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Wednesday, October 15, 1986

PROCESSIONAL

At 9:41 a.m., the proceSSIONAL began with the entry into the Session Hall of the Members of the Constitutional Commission of 1986 preceded by the Sergeant-at-Arms bearing the Mace.

CALL TO ORDER

At 9:42 a.m., the President of the Constitutional Commission, the Honorable Cecilia Muñoz Palma, called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by President Cecilia Muñoz Palma, to wit:

Almighty God of the Universe, Lord of Wisdom and Light, we have felt your Divine Presence in our midst during these past four months while we pursued and labored as instruments of your Divine Wisdom to complete a fundamental law for our people, a Constitution that will serve as the foundation of a just, humane and democratic society for Filipino generations to come.

Today, an important chapter of our work is done.

We are confident in our hearts and minds that the document we have written is imbued with your beneficent influence and blessings and will bring love and peace to our troubled land,

Lord God, another chapter remains to be met.

We implore You to come to our aid once more when we appear before our people and present to them the new Constitution for their approval.

Let the light of this document shine forth clear and bright so that our people may see in it the hope for a promised land of peace and prosperity.

In the Book of Genesis it is written, and I quote:

"God said all He had made, and wished it was very good . . . Thus, heaven and earth were completed with all their array. On the seventh day God completed the work He had been doing. He rested on the seventh day after all the work He had been doing."

Yes, we have completed our work, having reached our own Sabbath Day. But can we rest, O Lord, after today? You said: "My Father goes on working and so do I." Thus, Lord, there can be no rest for each of us nor for our people, because there is still work to be done.

After its ratification, we pray that this covenant of the people be not shattered by evil forces as it was when

Moses at Mount Sinai broke the tablet of Your Ten Documents at the sight of evil among his people.

Merciful God Almighty, I thank You most specially for the completion of the Constitution on this 15th day of October, in the year of Our Lord, 1986, the Feast of St. Theresa of Avila, First Woman Doctor of the Church whose way of perfection and that of St. Therese of the Child Jesus have been my constant inspiration since I was a child.

We glorify Our Mother, the Blessed Virgin Mary, for she willed that our mission be completed in the month of October, dedicated to the devotion of the Holy Rosary which is the key to peace for mankind.

Most Sacred Heart of Jesus, cover with your benediction the Members of the Constitutional Commission and their loved ones; the sick, the weary, the disillusioned, and the hopeful amongst us; bless the Filipino people and our leaders in government, bless most kindly our brothers fighting in the hills that we may all be reconciled in love, peace, and unity for the survival of the Filipino nation and for your greater glory here on earth.

With all my being, I exult and praise You my God for the grace you bestowed upon this your humble daughter to be part of our struggle to liberate the nation from despotism and tyranny, and now again, to be your instrument towards regaining our rights and freedoms.

Dear Lord, remember the day when You cleansed ten lepers and only one came back to thank You and You said: "Where are the other nine " Today, not only one but all the 47 men and women stand before You and lift their hearts in gratitude for giving them this day in history, the day when we stamp our signatures on the Charter You kindly helped us to frame.

All for the glory of God Almighty.

Amen.

ROLL CALL

Upon direction of the Chair, the Secretary-General of the Commission called the Roll and the following Members responded:

Abubakar, Y. R. Natividad, T: C.

Alonto, A. D. Nieva, M. T. F.

Aquino, F. S. Nollado, J. N.

Azcuna, A. S. Ople, B. F.

Bacani T. C. Padilla, A. B.

Bengzon, J. F. S. Muñoz Palma, C.

Bennagen, P. L. Quesada, M. L. M.

Bernas, J. G. Rama, N. G.

Rosario Braid, F. Regalado, F. D.

Calderon, J. D. De los Reyes, R. F.

De Castro, C. M. Rigos, C. A.

Colayco, J. C. Rodrigo, F. A.

Concepcion, R. R. Romulo, R. J.

Davide, H. G. Sarmiento, R. V.

Foz, V. B. Suarez, J. E.

Garcia, E. G. Sumulong, L. M.

Gascon, J. L. M. C. Tadeo, J. S. L.

Guingona, S. V. C. Tan, C.

Jamir, A. M. K. Treñas, E. B.

Laurel, J. B. Uka, L. L.

Maambong, R. E. Villacorta, W. V.

Monsod, C. S. Villegas, B. M.

With 44 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

Lerum, E. R.

Tingson, G. J.

Mr. Rosales was sick.

READING AND APPROVAL OF THE JOURNAL

On motion of Mr. Rama, there being no objection, the reading of the Journals of October 12 and 13, 1986 was dispensed with and the said Journals were approved by the Body.

REFERENCE OF BUSINESS

On motion of Mr. Rama, there being no objection, the Body proceeded to the Reference of Business.

REFERRAL TO THE STEERING COMMITTEE OF RESOLUTIONS AND TO THE ARCHIVES OF COMMUNICATIONS

Upon direction of the, Chair, the Secretary-General read the titles of the following Resolutions which were referred by the Chair to the Steering Committee as well as communications which were referred by the Chair to the Archives.

Proposed Resolution No. 549, entitled:

RESOLUTION COMMENDING THE VICE-PRESIDENT AND THE FLOOR LEADER AND HIS ASSISTANTS, FOR THEIR DISTINCTIVE AND VALUABLE CONTRIBUTION AND STEADFAST LEADERSHIP WHICH ENABLED THE COMMISSION TO FINISH THE IMPORTANT TASK OF FRAMING THE FUNDAMENTAL LAW

Introduced by Hon. Romulo, Treñas, Rigos, Abubakar and Aquino Proposed Resolution No. 550, entitled:

RESOLUTION EXPRESSING THE HIGH REGARD AND APPRECIATION OF THE CONSTITUTIONAL COMMISSION FOR ITS ILLUSTRIOUS PRESIDENT, THE HONORABLE CECILIA MUÑOZ PALMA, FOR

THE WISE, ABLE, FAIR AND DIGNIFIED MANNER BY WHICH THE BUSINESS AND DELIBERATIONS OF THE COMMISSION HAVE BEEN CONDUCTED

Introduced by Hon. Padilla, Rama, Aquino, Bengzon, Jr., Concepcion, Bernas, Monsod, Villegas, Rodrigo, Romulo, Tan, Nieva, Gascon and Suarez

Proposed Resolution No. 552, entitled:

RESOLUTION COMMENDING THE CHAIRMEN AND VICE-CHAIRMEN OF ALL COMMITTEES FOR THEIR DISTINCTIVE AND VALUABLE CONTRIBUTION AND STEADFAST LEADERSHIP WHICH ENABLED THE COMMISSION TO FINISH THE IMPORTANT TASK OF FRAMING THE FUNDAMENTAL LAW

Introduced by Hon. Sarmiento, Lerum, Maambong and Aquino

COMMUNICATIONS

Communication No. 1104 — Constitutional Commission of 1986

Telegram from the students, faculty, staff and administration of Assumption College, Iloilo City, congratulating the Constitutional Commission for its magnificent achievement.

Communication No. 1105 — Constitutional Commission of 1986

Letter from the Honorable Ramon A. Diaz, Deputy Minister, Presidential Commission on Good Government, expressing, on behalf of the PCGG, deep appreciation for the vote of confidence shown during the session of the Constitutional Commission on October 7, 1986.

Thereafter, on motion of Mr. Rama, the Chair recognized Mr. Guingona, Chairman of the Committee on Sponsorship, for a manifestation on the final draft of the Constitution.

MANIFESTATION OF MR. GUINGONA ON THE APPROVAL OF THE FINAL DRAFT OF THE CONSTITUTION

Mr. Guingona, on behalf of the Sponsorship Committee, officially announced that on October 12, 1986, the Constitutional Commission had completed the drafting of a Constitution and approved the same on Third Reading, which instrument reflects the spirit of the time; of nationalism, of liberation and rising expectations, and of confidence of the Filipino people. He stated that the draft Constitution is a practical instrument suited to the circumstances of the times which is broad enough to allow future generations to respond to challenges that the present generation cannot foretell and a Charter which seeks to establish a community characterized by social progress, political stability, economic prosperity, peace, justice and freedom for all.

CONSIDERATION OF PROPOSED RESOLUTION NO. 549

On motion of Mr. Rama, there being no objection, the Body proceeded to the consideration of Proposed Resolution No 549, the title and text of which read:

Resolution commending the Vice-President and the Floor Leader and his Assistants, for their distinctive and valuable contribution and steadfast leadership which enabled the Commission to finish the important task of framing the fundamental law.

WHEREAS the Constitutional Commission, created under Proclamation No. 9, dated April 23, 1986, has terminated the mandated task of proposing a new charter that is "truly reflective of the ideals and aspirations of

the Filipino people";

WHEREAS, the success of the Constitutional Commission in achieving its goal within the shortest possible time is largely attributable to the very efficient and creditable yeoman's work of the Vice-President, the Floor Leader and his assistants: Now, therefore, be it;

RESOLVED BY THE CONSTITUTIONAL COMMISSION, To commend, as it hereby commends, the Vice-President and the Floor Leader and his assistants for their distinctive and valuable contribution and steadfast leadership which enabled the Commission to finish the important task of framing the fundamental law.

Thereupon, the Chair recognized Mr. Romulo.

REMARKS OF MR. ROMULO

Mr. Romulo stated that it saddened him to address the President for the last time and requested that the Body consider this Resolution commending the Vice-President, the Floor Leader and the Assistant Floor Leaders for their distinctive and valuable contributions and steadfast leadership which enabled the Commission to finish the important task of framing the fundamental law.

APPROVAL OF RESOLUTION NO. 549

Submitted to a vote, and with 45 Members voting in favor and none against, Resolution No. 549 was unanimously approved by the Body.

RESPONSE OF MR. PADILLA

On behalf of the Floor Leader, Mr. Rama; and the Assistant Floor Leaders, Messrs. Calderon and Alonto, Mr. Padilla expressed profound gratitude for Resolution No. 549 commending their humble contributions to the delicate task of formulating and completing the 1986 Constitution. As recipients and beneficiaries of the Resolution, he stated that they believe that such commendation should be extended to all the Members who have labored daily and exerted their best efforts to complete the new fundamental law, which they hoped would be accepted and ratified by the sovereign people.

CONSIDERATION OF PROPOSED RESOLUTION NO. 552

On motion of Mr. Rama, there being no objection, the Body proceeded to consider Proposed Resolution No. 552, the title and text of which read:

Resolution commending the Chairmen and Vice-Chairmen of all committees for their distinctive and valuable contribution and steadfast leadership which enabled the Commission to finish the important task of framing the fundamental law.

WHEREAS, the Constitutional Commission, created under Proclamation No. 9, dated April 23, 1986, has terminated the mandated task of proposing a new charter that is "truly reflective of the ideals and aspirations of the Filipino people";

WHEREAS, the success of the Constitutional Commission in achieving its goal within the shortest possible time is, to a large extent, attributable to the efficient and valuable performance of the Chairmen and Vice-Chairmen of all Committees;

WHEREAS, through their steadfast leadership, a set of rules governing the proceedings of the Commission was

adopted; the proceedings and deliberations in the committees were conducted with efficiency; various public hearings were conducted throughout the country so that various sectors were able to express their views on matters that would be included in the Constitution; and every provision scrutinized and evaluated and the structure and language polished in order that the new Constitution will be acceptable and enduring: Now, therefore, be it;

RESOLVED BY THE CONSTITUTIONAL COMMISSION, To commend, as it hereby commends the Chairmen and Vice-Chairmen of all Committees, for their distinctive and valuable contribution and steadfast leadership which enabled the Commission to finish the important task of framing the fundamental law.

Thereupon, the Chair recognized Mr. Sarmiento to sponsor the Resolution.

REMARK OF MR. SARMIENTO

Mr. Sarmiento requested that the Body approve Resolution No. 552.

APPROVAL OF RESOLUTION NO. 552

Submitted to a vote, and with 45 Members voting in favor, none against, Resolution No. 552 was unanimously approved by the Body.

RESPONSE OF MR. BENGZON

On behalf of the Chairmen and Vice-Chairmen of all the Committees, Mr. Bengzon acknowledged the commendation for their efficient and steadfast leadership. Membership in the Commission, he remarked, is both a patriotic and purifying experience for each of the Members; it is patriotic because they lighted the torch for the coming of a new day for the country, and it is purifying in that it gave the Members an insight into the labyrinth of each other's minds which engraved in each one the virtue of patience, understanding and respect for one another. He noted that to have worked as a group and to have unified diversities is a feat in itself. He stated that there were a number of occasions when it seemed that the Members were in the Tower of Babel because of the long hours that greatly taxed their minds, strained their patience and at times, snapped their goodwill, but ultimately they rose above themselves and succeeded in the performance of their task aided in a great measure by the leadership, understanding and respect accorded them by the President of the Commission. For all these, he stated, the Body is thankful.

