

# [ VOL. V, September 30, 1986 ]

## R.C.C. NO. 96

Tuesday, September 30, 1986

### OPENING OF SESSION

At 10:05 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 D. Calderon.

*Everybody remained standing for the Prayer.*

### PRAYER

MR. CALDERON: Let us pray.

Almighty God, we have imposed on ourselves a deadline to complete our job, at the very latest by the fifteenth of October, two short weeks away. During the last four months, we have accomplished much, enough for us to believe that the unfinished portion of our task can be completed within the next two weeks.

Grant us, Almighty God, the strength and the sagacity to enable us to keep our word to ourselves and to our people, to the end that this fundamental law over which we have labored for a third of a year shall be ready to be offered to our people so that they may render judgment.

Be to us, O Lord, the guide to rectitude so that neither personal ambition nor partisan commitment nor ideological scruples shall sway us away from the path of service to our people.

Finally, Almighty God, infuse each of us with the grace of Your benediction and Your wisdom so that whatever else we each may be, we shall be one with our people who are the only reason for our being here at all.

Through Jesus Christ, we pray. Amen.

May I now take advantage of this opportunity to greet one of our colleagues, Commissioner Felicitas Aquino, on the occasion of her birthday today. *(Applause)*

*(Everybody sang "Happy Birthday" to Commissioner Aquino.)*

## 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 *
Calderon	Present	Rigos	Present
Castro de	Present	Rodrigo	Present
Colayco	Present	Romulo	Present
Concepcion	Present	Rosales	Absent
Davide	Present	Sarmiento	Present
Foz	Present	Suarez	Present
Garcia	Present	Sumulong	Present
Gascon	Present *	Tadeo	Present *
Guingona	Present	Tan	Present *
Jamir	Present	Tingson	Present *
Laurel	Absent	Treñas	Present
Lerum	Present	Uka	Present
Maambong	Present	Villacorta	Present *
Monsod	Present		

The Constitutional Commission is in receipt of official advice of absence of Commissioner Villegas.

The President is present.

The roll call shows 31 Members responded to the call.

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

MR. CALDERON: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

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

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

#### APPROVAL OF JOURNAL

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

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

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

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

The Secretary-General will read the Reference of Business.

#### REFERENCE OF BUSINESS

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

#### COMMUNICATIONS

Letter from a concerned citizen of Bauko, Bontoc, Mountain Province, suggesting, among others, that the Philippine flag be hoisted over the U.S. military and naval bases in the Philippines, and that the U.S. aid be called rentals of the bases.

(Communication No. 1025 — Constitutional Commission of 1986)

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

Letter from Ms. Amelia D. Ortega of Caloocan Industrial Subdivision, Gen. Luis St., Kaybiga, Caloocan, Metro Manila, expressing her views on "foreign ownership of

industrial lands," saying that foreign investors should be treated as partners in business allowing them to own property on which to build their factories.

(Communication No. 1026 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Letter from Mr. Procopio M. Devera, President of the Small Landowners Association of Dingle, Iloilo, transmitting Resolution No. 86-1 of said association, seeking the repeal of Presidential Decree No. 27, known as Agrarian Reform Law, so that all lands covered by certificates of land transfer containing an area of more than seven hectares and not exceeding one hundred hectares be returned to the original owners.

(Communication No. 1027 — Constitutional Commission of 1986)

To the Committee on Social Justice.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

CONSIDERATION OF PROPOSED RESOLUTION NO. 531  
(Article on General Provisions)  
*Continuation*

PERIOD OF AMENDMENTS

MR. RAMA: I move that we resume consideration of the Article on General Provisions.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the honorable chairman and members of the Committee on General Provisions are requested to please occupy the front table so that we may continue consideration of the proposed Article on General Provisions.

By the way, our chairman is the Honorable Florangel Rosario Braid; the vice-chairman is the Honorable Teodoro Bacani; the members are Commissioners Rigos, Natividad, Uka, de Castro, Gascon, Nollado, Aquino and Foz.

MR. RAMA: Madam President, I ask that Commissioner de Castro be recognized. He was sponsoring the provisions having to do with the military at the adjournment of the session yesterday.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Madam President.

Early on Monday morning I distributed to the Commissioners the consolidated report on the Armed Forces of the Philippines, which, in our original report, refers to

Sections 17, 18, 19, 20 and 21. I have so consolidated it into only two sections without first referring it to the committee, but after talking with the chairperson of our committee and several members thereof, they manifested that they are confirming my consolidation on the matter. And, therefore, the two sections that I have already distributed to the honorable Commissioners may be considered now as a committee report.

The first section, Madam President, refers to the concept of our armed forces composed of the Citizen armed force and a regular force, necessary for the security of the State. This concept is embodied in Commonwealth Act No. 1 known as the National Defense Act.

The second section, Section 18, refers to the particular duty of the armed forces, that of the protection of the country and the people, and yielding no loyalty to any person but to the State. And part of subparagraph B thereof refers to the employment of the Citizen Armed Force for internal security as may be provided by law. I can explain this if our Commissioners would like an extensive explanation on this matter.

These have been used already by the armed forces lately under the "Kamagong" concept where our trainees were called to active duty for about 16 months and used in the campaign against the NPAs, and they are very effective. They are effective because they are men like Commissioner Maambong, who is an officer in the reserved force, who is called to active duty to fight NPAs, and he knows how to fight them, and there is less violation of human rights when they are used. The problem comes in, Madam President, on their mustering out. They have found themselves out of jobs and, therefore, they had stuck to the armed forces — "Sabi nila, kahit na pakainin na lamang kami. Wala rin lang kaming hanapbuhay, dito na kami sa armed forces." So, the law must provide for the mustering out of these trainees and these reserved officers who will be called to active duty.

Then, the next subparagraph is the professionalization of the armed forces. This is indeed necessary, if we want a good armed forces not violating human rights and really pursuing their objective in the security of the State. It shall be insulated from the influence of partisan politics because politics destroys professionalism.

On the matter of retirement in the next subsection B, this is a cause of great demoralization in the armed forces, Madam President, particularly when abused, as in the past regime. Unless high-ranking officers are retired, there is no chance for the low-ranking officers to rise, and this is really a cause of great demoralization. I am glad that lately, this morning, I read in the newspapers that nine generals were retired by our President. That is fine, and we will find that the officer corps in the armed forces are very happy for that because they can look forward to nine slots — nine of them to becoming generals. The President, however, exercised her option under the existing laws by allowing two of them, General Mison, the Vice-Chief of Staff and General Canieso, the army commander, two extensions for one year. I hope that it will not be longer than that because other officers are still looking forward to becoming generals, too.

Then we have the tour of duty of the Chief of Staff which somebody told me should not be in the Constitution. But that is necessary, because the old regime, I recall, took some ten to fifteen years to relieve General Romeo Espino. Until the deposed