

JOURNAL NO. 78

Tuesday, September 9, 1986

CALL TO ORDER

At 10:00 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. Francisco A. Rodrigo, to wit:

"Tulungan Mo kami, Diyos naming Ama,
Na matuklas namin ang pagkakaisa
Sa aming magusot na pagkakaiba —
Sa paraang wasto't maka-demokrasya.

Sa mainit naming mga pagtatalo
At sa mahigpitang labanan sa boto,
Ang tangi po sanang tunay manalo
Ay kung alin lamang ang tama't totoo.

Ang amin po sanang kutod na isipan
Ay pasulyapin Mo sa kinabukasan,
Upang makayari ng pampalagian
Na Saligang Batas nitong mutyang Bayan.

Ito sana'y maging talang maluningning,
Katulad ng talang sumikat sa Belen,
Na tataluntunin nitong Bayan namin
Hanggang makarating sa banal Mong piling.

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.
Bennagen, P.L.
Bernas, J. G.
Rosario Braid, F.
Calderon, J. D.
De Castro, C. M.
Colayco, J. C.
Concepcion, R. R.
Davide, H. G.

Nieva, M. T. F.
Padilla, A. B.
Muñoz Palma, C.
Quesada, M. L. M.
Rama, N. G.
Regalado, F. D.
De los Reyes, R. F.
Rigos, C. A.
Rodrigo, C. A.

Foz, V. B.
Gascon, J.L.M.C.
Guingona, S. V. C.
Jamir, A. M. K.
Laurel, J. B.
Lerum, E. R.
Uka, L. L.

Romulo, R. J.
Sarmiento, R. V.
Sumulong, L. M.
Tan, C.
Tingson, G. J.
Treñas, E. B.
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.
Alonto, A. D.
Aquino, F. S.
Azcuna, A. S.
Bengzon, J. F. S.
Maambong, R

Monsod, C. S.
Natividad, T. C.
Nolledo, J. N.
Ople, B. F.
Suarez, J. E.
Villegas, B. M.

P.M.

Garcia, E. G.

Tadeo, J. S. L.

Mr. Rosales was sick.

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.

Mr. Calderon moved for the approval of the Journal of the previous session.

At this juncture, on page 1146, under the caption "Remarks of Mr. Davide", in reply to Mr. Bacani's request for clarification of the explanation on the transposition of the phrase "unless otherwise provided by law", Mr. Regalado affirmed that the status quo under the 1973 Constitution remains until such time that Congress provides otherwise. He added that it does not mean that Congress will automatically allow or disallow the entry of foreign religious orders but that it is up to Congress to deliberate on the matter.

Mr. Rama, likewise, made the observation that the provision, as worded, could lead to an interpretation contrary to the intent of the Committee and of the Body. He affirmed the need for correcting the provision during the period of amendments.

There being no further comment or manifestation, the Journal of the previous session was approved by the Body subject to the reservation indicated.

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. 783 — Constitutional Commission of 1986

Communication from Mr. Philip S. Tuazon of Maritime Industry Authority, PPL Building U.N. Avenue, Metro Manila, submitting a proposed constitutional provision on maritime industry, to wit: "The State shall encourage and promote the growth and development of its maritime industry in the interest of the national economy"

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 784 — Constitutional Commission of 1986

Letter from Mr. Panfilo J. Espina of 2480 Radium Street, Sta. Ana, Manila, suggesting that a provision on "proper ethics" be included in the new Constitution

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 785 — Constitutional Commission of 1986

Letter from forty-one employees of the Bureau of Telecommunications, Regional Office No. I, suggesting various amendments to be incorporated in the proposed provision on civil service

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

Communication No. 786 — Constitutional Commission of 1986

Letter from former MP Jeremias U. Monte- mayor of the Federation of Free Farmers, 41 Highland Drive, Blue Ridge, Quezon City, transmitting a copy of an article entitled: "Charter Draft Will Worsen Judicial Backlog", hoping that it will help improve the draft of the new Constitution