CONSIDERATION OF RESOLUTION NO. 554 TRANSMITTING A COPY OF THE CONSTITUTION TO THE PRESIDENT OF THE PHILIPPINES

On motion of Mr. Rama, there being no objection, the Body proceeded to consider Resolution No. 554, the title and text of which read:

Resolution transmitting to the President of the Republic of the Philippines a copy of the proposed Constitution drafted by the Constitutional Commission of 1986.

RESOLVED BY THE CONSTITUTIONAL COMMISSION, To transmit, as it hereby transmits, to the President of the Republic of the Philippines, a copy of the proposed Constitution drafted by the Constitutional Commission of 1986.

Thereupon, the Chair recognized Mr. Monsod.

REMARKS OF MR. MONSOD

Mr. Monsod stated that it is his honor to present and move for the adoption of the Resolution.

APPROVAL OF RESOLUTION NO. 554

Submitted to a vote, and with 46 Members voting in favor, none against, Resolution No. 554 was approved by the Body.

(At 10:09 a.m., the President relinquished the Chair to Vice-President Padilla.)

CONSIDERATION OF PROPOSED RESOLUTION NO. 550

On motion of Mr. Rama, there being no objection, the Body proceeded to consider Proposed Resolution No. 550, the title and text of which read:

Resolution expressing the high regard and appreciation of the Constitutional Commission for its illustrious President, the Honorable Cecilia Muñoz Palma, for the wise, able, fair and dignified manner by which the business and deliberations of the Commission have been conducted.

WHEREAS, Honorable Cecilia Muñoz Palma was unanimously elected President of the Constitutional Commission of 1986 because of her independence of judgment, integrity, courage of her convictions, and dynamic leadership;

WHEREAS, by her rare quality of humaneness, understanding, patience and tactfulness, she inspired the Members of the Commission to work selflessly and devotedly toward the achievement of a common goal;

WHEREAS, President Palma conducted the deliberations of the Commission with fairness, tolerance, fortitude and impartiality, thus enabling the Members to draft the fundamental law within the shortest time possible under the circumstances; and

WHEREAS, through her leadership and wise counsel, the Commission has drafted a Constitution that is the embodiment of the ideals and aspirations of the sovereign Filipino people and which is pro-people, pro-country and pro-God: Now, therefore, be it;

RESOLVED BY THE CONSTITUTIONAL COMMISSION, To express, as it hereby does express, its high regard and appreciation for its illustrious President, the Honorable Cecilia Muñoz Palma, for the wise, able, fair and dignified manner by which the business and deliberations of the Commission have been conducted.

Mr. Rama then informed that proposed Resolution No. 550 was introduced by Mr. Padilla, Ms. Aquino, Messrs. Bengzon Jr., Concepcion, Bernas, Monsod, Villegas, Rodrigo, Romulo, Ms. Tan, Mrs. Nieva, Mr. Gascon and Mr. Suarez.

SECONDING REMARKS OF MR. RODRIGO

In seconding the Resolution, Mr. Rodrigo adverted to the poem he had written in 1978 on the occasion of Mrs. Muñoz Palma's retirement as Justice of the Supreme Court, which, with little changes to fit the day's event, reads:

ANG GITING NI CELING

Bakit tayo naririto't taos-pusong naghahain

Ng dibdibang resolusyon ng parangal kay

Celing;

Dahil бага si Celing ay bulaklak na maganda

Na sa tangkay ng panahon ay hindi pa nalalanta?

Hindi lang diyan . . . Pagka't ganda'y nagagamit

na maskara —

Balatkayo ng pangkubli sa maruming nasa't pita.

Dahil бага sa si Celing ay may likas na talino

Na mahigit na di hamak kaysa madlang ibang tao?

Hindi lang diyan . . . pagka't alam nitong Bayan

at ng mundo

Ang disgrasyang nililikha ng talino ng demonyo.

Dahil бага sa si Celing ay humawak at tumangan

Ng tungkuling matataas sa gobyerno nitong

Bayan?

Hindi lang diyan . . . pagka't kapag ang opisyal

ay gahaman,

Ang tungkulin ay pangkamal ng "hidden wealth",

kubling yaman.

Dahil бага sa si Celing ay umugit at nangulo

Sa pagbuo ng Saligang Batas nating Pilipino?

Hindi lang diyan . . . pagka't mayrong

nag-Pangulo

Na sa halip na bumuo, ay sumira at nanggulo.

Kung hindi 'yan ang dahilan nitong ating

pagpupugay

At parangal sa kay Celing ay ano ba ang tunay

At taimtim na batayan at sandigang madalisay

Nitong ating sama samang "Aleluya" at

"Mabuhay"?

Pagkarami ng batayan nitong ating pagdiriwang

Pagka't anong dami ang wagas n'yang katangian . . .

Katapatan, kalinisan, karangalan, kabanalan,
Kagitingan ng damdamin, kababaang kalooban
Ang uri ng kanyang ganda ay ganda ng isang santa
At salamin ng malinis at maputing kaluluwa;
Iya'y gandang nakaalay kay Bathalang sinasamba,
At ligaya't inspirasyon ng kasintang Rodong
Palma
Ang talinong kanyang taglay ay puspusang
nakalaan
Sa panig ng katarungan, katapatan, kabanalan . . .
Ginagamit na sandata upang kanyang ipaglaban
Ang dangal at kalayaan nitong ating Inang Bayan.
Yaong kanyang hinawakang mga puwesto sa
gobyerno
Ay 'di naging kasangkapan upang maging
milyonaryo;
Ang tungkulin ay ginamit sa maka-Diyos na
prinsipyo . . .
Hindi tulad ng ilang nagpatayo ng palasyo.
At ang kanyang pananalig sa doktrina ng
Maykapal
Ay lubusang sinusunod sa landas ng kanyang
buhay;
Hindi tulad ng marami na hayagang nagdarasal
Ngunit lubhang marurumi ang gawain, anyo't asal.
At ang lalong mahalaga sa maraming katangiang
Ipinunla ng Maykapal sa kay Celing na uliran
Ay ang giting at ang tibay ng damdami't kalooban
Na magtanggol sa katuwira't labanan ang
kamalian.
Hindi siya natatakot sa anumang mangyayari;

Siya'y handang magsakit, bilang martir at
bayani . . .
Kaya't ngayon ay maraming nagpupuri't
nagsasabi
Na si Celing ay may tapang na higit pa sa lalaki.
Handa siyang tumalunton sa buhay ni Hesukristo
Na pumayag na dustain at patayin sa Kalbaryo
Upang Kanyang mailigtas itong mundo sa
impiyerno
At maghari si Bathala sa diwa ng mga tao.
Kaya't Celing, kung nakikinig ka
Ito sanang aming alay ay lubos mong marapatin;
Saka Celing,
Ito sanang idalangin, pagsapit ng takip-silim
pagsapit na ng dilim
Kaming lahat, — at si Rodong — ay pawa mong
makapiling
Sa luwalhati ng Maykapal, mga anghel, at kerubin.

SECONDING REMARKS OF MR. MAAMBONG

Likewise, seconding the Resolution, Mr. Maambong stated that it is his distinct privilege to rise in support of Resolution No. 550, expressing the appreciation of the Body for the leadership of its President, Cecilia Muñoz Palma, for the wise, able and dignified manner by which she had conducted the business and deliberations of the Commission.

Speaking in Cebuano, Mr. Maambong stated that it pains him to think that soon the Members of the Commission would no longer see their President and each other as they go their separate ways.

Then resuming his remarks in English, Mr. Maambong stated that as the curtains of the 1986 Constitutional Commission are brought down, the Members thereof should ponder on the thought that theirs is the first constitution-making body in the history of the country with a lady at its helm, which fact brings to the fore the fundamental equality before the law of women and men in this part of the globe, now embodied as a state policy in the draft Constitution. He stated that indeed the fact that the presidency of the country is in the hands of a lady President, establishes another first in the annals of the highest office in the land.

Mr. Maambong pointed out that the President of the Commission is not a stranger to excellence in everything she does and that being first comes naturally and is almost like a habit to her — she was the first in the bar examination; the first lady prosecutor in the country; the first lady judge of the Court of First Instance; and the

first lady Justice of the Supreme Court. He pointed out, however, that every now and then, she tires of being first and she contents herself with being second, thus, she was the second lady Associate Justice of the Court of Appeals; the second lady to top the bar; and placed second among five opposition candidates in Quezon City when she ran for election as Member of the Batasang Pambansa.

On his impressions of the President, Mr. Maambong stated that his first close encounter with her was in May of 1983 during the Convention of Law Schools and Law Professors in Baguio City where, on such occasion, she delivered a stirring speech entitled "The Role of Law Schools in Legal Education and Legal Profession". He noted that it was a short speech presented in a frank and unassuming manner which summarized in ten crisp points the upheaval in well-established and generally-accepted constitutional and legal principles upon which are based the democratic institutions, stating among others, that one of the primordial functions of a law school is to look into the manner the rule of law, individual rights and freedoms embodied in the Constitution are being followed and enforced by leaders and people in government. He then quoted the questions she posed, and significant remarks made, to wit:

Is the State above the law or is the State subject to law? Are individual liberties and rights so eloquently enumerated in the Constitution to be sacrificed in the name of national security? Is the authority of powers of the President absolute beyond judicial review when they are said to be exercised to safeguard the nation from internal dissension

We cannot justify silence, indifference, non-involvement when the liberty of an individual is at stake and when human rights guaranteed by the fundamental law and the Universal Declaration of Human Rights are violated and/or curtailed, otherwise, we fail in promoting justice for all men, in educating the public on their rights and what they should expect from the rulers of government.

It is my hope and prayer that we may be endowed by the Holy Spirit with its seven gifts — wisdom, understanding, counsel, knowledge, fortitude, piety, and fear of God — in order that we may see the light and be guided during this critical period in the history of our country.

Mr. Maambong stated that some weeks ago, he wanted to bring to the attention of the Commission the speech he was referring to as a source of inspiration in the deliberations, however, the President turned down his request because she did not want her speech to influence in any way the Members of the Commission on account of the position she holds. He indicated, however, that what she prophesied came to pass and that all the concerns in her speech have been addressed to by the Body.

He stated that indeed a leader is born, not made and that, having served with the President in the first Regular Batasang Pambansa and in the Commission, he understood why she is in the hearts of many. He noted that her meekness and humility are the fountainhead of her strength which guided the Commission through the critical days of organization and deliberations.

In closing, Mr. Maambong echoed the ardent wish of many that one day the President would carry the voice of the Members of the Commission in the halls of the Senate, adding another first in her litany of achievements in the service of her country and people, for it is only in this manner, he opined, that the Members could be rest assured that what they labored for in the Commission would truly be implemented for the people.

He then asked for the unanimous approval of Resolution No. 550.

APPROVAL OF RESOLUTION NO. 550

The Chair then submitted the resolution to a vote and there being no objection, Resolution No. 550 was unanimously approved by the Body.

COMMITTEE ON NOTIFICATION

Thereafter, on motion of Mr. Calderon, there being no objection, the Body constituted a committee composed of Messrs. Napoleon G. Rama, Ahmad Domocao Alonto, Jose F.S. Bengzon, Jr. and Mrs. Maria Teresa F. Nieva, to inform President Cecilia Muñoz Palma of the approval of said resolution and to escort her back to the rostrum.

SUSPENSION OF SESSION

On motion of Mr. Rama, the session was suspended.

It was 10:27 a.m.

RESUMPTION OF SESSION

At 10:32 a.m., the session was resumed.

Upon resumption of session, the Presiding Officer recognized the President, Cecilia Muñoz Palma, for her speech.

SPEECH OF MRS. MUÑOZ PALMA

In her speech, Mrs. Muñoz Palma stated that on June 2, 1986, 48 men and women gathered in the Session Hall for the inaugural session of the Constitutional Commission of 1986 and took their solemn oath to write a new Charter for the Republic of the Philippines which would be truly reflective of the aspirations and ideals of the Filipino people.

She stated that the day, October 15, 1986 marks the closing session of the Constitutional Commission in the same Hall where its Members have labored from morning till evening for no less than 111 working days and where the 48 Members were reduced by one, several became sick and were hospitalized as the work progressed, and one too sick to be present at the closing ceremonies.

The President stated that everyday the session opened with a prayer led by a Member and that each reflected full surrender to a Supreme Being, to God Almighty, in quest for Divine guidance, wisdom, physical and spiritual strength, to enable the Commission to accomplish its sacred mission of drafting a new fundamental law that would rule the destiny and life of the Filipino nation.

