Madam President.

THE PRESIDENT: I join the appeal.

MR. GASCON: Madam President, to clarify. This paragraph is not a paragraph stating subjects. This is defining the thrust. So, it does not necessarily mean that if this amendment of Commissioner Bernas is approved, a new subject shall be created. This is not the thrust of this section. This section just defines the thrust and direction our education will take.

MR. UKA: Madam President.

THE PRESIDENT: Commissioner Uka is recognized.

MR. UKA: I think I prefer the word "appreciation" because if I tell someone, "I appreciate you," he will like that. But if I say, "I evaluate you," I do not think he will like it. (Laughter)

THE PRESIDENT: Are we ready to vote now?

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: I think I still would like to object to the formulation. As formulated now, the amendment sounds like a graduate course in history. I think that with all the deliberations, including the deliberations within the concept of nationalism, this can be expressed in subsequent curricular plans. So, I suggest that it will not be included as part of the Constitution, but merely as part of the Record to serve as guideline to future curriculum planning.

MS. AQUINO: Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: One last observation. The committee said that this need not be interpreted as a focus of a subject matter, rather as an attempt to define only a major thrust. And upon our query, Commissioner Gascon said "thrust in the study of history." How else does the committee intend to operationalize a specific constitutional focus on the lives of heroes unless it is given particular attention as a subject matter in the curriculum? If the intention, therefore, is to interpret it to define the thrust, we might just as well delete it.

MR. GASCON: Yes.

MS. AQUINO: According to my original manifestation, I am clearly intending that history or classes on nationalism or history would focus on the lives of heroes.

MR. GASCON: Yes, the whole paragraph speaks of the thrust of education. It does not speak of subjects or courses.

MS. AQUINO: I was only invoking Commissioner Gascon's argument to reinforce our position in objecting to the amendment.

MR. GASCON: Yes, that is correct. In fact, I may be a minority in this committee, but I personally feel that the amendment is unnecessary. I join Commissioner Bennagen and the Commissioner in this position. But, again, that is why I would like to clarify. Even if this is again, I would like to clarify. Even if this is approved by the Commission, this does not mean that it will be the creation of a separate subject, because I feel accommodated in the present history subjects which we already have in our curriculum.

MS. AQUINO: If the amendment wins, that will be our consolation.

Thank you.

MR. GASCON: Yes.

MR. RAMA: Madam President, the body is now ready to vote. We cannot delete, as suggested by Commissioner Aquino, because the phrase has not yet been voted on.

So, I ask that we take a vote on the amendment of Commissioner Bernas to the amendment of Commissioner Tingson.

THE PRESIDENT: Will Commissioner Bernas please read what is to be inserted?

FR. BERNAS: Madam President, my amendment will be inserted after "human rights." Delete the word "and" at the beginning of line 5, then add a comma after "human rights" to be followed by "AND APPRECIATION OF THE ROLE OF NATIONAL HEROES IN OUR HISTORICAL DEVELOPMENT."

VOTING

THE PRESIDENT: As many as are in favor of this particular amendment, please raise their hand. (Several Members raised their hand.)

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

As many as are abstaining, please raise their hand. (Two Members raised their hand.)

The results show 18 votes in favor, 10 against and 2 abstentions; the amendment is approved.

REV. RIGOS: Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: While Commissioners Bernas and Tingson would like to add one more phrase in this litany, I would like to delete the words "strengthened ethical and spiritual values" on lines 7 and 8.

BISHOP BACANI: Madam President, anterior amendment.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: I wanted to stand up, but Commissioner Bernas got ahead of me. I want to propose an

amendment on line 4 which is to add "GOD AND" after "of" so that the line would read: "shall FOSTER nationalism, love of GOD AND fellowmen."

MR. VILLACORTA: The committee accepts the amendment.

BISHOP BACANI: I thank the Commissioners very much.

REV. RIGOS: Madam President, I have a proposed amendment on lines 7 and 8.

THE PRESIDENT: Let us first vote on the proposed amendment of Commissioner Bacani.

MR. SARMIENTO: Madam President, may I introduce an amendment to the amendment of Commissioner Bacani. My concept of nationalism covers love of fellowmen. So my amendment is for the deletion of "fellowmen" and I am willing to adopt "love of GOD."

MR. VILLACORTA: Madam President, may we explain the intent of the committee?

"Love of fellowmen" refers to love of all men regardless of nationality. So it is not confined to love of Filipinos only. I think it is a necessary value that we love our fellowmen regardless of nationality.

BISHOP BACANI: I agree with that, Madam President.

THE PRESIDENT: Is Commissioner Sarmiento satisfied?

BISHOP BACANI: I think the committee's explanation is beautiful.

