

JOURNAL NO. 41

Monday, July 28, 1986

CALL TO ORDER

At 9:42 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. Jaime S. L. Tadeo, to wit:

Aming Amang Diyos at Allah, Diyos ni Abraham, Moises, Jacob, Lapu-Lapu, Rizal at Bonifacio, Diyos ng Kasaysayan at ng Sambayanang Pilipino:

Kami ay lumalapit sa Iyo sa mga sandaling ito na kung saan kami ay nagtatalakayan tungkol sa aming Saligang Batas. Tinipon Mo kami mula sa iba't ibang kaabalahan, antas ng buhay, pananaw at simulain. Bagama't magkakaiba ang aming katayuan at pananaw, pinapag-isa Mo kami ng iisang adhikain — na makamtang ganap ang aming kalayaan at kasarinlan.

O Diyos, sa mga sandaling ito inilalapit ko sa Inyo ang mga magbubukid, manggagawa at iba pang aping uri at sektor. Patuloy pa rin kaming bihag ng mala-kolonyal at mala-pyudal na sistema na nagbabaon sa amin sa kumunoy ng kahirapan. Kaming magbubukid na lumilikha ng pagkain at yaman ng bansa na siyang mayroong kapangyarihang paningningin sa ginto ang kabukiran ang siyang walang makain.

Sa gitna ng katotohanang ito, kaming mga Commissioners ay nagtitipon sa isang lugar na mistulang malayo sa kapaitan ng buhay. Ilayo Mo kami sa tukso ng kasaganaan, ng karangyaan, ng kariwasaan na maaaring maglayo sa aming adhikain at maghiwalay sa amin sa naghihirap na sambayanang Pilipino, at ng kanilang kapakanan na nais naming tugunan. Patnubayan Mo kami ng Iyong banal na diwa upang sa aming pagtatalakayan ay makalikha kami ng isang makabuluhang Saligang Batas na magbibigay ng pampulitika, pangkabuhayang kapangyarihan sa mga dukha at ganap na kasarinlan sa aming bayan, isang Saligang Batas na nagbibigay tiwala sa kakayahan ng sambayanang Pilipinong mangalaga at magpaunlad ng kanyang likas na yaman, na umugit sa sariling pag-unlad at kakayahang ipagtanggol ang sarili laban sa pampulitika at pangkabuhayang kontrol at monopolyo ng mga dayuhan.

Ito ang aming dalangin sa ngalan ng pakikibaka para sa katotohanan, katarungan at kalayaan.

Amen.

ROLL CALL

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

Bengzon, J. F. S.	Ople, B. F.
Bennagen, P. L.	Padilla, A. B.
Bernas, J. G.	Muñoz Palma, C.
Rosario Braid, F.	Rama, N. G.
Brocka, L. O.	Regalado, F. D.
De Castro, G. M.	Rigos, C. A.
Colayco, J. C.	Rodrigo, F. A.
Concepcion, R. R.	Romulo, R. J.
Davide, H. G.	Suarez, J. E.
Foz, V. B.	Sumulong, L. M.
Jamir, A. M. K.	Tadeo, J. S. L.
Laurel, J. B.	Tan, C.
Lerum, E. R.	Tingson, G. J.
Maambong, R. E.	Treñas, E. B.
Monsod, C. S.	Uka, L. L.
Nieva, M. T. F.	Villacorta, W. V.
Nolledo, J. N.	Villegas, B. M.

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

The following Members appeared after the Roll Call:

Abubakar, Y. R.	Gascon, J. L. M. C.
Alonto, A. D.	Guingona, S. V. C.
Aquino, F. S.	Natividad, T. C.
Azcuna, A. S.	Quesada, M. L. M.
Bacani, T. C.	De los Reyes, R. F.
Calderon, J.	Sarmiento, R. V.

D.
Garcia, E. G.

Mr. Rosales 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 OF PETITION AND COMMUNICATIONS

TO COMMITTEES

Upon direction of the Chair, the Secretary-General read the titles of the Petition and Communications which were, in turn, referred by the Chair to the Committees hereunder indicated:

Petition No. 1 — Constitutional Commission of 1986

Petition of the Honorable Commissioners Lugum L. Uka, Yusup R. Abubakar, Napoleon G. Rama, Regalado E. Maambong, Jose N. Nollado, Ma. Teresa F. Nieva, Hilario G. Davide, Jr., and Florenz D. Regalado, requesting the Committee on Human Resources to immediately call a meeting of the Committee to consider articles or sections of Proposed Resolution No. 451, entitled: "A RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION PROVISIONS RELATIVE TO THE PROBLEM OF ENGLISH, SPANISH AND FILIPINO, OUR MOTHER TONGUES, NATIVE LANGUAGES AND DIALECTS, AND OTHER RELATED SUBJECTS," which the Committee may wish to incorporate in the new Constitution