The President underscored that on the same day the Members of the Commission were called upon to present to the Filipino people and to the community of nations the historic document which their hearts and minds have brought into existence with much love and dedication, and to make an accounting of every single word, phrase and sentence, every punctuation mark, every paragraph, section and article written, and most importantly, of every thought, idea and principle enunciated in it. She stated that the people expect and await the new charter with great expectations clouded, however, with no little amount of misgivings as to what may have been produced.

Mrs. Muñoz Palma stated that, as President of the Commission, it becomes her task and duty to submit and offer to the Filipino people the draft Constitution which, she said, is a most happy task. She admitted that the draft Constitution is a lengthy one which consists of 18 articles, 321 long sentences and numerous subsections which, however, is a worthy legacy to the Filipino people of today, tomorrow and posterity.

The President stated that the fires of patriotism which erupted in the Philippine Revolution of 1898 and produced the Magna Carta of Malolos, the intense desire and clamor for independence from foreign rule which inspired the eminent nationalists who framed the 1935 Constitution for the Philippine Commonwealth, and which eventually became the Constitution of the Philippine Republic, and the bitter experiences of the nation under a Constitution imposed upon the people under the aegis of martial rule — all played a part in the framing of the new Charter in the year 1986.

Mrs. Muñoz Palma underscored that a beautiful irony which could not be overlooked is the fact that the new Constitution was discussed, debated and finally written in the same Hall which saw the emergence of what was called by its author a "constitutional authoritarianism" but which, in effect, was a dictatorship pure and simple. She stated that the same Hall was the seat of a combined executive and legislative power skillfully placed in the hands of one man for more than a decade. She noted, however, that the miracle of prayer and a people's faith and determined struggle to break the shackles of dictatorship toppled down the structure of despotism and converted the same Hall into hallowed grounds where the seeds of a newly-found freedom have been sown and have borne fruit.

She adverted to the Preamble of the new Charter as the beacon light that shines and brightens the path towards building a new structure of government for the people and expounds in positive terms the goals and aspirations of the people. Thus, imploring the aid of Almighty God, she stated, the Filipino people shall establish a just and humane society and a social order that shall uphold the dignity of man, independence and a democratic way of life, abhorring despotism and tyranny, and shall bind them to live under a rule of law where no man is above the law, and where truth, justice, freedom, equality, love and peace will prevail.

The President also stated that the Constitution has established a republican democratic form of government where sovereignty resides in the people and civilian supremacy over the military is upheld.

Mrs. Muñoz Palma emphasized that, for the first time, the Charter contains an all-embracing expanded Bill of Rights which constitutes the cornerstone of the structure of government where traditional rights and freedoms, which are the hallmarks of a democratic way of life, are reaffirmed, and where the right to life, liberty and property, due process, equal protection of the laws, freedom of religion, speech, press and peaceful assembly, among others, are reasserted and guaranteed.

She pointed out that the Marcos provision that search warrants or warrants of arrest may be issued not only by a judge but by any responsible officer authorized by law is already discarded. She stressed that the Filipino people are assured that never again would they become victims of the much condemned Presidential Detention Action (PDA) or the Presidential Commitment Order (PCO) which desecrated the rights to life and liberty because under the new Charter, a search warrant or warrant of arrest may only be issued by a judge.

On the new features of the Bill of Rights, Mrs. Muñoz Palma cited the provision that the privilege of the writ of habeas corpus can be suspended only in case of invasion or rebellion and that the right to bail is not impaired during such suspension thereby discarding the jurisprudence laid down by the Supreme Court under the Marcos dispensation that the suspension of the privilege of the writ of habeas corpus carried with it the suspension of the right to bails. She likewise cited the abolition of the death penalty and that physical, psychological or degrading punishment against prisoners or detainees, and substandard and subhuman conditions in penitentiaries are condemned. She stated that for the first time, the new Constitution provides for the creation of a Commission on Human Rights entrusted with the grave responsibility of investigating violations of civil and political rights by any party or group and recommending remedies therefor.

On the structure of government, Mrs. Muñoz Palma stated that the new Constitution establishes the presidential

system of government with the Legislative, Executive and the Judiciary as its three branches which are separate and independent of each other but affording an effective check and balance of one with the other. She pointed out that the legislative power is returned to and exclusively vested in a bicameral legislature where the Members are elected by the people for a definite term subject to limitation for reelection and disqualification from holding any other office or employment in the government including government-owned or controlled corporations. She pointed out that for the first time, twenty percent of the Members of the Lower House are to be elected through a party-list system and for three consecutive terms after the ratification of the Constitution, twenty-five of the seats shall be allocated to sectoral representatives from labor, peasant, urban poor, indigenous cultural communities, women, youth and other sectors as may be provided by law. This innovation, she stated, is a product of the signs of times when there is an intense clamor for expanding the horizons of participatory democracy among the people.

Mrs. Muñoz Palma stated that the executive power is vested in the President of the Philippines elected by the people for a six-year term without reelection for the duration of his or her life. She lauded the fact that for the first time, there were specific provisions in the new Charter which curtail the extent of the traditional powers inherent in the Office of the President, the most significant of which is the power of the Chief Executive to suspend the privilege of the writ of habeas corpus or proclaim martial law which could only be exercised in case of invasion or rebellion and when public safety demands it. This suspension or proclamation, she stated, could only last for a period not exceeding sixty days, reserving to Congress the power to revoke such suspension or proclamation and more importantly, the action of the President is made subject to judicial review, thereby discarding again the jurisprudence which render the Executive action a political question and beyond the jurisdiction of the courts to adjudicate. She cited as another first a provision that the state of martial law does not suspend the operation of the Constitution nor abolish civil courts or legislative assemblies and vest jurisdiction over civilians in military tribunals, or suspend the privilege of the writ. These provisions, she stated, vindicated her dissenting opinions on martial law cases during her tenure in the Supreme Court. With these safeguards, she expressed the hope that never again will the Filipino people undergo the harrowing experiences under a dictatorship.

On the Judiciary which has been said to be the weakest of the three branches of government Mrs. Muñoz Palma stated that the new Charter clothes the judicial branch with the mantle of independence in order that it may attain once more its lost prestige and regain the faith of the Filipino people. She pointed out that the provisions on the Judiciary aim to make the courts of justice the true and faithful "guardian of the Constitution, protector of the people's rights and freedoms, arid repository of the nation's guarantees against tyranny, despotism and dictatorship". She noted that for the first time and breaking all traditions in the history of the Judiciary in the country, judicial power is defined in the Constitution to include the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction which would mean, according to Chief Justice Roberto Concepcion in his dissenting opinion in *Javellana vs. Executive Secretary*, that when the grant of power is qualified, conditional or subject to limitations, the issue whether or not such conditions have been met is justiciable or non-political and the courts have the duty rather than the power to determine whether another branch of government has kept within constitutional limits. With this broad definition of judicial power, she stated that the highest Tribunal could no longer evade adjudicating on the validity of executive or legislative action by claiming that the issue is a political question. She added that for the first time, the Judiciary is placed beyond the reach of politics and politicians through the creation of a Judicial and Bar Council and that the security of tenure of judges is secured with a specific prohibition that the Legislature may not reorganize the courts when it shall undermine the security of tenure of the judges. She stated that administrative supervision of the courts is placed in the hands of the Supreme Court.

On the Article on Social Justice which she described as the heart of the Constitution, Mrs. Muñoz Palma recalled

that when Pope John Paul II visited the Philippines, specifically the slums of Tondo, he indicated the obligations that confront society and all who have power, whether economic, cultural or political, calling attention to the intolerable situations that perpetuate the poverty and misery of the many who are constantly hungry and deprived of their rightful chance to grow and develop their human potential. These challenges, she stated, are answered by the Article on Social Justice which addresses the specified areas of concern, namely, labor, agrarian and urban land reform, health, working women, indigenous cultural communities and people's organizations. She pointed out that the agrarian reform program is founded on the right of farmers and farm-workers who are landless to own directly or collectively the lands they till or to receive a just share of the fruits of the land. This provision, she stated, answers Pope John Paul II when he said that the land is a gift from God for all human beings and it is not to be used to benefit only a few while the vast majority are excluded from sharing in the fruits of the land and are condemned to a state of want, poverty and borderline existence.

Mrs. Muñoz Palma stated that the Article on the National Economy and Patrimony sets the goal that the State shall develop a self-reliant and independent national economy effectively controlled by Filipinos. This Article, she stressed, supports her statement that the new Constitution is not only pro-poor and pro-people but also pro-Filipino notwithstanding some claims to the contrary. She pointed out that for the first time, the use and enjoyment of the nation's marine wealth is reserved exclusively for Filipinos; agricultural lands of the public domain may be alienated only to Filipino citizens; executive and managing officers of public utilities must be citizens of the Philippines; the practice of all professions shall be limited to citizens of the Philippines while the Filipino-first policy has been constitutionalized. These provisions, she noted, demonstrate a significant step towards an effective control of business and the profession by Filipinos; while the maligned 60-40 equity ratio found in this Article does not preclude the government from increasing the Filipino equity even to 100% should the conditions and the economic situation in the future justify such economic policy because, after all, the ultimate decision lies in the hands of the Filipino people acting through their elected national leaders in government.

She admitted that the Article on the Family is very close to her heart. She said that for the first time, the new Constitution devotes a separate Article on the family thereby giving due recognition to the fact that the family is the basic autonomous social institution with the State upholding the sanctity of family life and protecting the stability of marriage and the right to find a family in accordance with one's religious beliefs and convictions and responsible parenthood. She stated that at a time when the family institution's inherent dignity as an instrument of God's creation is subjected to assaults, constitutional provisions which give protection and guarantee the rights and duties of parents, are safeguards against the erosion of moral and spiritual values.

Mrs. Muñoz Palma stated that for the first time, the new Charter upholds the right to life of the unborn from conception because of the belief that to destroy human life in the womb of the mother not only violates the sacredness of a living, growing and developing human being but also attacks society by undermining respect for all human life. She also pointed out that the rights of the youth to free public elementary and secondary schooling and to quality education that would instill in them the virtues of patriotism, nationalism, morality and service to one's fellowmen are guaranteed.

She likewise stated that for the first time, there is a declaration against nuclear weapons subject to the demands of national interest and that there is also a prohibition against foreign military bases after 1991 unless it is with consent of the elected representatives of the people and of the Filipino people themselves expressed in a referendum if necessary.

She noted that for the first time, people power is enshrined in the new Constitution by way of initiative, referendum and recall. She stated that equally important is the provision on the accountability of public officers and that the immunity from suit provision found in the 1973 Constitution has been discarded and the procedure

for the impeachment of impeachable public officials liberalized.

Mrs. Muñoz Palma admitted that the document which the Commission framed is not perfect because, as has been said, there is no perfect document on earth except the Word of God found in the Holy Scriptures. She likewise admitted that the Charter is lengthy contrary to standard and traditional requirements of a written Constitution and this could be attributed to the fact that the 47 men and women who come from different walks of life and of diverse political, social and cultural persuasions have such a rich background on the issues confronting the nation that each had numerous contributions to the document.

