

# [ VOL. III, August 26, 1986 ]

## R.C.C. NO. 66

Tuesday, August 26, 1986

### OPENING OF SESSION

*At 9:57 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 Teodulo C. Natividad.

### PRAYER

MR. NATIVIDAD: Bathalang makapangyarihan sa lahat, kaming Iyong mga anak ay muling dumudulog sa Iyo upang minsan pa iluhog na makamtan ng bawat isa sa amin ang liwanag at talsik ng talinong higit kailanman ngayon namin kailangan upang aming mabalangkas sa itinakdang panahon ang isang Saligang Batas na tunay na kakatawan sa pangarap, adhikain at pithaya ng aming lahi.

Hinihiling namin sa Iyo Panginoon na papag-alabin Mo ang aming mga puso sa tunay na pag-ibig sa aming bayan at nang sa gayon, lubos naming maiwaksi ang anumang pansariling hangarin at nang ang aming naisin sa bawat saglit ay ang kapakanan at tunay na kabutihan lamang sa aming bayan.

Isinasamo rin namin na ang anomang hidwaan ng diwa ay huwag sanang maging daan upang kami ay ngayon pa magkawatak-watak at sa halip, sa ibabaw ng anumang pagkakaiba ng palagay, ang umiral ay ang tunay na kapatiran at pagmamahalan ng magkakalahing ngayon ay inatanganan ng maselan at mabigat na saguting ugutin ang daong ng kapalaran ng aming bayan hanggang sa mga susunod pang panahon.

Subaybayan Mo kami at patnubayan sa lahat ng saglit at huwag Mo po kaming itulot na mabulid sa kinusa o hindi man ng pagpapabaya sa aming tungkulin.

Bathalang makapangyarihan, loobin Mo po sana na mamayani sa aming lahat ang kababaang loob at kami ay makapagpatuloy ng pagpapalitan ng kuru-kuro na siyang tanging paraan upang makatas ang katuwiran at katotohanan na hindi kami patatangay sa simbuyo ng aming damdamin.

Ito po ang taimtim naming hinihiling sa pamamagitan ni Hesukristong Panginoon namin. Siya Nawa.

### ROLL CALL

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

THE SECRETARY-GENERAL, *reading*:

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

The Secretariat is in receipt of official advice of absence of the Honorable Efrain B. Treñas who is indisposed and who has a viral infection.

The President is present.

The roll call shows 33 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.

THE PRESIDENT: Is there any objection that we dispense with the reading of the Journal of yesterday's session? (*Silence*) The Chair hears none; the motion is approved.

APPROVAL OF JOURNAL

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

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

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 the Movement for the Recognition and Enrichment of Philippine Ethno-Linguistic Groups, UP Diliman, Quezon City, signed by Mr. Benjie Cesar Y. Pepito, seeking to put the ethnic groups on equal terms by presenting the following for consideration: (1) Denationalize Tagalog and halt the compulsory teaching of Pilipino in all levels; (2) Leave the choice for medium of instruction to the regions or provinces; (3) Filipino has to be an amalgamation of the native languages; (4) Filipino should not be detrimental to the native languages; and (5) Abolish the Institute of National Language.

(Communication No. 629 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Letter from the Philippine Peace and Solidarity Council, 11 Cardinal Street, St. Jude Subdivision, Novaliches, Quezon City, signed by its National Chairman, Emilio A. de Peralta, urging the Constitutional Commission to put an end to the U.S. military bases in the Philippines.

(Communication No. 630 — Constitutional Commission of 1986)

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

Communication from three hundred five students, teachers and employees of the PWU and Sr. Mary Joseph of Assumption, San Lorenzo Village, seeking to include in the new Constitution a provision obliging the State to protect the life of the unborn from the moment of conception.

(Communication No. 631 — Constitutional Commission of 1986)

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

Letter from Mr. Fred M. Magbanua, Jr. and three other officers of the Christian Leaders Alliance of the Philippines, PO Box 1, Valenzuela, Metro Manila, submitting a position paper recommending the adoption of a provision on the inviolability of the separation of the Church and the State.

(Communication No. 632 — Constitutional Commission of 1986)

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

Letter from Mr. Delfin R. Manlapaz of 1707 E. Rodriguez, Sr. Blvd., Cubao, Quezon City, submitting his observations entitled "National Development and the New Constitution" which seek to clarify questions of nationalization and protectionism and the role of transnational on the subject of Philippine development.

