

## [ VOL. II, July 28, 1986 ]

### R.C.C. NO. 41

Monday, July 28, 1986

#### OPENING OF SESSION

*At 9:42 a.m., the President, the Honorable Cecilia Muñoz Palma, opened the session.*

THE PRESIDENT: The session is called to order.

#### NATIONAL ANTHEM

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

*Everybody rose, to sing the National Anthem.*

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Jaime S. L. Tadeo.

*Everybody remained standing for the Prayer.*

#### PRAYER

MR. TADEO: Aming Amang Diyos at Allah, Diyos ni Abraham, Moises, Jacob, Lapu-Lapu, Rizal at Bonifacio, Diyos ng Kasaysayan at ng sambayanang Pilipino:

Kami ay lumalapit sa Iyo sa mga sandaling ito na kung saan kami ay nagtatalakayan tungkol sa aming Saligang Batas. Tinipon Mo kami mula sa iba't ibang kaabalahan; antas ng buhay, pananaw at simulain. Bagamat magkakaiba ang aming katayuan at pananaw, pinapag-isa Mo kami sa iisang adhikain — na makamtang ganap ang aming kalayaan at kasarinlan.

O Diyos, sa mga sandaling ito inilalapit ko sa Iyo ang mga magbubukid, manggagawa at iba pang aping uri at sektor. Patuloy pa rin kaming bihag ng mala-kolonyal at mala-piyudal na sistema na nagbabaon sa amin sa kumunoy ng kahirapan. Kaming magbubukid na lumilikha ng pagkain at yaman ng bansa na siyang mayroong kapangyarihang paningningin sa ginto ang kabukiran ang siyang walang pagkain.

Sa gitna ng katotohanang ito, kaming mga Commissioners ay nagtitipon sa isang lugar na mistulang malayo sa kapaitan ng buhay. Ilayo Mo kami sa tukso ng kasaganaan, ng karangyaan, ng kariwasaan na maaaring maglayo sa aming adhikain at maghiwalay sa amin sa naghihirap na sambayanang Pilipino at sa kanilang kapakanang nais naming tugunan. Patnubayan Mo kami ng Iyong banal na diwa upang sa aming pagtatalakayan ay makalikha kami ng isang makabuluhang Saligang Batas na magbibigay ng pampulitika, pangkabuhayang kapangyarihan sa mga dukha at ganap na kasarinlan sa aming bayan, isang Saligang Batas na magbibigay tiwala sa kakayahan ng sambayanang Pilipinong mangalaga at

magpaunlad ng kanyang likas na yaman, umugit sa sariling pag-unlad at ipagtanggol ang sarili laban sa pampulitika at pangkabuhayang kontrol at monopolyo ng mga dayuhan.

Ito ang aming dalangin sa ngalan ng pakikibaka para sa katotohanan, katarungan at kalayaan. Amen.

#### ROLL CALL

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

THE SECRETARY-GENERAL, *reading*:

Abubakar	Present *	Natividad	Present *
Alonto	Present *	Nieva	Present
Aquino	Present *	Nolledo	Present
Azcuna	Present *	Ople	Present
Bacani	Present *	Padilla	Present
Bengzon	Present	Quesada	Present *
Bennagen	Present	Rama	Present
Bernas	Present	Regalado	Present
Rosario Braid	Present	Reyes de los	Present *
Brocka	Present	Rigos	Present
Calderon	Present *	Rodrigo	Present
Castro de	Present	Romulo	Present
Colayco	Present	Rosales	Absent
Concepcion	Present	Sarmiento	Present *
Davide	Present	Suarez	Present
Foz	Present	Sumulong	Present
Garcia	Present *	Tadeo	Present
Gascon	Present *	Tan	Present
Guingona	Present *	Tingson	Present
Jamir	Present	Treñas	Present
Laurel	Present	Uka	Present
Lerum	Present	Villacorta	Present
Maambong	Present	Villegas	Present
Monsod	Present		

The President is present.

The roll call shows 34 Members responded to the call.

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

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

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

#### APPROVAL OF JOURNAL

MR. RAMA.: Madam President, I move that we approve the Journal of the previous session.

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

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

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

The Secretary-General will read the Reference of Business.

#### REFERENCE OF BUSINESS

*The Secretary-General read the following Petition and Communications, the President making the corresponding references:*

#### PETITION

Petition of the honorable Commissioners Lugum L. Uka, Yusup R. Abubakar, Napoleon G. Rama, Regalado E. Maambong, Jose N. Nollado, Ma. Teresa F. Nieva, Hilario G. Davide, Jr. and Florenz D. Regalado, requesting the Committee on Human Resources to immediately call a meeting of the Committee to consider articles or sections of Proposed Resolution No. 451, entitled:

A RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION PROVISIONS RELATIVE TO THE PROBLEM OF ENGLISH, SPANISH AND FILIPINO, OUR MOTHER TONGUES, NATIVE LANGUAGES AND DIALECTS, AND OTHER RELATED SUBJECTS,

which the Committee may wish to incorporate into the new Constitution.