She underscored that the collective work of the Commission has produced a good and inspiring Charter, and she noted the following significant personal contributions of the Members:

1. Yusup R. Abubakar — the valiant defense on the definition of the national territory;
2. Ahmad Domocao Alonto — the establishment of an autonomous Muslim Mindanao;
3. Felicitas S. Aquino — the fundamental equality before the law of women and men, and the rights of labor;
4. Adolfo S. Azcuna — the nuclear weapons-free principle;
5. Teodoro C. Bacani — the right to life of the unborn from conception, and the teaching of religion in public schools during reasonable class hours;
6. Jose F.S. Bengzon, Jr. — the effective steering of the proceedings, and the provision on the legitimacy of the tenure of office of President Aquino and Vice-President Laurel on the basis of the February 7, 1986 presidential election;
7. Ponciano L. Bennagen — the right of self-determination of indigenous cultural communities, and the creation of a separate Article on Social Justice;
8. Joaquin G. Bernas — the composition of the Bill of Rights, and the definition and limitations of the martial law powers of the Chief Executive;
9. Florangel Rosario Braid — the provisions on cooperatives and mass communication;
10. Jose D. Calderon — the catalyst on the U.S. military bases issue;
11. Crispino M. de Castro — the benefits for veterans and the provisions on the Armed Forces of the Philippines as protector of the people and the State;
12. Jose C. Colayco — the creation of the Office of the Ombudsman who shall act as defender of the people against government abuses and inefficiency;
13. Roberto R. Concepcion — the definition of judicial powers and the composition of the Article on the Judiciary;
14. Hilario G. Davide, Jr. — author of innumerable amendments, and the composition of the Article on the Legislative Department;
15. Vicente B. Foz — the right of workers in public and private enterprise to self-organization, including the right to strike;
16. Edmundo G. Garcia — the role of people's organizations, and the creation of the Commission on Human Rights.
17. Jose Luis Martin C. Gascon — the democratization of opportunities to education by providing free 'public'

secondary education, subsidies, scholarships, and grants to poor and deserving students;

18. Serafin V.C. Guingona — the people's right to education contained in the Article on Education, Science and Technology, Arts, Culture and Sports;

19. Alberto M.K. Jamir — the prohibition against block voting in the elections, and the 60:40 equity ratio in ownership of public utilities;

20. Jose B. Laurel, Jr. — the advocacy of the features of a good Constitution which should be brief, concise and definite, that led to the consolidation of many provisions;

21. Regalado E. Maambong — the application of the parliamentary procedure, and the arrangement of Sections in the Constitution;

23. Christian S. Monsod — author of innumerable amendments that reconcile government functions with individual freedoms; public accountability; and the party-list system for the House of Representatives;

24. Teodulo C. Natividad — the creation of the Philippine National Police which is civilian in character to be administered by the National Police Commission, and the prohibition against subhuman conditions in penitentiaries;

25. Ma. Teresa F. Nieva — the composition of the Article on Social Justice which recognizes the needs of the underprivileged sectors of society, and the Article on the Family;

26. Jose N. Nollado — the local government autonomy and the decentralization of functions, and the elimination of political dynasties;

27. Blas F. Ople — the provision on industrialization in the Article on National Economy and Patrimony, and the principle of initiative as the people's reserve power to amend the Constitution;

28. Ambrosio B. Padilla — the provision on the maintenance of peace and order, and private initiative in enterprise contained in the Article on Declaration of Principles;

29. Cecilia Muñoz Palma — the Article on the Family;

30. Minda Luz M. Quesada — the integrated health development program to improve the quality of life, especially of the poor, the sick, the elderly, and the disabled;

31. Napoleon G. Rama — the provision which states that the prime duty of the Government is to serve and protect the people; also an effective Floor Leader;

32. Florenz D. Regalado — the clear definition of the presidency, presidential succession, and the cases of disability of the President;

33. Rustico F. de los Reyes, Jr. — the protection to communal fishermen and their means of subsistence;

34. Cirilo A. Rigos — the separation of Church and State, and religious instruction;

35. Francisco A. Rodrigo — champion of the bicameral Legislature, and zealous guardian of the legislative authority of the Senate;

36. Ricardo J. Romulo — the creation of the Judicial and Bar Council which is vital to the independence of the Judiciary;

37. Decoroso R. Rosales — the provision on the six and three-year term for national elective officials;

38. Rene V. Sarmiento — the compensation and rehabilitation of victims of torture, and the adequate legal assistance to the poor as contained in the Bill of Rights, and the creation of the Commission on Human Rights;
39. Jose E. Suarez — the security of tenure of judges and civil service employees, and the formula (Editors Note: Missing portion in the original)
40. Lorenzo M. Sumulong — the formulation of the Article on the Executive;
41. Jaime S. L. Tadeo — the implementation of a genuine agrarian reform which, according to him, is still full of loopholes;
42. Christine Tan — the urban land and housing reform for the poor, particularly the squatters in depressed areas;
43. Gregorio J. Tingson — the inspiring Preamble, and the non-inclusion in the Constitution of the provision on neutrality of the Philippines;
44. Efrain B. Treñas — the speedy disposition of cases by the courts of justice, making the period mandatory in character;
45. Lugum L. Uka — his irrepressible sense of humor, and the protection of Muslim customs and tradition in relation to the autonomous region in Mindanao;
46. Wilfrido V. Villacorta — the sectoral representation in the House of Representatives; and
47. Bernardo M. Villegas — the principle of solidarity and subsidiarity, and the social function of property contained in the Article on National Economy and Patrimony; and the right to life of the unborn from conception.

Mrs. Muñoz Palma paid special tribute to the creative minds that enriched the proceedings of the Commission and produced the document which, she said, reflects the changing conditions, the emerging social order, and the people's struggle for true freedom from want and hunger, and for the right to determine a future of their own. She opined that, although Mr. Garcia considered the draft Charter as imperfect and represents an unfinished quest, it is a document which will bring hope to the Filipino people.

In view of such achievement, she paid tribute to all the Members of the Commission for their sincere and unselfish devotion to duty, fiery patriotism and nationalism, deep concern to improve the quality of life of the people, and the ability to strike a working balance between various forces that demand changes in the economic, political and social levels of society. She believes that the Members deserve the gratitude of the people who have long been denied of the blessings of truth, justice and freedom, and who are now eagerly awaiting the dawn of a new constitutional democracy.

Moreover, she personally thanked the Members for sharing in the burdens and responsibilities of the office of the President of the Commission, for without such zealous cooperation, understanding her inadequacies, and readiness to accommodate where principles are not involved, this glorious day in Philippine history would not have been possible. She noted that the mission has been accomplished because the Members set aside personal biases and animosities, and worked in peace and harmony for the attainment of a common goal — the full liberation of the Filipino people.

She also expressed her appreciation to the Secretariat of the Commission headed by Secretary-General Florida Ruth P. Romero, including her technical staff, the debate stenographers, the Journal Service which had been responsible for the prompt, efficient and accurate preparation of the daily Journals, and all the personnel of the Constitutional Commission and the Task Force who rendered exemplary services.

Furthermore, she stressed that the Commission has framed a new Constitution with a vision of peace and

happiness for the Filipino people. She stated, however, that the final responsibility lies in the hands of all the people who must live by the visions in the Constitution, so that it would not just be a rope of sand that could be washed away by strong current but a rock that is firm and indestructible, unyielding to the forces of greed and power.

Quoting the great nationalist Claro M. Recto, she stated that "to drive away all danger of anarchy, as well as dictatorship whether by one man or by a few, it is necessary that both the government authorities and the people faithfully observe and obey the Constitution." She underscored the need to defend and uphold the Constitution so that it will never be trampled upon and desecrated by men of evil designs.

Finally, she urged that the people judge the draft Constitution not for its imperfections and inadequacies, but for the unprecedented measures taken to uphold and defend the rights and freedoms of people, truth and justice for them, a better quality of life for the working man, care for the sick, the elderly, the disabled, and the indigenous cultural communities who have been long neglected and abandoned. She prayed that the Almighty God, Who has been with the Commission in all its working days, continue to guide its Members and the Filipino people so that the vision in the new Constitution will be transformed into a golden reality of a vision fulfilled.

SIGNING OF THE NEW CONSTITUTION

Thereafter, the Chair announced that the Members may proceed to the signing of the new Constitution.

Upon direction of the Chair, the Secretary-General called the Roll and the Members respectively signed the five copies of the draft Constitution in English and Filipino versions, followed by the signing by the President of the Commission and the attestation by the Secretary-General.

CONSIDERATION AND APPROVAL OF RESOLUTION NO. 553

Thereafter, on motion of Mr. Rama, there being no objection, the Body proceeded to the consideration of Resolution No. 553, the title and text of which read:

RESOLUTION RECOMMENDING TO THE PRESIDENT OF THE PHILIPPINES JANUARY 23, 1987 FOR THE HOLDING OF THE PLEBISCITE FOR THE RATIFICATION OR REJECTION OF THE CONSTITUTION.

WHEREAS, Section 14 of Proclamation No. 9, dated April 23, 1986, provides that the plebiscite for the ratification or rejection of the new Constitution shall be held not later than sixty days following its submission to the President of the Philippines;

WHEREAS, the proposed Constitution embodies innovative provisions which establish a new order in the areas of social, economic, cultural and human rights;

WHEREAS, the people's proper and clear understanding of the Constitution, particularly the new concepts thereof, is necessary for them to cast their votes intelligently;

WHEREAS, the people should further be made aware of the return to the republican and democratic system through a presidential form of government with a bicameral Legislature; and

WHEREAS, the period of sixty days may not be sufficient to conduct the needed information campaign and to achieve the objective of having an enlightened citizenry: Now, therefore, be it

RESOLVED BY THE CONSTITUTIONAL COMMISSION, To recommend, as it hereby recommends, to the President of the Philippines, January 23, 1987 for the holding of the plebiscite for the ratification or rejection of

the Constitution.

Mr. Bengzon manifested the following as his coauthors of the Resolution: Messrs. Rama, Romulo, Monsod, Calderon, Padilla, Alonto and Uka.

AMENDMENT OF MR. DAVIDE

Mr. Davide proposed to insert the phrase WITH THE ORDINANCE APPENDED THERETO after the phrase "the ratification or rejection of the Constitution".

Mr. Bengzon accepted the amendment.

Thereafter, submitted to a vote and with 46 Members voting in favor and none against, the Body unanimously adopted Resolution No. 553, as amended.

MOTION OF MR. RAMA

On motion of Mr. Rama, there being no objection, the Body constituted itself as a Committee of the Whole to call on the President of the Philippines and present to her a copy of the Constitution.

APPROVAL OF THE JOURNAL

Thereafter, on motion of Mr. Rama, there being no objection, the Body authorized the President of the Commission to approve the Journal of the day's session after attestation by the Secretary-General.

ADJOURNMENT

Thereupon, on motion of Mr. Rama, there being no objection, the Chair declared the session adjourned.

It was 12:18 p.m.

I hereby certify to the correctness of the foregoing.

(SGD.) FLERIDA RUTH P. ROMERO
Secretary-General

APPROVED:

(SGD.) CECILIA MUÑOZ PALMA
President

October, 1986

Appendices

No date supplied Appendix 1

No date supplied

APPENDIX 1

PROVISIONAL RULES OF THE CONSTITUTIONAL COMMISSION

RULE I

Officers

SECTION 1. Election of Officers. — The Constitutional Commission shall elect from among themselves by a majority vote of all the Members, a President, Vice-President, Floor Leader and three (3) Assistant Floor Leaders. It shall also elect by a majority vote of all its Members a Secretary-General and a Sergeant-at-Arms.

SECTION 2. Powers of the President. — The President of the Constitutional Commission shall have the following powers and duties:

- (a) To preside over the sessions of the Constitutional Commission;
- (b) To preserve order and decorum during the sessions, and in case of disturbance or disorderly conduct in the Session Hall, in the lobby, galleries, corridors or rooms or within the premises, take such measures as he may deem proper or as the Commission may direct;
- (c) To decide all questions of order subject to appeal by any Member of the Commission;
- (d) To sign all resolutions, memorials, writs, warrants, subpoenas, and other documents issued by or upon order of the Commission;
- (e) To coordinate and expedite the work of the Commission;
- (f) To request the detail of personnel of other agencies of the Government to serve in the Commission;
- (g) To disburse funds of the Commission.

SECTION 3. Powers of the Vice-President. — The Vice-President of the Commission shall have the following powers and duties:

- (a) To assume the powers and duties of the President when the latter is absent or incapacitated. In the event of the resignation, removal, death, or permanent incapacity or disability of the President, the Vice-President shall act as President until a new President is elected by the Commission;
- (b) To assist the President in the performance of his duties and functions, particularly in coordinating and expediting the work of the Commission; and
- (c) To perform such other functions as may be assigned to him by the President or the Constitutional Commission.

SECTION 4. Floor Leaders. — The Floor Leader, with his three (3) Assistant Floor Leaders, shall prepare the agenda for the sessions of the Constitutional Commission, guide the proceedings and deliberation during the sessions of the Commission so that they may be conducted with order, dignity and decorum, and decide the order of speakers to ensure exhaustive discussion of all matters and proposals requiring consideration of the Constitutional Commission. They shall further perform such other functions and duties as are performed by the same or similar officials under accepted parliamentary practices or as the Commission may direct.

SECTION 5. Powers and duties of the Secretary General. — The Secretary-General shall have the following powers and duties:

- (a) To receive all constitutional proposals, resolutions, memorials and other communications to the Constitutional Commission;

- (b) Under the direction of the Steering Committee, to prepare the Order of Business and the Calendar of the Constitutional Commission;
- (c) To prepare and keep the Journal of each session, which shall comprise a clear and succinct account of the business transacted and action taken by the Constitutional Commission;
- (d) To call the roll of Members of the Constitutional Commission and read the constitutional proposals, resolutions, memorials, petition: and other documents which should be re ported by him to the Constitutional Commission or the reading of which is required by the President or the Commission;
- (e) To refer to the proper committees all constitutional proposals, resolutions and other documents as may be directed by the President or the Constitutional Commission;
- (f) To attest and affix the seal of the Constitutional Commission to all writs, warrants, and subpoenas issued by the Commission, and certify to the approval of all resolutions adopted by the Commission;
- (g) To perform such other functions and duties as may be assigned to him by the President or the Commission.

