

# [ VOL. I, June 10, 1986 ]

## R.C.C. NO. 7

Tuesday, June 10, 1986

### OPENING OF SESSION

At 3:20 p.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 Jose F. S. Bengzon.

Everybody remained standing for the Prayer.

### PRAYER

MR. BENGZON: God our Father, Jesus our Brother — Mary Your Mother-and the Holy Spirit, our guide and shining light, enlighten us. O Holy Spirit, permeate our minds, our whole being, envelop us with Your bright, white, shining light, that we may do what is right for our country and for our people. Amen.

### ROLL CALL

THE PRESIDENT: The Secretary General will call the roll.

THE SECRETARY GENERAL, *reading*:

|               |         |           |         |
|---------------|---------|-----------|---------|
| Abubakar      | Present | Davide    | Present |
| Alonto        | Present | Foz       | Present |
| Aquino        | Present | Garcia    | Present |
| Azcuna        | Present | Gascon    | Present |
| Bacani        | Present | Guingona  | Present |
| Bengzon       | Present | Jamir     | Present |
| Bennagen      | Present | Laurel    | Present |
| Bernas        | Present | Lerum     | Present |
| Rosario Braid | Present | Maambong  | Present |
| Brocka        | Present | Monsod    | Present |
| Calderon      | Present | Natividad | Present |
| Castro de     | Present | Nieva     | Present |
| Colayco       | Present | Nollada   | Present |
| Concepcion    | Present | Ople      | Present |
| Padilla       | Present | Suarez    | Present |
| Quesada       | Present | Sumulong  | Present |

|              |         |            |         |
|--------------|---------|------------|---------|
| Rama         | Present | Tadeo      | Present |
| Regalado     | Present | Tan        | Present |
| Reyes de los | Present | Tingson    | Present |
| Rigos        | Present | Trenas     | Present |
| Rodrigo      | Present | Uka        | Present |
| Romulo       | Present | Villacorta | Present |
| Rosales      | Present | Villegas   | Present |
| Sarmiento    | Present |            |         |

The President is present.

The roll call shows 44 Members responded to the call.

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

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

#### APPROVAL OF JOURNAL

MR. RAMA: I move that we dispense with the reading of the Journal of yesterday's session and that we approve the same.

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

MR. RAMA: Madam President.

THE PRESIDENT: The honorable Floor Leader is recognized.

MR. RAMA: 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 Resolutions on First Reading and Committee Report, the President making the corresponding references:*

#### PROPOSED RESOLUTIONS ON FIRST READING

Proposed Resolution No. 53, entitled:

RESOLUTION PROPOSING A CONSULTATION MECHANISM AND PROCESS FOR THE CONSTITUTIONAL COMMISSION.

Introduced by Hon. Garcia, Gascon, Bernas, Nieva, Rosario Braid, Aquino, Villacorta, Quesada, Brocka, Tadeo, Rigos, Bengzon, Sarmiento and Monsod.

To the Ad Hoc Planning Committee on Public Hearings.

Proposed Resolution No. 54, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION REQUIRING ELECTIVE OFFICIALS TO SERVE THE FULL TERM OF OFFICE FOR WHICH THEY WERE ELECTED AND PROHIBITING THEM TO SEEK IMMEDIATE REELECTION FOR SAID OFFICE OR TO BE APPOINTED TO ANY OTHER OFFICE DURING SUCH TERM AND WITHIN TWO YEARS FOLLOWING THE EXPIRATION THEREOF, AND, FURTHER, PROHIBITING WITHIN THE SAME PERIOD THE SPOUSE AND/OR RELATIVES BY CONSANGUINITY OR AFFINITY WITHIN THE THIRD CIVIL DEGREE OF SUCH ELECTIVE OFFICIAL TO SEEK ELECTION FOR THE OFFICE TO BE VACATED BY THE LATTER OR TO BE APPOINTED IN ANY MANNER TO ANY OFFICE EXCEPT TO AN OFFICE FOR WHICH HE HAS THE APPROPRIATE CIVIL SERVICE ELIGIBILITY AND IS QUALIFIED AND COMPETENT.

Introduced by Hon. Davide, Jr.

To the Committee on Constitutional Commissions and Agencies.

Proposed Resolution No. 55, entitled:

RESOLUTION PROVIDING FURTHER LIMITATIONS ON THE POWER OF THE PRESIDENT TO GRANT PARDONS.

Introduced by Hon. Davide, Jr.

To the Committee on the Executive.

Proposed Resolution No. 56, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION PROHIBITING THE PRESIDENT FROM EXTENDING APPOINTMENTS WITHIN SIX MONTHS IMMEDIATELY PRECEDING THE COMMENCEMENT OF THE TERM OF THE NEW PRESIDENT.

Introduced by Hon. Davide, Jr.

