

JOURNAL NO. 59

Monday, August 18, 1986

CALL TO ORDER

At 9:54 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. Hilario G. Davide, Jr., to wit:

Almighty and Eternal God, through Your Son Jesus Christ, You said:

"Ask, and it shall be given you; seek and you shall find it; knock, and it shall be opened to you. For everyone who asks, receives; and he who seeks, finds; and to him who knocks, it shall be opened."

During the past seventy-seven days of our sacred work to write the fundamental law, we had asked for Your guidance; sought Your wisdom; knocked at Your heart for love not only here, but everywhere, at waking hours or sleeping moments, in the quiet of aloneness or in the midst of noise.

You never failed us. Your patience was endless.

As the end of our work draws near and the issues become more complex and complicated, debates more intense and even winded, we need You more.

We need You for strength to walk the last mile; for courage to resist pressures and the intimidation of the crowd; for humility to accept defeat of our pet proposals; for patience to listen to the words of others; for peace of mind and soul.

Above all, we need Your wisdom so that the Constitution we shall prepare will come from You — and no one else — for the Filipinos of all generations to love, cherish and share.

Be with us then always. Amen."

ANNOUNCEMENT OF THE CHAIR

At this juncture, the Chair announced the start of the celebration of the Peace and Freedom Week under the auspices of the Ninoy Aquino Movement-SERVE. The Chair urged the Members to join in expressing the hope that peace and freedom would always reign in the country, in the communities, among families and homes and also

in the Commission itself.

ROLL CALL

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

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

With 37 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.

Abubakar, Y. R.	Garcia, E. G.
Aquino, F. S.	Maambong, R. E.
Azcuna, A. S.	Ople, B. F.
Brocka, L. O.	

P.M.

Guingona, S. V. C.	Natividad, T. C.
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Mr. Rosales was absent.

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 read the titles of the following Communications which were, in turn, referred by the Chair to the Committees hereunder indicated:

Communication No. 568 — Constitutional Commission of 1986

Letter from Ms. Pearl Gunzon and sixteen (16) others, all from U.P., Diliman, Quezon City, proposing the following: (1) that elective local officials will have a six-year term, (2) that they be allowed to seek reelection or to run for other elective positions only after a six-year term has been served by a successor; and (3) that first degree relatives of elective officials be disqualified from running for elective positions after the expiration of their term

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 569 — Constitutional Commission of 1986

Communication from the Mindanao Movement, signed by its Chairman, Epimaco M. Dansing, Jr., urging inclusion in the Constitution of the following proposals: a) that election to public office should not involve any expense whatsoever on the part of the candidates, political parties, voters and others, except on the part of the government, and b) that in the administration of justice, litigants should not incur any expense in the procurement and/or availment of anything which may affect a just and fair decision

TO THE STEERING COMMITTEE

Communication No. 570 — Constitutional Commission of 1986 '

Letter from Mr. Edmundo H. Fulleros of Buhang, Bulusan, Sorsogon, urging the dismantling of the U.S. military bases come 1991, and thereafter, no foreign military bases be allowed in our country

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

Communication No. 571 — Constitutional Commission of 1986

Position paper of the Association of Baptist Churches in Luzon, Visayas and Mindanao, Inc., 32 Road 2, Project 6, Quezon City, signed by its Chairman, Rev. Edwin T. Ormeo, supporting the retention of the provisions upholding the principle of the separation of Church and State in the new Constitution of the Philippines

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 572 — Constitutional Commission of 1986

Letter from the Philippine Association of Colleges and Universities (PACU) signed by its President, Ms. Josephine C. Reyes, submitting proposed amendments on the Resolution incorporating in the Constitution an Article on Education, Science, Technology, Sports, Arts and Culture, embodied in Committee Report No. 29

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 573 — Constitutional Commission of 1986