SECTION 6. Powers and duties of the Sergeant-at-Arms. — The Sergeant-at-Arms shall have the following powers and duties:

- (a) To attend the sessions of the Constitutional Commission and the meetings and public hearings of its committees;
- (b) To maintain order under the direction of the President of the Commission or its committees, and, in the discharge of such duty, exercise supervision and control over all security guards of the Commission, as well as law enforcement agents assisting the Commission;
- (c) To execute all orders of the Commission and its committees and serve all processes issued under their authority;
- (d) To ensure that unauthorized persons are not permitted or allowed to enter or stay within the space reserved for the exclusive use of Members of the Commission and of its officers and employees on duty during any session or committee meeting or public hearing;
- (e) To be responsible for the behavior of employees under his immediate supervision and the faithful performance of their functions and duties;
- (f) To strictly enforce the regulations relating to privileges and the admission to the Session Hall or its corridors.
- (g) To perform such other functions as may be directed by the Chairman or the Commission.

SECTION 7. The Mace. — The Sergeant-at-Arms shall have custody of the Mace which is the symbol of the authority of the Constitutional Commission. The Mace shall be displayed at the President's rostrum when the Commission is in session. The Mace shall serve as the warrant for the Sergeant-at-Arms in enforcing order in the Commission.

RULE II

Committees

SECTION 8. Committees. — The Constitutional Commission shall elect the following committees on the basis of proportional representation of the Members according to regions and sectors they represent, the number of Members and the general jurisdiction of which shall be as hereinafter stated:

- (1) Committee on Preamble, National Territory, and Declaration of Principles, 7 Members — all proposals relating to the Preamble, the National Territory, and Declaration of Principles, including a clear, definition of the Philippine baselines, adherence to the Law of the Sea and other international laws;
- (2) Committee on Citizenship, Bill of Rights, Political rights and Obligations and Human Rights, 15 Members — all proposals relating to citizenship, bill of rights, rights and obligations of citizens, suffrage, human rights;
- (3) Committee on the Legislative, 15 Members — all proposals relating to the structure, organization, powers, functions, duties, privileges and limitations of a legislative body;
- (4) Committee on the Executive, 15 Members — all matters pertaining to the Executive, the nature of the position, the powers, functions, duties, privileges and limitations of such position, the persons vested with executive powers;
- (5) Committee on the Judiciary, 15 Members — all proposals relating to the Judiciary, its powers, functions, duties, privileges and limitations, the organization of the judicial system, jurisdiction of courts;
- (6) Committee on Constitutional' Commissions, 11 Members — all proposals relating to constitutional commissions specifically on audits, elections and the civil service;
- (7) Committee on Local Governments 7 Members — all proposals relating to local governments;
- (8) Committee on Accountability of Public Officers, 11 Members — all proposals relating to accountability of public officers, impeachment, and special courts to have jurisdiction over graft and corruption cases involving public officers;
- (9) Committee on the National Economy and Patrimony, 11 Members — all proposals relating to the national economy, the preservation, utilization and exploitation of natural resources, the conserva (Editors Note: Missing portion in the original)
- (10) Committee on General Provisions, 11 Members — all other proposals of fundamental nature which could not be included in other articles of the Constitution, which shall include the Philippine Flag, the development of the national language, the educational system, the development of science and technology, duties and responsibilities of public officials, the armed forces and the separation of the church and the state;
- (11) Committee on Amendments and Transitory Provisions, 7 Members — all proposals relating to the manner the Constitution can be amended and the transition of the present government to the government under the Constitution;
- (12) Steering Committee, 11 Members — all matters relating to the Rules of the Constitutional Commission, Order and Calendar of Business, and the creation of committees;
- (13) Committee on Privileges, 7 Members — all matters relating to the conduct, rights privileges, safety, dignity, integrity and reputation of the Constitutional Commission and its Members;
- (14) Committee on Style, 15 Members — all matters relating to the correction of the phraseology and form, and the consistency, and accuracy of proposals, but the Committee shall have no authority to change the sense, substance or purpose of any proposal referred to it;
- (15) Committee on Sponsorship, 15 Members — all matters pertaining to the formulation and final draft of the Constitution, the correction, harmonization of proposals for the purpose of avoiding inaccuracies, repetitions and inconsistencies, and the arrangement of proposals in a logical order; but the committee shall have no authority to change the sense, substance or purpose of any proposal referred to it, and the sponsorship of the final draft of the

Constitution.

Whenever a proposal covers subject matters falling within the jurisdiction of more than one committee, said proposal shall be referred to the Committee within whose jurisdiction the principal subject matter falls. The Committee which acquired original jurisdiction over any proposal shall be mainly responsible to submit a report to the Commission incorporating therein the appropriate recommendations of the other committee which has jurisdiction over the same proposal.

RULE III

Sessions

SECTION 13. Commencement of daily sessions. — Unless the Constitutional Commission decides otherwise, the daily sessions shall commence at three o'clock in the afternoon except on Fridays when the session shall commence at nine o'clock in the morning. The Commission may hold sessions on Saturdays and Sundays if it so decides.

SECTION 14. Quorum. — A majority of all the Members of the Commission shall constitute a quorum to do business, but a smaller number may adjourn day to day and compel the attendance of absent Members. Members who subsequently appear shall so inform the Secretary-who shall have the presence of the Members recorded. If lack of a quorum subsists or there is no prospect of consisting a quorum, the President shall so declare and adjourn the session.

SECTION 15. Call to Order. — The President shall open the session by calling the Constitutional Commission to order.

At every session, the National Anthem shall be sung, followed by a one-minute silent prayer or meditation, or by an invocation delivered by any Member designated by the President.

SECTION 16. Attendance at sessions. — Every Member shall be present in all sessions of the Constitutional Commission, unless expressly excluded by it or necessarily prevented from doing so by sickness or other unavoidable circumstances duly reported to the Constitutional Commission, through the Secretary-General.

SECTION 17. Sessions open to the public. — The sessions shall be open to the public except when petitions or motions affecting the dignity of the Constitutional Commission or a Member are being considered, in which event, the Commission may hold an executive session. On a motion to hold an executive session, the President shall direct the galleries and hallways to be cleared and doors closed. Only the Secretary-General, the Sergeant-at-Arms and such other persons as are specifically authorized by the Commission shall be admitted in executive sessions. They shall preserve the secrecy of whatever may be read or said at the session.

SECTION 18. Request for recognition to speak. — Any Member who desires to speak may rise and ask recognition by the President. He shall not proceed until so recognized.

RULE IV

Order of Business

SECTION 19. Order of Business. — The daily Order of Business shall be:

- (a) Roll Call of Members;
- (b) Reading and approval of the Journal of the previous session;

- (c) First Reading and referral to committees of proposed resolutions, messages, petitions, memorials and communications;
- (d) Committee Reports;
- (e) Unfinished Business;
- (f) Business for the Day;
- (g) Business for a Certain Date;
- (h) Unassigned Business;
- (i) Resolutions for Third Reading

RULE V

Calendar

SECTION 20. The Calendar of the Commission shall consist of the following parts:

- (a) Unfinished Business. — Business being considered by the Commission at the time of adjournment of its preceding session. Its consideration shall be resumed until such Unfinished Business is disposed of. Thereafter, the President shall call for the Business of the Day.
- (b) Business for the Day. — Resolution and other matters set on the Calendar for consideration on that day and arranged in the order appearing in the special order adopted upon petition of the Steering Committee.
- (c) Business for a Certain Date. — Business set for consideration on a certain date. It shall be considered on the date set and on subsequent days in chronological order until disposed of, unless the continuation of the consideration of any business therein included is set for another day.
- (d) Matters for Third Reading or final action — Resolutions and the draft of the Constitution to be submitted to the Constitutional Commission for its final vote by yeas and nays, after printed copies thereof in final form have been distributed at least three days prior to their approval.

SECTION 22. Distribution of Calendar. — The Calendar shall be distributed to the members each day of session. If there be no addition to the Calendar previously distributed, a note to that effect on the Order of Business shall be sufficient.

RULE VI

Constitutional Proposals, Resolutions, Memorials and Petitions

SECTION 23. Form of constitutional proposals. — Constitutional proposals shall be embodied in resolutions which shall be signed by the authors. If a proposal emanates from a committee, the resolution shall be signed by its chairman. Resolutions shall be filed with the Secretary-General who shall assign to each a number in the order they are received.

SECTION 24. First Reading and Referral to Committees. — After the resolutions are filed, they shall be included by the Secretary-General in the Order of Business for the next following day for First Reading. After the titles of the resolutions are read, the resolutions are referred to the appropriate committees.

SECTION 25. Committee Report. — Each committee shall submit a report on each resolution read at least within

ten days after the resolution has been referred to it. The Steering Committee shall include the committee report in the Calendar for Second Reading. The report shall be sponsored by the chairman or any member of the reporting committee or one or more of the authors of the constitutional proposal. The Floor Leader shall determine the order of speakers accordingly.

SECTION 26. Second Reading and Debate. — On the day set for the consideration of a resolution for Second Reading, the same shall be read in full with the amendments proposal by the committee if any, unless copies thereof had been distributed and such reading is dispensed with. Thereafter the resolution shall be subject to debate and pertinent motions.

SECTION 27. Motion to close debate. — During the Second Reading of a resolution, a motion to close the debate shall be in order after three speeches for and two against, or after only one speech for has been delivered if none has been entered against it.

SECTION 28. Closure of Members. — When several Members have registered or signified their intention to speak on the matter under consideration and when said matter has been sufficiently and thoroughly discussed by the Member speaking, the President may, *motu proprio*, or upon motion of a Member, order that a Member having the floor shall desist from speaking further so that other Members may not be deprived of their opportunity to speak.

SECTION 29. Amendments. — After the close of debate the Constitutional Commission shall proceed to the consideration of Committee amendments subject to the five-minute rule. A Member who desires to speak against an amendment shall also have five minutes.

The five-minute rule shall apply, likewise, in the consideration of an amendment to an amendment, or an amendment by substitution.

SECTION 30. Referral to Committee on Style. — After all amendments have been acted upon, a resolution providing for a constitutional proposal shall be referred to the Committee on Style.

SECTION 31. Approval on Second Reading. — The Committee on Style to which a resolution has been referred shall submit its report thereon within three days after its referral. The amendments of the Committee shall be limited to corrections in style, phraseology, arrangement of provisions, and consolidation of proposals with similar or the same subject. The Steering Committee shall include the Committee report in the Calendar of Business. On the day set for its consideration, the resolution shall be voted on Second Reading.

SECTION 32. Third Reading. — After a resolution providing for a constitutional proposal has been approved on Second Reading, it shall be included in the Calendar for Third Reading. No such resolution shall be voted on Third Reading unless printed copies thereof shall have been printed and distributed to the Members of the Constitutional Commission at least three calendar days before final action thereon is taken. No further debate nor amendment shall be made on the resolution on its Third Reading. In the consideration of all constitutional proposals as well as of the final draft of the entire Constitution on Third Reading, nominal voting shall be adopted and the individual vote of each Member shall be duly recorded in the Journal of the Constitutional Commission. A Member may explain his vote in not more than three minutes.

SECTION 33. Procedure for the adoption of other resolutions. — Resolutions which do not embody a constitutional proposal shall be subject to the same procedure as resolutions embodying a constitutional proposal regarding introduction, reference to appropriate Committees and considerations. However, the Steering Committee, for reasons of urgency, may calendar them for immediate consideration. After its Second Reading, the resolution may be voted on for final approval.

SECTION 33-A. Final draft of Constitution. — All Constitutional proposals approved by the Commission shall be referred to the Sponsorship Committee for collation, organization, and consolidation into a complete and final draft of the Constitution. The final draft shall be considered by the Commission on Second Reading and voted on Third Reading in the manner provided in these Rules. During the Second Reading, objections raised or matters debated on, or amendments proposed during the second reading of a constitutional proposal may no longer be raised. Final vote on the final draft shall be by nominal voting.

RULE VII

Decorum and Debate

SECTION 34. Manner of addressing the Chair. — When a Member desires to speak, he shall rise and respectfully address the Chair, "Madam President".

SECTION 35. Recognition of Members to Speak. — When two or more Members rise at the same time, the Chair shall determine and recognize the Member who is to speak first.

SECTION 36. Time limit for speeches. — No Member shall occupy more than fifteen minutes in debate on any question or speak more than once on any question without leave of the Constitutional Commission, except as hereinafter provided. The period of interpellation shall not be counted against the time of the Member speaking.

SECTION 37. Sponsor to open and close debate. — The Member reporting a constitutional proposal, resolution or other matter under consideration from a committee may open and close the debate thereon. If the debate should extend beyond one day, he shall be entitled to an additional fifteen minutes to close.

SECTION 38. Decorum and debate. — In all cases, the Member who has obtained the floor shall confine himself to the question under debate, avoiding personalities. He shall refrain from uttering words or performing acts which are inconsistent with decorum.

