

JOURNAL NO. 82

Saturday, September 13, 1986

CALL TO ORDER

At 9:47 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 Ms. Christine Tan, to wit:

With the Indian poet, Rabindranath Tagore, let us pray:

"Where the mind is without fear and the head is held high;

Where the knowledge is free;

Where the world has not been broken up into fragments by narrow domestic walls;

Where words come out from the depth of truth;

Where tireless striving stretches its arms towards perfection;

Where the clear stream of reason has not lost its way into the dreary desert sand of dead habit;

Where the mind is led forward by Thee into ever-widening thought and action

Into that heaven of freedom, my Father, let my country awake."

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.
Bennagen, P. L.
Bernas, J. G.
Rosario Braid, F.
Calderon, J. D.
De Castro, C. M.
Colayco, J. C.
Concepcion, R. R.
Davide, H. G.
Garcia, E. G.
Guingona, S. V. C.
Jamir, A. M. K.
Laurel, J. B.
Maambong, R. E.
Monsod, C. S.
Nieva, M. T. F.
Uka, L. L.
Villacorta, W. V.

Nolledo, J. N.
Ople, B. F.
Padilla, A. B.
Muñoz Palma, C.
Rama, N. G.
Regalado, F. D.
De los Reyes, R. F.
Rigos, C. A.
Rodrigo, F. A.
Romulo, R. J.
Suarez, J. E.
Sumulong, L. M.
Tadeo, J. S. L.
Tan, C.
Tingson, G. J.
Treñas, E. B.
Villegas, B. M.

With 35 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

Abubakar, Y. R.
Azcuna, A. S.
Bengzon, J. F. S.
Foz, V. B.
Gascon, J. L. M. C.

Lerum, E. R.
Natividad, T. C.
Quesada, M. L. M.
Sarmiento, R. V.

Mr. Rosales was sick.

Mr. Alonto and Ms. Aquino 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 COMMUNICATIONS

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

Communication No. 882 — Constitutional Commission of 1986

Letter from Mr. Antonio A. Balgos of Villa Rica, Banica, Roxas City, expressing doubts whether the new Constitution will be ratified because of the inclusion of controversial and divisive issues, suggesting therefore that in the plebiscite, there must be only one "yes-no" vote on the main body of the draft which includes all "non-controversial" sections and separate "choice" votes by the people to allow them to select between two opposing versions of controversial sections

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 883 — Constitutional Commission of 1986

Letter from the officers and members of the Commission on Population, NCR Office, expressing their support on the basic primacy of human dignity and freedom in individual decisions concerning family planning

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 884 — Constitutional Commission of 1986

Letter from Mr. Geronimo R. Cruz of 34 Lilac, SSS Village, Marikina, Metro Manila, suggesting that the completed Constitution, when presented to

the electorate for approval, should exclude the controversial provisions of the Article on National Economy and Patrimony so that the voter will just approve/disapprove (a) the whole Constitution without said provisions and (b) approve/disapprove only such controversial provisions

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 885 — Constitutional Commission of 1986

Letter from Dr. Frank Y. Arcellana, President of the National Organization Against Nuclear Power and Nuclear Weapons (N.O. Nukes), requesting for a few minutes of the Constitutional Commission's time during the first day of its deliberations on the Declaration of Principles for the consideration of the Constitutional Commission so as to make a formal presentation of the first batch of signatures that it has gathered as part of the campaign for the inclusion of "nuclear-free" provisions in the new Constitution

TO THE STEERING COMMITTEE

Communication No. 886 — Constitutional Commission of 1986

Letter from Mr. Pedro R. Feliciano of 117 Quezon Avenue, Angono, Rizal, submitting for consideration various proposals regarding the establishment of national, provincial, city, and municipal museums; the rule of command responsibility; the Philippine flag; and the collection of taxes

TO THE STEERING COMMITTEE

Communication No. 887 — Constitutional Commission of 1986

Letter from Mr. Teotimo Ponce Rosaceña of 1191 Sto. Rosario Street, Pandacan, Manila, suggesting, among others, that if school personnel decide to go on strike, their application should be filed before the opening of classes and displayed in places accessible to the viewing public

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 888 — Constitutional Commission of 1986

Letter from Mr. Felino C. Marcelo of Taytay, Rizal, urging the Constitutional Commission to incorporate in the Constitution a provision on the inviolability of the separation of Church and the State