THE PRESIDENT: Commissioner Sarmiento is satisfied with the explanation.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: I am not against enshrining the love of God as a constitutional principle. In the Preamble, we did implore the aid of Almighty God, but that is in connection with the directive principle of an entire constitution. When we come to a section on education, a necessary point is to be raised about the diversity of beliefs in a given society including nonbelief to an Almighty God. I wonder if the insertion of this phrase in the section concerning educational thrust might create some kind of a constitutional fiat against those, no matter how few they might be, who, for example, believe in the doctrine of historical materialism and atheism. Will their interests as Filipinos be denied with the mention of the love of God in an educational section of the Constitution? If the committee can answer that, then I think a gap in the record of these proceedings on the debate concerning educational thrust will have been overcome because there should be no such vacuum in the record asserting the interest of nonbelievers.

MR. VILLACORTA: Madam President, I think the right of nonbelievers is not violated in this aspiration because there is no sanction against the profession of theism or belief in God as expressed in this amendment of Commissioner Bacani. So the committee does not feel uncomfortable because this amendment does not really illegalize atheism.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: Before a fuller answer to the question of Commissioner Ople can be arrived at, may we ask Commissioner Bacani how we intend love of God to be operationalized in the educational system.

BISHOP BACANI: First of all, we must remember that it is the stated thrust of education to develop people of

moral character. To develop morality, we need a foundation for that morality, and there is no better foundation of morality for people who are generally religious than God Himself. That is why I propose that to be "explicitated" in this Constitution.

MR. BENNAGEN: That does not explain how this is to be worked out in a curriculum.

BISHOP BACANI: No, because precisely this is not a working out of the curriculum as was pointed out very well by Commissioner Gascon.

MR. BENNAGEN: But it does suggest to education planners how to work this out in future curriculum programs.

BISHOP BACANI: They have to use their creative thinking for that and that is also provided.

MR. BENNAGEN: No, but we have to anticipate because we might just be putting empty words in the Constitution.

BISHOP BACANI: I can give some examples, but I do not intend these examples to be exhausted. For example, when a teacher is teaching a subject about the created world, he can describe and say: "Look, this created world cannot be explained unless we have some recourse to some being whom we call 'God.'" Or one can stress the fatherhood of God while inculcating the love of fellowmen and nationalism. So all of these are different ways of incorporating love of God which are, by no means, exhaustive.

MR. BENNAGEN: This suggests that we are equating in this provision the development of moral character with belief in God and also suggesting that those who do not believe in God cannot have the possibility of developing strong moral character. I think this is the contention of Commissioner Ople.

BISHOP BACANI: I am not saying that. But what I am saying is, love of God is the best foundation for the development of moral character.

MR. BENNAGEN: That is one position, but there are other positions.

BISHOP BACANI: Yes, so let us submit this to a vote.

REV. RIGOS: Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: I would like to confess. I believe very deeply in fostering love of God, but I am not sure at all whether or not we should constitutionalize this. The Constitution might begin to sound like a document of a church assembly which is all right, except that the implication may be something not acceptable especially to those who have no belief in God at all. We should not preempt the churches from their duties of inculcating love of God. To relate this especially to the thrusts of our educational institutions can be very much misunderstood by the churches which stick to the principle of the separation of Church and State. We would like to put on record our firm belief in the value of fostering love of God. But this Representation, Madam President, does not seem to agree to the idea of putting that in this Constitution.

MR. VILLEGAS: Madam President.

THE PRESIDENT: Commissioner Villegas is recognized.

MR. VILLEGAS: May I just volunteer an information. Singapore has a Prime Minister, Lee Kuan Yew, who is a self-proclaimed agnostic. He does not believe in anything. He has been very concerned about the moral education of the people of Singapore and alarmed at the way they became overly materialistic. And about five to six years ago, he created a committee to work out a character and moral formation of the citizens of Singapore and he

actually sought religious leaders. Actually, the chairman of this committee was the parish priest of the Catholic Church in Singapore. The Prime Minister did not, in any way, hesitate to identify religion and a belief in God, whether it be by Christians, Muslims and Hindus, as a very important foundation of civic virtues and character formation of the citizens. That is why in a country which is predominantly Christian and Muslim like the Philippines where belief in God is very basic to our society, I do not think we should hesitate in the same way that Lee Kuan Yew did not, in any way, think that the separation of Church and State was being threatened by his actually creating a committee and appointing a Catholic chaplain as the chairman. So this is an information I would like to volunteer.

BISHOP BACANI: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: I just would like to emphasize the point that the question of the separation of Church and State is in no way at stake in this amendment.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: May I just be enlightened on two points before we vote on this amendment of Commissioner Bacani. The first question is: Would this not, in any way, impair academic freedom?

BISHOP BACANI: I do not think so, in the same sense that the teaching of the Constitution will not, in any way, impair the academic freedom.

MR. DAVIDE: Since this proposal will be built into the Constitution itself, may a person or a professor who does not believe in God be later on prohibited from teaching because how can he teach love of God if he does not even believe in God?

BISHOP BACANI: No, it is not the individual person who is supposed to promote this but all educational institutions.

MR. DAVIDE: Yes, but a professor is part of the educational system.

BISHOP BACANI: That is correct.

MR. DAVIDE: So may he, who does not believe in God, be actually thrown out of school because he cannot foster a very concept which is supposed to be fostered by the educational institution?

BISHOP BACANI: No, that is not the intention of the proposal.

