

# [ VOL. III, August 08, 1986 ]

## R.C.C. NO. 51

Friday, August 8, 1986

### OPENING OF SESSION

*At 9:45 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 Gregorio J. Tingson.

*Everybody remained standing for the Prayer.*

### PRAYER

MR. TINGSON: Our dear loving Heavenly Father, we realize only too well that "unless the Lord builds the house, they labor in vain who build it."

We are mandated to build a charter for our country that will stand the test of time and the changing tempers of men. We need wisdom, dear Lord, to do this task for we are but men with finite understanding and limited knowledge.

We confess that we do not have the wisdom of a Solomon, the wit and brilliance of an Aristotle, the deep insight of Jose Rizal, nor the homespun zing of a Will Rogers. But with the ever-available aid of the Holy Spirit, we now humbly beseech Thee not for tasks equal to our power but for power equal to our heavy task.

Father in heaven, we are humbled by the words of our Sublime Paralytic:

No matter how the government tries to renew itself, all of its efforts would amount to naught if there would be no corresponding change in the hearts of the people.

Help us, dear Lord, to come up with a Constitution that will, in essence, continually remind our people of the timely words of the Prophet:

If My people, who are called by My name, will humble themselves and pray and seek My face and turn from their wicked ways, then will I hear from heaven and will forgive their sin and will heal their land.

Help us to finish our new fundamental law in Thine own good time as we 48 Commissioners bear in mind that in things major we should have unity, in things minor, liberty; but in all things always to demonstrate charity.

We adore Your Holy Name; we praise You for what You have done in and through us; and we petition Thee loving Heavenly Father, for a greater measure of Your instruction, inspiration and sanctification.

This is our individual and collective prayer in the wonderful and matchless name of our Lord and Savior Jesus Christ. Amen.

#### ROLL CALL

THE PRESIDENT: The Secretary-General will call the roll.

THE SECRETARY-GENERAL, *reading*:

Abubakar	Present <sup>*</sup>	Natividad	Present <sup>*</sup>
Alonto	Present	Nieva	Present
Aquino	Present <sup>*</sup>	Nolledo	Present <sup>*</sup>
Azcuna	Present <sup>*</sup>	Ople	Present <sup>*</sup>
Bacani	Present	Padilla	Present
Bengzon	Present <sup>*</sup>	Quesada	Present
Bennagen	Present	Rama	Present <sup>*</sup>
Bernas	Present	Regalado	Present
Rosario Braid	Present	Reyes de los	Present
Brocka	Present <sup>*</sup>	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 <sup>*</sup>	Tadeo	Present
Gascon	Present <sup>*</sup>	Tan	Present
Guingona	Absent	Tingson	Present
Jamir	Present	Treñas	Present <sup>*</sup>
Laurel	Present <sup>*</sup>	Uka	Present
Lerum	Present <sup>*</sup>	Villacorta	Present
Maambong	Present <sup>*</sup>	Villegas	Present
Monsod	Present		

The President is present.

The roll call shows 32 Members responded to the call.

THE PRESIDENT: The Chair declares the presence of a quorum.

The Assistant Floor Leader is recognized.

MR. CALDERON: Madam President, 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 the previous 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 Reports, the President making the corresponding references:*

#### COMMUNICATIONS

Letter from Mr. Jovito A. Avancena of 25 Asteroid, Bel Air, Makati, Metro Manila, and three hundred ninety others with their respective addresses, seeking the inclusion in the Constitution of a provision obliging the State to protect the life of the unborn from the moment of conception.

(Communication No. 491 — Constitutional Commission of 1986)

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

Letter from Mr. Tomas S. Tuazon of Motrico, La Paz, Tarlac, suggesting equal protection of the law for the rich and the poor to promote national unity.

(Communication No. 492 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Communication from Mr. Pelagio B. Estopia, proposing a parliamentary form of government with a bicameral legislature, that declaration of martial law and suspension of the writ of *habeas corpus* shall need confirmation of the legislature, and the nationalization of industries and the exploitation of natural resources.

(Communication No. 493 — Constitutional Commission of 1986)

To the Steering Committee.

