

[VOL. V., September 27, 1986]

R.C.C. NO. 94

Saturday, September 27, 1986

OPENING OF SESSION

At 9:41 a.m., the Vice-President, the Honorable Ambrosio B. Padilla, opened the session.

THE VICE-PRESIDENT: The session is called to order.

NATIONAL ANTHEM

THE VICE-PRESIDENT: Everybody will please rise to sing the National Anthem.

Everybody rose to sing the National Anthem.

THE VICE-PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Florangel Rosario Braid.

Everybody remained standing for the Prayer.

PRAYER

MS. ROSARIO BRAID: Dear Father, we have completed 110 days in this awesome task of drafting a charter for our nation. We pray for perspective that we may transcend our individual interests and biases. Give us the gift of understanding so that we may tolerate the opinions of others. We know deep in our hearts that we all share the equal depth of patriotism and nationalism, the same goals, equal depth of feeling for those who have less in life. If we have different perceptions of the means to reach our goals, it may be because we hear a different drummer and because we come from different backgrounds and experiences. But, O dear God, please help us to get out from too much preoccupation with our own ideas, our selfish concerns, so that we may be able to be open to other views, so that we may listen, and in doing so, will be able to enter into a real human dialogue, in love, humility and trust.

May Thy Spirit enter our hearts during the next three weeks and hereafter. Amen.

ROLL CALL

THE VICE-PRESIDENT: The Secretary-General will call the roll.

THE SECRETARY-GENERAL, *reading:*

Abubakar	Present <SUP STYLE="COLOR: RGB(255, 0, 0);">*</SUP	Natividad	Present <SUP STYLE="COLOR: RGB(255, 0, 0);">*</SUP
Alonto	Present <SUP STYLE="COLOR: RGB(255, 0, 0);">*</SUP	Nolledo	Present
Aquino	Present	Ople	Present <SUP STYLE="COLOR: RGB(255, 0, 0);">*</SUP
Azcuna	Present	Padilla	Present
Bacani	Present	Rama	Present
Bengzon	Present	Regalado	Present
Bennagen	Present	Reyes de los	Present
Bernas	Present	Rigos	Present
Rosario Braid	Present	Rodrigo	Present
Calderon	Present	Romulo	Present
Castro de	Present	Rosales	Absent
Colayco	Present	Sarmiento	Present <SUP STYLE="COLOR: RGB(255, 0, 0);">*</SUP
Concepcion	Present	Suarez	Present
Garcia	Present <SUP STYLE="COLOR: RGB(255, 0, 0);">*</SUP	Sumulong	Present
Guingona	Present	Tadeo	Present
Jamir	Present	Tan	Present
Laurel	Absent	Tingson	Absent
Lerum	Present <SUP STYLE="COLOR: RGB(255, 0, 0);">*</SUP	Treñas	Present
Monsod	Present	Uka	Present

The Secretariat is in receipt of official advice of absence of Commissioner Villegas.

Commissioners Davide, Foz, Gascon, Maambong, Nieva, Quesada and Villacorta are on official mission.

The President is absent.

The roll call shows 28 Members responded to the call.

THE VICE-PRESIDENT: The Chair declares the presence of a quorum.

The Assistant Floor Leader is recognized.

MR. CALDERON: I move that we dispense with the reading of the Journal of yesterday's session.

THE VICE-PRESIDENT: Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

APPROVAL OF JOURNAL

MR. CALDERON: Mr. Vice-President, I move that we approve the Journal of the previous session.

MR. DE CASTRO: Mr. Vice-President, may I have a very, very slight correction on this?

THE VICE-PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: On page 7, second to the last paragraph, line 4, we delete the words "was repealed" and change these to the word "EXPIRED." It will now read: "Adverting to Republic Act No. 1363 approved by Congress on June 18, 1955, he stated that it granted war veterans, their widows and orphans, the preference to acquire public lands but that the said law EXPIRED twenty-five years later."

Thank you, Mr. Vice-President.

THE VICE-PRESIDENT: Is there any objection to the correction? (*Silence*) The Chair hears none; the correction is approved.

