

[VOL. III, August 23, 1986]

R.C.C. NO. 64

Saturday, August 23, 1986

OPENING OF SESSION

At 9:37 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 Ma. Teresa F. Nieva.

Everybody remained standing for the Prayer.

PRAYER

MS. NIEVA: From the Twenty-Third Psalm: "The Lord is my Shepherd; I have everything I need. He lets me rest in fields of green grass and leads me to quiet pools of fresh water. He gives me new strength. He guides me in the right path, as He has promised. Even if I go through the deepest darkness, I will not be afraid, Lord, for You are with me. Your shepherd's rod and staff protect me. you prepare a banquet for me where all my enemies can see me. You welcome me as an honored guest and fill my cup to the brim. I know that Your Goodness and Love will be with me all my life and Your House will be my home as long as I live."

Almighty God, we, Your children, thank You for the privilege You have given us to be Your instruments in this Constitutional Commission; for the spirit of camaraderie even if sometimes strained by our different views and opinions; for the nationalism that inspires us in our work; and for the deep yearning in our hearts to be of service to You and our people.

Grant that we may continue to do our very best and that we may act in the light of our best judgment with charity in our hearts towards those who may not agree with us.

In Jesus' Name we pray. Amen.

ROLL CALL

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

THE SECRETARY-GENERAL, *reading*:

Abubakar	Present*	Natividad	Present*
Alonto	Present	Nieva	Present

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

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.

THE PRESIDENT: Is there any objection? (*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

Letter from Mr. Jovencio G. Bernardo of DYVL Radio Station, Tacloban City, transmitting a petition, signed by three hundred eleven residents of Leyte, seeking the exclusion from the new Constitution of Proposed Resolution No. 402 which bans foreign military bases in the Philippines and urging the Constitutional Commission to provide for the retention of the U.S. Military Bases in Clark Air Base and Subic Naval Base.

(Communication No. 614 — Constitutional Commission of 1986)

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

Communication from Dr. Philip S. Chua, President of the Association of Philippine Physicians in America, Inc., 8684 Connecticut Street, Merrillville, Indiana 46410, U.S.A., urging inclusion in the Constitution of a provision that would make a natural-born citizen of the Philippines who has lost his Philippine citizenship a transferee of private lands.

(Communication No. 615 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Telegram from Mr. P.E. Torres, Sr., Vice-President for Management Affairs, University of Mindanao, Davao City, saying that the students, faculty, and non-teaching personnel and administration of the University of Mindanao strongly endorse the amendments submitted by the Philippine Association of Colleges and Universities under Communication No. 572.

(Communication No. 616 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Telegram from one Keiko Ezaki, Japan, urging the Constitutional Commission to include in the Constitution the bases-free and nuclear-free provisions in order to see a demilitarized and nuclear-free world.

(Communication No. 617 — Constitutional Commission of 1986)

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

Communication from two thousand two hundred fifty-one signatories with their respective addresses, seeking inclusion in the Constitution of a provision to protect the life of the unborn from the moment of conception.

(Communication No. 618 — Constitutional Commission of 1986)

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

Communication from the Permanent International Conference for Judicial Review, Paris, France, signed by Dr. Morton F. Meads, submitting its observations and studies on the constitutional and judicial system of the Philippines, and its views and opinions in the writing of a constitution.

(Communication No. 619 — Constitutional Commission of 1986)

To the Steering Committee.

Communication from the Albay First District Inter-Evangelical Christian Church Fellowship, Tabaco, Albay, urging the Constitutional Commission to incorporate in the Constitution the provision on the inviolability of the separation of the Church and State as embodied in the 1973 Constitution.

(Communication No. 620 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Mr. Roman L. Kintanar, Chairman of the Philippine National Committee on Man and the Biosphere, expressing full support to Proposed Resolution No. 222 — "Adopting Provisions on Science and Technology for Inclusion in the Proposed New Constitution of the Republic of the Philippines."

(Communication No. 621 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Communication from Mr. Romeo C. Balandra, Population Programs Coordinator, Commission on Population, transmitting the resolutions of the Philippine Hospital Association, Misamis Occidental Council; Philippine Medical Association, Oroquieta City Chapter; Whiz Family, Oroquieta City; Bai Lawanen Jaycees, Cagayan de Oro City; and Rotary Club of Oroquieta City, which resolutions seek to amend Section 4, Article II and Section 10, Article XV of the 1973 Constitution.

(Communication No. 622 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Mr. Martin R. Reyes of 11 Forestry Street, Vavra Village, Quezon City, containing reaction to a reported inclusion in the new Constitution of an amendment providing for 10-20 years log ban, saying that such amendment should be reconsidered to make logging one of the ways of conserving the forest.

(Communication No. 623 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Communication signed by Mr. Fred M. Magbanua, Jr. and the other officers of the Christian Leaders Alliance of the Philippines, Valenzuela, Metro Manila, endorsing the position paper on "Religious Instruction in Public Schools," prepared by Dr. Isabelo F. Magalit, Chairman, *Konsiyensiya ng Febrero Siete* (KONFES) Con-Com Committee on Religious Instructions in Public Schools.

(Communication No. 624 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Communication signed by former Congressman Miguel Cuenco, containing a plea to the Committee on Human Resources and the Constitutional Commission of 1986 to consider favorably Proposed Resolution No. 451.

(Communication No. 625 — Constitutional Commission of 1986)

To the Committee on Human Resources.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: I ask that Commissioner Regalado be recognized for a parliamentary inquiry.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: Thank you, Madam President.

When I came this morning, I found on my desk a joint Committee Report No. 39, submitted by the Committee on Social Justice and the Committee on Human Resources, which appears to bear the signatures of 21 Commissioners. I wish to state right at the outset that I am in favor basically of the provisions therein but my inquiry is as to the procedure, because under Rule II of our Rules, we have specified what are the organic committees and what are the matters that fall within their primary or secondary jurisdiction.

Here I have noticed that the matter of family rights — number one is the right of the parents to educate their children — was incorporated in the proposed article. And I suppose that is the justification for putting it under the sponsorship of the Committee on Human Resources. And then, the matter of the right of the family to a decent family living wage is I think the reason why it is supposed to be sponsored by the Committee on Social Justice. But my basic question is whether this procedure is authorized because under Rule II, it is specifically provided under Section 8 that:

Whenever a proposal covers subject matters falling within the jurisdiction of more than one committee, said proposal shall be referred to the committee within whose jurisdiction the principal subject matter falls. The committee which acquired original jurisdiction over any proposal shall be mainly responsible to submit a report to the Commission incorporating therein the appropriate recommendations of the other committee which has jurisdiction over the same proposal.

I find here that this is jointly sponsored by two committees. And even as a matter of pragmatic research — we have our resource materials here — we have difficulty finding out sometimes what were the antecedents. Did it come from the former Declaration of Principles? Did it come from the former Article on General Provisions? Did it come from the Article on Social Justice? But here we have a situation where a new article is now sponsored by two committees. And that was why yesterday I was asking how this could come about when there is no such mention in the Rules.

SUSPENSION OF SESSION