To the Committee on the Executive.

Proposed Resolution No. 57, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION WHICH REQUIRES POLITICAL PARTIES TO CONFORM THEIR INTERNAL ORGANIZATION TO DEMOCRATIC PRINCIPLES AND TO PUBLICLY ACCOUNT FOR THE SOURCES OF THEIR FUNDS.

Introduced by Hon. Davide, Jr.

To the Committee on Constitutional Commissions and Agencies.

Proposed Resolution No. 58, entitled:

RESOLUTION TO BROADEN THE SCOPE OF THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE BY PROHIBITING THE PASSAGE OF ANY LAW WHICH ESTABLISHES PRESUMPTION OF THE EXISTENCE OF PRIMA FACIE EVIDENCE.

Introduced by Hon. Davide, Jr.

To the Committee on Citizenship, Bill of Rights, Political Rights and Obligations and Human Rights.

Proposed Resolution No. 59, entitled:

RESOLUTION RESTRICTING FOREIGN BORROWINGS OR LOANS.

Introduced by Hon. de Castro.

To the Committee on the Executive.

Proposed Resolution No. 60, entitled:

RESOLUTION FOR THE ADOPTION OF A PROVISION IN THE PROPOSED CONSTITUTION OF THE PHILIPPINES PROHIBITING "BLOCK VOTING" IN ALL ELECTORAL EXERCISES.

Introduced by Hon. Jamir, Suarez, Tadeo and Azcuna

To the Committee on Constitutional Commissions and Agencies.

Proposed Resolution No. 61, entitled:

RESOLUTION PROVIDING UNDER THE ARTICLE ON ACCOUNTABILITY OF PUBLIC OFFICERS THAT THE RIGHT OF THE GOVERNMENT TO PROSECUTE GOVERNMENT OFFICIALS FOR OFFENSES RELATED TO PUBLIC OFFICE AND THE RIGHT OF THE STATE TO FORFEIT ILL-GOTTEN WEALTH BY SUCH OFFICIALS, WHOEVER MAY BE IN POSSESSION THEREOF, SHALL NOT PRESCRIBE.

Introduced by Hon. Nollado.

To the Committee on Accountability of Public Officers.

Proposed Resolution No. 62, entitled:

RESOLUTION TO PROVIDE IN THE NEW CONSTITUTION THAT SERIOUS ELECTION OFFENSES, AS DEFINED BY LAW, SHALL BE PUNISHABLE BY DEATH.

Introduced by Hon. Nollado.

To the Committee on Constitutional Commissions and Agencies.

Proposed Resolution No. 63, entitled:

RESOLUTION TO PROHIBIT SALE OR TRANSFER OF OWNERSHIP OF PUBLIC LANDS TO ANY PERSON, WHETHER NATURAL OR JURIDICAL, AND TO PROVIDE THAT SAID LANDS SHALL BE AVAILABLE ONLY FOR LEASE OR CONCESSION.

Introduced by Hon. Nollado.

To the Committee on the National Economy and Patrimony.

Proposed Resolution No. 64, entitled:

RESOLUTION TO INCORPORATE IN THE DECLARATION OF PRINCIPLES, OF THE NEW CONSTITUTION A PROVISION AGAINST POLITICAL DYNASTIES.

Introduced by Hon. Nollado.

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

Proposed Resolution No. 65, entitled:

RESOLUTION TO INCLUDE IN THE BILL OF RIGHTS OF THE NEW CONSTITUTION A PROVISION THAT NO LAW SHALL BE PASSED ABRIDGING THE RIGHT OF PEACE-LOVING CITIZENS TO BEAR ARMS.

Introduced by Hon. Nollado.

To the Committee on Citizenship, Bill of Rights, Political Rights and Obligations and Human Rights.

Proposed Resolution No. 66, entitled:

RESOLUTION TO INSERT IN THE TRANSITORY PROVISIONS OF THE NEW CONSTITUTION THE PROVISION THAT THE RIGHT OF THE STATE TO PROSECUTE ERRING PUBLIC OFFICIALS AND TO FORFEIT THEIR ILL-GOTTEN WEALTH SHALL NOT PRESCRIBE BE MADE RETROACTIVE.

Introduced by Hon. Nollado.

To the Committee on Accountability of Public Officers.

Proposed Resolution No. 67, entitled:

RESOLUTION TO DELETE FROM THE NEW CONSTITUTION THE PROVISION GRANTING PRESIDENTIAL IMMUNITY FROM SUITS AND TO PROVIDE IN THE TRANSITORY PROVISIONS THAT SUCH DELETION BE MADE RETROACTIVE.

Introduced by Hon. Nollado.

To the Committee on the Executive.

Proposed -Resolution No. 68, entitled:

RESOLUTION AMENDING SECTION 10, ARTICLE XII (C) OF THE 1973