

JOURNAL NO. 47

Monday, August 4, 1986

CALL TO ORDER

At 9:52 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. Adolfo S. Azcuna, to wit:

Remember You are Mother Mary that You won't say You won't because
You are our Mother and You can't say You can't because You are God's
mother, so You win, won't You?

Amen.

ROLL CALL

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

Azcuna, A. S.	Padilla, A. B.
Bacani, T. C.	Muñoz Palma, C.
Bennagen, P. L.	Quesada, M. L. M.
Bernas, J. G.	Rama, N. G.
Rosario Braid, F.	Regalado, F. D.
Brocka, L. O.	De los Reyes, R. F.
Calderon, J. D.	Rigos, C. A.
De Castro, C; M.	Rodrigo, F. A.
Concepcion, R. R.	Romulo, R. J.
Davide, H. G.	Suarez, J. E.
Foz, V. B.	Sumulong, L. M.
Garcia, E. G.	Tadeo, J. S. L.
Gascon, J. L. M. C.	Tingson, G. J.
Guingona, S. V. C.	Treñas, E. B.

Jamir, A. M. Uka, L. L.
K.
Nieva, M. T. Villacorta, W. V.
F.
Nolledo, J.
N.

With 33 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.
Abubakar, Y. Maambong,
R. R. E.
Alonto, A. Monsod, C.
D. S.
Aquino, F. S. Natividad,
T. C.
Bengzon, J. Ople, B. F.
F. S.
Lerum, E. R. Rosales, D.
R.
Sarmiento, Villegas, B.
R. V. M.
Tan, C.

P.M.
Colayco, J. Laurel, J.
C. B.

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. 431 — Constitutional Commission of 1986

Letter from Atty. Paz E. Vicada, Chairman, Socio-Cultural Task Force, PCCC, Misamis Oriental, and fifty-six teachers with their corresponding schools, requesting inclusion in the Constitution the following proposals:

(1) that the educational system shall be free from political intervention, (2) public school teachers shall have the right to unionize as well as the right to strike, (3) city and barangay schools shall have their budget nationalized, (4) teachers shall have representation in the legislature and in academic policy-making bodies, and (5) there shall be a national commission to investigate offenses committed by administrative officials against classroom teachers

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 432 — Constitutional Commission of 1986

Letter from Mr. Ambrosio Rilloza of 383 Bo. Cruz, La Trinidad, Benguet, submitting for consideration of the Constitutional Commission, his version of a new Constitution

TO THE STEERING COMMITTEE

Communication No. 433 — Constitutional Commission of 1986

Letter from Mr. Daniel M. Mercado, Jr., President, Filipino Life Insurance Companies Association, Inc., suggesting that life insurance be included among those to be considered for limitation of ownership to 100%, if not, at least 75% Filipino

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 434 — Constitutional Commission of 1986

Communication from Mr. Hermogenes Martir, Jr. of Dal-Al-Amarah, P.O. Box 1727, Jeddah, Kingdom of Saudi Arabia, suggesting, among others, (1) that the term of the President be six years with one reelection, (2) that the term of the Members of the Legislature be six years with two reelections, (3) that there should be no constitutional convention during martial law, and (4) that the voting age should be twenty-one

TO THE STEERING COMMITTEE

Communication No. 435 — Constitutional Commission of 1986

Letter from Mr. Rafael A. Pabillore of Sagay, Camiguin, submitting, for consideration by the Constitutional Commission, his views and suggestions on such issues as schedule of elections, block voting, political parties, term of office, and presidential immunity

TO THE STEERING COMMITTEE

Communication No. 436 — Constitutional Commission of 1986

Letter from Mr. Ciriaco S. Nietes of Binoligan, Kidapawan, Cotabato, submitting an outline of a new Constitution for study and deliberation by the Constitutional Commission

TO THE STEERING COMMITTEE

Communication No. 437 — Constitutional Commission of 1986

Letter from Ms. Nila Fragante of 9 Victoria Avenue, New Manila, Quezon City, and one hundred seventy others with their corresponding addresses, urging the Constitutional Commission to incorporate in the Constitution a provision obliging the State to protect the life of the unborn child from the moment of conception

TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL RIGHTS AND OBLIGATIONS AND HUMAN RIGHTS

Communication No. 438 — Constitutional Commission of 1986

Letter from Fr. Mario Cruz, 319 Elm Avenue, Apt. 37, Long Beach, California 90802, U.S.A., urging the Constitutional Commission to include in the Constitution a provision allowing Filipinos to have dual citizenship

TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL RIGHTS AND OBLIGATIONS AND HUMAN RIGHTS

Communication No. 439 — Constitutional Commission of 1986

Letter from Ms. Ma. Luisa D. Palillo of the Planning Service, Ministry of Education, Culture and Sports, Manila, submitting through the Honorable Commissioner Joaquin G. Bernas, S.J., her position papers, which are self-explanatory, on religion in Philippine schools, colleges and universities

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 440 — Constitutional Commission of 1986

Letter from Dr. Jesus V. Tamesis of 42 Quezon Avenue, Quezon City, submitting for consideration by the Constitutional Commission, his position paper on the protection of the patrimony of the nation

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 441 — Constitutional Commission of 1986

Communication from Ms. Teresita Quintos Deles of 61 Molave Street, Monte Vista, Marikina, Metro Manila, and one hundred five others, entitled: "Statement of Common Position and Concern re: Proposed constitutional provision on the 'Right to Life from the Moment of Conception'"

TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL RIGHTS AND OBLIGATIONS AND HUMAN RIGHTS

UNFINISHED BUSINESS: COMMITTEE REPORT NO. 34 ON PROPOSED RESOLUTION NO. 534 ON THE ARTICLE ON SOCIAL JUSTICE

On motion of Mr. Rama, there being no objection, the Body resumed consideration, on Second Reading, of Proposed Resolution No. 534, entitled:

Resolution to incorporate in the new Constitution a separate Article on Social Justice.

Mr. Rama stated that the Body was still in the period of interpellations.

INTERPELLATION OF MR. RIGOS

In his interpellation on Section 4, Mr. Rigos made the following suggestions 1) that the Committee consider an amendment to include management participation in the policy and decision-making of labor unions; and 2) inasmuch as the phrase "right of labor to its just share" refers to profit-sharing, that the Committee should, likewise, consider an amendment regarding loss-sharing.

Replying thereto, Ms. Aquino explained that allowing management to participate in policy and decision-making of the labor unions would not sit well with the concept of unionism which is to preserve the sanctity and independence of workers when they organize as a collective bargaining agent. She stressed that management intrusion into the union of workers is anathema to the concept of trade unionism.

INTERPELLATION OF MR. DE LOS REYES

Relative to Section 5, on agrarian and natural resource reform, Mr. de los Reyes recalled that the 1973 Constitution emancipated the farmers from the lands which they tilled and that Presidential Decree No. 27 had been hailed as the most revolutionary and most advanced land reform decree although it was confined only to rice and corn lands. In addition, he cited several letters of instruction and decrees regarding the implementation of the land reform program. He then inquired as to the scope of land reform that the Committee wants.

In reply, Mr. Tadeo stated that PD No. 27 covers only 6.8 million hectares, of which 3.5 million hectares are rice lands and 3.3 million hectares are corn lands. He pointed out that in its implementation, 1,462,570 hectares or 13.7 percent was covered benefitting 1,905,124 farmers or 13.1 percent out of the 7,445,500 supposed beneficiaries, leading to the conclusion that the program covered only a small portion and failed to eradicate land monopoly. Moreover, he stated that the compensation fixed by the government was not within the paying capacity of the farmers and it was for this reason that only 9 percent were able to pay the amortization.

Mr. Tadeo stated that what worsened the agrarian problem was the grant of big landholdings simultaneous with the program's implementation to cronies and multinationals, like Dole Philippines and Sime Darby, among others, which was done in utter disregard of the law.

Mr. de los Reyes pointed out that the land reform program applied only to middle class families because the owners of *haciendas*, in order to be spared from the program, made their operations appear to be an agro-industrial entity. He stated that under the Public Land Act, one could own 24 hectares of alienable and disposable land provided he personally cultivates the land. Because of hard work and perseverance, he stated that these people were able to make progress in their standard of living. He advised that these middle class families have expressed apprehension that because of the Commission's desire to expand the coverage of