

**JOURNAL No. 86**

Wednesday, September 18, 1986

CALL TO ORDER

At 9:56 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. Lugum L. Uka, to wit:

Bismillah Ir Rahman ir Rahim

Most Merciful and compassionate Almighty God, we who are gathered here humbly ask for Thy Mercy, love and guidance to enable us to write a Constitution that shall bring about unity, democracy, justice, peace and prosperity for all our people, Muslims, Christians and tribal communities alike.

As we approach the last days of our great mission in writing the fundamental law of our land, we ask Thee, Oh God, to guide us to be patient and tolerant of each other's views that we may succeed in our great mission. Help us follow Thy Ten Commandments, among which is "Thou shall not kill."

Inspire us, Oh God, with the noble thought that we are all members of one great family with a common goal or objective in making our dear country a worthy member of the family of nations.

We thank Thee, Oh God, for all the inspiration and guidance You have given all of us during all our plenary sessions and we are happy with the thought that with Your guidance, we shall succeed in our great mission.

Amen.

ROLL CALL

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

Bacani, T. C.	De Castro, C.
	M.
Bengzon, J. F.	Colayco, J. C.
S.	
Bennagen, P. L.	Concepcion, R.
	R.
Bernas, J. G.	Davide, H. G.
Rosario Braid,	Foz, V. B.
F.	

Gascon, J. L.	De los Reyes, R.
M. C.	F.
Guingona, S. V.	Rigos, C. A.
C.	
Jamir, A. M. K.	Rodrigo, F. A.
Lerum, E. R.	Romulo, R. J.
Monsod, C. S.	Suarez, J. E.
Nieva, M. T. F.	Sumulong, L.
	M.
Nolledo, J. N.	Tan, C.
Ople, B. F.	Tingson, G. J.
Muñoz Palma, C.	Treñas, E. B.
Rama, N. G.	Uka, L. L.
Regalado, F. D.	Villegas, B. M.
Bacani, T. C.	De Castro, C.
	M.
Bengzon, J. F.	Colayco, J. C.
S.	
Bennagen, P. L.	Concepcion, R.
	R.
Bernas, J. G.	Davide, H. G.
Rosario Braid, F.	Foz, V. B.
Gascon, J. L.	De los Reyes, R.
M. C.	F.
Guingona, S. V.	Rigos, C. A.
C.	
Jamir, A. M. K.	Rodrigo, F. A.
Lerum, E. R.	Romulo, R. J.
Monsod, C. S.	Suarez, J. E.
Nieva, M. T. F.	Sumulong, L.
	M.
Nolledo, J. N.	Tan, C.
Ople, B. F.	Tingson, G. J.
Muñoz Palma, C.	Treñas, E. B.
Rama, N. G.	Uka, L. L.
Regalado, F. D.	Villegas, B. M.

With 32 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.

Abubakar, Y. R.	Maambong, R.
	E.
Alonto, A. D.	Natividad, T. C.
Aquino, F. S.	Quesada, M. L.
	M.
Azcuna, A. S.	Rosales, D. R.
Calderon, J. D.	Sarmiento, R. V.

Garcia, E. G.	Villacorta, W. V.
Abubakar, Y. R.	Maambong, R.
	E.
Alonto, A. D.	Natividad, T. C.
Aquino, F. S.	Quesada, M. L.
	M.
Azcuna, A. S.	Rosales, D. R.
Calderon, J. D.	Sarmiento, R. V.
Garcia, E. G.	Villacorta, W. V.
Abubakar, Y. R.	Maambong, R.
	E.
Alonto, A. D.	Natividad, T. C.
Aquino, F. S.	Quesada, M. L.
	M.
Azcuna, A. S.	Rosales, D. R.
Calderon, J. D.	Sarmiento, R. V.
Garcia, E. G.	Villacorta, W. V.

P. M.

Padilla, A. B.

Messrs. Laurel and Tadeo were absent.