MR. CALDERON: Mr. Vice-President.

THE VICE-PRESIDENT: The Assistant Floor Leader is recognized.

MR. CALDERON: I move that we proceed to the Reference of Business.

THE VICE-PRESIDENT: Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

The Secretary-General read the following Communications, the Vice-President making the corresponding references:

COMMUNICATIONS

Letter from Mr. Celso Calumba and nineteen (19) other seminarians of St. Francis Xavier Seminary, P.O. Box 189, Davao City, advocating a policy of protectionism to ensure Filipino control over domestic industries and lessen the importation of goods.

(Communication No. 1018 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Letter from Mr. Sisenando C. Satin of 4618 Arellano Avenue, Makati, Metro Manila, suggesting that tenants and landlords be given the freedom to determine what is good for them, that the government should equally subdivide the government's idle land and be given to the landless, among others.

(Communication No. 1019 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Letter from Judge Norberto Y. Acenas, Municipal Trial Court of Kumalarang, Zamboanga del Sur, suggesting that the Intermediate Appellate Court be divided into three branches — one each for Luzon, Visayas, and Mindanao — to facilitate the disposition of cases appealed to it.

(Communication No. 1020 — Constitutional Commission of 1986)

To the Committee on the Judiciary.

Letter from Mr. Agaton N. Ibarbia, I, President of the Small Landowners Association of Buhi, Inc., Buhi, Camarines Sur, reiterating his suggestion that small landowners with less than seven hectares landholdings be exempted from the coverage of tenancy leasehold and other laws.

(Communication No. 1021 — Constitutional Commission of 1986)

To the Committee on Social Justice.

THE VICE-PRESIDENT: The Floor Leader is recognized.

CONSIDERATION OF PROPOSED RESOLUTION NO. 551
(Article on General Provisions)
Continuation

PERIOD OF SPONSORSHIP AND DEBATE

MR. RAMA: Mr. Vice-President, I move that we resume consideration of the Article on General Provisions.

THE VICE-PRESIDENT: Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

MR. RAMA: May I ask the chairman of the committee and his members to proceed to the front table.

THE VICE-PRESIDENT: The chairman and the committee members are requested to take their seats in front.

MR. RAMA: Mr. Vice-President, I ask that Commissioner Monsod be recognized to present an amendment to Section 3.

THE VICE-PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Yesterday, when we were discussing Section 3, we sort of got lost in the relationship between this section and those that are already provided for under the Article on Civil Service. Actually, Section 3 covers three situations, the first one is the question of double compensation for both elective and appointive officials. That is already covered in Section 7 of the Article on the Civil Service. The second situation is the prohibition on elective officials to occupy any other position in government. That is already covered in Section 4 of the Article on the Civil Service. The third situation is the prohibition on appointive officials from occupying any other office or employment in government. That is not covered in the abovementioned article. So, I propose that this section would only cover that situation that is not already covered in the Article on the Civil Service which is the double occupancy of position of an appointive official.

The other issue is that there are certain appointive officials who, by reason of the function of their office, have to occupy other positions. Example: The Minister of Trade and Industry has a responsibility for the performance of the NDC and the companies under it. To prohibit the Minister of Trade and Industry from exercising supervisory functions over such companies would not be consistent with putting a responsibility on that Minister for the proper functioning or performance of these companies.

So, I propose to reword Section 3 to read as follows: "Unless required by law OR BY THE FUNCTIONS OF HIS POSITION, NO APPOINTIVE OFFICIAL SHALL hold any other office or employment in the government, or any subdivision, agency or instrumentality thereof including government-owned or controlled corporations OR THEIR SUBSIDIARIES."

With this amendment, the general rule would still be against double occupancy or double office, but it would now be subject to two exceptions: "Unless required by law," and, secondly, "Unless required BY THE FUNCTIONS OF HIS POSITION."

So that is my proposal.

THE VICE-PRESIDENT: What is the reaction of the committee?

MR. DE CASTRO: Mr. Vice-President, may I ask Commissioner Monsod a question on his proposal?

MR. MONSOD: Gladly.