

[VOL. III, August 19, 1986]

R.C.C. NO. 60

Tuesday, August 19, 1986

OPENING OF SESSION

At 9:52 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 Alberto M.K. Jamir.

Everybody remained standing for the Prayer.

PRAYER

MR. JAMIR: Let us pray.

Merciful God, we approach the end of our pilgrimage in search of a constitution which will embody the highest ideals and aspirations of our people with increasing unease. While we, all of us, are sincere in our efforts to apply the proper solutions to the pressing problems of our country, we find ourselves divided in the manner of solving them. There are those amongst us who would channel our country's course along lines that are in keeping with and respectful of the rights of others. There are those, however, who prefer a different path by dangling before our people's eyes a hope for economic emancipation without regard to its effects upon others.

In such a time as this, we implore Thy divine guidance that we may avoid creating an unattainable Utopia which, in the end, will only disillusion our people and thereby increase their discontentment. We beg of Thee to show us the way so that no seed may find a place in the Constitution we are making which may one day be the cause of a fratricidal class struggle among our countrymen, so that this beloved land may not be drenched with the blood and tears of its own children.

It is inevitable that one of these precepts would fail to find acceptance. Should this come to pass, show us, O Lord, how to bear the resulting disappointment in good grace. Keep us together in spite of our differences in outlook, so that we can continue to fashion a constitution which will come from Thy hands, through ours, that our people may have a vibrant and living charter to guide them in their journey through peace and progress throughout the ages. 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	Present
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	Present
Concepcion	Present	Sarmiento	Present
Davide	Present	Suarez	Present
Foz	Present	Sumulong	Present
Garcia	Present	Tadeo	Present
Gascon	Absent	Tan	Present
Guingona	Present [*]	Tingson	Present
Jamir	Present	Treñas	Absent
Laurel	Present	Uka	Present
Lerum	Present [*]	Villacorta	Present [*]
Maambong	Present [*]	Villegas	Present
Monsod	Present		

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? (*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 and Committee Report, the President making the corresponding references:

COMMUNICATIONS

Communication from Mr. Herminio H. Cacanindin, Provincial Secretary, transmitting Resolution No. 70 of the Sangguniang Panlalawigan of La Union, declaring/embodying the opposition of the Province of La Union against the storage of nuclear armaments in the Philippines.

(Communication No. 576 — Constitutional Commission of 1986)

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

Letter from Ms. Joanna K. Cariño of Bontoc, Mountain Province, transmitting a resolution signed by one thousand one hundred eighty-nine (1,189) Tinggians and Bontoks of the Cordillera, calling for an autonomous region and respect for ancestral land rights, among others.

(Communication No. 577 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Letter from Mr. Simeon R. Ventura urging the Constitutional Commission to consider the following issues: (a) abolition of the CHDF; (b) agrarian reform; (c) allocation of seats in the bicameral legislative body; (d) autonomy for the Cordilleras and our Muslim brothers; and (e) American military bases.

(Communication No. 578 — Constitutional Commission of 1986)

To the Steering Committee.

Communication from Dr. Victor A. de la Cruz, Filamer Christian College, Roxas City, and three others, upholding the inviolability of the separation of the Church and State.

(Communication No. 579 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Ms. Phyllis Zaballero and Ms. Maria Isabel Ongpin of the Alliance of Women Towards Action and Reform (AWARE), proposing inclusion in the Constitution the following provision: "The State recognizes the right of women to equal

treatment with men in all spheres of civil, political, economic, social and cultural life."

(Communication No. 580 — Constitutional Commission of 1986)

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

Letter from Minister Candu I. Muarip of the Ministry of Muslim Affairs and Cultural Communities, transmitting two resolutions of the Zamboanga del Norte Muslim Association, to wit: Resolution No. 02-86 urging inclusion of a provision in the Constitution recognizing the existence and establishment of the sultanate as a form of sociocultural and political organization in Regions IX and XII; and Resolution No. 04-86 urging inclusion in the Constitution of a provision recognizing Arabic as one of the basic Filipino languages in Southern Philippines and authorizing and encouraging the teaching thereof in both public and private schools and the same to be regulated by the national government.

(Communication No. 581 — Constitutional Commission of 1986)

To the Steering Committee.

COMMITTEE REPORT

Committee Report No. 39 on Proposed Resolution No. 542, prepared jointly by the Committee on Social Justice and Committee on Human Resources, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A SEPARATE ARTICLE ON FAMILY RIGHTS,

recommending its approval in substitution of Proposed Resolution No. 272.

Sponsored by Hon. Nieva, Villacorta, Gascon, Uka, Tadeo, Garcia, Lerum, Tan, Bennagen, Bengzon, Jr., Rodrigo, Guingona, Rigos, Rosario Braid and Treñas.

To the Steering Committee.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

CONSIDERATION OF PROPOSED RESOLUTION NO. 470 (Article on Local Governments) *Continuation*

PERIOD OF AMENDMENTS

MR. RAMA: I move that we continue the consideration of Proposed Resolution No. 470 on the Article on Local Governments.

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

May we request the honorable Chairman and members of the Committee on Local Governments to please occupy the front table.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: For purposes of clarification for the record, Proposed Resolution No. 470 is a consolidated report coming from Proposed Resolution Nos. 470 and 511 of the Committee on Local Governments.

In view of the fact that we have some Muslim visitors from Mindanao who have been here for days to listen to the deliberation on the autonomous regions and to know the fate of this Article, I move that we defer consideration of the first sections of the Article on Local Governments, and move over to the section under the title "Autonomous Regions."

THE PRESIDENT: What will be deferred actually is only the consideration of about two or three provisions of Part 1.

MR. RAMA: Two or three provisions but it will take sometime, Madam President.

THE PRESIDENT: What does the Chairman say?

MR. NOLLEDO: As Chairman of the Committee, I would like the Floor Leader to know that there are only very few provisions left on the first part of our report. Besides, Commissioners Alonto, Abubakar and Bennagen who are highly competent on several aspects of the second part of our report are not yet here. So I object to the motion.

MR. RAMA: For that reason, Madam President, I withdraw the motion.

THE PRESIDENT: So we will proceed with the continuation of the consideration of Part 1 of the report. Is the Chairman ready with it?

MR. NOLLEDO: Yes, Madam President.

THE PRESIDENT: Yesterday we were considering a proposed amendment of Commissioner Davide consolidating certain sections. Is that correct?

MR. DAVIDE: Yes. Thank you, Madam President.

MR. NOLLEDO: Madam President, Commissioner Padilla would like to add the words "AND LIMITATIONS" to "guidelines."

MR. PADILLA: Yes, Madam President, I made the observation that in the previous Constitutions, the word "limitations" is used. However, the word "limitations" was substituted in the committee report by the word "guidelines." I suggested that we add after the word "guidelines" the words AND LIMITATIONS. I stated that while we agree to give political subdivisions local autonomy and, perhaps, increase the same, we must be careful that the power to tax by local governments may not be without limitation because it is said that the power to tax may include the power to destroy. Local autonomy is intended for the purpose of giving local subdivisions more authority to promote general welfare and to solve their peculiar problems by allowing them discretion and even jurisdiction to adopt measures for the common good within their territorial jurisdictions, but an unlimited jurisdiction or unlimited power of taxation without limitations by Congress may be dangerous. It may not foment or promote the common weal. It may be resorted to by some local executives as an arbitrary means to exact more contributions by way of levies, taxes, fees, and others to the detriment of the general public. Hence, I have no