

**JOURNAL NO. 104**

Friday, October 10, 1986

CALL TO ORDER

At 10:20 a.m., the Honorable Efrain B. Treñas called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Edmundo G. Garcia, to wit:

Isang pagbasa mula sa aklat ng Propetang Isaias, kabanata 42, linya 16-17, at kabanata 43, linya 1-3:

"Aakayin ko ang mga bulag,

Sa mga lansangang hindi pa nila natatahak

Yaong kadiliman sa harapan nila'y gagawing liwanag,

At papatagin ko ang baku-bakong landas;

Ang lahat ng ito'y aking gagawin.

Mabibigo at mapapahiya ang lahat ng kumikilala

At nagtitiwala sa mga diyos-diyusan . . .

Israel, ito ang sinasabi sa iyo ni Yahweh:

Huwag kang matatakot, ililigtas kita.

Tinawag kita sa iyong pangalan, ikaw ay akin.

Pag ikaw ay daraan sa karagatan, sasamahan kita;

Hindi ka madadaig ng mga suliranin.

Dumaan ka man sa apoy, di ka maaano,

Hindi ka maibubuwal ng mabibigat na pagsubok

Sapagka't akong si Yahweh ang iyong Diyos,

Ang Banal ng Israel na magliligtas sa iyo."

Pangoonng Diyos, aming Ama, nawa'y inyong kalugdan ang pagsisikap namin dito sa Komisyon, itong apat na buwan nang dumaan — hatid ay matinding paglalahok ng isip at katawan.

Gawain namin ay alay sa sambayanang Iyong hirang, natatangi sa Iyong paningin — ang bayan naming naghihintay at nagtitiwala sa pangako ng

Iyong pagpapalaya.

Aming gawain kailanman'y di sasapat sa mga pangangailangan at inaasam ng aming mga kababayan. Tulungan Ninyo Po kaming ito ay ibigay at ibahagi sa kanila, nang sa gayo'y mga pagkukulang nami'y kanilang mapuno, at trabaho nami'y sa kanila ay magkaroon ng katuparan. Pagka't ang mga linyang sulat nami'y walang saysay, kung di isasabuhay ng mga taong-bayan. Tanging sila ang magpapatotoo sa Iyong mithiin.

Itong mithiin, Kayo rin Po Ama; sa mga puso namin, ang nagtanim. Mithiin at pangarap ng isang bukas, kung saan ang mga taong-bayan ay malaya sa sariling lupa, mga Pilipinong may dangal sa harap ng mga bansa. Isang bukas kung saan ang mga taong-bayan ay may pasiya sa sariling kinabukasan, at nakikinabang sa bunga at likha ng kanilang paggawa. Isang bukas kung saan ang yaman ng bayan ay ibinabahagi sa lahat — kung saan ang isda at tinapay ay sama-samang ipinagpipiraso at pinagsasaluhan ng bawa't isang kapwa sa pamayanan. Isang bukas kung saan ang mga tahanan ay mapayapa, ang mga tao ay nagdiriwang at ang mga bata ay nagsasayahan.

Malayo pa ang aming lalakbayin upang marating itong mithiin, alam namin. Di ba't sa bawa't dulo ng daan, ay may nagbubukas na panibagong landas? Patuloy ang paglalakad at pagtitiyagat ang pag-arok sa mga pangarap.

Gawain namin ay hindi nagtatapos sa bulwagang ito. Marami pa ang mga linya na kailangang isulat, mga pinto na kailangang buksan, mga pagsisikap na kailangang simulan.

At dito, Kayo Po Ama ay laging kapiling namin. Tulad ng gabing nagbubukang-liwayway at laging binabati ng umaga, di nagmamaliw Iyong pag-ibig na tapat. Pagkalinga Mo'y sintatag ng bundok, di nagigiba.

Sapagka't Kayo ang tumawag at naghirang sa amin. Kayo ang nagnais na kami ay pagpalain Pangako Mo'y Iyong tutuparin: mukha ng kalupaa'y Iyong babaguin, katarungan at pag-ibig Iyong paiiralin. At yaong araw ay darating din, kung kailan ang bawa't isa ay ituturing, kapatid at kapwa, kaakbay sa diwa at kaisa sa mithiin.

Amen.

## ROLL CALL

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

Aquino, F.S.

Bacani, T. C.

Bennagen, P. L.

Colayco, J. C.

Concepcion, R. R.

Davide, H. G.

Foz, V. B.

Bernas, J. G.

Rosario Braid, F.

De Castro, C. M.

Rama, N. G.

Regalado, F. D.

De los Reyes, R. F.

Rigos, C. A.

Garcia, E. G.  
Gascon, J. L. M.C.  
Guingona, S. V. C.  
Jamir, A. M. K.  
Monsod, C. S.  
Nieva, M. T. F.  
Ople, B. F.  
Padilla, A. B.  
Quesada, M. L. M.

Rodrigo, F. A.  
Romulo, R. J.  
Suarez, J. E.  
Sumulong, L. M.  
Tadeo, J. S. L.  
Tingson, G. J.  
Treñas, E. B.  
Uka, L. L.  
Villacorta, W. V.

With 32 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.

Abubakar, Y. R.  
Azcuna, A. S.  
Bengzon, J. F. S.  
Calderon, J. D.  
Maambong, R. E.

Natividad, T. C.  
Nolledo, J. N.  
Sarmiento, R. V.  
Tan, C.  
Villegas, B. M.

P.M.

Alonto, A. D.

Lerum, E. R.