TO THE COMMITTEE ON HUMAN RESOURCES

COMMUNICATIONS

Communication No. 343 — Constitutional Commission of 1986

Communication from Mr. Mariano Z. Familara, Jr. of 5521 Devonshire, Detroit, Michigan, proposing that it be the policy of the state to stamp out graft and corruption and hidden wealth, and suggesting to this end that the burden of proof that said wealth or property were amassed legitimately be shifted to the owner or possessor thereof

TO THE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS

Communication No. 344 — Constitutional Commission of 1986

Letter from Mr. David D. Boaz, Cato Institute, 224 Second St. SE, Washington, DC 20003, transmitting a copy of *Cato Policy Report* containing an article by Dr. Paul Craig Roberts, entitled: "The Constitutional Protection of Economic Freedom"

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 345 — Constitutional Commission of 1986

Letter from Mr. Joaquin J. Pascual of 63-C P. Burgos St., Batangas City, urging the Constitutional Commission to adopt provisions for the welfare of senior citizens and government retirees

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 346 — Constitutional Commission of 1986

Letter from Mr. Potenciano M. Alcala, Sr. of 11 JG Village, Bakyas, Bacolod City, favoring the retention of US military bases and saying that Russian imperialism is worse than American imperialism

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 347 — Constitutional Commission of 1986

Communication from Mr. Bartolome Banaken and Ms. Lourdes Calde submitting the following preferences of the people of Bontoc and Bauko, Mountain Province who attended the public consultations conducted by the Honorable Commissioner Ponciano L. Bennagen: On education — Cordillera province be represented in the Textbooks Board to ensure inclusion of culture in the areas, guidance counselling and special education scheme for children with behavioral problems; on suffrage — adoption of measures to ensure that the illiterate voters' choices are truly reflected; on national language — English is preferred; on emergency powers — declaration of martial law and suspension of the writ of *habeas corpus* be vested with the legislature; abolition of death penalty; retention of US military bases and a presidential form of government with a unicameral legislature

TO THE STEERING COMMITTEE

Communication No. 348 — Constitutional Commission of 1986

Letter from *Sinub-badan ka mga Bagobo na Mekatanod* (Association of Awakened Bagobos) requesting the Commission to give favorable consideration on the rights and privileges of national minorities

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 349 — Constitutional Commission of 1986

Letter from Mr. Ricardo R. Lozano of 58 Gastambide St., Sampaloc, Manila, suggesting provisions providing for the right of the state to appeal from a decision of a lower court or tribunal, and for extrajudicial confessions freely and voluntarily given even without the assistance of

counsel to be admissible in evidence

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

Communication No. 350 — Constitutional Commission of 1986

Letter from Mr. Marlo-Rodrigo R. de Jesus for Parañaque Political Science Society, Sto. Nino Executive Village, Barangay Sun Valley, Parañaque, Metro Manila, proposing provisions reiterating the prohibition against servants in the civil service, including military and barangay officials, from engaging in partisan politics and condemning violation thereof by ouster or dismissal from office

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

Communication No. 351 — Constitutional Commission of 1986

Resolution No. 355 of the Sangguniang Panlalawigan of Cebu proposing a nuclear-free Philippines, banning the establishment of foreign military bases, depots and/or facilities intended for the storage of nuclear weapons or materials, setting up of nuclear power plants and the transit or overflight of any vehicle or airplane carrying nuclear weapons or materials

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 352 — Constitutional Commission of 1986

Letter from Mr. Mario P. Arenas of 3064 Brandywine Drive, San Jose, California, proposing a tenure of two consecutive terms with the right to run for the same office after a reasonable time for elective officials from councilor level to senatorial level

TO THE COMMITTEE ON THE LEGISLATIVE

Communication No. 353 — Constitutional Commission of 1986

Letter from Bro. Peter de Groot, FSC of La Salle Greenhills, Metro Manila, proposing the inclusion of the following provisions: "Parents should have the opportunity to send their children to the school of their choice"

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

Communication No. 354 — Constitutional Commission of 1986

Communication from Mr. Leopoldo C. Segovia of Atlag, Malolos, Bulacan, requesting a provision protecting consumers from the common practice of shortweighing and similar forms of deceit

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