

[VOL. III, August 18, 1986]

R.C.C. NO. 59

Monday, August 18, 1986

OPENING OF SESSION

At 9:56 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 Hilario G. Davide, Jr.

Everybody remained standing for the Prayer.

PRAYER

MR. DAVIDE: 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, during 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 evenwinded, 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.

THE PRESIDENT: May I call the attention of our Commissioners and everybody in this hall that we are starting today the celebration of Peace and Freedom Week under the auspices of the Ninoy Aquino Movement and SERVE. And so, let us all join in expressing the hope that peace and freedom will always reign in our country, in our communities, in our families and homes, and also here in this august assembly.

ROLL CALL

THE PRESIDENT: The Secretary-General will please 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 | Present* | 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 | Present |
| Laurel | Present | Uka | Present |
| Lerum | Present | Villacorta | Present |
| Maambong | Present* | Villegas | Present |
| Monsod | Present | | |

The President is present.

The roll call shows 37 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 the previous session.

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

APPROVAL OF THE JOURNAL

MR. CALDERON: Madam President, I move that we approve the Journal of last Saturday'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 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.

(Communication No. 568 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Communication from the Mindanao Movement, signed by its Chairman, Epimaco M. Densing, 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.

(Communication No. 569 — Constitutional Commission of 1986)

To the Steering Committee.

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

(Communication No. 570 — Constitutional Commission of 1986)

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

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.

(Communication No. 571 — Constitutional Commission of 1986)

To the Committee on General Provisions.

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.

(Communication No. 572 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Letter from Mr. Benigno Jaleroso of Camiling, Tarlac, expressing concern over the proposed creation of the Cordillera 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.

(Communication No. 573 — Constitutional Commission of 1986)

To the Committee on Local Governments.

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.

(Communication No. 574 — Constitutional Commission of 1986)

To the Steering Committee.

Communication with 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.

(Communication No. 575 — Constitutional Commission of 1986)

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

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

CONSIDERATION OF PROPOSED RESOLUTION NO. 496
(Article on National Economy and Patrimony)
Continuation

PERIOD OF SPONSORSHIP AND DEBATE

MR. RAMA: Up for consideration this morning would be the resolution to incorporate in the new Constitution an Article on National Economy and Patrimony, and also later in the morning we propose that we take up the resolution on the Article on Local Governments.

Madam President, in view of the motion for the reconsideration of Section 1 of the Article on National Economy and Patrimony, I move that we take up for consideration the Article on National Economy and Patrimony.

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

The body will proceed to continue the discussion on the Article on National Economy and Patrimony. The Chair requests the honorable Chairman Bernardo Villegas, Vice-Chairman Jaime Tadeo and the members of the Committee to please occupy the front table: Commissioners Gascon, Bennagen, Romulo, Monsod, Sarmiento, Bengzon, Jr., Maambong, Suarez, Uka, Bacani, Natividad, Foz and Villacorta.

MR. RAMA: Madam President, I ask that Commissioner Romulo be recognized.

THE PRESIDENT: Commissioner Romulo is recognized.

MR. ROMULO: Madam President, under our Rules, a motion for reconsideration has to be voted upon before the proponents can suggest amendments. May I, therefore, propose, in fairness to the proponents, that they be given a chance to explain the basis for which they are seeking a motion for reconsideration of Section 1 so that when the Commissioners vote, it will be meaningful. I believe it is necessary that the proponents do so because we have discussed in detail and at great length 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, finally, the concept of a broad-based ownership. These have been discussed in the Committee, on the floor, and in caucus. Inasmuch as these have taken place, the proponents for a motion for reconsideration, in a manner of speaking, have the burden of proof to show that their request for reconsideration is meritorious. That is why I believe that in fairness to them, we should allow them some latitude in explaining their position on why they are requesting a motion for reconsideration as well as for permission to amend Section 2.

Thank you, Madam President.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: I understand there are three or four Commissioners intending to propose amendments or to say something on Section 1. I move that they be allowed to finish their comments and explanations first before the interpellations for order and facility.

Thank you, Madam President.

THE PRESIDENT: The motion is granted.