MR. DAVIDE: Thank you.

THE PRESIDENT: Commissioner Aquino desires to be recognized.

MS. AQUINO: Madam President, I do not want to be misunderstood by Bishop Bacani I am a firm believer in God, but I have a lot of doubts constitutionalizing the love of God particularly in the Article on Education. If we want to operationalize a constitutional provision on the love of God, would this not eventually amount to religious instruction? Would this not infringe academic freedom the way we understood it — academic freedom in the level of the institution, the faculty and the students?

For some of us, the question may seem pedantic; but for me, it is very basic. It will, in the end, determine the kind of freedom we seek and the kind of democratic institutions we want to build, and this raises serious and critical

questions about the freedom of belief and of conscience.

MR. UKA: Madam President.

THE PRESIDENT: Commissioner Uka is recognized.

MR. UKA: I agree with Bishop Bacani that the firm foundation of morality is God. God loves us. What is wrong in loving Him also? We say that the mention of God should not be in the Constitution, but we mention God Almighty in the Preamble, which is the first part of the Constitution. Morality cannot be successful in thought without a firm foundation which is God who loves us; in return, we should love Him.

Will Commissioner Bacani agree if we substitute the word "fellowmen" with "HUMANITY" so that it will be more general?

BISHOP BACANI: Actually, it is "fellowmen."

MR. UKA: Yes, but if we say "love of GOD AND fellowmen," the women will not appreciate it very much unless we say "fellowwomen." So we better use the word "HUMANITY." Does the Commissioner not think so? "HUMANITY" is inclusive.

BISHOP BACANI: I am amenable to that. It will be the committee's amendment then.

MR. UKA: Thank you.

BISHOP BACANI: I thank the Commissioner.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: Just a few questions of the proponent. If the proposal to impose the obligation in schools to foster love of God is adopted, would such command be addressed to both private and public schools?

BISHOP BACANI: Yes, Madam President.

FR. BERNAS: It would be. And since the fostering is not done by the school but rather by the teachers and administrators, would this command be addressed to all teachers of private and public schools?

BISHOP BACANI: It will be addressed to the teachers according to their conscience.

FR. BERNAS: According to their conscience?

BISHOP BACANI: Yes. Just as, for example, when people take the oath to the presidency, they take it with an affirmation or an oath to God.

FR. BERNAS: And, therefore, for those who accept this, in their effort to foster love of God, would they be supported by tax money?

BISHOP BACANI: Yes, just as the teaching of arithmetic, reading, writing is supported by tax money.

FR. BERNAS: Would the Commissioner agree that fostering the love of God is done mainly through the teaching of religion?

BISHOP BACANI: No, not necessarily. It can be the teaching of religion, some occasional comments or a good example from the teacher. In fact, it is the holiness and good example of the teachers, their inspiring moral lives, that will help foster the love of God.

FR. BERNAS: But is it not a fact that whether the subject is religious history or mathematics, if what we are talking about is God or an appreciation of the love of God, we are, in fact, touching on religion?

BISHOP BACANI: Whenever we are doing an act that is really according to the will of God, we are performing a religious act in a wide sense.

FR. BERNAS: So that the Commissioner is commanding schools and teachers to perform religious acts.

BISHOP BACANI: In other words, the Constitution commands them to lead exemplary lives.

FR. BERNAS: How would that be differentiated from the phrase "ethical and spiritual values" as contained in the article?

BISHOP BACANI: I am not yet at that point. I do not know whether or not I would agree explicitly with that particular point as something to be taught. But in actual practice, this will have to be also taught by, first of all, the teacher's example.

FR. BERNAS: And how would the Commissioner recognize this obligation to foster love of God with the idea of optional religious instruction?

BISHOP BACANI: This will be a complement to the optional religious instruction.

FR. BERNAS: So, in other words, the optional religious instruction is complemented by obligatory fostering of the love of God?

BISHOP BACANI: Yes, for those whose conscience can bear it.

FR. BERNAS: I thank the Commissioner. I think the proposal can be very divisive and the object can be accomplished through optional religious instruction and through other nontheistic approaches. I think we are formulating a constitution for a pluralistic society.

BISHOP BACANI: On the other hand, Madam President, I believe that following the thinking, for example, of an anthropologist like Minister Lourdes Quisumbing, who says that Filipino psychology is basically a religious psychology, will not be divisive but unitive in the highest degree.

THE PRESIDENT: Commissioner Laurel is recognized.

MR. LAUREL: I understand that although most of us believe in God and the majority of us are Christians, even Catholics like this humble servant, what we have in this country is religious freedom and not mere religious tolerance. There is separation of Church and State; we do not have any established religion in our pluralistic society and the Constitution is for each and every Filipino and, as a matter of fact, for each and every human being.

In other words, even if one is an atheist, an agnostic, a disbeliever or a doubter, he is entitled to the protection under our Constitution and the laws of the nation. Would it not be better not to approve this amendment, and enable each and everyone of us to really be free irrespective of religious beliefs or failure to believe in any particular religion or being merely a doubter?

BISHOP BACANI: Madam President.

