

**JOURNAL NO. 71**

Monday, September 1, 1986

CALL TO ORDER

At 9:56 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. Blas F. Ople, to wit:

"God Almighty, it was by Your will that 48 men and women from diverse origins and backgrounds were brought together here to frame a Constitution for the Filipino people.

Outside these halls, we have often been criticized for having been appointed, not elected, as though, lacking the grace of a popular mandate, we are not worthy of this exalted task.

And yet this is only one way of saying that not being elected, we cannot be independent. We believe this Commission, with Your Divine Grace, has boldly met the test of independence, the sole guide for our actions being our respective consciences.

You did not intend or program us to think alike, for that would be an abomination of intellectual freedom and of the plurality of ideas essential in a democracy. God forbid that there should ever come the day when there will be a compulsory leveling of thought to one uniform mass to suit a one-party State in our beloved country.

Therefore, we as individual commissioners have exercised, on this floor and in the committees, our independence of thought and action. In the process, there are clashes of ideas that often test the patience of friends and strain the bonds of courtesy and civility, but they also prove the vitality of freedom on this floor. Perhaps no better proof than this exists to show that we are being faithful to our individual mandates in drafting the highest covenant for our people.

And yet, it is possible, Lord, that in thus engaging ourselves in a clash of ideas and in wearing the warrior's plumes we fall into the occasional error of vanity and pride, forgetting that it is the meek who shall inherit the earth. Teach us, then, O Lord, to be brave and humble in our hearts; teach us to be tolerant of adversaries; teach us the grace of conquering through love and humility.

And finally, guide us, Lord, as we brace for the final chapter in the brief but epic labors of drafting a Constitution for our people and their

posterity.

Amen."

At this juncture, the Chair acknowledged the participation of the Choral Group of the defunct Batasang Pambansa, now of the Constitutional Commission, which led the singing of the National Anthem.

#### ROLL CALL

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

|                     |                     |
|---------------------|---------------------|
| Azcuna, A. S.       | Nieva, M. T. F.     |
| Bacani, T. C.       | Ople, B. F.         |
| Bernas, J. G.       | Padilla, A. B.      |
| Rosario Braid, F.   | Muñoz Palma, C.     |
| Calderon, J. D.     | Quesada, M. L. M.   |
| De Castro, C. M.    | Rama, N. G.         |
| Colayco, J. C.      | Regalado, F. D.     |
| Concepcion, R. R.   | De los Reyes, R. F. |
| Davide, H. G.       | Rigos, C. A.        |
| Foz, V. B.          | Rodrigo, F. A.      |
| Garcia, E; . G.     | Romulo, R. J.       |
| Gascon, J. L. M. C. | Sarmiento, R. V.    |
| Guingona, S. V. C.  | Sumulong, L. M.     |
| Jamir, A. M. K.     | Tan, C.             |
| Laurel, J. B.       | Uka, L. L.          |
| Maambong, R. E.     | Villacorta, W. V.   |
| Monsod, C. S.       | Villegas, B. M.     |

With 34 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

#### A. M.

|                   |                  |
|-------------------|------------------|
| Abubakar, Y. R.   | Natividad, T. C. |
| Aquino, F. S.     | Nolledo, J. N.   |
| Bengzon, J. F. S. | Suarez, J. E.    |
| Lerum, E. R.      | Tingson, G. J.   |

#### P.M.

Bennagen, P. L.                      Tadeo, J. S. L.

Messrs. Rosales and Treñas were sick.

Mr. Alonto was absent.

#### 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, with the corrections, at the instance of Mr. Guingona, on page 1024, column 1, to change the word "promptly" to MIGHT and between the figure "30%" and the word "with", insert the words FOR SALARIES, BONUSES, ALLOWANCES ETC. OF TRUSTEES AND RANKING ADMINISTRATION OFFICIALS; and on the fifth line of the same paragraph, between the comma (,) after the figure "10%" and the word "allot", insert the word MIGHT.

#### REMARKS OF MR. OPLE

At this juncture, Mr. Ople adverted to the agreement that in order to save time, Members who want to make corrections on the Journal based on what was actually said could do so by making representations to the President and to the Secretariat.

The Chair confirmed the agreement.

#### 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. 675-A — Constitutional Commission of 1986

Communication from the faculty and staff of the Faith Bible Institute, P.O. Box 88, Laoag City, Ilocos Norte, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and the State shall be inviolable as embodied in the 1973 Constitution and as understood historically and jurisprudentially in the Philippines

#### TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 676 — Constitutional Commission of 1986

Letter from Mr. Fred M. Magbanua, Jr. and three other officers of the Christian Leaders Alliance of the Philippines, P.O. Box 1, Valenzuela, Metro Manila, endorsing the position paper on religious instructions in public schools presented by Mr. Isabelo F. Magalit of the Konsiyensiya ng Febrero Siete (KONFES), recommending that the provision of the 1973 Constitution be retained and incorporated in the new Constitution

#### TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 677 — Constitutional Commission of 1986

Letter from Mr. Ben T. Porcadilla of the General Baptist Church of the Philippines, Inc., Bolcan St., Agdao, Davao City, urging the Constitutional Commission to incorporate in the new Constitution that the separation of the Church and the State shall be inviolable as embodied in the 1973

Constitution and as understood historically and jurisprudentially in the Philippines

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 678 — Constitutional Commission of 1986

Communication from Mr. Pedro Zorilla, transmitting Resolution No. 130 of the Sangguniang Panlungsod of Dipolog City, proposing the creation of a new region to be composed of the provinces of Zamboanga del Norte, Misamis Occidental, Zamboanga del Sur, and the cities of Dipolog, Dapitan, Oroquieta, Ozamiz, Tangub and Pagadian

TO THE COMMITTEE ON THE LEGISLATIVE

Communication No. 679 — Constitutional Commission of 1986

Communication from former MP Rogelio M. Sarmiento, Sarmiento Bldg., No. 2 Pasong Tamo Ext., Makati, Metro Manila, suggesting that the Constitutional Commission of 1986 should provide that in the event the new Constitution is repudiated during the forthcoming referendum, President Corazon C. Aquino should choose between the 1935 or the 1973 Constitution as the functioning constitution which we shall follow and uphold

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 680 — Constitutional Commission of 1986

Letter from former MP Rogelio M. Sarmiento, Sarmiento Bldg., No. 2 Pasong Tamo Ext., Makati, Metro Manila, urging the Constitutional Commission of 1986 not to incorporate in the Constitution the issue of the American military bases in the Philippines and the policy of declaring the country as nuclear-free

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

UNFINISHED BUSINESS: COMMITTEE REPORT NO. 29 ON PROPOSED RESOLUTION ON THE ARTICLE ON EDUCATION, SCIENCE, TECHNOLOGY, ARTS AND CULTURE

On motion of Mr. Rama, there being no objection, the Body resumed consideration, on Second Reading, of the Proposed Resolution on the Article on Education, Science, Technology, Arts and Culture (Committee Report No. 29), entitled:

Resolution to incorporate in the Constitution an Article on Education, Science, Technology, Arts and Culture.

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

The Chair recognized Mr. Villacorta and the Members of the Committee on Human Resources.

INTERPELLATION OF MR. AZCUNA

Thereupon, in reply to Mr. Azcuna's inquiry whether the lead Section 1 of the proposed Article represents a statement of the goals of the educational system, Mr. Villacorta stated that it is an omnibus section encompassing the goals not only for education but for science, technology, arts and culture as well, however, the Committee would be open to proposals to add other objectives. Also upon inquiry, Mr. Villacorta clarified that the sequence of the enumeration does not establish a hierarchy of priorities among education, science, technology and arts and culture, all of which the Committee considers equally important.

Relative to Section 1(b), on whether the Committee has considered the possibility of providing free pre-school education considering its importance on the early formative education of the children and the fact that the less privileged are unable to send their children to pre-school, Mrs. Rosario Braid stated that the provision lays emphasis on comprehensive education by integrating nonformal and informal education which would address the matter of pre-school education and, although the Committee did not specifically discuss it, she agreed that pre-school are the most important years in the education of a child. She assured that the Committee would be willing to accept an amendment which would mandate the State to provide resources for the development and establishment of a broader pre-school education.

Mr. Guingona added that the provision on the citizens' right and corresponding duty of the State to provide education expands the area of offerings so that pre-school education could be one of the areas which the government could address itself to. He agreed that children of pre-school age are the ones who are most receptive to the learning process. He further pointed out that there are reports that beginning next school year, six-year old children would be admitted to first grade which is practically equivalent to a pre-schooling.

Mr. Villacorta stated that the Committee would consider Mr. Azcuna's proposal.

On Section 2(a), Mr. Azcuna noted that the provision used the word "inculcate" which, he opined, is synonymous to "indoctrination". He adverted to Mr. Carter V. Good's dictionary of education which defines "indoctrination" in its broader sense as an attempt to inculcate beliefs, a possible concomitant of any learning situation and, in the narrower sense, as an attempt to fix in the learning mind any doctrine — social, political, economic or religious — to the exclusion of all contrary doctrines and in a manner preventing serious comparison and evaluation. He then inquired whether the word "inculcate" as used in Section 2(a) would mean indoctrination.

Replying thereto, Mr. Villacorta stated that Section 2(a) does not intend to convey such meaning. He pointed out that indoctrination, as popularly understood, is the systematic imposition of certain beliefs that are related to the priorities of a particular State. He stated that to consider inculcation as an indoctrination would be to consider teaching, including the teaching of religion, as indoctrination. He assured that the Committee does not propose indoctrination and would welcome any suggestion to use an alternative term.

Mr. Rigos added that the word "inculcate" is used in relation to nationalism, love of fellowmen and respect of human rights.

Mr. Azcuna stated that he would not have any objection as long as it is on record