

JOURNAL NO. 35

Monday, July 21, 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 Mr. Francisco A. Rodrigo, to wit:

O Diyos na Lubhang Makapangyarihan: Kami'y Iyo sanang damayan, tulungan Sana'y liwanagan ang aming isipan; Linisin ang aming puso't kalooban; Pasipaging lubos ang aming katawan Upang ang tungkuling aming pinapasan Ay aming matupad, aming magampanan At sa gayo'y aming maisakatuparan Ang aming adhikang magharap sa Bayan Ng Saligang Batas na naglalarawan Ng atas ng tanang mga mamamayan Na papaghariin sa Lupang Hinirang Ang laya, ang dangal, ang katiwasayan, Ang madlang pag-unlad na pangkabuhayan, At ang katarungan sa aming lipunan.

Siya nawa

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 9:49 a.m.

RESUMPTION OF SESSION

At 9:51 a.m., the session was resumed.

ROLL CALL

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

Azcuna, A. S.	Jamir, A. M. K.
Bacani, T. C.	Nieva, M. T. F.
Bernas, J. G.	Nolledo, J. N.
Rosario Braid, F.	Padilla, A. B.
Calderon, J. D.	Muñoz Palma, C.

De Castro, C. M. Quesada, M. L. M.
Concepcion, R. R. De los Reyes, R. F.
Davide, H. G. Rodrigo, F. A.
Gascon, J. L. M. C. Romulo, R. J.
Sarmiento, R. V. Treñas, E. B.
Suarez, J. E. Uka, L. L.
Sumulong, L. M. Villacorta, W. V.
Tan, C. Villegas, B. M.
Tingson, G. J.

With 27 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

Alonto, A. D. Maambong, R. E.
Aquino, F. S. Monsod, C. S.
Bengzon, J. F. S. Natividad, T. C.
Bennagen, P. L. Ople, B. F.
Brocka, L. O. Rama, N. G.
Colayco, J. C. Regalado, F. D.
Foz, V. B. Rigos, C. A.
Garcia, E. G. Rosales, D. R.
Guingona, S. V. C. Tadeo, J. S. L.
Laurel, J. B.

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. 258 — Constitutional Commission of 1986

Communication from the Katipunan ng Samahang Maharlika (KASAMA) suggesting salient features of the Constitution

TO THE STEERING COMMITTEE

Communication No. 259 — Constitutional Commission of 1986

Communication from Media for Evangelization and Development proposing a resolution providing for a constitutional provision to promote and protect the people's rights and welfare in the use of the air for broadcast media

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

Communication No. 260 — Constitutional Commission of 1986

Communication from Media for Evangelization and Development proposing a resolution providing for a state policy to aid and support the natural right and duty of parents in the education and moral development of the youth through a system of free elementary and secondary education, whether in government-owned schools or in private community-based schools, at the option of the parents

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 261 — Constitutional Commission of 1986

Letter from Bulacan Political Science Society signed by Mr. Jesus S. Isidoro-Torres, expressing opposition to the proposal seeking to "freeze" the powers of the Presidential Commission on Good Government

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 262 — Constitutional Commission of 1986

Letter from the Filipino Life Insurance Companies Association, Inc., signed by Mr. Daniel M. Mercado, Jr., suggesting provisions on the national language, balanced budgeting, and nationalization of public utilities, among others

TO THE STEERING COMMITTEE

Communication No. 263 — Constitutional Commission of 1986

Letter from Mr. Raymundo S. Cruz of 202 De Castro Subdivision, Paso de Blas, Valenzuela, Metro Manila, proposing Filipinization of certain industries and provisions on labor, among others

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

Communication No. 264 — Constitutional Commission of 1986

Letter from Mr. Jose D. Mandac of 481 A. Mabini St., Mangahan, Pasig, Rizal, favoring the retention of the US military bases

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 265 — Constitutional Commission of 1986

Letter from Mr. Bernardo R. Sebastian of 471 Shaw Boulevard, Mandaluyong, Metro Manila, favoring the retention of the US military bases

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 266 — Constitutional Commission of 1986

Letter from Mr. Leo R. Cruz of 6-G Yap Apartment, Rizal Avenue Extension, Cebu City, suggesting genuine land reform, and more economic assistance to Filipinos, among others

TO THE COMMITTEE ON SOCIAL JUSTICE

CONSIDERATION OF COMMITTEE REPORT NO. 22 ON THE ARTICLE ON THE NATIONAL ASSEMBLY

On motion of Mr. Romulo, there being no objection, the Body proceeded to the consideration of Committee Report No. 22, entitled:

Resolution proposing an Article on the National Assembly.

