

# [ VOL. IV, September 09, 1986 ]

## R.C.C. NO. 78

Tuesday, September 9, 1986

### OPENING OF SESSION

*At 10:00 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 Francisco A. Rodrigo.

*Everybody remained standing for the Prayer.*

### PRAYER

MR. RODRIGO: Tulungan Mo Kami, Diyos naming Ama,

Na matuklas namin ang pagkakaisa  
Sa aming magusot na pagkakaiba  
Sa paraang wasto't maka-demokrasya.

Sa mainit naming mga pagtatalo  
At sa mahigpitang labanan sa boto,  
Ang tangi po sanang tunay na manalo  
Ay kung alin lamang ang tama't totoo.

Ang amin po sanang kutod na isipan  
Ay pasulyapin Mo sa kinabukasan,  
Upang makayari ng pampalagian  
Na Saligang Batas nitong mutyang Bayan.

Ito sana'y maging talang maluningning,  
Katulad ng talang sumikat sa Belen,  
Na tataluntunin nitong Bayan namin  
Hanggang makarating sa banal Mong piling.  
Amen.

### ROLL CALL

THE PRESIDENT: The Secretary-General will call the roll.

THE SECRETARY-GENERAL, *reading.*

Abubakar	Present <sup>*</sup>	Aquino	Present <sup>*</sup>
Alonto	Present <sup>*</sup>	Azcuna	Present <sup>*</sup>

Bacani	Present	Nolledo	Present <sup>*</sup>
Bengzon	Present <sup>*</sup>	Ople	Present <sup>*</sup>
Bennagen	Present	Padilla	Present
Bernas	Present	Quesada	Present
Rosario Braid	Present	Rama	Present
Calderon	Present	Regalado	Present
Castro de	Present	Reyes de los	Present
Colayco	Present	Rigos	Present
Concepcion	Present	Rodrigo	Present
Davide	Present	Romulo	Present
Foz	Present	Rosales	Absent
Garcia	Present <sup>*</sup>	Sarmiento	Present
Gascon	Present	Suarez	Present <sup>*</sup>
Guingona	Present	Sumulong	Present
Jamir	Present	Tadeo	Present <sup>*</sup>
Laurel	Present	Tan	Present
Lerum	Present	Tingson	Present
Maambong	Present <sup>*</sup>	Treñas	Present
Monsod	Present <sup>*</sup>	Uka	Present
Natividad	Present <sup>*</sup>	Villacorta	Present
Nieva	Present	Villegas	Present <sup>*</sup>

The President is present.

The roll call shows 32 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.

BISHOP BACANI: Madam President, is this the proper time to ask for a clarification on an entry in the Journal?

THE PRESIDENT: We can have it later when we take up the approval of Journal.

BISHOP BACANI: Thank you, Madam President.

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

MR. CALDERON: Madam President, I move that we approve the Journal of yesterday's session.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Madam President, before we approve the Journal, I just like to make a clarification for the record. On page 19, Commissioner Regalado clarified for the record that the transposition of the phrase "unless otherwise provided by law" would not mean that Congress would hereafter allow foreign religious orders or foreign citizens to establish educational institutions contemplated in the provision. May I ask Commissioner Regalado whether or not by these statements he means that unless Congress provides otherwise, then the status quo of the 1973 Constitution remains.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: Thank you, Madam President.

I explained yesterday that because we are considering the 1973 constitutional provisions, the status quo remains until such time that Congress provides otherwise, specifically in the matter of ownership. That is exactly what it means, not that Congress will automatically allow or disallow the entry here of foreign religious orders but that it is still up to Congress to deliberate on the matter.

BISHOP BACANI: I thank Commissioner Regalado very much.

MR. RAMA: Madam President.

THE PRESIDENT: Is this a comment on the Journal?

MR. RAMA: Yes, Madam President. I took this up precisely with the chairman of the committee for it seems that there is really an error in the phraseology of this provision because it could lead to interpretations contrary to the intent of the committee and the body. Therefore, I have asked the committee to allow me to rephrase this in order that it will be very clear.

When we say "unless otherwise provided by Congress, educational institutions other than those established by religious orders, mission groups and mission boards shall be owned solely by citizens of the Philippines or corporations or associations at least sixty per centum of the capital of which is owned by such citizens," from the legal point of view or legal construction, it would allow Congress to restructure the capitalization equity even to 100 percent alien, because the phrase says "unless otherwise provided by Congress."

