

JOURNAL NO. 43

Wednesday, July 30, 1986

CALL TO ORDER

At 9:43 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 Mr. Efrain B. Treñas, to wit:

Heavenly Father, we humbly ask Thy Divine Guidance in our noble task to fulfill the sacred trust reposed in us to frame a fundamental law for our people.

Imbue us with Thy Holy Spirit to enable us to enshrine in a Constitution the principles of brotherhood, liberty, justice and democracy which You have so kindly restored to us in Your miracle last February.

Inspire us with the same fervor of Your Holy Passion of the Cross so that we may be able to overcome the hatred and vindictiveness that are the natural fruits of more than a decade of ruthless suppression and persecution.

Lead us along the path of forgiveness and reconciliation towards the altar of wisdom and statesmanship so that in the end we may achieve our solemn goal of providing our people with a framework of government that guarantees to us our human rights and fundamental freedoms, secure to us and our posterity our God-given resources, and find for us and the generations yet to come a respected place under the sun and among the family of nations.

This we ask You, Almighty Father, in the name of Jesus Christ, Your Son.

Amen.

ROLL CALL

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

Bengzon, J. Concepcion, R. R.
F. S.

Bennagen, P. Davide, H. G.
L.

Rosario Guingona, S. V. C.

Braid, F.
Calderon, J. D. Jamir, A. M. K.
De Castro, C. M. Laurel, J. B.
Colayco, J. C. Monsod, C. S.
Nolledo, J. N. Rosales, D. R.
Padilla, A. B. Suarez, J. E.
Muñoz Palma, C. Sumulong, L. M.
Quesada, M. L. M. Tan, C.
Rama, N. G. Tingson, G. J.
Regalado, F. D. Treñas, E. B.
Rigos, C. A. Uka, L. L.
Rodrigo, F. A. Villegas, B. M.
Romulo, R. J.

With 29 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

Abubakar, Y. R. Lerum, E. R.
Alonto, A. D. Maambong, R. E.
Aquino, F. S. Natividad, T. C.
Azcuna, A. S. Nieva, M. T. F.
Bacani, T. C. Ople, B. F.
Bernas, J. G. De Los Reyes, R. F.
Brocka, L. O. Sarmiento, R. V.
Foz, V. B. Tadeo, J. S. L.
Garcia, E. G. Villacorta, W. V.
Gascon, J. L. M. C.

READING AND APPROVAL OF THE JOURNAL

On motion of Mr. Calderon, there being no objection, the reading of the Journal of the previous session was dispensed with and the said Journal was approved by the Body.

REFERENCE OF BUSINESS

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

REFERRAL TO COMMITTEES OF COMMUNICATIONS

Upon direction of the Chair, the Secretary-General read the titles of the following Communications which were, in turn, referred by the Chair to the Committees hereunder indicated:

Communication No. 375 — Constitutional Commission of 1986

Letter from NCP Sgt. Tawasil A. Hataie, Bureau of Customs, Port of Zamboanga, proposing a constitutional provision requiring the government to extend humanitarian service to all departed government personnel/officials who died while in the government service regardless of position/designation

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 376 — Constitutional Commission of 1986

Letter from Ms. Ester B. Sy-Quimsiam, Commission on Population, Welfareville Compound, Mandaluyong, Metro Manila, transmitting a position paper submitted by a group of private organizations regarding population problem, saying that a people-oriented population welfare program has better and greater chances to bloom into full flowering if implemented along the lines of the new government's human concern and sincere call for self-renewal

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 377 — Constitutional Commission of 1986

Letter from Mr. Jeremias U. Montemayor and Mr. Democrito T. Mendoza for the Trade Union Congress of the Philippines (TUCP), submitting its position paper on the American military bases in the Philippines recommending that the present Philippine-U.S. Mutual Defense Treaty be respected until its expiration in 1991

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 378 — Constitutional Commission of 1986

Letter from the Olongapo Jaycees, Inc., No. 12 Aquarius St., Lower Kalaklan, Olongapo City, signed by its President, Mr. Johnny B. Choa, commending the retention of the United States bases in the Philippines after 1991

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 379 — Constitutional Commission of 1986

Letter from Stop Trafficking of Pilipinos Foundation, Inc. signed by its President, Minerva G. Laudico, and the other officers and members of the