THE PRESIDENT: Is Commissioner Bacani insisting on his amendment?

BISHOP BACANI: Yes, I am insisting on it.

THIS PRESIDENT: So let us put it to a vote.

MR. NOLLEDO: Madam President, may I speak against the amendment for only two minutes.

THE PRESIDENT: Commissioner Nolledo may please proceed.

MR. NOLLEDO: I think I am embarrassed by the amendment because, pardon me, if I say that as former national president of the Holy Name Society, I am expected to support it. But I am against it, taking into account the observations of Commissioner Bernas. It will violate the freedom of religion, because the freedom of religion includes the disbelief of a person. It will violate our pluralistic society and the separation of Church and State. Also, it will make our government look like an ecclesiastical government.

While I firmly believe in God and manifest my support for optional religious instruction, I vigorously object to the Bacani proposal.

Thank you, Madam President.

MR. OPLE: Madam President, just one final word.

THE PRESIDENT: Commissioner Ople, I hope it is final.

MR. OPLE: Those who will vote against the Bacani proposal will be at a risk of being misunderstood by the public as spurning God from the Education Article of this Constitution. I wonder if there is a way of determining the possibility of settling this in an amicable manner.

Madam President, if probably a suspension of one minute is called before we vote, we might get some illuminations from above on how to deal with this question.

Thank you.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 4:40 p.m.

RESUMPTION OF SESSION

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

THE PRESIDENT: The session is resumed.

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

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Madam President, may I ask three questions of the committee.

THE PRESIDENT: The Commissioner will please proceed.

BISHOP BACANI: Madam President, do I get it from the committee that the noninclusion of the phrase "love of GOD" does not mean that fostering of the love of God is excluded from the aims of the educational institutions, as they are put down here?

MR. VILLACORTA: No, noninclusion does not mean exclusion.

BISHOP BACANI: Thank you very much.

Second, I would like to ask the question: Are the aims set down in this section to be taken in the context of the Preamble of this draft Constitution?

MR. VILLACORTA: Yes, Madam President.

BISHOP BACANI: Thank you very much.

Third, does the Commissioner agree with me that in the Preamble of the Constitution, the aid of Almighty God is invoked?

MR. VILLACORTA: Yes, Madam President.

BISHOP BACANI: Thank you very much.

In view of those responses, I am willing to withdraw my amendment. (Applause)

THE PRESIDENT: So the proposed amendment is withdrawn.

REV. RIGOS: Madam President.

THE PRESIDENT: Is there any other amendment?

REV. RIGOS: Madam President, on page 2, lines 7 to 8, delete "strengthened ethical and spiritual values." Strengthening of ethical values can be considered as covered by these words on line 8: "develop moral character." And strengthening of spiritual values may be best left to the churches, which after all will be allowed to teach religion on optional basis in the schools.

MR. VILLACORTA: Madam President, the committee is divided, and we would like the body to decide on this issue.

REV. RIGOS: May I elaborate on my proposal, Madam President.

THE PRESIDENT: The Commissioner will please proceed.

REV. RIGOS: Once the schools begin to operationalize the strengthening of spiritual values, how do we implement that? Very soon there will be prayer meetings, celebration of the mass and all kinds of religious activities to strengthen or develop moral values. We probably would not like this to happen in our schools, especially in the context of separation of Church and State. Spiritual values formation is better left to the different churches and religious organizations.

MR. VILLACORTA: Commissioner Gascon would like to elaborate on that.

THE PRESIDENT: Commissioner Gascon is recognized.

MR. GASCON: When we speak of strengthening of ethical and spiritual values, we do not see it within that context — that soon enough in our schools which are, let us say, public universities and colleges there would be prayer meetings held inside the classrooms during class hours or things like that. Rather, when we speak of education, we think of it from the holistic point of view or from a perspective that to build the total man or to encourage the development of man, the teacher must, in his process of inculcating knowledge, also encourage ethical and spiritual values which are innate in a person. So it is more an encouragement and development of the values which are already inherent in man.

REV. RIGOS: I think that should be appreciated, but the fact still remains that we better stick to the principle of allowing the churches to do what they are supposed to do, which is to strengthen the spiritual foundation of human life. We should not give any semblance of the State trying to do the same thing.

BISHOP BACANI: Madam President, may I comment.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Let us remember that, as was pointed out by Commissioner Bernas, the school is composed of people and if the people are the ones who conduct the activities of the school, there should be nothing wrong if the pupils themselves within the educational institution should decide to pray within the school. That is part of their prerogative; that is no breach of the principle of the separation of Church and State.

THE PRESIDENT: Are there any other comments?

MS. NIEVA: Madam President.

THE PRESIDENT: Commissioner Nieva is recognized.

