

**JOURNAL NO. 62**

Thursday, August 21, 1986

CALL TO ORDER

At 11 28 a.m., the Vice-President of the Constitutional Commission, the Honorable Ambrosio B. Padilla, called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Jose Luis Martin C. Gascon, to wit:

"Panginoong Mapagmahal at Mapagpalaya, turuan Mo po kaming magmahal nang lubus-lubusan sa aming kapwa lalung-lalo na ang mga naghihirap at inaapi; mahalín ang aming mga kapatid na manggagawa, magsasaka, mangingisda, maralitang taga-lungsod, katutubo at maykapansanan.

Turuan Mo po kaming makiisa sa kanilang pagbubungkal ng matigas na lupa. Turuan Mo po kaming makiisa sa kanilang pagtibag ng batuhan. Turuan Mo po kaming sumama sa kanilang kahirapan sa ilalim ng araw at ulan, at magtiis ng hirap at gutom.

Turuan Mo po kaming tumulad sa Iyo, nakahandang hubarin ang banal naming balabal at bumaba nang tulad Mo sa maalikabok na lupa, na tanggapin na maputikan at mapunit ang aming mga damit; at salubungin Ka at sumama sa Iyo sa pagpapawis at pagbabanat ng buto.

At Panginoon, sa tulong ng Iyong pag-ibig at pagmamahal, iligtas Mo kami sa mga mapang-alipin. Ang pagkakapantay-pantay at katarungan ay Iyong pairalin, at mangyari nawa ang loob Mo dito sa lupa at bigyan Mo po kami ng tapang at lakas sa aming pakikibaka pakikibakang laban sa aming pagkamakasarili upang maialay namin nang buong-buo ang aming buhay para sa kapakanan ng sambayanan.

Siya nawa."

ROLL CALL

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

Abubakar, Y. R.  
Aquino, F. S.  
Bennagen, P. L.  
Concepcion, R. R.  
Davide, H. G.  
Foz, V. B.

Rosario Braid, F.  
De Castro, C.M.  
Colayco, J.C.  
Regalado, F. D.  
De los Reyes, R.F.  
Rigos, C.A.

Gascon, J. L. M. C.  
Guingona, S. V. C.  
Jamir, A. M. K.  
Laurel, J.B.  
Monsod, C.S.  
Nolledo, J.N.  
Ople, B. F.  
Padilla, A.B.  
Quesada, M.L.M.  
Rama, N.G.

Rodrigo, F.A.  
Sarmiento, R.V.  
Suarez, J.E.  
Sumulong, L.M.  
Tadeo, J.S.L.  
Tan, C.  
Tingson, G.J.  
Uka, L.L.  
Villegas, B.M.

With 31 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

Alonto, A. D.  
Bacani, T. C.  
Bengzon, J. F. S.  
Bernas, J. G.

Garcia, E. G.  
Lerum, E. R.  
Maambong, R. E.  
Villacorta, W. V.

The following Members were absent:

Azcuna, A. S.  
Brocka, L. O.  
Calderon, J. D.  
Natividad, T. C.

Nieva, M. T. F.  
Romulo, R. J.  
Rosales, D. R.

President Muñoz Palma was on official mission.

Mr. Treñas was sick.

*(At this juncture, the Vice-President relinquished the Chair to Mr. Rodrigo.)*

#### READING AND APPROVAL OF THE JOURNAL

On motion of Mr. Rama, 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 and confirmed by Mr. Nolleto, to delete, on page 863, column 1, paragraph 1, the phrase ANCESTRAL DOMAIN AND in the restatement of Subsection 1 of Section 4.

#### REFERENCE OF BUSINESS

On motion of Mr. Rama, 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, read the titles of the following Communications which were, in turn, referred by the Chair to the Committees hereunder indicated:

Communication No. 595 — Constitutional Commission of 1986

Letter from Mr. Rafael E. Evangelista, transmitting the reaction paper of the Concerned Filipino Parents to the Resolution incorporating in the Constitution an Article on Education, Science, Technology, Sports, Arts and Culture, and requesting consideration of the views and opinions stated therein and their incorporation in the new Constitution

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 596 — Constitutional Commission of 1986

Position paper of the Scientists For Life, Inc., Philippine Chapter, signed by Mr. Rey Garcia of Everlasting Street, Marcelo Green Village, Parañaque, Metro Manila, saying that there is no point of time that can be singled out as the beginning of human life, except the point of fertilization, that at that moment the conceptus is a unique and distinct individual, physically and materially different from the mother

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

Communication No. 597 — Constitutional Commission of 1986

Letter from Mr. Rey S. Hilario of Basilan Street, Quezon City, urging the Constitutional Commission to make a just and proper delineation of State role with respect to the population issue

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 598 — Constitutional Commission of 1986

Letter from the Honorable Justice Raul M. Gonzales, of the Office of the Tanodbayan, (Ombudsman), pointing out a provision in the draft Constitution which prohibits the Ombudsman, after leaving office, from being elected to any office in the Philippines within a certain period of time, saying that this provision directed solely against the Ombudsman may be likened to "class legislation", suggesting therefor that this be reconsidered and rediscussed with the view of deleting the same