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 889 — Constitutional Commission of 1986

Communication from Ms. Edna S. Galia, transmitting Resolution No. 65, s. 1986 of the Sangguniang Bayan of Catarman, Camiguin, suggesting to the Constitutional Commission to reserve the title "President" to the President of the Republic only

TO THE COMMITTEE ON THE EXECUTIVE

Communications Nos. 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901 and 902 — Constitutional Commission of 1986

Letters seeking to incorporate in the new Constitution a provision obliging the State to protect the life of the unborn from the moment of conception, from:

1. Two hundred ninety-three students of St. Joseph's College, Quezon City, with their respective addresses
2. Dr. Nelo L. Conol and fifty-nine other residents of Cagayan de Oro City
3. Dr. Gerard Perlas and sixty-two other concerned citizens of Caloocan City
4. Ms. Vivian Fraga and twenty-six other concerned residents of Barangay No. 32, Legaspi City
5. Twenty-six students and teachers of St. Raphael's Academy, Legaspi City
6. One hundred forty-six students of Aquinas University, Legaspi City
7. Mr. Cesar C. Bilbao and one hundred ninety-one signatories from the Asian Development Bank
8. Six thousand five hundred-eleven signatories from U.P.-P.G.H. and other hospitals, U.S.T., U.P., San Miguel Corporation, and government employees
9. Three hundred fifty-three concerned citizens working at International Packaging, Inc., Libis, Quezon City
10. Ms. Ma. Lourdes T. Pektipekit and one thousand two hundred eighty-nine other signatories from Cebu City
11. One thousand three hundred eighty concerned citizens from Malita, Davao del Sur
12. Nine hundred twenty-eight signatories from different schools, colleges, and universities in Metro Manila
13. Vice Mayor Hector Ruiz of Olongapo City and four hundred forty-nine other concerned citizens of the city

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

Communications Nos. 903 and 904 — Constitutional Commission of 1986

Letters urging the Constitutional Commission to incorporate in the Constitution a 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, from:

1. Mr. George N. Capaque
Inter-Varsity Christian Fellowship

P.O. Box 2094, Manila

2. Ms. Ruth Pujadas and three others
Making Evangelical Church
Parang, Maguindanao

TO THE COMMITTEE ON GENERAL PROVISIONS

UNFINISHED BUSINESS: CONTINUATION OF CONSIDERATION OF COMMITTEE REPORT NO. 36 ON PROPOSED RESOLUTION NO. 537

On motion of Mr. Rama, there being no objection, the Body resumed consideration, on Second Reading, of Committee Report No. 36 on Proposed Resolution No. 537 submitted by the Committee on Preamble, National Territory and Declaration of Principles, entitled:

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

At this juncture, in reply to the Chair's query on the procedure to be followed for the morning session, Mr. Rama stated that as agreed upon, the speakers will take turns on the issue of the military bases after which, the Body will proceed to the interpellations.

Thereupon, the Chair recognized Mr. Guingona as the first speaker.

REMARKS OF MR. GUINGONA

Mr. Guingona manifested that he had written his views on the military bases issue on a six-page paper, portions of which, upon his request and there being no objection, were ordered by the Chair to be reproduced in the day's Journal, to wit:

There are those who would wish to dismantle the U.S. military bases in the Philippines upon the ratification of the proposed Constitution. Any attempt by the Philippines to unilaterally abrogate the said Agreement would be violative of *pacta sunt servanda*, a fundamental principle of international law which holds that obligations of international agreements should be discharged in good faith. If we abrogate unilaterally, we would project for our country an image of international delinquency. Those favoring immediate dismantling cite the principle of *rebus sic stantibus* which says that a treaty ceases to be binding when an essential change in circumstances in which it was concluded has occurred. But in order that the said principle would be applicable, it would require a substantial change in circumstances as to seriously jeopardize the existence of the State, a requirement which obviously does not exist.

Those who seek the non-renewal of the Military Bases Agreement contend that the Philippines should not renew the treaty because (1) the agreement is violative of our country's sovereignty; (2) the military bases serve as magnets for nuclear attack by Russia; (3) that the terms of the Agreement are unfavorable to us compared to the terms agreed upon by the U.S. with other countries where they also have military bases. Those who say that the existence of the military bases in the Philippines violates our country's sovereignty would conveniently ignore the fact that the Philippines entered into the Agreement in 1947 pursuant to Joint Resolution No. 4 of