MS. NIEVA: I think in our omnibus definition of the goals of education, we were talking of total human liberation and development. By total human liberation and development, we meant the whole of man, all aspects — intellectual, physical and spiritual — of the human being. And, therefore, I feel that ethical and spiritual values are an indispensable ingredient for the total development of man. And since the schools are the molders of our youth in support of parents, the church and media, I think they cannot shirk that very vital obligation to support the other institutions of society in the formation of the youth into the men and women we want them to be, to be responsible citizens. When we say "develop moral character," we are talking of the development of the moral character of the individual. But when we talk of values, we talk also of values of the whole of society. So when we teach any subject, there are always values attached to it. Whether our values are materialistic or not or whether or not we are talking of a consumerist attitude towards society, those are values that we do not want to foster. On the other hand, we want to foster the values of critical thinking, of independence and of service to fellowmen which are already stated here. But honesty and the work ethic are ethical values that I think the schools should promote. While we say that the principal obligation of promoting spiritual values belongs to the churches, I think the school should be a very strong supportive institution in this very important aspect. I remember the discussions we had with Minister Quisumbing of the Ministry of Education, and precisely she said that now the stress is on ethical value formation. The ministry wants to stress this now at all levels —from the primary level up to the tertiary level and even the graduate schools. In fact, in Baguio there was a conference last summer where ethical formation was very much strengthened. In that seminar, the Bishop Businessmen's Conference was asked to be part of the facilitators team that would sponsor values on social responsibility for the top-level directors of all the different schools. I think that is also the thrust of our Ministry of Education. So, I really do not see why we should exclude this very important aspect here providing for the strengthening of ethical and spiritual values.

REV. RIGOS: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

REV. RIGOS: May I just amend my suggestion, Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: I am willing to retain the word "ethical" but not the word "spiritual." I repeat, the strengthening of spiritual values is better left in the hands of our churches.

MR. TINGSON: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: This is the first time I have heard of the amendment by our fellow Commissioner Rigos. So that

I could also vote intelligently on it, may I ask him some questions. Since the Commissioner was the one who submitted this particular formulation, how does he distinguish between ethical and spiritual values? What does he really mean when he suggested this to us? How is "developing moral character" distinguished from ethical and spiritual values and morality of character? I really would like to know from the committee.

REV. RIGOS: Madam President, I am a member of the committee and although I am not sitting in front right now, I would like to participate in answering the question. I think it will be honest of me to say that when we put this phrase here, we really did not have a thorough discussion on the finer meanings of ethical and spiritual values. We just felt that this is a beautiful phrase that should be included here. But at least, in my case, on second thought, I strongly feel that the development of spiritual values is better left in the hands of the churches.

THE PRESIDENT: May we hear from the other members of the committee.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: I am the Chairman of the Subcommittee on Education. Although we did not have an elaborate discussion on this, I do remember that the principal thrust that we had in mind when we added this particular portion of the section upon the suggestion of one of the members, whom I cannot recall now, is on the importance of value education.

MR. TINGSON: May I hear from the other committee members, especially the chairman.

MR. VILLACORTA: The distinction between ethical and spiritual values about which the Commissioner is inquiring would be derived from my own interpretation, not the committee's. My understanding of spiritual values is that these are deeper and more transcendental than ethical values. It would be almost other than wordly, not only thinking in terms of this material world but also of the other world. In other words, we are not concerned mainly with social and political values, moral character and personal discipline, but also of being accountable to a Supreme Being.

MR. TINGSON: And is this something that only the churches could and should teach?

MR. VILLACORTA: Again, I am speaking for myself. I think there is nothing wrong with spiritual values being reinforced in a secular manner, outside of churches and within the school system. That is my own personal conviction. I am not speaking on behalf of the committee.

MR. TINGSON: How about "moral character"? What is the understanding of the committee, through the Commissioner, about "developing moral characters"?

MR. VILLACORTA: "Moral character," as I have implied earlier, refers to ethical values — the ability to discern what is right and wrong.

BISHOP BACANI: Madam President.

MR. GUINGONA: Madam President, may I just add, if I may be allowed? This particular section contains quite a number of enumerations some of which the Subcommittee on Education approved unanimously. But I do recall that with regard to the expression "strengthen ethical and spiritual values" the committee was divided, but the majority was in favor.

MR. GASCON: Madam President, if I may add on this issue of "value education." We believe that educational institutions must inculcate values in the students as complementary to the primary duty of the parents in rearing their children. The State has the duty to give aid and support to the parents in the rearing of the youth. As agents

of the State, educational institutions are tasked with complementing the values learned by the child at home. It is assumed that what is learned in the family is not enough and should be supported by what is taught in the school.

So when we speak of these principles and thrusts, our attempt is this: That education should encourage total human growth. The development of an individual should take place in all levels of his relationships. For example, his relationship to himself which refers to moral character, personal discipline, critical and creative thinking; his relationship with others, the love of fellowmen, the respect for human rights; his relationship with his environment, health, political and ecological consciousness; his relationship with society, nationalism, rights and duties as citizen, work-oriented efficiency; and his relationship with the transcendent reality which some of us call God, ethical and spiritual values.

So if we wish to speak of the total human person, then we have to direct the educational institutions to achieve and encourage these facets in man.

Thank you, Madam President.

BISHOP BACANI: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Thank you.