At this juncture, Mr. Rodrigo raised a prejudicial question as to whether the Body would adopt a unicameral or bicameral legislature. He informed that when the Committee on the Legislative voted on the matter, there was a tie which was eventually broken when the Committee Chairman, Mr. Davide, voted in favor of a unicameral assembly. Mr. Rodrigo pointed out the possibility that the Body might adopt a bicameral legislature, in which case, the whole Committee Report will have to be changed to conform to such a decision. He then suggested that the Body first decide on this prejudicial question in caucus in order to expedite the floor discussion.

Replying thereto, Mr. Romulo stated that Mr. Davide, Chairman of the Committee on the Legislative, had agreed to a sponsorship speech to be followed by a free-wheeling discussion before the Body meets in caucus.

Mr. Rodrigo manifested conformity to the arrangement.

SPONSORSHIP SPEECH OF MR. DAVIDE

Thereupon, Mr. Davide proceeded to his sponsorship, stating that the institutions best fitted to represent the people and serve their interests are not necessarily those developed in a particular period of history since their effectiveness may depend on their ability to adapt to changing circumstances in the light of

experience.

He informed that the Committee on the Legislative arrived at the draft Article on the National Assembly, after thorough and passionate debates and after subjecting to critical analyses and deliberations the pertinent provisions of 1935 and 1973 Constitutions, the 24 Resolutions and position papers as well as opinions of brilliant minds and distinguished constitutionalists. He stated that the Committee took cognizance of the areas of concern presented during the public hearings and consultations which contributed in a great measure to concretizing the merits of the proposal.

Drawing inspiration from the February, 1986 peaceful revolution and the experiences of the people over the last two decades, Mr. Davide pointed out that the draft Article on the National Assembly embraces legislative reforms in order to bring the government into harmony with the people's ideals, needs and aspirations.

Thereupon, Mr. Davide discussed the salient features of the proposed Article on the National Assembly.

On the unicameral structure of the National Assembly, Mr. Davide adverted to Mr. Sarmiento's statement that the Philippines needs a unicameral legislative assembly that is truly representative of people; responsive to their needs and welfare; economical to maintain; and efficient and effective in the exercise and discharge of its powers, functions, duties and responsibilities; with Mr. Tingson, an advocate of the bicameral system, maintaining, on the other hand, that despite its simplicity of organization, its economy and efficiency in achieving closer relationship between the Legislative and Executive, the unicameral structure had resulted in the authoritarian manipulation by the Chief Executive which deprived the people of their right to express their true sentiments through their chosen representatives.

Recalling, however, the arguments raised in the 1971 Constitutional Convention against the unicameral legislature, Mr. Davide pointed out that the advantages of a unicameral system far outweighed its disadvantages; it is not only efficient and less costly to maintain but it is also simpler, less time-consuming and invites minimum conflicts and controversies, thus facilitating legislation. He cited several studies which support unicameralism as more appropriate to democracy and the bicameral system as typical of the constitutional monarchy and opposed to the concept of equality.

On the composition and manner of representation, Mr. Davide stated that the Committee proposes a 250-membership in the National Assembly including sectoral and party list representatives. He explained that under this scheme, 20 per cent or 50 members shall comprise the sectoral and party list representatives whose manner of election would be provided by law while 200 members would be elected from legislative districts apportioned among the provinces and cities in accordance with the number of inhabitants and on the basis of uniform and progressive ratio. He explained that with the proposed innovation to include sectoral and party list representatives to allow broader participation in policy-making, the scheme would remedy the unbalanced and inadequate legislative representation prevalent before the 1973 Constitution.

On the term of office, Mr. Davide stated that the Committee proposes a four-year