

# [ VOL. I, June 16, 1986 ]

## R.C.C. NO. 10

Monday, June 16, 1986

### OPENING OF SESSION

*At 3:18 p.m., the, President, the Honorable Cecilia Muñoz Palma, opened the session.*

THE PRESIDENT: The session is called to order.

### NATIONAL ANTHEM

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

*Everybody rose to sing the National Anthem.*

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Jose D. Calderon.

Everybody remained standing for the Prayer.

### PRAYER

MR. CALDERON: Almighty God: On this, the tenth day of the deliberations of this Constitutional Commission, we beseech You once again to guide our minds and our hearts, so that the thoughts and the feelings that emanate from each of us will be most sincere and noble, and reflect not only our individual personal will but the will as well of the Filipino people, in whose behalf we seek to fashion a fundamental law that will embody our collective ideals and aspirations.

Enlighten us, Almighty God, open our eyes and minds so that we may see and understand, if it is not possible to appreciate and accept, those ideas and proposals that may differ from our own. Let the light of reason shine on our discussions and debates, so that we may exchange ideas, thoughts and arguments without heat and without passion but only with clarity and sincerity.

Teach each of us, O Lord, that we are here for a Good, higher than our own personal beliefs; that we are here for a Purpose, higher than our personal ambitions, that we are here for an End, higher than our personal destinies because, we are all here for a Good, a Purpose and an End that encompass the collective beliefs, the collective ambitions and the collective destinies of the Filipino people.

Grant us, O Lord, the wisdom to select from alternative proposals those that will be right for and acceptable to our people. Grant us the courage to espouse our beliefs with all the logic that talent can muster.

But, Almighty God, grant us also the grace to accept that some of our proposals may not be acceptable to all; that the greater good of the greater number of people

may require the adoption of proposals other than our own, however well-intentioned, well-meaning and sincere these unchosen proposed alternatives may be.

Bless, O Lord, each and every Member of this Constitutional Commission. Bless our officers. Bless President Aquino, whom You made Your instrument for the liberation of the Filipino people from the bonds of tyranny; who, in turn, in behalf of the Filipino people has called this Constitutional Commission in order that the Filipino nation may once again enshrine the national purpose in a Charter that will safeguard their freedoms and their future.

Bless us, join us, be with us today, Almighty God. Amen.

#### ROLL CALL

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

THE SECRETARY-GENERAL, *reading*:

Abubakar	Present	Lerum	Present*
Alonto	Present	Maambong	Present
Aquino	Present	Monsod	Present
Azcuna	Present	Natividad	Present
Bacani	Present	Nieva	Present
Bengzon	Present	Nolledo	Present
Bennagen	Present	Ople	Present
Bernas	Present	Padilla	Present
Rosario Braid	Present	Quesada	Present
Brocka	Present	Rama	Present
Calderon	Present	Regalado	Present
Castro de	Present	Reyes de los	Present
Colayco	Present	Rigos	Present
Concepcion	Present	Rodrigo	Present
Davide	Present	Romulo	Present
Foz	Present	Rosales	Present
Garcia	Present	Sarmiento	Present
Gascon	Present	Suarez	Present*
Guingona	Present	Sumulong	Present
Jamir	Present	Tadeo	Present
Laurel	Present	Tan	Present
Tingson	Present	Villacorta	Present
Treñas	Present	Villegas	Present
Uka	Present		

The President is present.

The roll call shows 46 Members responded to the call.

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

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

#### APPROVAL OF JOURNAL

MR. RAMA: I move that we dispense with the reading of the Journal of the last session and that we approve the same.

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

MR. RAMA: Madam President, I move that we proceed to the Reference of Business.

THE 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 Proposed Resolutions on First Reading, Communications and Committee Report, the President making the corresponding references:*

#### PROPOSED RESOLUTIONS ON FIRST READING

Proposed Resolution No. 101, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A POLICY GOVERNING THE DETERMINATION OF JUST COMPENSATION IN THE EXPROPRIATION OF PRIVATE PROPERTY WHEN IT IS DONE BY THE GOVERNMENT AND WHEN IT IS DONE BY AUTHORIZED CORPORATIONS, FIRM OR ASSOCIATIONS AND TO PROVIDE THAT IF IN THE LATTER CASE A WRIT OF POSSESSION IS SECURED, RENTALS, EXCLUSIVE OF THE COMPENSATION, SHALL BE PAID UP TO THE TIME THE CASE IS SUBMITTED FOR DECISION.

Introduced by Hon. Davide, Jr.

To the Committee on Citizenship, Bill of Rights, Political Rights and Obligations and Human Rights.

Proposed Resolution No. 102, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION MAKING IT A POLICY OF THE STATE TO PROVIDE FREE AND COMPULSORY PRIMARY, INTERMEDIATE AND HIGH SCHOOL EDUCATION AND TO ESTABLISH IN EVERY BARRIO OR AGGRUPATION OF BARRIOS WITH A POPULATION OF AT LEAST THREE THOUSAND A COMPLETE ELEMENTARY SCHOOL AND A HIGH SCHOOL.

Introduced by Hon. Davide, Jr.