First, I wish to thank the committee, especially Commissioner Gascon, for that beautiful explanation. Let me just add this: If we delete "spiritual," it will definitely give the impression that what we are really advocating is a materialistic and secularistic type of education. In other words, it will not be simply deleting something in order not to sound spiritual or not to breach the rule of the separation of Church and State but it will be really slanting the aims of education in favor of a materialistic and secularistic concept. I would just like to add that to the explanation of Commissioner Gascon.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: As a member of the committee, I just want to share how I understand the phrase "spiritual values." It is said that Filipinos are a deeply spiritual people. In a way, this was not anticipated by electronic evangelization and I think this was partly manifested in the EDSA uprising. It is manifested in the tenacity of peasants who keep on going when everything seems to go wrong. And I think it is also manifested in the equanimity or sense of proportion of someone who is seduced by power or material wealth.

In other words, spirituality is a complementary dimension of human materiality and has nothing to do, in my view, although that seems to be the popular impression, with electronic spirituality.

I am saying, therefore, that a kind of Filipino spirituality is what we are speaking of here, not in terms of spiritual renewal as is usually expressed in TV programs. And I see that, of course, as a danger in this phrase, unless it is so expressed.

Adverting again to what I refer to as a kind of Filipino folk spirituality, which is my understanding of this Filipino spirituality, there are a number of investigations into this by sociologists and anthropologists. I will just read one instance based on an understanding of folk religions. This is in reference to the use of "potencia" or "bisa."

Ang "potencia" o "bisa" na nasa mga bagay at tao ay makakamit sa pagkakaroon ng malinis na puso, budhi at diwa at sa masusing pagtupad ng rituwal, gaya halimbawa ng taimtim na pagdarasal.

In some other areas, they speak of a kind of spirituality which urges the individual to do that which is good and, therefore, brings us closer to the discussion of ethics and morality. Spirituality, therefore, speaks of an inner celebration of life as it sees itself in unity with the significant others, whether it is of nature or of society.

Thank you, Madam President.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: Madam President, just some clarificatory questions addressed to the committee. When the draft article speaks of "moral character and personal discipline," would it be correct to understand that as referring mainly to behavioral patterns?

MR. VILLACORTA: Madam President, if by behavioral pattern the Commissioner is thinking of visible manifestations of personal behavior and action, then we would not be limiting moral character to that, because moral character also includes the internal aspect — one's own self-respect, sense of values and concept of integrity

FR. BERNAS: But then the main emphasis would be on how one acts out of the wellspring of his own values.

MR. VILLACORTA: Yes.

FR. BERNAS: The reason I am posing this question is that it would seem to me the emphasis of the phrase "ethical and spiritual values" is not so much on the behavioral patterns but on the attitudinal and intellectual perception of things.

MR. VILLACORTA: That is right.

FR. BERNAS: And would it also be correct to say that when we speak of spiritual values, we are not necessarily talking of religious or theistic values but mainly of nonmaterialistic values?

MR. VILLACORTA: Yes, that is correct.

FR. BERNAS: And that when we speak of religious values, they would be more in Section 3 (c).

MR. VILLACORTA: That is right, I might also point out that even in China, although the term "spiritual" is used — in fact, they are always mentioning, if I am not mistaken, the need for a spiritual civilization — what they were referring to is a nonmaterial, nonworldly type of culture and set of values.

FR. BERNAS: And it can be quite independent of whether a person believes in God or not.

MR. VILLACORTA: I think so. I agree with the Commissioner in that interpretation.

FR. BERNAS: I thank the Commissioner.

REV. RIGOS: Madam President, in the light of Chairman Villacorta's answers to the questions of Commissioner Bernas, I withdraw the proposed amendment.

MS. ROSARIO BRAID: Madam President, for the sake of more definition, I have here a definition of "spiritual values," which includes wisdom, intellectual and artistic creativity and moral excellence or virtue. These are all classified under "spiritual values."

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: What I would like to say has become somewhat academic because of the decision of Commissioner Rigos to withdraw his amendment by deletion in the light of Commissioner Bernas' elaboration on the meaning of "spiritual values," which I am not sure the committee has accepted, in view of some diversity in the opinions expressed earlier.

May I just repeat the question, not exactly in the way Commissioner Bernas formulated it but as a kind of exegesis on his own elaboration. The "spiritual" here is not necessarily a theistic concept.

MR. VILLACORTA: That is right, Madam President.

MR. OPLE: It can refer to the spirit of a nation, for example, in the manner that, let us say, in Japan the spirit of Bushido moves a nation to excel even in trade and commerce and in production. This can fall within the scope of spiritual values.

MR. VILLACORTA: Yes, Madam President. It could also refer to the psychic which the Commissioner is familiar with

MR. OPLE: That is right. In the case of "ethical values," in the Aristotelian sense it refers to an ideal political order; let us say, the vision of Plato's Republic, which is a just society according to the lights of those thinkers in the earliest democracy.

Will "ethical values" also refer to the foundation of a sound and just state?

MR. VILLACORTA: Does the Commissioner mean "spiritual values"?

MR. OPLE: No, "ethical values."

MR. VILLACORTA: "Ethical values," yes, Madam President.