Position paper of the Filipino-American Chamber of Commerce, P.O. Box 7258, San Francisco, California 94120, U.S.A., signed by its President, Mr. Juan G. Collas, Jr., suggesting among others that the new Constitution shall embody some features that

can attract foreign capital, that regulation of foreign capital shall be left to legislation, and that Filipinos be allowed dual citizenship.

(Communication No. 494 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Mr. Norberto Navarro Caparas of 555 Kaunlaran Street, Barangay Commonwealth, Quezon City proposing an amendment to Section 11 of the Proposed Amendment to the Article on Social Justice, to wit: IN APPROPRIATE CASES, LANDS OWNED BY THE GOVERNMENT BUT WHICH HAVE ALREADY BEEN CONVERTED BY OCCUPANTS INTO A VIABLE COMMUNITY SHALL BE DONATED TO THEM SUBJECT TO CONDITIONS IN A LAW TO BE ENACTED BY THE LEGISLATURE.

(Communication No. 495 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Letter from Mr. Edmundo A. Damatac of Lallo, Cagayan, advocating that the incumbent President and Vice-President be given the chance to serve the six-year term for which they have been elected.

(Communication No. 496 — Constitutional Commission of 1986)

To the Committee on Amendments and Transitory Provisions.

Communication jointly submitted by the Bagong Alyansang Makabayan, Society of Professionals for the advancement of Democracy, League of Filipino Students, Kapunungan san mag uuma sa Masbate, Simbahang Katoliko sa Barangay, Kabataan para sa Demokrasya Nasyonalismo, and Masbate People's Organization, all in Masbate, suggesting among others the following: (1) removal of the U.S. military bases in the Philippines, (2) abrogation of the U.S.-R.P. Mutual Defense Treaty, Military Assistance Agreement, R.P.-Japan Treaty of Amity, Commerce and Navigation; (3) right to strike and collective bargaining, and (4) creation of a human rights commission.

(Communication No. 497 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Mr. Cesar P. Nimez of Suba, Lilo-an, Cebu, transmitting a joint resolution adopted by various civic associations and organizations of Lilo-an, Cebu, containing among others the following proposals: (1) all title/lease contract documents of foreshore lands issued during the Marcos regime be revoked or declared null and void; (2) all foreshore land must be turned over to the municipal government where they are situated; and (3) all foreshore lands cannot be leased/titled for business purposes.

(Communication No. 498 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Letter from Mr. Roberto Lazaro of Mandaluyong, Metro Manila, advocating that the Philippines be one of the regular states of the United States.

(Communication No. 499 — Constitutional Commission of 1986)

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

#### COMMITTEE REPORTS

Committee Report No. 35 submitted by the Committee on the Legislative re Proposed Resolution No. 411 and Proposed Resolution No. 428 informing the Commission of their incorporation in Committee Report No. 22 on the Article on the Legislative Department, as reported out on July 7, 1986.

To the Archives.

Committee Report No. 36 on Proposed Resolution No. 537, prepared by the Committee on Preamble, National Territory, and Declaration of Principles, entitled:

#### RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON THE DECLARATION OF PRINCIPLES,

recommending its approval.

Sponsored by Hon. Davide, Jr., Nollado, Sarmiento, Tingson, Bengzon, Jr., Aquino, de los Reyes, Jr., Rigos, Rosario Braid, Quesada. de Castro, Nieva, Villacorta, Rama, Bacani, Colayco, Calderon, Suarez, Ople, Gascon, Villegas, Rosales, Azcuna, Foz and Garcia.

To the Steering Committee.

MR. ROMULO: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

#### CONSIDERATION OF PROPOSED RESOLUTION NO. 534 (Article on Social Justice) *Continuation*

#### PERIOD OF AMENDMENTS

MR. ROMULO: I move that we continue the consideration of Committee Report No. 34 on Proposed Resolution No. 534. We are still in the period of amendments.

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

The honorable Chairman and members of the Committee will please occupy the front table.

At this juncture, may we acknowledge the presence of a good number of students from Maryknoll College, St. Scholastica's College, St. Joseph's College and St. Bridget's College. So, we welcome all these young people who have come to see our proceedings and to show their interest in the documents that we are drafting for our people.

MR. ROMULO: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. ROMULO: When we adjourned yesterday, we were in Section 8 and Commissioner Ople was discussing his amendment. Inasmuch as he is not here,