TO THE COMMITTEE ON THE JUDICIARY

Communication No. 787 — Constitutional Commission of 1986

Communication from Mr. Benjie C. Pepito, Executive Director, Movement for the Recognition and Enrichment of Philippine Ethno-linguistic Groups (REPEL), Narra, U.P., Diliman, Quezon City, submitting a proposal on Staggered Federalization for the consideration of the Constitutional Commission

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 788 — Constitutional Commission of 1986

Letter from Ms. Elsie A. Corpuz of the Immaculate Conception Prayer Group, 163-E Mendiola Manila proposing an amendment to Section 19 of the proposed Article on Education, Science Technology, Arts, Culture and Sports under Committee Report No. 29

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 789 — Constitutional: Commission of 1986

Communication from twenty-eight members of Iglesia Filipina Independiente, Norala, South Cotabato, requesting the Constitutional Commission to retain the provision of the 1973 Philippine Constitution on the separation of the Church and State

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 790 — Constitutional Commission of 1986

Letter from former MR. Jeremias U. Montemayor of the Federation of Free Farmers, 41 High land Drive, Blue Ridge Quezon City, transmitting a copy of an article entitled: "The Constitutional Commission's Slip Against Labor" which also represents the position of the Federation of Free Farmers (FFF), the National Congress of Farmers Organizations (NCFO), and the Trade Union Congress of the Philippines (TUCP)

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 791 — Constitutional Commission of 1986

Letter from Mr. Jose A. Lopez, Sr., Regional Director, Ministry of Information, Region IX, Zamboanga City, transmitting a copy of the Aug. 21, 1986 issue of the People's Review and a copy of the Resolution informing the Constitutional Commission that Zamboanga City elects to be excluded from the so-called Autonomous Muslim Mindanao for various reasons, notably the terms of the Tripoli Agreement under which the granting of said autonomy is based

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 792 — Constitutional Commission of 1986

Communication from Mr. Perfecto Tamayo, President of Church Women United, Iloilo Chapter, Iloilo City, seeking inclusion in the Constitution of a provision on equal wages for the same kind of work, equal opportunities for promotions and professional development, the non-deterrence of marriage in women's rights to own and control property, non-discriminatory education, mutual determination of management and disposal of conjugal properties, mutual consent on major decisions affecting the family, equal responsibility in the care of the children and the home, fair maternity benefits, and social services for the upbringing of children

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 793 — Constitutional Commission of 1986

Letter from sixty signatories from Laguna, Batangas and San Pablo City enumerating the rights and responsibilities of parents in the rearing of the youth, for consideration by the Constitutional Commission

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 794 — Constitutional Commission of 1986

Letter from Mr. Felixberto M. Serrano, submitting, for the consideration of the Constitutional Commission of 1986, his "Comments on the New Constitution on Citizenship and Bill of Rights" and suggesting that social and economic rights be added as an essential complement to the civil and political rights

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

Communication No. 795 — Constitutional Commission of 1986

Letter from the twenty-five Inter-denominational members of Evangelical Christian Churches, 92-A, Barangay Carmen, Ozamiz City, urging the Constitutional Commission to incorporate in the Constitution the provision that the separation of the Church and 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. 796 — Constitutional Commission of 1986

Communication from Acting Governor Jose D. Lina, Jr. and seventeen other acting city and municipal mayors of Metropolitan Manila, suggesting the retention of Metropolitan Manila as a geo-political subdivision of the country

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communications Nos. 797, 798 and 799 — Constitutional Commission of 1986

Letters seeking to incorporate in the new Constitution a provision obliging the State to protect the life of the unborn from the moment of conception, from:

1. One hundred three students of the University of the Philippines, Diliman, Quezon City
2. Thirty-five residents of Malalag, Davao del Sur
3. Mr. Cesar B. Cayamanda, San Pablo Council 3468 Knights of Columbus San Pablo City

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