Letter from Mr. Benigno Jaleroso of Camiling, Tarlac, expressing concern over the proposed creation of the Cordilleras and Muslim Mindanao as autonomous regions, saying that this might lead to the creation of other autonomous regions like the Ilocos region, Bicol region, the Southern Tagalog provinces, and others

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 574 — Constitutional Commission of 1986

Letter from Mr. Faustino Ruivivar, Jr. of Every Home Crusade Philippines, Inc., P.O. Box 50, Valenzuela, Metro Manila, recommending that the provision of the 1973 Constitution on the separation of the Church and State be incorporated in the new Constitution; that the teaching of religion in the public schools should be optional and without cost to the government; and to allow the U.S. Military Bases to remain after 1991

TO THE STEERING COMMITTEE

Communication No. 575 — Constitutional Commission of 1986

Communication from seven hundred seventy-seven signatories with their respective addresses, seeking 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

MANIFESTATION OF MR. RAMA

At this juncture, Mr. Rama manifested that in view of the motion for reconsideration of the approval of Section 1 of the Article on National Economy and Patrimony, the Body would first take up the said motion and, later, the proposed Article on Local Government.

UNFINISHED BUSINESS: COMMITTEE REPORT NO. 24 ON THE ARTICLE ON NATIONAL ECONOMY AND PATRIMONY

Thereupon, on motion of Mr. Rama, there being no objection, the Body resumed consideration of Proposed Resolution No. 496 (Committee Report No. 24), entitled:

Resolution to incorporate in the new Constitution an Article on National Economy and Patrimony.

The Chair then recognized Mr. Villegas and the members of the Committee.

Thereupon, Mr. Romulo suggested that before the Body vote, the proponents be given a chance to explain their bases for said motion in view of the fact that the Body had already discussed in detail and at great length in the Committee, in the plenary session and even in caucus all the major concepts involved in Section 1, namely, the concept of a mixed economy with the private sector predominating, the concept of industrialization, the concept of protection against unfair foreign competition and the concept of a broad-based ownership. He stated that the proponents should be allowed some latitude to explain their positions since they would have the burden of showing the merits of their motion.

Mr. Sarmiento likewise suggested that the proponents be allowed to finish their comments/explanations before entertaining any interpellation.

Thereupon, the Chair recognized Mr. Sarmiento as the first speaker in support of the motion for reconsideration.

REMARKS OF MR. SARMIENTO

Mr. Sarmiento expressed his reservations on Section 1 by stating that it would constitutionalize a development philosophy prescribed by the IMF-World Bank group which is characterized by 1) minimal protection for domestic industries, with an economy liberally open to import competition; and 2) an industrialization program which lays emphasis on industries geared to foreign markets and based on exploitation of the nation's agricultural resources and cheap labor supply.

Mr. Sarmiento stated that in essence, the new Constitution would incorporate the notorious labor-intensive and export-oriented development strategy which the IMF-World Bank group imposed on the Marcos government and which has been adopted by the Aquino government in the guise of an economic recovery program. He further stated that far from accomplishing a self-reliant and independent national economy which is the thrust of Section 1, the mandate and directive embodied therein would operate to perpetuate an imposed dependent type of industrialization based on exploitation of the country's agricultural resources and labor supply geared towards the agricultural markets.

Mr. Sarmiento maintained that Section 1, by necessary implication, commits the State to a policy of protection only in cases where foreign competition is proved unfair and rejects the notion that the domestic market should be preserved and secured for domestic industries irrespective of whether or not import competition is fair or unfair. He opined that operatively, this would mean a policy of minimal protection for domestic industries.

Mr. Sarmiento pointed out that this development philosophy has not only been proven a failure in the Philippines but also in other developing countries as disclosed in a survey by the Economic and Social Commission for Asia of the United Nations. This, he stated, challenges the Committee to deny that what has been intended by Section 1 is to incorporate the failed labor-intensive, export-oriented approach to development into the new Constitution. He stressed that an assessment of Section 1 must be undertaken from the perspective that a policy of intense protection for