If it is requested that a Member be called to order for words spoken in debate, the Member making such request shall indicate the words excepted to, and they shall be taken down in writing by the Secretary-General and read aloud. The Member who uttered such words shall not be held to answer, nor be subject to censure by the Constitutional Commission if further debate or other business has intervened.

SECTION 39. Conduct during session. — Members shall attend session in proper attire and observe proper decorum. No Member shall remain by the Secretary-General's desk during the roll call or the counting of votes, and no one shall pass between a Member who has the floor and the Chair.

RULE VIII

Voting

SECTION 40. Manner of voting. — Unless otherwise provided herein or decided by the Constitutional Commission, voting shall be either viva voce or nominal.

SECTION 41. Viva Voce voting. — If the voting is by viva voce, the affirmative vote shall be taken first, then the negative vote. If the President doubts the outcome of the voting or a division is called for, the Commission shall divide. Those in favor shall first rise and then those against. If he still doubts, or a count by tellers is demanded, he shall name one from each side of the question to tell the Members in the affirmative and the negative, which being reported, he shall rise and state the decision. Unless otherwise provided in these Rules, a majority of those voting, a quorum being present, shall decide the issue.

SECTION 42. Nominal voting. — Nominal voting on questions not connected with constitutional proposals or the text of the Constitution itself shall be allowed upon the request of a majority of those present. On nominal voting, the Secretary-General shall call alphabetically the names of Members who shall answer "yes" or "no" upon being called, after which the President shall forthwith announce the result.

SECTION 43. Vote required for approval of constitutional proposal. — The final draft of the Constitutional or any provision thereof shall require a majority vote of all the Members of the Constitutional Commission.

SECTION 44. Vote of President. — The President or the President Officer shall not be obliged to vote except to break a tie.

RULE IX

Reconsideration

SECTION 45. Who may move; precedence; exceptions. — When a motion, report or resolution is adopted or lost, it shall be in order for a Member who voted with the majority to move for the reconsideration thereof on the same or succeeding session day. Such motion shall take precedence over all other questions except a motion to adjourn, to raise a question of privilege and a call to order.

SECTION 46. Timeliness; withdrawal; period; and adoption. — A motion for reconsideration, if timely made, shall not be withdrawn without the consent of the Constitutional Commission and may be considered upon the call of a Member. If made during the last fifteen days of the session, it shall be disposed of immediately. The adoption of a motion to reconsider shall open a new debate on the motion, report or resolution.

SECTION 47. Limitation. — No resolution, petition, or memorial recommitted to a Committee or ordered to be printed shall be brought back to the Constitutional Commission on a motion to reconsider.

RULE X

Motions and Their Precedence

SECTION 48. Recording of motions. — Every motion shall be entered in the Journal with the name of the Member making it, unless it is withdrawn on the same day.

SECTION 49. Reading and withdrawal of motions. — When a motion is made, the President shall state it or, if in writing, shall cause it to be read by the Secretary-General before being debated on. Except as herein otherwise provided, a motion may be withdrawn at any time before its approval or amendment.

SECTION 50. Precedence of motions. — When a question is under debate, no motion shall be entertained except to adjourn, raise a question of privilege, declare a recess, lay on the table, postpone to a certain day (which motions shall be decided without debate), refer, amend or postpone indefinitely (which motions shall be decided subject to the five-minute rule). Said motions shall have precedence on the foregoing order. No motion to postpone to any day certain, refer or postpone indefinitely having failed passage shall again be allowed on the same day.

SECTION 51. Amendments. — When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order. It shall be in order to offer further amendment by substitution, but it shall not be voted upon until the original motion or proposition is perfected. Any of said amendments may be withdrawn before a decision is had thereon.

SECTION 52. One motion to cover one subject matter. — No motion shall cover more than one subject matter.

SECTION 53. Motion to strike out and insert. — A motion to strike out and insert is indivisible. A motion to strike out being lost shall not preclude an amendment or motion to strike out and insert.

SECTION 54. Vote on paper objected to. — When a motion to read a paper other than that which the Constitutional Commission is called to vote is objected to, it shall be decided without debate.

SECTION 55. Call to order, precedence. — A motion to read any part of the Rules is equivalent to a call to order and takes precedence over any motion other than to adjourn.

RULE XI

Questions of Privilege

SECTION 56. Definition. — Questions of privileges are:

- (a) Those affecting the rights of the Constitutional Commission, its safety, dignity and the integrity of its proceedings;
- (b) Those affecting the rights, reputation and conduct of the Members, individually, in their capacity as such Member.

RULE XII

Privileged Questions

SECTION 57. Definition and precedence. — Privileged questions are those motions or subject matters which, under the Rules, take precedent over other motions and subject matters.

RULE XIII

Discipline

SECTION 58. Discipline of Members. — The Constitutional Commission may punish its Members for disorderly behavior and, with the concurrence of two-thirds of all its Members, suspend or expel a Member. A penalty of suspension shall not exceed fifteen days.

RULE XIV

Supplemental Rules

SECTION 59. Supplemental rules. — The Rules of the Batasang Pambansa, the Rules of the House of Representatives and the Senate of the Philippines and the Jefferson's Manual may be invoked to govern in a supplemental manner insofar as they are not incompatible with the provisions of these Rules.

RULE XV

Amendments

SECTION 60. Amendments. — Any portion of these Rules may be amended by a majority vote of all the Members.

RULE XVI

Effectivity

SECTION 61. Effectivity. — These Rules shall take effect on the date of their adoption.

Adopted.

06-09-1986 Appendix 2

June 9, 1986

APPENDIX 2

(Appended to Journal No. 6)

ROLES OF THE CONSTITUTIONAL COMMISSION

RULE I

Officers

SECTION 1. Election of Officers. — The Constitutional Commission shall elect from among themselves by a majority vote of all the Members, a President, Vice-President, Floor Leader and two Assistant Floor Leaders. It shall also elect by a majority vote of all its Members a Secretary-General and a Sergeant-at-Arms.

SECTION 2. Powers of the President. — The President of the Constitutional Commission shall have the following powers and duties:

- (a) To preside over the sessions of the Constitutional Commission; and, at his discretion, to designate a member to perform the duties of the Chair, but such designation shall not exceed one day each time without the consent of the Commission;
- (b) To preserve order and decorum during the sessions, and in case of disturbance or disorderly conduct in the Session Hall, in the lobby, galleries, corridors or rooms or within the premises, take such measures as he may deem proper or as the Commission may direct;
- (c) To decide all questions of order subject to appeal by any Member of the Commission;
- (d) To sign all resolutions, memorials, writs, warrants, subpoenas, and other documents issued by or upon order of the Commission;
- (e) To coordinate and expedite the work of the Commission;
- (f) To appoint the personnel of the Constitutional Commission including the staff of each Member upon recommendation by the Member; request the detail of employees from government agencies; and upon recommendation of the Secretary-General suspend, dismiss or otherwise discipline an employee upon proper notice and hearing;
- (g) To disburse funds of the Commission.

SECTION 3. Powers of the Vice-President. — The Vice-President of the Commission shall have the following powers and duties:

- (a) To assume the powers and duties of the President when the latter is absent or incapacitated. In the event of the resignation, removal, death, or permanent incapacity or disability of the President, the Vice-President shall act as President until a new President is elected by the Commission;
- (b) To assist the President in the performance of his duties and functions, particularly in coordinating and expediting the work of the Commission; and
- (c) To perform such other functions as may be assigned to him by the President or the Constitutional Commission.

SECTION 4. Floor Leaders. — The Floor Leader, with his Assistant Floor Leaders, shall implement the agenda prepared by the Steering Committee for the sessions of the Constitutional Commission, guide the proceedings and deliberations during the sessions of the Commission so that they may be conducted with order, dignity and decorum, and decide the order of speakers to ensure exhaustive discussion of all matters and proposals requiring consideration of the Constitutional Commission. They shall further perform such other functions and duties as are performed by the same or similar officials under accepted parliamentary practices or as the Commission may direct.

SECTION 5. Powers and duties of the Secretary-General. — The Secretary-General shall have the following powers and duties:

- (a) To receive all constitutional proposals, resolutions, memorials and other communications to the Constitutional Commission;
- (b) Under the direction of the Steering Committee, to prepare the Order of Business and the Calendar of the Constitutional Commission;
- (c) To call the roll of Members of the Constitutional Commission and read the constitutional proposals, resolutions, memorials, petitions and other documents which should be reported by him to the Constitutional Commission or the reading of which is required by the President or the Commission;
- (d) To refer to the proper committees all constitutional proposals, resolutions and other documents as may be directed by the President or the Constitutional Commission;
- (e) To attest and affix the seal of the Constitutional Commission to all writs, warrants, and subpoenas issued by the Commission, and certify to the approval of all resolutions adopted by the Commission;
- (f) To perform such other functions and duties as may be assigned to him by the President or the Commission.

SECTION 6. Powers and duties of the Sergeant-at-Arms. — The Sergeant-at-Arms shall have the following powers and duties:

- (a) To attend the sessions of the Constitutional Commission and the meetings and public hearings of its committees;
- (b) To maintain order under the direction of the President of the Commission or its committees, and, in the discharge of such duty, exercise supervision and control over all security guards of the Commission, as well as law enforcement agents assisting the Commission;
- (c) To execute all orders of the Commission and its committees and serve all processes issued under their authority;
- (d) To ensure that unauthorized persons are not permitted or allowed to enter or stay within the space reserved for the exclusive use of Members of the Commission and of its officers and employees on duty during any session or

committee meeting or public hearing;

(e) To be responsible for the behavior of employees under his immediate supervision and the faithful performance of their functions and duties;

(f) To strictly enforce the regulations relating to privilege and the admission to the Session Hall or its corridors.

(g) To perform such other functions as may be directed by the Chairman or the Commission.

SECTION 7. The Mace. — The Sergeant-at-Arms shall have custody of the Mace which is the symbol of the authority of the Constitutional Commission. The Mace shall be displayed at the President's rostrum when the Commission is in session. The Mace shall serve as the warrant for the Sergeant-at-Arms in enforcing orders in the Commission.

RULE II

Committees

SECTION 8. Committees. — The Constitutional Commission shall elect the following committees on the basis of proportional representation of the Members according to regions and sectors they represent, the number of the Members and the general jurisdiction of which shall be as hereinafter stated:

(1) Committee on Preamble, National Territory, and Declaration of Principles, 7 Members — all proposals relating to the Preamble, the National Territory, and Declaration of Principles, including a clear definition of the Philippine baselines, adherence to the Law of the Sea and other international laws;

(2) Committee on Citizenship, Bill of Rights, Political Rights and Obligations and Human Rights 15 Members. — all proposals relating, to citizenship, bill of rights, rights and obligations of citizens, suffrage, human rights;

(3) Committee on the Legislative, 15 Members — all proposals relating to the structure, organization, powers, functions, duties, privileges and limitations of a legislative body;

(4) Committee on the Executive, 15 Members — all matters pertaining to the Executive, the nature of the position, the powers, functions, duties, privileges and limitation of such position, the persons vested with executive powers;

(5) Committee on the Judiciary, 15 Members — all proposals relating to the Judiciary, its powers, functions, duties, privileges and limitations, the organization of the judicial system, jurisdiction of courts;

(6) Committee on Constitutional Commission and Agencies, 11 Members — all proposals relating to constitutional commissions specifically on audits, elections and the civil service;

(7) Committee on Local Government, 7 Members — all proposals relating to local governments;

(8) Committee on Accountability of Public Officers, 11 members — all proposals relating to accountability of public officers, impeachment, and special courts to have jurisdiction over graft and corruption cases involving public officers;

(9) Committee on the National Economy and Patrimony; 15 Members — all proposals relating to the national economy, the preservation, utilization and exploitation of natural resources, the conservation of the patrimony of the nation, regulation of public utilities, limitations on monopolies and regulation of private corporations;

(10) Committee on Human Resources, 11 Members — all matters relating to the educational system, the development of the national language, the development of science and technology, support of arts and letters, conservation and development of national culture for national consciousness and sense of identity, protection of

works of arts, right to inventions, writings and artistic creations, scholarships, grants-in-aid and other incentives for specially gifted citizens, promotion of customs, traditions, beliefs of the various cultural communities;

(11) Committee on General Provisions, 11 Members — all other proposals of fundamental nature which could not be included in other articles of the Constitution, which shall include the Philippine Flag, duties and responsibilities of public officials, the armed forces and the separation of the church and the state;

(12) Committee on Amendments and Transitory Provisions, 7 Members — all proposals relating to the manner the Constitution can be amended and the transition of the present government to the government under the Constitution;

(13) Steering Committee, 11 Members including as Ex-Officio Members, the Floor Leader and the two Assistant Floor Leaders — it shall monitor and coordinate the activities of the Committees of the Commission; ensure that the report of such Committees of the Commission; ensure that the report of such Committees for deliberation in Plenary Session are submitted in accordance with these Rules; prepare the Agenda or Calendar of Business for the Plenary Sessions of the Constitutional Commission; and, subject to appeal to the Commission, decide on all matters relating to the Rules of the Commission;

(14) Committee on Privileges, 7 Members — all matters relating to the conduct, rights, privileges, safety, dignity, integrity and reputation of the Constitutional Commission and its Members;

(15) Committee on Social Justice and Social Services, 17 Members — all matters relating to labor, land reform, rural and community development, health and other social services;

(16) Committee on Style, 15 Members — all matters relating to the correction of the phraseology and form, and the consistency, and accuracy of proposals, but the Committee shall have no authority to change the sense, substance or purpose of any proposal referred to it;

(17) Committee on Sponsorship, 15 Members — all matters pertaining to the formulation and final draft of the Constitution, the correction, harmonization of proposals for the purpose of avoiding inaccuracies, repetitions, and inconsistencies, and the arrangement of proposals in a logical order, but the Committee shall have no authority to change the sense, substance or purpose of any proposal referred to it and the sponsorship of the final draft of the Constitution.

