

[VOL. V, September 26, 1986]

R.C.C. NO. 93

Friday, September 26, 1986

OPENING OF SESSION

At 9.57 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 Ahmad Domocao Alonto.

Everybody remained standing for the Prayer.

PRAYER

MR. ALONTO: *Al Fatihah, Bismillaahir — Rahmaanir — Rahiim.* — In the name of Allah, Most Benevolent, Ever-Merciful.

'Al-Hamdu Li'llaahi Rabbi'l — 'Aalamiin; — All praise be to Allah, Lord of all the Worlds;

'Ar-Rahmaanir-Rahiim; — Most Beneficent, Ever-Merciful;

Maaliki Yawmid-Diin; — King of the Day of Judgment;

'Iyyaaka na'-budu wa 'iyyaaka nasta-'iin. — Those alone we worship; and to Thee alone we turn for help.

'Indinas-Siraatal-Mustaqiim; — Guide us to the straight path;

Siraatal-laziina 'an-'amta 'alay-him — The path of those whom Thou hast favoured;

Gayril-magzuubi 'alay-him wa laz-zaalliin — Not (the path) of those who earn Thine anger nor of those who go astray. (Q.1:1-7)

On this homestretch in framing the fundamental law of this country, we ask of Thee, O God, to guide us as Thou hast been guiding us from the start, and grant that we

be able to complete the task before the date that we have voluntarily imposed upon ourselves to finish drafting this Constitution.

We ask of Thee, O God, to continue strengthening us along the course of this task and grant that this Constitution could effect a change in attitude and dynamism on the people of this country, for we are aware, O God, of the verity. *INNA 'LAAHA LAA YU GHAIKU MABI QAUMIN HATTA YU GHAIKU MABI ANFUSIHIM* . — Verily, God, do not change the condition of a people unless the same people have changed what is in themselves.

We ask of Thee, O God, that this Constitution that we are drafting can establish in this country, *UMMATTUN YADU'UNA ILA'L KHAYR WA YA'MURUUNA BIL MA'RUUF WA YANHA'UNA ANI'L MUNKAR* — A nation that invites to goodness, enjoins what is right and forbids what is evil. (Q. 3:104)

Finally, we thank Thee, O God Almighty, for giving us a leader whom Thou hast blessed with genuine sincerity of faith, complete dedication to the well-being of the people and true love for freedom, justice and democracy.

AMIIN, YA RABBUL ALAMIIN.

At this juncture, the President relinquished the Chair to the Honorable Francisco A. Rodrigo.

ROLL CALL

THE PRESIDING OFFICER (Mr. Rodrigo): 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 |
| 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 | | Tadeo | |

| | | | |
|----------|-----------|------------|-----------|
| | Present * | | Present * |
| Guingona | Present | Tan | Present |
| Jamir | Present | Tingson | Present |
| Laurel | Absent | Treñas | Present |
| Lerum | Present * | Uka | Present |
| Maambong | Present | Villacorta | Present |
| Monsod | Present * | | |

The Secretariat is in receipt of official advice of absence of Commissioner Villegas.

The President is present.

The roll call shows 33 Members responded to the call.

THE PRESIDING OFFICER (Mr. Rodrigo): The Chair declares the presence of a quorum.

The Assistant Floor Leader is recognized.

MR. CALDERON: Mr. Presiding Officer, I move that we dispense with the reading of the Journal of the previous session.

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

MR. CALDERON: Mr. Presiding Officer, I move that we approve the Journal of yesterday's session.

THE PRESIDING OFFICER (Mr. Rodrigo): Is there any objection?

Commissioner Padilla is recognized.

MR. PADILLA: Mr. Presiding Officer, on page 5, there is a proposed amendment regarding family rights.

I have my own proposal which was submitted to the committee and copies of which were distributed to the Members. I could not be present yesterday morning because I had to appear as amicus curiae before the Supreme Court on the PCGG cases. I move to have my proposal inserted in the Journal after the proposal of Commissioners Davide and Suarez. However, I understand the committee did not accept my proposal, but I would like that to appear in the Journal on page 5.

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

The Secretary-General is instructed to make the corresponding correction.

APPROVAL OF JOURNAL

MR. CALDERON: Mr. Presiding Officer, I move that we approve the Journal of yesterday's session.

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

MR. CALDERON: Mr. Presiding Officer, I move that we proceed to the Reference of Business.

THE PRESIDING OFFICER (Mr. Rodrigo): 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 Presiding Officer making the corresponding references:

COMMUNICATIONS

Letter from Mrs. Rosario A. Magnaye of Looc, Romblon, submitting for consideration by the Constitutional Commission the following suggestions: (1) Give vacant lands owned by the government to deserving tenants; (2) Encourage the landowners to donate some parcels of land to citizens worthy of their trust; and (3) Give every citizen the incentive and the freedom to buy or sell land by mutual agreement between vendor and vendee, among others.

(Communication No. 1012 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Communication from Mr. Bayani Molina of 161 Scout Limbaga Ext., Kamuning, Quezon City, expressing, among others, his opinion about the advantages of a constitutional right to bear arms, submitting therefor his suggestions on how this constitutional right may be implemented.

(Communication No. 1013 — Constitutional Commission of 1986)

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

Letter from Mr. Florencio D. Montalbo of 39 Notre Dame, Cubao, Quezon City, expressing apprehension over the approval of a constitutional proposal which, in effect, shall perpetuate the post-audit procedure of auditing government accounts.

(Communication No. 1014 — Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

Position paper submitted by the Small Landowners Association of Antique, San Jose, Antique, signed by 203 members, seeking the repeal of Presidential Decree No. 27, known as the Agrarian Reform Law, so that all lands covered by certificates of land transfer containing an area of more than seven hectares and not exceeding 100 hectares be returned to the original owners.

(Communication No. 1015 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Letter from Mr. Ernesto B. Martinez of 55 Panorama St., Rimview Park Village, Concepcion, Marikina, Metro Manila, seeking inclusion in the Constitution of a provision providing only one color, one design, etc., for our paper monies or currencies, from two-peso to one hundred-peso bill.

(Communication No. 1016 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Communication from Mr. Delfin Manlapaz of 1707 E. Rodriguez, Sr. Blvd., Cubao, Quezon City, reiterating his suggestion for the creation of a citizen-owned Reservoir of National Credit wherein everyone, natural-born or naturalized, regardless of sex, age, or social standing, is credited with a prorated initial bank deposit.

(Communication No. 1017 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

THE PRESIDING OFFICER (Mr. Rodrigo): The Floor Leader is recognized.

MR. RAMA: Mr. Presiding Officer, I move that the Presiding Officer be allowed to perform the duties of the Chair. Section 2 (a) of our Rules states, and I quote:

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.

In view of this fact, I so move that we approve the designation of the honorable Commissioner Rodrigo as presiding officer beyond the one-day period to perform the duties of the President.

MR. MAAMBONG: I second the motion.

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

MR. RAMA: Mr. Presiding Officer, today is Friday, and there is a request for a privilege speech by Commissioner Calderon. May I ask that he be allowed to make