#### READING AND APPROVAL OF THE JOURNAL

On motion of Mr. Rama, 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. Rama's 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. 923 — Constitutional Commission of 1986

Letter from Phan Quang Dan, MD, DrPH, Former Deputy Premier of South Vietnam, P.O. Box 11452, St. Thomas, US Virgin Islands 00801, USA, expressing his opinion that too frequent elections tend to destabilize the political conditions and make it difficult for the Executive to implement its programs, suggesting therefor that a presidency of two seven-year terms might be the best formula to consolidate stability

#### TO THE COMMITTEE ON THE EXECUTIVE

Communication No. 924 — Constitutional Commission of 1986

Letter from Mr. Antonio C. Pastelero, 5th Floor, Alexander House, 132 Amorsolo St., Legaspi Village, Makati, Metro Manila, proposing that in submitting the new Constitution, the choice should not be limited to ratifying or rejecting it, but on whether our people prefer to return to the 1935 Constitution, or to adopt the new one

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 925 — Constitutional Commission of 1986

Letter from one R.A. Tuvilla of Davao, suggesting that in order to enhance the easy approval of the proposed Constitution during the plebiscite, a question should also be asked whether or not they favor President Aquino to continue in office as President of the Philippines

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 926 — Constitutional Commission of 1986

Communication from Mr. Eugenio A. Antonio, Jr., Chapter Commander, First District of Negros del Norte Chapter, Veterans Federation of the Philippines, submitting the Federation's Resolution No. 04-86, requesting the exclusion or deletion from the draft Constitution the issue of the removal of the American bases in the Philippines after 1991

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

Communication No. 927 — Constitutional Commission of 1986

Letter from one Nitnit Mongaya-Hoegsholm, Strandhojsvej 12, 3050 Humlebaek, Denmark, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines

TO THE COMMITTEE ON GENERAL PROVISIONS

UNFINISHED BUSINESS: COMMITTEE REPORT NO. 36 ON PROPOSED RESOLUTION NO. 537 ON THE ARTICLE ON DECLARATION OF PRINCIPLES

On motion of Mr. Rama, there being no objection, the Body resumed consideration, on Second

Reading, of proposed Resolution No. 537 (Committee Report No. 36) on the Article on the Declaration of Principles, entitled:

Resolution to incorporate in the Constitution an Article on the Declaration of Principles.

Mr. Rama informed that the period of debate had been closed except for the reservation made by Mr. Ople. Thereupon, he asked that Mr. Ople be recognized.

The Chair recognized the Vice-Chairman and members of the Committee on Preamble, National Territory and Declaration of Principles. She informed that the same privileges granted to other Members shall be extended to Mr. Ople but requested, to facilitate the proceedings, that the Body abbreviate the speeches and replies to interpellations and omit matters or issues which have already been discussed on the floor.

#### REMARKS AND INTERPELLATION OF MR. OPLE

Mr. Ople noted that Sections 1, 2 and 3 of the Committee Report are closely interrelated and linked together in the perception of the Committee and deal basically with two paramount issues — national security and national sovereignty. He noted that seen from the record of the debates, the Members differ in their fundamental perceptions on the two issues, which differences must be seen against contemporary historical realities in which the Members live and act out their respective individual beliefs.

These realities, he stated, to many Filipinos can be summed up in one phrase — a threat of a Communist takeover of the Philippines. The threat, he stated, looms large in the minds of many Filipinos and is considered so imminent a danger that the people have reacted in two ways: fight or flight.

Mr. Ople observed that many in the middle class have sent their families to the United States while others are getting ready to leave just in case. He noted that young officers of the Armed Forces of the Philippines are getting restive, as they receive reports of one-sided casualties in the field when they are told to fight defensively while the government promotes an atmosphere of conciliation and restraint during ceasefire negotiations. He adverted to the recent NPA attack on an army detachment in San Pablo City, 80 kilometers from Manila.

He stated that Mr. Enrile told him that if the government continues with the policy of coddling the Communists and if General Ramos chooses to be wishy-washy, he can be isolated in his own Army.

He informed that young officers are already talking of "Remember Jakarta" as their future slogan. He noted that in Indonesia in 1965, after 6 generals of the Indonesian Army were assassinated by the Communists, the Indonesians rose up and massacred 600,000 of their countrymen.

He noted that the situation differ because while the Indonesian PKI the Partai-Komunist Indonesia, the world's largest communist party then, had no army, on the other hand, the CPP has its own army.

Mr. Ople stated that he is taking advantage of the debate to inform the Body of the feelings of many Filipinos on the issues concerning the bases, neutrality and nuclear-free territory. He noted that the issues are being debated in an atmosphere of nascent civil war as both sides of the bases issue are larger than life and have many differences, the sharpest being that between democracy and communism.