Board of Directors, calling attention to the alarming resurgence of indecency in mass media and entertainment and expressing alarm at the manner by which the courts have ruled in favor of those who have no apparent regard for the dignity of women and of decent family relationship

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 380 — Constitutional Commission of 1986

Communication signed by Ms. Elsa M. Gavino and one hundred fifty others, urging that regulations on foreign investments and the determination of the areas of investment should be left to the legislature

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 381 — Constitutional Commission of 1986

Letter from the Honorable Minister Candu I. Muarip of the Office of Muslim Affairs and Cultural Communities, transmitting proposals and resolutions drafted by a group of Muslim professionals, scholars and academicians, embodying the general sentiments and common aspirations of the Muslim Filipinos and the Tribal Communities

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 382 — Constitutional Commission of 1986

Communication from the Sangguniang Panlalawigan, La Trinidad, Benguet signed by its temporary Presiding Officer, Felix T. Cabading, transmitting Resolution No. 273, entitled: RESOLUTION THAT THE HONORABLE BODY ADOPT A STAND IN FAVOR OF ADMINISTRATIVE REGIONALIZATION AS AN ALTERNATIVE TO STATUS QUO

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 383 — Constitutional Commission of 1986

Communication from the Stop Trafficking of Filipinos Foundation, Inc. signed by its President Minerva G. Laudico, urging inclusion in the Constitution provisions mandating the state to ensure an out-of-school environment conducive to the moral education of the youth and reinforcing the right of children and young people to a sound intellectual and moral formation

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 384 — Constitutional Commission of 1986

Letter from Dr. Helen Agustin de Guzman of U.P. Medicine 1967, saying, that it would be a wiser and more prudent move for the Constitutional Commission not to make a final pronouncement on the U.S. bases issue at this time and at such a hurried pace

TO THE COMMITTEE ON GENERAL PROVISIONS

UNFINISHED BUSINESS: COMMITTEE REPORT NO. 26 ON PROPOSED RESOLUTION NO. 517 ON THE ARTICLE ON THE EXECUTIVE

On motion of Mr. Rama, there being no objection, the Body resumed consideration, on Second Reading, of Proposed Resolution No. 517, entitled:

Resolution to incorporate in the new Constitution an Article on the Executive.

Thereupon, the Chair recognized Mr. Regalado for the continuation of the period of amendments.

AMENDMENTS OF MR. DAVIDE

Thereupon, as proposed by Mr. Davide and accepted by the Sponsor, the Body approved the following amendments, one after the other:

1. On page 1, reword the first sentence of Section 3 to read:
THERE SHALL BE A VICE-PRESIDENT WHO SHALL HAVE THE SAME QUALIFICATIONS AND TERM OF OFFICE AND BE ELECTED WITH AND IN THE SAME MANNER AS THE PRESIDENT;
2. On the same page, line 18, delete the phrase "as provided in the Constitution",
3. On the same page, line 20, following the word "cabinet" and the period (.), add a new sentence, to wit: SUCH APPOINTMENT REQUIRES NO CONFIRMATION.

Mr. Davide explained that it would degrade the Office of the Vice-President if his appointment as a Member of the Cabinet were to require confirmation by the Commission on Appointments, considering that even the members of the Judiciary and the Ombudsman would not require such confirmation.

4. On page 2, lines 5 and 6, and as modified by Mr. Padilla, reword the second sentence of Section 4 to read: THE PRESIDENT SHALL NOT BE ELIGIBLE FOR ANY REELECTION.

Mr. Davide explained that the amendment would convey the earlier decision of the Body to disqualify the President from any reelection to said office, although he would still be able to run for a lower position.

5. On the same page, line 6, after the preceding amendment, add the following sentences
NO VICE-PRESIDENT SHALL SERVE FOR MORE THAN TWO SUCCESSIVE TERMS. VOLUNTARY RENUNCIATION OF THE OFFICE FOR ANY LENGTH OF TIME SHALL NOT BE CONSIDERED AS AN INTERRUPTION IN THE CONTINUITY OF THE SERVICE FOR THE FULL TERM FOR WHICH HE WAS ELECTED.

Mr. Davide explained that the amendment would be consistent with what the Body had approved on the term of the Vice-President.

6. On the same page, lines 9 and 10, substitute the phrase