So there is a need to rephrase this provision, Madam President, which we will take up later during the period of amendments.

#### APPROVAL OF JOURNAL

THE PRESIDENT: In other words, subject to whatever reservations there may be on page 19, with particular reference to the second paragraph, we can proceed to approve the Journal of yesterday sessions.

There being no other comment or manifestations, the Journal of yesterday's session is approved subject to the reservation that has been indicated.

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 Communications, the President making the corresponding references:*

## COMMUNICATIONS

Communication from Mr. Philip S. Tuazon of Maritime Industry Authority, PPL Building, U.N. Avenue, Metro Manila, submitting a proposed constitutional provision on maritime industry, to wit: "The State shall encourage and promote the growth and development of its maritime industry in the interest of the national economy."

(Communication No. 783 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Letter from Mr. Panfilo J. Espina of 2480 Radium Street, Sta. Ana, Manila, suggesting that a provision on "proper ethics" be included in the new Constitution.

(Communication No. 784 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Letter from 41 employees of the Bureau of Telecommunications, Regional Office No. I, suggesting various amendments to be incorporated in the proposed provision on civil service.

(Communication No. 785 — Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

Letter from former MP Jeremias U. Montemayor of the Federation of Free Farmers, 41 Highland Drive, Blue Ridge, Quezon City, transmitting a copy of an article entitled: "Charter Draft Will Worsen Judicial Backlog," hoping that it will help improve the draft of the new Constitution.

(Communication No. 786 — Constitutional Commission of 1986)

To the Committee on the Judiciary.

Communication from Mr. Benjie C. Pepito, Executive Director, Movement for the Recognition and Enrichment of Philippine Ethno-Linguistic Groups (REPEL), Narra, U.P. Diliman, Quezon City, submitting a proposal on Staggered Federalization for the consideration of the Constitutional Commission.

(Communication No. 787 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Letter from Ms. Elsie A. Corpuz of the Immaculate Conception Prayer Group, 163-E Mendiola, Manila, proposing an amendment to Section 19 of the proposed Article on Education, Science, Technology, Arts, Culture and Sports under Committee Report No. 29.

(Communication No. 788 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Communication from 28 members of Iglesia Filipina Independiente, Norala, South Cotabato, requesting the Constitutional Commission to retain the provision of the 1973 Constitution on the separation of the Church and State.

(Communication No. 789 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from former MP Jeremias U. Montemayor of the Federation of Free Farmers, 41 Highland Drive, Blue Ridge, Quezon City, transmitting a copy of an article: "The Constitutional Commission's Slip Against Labor" which also represents the position of the Federation of Free Farmers (FFF), the National Congress of Farmers Organizations (NCFO) and the Trade Union Congress of the Philippines (TUCP).

(Communication No. 790 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Letter from Mr. Jose A. Lopez, Sr., Regional Director, Ministry of Information, Region IX, Zamboanga City, transmitting a copy of the August 21, 1986 issue of the People's Review and a copy of the resolution informing the Constitutional Commission that Zamboanga City elects to be excluded from the so-called Autonomous Muslim Mindanao for various reasons, notably the term of the Tripoli Agreement under which the granting of said autonomy is based.

(Communication No. 791 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Communication from Mr. Perfecto Tamayo, President of Church Women United, Iloilo Chapter, Iloilo City, seeking inclusion in the Constitution of a provision on equal wages for the same kind of work, equal opportunities for promotions and professional development, the nondeterrence of marriage in women's rights to own and control property, nondiscriminatory education, mutual determination of management and disposal of conjugal properties, mutual consent on major decisions affecting the family, equal responsibility in the caring for children and the home, fair maternity benefits and social services for the upbringing of children.

(Communication No. 792 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Letter from 60 signatories from Laguna, Batangas and San Pablo City enumerating the rights and responsibilities of parents in the rearing of the youth for consideration by the Constitutional Commission.

(Communication No. 793 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Letter from Mr. Felixberto M. Serrano submitting, for the consideration of the Constitutional Commission of 1986, his "Comments on the new Constitution on Citizenship and Bill of Rights," and suggesting that social and economic rights be added as an essential complement to the civil and political rights.