

**JOURNAL NO. 37**

Wednesday; July 23, 1986

CALL TO ORDER

At 9:49 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. Jose B. Laurel, Jr., to wit:

Almighty God, even as the eagle flies at will in the infinite reaches of the skies, so let our vision soar untrammelled as we seek that radiant future we hope to ensure for our people in the Constitution we are writing

Let it be a future where all persons are born free, relishing their rights but always with deference to the rights of others and recognizing authority only as long as its highest commitment is to the strengthening and defense of liberty.

Grant that the spirit of freedom shall always reign in our land, touching one and all like a benediction and igniting that divine spark in every human being that can make him, indeed, slightly "lower than angels" in this imperfect world.

Grant us courage, that we may face up to the powerful and defend those who are weak and oppressed.

Grant us wisdom, that we may distinguish between what is right and what is just, for they are not always the same.

Grant us candor, that we may be true to ourselves and so not be false to others.

Grant us strength when we are assailed by despair, or self-doubt, or temptation.

And finally, Lord, grant the new Constitution grace and beauty of language, so that generations from now, when all of us here are gone, our people will still be moving reverently to the cadence of its thoughts.

Bless us all, Eternal Spirit, and keep us free, forever and ever.

Amen.

## ROLL CALL

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

Bacani, T. C.	Muñoz Palma, C.
Bengzon, J. F. S.	Quesada, M. L. M.
Bennagen, P. L.	Rama, N. G.
Rosario Braid, F.	Regalado, F. D.
Calderon, J. D.	De los Reyes, R. F.
De Castro, C. M.	Rigos, C. A.
Colayco, J. C.	Rodrigo, F. A.
Concepcion, R. R.	Romulo, R. J.
Davide, H. G.	Rosales, D. R.
Foz, V. B.	Sarmiento, R. V.
Gascon, J. L. M. C.	Suarez, J. E.
Guingona, S. V. C.	Sumulong, L. M.
Jamir, A. M. K.	Tingson, G. J.
Laurel, J. B.	Treñas, E. B.
Monsod, C. S.	Uka, L. L.
Natividad, T..C.	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.	Lerum, E. R.
Alonto, A. D.	Maambong, R. E.
Aquino, F. S.	Nieva, M. T. F.
Azcuna, A. S.	Ople, B. F.
Bernas, J. G.	Padilla, A. B.
Brocka, L. O.	Tadeo, J. S. L.
Garcia, E. G.	Tan, C.

## 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 or Business.

## REFERRAL TO COMMITTEES OF COMMUNICATIONS

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

### Communication No. 280 — Constitutional Commission of 1986

Letter from Mr. Antonio A. dela Cruz, Captain, PA (Ret.), President, AFP, CDD, PERS Ass., Inc. addressed to the Honorable Teodulo Natividad; submitting some proposals for the upliftment of the disabled soldiers

#### TO THE COMMITTEE ON SOCIAL JUSTICE

### Communication No. 281 — Constitutional Commission of 1986

Letter from Mr. Nicanor B. Petalino of Concepcion, Batangas City, proposing the presidential form of government with a unicameral legislature, a change in the organizational setup of the barangay to a cooperative type to promote unity and cooperation and suggesting qualifications of candidates for the barangay council

#### TO THE STEERING COMMITTEE

### Communication No. 282 — Constitutional Commission of 1986

Letter from Mr. Blas S. Flores of Ilwas, Subic, Zambales, suggesting that former KBL officials be disqualified to run for public office in the forthcoming elections for two consecutive terms; and should the U.S. military bases be retained, American personnel, civilian or military, be required to dress properly when going off-base

#### TO THE COMMITTEE ON GENERAL PROVISIONS

### Communication No. 283 — Constitutional Commission of 1986

Communication from the Alliance for Philippine Concerns, signed by Mr. Jorge A. Emmanuel, Executive Secretary, and endorsed by the National Organization Against Nuclear Power and Weapons, submitting a proposal for a non-nuclear provision in the Philippine Constitution

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

Communication No. 284 — Constitutional Commission of 1986

Communication from Mr. Abraham M. Aboga, Associate Professor of Finance and Banking, University of the East, submitting constitutional proposals on monetary and fiscal policy

