

[VOL. IV, September 16, 1986]

R.C.C. NO. 84

Tuesday, September 16, 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 Serafin V.C. Guingona.

Everybody remained standing for the Prayer.

PRAYER

MR. GUINGONA: 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 — 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 the others, and 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 will be able to frame a Constitution that is 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

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	Absent
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 [*]	Villegas	Present

Commissioner Rustico F. de los Reyes, Jr. is on official mission.

The President is present.

The roll call shows 30 Members responded to the call.

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

MR. CALDERON: Madam President.

THE PRESIDENT: The Assistant 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 yesterday's 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 Proposed Resolution on First Reading and Communications, the President making the corresponding references:

PROPOSED RESOLUTION ON FIRST READING

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, Nollado, Davide, Jr., Uka, Tan, Gascon, Quesada, Garcia, Bennagen, Aquino, Tadeo, Bernas, Azcuna, Abubakar, Foz and Rosario Braid.

To the Steering Committee.

COMMUNICATIONS

Letter from Atty. Floro 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 draw-back to some other good provisions in the Constitution because it can mean some delays in infrastructure, agricultural developments, the construction and repair of highways, bridges and roads, because it must be all out for education.

(Communication No. 915 — Constitutional Commission of 1986)

To the Committee on Human Resources.

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.

(Communication No. 916 — Constitutional Commission of 1986)

To the Committee on Social Justice

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.

(Communication No. 917 — Constitutional Commission of 1986)

To the (Committee on Social Justice.

Letter from one Taisuke Ogawa of 329-1 Uyanagikamimachi, Katsushiro, Kumamoto, Japan, urging the Constitutional Commission to include the base-free and nuclear-

free provisions to see a demilitarized and nuclear-free world.

(Communication No. 918 — Constitutional Commission of 1986)

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

Communication from Mr. Agaton N. Ibarbia I, President Small Landowners Association of Buhi, Inc., Buhi, Camarines Sur, expressing support for the adoption of a provision protecting the small fishermen from being dispossessed by the rich and foreign group of people and the provision for adequate employment opportunities to deprived citizens affected by the land reform laws.

(Communication No. 919 — 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. 537

(Article on the Declaration of Principles)

Continuation

PERIOD OF SPONSORSHIP AND DEBATE

MR. RAMA: I move that we continue the consideration of Committee Report No. 36 on Proposed Resolution No. 537 on the Article on the Declaration of Principles.

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

The honorable chairman and members of the committee will please occupy the front table in order that we may continue our discussion.

MR. RAMA: Madam President, we are now in the period of interpellations. However, yesterday two Gentlemen reserved their right to make a speech on the Article on the Declaration of Principles. May I ask that Commissioner Azcuna be recognized.

THE PRESIDENT: Commissioner Azcuna is recognized.

MR. AZCUNA: Thank you, Madam President.

I rise to support Section 3 of the Declaration of Principles submitted by the committee. The proposal is to assert Philippine sovereignty on Philippine territory by providing that no foreign military bases will henceforth be allowed on Philippine territory. First of all, this proposal does not seek the immediate dismantling of foreign military bases in the Philippines. It clearly states that it is subject to existing international agreements. The Philippines will honor all its international treaty obligations.

The first thing that we should invite attention to is that the RP-US Bases Agreement is due to expire in 1991. If we let it lapse in 1991 without renewing it, we will not be reneging on any obligation; we will not be violating any promise; we will not be tainting our honor, for our promise, our agreement and our obligation is merely to let them have these bases up to 1991, and no more. That should be very clear.

After the agreement expires in 1991, the question, therefore, is: Should we extend a new treaty for these bases to stay put in 1991 in our territory? The position of the committee is that it should not, because the presence of such bases is a derogation of Philippine sovereignty.

It is said that we should leave these matters to be decided by the executive, since the President conducts foreign relations and this is a question of foreign policy. I disagree, Madam President. This is not simply a question of foreign policy; this is a question of national sovereignty. And the Constitution is first and foremost a document of sovereignty. If the Constitution is anything at all, it is a definition of the parameters of the sovereignty of the people.

We are tasked here, Madam President, to draft a constitution. In facing that task we encounter certain drawbacks, certain restrictions, certain derogation to the very sovereignty that we wish to assert under this Charter. Shall we leave it undecided? Shall we leave it to be determined in other fora rather than here? We cannot, Madam President, because the very task we are called to do and to perform is a task of definition of sovereignty, and the biggest restriction, infringement and impairment of that sovereignty we encounter right now is the presence of a foreign military bases in our land.

It is akin to a carpenter who is asked to build or rebuilt a house, but the carpenter encounters termites in the house that undermine the very foundation of that house that he is asked to build or rebuild. And some people tell him, "never mind the termites you are asked to build a house and not to exterminate the termites. Build the house now; let others exterminate the termites later on." That cannot be done. It is a prejudicial question that these termites must be removed, otherwise there is no sense in building the house.

Restrictions and derogations of Sovereignty must be addressed, otherwise there is no sense in drafting a document that is called the Constitution, which is a document of political sovereignty.

They say that the Philippines is a petite country, small, like a fragile woman. I vigorously disagree with that statement, Madam President. The Philippines is among the largest countries in the world both in terms of area and population. We are a big country. We have sufficient resources. We have human as well as natural resources that are more than enough to allow us to stand on our own two feet. We do not have to rely perpetually on foreign powers for our defense.

The RP-US Bases Agreement is tied up with the RP-US Mutual Defense Treaty. It is said that we need these bases; that we need this mutual defense treaty for our security, for we are not yet ready to defend ourselves. When will we be ready, Madam President? When will the foreign powers that seek to defend us train us so that we will be able to defend ourselves? Is it not in the interest of a foreign power to make us perpetually dependent on it rather than to train us to stand on our own? As these military agreements expire and as we draft a charter that will assert the sovereignty of our people, it is our task and our duty to give to the people the right to define their own destiny. To leave it out of the proposed Constitution would be to deceive our people. We tell them that they are free, independent, nay, sovereign, yet we do not address the one single factor that derogates and undermines that sovereignty. We pretend that our people are the shapers of their destiny, the masters of their land, the captains of their soul when, in fact, they are not.