

JOURNAL NO. 84

Tuesday, September 16, 1986

CALL TO ORDER

At 10:15 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. Serafin V. C. Guingona, to wit:

Merciful Father, we, Your sons and daughters in this Commission, offer to You today our renewal of total commitment and dedication to the task before us of framing a Constitution for our people. As we reach the last stages of its completion, we invoke Your Divine Aid for continued moral, mental and physical strength to stand by what is morally right, strength to be able to use our mental capacities to the utmost for the benefit of our people particularly the underprivileged, strength to carry us through to the last day of our sessions.

Dear Lord, You have brought us together. Help us to liken ourselves as members of a large family under Your Paternal care and guidance- each member different from the other, each blessed with different expertise and having different views yet sharing the same concern, each respecting the opinion of others, no one attempting to impose his or her will on another For it is in the harmonious blending of our efforts and abilities that we would be able to frame a Constitution that would be reflective of the ideals and aspirations of our people.

Grant us the resolve to persevere in our efforts and let not our human frailties hinder us from drafting a Constitution truly worthy of our people at the soonest possible time, a Constitution that would secure to ourselves and our posterity the blessings of democracy under the rule of law and a regime of truth, justice, freedom, love, equality and peace.

Amen.

ROLL CALL

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

Aquino, F. S.
Azcuna, A. S.
Bennagen, P. L.
Bernas, A.. G.
Rosario Braid, F.

Padilla, A. B.
Muñoz Palma, C.
Rama, N. G.
Regalado, F. D.
Rigos, C. A.

Calderon, J. D.
De Castro, C. M.
Colayco, J. C.
Concepcion, R. R.
Davide, H. G.
Gascon, J. L. M. C.
Guingona, S. V. C.
Jamir, A. M. K.
Nieva, M. T. F.
Nolledo J. N.

Rodrigo, F. A.
Romulo, R. J.
Sarmiento, R. V.
Suarez, J. E.
Sumulong, L. M.
Tan, C.
Tingson, G. J.
Treñas, E. B.
Uka, L. L.
Villegas, B. M.

With 30 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.

Abubakar, Y. R.
Alonto, A. D.
Bacani T. C:
Bengzon, J. F. S.
Garcia, E. G.

Lerum, E. R.
Maambong, R. E.
Monsod, C. S.
Natividad, T. C.
Quesada, M. L. M.

P.M.

Foz, V. B.
Tadeo, J. S. L.

Villacorta, W. V.

Mr. de los Reyes was on official mission.

Mr. Rosales was sick.

Messrs. Laurel and Ople were absent.

READING AND APPROVAL OF THE JOURNAL

On motion of Mr. Calderon, 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. Calderon, there being no objection, the Body proceeded to the Reference of Business.

REFERRAL TO COMMITTEES OF RESOLUTION AND COMMUNICATION

Upon direction of the Chair, the Secretary-General read the titles of the following Resolution and Communications which were, in turn, referred by the Chair to the Committees hereunder indicated:

Proposed Resolution No. 545, entitled:

RESOLUTION TO DEFER VOTING ON BASES AND NEUTRALITY UNTIL
AFTER THE PRESIDENT'S VISIT TO THE UNITED STATES

Introduced by Honorable Villacorta, Concepcion, Suarez, Sarmiento,
Nolledo, Davide, Jr., Uka, Tan, Gascon, Quesada, Garcia, Bennagen,
Aquino, Tadeo, Bernas, Azcuna, Abubakar, Foz and Rosario Braid

TO THE STEERING COMMITTEE

COMMUNICATIONS

Communication No. 915 — Constitutional Commission of 1986

Letter from Atty. Flor S. Caritan, No. 1-3 Molave Street, 2nd Reyville
Subdivision, Pamplona III, Las Piñas, Metro Manila, expressing his views
on the proposed "budget-priority in compulsory elementary and high
school education", saying that this can be a drawback to some other
good provisions in the Constitution because it can mean some delays in
infrastructures, agricultural developments, the construction and repair of
highways, bridges and roads, because it must be all out for education

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 916 — Constitutional Commission of 1986

Letter from Atty. Manuel T. Ferrer of the Small Rice Landowners
Association of Camarines Norte, expressing full support to the provisions
of Section 5 of the proposed Article on Social Justice

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 917 — Constitutional Commission of 1986

Letter from Mr. Roman Gonzales and three others, Barangay Abogado,
Paniqui, Tarlac, urging the Constitutional Commission to consider the
upliftment of the veterans who have been left out by Batas Pambansa
Blg. 644

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 918 — Constitutional Commission of 1986

Letter from one Taisuke Ogawa of 329-1 Uyanagikami-machi, Katsushiro,
Kumamoto, Japan, urging the Constitutional Commission to include the
base-free and nuclear-free provisions to see a demilitarized and nuclear-
free world

