

**JOURNAL NO. 33**

Friday, July 18, 1986

CALL TO ORDER

At 9:36 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. Rustico F. de los Reyes, Jr., to wit:

Lord, We have here a gathering of women and men given the awesome task of writing a new Constitution that will best serve the interests of our country now and in the years to come. We had so far three Constitutions before, drafted by patriotic and brilliant Filipinos who had invoked Your enlightenment and guidance. We are certain that they tried not to fail You and their people and that You had not denied them Your Divine Wisdom. But people are people, Almighty One, and their creations proved that only You are capable of perfection.

Our Faith in You, Almighty Father, gives us the courage to hope that while perfection cannot be ours, Your Wisdom will enable us to approximate the perfect Constitution needed by our country.

Your Wisdom is better than all the riches of the world, We pray that You cleanse our minds and hearts of greed and selfishness. Your Wisdom is the wellspring of insight that can only come from You. We pray that You open our minds to receive Your Counsel.

Lord Almighty, the events of the recent past in our country have left bitterness and deep hates in many of our people. Purge these bitterness and hate from their hearts because as You have said, only those who are pure in heart can ever hope to receive You.

We cannot hope to accomplish anything without You, Great Architect of the Universe, Creator of Heaven and Earth. We pray HELP US and stay with us every moment of the day and night that we spend in the performance of our sacred task. And when our work is done, Almighty One, breathe life into our new Constitution so that when we look back to this time, it will be not only with pride, but with profound gratitude to You who made it all possible.

We give Thee thanks, Almighty God, for all Your blessings.

Amen.

## ROLL CALL

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

Aquino, F. S. Rama, N. G.  
Bacani, T. C. Regalado, F. D.  
Bengzon, J. De los Reyes, R. F.  
F. S.  
Bennagen, P. Rigos, C. A.  
L  
Bernas, J. G. Rodrigo, F. A.  
Rosario  
Braid, F. Romulo, R. J.  
Calderon, J. Rosales, D. R.  
D.  
De Castro, Sarmiento, R. V.  
C. M.  
Colayco, J. Suarez, J. E.  
C.  
Concepcion, Sumulong, L. M.  
R. R.  
Davide, H. Tadeo, J. S. L.  
G.  
Guingona, S. Tan, C.  
V. C.  
Jamir, A. M. Tingson, G. J.  
K.  
Monsod, C. Treñas, E. B.  
S.  
Nolledo, J. Uka, L. L.  
N.  
Padilla, A. B. Villacorta, W. V.  
Muñoz  
Palma, C.

With 33 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

Abubakar, Y. Laurel, J. B.  
R.  
Alonto, A. D. Lerum, E. R.  
Azcuna, A. Maambong, R. E.  
S.  
Brocka, L. O. Natividad, T. C.  
Foz, V. B. Nieva, M. T. F.  
Garcia, E. G. Ople, B. F.  
Gascon, J. L. Quesada, M. L. M.  
M. C.

Mr. Villegas was on official mission.

#### 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, with the correction, at the instance of Mr. de los Reyes on page 297, first line of the fourth paragraphing right column, to change the words "instead of" to "he is for" and to add "but" after "Constitution" in the third line.

#### 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. 228 — Constitutional Commission of 1986

Resolution on the renegotiation and/or implementation of the Tripoli Agreement of the Knights of Columbus Council 8134, Cotabato City, suggesting that should any negotiation be held it should be free from foreign intervention

##### TO THE COMMITTEE ON LOCAL GOVERNMENTS

##### Communication No. 229 — Constitutional Commission of 1986

Letter from Ms. Erna-Leah C. Orante of 9 Zone 5, Dayangdang, Naga City, suggesting provisions to stop improper use of prime agricultural lands for residential, commercial and industrial purposes

##### TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

##### Communication No. 230 — Constitutional Commission of 1986

Letter from Mr. R.A.D. Baron of United Christians Community Organization (UNICO), Manila, proposing a provision in the bill of rights on the right to bear arms

##### TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL RIGHTS AND OBLIGATIONS AND HUMAN RIGHTS

##### Communication No. 231 — Constitutional Commission of 1986

Letter from the Integrated Bar of the Philippines signed by Mr. Vicente D. Millora, forwarding proposals of the Council for the Welfare of Children underscoring the need for principles or policies protecting the rights of the children, youth and mothers