Mrs. Muñoz Palma and Mr. Rosales were sick.

Mr. Laurel was absent.

#### READING AND APPROVAL OF THE JOURNAL

On motion of Mr. Rama, 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. Rama, 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. 1087 — Constitutional Commission of 1986

Letter from Mrs. Adelaida Boiser Deuna of 15-D Libis, Santolan Road, Quezon City, opposing the move to change the name of the Philippines

TO THE COMMITTEE ON HUMAN RESOURCES

#### Communication No. 1088 — Constitutional Commission of 1986

Letter from Mr. Patricio R. Mamot, Ministry of Political Affairs, Malacañang, urging the Constitutional Commission to return Spanish as one of the country's official languages — along with Filipino and English

TO THE COMMITTEE ON HUMAN RESOURCES

#### Communication No. 1089 — Constitutional Commission of 1986

Letter from Mr. Fortunato U. Abat, Administrator, Philippine Veterans Affairs Office, Arroceros Street, Manila, expressing the deep gratitude of the veterans and their kin for the approval of a provision in the Article on General Provisions of the new Constitution which recognizes the patriotic services of our veterans and declares it an obligation of the State to extend to them, their widows and orphans, immediate and adequate assistance for their economic security with preference in the acquisition of land from the public domain and in the exploitation of our natural resources

TO THE ARCHIVES

#### Communication No. 1090 — Constitutional Commission of 1986

Letter from Atty. Eufrazio D. Santos, Assistant Commissioner, Bureau of Internal Revenue, and three other BIR officers, seeking the conversion of the Bureau of Internal Revenue into a constitutional "Commission on Revenue" as an ultimate remedy to optimize its performance and maximize the collection of taxes

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

#### AMENDMENT OF RESOLUTION NO. 547

Mr. Villacorta, on behalf of the 47 signatories of Resolution No. 547 which was unanimously approved in the previous session, moved to amend it by including therein the COMMISSION ON AUDIT among the agencies to whom appreciation was extended for invaluable services rendered to the Constitutional Commission.

Mr. Villacorta stated that the omission was an unintentional oversight based on the assumption that the COA is part of the Secretariat.

Mr. Guingona seconded the motion and added that the resident COA auditor Atty. Jose A. David and his staff have been working for the Body since June, 1986.

Mr. Villacorta affirmed Mr. Guingona's manifestation.

Submitted to a vote and there being no objection, the same was approved by the Body.

#### CONSIDERATION OF THE REPORT OF THE SPONSORSHIP COMMITTEE

Thereafter, on motion of Mr. Rama, there being no objection, the Body proceeded to the consideration of the report submitted by the Sponsorship Committee.

The Chair recognized Mr. Guingona and the members of the Committee.

#### SPONSORSHIP REMARKS OF MR. GUINGONA

Mr. Guingona informed that the Committee started its work in the middle of August at about the same time that the Style Committee started its own meetings. He stated that the Committee had been meeting every Tuesdays and Thursdays and also had two meetings with the Committee on Style in order to harmonize the Committees' versions of the Constitution.

Adverting to Section 8 (17) of Rule II of the Rules, Mr. Guingona stated that the functions of the Committee are 1) to review all matters pertaining to the formulation and final draft of the Constitution; and 2) to correct and harmonize the provisions to avoid inaccuracies, repetitions, inconsistencies, to arrange them in logical order and to sponsor the final draft of the Constitution but it does not have the authority to change the sense, substance or purpose of any provision referred to it.

He explained that the corrections were principally made by the Committee on Style with the Committee on Sponsorship merely acting in a supportive role. He stated, however, that three other functions specified in the Rules were likewise undertaken by the Committee, namely: 1) the review of repetitions which was made by a subcommittee with Ms. Aquino as Chairperson and Mr. Villacorta as Vice-Chairperson; 2) the arrangement of the provisions in logical order made by the Subcommittee on Rubrics with Mr. Tingson as Chairperson and Mr. Maambong as Vice-Chairperson; and 3) the sponsorship of the whole draft Constitution. He stated that the whole draft may be approved, on Second Reading, either during the next day's session or in the morning of Sunday, October 12, 1986. He informed that the Committee had also distributed copies of the sequencing of the 1935 and 1973 Constitutions for comparison.

#### SUGGESTION OF MR. OPLE

At this juncture, Mr. Ople recalled that before the adjournment of the previous day's session, he suggested to the Committee on Sponsorship to sequence the articles on the basis of the general plan of the Constitution consisting of two parts, to wit: 1) the form or the structure of the State; and 2) the rights of the people relative to the powers of the State.

Thereupon, adverting to the copy of the sequencing distributed by the Committee, Mr. Ople suggested raising Article VI, Legislative Department; Article VII, Executive Department; and Article VIII to the third ranking of the Committee so that they would follow Article I, National Territory; and Article II, Declaration of Principles. He added that this sequencing would now make the first part of the Constitution define the form and structure of the government while the second part would define the citizen's rights vis-a-vis the powers of government.

#### ACKNOWLEDGMENT OF PRESENCE OF GUESTS

At this juncture, the Chair acknowledged the presence of Grade VII students from the Colegio de San Agustin and high school students from Canossa School, Sta. Rosa, Laguna.

#### REMARKS OF MR. CONCEPCION

Mr. Concepcion manifested his agreement with Mr. Ople's suggestion, however, he pointed out that the Article on National Territory and the Article on Declaration of Principles must be followed by the Bill of Rights considering the statement in the Declaration of Principles that sovereignty resides in the people and all authority