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

Communication No. 919 — Constitutional Commission of 1986

Communication from Mr. Agaton N. Ibarbia President, Small Landowners
Association of Buhi Inc., Buhi, Camarines Sur, expressing Support for the
adoption of a provision protecting the small fisherman from being

dispossessed by the rich and foreigners and the provision for adequate employment opportunities of deprived citizens affected by the land reform laws

TO THE COMMITTEE ON SOCIAL JUSTICE

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 Declaration of Principles, entitled:

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

Thereupon, the Chair recognized the Chairman and Members of the Committee on Preamble, National Territory and Declaration of Principles.

Pursuant to an earlier reservation, Mr. Rama asked for the recognition of Mr. Azcuna.

REMARKS OF MR. AZCUNA

Speaking in support of Section 3 of the Article on the Declaration of Principles, Mr. Azcuna stressed that the proposal seeks to assert Philippine sovereignty by providing that no foreign military bases would henceforth be allowed on Philippine territory. However, he explained that this is subject to existing international agreements and therefore the proposal does not seek the immediate dismantling of foreign military bases in the country. Specifically, he stated that the existing military bases, pursuant to the RP-US Military Bases Agreement, may be allowed to stay until 1991 when the Agreement expires, adding that if by then it is allowed to lapse, the Philippine Government would not be reneging on any obligation by choosing not to renew it.

On the question of whether the Philippine Government should enter into a new treaty to allow these foreign military bases to stay after 1991, he stated that it is the position of the Committee that they should not stay after said date because their presence in Philippine territory derogates Philippine sovereignty

Mr. Azcuna disagreed with the suggestion that this matter should be left to the Executive to decide on the ground that the President is charged with the conducts of foreign relations. He maintained that this is not simply a question of foreign policy but a question of national sovereignty. He pointed out that the Constitution is first and foremost a document which defines the parameters of the people's sovereignty. He noted that having been tasked to draft the Constitution, the Commission is bound to encounter certain drawbacks, restrictions and derogations to the very sovereignty that it wishes to assert in the fundamental charter. He stated that these encounters should not be left for determination in other forums because the Commission is precisely called upon to perform the task of defining sovereignty and determining what may be the restrictions, infringements and impairments which stand in the way of its exercise. He likened the situation to that of a carpenter who, having been asked to build a house, encountered termites which could undermine

its foundation, in which case, the carpenter could not just say he would not mind the termites because he was only asked to build the house. He argued that the removal of the termites is necessary, otherwise, there is no sense in building the house. Similarly, he stressed that restrictions on and derogation of sovereignty must also be addressed, otherwise, there is no sense in drafting a constitution.

Taking exception to the observation that the Philippines is a small country like a small, fragile woman, Mr. Azcuna pointed out that the Philippines is among the largest countries in the world both in terms of area and population, with sufficient human as well as natural resources more than enough to allow it to stand on its own without relying perpetually on foreign powers for its defense.

Mr. Azcuna stated that the RP-US Military Bases Agreement is tied up to the RP-US Mutual Defense Agreement. However, on the statement that the country needs the Mutual Defense Agreement for its security because it is not yet ready to defend itself, Mr. Azcuna inquired as to when will the foreign power that seeks to defend it train the nation so that it will be able to defend itself. He also inquired whether it is in the interest of a foreign power to make the country perpetually dependent on it rather than train it in order that it can stand on its own.

Mr. Azcuna maintained that in drafting a new Charter that would assert Philippine sovereignty, it is the Commission's task and duty to give to the people the right to define their own destiny. He stated that much has been said of the Filipino people being free, independent and sovereign, yet, he noted that the Body does not want to address itself to this one single factor that derogates and undermines that sovereignty. He deplored the pretention that the people shape their own destiny of and are masters in their land when in fact they are not.

Mr. Azcuna urged the Members to support the Committee Report which, he said, seeks to squarely address the issue of sovereignty. He maintained that this is an option which must be exercised neither by the President nor by the Senators but by the people themselves. He warned that failure to place this in the Constitution would, in effect, deprive the people of their option to decide.

MANIFESTATION OF MR. ROMULO

At this juncture, upon request of Mr. Romulo there being no objection, the Body proceeded to the period of interpellations without prejudice to Mrs. Natividad's reservation to speak on the proposed Resolution.

SUGGESTION OF MR. SUAREZ

At this juncture, Mr. Suarez suggested that the Body adopt the same methodical and systematic procedure it adopted in discussing the proposed Article on Human Resources.

Upon inquiry of the Chair, he suggested that the interpellation be done by section.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session
It was 10:25 a.m.