MR. OPLE: I thank the Commissioner very much.

MR. GASCON: Madam President, just to make it more clear. When we speak of the word "spirit," for example, in the Filipino sense, there are two translations: the religious, theistic translation "kaluluwa" and the other sectarian, nonreligious translation "diwa," "diwa ng pagka-Pilipino."

So, in that sense, we will see that our perspective towards spiritual values is not theistic at all.

MR. OPLE: I thank the Commissioner for that reassurance; thank you, Madam President.

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

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: Thank you, Madam President.

On page 2, line 4, between the words "foster" and "nationalism," insert the words "PATRIOTISM AND."

MR. VILLACORTA: Madam President, the committee accepts the proposal.

MR. PADILLA: I thank the Commissioner very much.

Line 9 reads: "encourage critical and creative thinking." Will the committee consider changing the word "critical" to "LOGICAL"?

MS. ROSARIO BRAID: I am sorry, we cannot accept the proposal, Madam President, because the word "critical" here means that ability to be independent of thought; it is much more than logic. It includes logic, but it goes

beyond that: to be able to weigh various aspects of the situation and to think independently. Logic, of course, is an aspect. So we would prefer to use the word "critical."

MR. PADILLA: Before we become critical, we should first be logical. And the word "critical" might give the impression that we are encouraging not only creative thinking but also critical thinking which may mean to find fault, to criticize.

Of course, criticism is necessary in the exercise of free expression and freedom. But to be able to criticize, I think it is a prerequisite that the criticism be based on logical reasoning.

There are many who do not follow the basic principles of syllogism. And to me, we should encourage in the students logical and creative thinking. Now if by virtue of logical and creative thinking some wish to criticize because they feel that the conduct or policy of government should be criticized as not being correct nor righteous, or is not just nor morally defensible, then we should have criticism because that is part of freedom. But I believe that for the students to think, they must first think logically. And, of course, I do not object to creative thinking.

If the committee insists on the word "critical," can it consider "LOGICAL, creative and critical thinking"?

MR. VILLACORTA: How about "ANALYTICAL," Madam President, instead of "LOGICAL" — "ANALYTICAL, critical and creative thinking"?

MR. PADILLA: In addition to analysis, that is like appraising the facts. But what is more important is that in appraising the premises, the conclusion is in accordance with the rules of syllogism and of logic.

I would not have any particular opposition to the word "analytical," but I believe the word "LOGICAL" is more simple and definitely closer.

MS. ROSARIO BRAID: Madam President, I think the committee would like to retain the word "critical" because it includes logic, analysis and rationality. But beyond that it also includes deep awareness and sensitivity and consciousness. It involves even nonrational or non-Western modes of thinking, like intuition. In other words, it accommodates the various ways of looking at the world beyond just the rationality. And I think that is what we tried to copy here.

MR. PADILLA: Precisely, when I mentioned "LOGICAL," I want to exclude nonrational. We agree with the Commissioner that nonrational is not good.

FR. BERNAS: Madam President.

MR. PADILLA: If the committee insists on the word "critical," my second alternative is "encourage LOGICAL, creative and critical thinking."

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: May I offer an idea. I think logical and critical are two different concepts. "Critical" comes from the Greek word *krinein*, which means to judge, to be able to evaluate things, and not just to take things at face value. Logical means the ability to arrive at conclusion on the basis of premises.

MS. ROSARIO BRAID: That is correct.

FR. BERNAS: So being critical involves the choice of premises and the weighing of various premises from which one is going to start his logical process. I think the committee's aim here is to make students precisely the type of students who will not accept things at face value but rather who would look at them from all angles and make a

decision on whether or not to accept the concept, particular value or practice. And having accepted one value, practice or premise, then he logically thinks and acts on the basis of that premise. So that if at all, rather than we delete "critical," we add "LOGICAL."

MR. PADILLA: That was my second alternative "encourage LOGICAL, creative and critical thinkings." In logic, it is not enough to have one premise in syllogism. There is the major premise, then the minor premise and the conclusion which should be correct. But there are many fallacies or sophisms in argumentation. That is the justification for the Latin non sequitur — if the conclusion does not follow from the major premise and the correct minor premise.

I have no particular resentment to the word "critical," but I would suggest the insertion of the word "LOGICAL," because one must first think logically.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: I would like to support the committee's formulation and, at this point, I think the very able Commissioners who had preceded me had not really succeeded in improving upon the original terms used; namely, "critical" and "creative." The opposite of critical is uncritical, which means uncritical acceptance of, let us say, anything put to the student by the teacher or what a textbook purports to teach to the students. It means that a dialogue or a dialectical situation exists between the receiver and the transmitter of knowledge. Part of the misunderstanding, I think, arises from the perception of what the word "critical" means in this context. It really does not mean automatic criticism of anything or anyone; it is, in the literature of political science, sociology and psychology, a well-established meaning. It merely means that there is a response from the receiver of knowledge. It means a dialectical exchange is taking place even if the student is, for the moment, silent. It means that one with a sound mind, who reads a book, does not accept uncritically the postulates of the author. He debates with the author and accepts on a highly selective basis what ideas the author has made available through this book. So it is a frame of mind in democracies sought to be cultivated, just like in the creative thinking which Commissioner Rosario Braid had earlier talked about. This is thinking laterally in the words of Edward de Bono, so that intuition becomes a very important part of the process, especially where inventions and innovations are concerned. The inventor's way of thinking is not exactly the same as that of a mathematician or physicist dealing with his own hypothesis which could involve highly analytical approach. In the case of the creative thinker, he proceeds laterally so that he is not bothered by an analysis at the beginning, although an accumulation of knowledge and research inputs can become a sort of critical mass that translates into a sudden insight so that whether he is an author or a scientist, he says: "Eureka! I have come upon new knowledge!"