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

Communication No. 285 — Constitutional Commission of 1986

Communication from the Integrated Bar of the Philippines, Zamboanga del Sur and Pagadian City Chapter, signed by its Chairman, Judge Manolo P. Reyes, and other members, expressing its stand on some of the emerging issues in the Constitutional Commission

TO THE STEERING COMMITTEE

Communication No. 286 — Constitutional Commission of 1986

Letter from Mr. Salvador O. Oco of 13 Moonbeam St., Moonwalk Subd., Parañaque, Metro Manila, thru Minister Juan Ponce Enrile of the Ministry of National Defense, submitting constitutional proposals for consideration by the Constitutional Commission

TO THE STEERING COMMITTEE

Communication No. 287 — Constitutional Commission of 1986

Petition from the Veterans Federation of the Philippines, Zamboanga del Sur Chapter, Pagadian City, signed by Mr. Eufemio C. Salera, Veterans District Commander, Zamboanga del Sur Chapter, proposing a presidential form of government with a unicameral legislature, among others

TO THE COMMITTEE ON THE EXECUTIVE

UNFINISHED BUSINESS: PROPOSED RESOLUTION ON THE ARTICLE ON THE LEGISLATIVE

On motion of Mr. Rama, there being no objection, the Body resumed consideration of the Proposed Resolution on the Article on the Legislative, entitled:

Resolution to incorporate in the new Constitution an Article on the Legislative Department.

TERMINATION OF THE PERIOD OF SPONSORSHIP AND DEBATE

On motion of Mr. Rama, there being no objection, the Body terminated the period of sponsorship and debate on the Article on the Legislative excluding the terms of office which shall be taken up during the period of amendments.

PERIOD OF AMENDMENTS

On motion of Mr. Rama, there being no objection, the Body proceeded to the period

of amendments.

#### AMENDMENT OF MR. COLAYCO

On Section 19, Mr. Colayco proposed to amend the first sentence to read: NO SENATOR OR MEMBER OF THE HOUSE OF REPRESENTATIVES MAY APPEAR AS COUNSEL BEFORE ANY COURT.

Mr. Colayco explained that his amendment intends to make absolute the prohibition for Senators and Congressmen from appearing as counsel before any court of justice because membership in the Legislature carries with it a special prestige and constitutes an unfair advantage over other lawyers. He observed that due to this same prestige there has been suspicion on the part of the public that Members of the Legislature who appear as lawyer exert influence on the courts specially in arriving at decisions. He noted that the Commission had decided to frame a Constitution which would not only establish a system whereby the Judiciary can become independent from any pressures but also correct the people's impression that it is subject to influence peddling and pressures from the government and interested parties. He stated that one of the common complaints of lawyers against Members who appear as counsel is that they have an unfair advantage.

Mr. Davide, on behalf of the Committee, did not accept the proposed amendment of Mr. Colayco. He stated that the proposed amendment would affect the succeeding lines of the provision which allows appearance except in specific cases. He also manifested that the proposed amendment was unacceptable on the grounds that 1) the alleged influence by Members of Congress would no longer obtain inasmuch as under the proposed Article on the Judiciary, approved on Third Reading, appointments to the Judiciary would no longer be subject to confirmation by the Commission on Appointments but shall be initiated by a Judicial and Bar Council which shall be responsible for submitting a list of three names for any vacancy; 2) it would discourage competent, capable and highly qualified lawyers from running for positions in either the Senate or House of Representatives and thus deprive both Houses of talents from the legal profession; and 3) the appearance of legislators is limited only to courts of collegiate composition whose members cannot be expected to succumb to influence by legislators.

Replying thereto, Mr. Colayco stated that although personally he was never subjected to pressures during his service for more than 15 years in the Judiciary and although majority of the Justices had been faithful to their duties, there had been such incidents of pressures exerted on the courts. He conceded that the influence of Congress through the Commission on Appointments would be absent under the new setup for judicial appointments. He maintained, however, that a legislator carries with him a certain aura of influence and clout that whenever he appears before any government body which exercises adjudicatory function, the members of the Judiciary become vulnerable to such influence. He observed that legislators are influential people and members of the Judiciary have that apprehension that sometime in the future they may require the help of the legislators appearing before them.

Mr. Colayco further noted the "backslapping" even in collegiate courts and owing to the supportive nature of Filipinos they would rather give their signatures in order to accommodate a peer in the collegiate court when they feel that there is nothing