TO THE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS

Communication No. 599 — Constitutional Commission of 1986

Letter from Mr. Virgilio Escudero of Zamboanga City, opposing the idea of Muslim autonomy, suggesting therefor that the question be asked in a referendum to be conducted in the affected areas in order to determine the voice of the majority

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 600 — Constitutional Commission of 1986

Letter from Mr. Arturo Y. Mendoza of, Ipil, Zamboanga del Sur, seeking the creation of an autonomous Christian Mindanao

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 601 — Constitutional Commission of 1986

Letter from Mr. Luduvico D. Badoy, O.I.C. of Cotabato City, submitting a position paper regarding the issues and matters affecting local governments, requesting that the recommendations stated therein be considered favorably

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 602 — Constitutional Commission of 1986

Communication from former MP Jeremias U. Montemayor of the Federation of Free Farmers, 41 Highland Drive, Blue Ridge, Quezon City, submitting an article that points out the disastrous consequences of the present draft on agrarian reform and requesting improvements thereof

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 603 — Constitutional Commission of 1986

Letter from Ms. Maria Carmen C. Edaual and five hundred ninety-four other students from various schools, urging the Constitutional Commission to include in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception

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

Communication No. 604 — Constitutional Commission of 1986

Letter from Ms. Josephine C. Reyes, President, Philippine Association of Colleges and Universities (PACU), Room 244, Isabel Building, España St., Manila, submitting for consideration proposed amendments to the Resolution incorporating in the Constitution an Article on Education, Science, Technology, Sports, Arts and Culture, prepared by the Committee on Human Resources

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 605 — Constitutional Commission of 1986

Communication signed by Mr. Felix K. Maramba, Jr., President of the Philippine Association of Flour Millers, Inc. and eighty-nine (89) other representatives of labor, agricultural and business sectors, and cause-oriented groups, presenting some proposals regarding industrialization and economic protectionism and expressing the hope that such proposals would be considered favorably

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

UNFINISHED BUSINESS: COMMITTEE REPORT NOS. 21 AND 25, AS AMENDED, ON PROPOSED RESOLUTION NO. 470 ON THE ARTICLE ON LOCAL GOVERNMENTS

On motion of Mr. Rama, there being no objection, the Body resumed consideration of Committee Report Nos. 21 and 25, as amended, on Proposed Resolution No. 470, entitled:

Resolution proposing to incorporate in the new Constitution an Article on Local Governments.

At this juncture, Mr. Rama informed the Chair that President Muñoz Palma had requested deferment of voting on the Article on National Economy and Patrimony to await the presence of other Members of the Commission who were attending the death anniversary ceremonies in honor of the late Senator Benigno S. Aquino, Jr.

Thereafter, he requested that Mr. Ople be recognized for his amendment to add a new Section 8 to the Article on Local Governments.

AMENDMENT OF MR. OPLE JOINTLY WITH MESSRS. BENNAGEN, AZCUNA, RAMA, UKA, ALONTO, ABUBAKAR AND BACANI

Mr. Ople stated that before adjournment of the previous session, the Body was in the process of discussing his proposed amendment, to wit:

SECTION 8. CONGRESS MAY PROVIDE CERTAIN FORMS OF AUTONOMY AS MAY BE APPROPRIATE TO OTHER CULTURAL COMMUNITIES WITHIN THE FRAMEWORK OF EXISTING TERRITORIAL AND POLITICAL SUBDIVISIONS, SUBJECT TO THE PROVISIONS OF THIS CONSTITUTION AND NATIONAL LAW. FOR THIS PURPOSE IT MAY CREATE A PERMANENT COMMISSION AS AN ADVISORY BODY TO THE PRESIDENT.

He stated that since then several Members have urged him, as chief proponent, to reformulate the amendment to read:

SECTION 8. CONGRESS MAY CREATE AN OFFICE OF TRIBAL COMMUNITIES TO ADVISE THE PRESIDENT ON POLICIES AND PROBLEMS OF CULTURAL COMMUNITIES.

He stated that he has agonized over the proposed reformulation, having in mind the two and a half million tribal communities, other than those embraced by Muslim Mindanao and the Cordillera autonomous regions, which are scattered all over the country but mostly in Mindanao.

Thereafter, he adverted to a dissertation on customary law and land ownership among tribal Filipinos, specifically tribal communities outside the two autonomous regions, authored by Father Vincent Collins, S. J., Task Force Coordinator in the Diocese of Malaybalay. He informed that there was a workshop held on March 3 to 4, 1986 at the Jesus Calls Retreat House in Philamlife, Quezon City in which the problems of other tribal communities were thoroughly discussed and that a resolution was adopted by the participants thereof, to wit:

Whereas, tribal communities have long suffered from government neglect and discrimination;

Whereas, there is a need for immediate recognition of the right of tribal communities to self-determination, ancestral domain, customary laws,