(Petition No. 1 — Constitutional Commission of 1986)

To the Committee on Human Resources.

#### COMMUNICATIONS

Communication from Mr. Mariano Z. Familara, Jr. of 5521 Devonshire, Detroit, Michigan, proposing that it be the policy of the State to stamp out graft and corruption and hidden wealth, and suggesting to this end that the burden of proof that said wealth or property was amassed legitimately be shifted to the owner or possessor thereof.

(Communication No. 343 — Constitutional Commission of 1986)

To the Committee on Accountability of Public Officers.

Letter from Mr. David D. Boaz, Cato Institute, 224 Second St. SE, Washington, D.C. 20003, transmitting a copy of Cato Policy Report containing an article by Dr. Paul

Craig Roberts, entitled: "The Constitutional Protection of Economic Freedom."

(Communication No. 344 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Letter from Mr. Joaquin J. Pascual of 63-C P. Burgos St., Batangas City, urging the Constitutional Commission to adopt provisions for the welfare of senior citizens and government retirees.

(Communication No. 345 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Mr. Potenciano M. Alcala, Sr. of 11 JG Village, Bakyas, Bacolod City, favoring the retention of U.S. military bases and saying that Russian imperialism is worse than American imperialism.

(Communication No. 346 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Communication from Mr. Bartolome Banaken and Ms. Lourdes Calde, submitting the following preferences of the people of Bontoc and Bauko, Mountain Province who attended the public consultations conducted by the honorable Commissioner Ponciano L. Bennagen: On education — Cordillera Province be represented in the Textbooks Board to ensure inclusion of culture in the areas, guidance counseling and special education scheme for children with behavioral problems; on suffrage — adoption of measures to ensure that the illiterate voters' choices are truly reflected; on national language — English is preferred; on emergency powers — declaration of martial law and suspension of the writ of *habeas corpus* be vested in the legislature; abolition of death penalty; retention of U.S. military bases and the presidential form of government with a unicameral legislature.

(Communication No. 347 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Sinub-badan ka mga Bagobo na Mekatanod (Association of Awakened Bagobos), requesting the Commission to give favorable consideration to the rights and privileges of national minorities.

(Communication No. 348 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Mr. Ricardo R. Lozano of 58 Gastambide St., Sampaloc, Manila, suggesting provisions for the right of the State to appeal from a decision of a lower court or tribunal, and for extrajudicial confessions freely and voluntarily given even without the assistance of counsel to be admissible in evidence.

(Communication No. 349 — Constitutional Commission of 1986)

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

Letter from Mr. Marlo-Rodrigo R. de Jesus of Parañaque Political Science Society, Sto. Niño Executive Village, Barangay Sun Valley, Parañaque, Metro Manila, proposing provisions reiterating the prohibition against servants in the civil service, including military and barangay officials, from engaging in partisan politics and condemning violation thereof by ouster or dismissal from office.

(Communication No. 350 — Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

Resolution No. 355 of the Sangguniang Panlalawigan of Cebu, proposing a nuclear-free Philippines, banning the establishment of foreign military bases, depots and/or facilities intended for the storage of nuclear weapons or materials, setting up of nuclear power plants and the transit or overflight of any vehicle or airplane carrying nuclear weapons or materials.

(Communication No. 351 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Mr. Mario P. Arenas of 3064 Brandywine Drive, San Jose, California, proposing a tenure of two consecutive terms with the right to run for the same office after a reasonable time for elective officials from councilor level to senatorial level.

(Communication No. 352 — Constitutional Commission of 1986)

To the Committee on the Legislative.

Letter from Bro. Peter de Groot, FSC of La Salle Green Hills, Metro Manila, proposing the inclusion of the following provision: "Parents should have the opportunity to send their children to the school of their choice."

(Communication No. 353 — Constitutional Commission of 1986)

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

Communication from Mr. Leopoldo C. Segovia of Atlag, Malolos, Bulacan, requesting a provision protecting consumers from the common practice of short-weighting and similar forms of deceit.

(Communication No. 354 — Constitutional Commission of 1986)

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

Position paper submitted by the Seventh Day Adventist Church in the Philippines on religious liberty and separation of Church and State.

(Communication No. 355 — Constitutional Commission of 1986)