

JOURNAL NO. 58

Saturday, August 16, 1986

CALL TO ORDER

At 9:39 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. Roberto R. Concepcion, to wit:

"Dear Lord,

We thank Thee for Thy sustained assistance

in our earnest endeavors to draft a new Constitution

for the Republic of the Philippines.

Impart to us, our Father in Heaven,

the grace to vividly recall

the fateful events of last February,

when the armed and armoured forces

of the tyrant

confronted thousands of our civilian

population;

who, armed with no more than their faith

in Thy wisdom and their just cause,

held their ground, seemingly doomed to

complete annihilation;

When both groups were surprised to realize

that none of them were enemies,

and all of them were and are Filipino brothers;

and

When exhilarated by this inspiring development

they pledged to join hands in the quest for

truth and justice,

in the pursuit of freedom and equality,

in the promotion of peace and progress for all.

Help us, our loving Father,

to draw strength from these meaningful tokens

of Thy love,

to avail of the light of Thy wisdom

to find the right path

so that the new Constitution

may ensure the stability of our beloved

Republic,

enrich human dignity in our land, and

promote the well-being and prosperity of

the Filipino people.

Amen."

ROLL CALL

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

Alonto, A. D.
Azcuna, A. S.
Bacani, T. C.
Bennagen, P. L.
Calderon, J. D.
De Castro, C. M.
Colayco, J. C.
Concepcion, R. R.
Davide, H. G.
Foz, V. B.
Gascon, J. L. M. C.

Nolledo, J. N
Ople, B. F.
Padilla, A. B.
Muñoz Palma, C.
Rama, N. G.
De los Reyes, R. F.
Rigos, C. A.
Rodrigo, F. A.
Rosales, D. R.
Sarmiento, R. V.
Sumulong, L. M.

Jamir, A. M. K.
Laurel, J. B.
Monsod, C. S.

Tadeo, J. S. L.
Treñas, E. B.
Villegas, B. M.

With 28 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.

Abubakar, Y. R.
Aquino, F. S.
Bernas, J. G.
Rosario Braid, F.
Garcia, E. G.
Lerum, E. R.

Maambong, R. E.
Natividad, T. C.
Romulo, R. J.
Suarez, J. E.
Uka, L. L.
Villacorta, W. V.

P.M.

Bengzon, J. F. S.

The following Members were absent:

Brocka, L. O.
Nieva, M. T. F.
Quesada, M. L. M.

Tan, C.
Tingson, G. J.

Messrs. Guingona and Regalado were sick.

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. 564 — Constitutional Commission of 1986

Letter from former Justice Jose B. L. Reyes, Acting Chairman, Presidential Committee on Human Rights, Rizal Bldg., Ground Floor, University of Life Complex, Pasig, Metro Manila, calling attention to grave violations of tribal property rights of ethnic minorities in the Mountain Province and elsewhere, saying that such violations are made possible by the Regalian Doctrine which is enshrined in the 1935 and 1973 Constitutions,

recommending thereof proper modification to guarantee the protection of the rights of these ethnic minorities

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

Communication No. 565 — Constitutional Commission of 1986

Communication signed by Mr. Democrito T. Mendoza of the Trade Union Congress of the Philippines and eighty-nine other signatories, seeking inclusion in the Constitution of the proposed provision on industrialization, economic protectionism and Filipinization of the economy

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 566 — Constitutional Commission of 1986

Letter from Ms. Agnes Camacho and eight others of the University of the Philippines, Diliman, Quezon City, suggesting that local elective officials should serve a term of six years and that local elective officials should not be allowed to run for reelection, be it for the same position or another, except after the lapse of six years

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 567 — Constitutional Commission of 1986

Communication with three hundred thirty-four signatories with their respective addresses, all 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

UNFINISHED BUSINESS: COMMITTEE REPORT NO. 25 ON PROPOSED RESOLUTION NO. 470 ON THE ARTICLE ON LOCAL GOVERNMENT

Thereafter, on motion of Mr. Rama, there being no objection, the Body resumed consideration of Resolution No. 470 (Committee Report Nos. 21 and 25), entitled:

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

On motion of Mr. Rama, there being no objection, the Body proceeded to the period of amendments.

Mr. Rama stated that the Body would be using the draft Article as amended on August 13, 1986.

Thereupon, the Chair recognized Mr. Nollado, as Chairman of the Committee on Local Governments, and the members of the Committee for the amendments.

REMARKS OF MR. NOLLEDO

Mr. Nollado stated that Resolution No. 470 would be the revised report of the Committee on Local Governments which contains provisions pursuant to the agreement reached in the caucus of August 12, 1986 which, among others, is the creation of two autonomous regions. He also stated that the revised draft consolidated the Article on Local Government, containing two parts, namely, the general provisions on local governments and the provisions on the autonomous regions.

Specifically, he explained that Section 1 separated the provinces, cities, municipalities and barrios from the autonomous regions, the creation of which would be subject to approval in a plebiscite by a majority of the voters in the regions concerned.

He also explained that Section 2 provides for the enactment of the Local Government Code, while Section 3 provides that the highly urbanized cities shall be independent of the province but shall not deprive the residents thereof of the right to vote for elective provincial officials.

He stated that Sections 4, 5, 6, 8, 9 and 11 were just reproductions of the original provisions in Committee Report No. 21.

On Section 7, he stated that regional development councils would be created to be composed of local government officials whose powers would be prescribed by law, in order to accelerate the economic and social growth of local government units, which provision was proposed by Mr. Monsod.

He also explained that the proposal of Messrs. Ople, Maambong, Natividad and de los Reyes was made as a separate Section 10 which provides for the share of local governments in the proceeds of exploitation and development of the national wealth within their respective areas.

On the subheading "Autonomous Regions" of the Article, Mr. Nollado underscored that Section 1 is limited to the creation of the autonomous regions of Cordillera and Muslim Mindanao, and that the creation of other autonomous regions would require a Constitutional amendment.

He stated that Section 2 is a reproduction of the provision in Committee Report No. 21, with the second sentence thereof providing that the Organic Act may provide for the creation of courts with jurisdiction over the regions concerned; and the last sentence reiterating that the creation of the autonomous regions would require the approval of the majority of all the voters of the constituent units, provided that when the majority of the voters of a province vote against local autonomy, said province would not be included in the territorial jurisdiction of the autonomous region.

On Section 3, he stressed that the President of the Philippines would retain the right to exercise general supervision over autonomous regions.

He explained that Section 4 provides for legislative authority of the autonomous regions but the provision on the creation of special forces was deleted because of