

[VOL. II, July 23, 1986]

R.C.C. NO. 37

Wednesday, July 23, 1986

OPENING OF SESSION

At 9:49 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 Jose B. Laurel, Jr.

Everybody remained standing for the Prayer.

PRAYER

MR. LAUREL: Almighty God, even as the eagle flies at will in the infinite reaches of the skies, so let our vision soar untrammelled as we seek that radiant future we hope to ensure for our people in the Constitution we are writing.

Let it be a future where all persons are born free, relishing their rights but always with deference to the rights of others and recognizing authority only as long as its highest commitment is to the strengthening and defense of liberty.

Grant that the spirit of freedom shall always reign in our land, touching one and all like a benediction and igniting that divine spark in every human being that can make him, indeed, slightly "lower than angels" in this imperfect world.

Grant us courage, that we may face up to the powerful and defend those who are weak and oppressed.

Grant us wisdom, that we may distinguish between what is right and what is just, for they are not always the same.

Grant us candor, that we may be true to ourselves and so not false to others.

Grant us strength when we are assailed by despair, or self-doubt, or temptation.

And finally, Lord, grant the new Constitution grace and beauty of language, so that generations from now, when all of us here are gone, our people will still be moving reverently to the cadence of its thoughts.

Bless us all, Eternal Spirit, and keep us free, forever and ever. Amen.

ROLL CALL

THE PRESIDENT: The Secretary-General will 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	Present
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. CALDERON: 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. CALDERON: Madam President, I move for the approval of the Journal of the previous session.

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

is approved.

MR. CALDERON: 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 Communications, the President making the corresponding references:

COMMUNICATIONS

Letter from Mr. Antonio A. dela Cruz, Captain, PA (Ret.), President, AFP, CDD, PERS Assn., Inc. addressed to the Honorable Teodulo Natividad, submitting some proposals for the upliftment of the disabled soldiers.

(Communication No. 280 — Constitutional Commission of 1986)

To the Committee on Social Justice. Letter from Mr. Nicanor B. Petalino of Concepcion, Batangas City, proposing the presidential form of government with a unicameral legislature, a change in the organizational setup of the barangay to a cooperative type to promote unity and cooperation and suggesting qualifications of candidates for the barangay council.

(Communication No. 281 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Mr. Blas S. Flores of Ilwas, Subic, Zambales, suggesting that former KBL officials be disqualified to run for public office in the forthcoming elections for two consecutive terms, and should the U.S. military bases be retained, American personnel, civilian or military, be required to dress properly when going off-base.

(Communication No. 282 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Communication from the Alliance for Philippine Concerns, signed by Mr. Jorge A Emmanuel, Executive Secretary, and endorsed by the National Organization Against Nuclear Power and Weapons, submitting a proposal for a non-nuclear provision in the Philippine Constitution.

(Communication No. 283 — Constitutional Commission of 1986)

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

Communication from Mr. Abraham M. Aboga, Associate Professor of Finance and Banking, University of the East, submitting constitutional proposals on monetary

and fiscal policy.

(Communication No. 284 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Communication from the Integrated Bar of the Philippines, Zamboanga del Sur and Pagadian City Chapter, signed by its Chairman, Judge Manolo P. Reyes, and other members, expressing its stand on some of the emerging issues in the Constitutional Commission.

(Communication No. 285 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Mr. Salvador O. Oco of 13 Moonbeam St., Moonwalk Subd., Parañaque, Metro Manila, thru Minister Juan Ponce Enrile of the Ministry of National Defense, submitting constitutional proposals for consideration by the Constitutional Commission.

(Communication No. 286 — Constitutional Commission of 1986)

To the Steering Committee.

Petition from the Veterans Federation of the Philippines, Zamboanga del Sur Chapter, Pagadian City, signed by Mr. Eufemio C. Salera, Veterans District Commander, Zamboanga del Sur Chapter, proposing a presidential form of government with a unicameral legislature, among others.

(Communication No. 287 — Constitutional Commission of 1986)

To the Committee on the Executive.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: I move that we close the period of sponsorship and debate on the Article on the Legislative so that we can proceed to the period of amendments.

THE PRESIDENT: I do not understand. Are we excluding the provision on the terms of office?

MR. RAMA: Yes. This will be taken up later in the period of amendments.

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

CONSIDERATION OF C.R. NO. 22
(Article on the Legislative/National Assembly)
Continuation

PERIOD OF AMENDMENTS

MR. RAMA: Madam President, I move that we proceed to the period of amendments on the Article on the Legislative.

THE PRESIDENT: Is there any objection? What does the Chairman of the Committee on the Legislative say? Are we ready to proceed?

MR. DAVIDE: We are ready, Madam President.

THE PRESIDENT: So, may we call on the Chairman, Commissioner Davide, and the members of the Committee on the Legislative.

MR. RAMA: Madam President, I ask that Commissioner Colayco be recognized to present an amendment.

THE PRESIDENT: Commissioner Colayco is recognized.

MR. COLAYCO: Thank you, Madam President.

I would like to propose an amendment on Section 19. Lines 2 up to 4 read as follows:

No Senator or Member of the House of Representatives shall appear as counsel before any court which is not of collegiate composition . . .

I would like to propose that the prohibition on the Senators and Members of the House of Representatives to appear as counsel before any court of justice be made absolute. My reason is that membership in the legislature necessarily carries with it a special prestige and, therefore, constitutes an unfair advantage over the other party. That is one reason. Second, because of the same prestige, there is always the fear and suspicion on the part of the public that they can easily influence the mind of the members of the court in framing their decisions.

We have decided in this Commission, especially in the Committee on the Judiciary, to frame a Constitution that will not only establish a system whereby the judiciary can really become independent from any pressure, but also will correct the impression among the people that it is subject to outside influence and to pressure from the government as well as from interested parties.

One of the most common complaints of lawyers appearing in court is that the appearance of a Member of the legislature constitutes an unfair advantage. It is, therefore, for these reasons that I propose that the first line of Section 19 read as follows: "No Senator or Member of the House of Representatives MAY appear as counsel before any court."

MR. DAVIDE: Madam President, the proposed amendment would, therefore, affect the succeeding lines where appearance would be allowed except in the cases therein provided. The Committee regrets that it cannot accept the proposal for the following reasons: First, insofar as influence by a Senator or a Member of the House of Representatives is concerned, the same can no longer obtain because firstly, under