Whenever a proposal covers subject matters falling within the jurisdiction of more than one committee, said proposal shall be referred to the Committee within whose jurisdiction the principal subject matter falls. The Committee which acquired original jurisdiction over any proposal shall be mainly responsible to submit a report to the Commission incorporating therein the appropriate recommendations of the other committee which has jurisdiction over the same proposal.

For purposes of conducting its business, five members of a committee with a membership of more than ten shall constitute a quorum, and three members of a committee with membership of less than ten shall constitute a quorum: Provided, however, that for purposes of approving a resolution or its report the affirmative vote of a majority of all its members is required.

SECTION 9. Timetable. — The Committees provided for under this Rule II shall be organized and made ready to function not later than June 9, 1986; they shall finish their hearings and submit their respective Committee Reports on the resolutions or constitutional proposals referred to them for study and report not later than July 7, 1986; the Second and Third Readings on said Committee Reports shall be finished not later than August 15, 1986; and the Sponsorship Committee and Committee on Style shall finish their work of formulating and polishing the

style of the final draft of the new Constitution to the submitted to the entire membership of the Commission not later than August 25, 1986.

SECTION 10. Working Draft. — To facilitate and expedite the work of the Commission and its Committees, the 1935 Constitution, as amended, the original version of the 1973 Constitution and the Malolos Constitution may be referred to as working drafts for considering the constitutional proposals filed with the Commission.

RULE III

Sessions

SECTION 11. Commencement of daily sessions. — Unless the Constitutional Commission decides otherwise, the daily sessions shall commence at three o'clock in the afternoon except on Fridays when the session shall commence at nine o'clock in the morning. The Commission may hold sessions on Saturdays and Sundays if it so decides.

SECTION 12. Quorum. — A majority of all the Members of the Commission shall constitute of quorum to do business, but a smaller number of may adjourn from day to day and compel the attendance of absent Members. Members who subsequently appear shall so inform the Secretary-General who shall have the presence of the Members recorded. If lack of a quorum subsists or there is no prospect of constituting a quorum, the President shall so declare and adjourn the session.

SECTION 13. Call to order. — The President shall open the session by calling the Constitutional Commission to order.

At every session, the National Anthem shall be sung, followed by a one-minute silent prayer or meditation, or by an invocation delivered by any Member designated by the President.

SECTION 14. Attendance at sessions. — Every Member shall be present in all sessions of the Constitutional Commission, unless expressly excluded by it or necessarily prevented from doing so by sickness or other unavoidable circumstances duly reported to the Constitutional Commission, through the Secretary-General.

SECTION 15. Sessions open to the public. — The sessions shall be open to the public except when petitions or motions affecting the dignity of the Constitutional Commission or a Member are being considered, in which event, the Commission may hold an executive session. On a motion to hold an executive session, the President shall direct the galleries and hallways to be cleared and doors closed. Only the Secretary-General, the Sergeant-at-Arms and such other persons as are specifically authorized by the Commission shall be admitted in executive sessions. They shall preserve the secrecy of whatever may be read or said a the session.

SECTION 16. Request for recognition to speak. — Any Member who desires to speak may rise and ask recognition by the President. He shall not proceed until so recognized.

RULE IV

Order of business

SECTION 17. Order of Business. — The daily Order of Business shall be:

- (a) Roll Call of Members;
- (b) Reading and approval of the Journal of the previous session;
- (c) First Reading and referral to committees of proposed resolutions, messages, petitions, memorials and

communications;

(d) Committee reports;

(e) Unfinished Business;

(f) Business for the Day;

(g) Business for a Certain Date;

(h) Unassigned Business;

(i) Resolutions for Third Reading.

RULE V

Calendar

SECTION 18. Calendar. — The Calendar of the Commission shall consist of the following parts:

(a) Unfinished Business. — Business being considered by the Commission at the time of adjournment of its preceding session. Its consideration shall be resumed until such Unfinished Business is disposed of. Thereafter, the President shall call for the Business for the Day.

(b) Business for the Day. — Resolutions and other matters set on the Calendar for consideration on that day and arranged in the order appearing in the special order adopted upon petition of the Steering Committee.

(c) Business for a Certain Date. — Business set for consideration on a certain date. It shall be considered on the date set and on subsequent days in chronological order until disposed of, unless the continuation of the consideration of any business therein included is set for another day.

(d) Matters for Third Reading or final action. — Resolutions and the draft of the Constitution to be submitted to the Constitutional Commission for its final vote by yeas and nays, after mimeographed copies thereof in final form have been distributed at least one day but not more than three days prior to their approval.

SECTION 19. Distribution of Calendar. — The Calendar shall be distributed to the Members each day of session. If there be no addition to the Calendar previously distributed, a note to that effect on the Order of Business shall be sufficient.

RULE VI

Constitutional proposals, resolutions, memorials and petitions

SECTION 20. Form of constitutional proposals. — Constitutional proposals shall be embodied in resolutions which shall be signed by the authors. If a proposal emanates from a committee, the resolution shall be signed by its chairman. Resolutions shall be filed with the Secretary-General who shall assign to each a number in the order they are received.

SECTION 21. First Reading and Referral to Committees. — After the resolutions are filed, they shall be included by the Secretary-General in the Order of Business for the next following day for First Reading. After the titles of the resolutions are read, the resolutions are referred to the appropriate committees.

SECTION 22. Committee Report. — Each committee shall submit a report on each resolution read at least within ten days after the resolution has been referred to it. The Steering Committee shall include the committee report in

the Calendar for Second Reading. The report shall be sponsored by the chairman or any member of the reporting committee or one or more of the authors of the constitutional proposal. The Floor Leader shall determine the order of speakers accordingly.

SECTION 23. Second Reading and Debate. — On the day set for the consideration of a resolution for Second Reading, the same shall be read in full with the amendments proposed by the committee, if any, unless copies thereof had been distributed and such reading is dispensed with. Thereafter the resolution shall be subject to debate and pertinent motions.

SECTION 24. Motion to close debate. — During the Second Reading of a resolution, a motion to close the debate shall be in order after three speeches for and two against, or after only one speech for has been delivered if none has been entered against it.

SECTION 25. Cloture of Members. — When several Members have registered or signified their intention to speak on the matter under consideration and when said matter has been sufficiently and thoroughly discussed by the Member speaking, the President may, *motu proprio*, or upon motion of a Member, order that a Member having the Floor shall desist from speaking further so that other Members may not be deprived of their opportunity to speak.

SECTION 26. Amendments. — After the close of debate the Constitutional Commission shall proceed to the consideration of Committee amendments subject to the five-minute rule. A Member who desires to speak against an amendment shall also have five minutes.

The five-minute rule shall apply, likewise, in the consideration of an amendment to an amendment, or an amendment by substitution.

SECTION 27. Approval on Second Reading. — On the day set for its consideration, the resolution, as amended, shall be voted on Second Reading.

SECTION 28. Third Reading. — After a resolution providing for a constitutional proposal has been approved on Second Reading, it shall be include in the Calendar for Third Reading. No such resolution shall be voted on Third Reading unless mimeographed copies thereof shall have been distributed to the Members of the Constitutional Commission at least one day but not more than three calendar days before final action thereon is taken. No further debate nor amendment shall be made on the resolution on its Third Reading. In the consideration of all constitutional proposals as well as of the final draft of the entire Constitution on Third Reading, nominal voting shall be adopted and the individual vote of each Member shall be duly recorded in the Journal of the Constitutional Commission. A Member may explain his vote in not more than three minutes.

SECTION 29. Procedure for the adoption of other resolutions. — Resolutions which do not embody a constitutional proposal shall be subject to the same procedure as resolutions embodying a constitutional proposal regarding introduction, reference to appropriate Committees and consideration. However, the Steering Committee, for reasons of urgency, may calendar them for immediate consideration. After its Second Reading, the resolution may be voted on for final approval.

SECTION 30. Final draft of Constitution. — All constitutional proposals approved by the Commission shall be referred to the Committees on Sponsorship and Style for collation, organization and consolidation into a complete and final draft of the Constitution. The final draft shall be submitted to the Commission for the sole purpose of determining whether it reflects faithfully and accurately the proposals as approved on Second Reading. Final voting on the final draft shall be by nominal voting.

RULE VII

Decorum and debate

SECTION 31. Manner of addressing the Chair. — When a Member desires to speak, he shall rise and respectfully address the Chair, "Madam President".

SECTION 32. Recognition of Member to speak. — When two or more Members rise at the same time, the Chair shall determine and recognize the Member who is to speak first.

SECTION 33. Time limit for speeches. — No Member shall occupy more than fifteen minutes in debate on any question or speak more than once on any question without leave of the Constitutional Commission, except as hereinafter provided. The period of interpellation shall not be counted against the time of the Member speaking.

SECTION 34. Sponsor to open and close debate. — The Member reporting a constitutional proposal, resolution or other matter under consideration from a committee may open and close the debate thereon. If the debate should extend beyond one day, he shall be entitled to an additional fifteen minutes to close.

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If it is requested that a Member be called to order for words spoken in debate, the Member making such request shall indicate the words excepted to, and they shall be taken down in writing by the Secretary-General and read aloud. The Member who uttered such words shall not be held to answer, nor be subject to censure by the Constitutional Commission if further debate or other business has intervened.

SECTION 36. Conduct during session. — Members shall attend session in proper attire and observe proper decorum. No member shall remain by the Secretary-General's desk during the roll call or the counting of votes, no one shall pass between a Member who has the floor and the Chair.

RULE VIII

Voting

SECTION 37. Manner of voting. — Unless otherwise provided herein or decided by the Constitutional Commission, voting shall be either viva voce or nominal.

SECTION 38. Viva voce voting. — If the voting is by viva voce, the affirmative vote shall be taken first, then the negative vote. If the President doubts the outcome of the voting or a division is called for, the Commission shall divide. Those in favor shall first rise and then those against. If he still doubts, or a count by tellers is demanded, he shall name one from each side of the question to tell the Members in the affirmative and the negative, which being reported, he shall rise and state the decision. Unless otherwise provided in these Rules, a majority of those voting, a quorum being present, shall decide the issue.

SECTION 39. Nominal voting. — On nominal voting, the Secretary-General shall call alphabetically the names of Members who shall answer "yes" or "no" upon being called, after which the President shall forthwith announce the result. Nominal voting on questions not connected with constitutional proposals or the text of the Constitution itself shall not be allowed, except when it involves the discipline of a Member.

SECTION 40. Vote required for approval of constitutional proposal. — The final draft of the Constitution or any provision thereof shall require a majority vote of all the Members of the Constitutional Commission.

SECTION 41. Vote of President. — The President or the Presiding Officer shall not be obliged to vote except to break a tie.

RULE IX

Reconsideration

SECTION 42. Who may move; precedence; exceptions. — When a motion, report or resolution is adopted or lost, it shall be in order for a Member who voted with the majority to move for the reconsideration thereof on the same or succeeding session day. Such motion shall take precedence over all other questions except a motion to adjourn, to raise a question of privilege and a call to order.

SECTION 43. Timeliness; withdrawal; period; and adoption. — A motion for reconsideration, if timely made, shall not be withdrawn without the consent of the Constitutional Commission and may be considered upon the call of a Member. If made during the last fifteen days of the session, it shall be disposed of immediately. The adoption of a motion to reconsider shall open a new debate on the motion, report or resolution.

SECTION 44. Limitation. — No resolution, petition, or memorial recommitted to a Committee or ordered to be printed shall be brought back to the Constitutional Commission on a motion to reconsider.

RULE X

Motions and their precedence

SECTION 45. Recording of motions. — Every motion shall be entered in the Journal with the name of the Member making it, unless it is withdrawn on the same day.