To the Committee on Human Resources.

Proposed Resolution No. 103, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION THAT NO TEMPORARY DETENTION SHALL BE ALLOWED IN CASES WHERE THE OFFENSE CHARGED DOES NOT CARRY WITH IT THE PENALTY OF IMPRISONMENT.

Introduced by Hon. Davide, Jr.

To the Committee on Citizenship, Bill of Rights, Political Rights and Obligations and Human Rights.

Proposed Resolution No. 104, entitled:

RESOLUTION TO ENCOURAGE PARENTS TO SEND THEIR CHILDREN TO SCHOOL AND THE ESTABLISHMENT OF PRIVATE SCHOLARSHIP GRANTS TO POOR BUT DESERVING STUDENTS BY ALLOWING AS DEDUCTIBLE EXPENSES FOR INCOME TAX PURPOSES ALL EXPENSES INCURRED FOR EDUCATION OR GIVEN AS SCHOLARSHIP GRANTS.

Introduced by Hon. Davide, Jr.

To the Committee on Human Resources.

Proposed Resolution No. 105, entitled:

RESOLUTION PROVIDING THAT IN THE EVENT THAT A PORTION OF THE PHILIPPINE TERRITORY FALLS UNDER THE MILITARY OCCUPATION OF ANOTHER STATE, SAID TERRITORY IS NOT CONSIDERED WITHDRAWN FROM THE JURISDICTION OF THE CONSTITUTION AND DOMESTIC LAWS OF THE PHILIPPINES DURING THE OCCUPATION AND NEITHER IS ITS SOVEREIGNTY OVER IT SUSPENDED.

Introduced by Hon. Davide, Jr.

To the Committee on Preamble, National Territory, and Declaration of Principles.

Proposed Resolution No. 106, entitled:

RESOLUTION URGING THE COMMISSION TO ADD AN ARTICLE TO THE PROPOSED CONSTITUTION TO BE ENTITLED "HUMAN RESOURCES."

Introduced by Hon. Guingona.

To the Committee on Human Resources.

Proposed Resolution No. 107, entitled:

RESOLUTION TO PROVIDE THAT IN A STATE OF MARTIAL LAW, THE CIVILIAN AUTHORITY SHALL CONTINUE TO BE SUPREME OVER THE MILITARY, THE BASIC RIGHTS OF THE PEOPLE SHALL REMAIN INVIOABLE, AND THE CIVILIAN COURTS SHALL CONTINUE TO FUNCTION AND EXERCISE THEIR JURISDICTION.

Introduced by Hon. Foz.

To the Committee on the Executive.

Proposed Resolution No. 108, entitled:

RESOLUTION PROVIDING THAT NO ELECTIVE OFFICIAL SHALL BE ELIGIBLE FOR APPOINTMENT TO ANY OFFICE OR POSITION DURING HIS TERM OF OFFICE, AND THAT NO CANDIDATE WHO HAS LOST IN AN ELECTION SHALL, WITHIN TWO YEARS FOLLOWING SUCH ELECTION, BE APPOINTED OR REAPPOINTED TO ANY OFFICE IN THE GOVERNMENT, OR IN ANY GOVERNMENT-OWNED OR CONTROLLED CORPORATION, OR IN ANY OF ITS SUBSIDIARIES.

Introduced by Hon. Foz.

To the Committee on Constitutional Commissions and Agencies.

Proposed Resolution No. 109, entitled:

RESOLUTION TO PROVIDE FOR INITIATIVE AND REFERENDUM TO THE NEW CONSTITUTION.

Introduced by Hon. Romulo, Monsod, Nieva, Bengzon, Jr. and Bernas.

To the Committee on the Legislative.

Proposed Resolution No. 110, entitled:

RESOLUTION AMENDING SECTION 1 (1) AND (2), ARTICLE XII (C) OF THE 1973 CONSTITUTION BY REDUCING THE NUMBER OF MEMBERS OF THE COMMISSION ON ELECTIONS FROM NINE TO SEVEN, AND PROVIDING THAT AT THE TIME OF THEIR APPOINTMENT THEY SHALL BE AT LEAST FORTY YEARS OF AGE AND A MAJORITY OF THE MEMBERS, INCLUDING THE CHAIRMAN, SHALL BE MEMBERS OF THE PHILIPPINE BAR WITH AT LEAST TEN YEARS OF PRACTICE AND THAT IN CASE AN INCUMBENT COMMISSIONER IS APPOINTED CHAIRMAN, HIS AGGREGATE TENURE SHALL NOT EXCEED SEVEN YEARS.

Introduced by Hon. Foz and Monsod.

To the Committee on Constitutional Commissions and Agencies.

Proposed Resolution No. III, entitled:

RESOLUTION SUBMITTING TO THE PEOPLE IN A PLEBISCITE THE QUESTION ON WHETHER TO HOLD AN ELECTION FOR PRESIDENT AND VICE-PRESIDENT WITHIN A FIXED PERIOD AFTER THE RATIFICATION OF THE NEW CONSTITUTION.

Introduced by Hon. de los Reyes, Jr.

To the Committee on Amendments and Transitory Provisions.