(Communication No. 633 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: I would like to correct an inaccuracy or misimpression about the listing of registered speakers last Saturday. Some Commissioners have made the charge that I jumped over Commissioner Aquino to favor Commissioner Jamir on that very controversial Section 15 of the Article on National Economy and Patrimony. Fortunately, I do not have the habit of jumping over ladies and I have a documentary evidence that Commissioner Jamir was ahead of everybody, followed by Commissioners Regalado, de los Reyes and Aquino.

I would like also to correct the misimpression that I have been unfair during the deliberations. I have been trying to be very fair, as it is possible, to be fair in a body where people are normally loquacious and effervescent; and I do not think I have to defend that. That is all, Madam President.

Now, may I call on Commissioner Bengzon to state the schedule.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: Good morning, Madam President.

In yesterday's Journal and in my recollection, Commissioner Monsod moved that the period of amendments on the Article on National Economy and Patrimony be left open for discussion until noon today because, although there was an amendment of Commissioner Ople that was withdrawn, there was another amendment which was supposed to have been presented by Commissioner Garcia. There was a previous reservation for the presentation of that amendment, but Commissioner Garcia, I believe, was not ready yesterday afternoon and, therefore, that reservation holds. The decision of the body was to allow Commissioner Garcia to present the amendment this morning.

Likewise, for the clarification of everyone, it was also decided that if there are any other amendments, they could be presented today until noon. At this moment, Madam President, there are no amendments that have been presented on the Article on National Economy and Patrimony, and Commissioner Garcia is not yet here. Therefore, the next item on the agenda is what was taken up also yesterday. I move for the approval on Third Reading of the Article on the Executive, but there were some clarifications made. The Third Reading did not go through because of one clarification that has to be made by Commissioner Regalado. And I believe that

Commissioner Regalado is now ready with that clarification which would be to the satisfaction, I believe, of Commissioner de Castro.

Madam President, I ask that Commissioner Regalado be recognized for the clarification to be made on the Article on the Executive, after which we will be ready to vote on Third Reading on the Article on the Executive. After we vote on Third Reading on the Article on the Executive, we can discuss the additional report of the Committee on Constitutional Commissions proposing a Commission on Human Rights, because Commissioner Villacorta has requested, through the Secretary-General, that the committee report on human resources be deferred for Thursday. In deference to that request, I suggest that we move back the discussion on human resources until Thursday afternoon.

So, at the moment, Madam President, may I request that Commissioner Regalado be recognized to make his clarification on the Article on the Executive.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: Thank you, Madam President.

Madam President, yesterday there was a little question about the correctness of the provisions of Section 4 of the Proposed Resolution No. 517 appearing on page 2 thereof, which we ascertained to have been correctly noted by Commissioner de Castro after we consulted the record of the proceedings.

The error there arose from the fact that there had been a renumbering of the articles so that our notes did not correctly reflect the changes that were effected. I am referring, Madam President, to page 2, second to the last paragraph of the article, which now states:

The person having the highest number of votes shall be proclaimed elected, but in case two or more shall have an equal and highest number of votes, one of them shall forthwith be chosen by the vote of a majority of all the members of the Congress.

Now the question that arose was whether the Members of Congress would be voting jointly or separately.

Going over the transcript of the proceedings of August 1, 1986 in connection with the inquiries of the President and Commissioner Monsod, and the answers of Commissioner Bernas, it is clear that what was intended here and approved was that the vote shall be by the two Houses of Congress voting separately.

Madam President, since after all these were actually taken up in the proceedings on August 1, but unfortunately not so indicated in the committee report which has been prepared for approval on Third Reading, I am, therefore, moving, by way of a "now for then" amendment, meaning a *nunc pro tunc* amendment, to include what was actually taken up, but which was overlooked in the reformulation of this resolution so that the last two lines will read as follows: "forthwith be chosen by the vote of a majority of all the members of BOTH HOUSES OF the Congress, VOTING SEPARATELY." This is to eliminate once and for all any question which after all is clarified by the transcript of the proceedings of August 1, 1986 as explained therein by Commissioner Bernas.