SECTION 46. Reading and withdrawal of motions. — When a motion is made, the President shall state it or, if in writing, shall cause it to be read by the Secretary-General before being debated on. Except as herein otherwise provided, a motion may be withdrawn at any time before its approval or amendment.

SECTION 47. Precedence of motions. — When a question is under debate, no motion shall be entertained except to adjourn, raise a question of privilege, declare a recess, lay on the table, postpone to a certain day (which motions shall be decided without debate), refer, amend or postpone indefinitely (which motions shall be decided subject to the five-minute rule). Said motions shall have precedence on the foregoing order. No motion to postpone to any day certain, refer or postpone indefinitely having failed passage shall again be allowed on the same day.

SECTION 48. Amendments. — When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order. It shall also be in order to offer further amendment by substitution, but it shall not be voted upon until the original motion or proposition is perfected. Any of said amendments may be withdrawn before a decision is had thereon.

SECTION 49. One motion to cover one subject matter. — No motion shall cover more than one subject matter.

SECTION 50. Motion to strike out and insert. — A motion to strike out and insert is indivisible. A motion to strike out being lost shall not preclude an amendment on motion to strike out and insert.

SECTION 51. Vote on paper objected to. — When a motion to read a paper other than that which the Constitutional Commission is called to vote upon is objected to, it shall be decided without debate.

SECTION 52. Call to order, precedence. — A motion to read any part of the Rules is equivalent to a call to order

and takes precedence over any motion other than to adjourn.

RULE XI

Questions of privilege

SECTION 53. Definition. — Questions of privilege are:

- (a) Those affecting the rights of the Constitutional Commission, its safety, dignity and the integrity of its proceedings;
- (b) Those affecting the rights, reputation and conduct of the Members, individually, in their capacity as such Member.

Questions of privilege may be availed of only on Fridays, except when the matter at issue is urgent, subject to the ten-minute rule. No interpellations shall be allowed beyond the ten-minute rule.

RULE XII

Privileged questions

SECTION 54. Definition and precedence. — Privileged questions are those motions or subject matters which, under the Rules take precedence over other motions and subject matters.

RULE XIII

Discipline

SECTION 55. Discipline of Members. — The Constitutional Commission may punish its Members for disorderly behavior and, with the concurrence of two-thirds of all its Members, suspend or expel a Member. A penalty of suspension shall not exceed fifteen days.

RULE XIV

Journal and record of the proceedings

SECTION 56. Official Records — The official records of the proceedings of the Constitutional Commission shall be referred to as the Journal and the Record of the Constitutional Commission of 1986.

SECTION 57. The Journal. — The Journal shall contain, among others, the following:

- (a) Nature of the session, whether special or regular;
- (b) Date and place of the session;
- (c) Statement whether the Journals of the previous sessions were approved, or the reading thereof dispensed with, and the dates of said sessions;
- (d) Name of the Presiding Officer;
- (e) All main motions, resolutions and petitions;
- (f) Points of order and appeals, whether sustained or lost; and
- (g) Hours of session and adjournment.

The Journal shall be signed by the Secretary-General and authenticated by the Presiding Officer in that session. It shall be entered in a good, well-bound record book and the corresponding dates of approval or disapproval properly placed thereon.

SECTION 58. The Record. — The Record of the Constitutional Commission of 1986 shall reflect in detail everything that has been said, done and read in the plenary sessions and shall express faithfully everything that takes place therein, including the speeches, remarks, nominal votes and observations of Members.

SECTION 59. Revision in style and form. — Notwithstanding the provisions of the preceding section, the speeches and interpellations of the Members shall be revised in style and form prior to their publication.

To this end, the Secretary-General shall transmit a copy of the speeches or interpellations to the Members who made them for revision within a period of three days from the date of receipt thereof; otherwise, the revision shall be deemed delegated to the Committee on Style. Copies of the Record shall be furnished the Members only after such revision has been accomplished.

RULE XV

Supplemental rules

SECTION 60. Supplemental Rules. — The Rules of the Batasang Pambansa, the Rules of the House of Representatives and the Senate of the Philippines and the Jefferson's Manual may be invoked to govern in a supplemental manner insofar as they are not incompatible with the provisions of these Rules.

RULE XVI

Amendments

SECTION 61. Amendments. — Any portion of these Rules may be amended by a majority vote of all the Members.

RULE XVII

Effectivity

SECTION 62. Effectivity. — These Rules shall take effect on the date of their adoption.

Adopted, June 9, 1986.

06-05-1987 Appendix 3

June 5, 1987

APPENDIX 3

COMMUNICATION OF COMMISSIONER SERAFIN V.C. GUINGONA

Hon. Cecilia Muñoz Palma

President

1986 Constitutional Commission

Dear Madam President:

This is to confirm the information I brought to Your Honor's attention that in our publication — Journal of the Constitutional Commission — my name appears with the indication that I was absent from August 6-9 without the additional remark that I was sick, which remark appears in the subsequent sessions from August 11-16. In our other publication — Record of the Constitutional Commission — I am reported as absent from August 6-16 without any indication that I was sick.

The fact is I had been confined at the Makati Medical Center where I was rushed due to acute abdominal pains while attending the Commission's session on August 5 and I remained in the said hospital until noon of August 18.

May I request that this manifestation be included as an Appendix in the still unprinted/unpublished volume of our Journal (Volume Three) and of our Record (Volume Four) to avoid any wrong speculation that I had absented myself from the Commission's sessions without good reason.

Also may I please bring to Your Honor's attention the discrepancy of my remarks in the July 9, 1986 plenary session as contained in the Record and the Journal of the Constitutional Commission.

"Second, we are presuming that our officials would be making, on our behalf, irresponsible and illegal claims which, I think, would contradict the statement made by the honorable proponent of the amendment that we should presume that our officials would perform their functions properly." (RECORD, Vol. I, p. 414)

"He opined that with the provision, government officials may be making illegal and irresponsible claims, contrary to the desire that they should act properly." (JOURNAL, Vol. I, p. 204)

Very respectfully yours,

(SGD.) SERAFIN V.C. GUINGONA

APPROVED:

(SGD.) CECILIA MUÑOZ PALMA

Other Related Law

12-10-1898 The Treaty of Paris

December 10, 1898

THE TREATY OF PARIS

The United States of America and Her Majesty the Queen Regent of Spain, in the name of her august son Don Alfonso XIII, desiring to end the state of war now existing between the two countries, have for that purpose appointed as plenipotentiaries;

The President of the United States,

William R. Day, Cushman K. Davis, William P. Frye, George Gray, and Whitelaw Reid, citizens of the United States;

And Her Majesty the Queen Regent of Spain,

Don Eugenio Montero Rios, president of the Senate, Don Buenaventura de Abarzuza, senator of the Kingdom and ex-minister of the Crown; Don Jose de Garnica, deputy to the Cortes and associate justice of the supreme court, Don Wenceslao Ramirez de Villa Urrutia, envoy extraordinary and minister plenipotentiary at Brussels, and Don Rafael Cerero, General of Division;

Who, having assembled in Paris, and having exchanged their full powers, which were found to be in due and proper form, have, after discussion of the matters before them, agreed upon the following articles:

ARTICLE I

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

ARTICLE II

Spain cedes to the United States the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the Island of Guam in the Marianas or Ladrones.

ARTICLE III

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following line:

A line running from west to east along or near the twentieth parallel of north latitude, and through the middle of the navigable channel of Bachi, from the one hundred and eighteenth to the one hundred and twenty-seventh degree meridian of longitude east of Greenwich, thence along the one hundred and twenty-seventh degree meridian of longitude east of Greenwich to the parallel of four degrees and forty-five minutes north latitude, thence along the parallel of four degrees and forty-five minutes north latitude to its intersection with the meridian of longitude one hundred and nineteen degrees and thirty-five minutes east of Greenwich, thence along the meridian of longitude one hundred and nineteen degrees and thirty-five minutes east of Greenwich to the parallel of latitude seven degrees and forty minutes north, thence along the parallel of latitude seven degrees and forty minutes north to its intersection with the one hundred and sixteenth degree meridian of longitude east of Greenwich, thence by a direct line to the intersection of the tenth degree parallel of north latitude with the one hundred and eighteenth degree meridian of longitude east of Greenwich, and thence along the one hundred and eighteenth degree meridian of longitude east of Greenwich to the point of beginning.

The United States will pay to Spain the sum of twenty million dollars, within three months after the exchange of the ratifications of the present treaty.

ARTICLE IV

The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

ARTICLE V

The United States will, upon the signature of the present treaty, send back to Spain, at its own cost, the Spanish soldiers taken as prisoners of war on the capture of Manila by the American forces. The arms of the soldiers in question shall be restored to them

Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, as well as the Island of Guam, on terms similar to those agreed upon by the Commissioners appointed to arrange for the evacuation of Porto Rico and other islands in the West Indies, under the protocol of August twelfth, eighteen hundred and ninety-eight, which is to continue in force till its provisions are completely executed.

The time within which the evacuation of the Philippine Islands and Guam shall be completed shall be fixed by the two Governments. Stands of colors, uncaptured war vessels, small arms, guns of all calibers, with their carriages and accessories, powder, ammunition, live stock, and materials and supplies of all kinds, belonging to the land and naval forces of Spain in the Philippines and Guam, remain the property of Spain. Pieces of heavy ordinance, exclusive of field artillery, in the fortifications and coast defenses, shall remain in their emplacements for the term of six months, to be reckoned from the exchange of ratifications of the treaty; and the United States may, in the meantime, purchase such material from Spain, if a satisfactory agreement between the two Government on the subject shall be reached.

ARTICLE VI

Spain will, upon the signature of the present treaty, release all prisoners of war, and all persons detained or imprisoned for political offences, in connection with the insurrection in Cuba, and the Philippines and the war with the United States.

Reciprocally, the United States will release all persons made prisoners of war by the American forces, and will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

The Government of the United States will, at its own cost, return to Spain and the Government of Spain will, at its own cost, return to the United States, Cuba, Porto Rico, and the Philippines, according to the situation of their respective homes, prisoners released or caused to be released by them, respectively, under this article.

ARTICLE VII

The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind, of either Government, or of its citizens or subjects, against the other Government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

ARTICLE VIII

In conformity with the provisions of Articles One, Two, and Three of this treaty, Spain relinquishes in Cuba, and cedes in Porto Rico and other islands of the West Indies, in the Island of Guam, and in the Philippine Archipelago, all the building, wharves, barracks, forts, structures, public highways, and other immovable property which, in conformity with law belong to the public domain, and as such belong to the Crown of Spain.

And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, can not in any respect impair the property or rights which by law belong to the peaceful possession of

property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

The aforesaid relinquishment or cession, as the case may be, includes all documents exclusively referring to the sovereignty relinquished or ceded that may exist in the archives of the Peninsula. Where any document in such archives only in part relates to said sovereignty, a copy of such part will be furnished whenever it shall be requested. Like rules shall be reciprocally observed in favor of Spain in respect of documents in the archives of the islands above referred to.

In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the Crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to, which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills, and other instruments forming part of notarial protocols or files, or which may be contained in executive or judicial archives, be the latter in Spain or in the islands aforesaid.

ARTICLE IX

Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

ARTICLE X

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

ARTICLE XI

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts, and to pursue the same course as citizens of the country to which the courts belong.

ARTICLE XII

Judicial proceedings pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules:

1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.
2. Civil suits between private individuals which may on the date mentioned be undetermined shall be prosecuted to judgment before the court in which they may then be pending or in the court that may be substituted therefor.
3. Criminal actions pending on the date mentioned before the supreme court of Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but, such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose.

ARTICLE XIII

The rights of property secured by copyrights and patents acquired by Spaniards in the Island of Cuba, and in Porto Rico, the Philippines, and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary, and artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of duty into such territories, for the period of ten years, to be reckoned from the date of the exchange of the ratifications of this treaty.

ARTICLE XIV

Spain shall have the power to establish consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty.

ARTICLE XV

The Government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance and clearance dues, light dues, and tonnage duties, as it accords to its own merchant vessels, not engaged in the coastwise trade.

This article may at any time be terminated on six months' notice given by either Government to the other.

ARTICLE XVI

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy, advise any Government established in the island to assume the same obligations.

ARTICLE XVII

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Paris, the tenth day of December, in the year of our Lord one thousand eight hundred and ninety-eight.

(SEAL.) William R. Day.

(SEAL.) Cushman K. Davis.

(SEAL.) William P. Frye.

(SEAL.) Geo Gray.

(SEAL.) Whitelaw Reid.

(SEAL.) Eugenio Montero Rios.

(SEAL.) B. De Abarzuza.

(SEAL.) J. De Garnica.

(SEAL.) W. R. De Villa Urrutia.

(SEAL.) Rafael Cerrero.

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