So, Madam President, in the light of these now historic and valid meanings attributed to the two terms in the literature about thought, I would like to strongly suggest that, with all due respect to Commissioner Padilla, the term "critical" cover abundantly his concern for rational thinking, especially analytical thinking. And to balance the concept of an analytical frame of mind, we also provide for a creative, nondescript, lateral sort of thinking which has its own place in developing a country, especially where innovations of the sort this Constitutional Commission deals with can be further accelerated through the use of creative thought.

MR. VILLACORTA: Madam President, the committee is divided and we would like the body to decide on the matter.

MR. PADILLA: May I say, Madam President, that truth is immutable. There are certain facts that cannot be disputed. If we inculcate on even the young minds not logical thinking and say: "Well, you dispute whatever the

author says in the book for what the professor says is a principle of law," we will be cultivating persons who are dissenters, doubters and perhaps agnostics, if applied to religion, and we will not have certain major premises that are established and immutable facts or truths. I always hear the word "perceptions." That word does not mean that an individual can just express his own perception because, after all, as provided in the Rules on Evidence on the qualification of a witness, all persons having sense organs can perceive, and perceiving can make known their perceptions to others. This is based on personal knowledge which excludes hearsay evidence.

If on "perceptions" we always say a student has his perception or this person has another perception, that will not be the correct meaning in law on evidence because perceptions must be based on actual personal knowledge, not on inferences, opinions or even judgments. So from what a person perceives through his sense organs, he then mentally or intellectually follows logical thinking, which is absolutely necessary before he can think creatively and critically. I cannot understand why there are objections to the word "LOGICAL." I believe that one of the greatest insults to a man is when somebody calls him illogical, because everybody must be logical. We must have the students, especially in their young, immature minds, accept certain facts, not only of science but also of other facts of life and religion as a dogma based not only on faith but also on actual facts based on the personal knowledge of individuals.

I cannot agree on the extended meaning of the word "perceptions" because it might imply only inferences or even conjectures which are not based on personal knowledge. That is the basic reason why in the Rules on Evidence a witness can only testify to facts of his personal knowledge perceived by his sense organs.

MR. OPLE: Madam President, may I have just a brief rejoinder of two sentences on this question. I would be very happy to endorse the insertion of "LOGICAL" here, if it would not result in some tautology which, in a sense, would unnecessarily modify the word "critical." I cannot imagine a constitution practically exhorting the reader to be logical. According to Commissioner Padilla's own profession, in which he is a most outstanding authority, there must be a presumption of regularity and good faith. We have to presume that people who read this Constitution are logical until proven otherwise. However, there can be no easy assumption that critical and creative forms of thinking are already preexisting; they are skills that can be developed through education.

I do not deny that logic and rationality are also promoted by education. But when we say creative and critical thinking, they do embrace the use of certain disciplines like logic, whether this is Aristotelian, positivistic or historical materialist logic. And, therefore they are available to the creative and critical thinker I think Commissioner Padilla's mention of rationality has, in fact, very much enriched the record of the intent of this Commission concerning the true meaning of critical and creative thinking.

Thank you, Madam President.

MR. ROMULO: Madam President.

THE PRESIDENT: Will the Commissioner please restate his amendment?

MR. PADILLA: On page 2, line 9, insert "LOGICAL" between the words "encourage" and "critical," to read: "encourage LOGICAL, creative and critical thinking."

VOTING

THE PRESIDENT: As many as are in favor of the amendment of Commissioner Padilla, please raise their hand. (Few Members raised their hand.)

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

As many as are abstaining, please raise their hand. (Two Members raised their hand.)

The results show 5 votes in favor, 17 against and 2 abstentions: the amendment is lost.

MR. ROMULO: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

ADJOURNMENT OF SESSION

MR. ROMULO: The committee is asking for a respite in view of it having been through the whole field of education, morals, philosophy, logic and metaphysics. I think the Aristotelian, positivist and Whiteheadian deserve a rest. So may I make a motion to adjourn until nine o'clock tomorrow morning.

THE PRESIDENT: May I also inquire from the Acting Floor Leader when he expects this Constitution to be finished.

MR. ROMULO: Maybe by Christmastime, Madam President.

THE PRESIDENT: The session is adjourned until nine o'clock tomorrow morning.

It was 6:11 p.m.

[*] Appeared after the roll call

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