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

Communication No. 232 — Constitutional Commission of 1986

Letter from Mr. Jose L. Moya of 17 Sunset Drive, Horseshoe Village, Quezon City, enclosing a paper, entitled "A Memorandum to the Constitutional Commission on the Essential of Good Courts and Crime Prevention"

TO THE COMMITTEE ON THE JUDICIARY

Communication No. 233 — Constitutional Commission of 1986

Letter from the Honorable Commissioner Ponciano L. Bennagen, transmitting a resolution of the Mountain Province Agricultural Consultation for ConCom to consider the indigenous Igorot concept on land

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 234 — Constitutional Commission of 1986

Communication from Mr. Fulgencio S. Factoran, Jr., Deputy Executive Secretary, transmitting a letter of Mr. Dodong Proculo Samson of 166 Palaw Hills, Larena, Siquijor, suggesting a provision designating the two-meter radius around the flagpole of municipal and city halls as a place where any citizen may denounce graft and corruption and be immune from arrest

TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL  
RIGHTS AND OBLIGATIONS AND HUMAN RIGHTS

Communication No. 235 — Constitutional Commission of 1986

Letter from the Honorable Commissioner Ponciano L. Bennagen, transmitting resolutions from the National Association of Retirees, Bontoc, Mountain Province, proposing automatic increase of monthly pensions of retirees and the adoption of the jury system in our courts of law

TO THE COMMITTEE ON SOCIAL JUSTICE

MOTION OF MR. BENGZON

On motion of Mr. Bengzon, there being no objection, the Body approved the removal from the Calendar of Business of Committee Reports Nos. 5, 6, 8, 9 and 118 which had been consolidated in Committee Report No. 26 and Committee Report No. 15 which had been consolidated in Committee Report No. 31.

UNFINISHED BUSINESS: COMMITTEE REPORT NO. 23 ON PROPOSED RESOLUTION  
NO. 486

On motion of Mr. Rama, there being no objection, the Body proceeded to the

consideration of Committee Report No. 23 on Proposed Resolution No. 486, entitled:  
Resolution to incorporate in the new Constitution an Article on the Bill of Rights.

Mr. Rama stated that the parliamentary status would be the Period of Amendments.

#### AMENDMENT OF MR. ROMULO

Mr. Romulo proposed on Section 1, line 10, to delete the sentence "The right to life extends to the fertilized ovum" and, in lieu thereof, to place the sentence THE STATE SHALL PROTECT HUMAN LIFE FROM THE MOMENT OF CONCEPTION which could be transferred either to the Article on Declaration of Principles or the Article on Human Resources.

Mr. Romulo explained that the original proposal is objectionable as part of the Bill of Rights because it impinges on the rights of the minority who do not believe in the Catholic concept although the same purpose could be accomplished with the substitute sentence and its transposition to another article.

Mr. Davide proposed to amend the amendment to read as follows: THE STATE ACKNOWLEDGES AND SHALL PROTECT THE RIGHT TO LIFE OF THE HUMAN EMBRYO FROM THE FIRST MOMENT OF ITS CONCEPTION.

Mr. Romulo rejected the amendment, stating that it would extend to the embryo the "right to life" which only a person can have.

At this juncture, Mr. Suarez suggested that the Body consider first the proposed deletion and discuss later the merit of the proposal, to which Mr. Romulo agreed.

Mr. Bernas, on behalf of the Committee, accepted the proposed deletion but rejected the text of the substitute amendment.

Thereupon, Mr. Romulo withdrew his substitute amendment and reserved its submission to the proper Committee.

Thereafter, Mr. Romulo's proposal to delete the second sentence of Section 1 was submitted to a vote and with 30 Members voting in favor and none against, the same was approved by the Body.

#### PROPOSED AMENDMENT OF MR. TREÑAS

Mr. Treñas proposed on Section 2, line 12, to add the clause AS DETERMINED BY THE PROPER COURT after "compensation".

Mr. Treñas explained that his proposal would clarify the interpretation of the pertinent Presidential Decree on the meaning of "just compensation" by having it determined in the same expropriation proceeding and not on the basis of the tax declaration.

Mr. Rodrigo objected on the ground that the proposal would eliminate extrajudicial agreement between the property owner and the government. He observed that the