

JOURNAL NO. 55

Wednesday, August 13, 1986

CALL TO ORDER

At 9:43 a.m., the Vice-President of the Constitutional Commission, the Honorable Ambrosio B. Padilla, called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Vicente B. Foz, to wit:

Almighty God, give us the light to write a Constitution the people will know and like, neither too long nor too short but good for them. Give us the strength to carry on with humility though often we get carried away when we push our ideas too hard, and say words we don't really mean but hurt our fellow workers. Give us the time to reflect even as we rush our work to meet some crazy deadline, mindful that more than stringing together words and phrases, we write history and bind our people, that is, if they accept it. But Lord, please make them do.

Amen.

ROLL CALL

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

Aquino, F. S. Ople, B. F.
Azcuna, A. Padilla, A. B.
S.
Bacani, T. C. Quesada, M. L. M.
Bengzon, J. Rama, N. G.
F. S.
Bernas, J. G. Rigos, C. A.
Rosario Rodrigo, F. A.
Braid, F.
Brocka, L. C. Romulo, R. J.
Calderon, J. Rosales, D. R.
D.
De Castro, Suarez, J. E.
C. M.
Colayco, J. Sumulong, L. M.
C.
Concepcion, Tadeo, J. S. L.

R. R.
Davide, H. Tingson, G. J.
G.
Foz, V. B. Treñas, E. B.
Gascon, J. L. Uka, L. L.
M. C.
Jamir, A. M. Villacorta, W. V.
K.
Laurel, J. B. Villegas, B. M.
Monsod, C.
S.

With 33 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.

Abubakar, Natividad, T. C.
Y. R.
Alonto, A. Nolledo, J. N.
D.
Bennagen, De los Reyes,
P. L. R. F.
Garcia, E. Sarmiento, R.
G. V.
Lerum, E. Tan, C.
R.
Maambong,
R. E.

Messrs. Guingona and Regalado and Mrs. Muñoz Palma were sick.

Mrs. Nieva was absent.

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 of Business.

REFERRAL TO COMMITTEES OF COMMUNICATIONS AND COMMITTEE REPORT

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

Communication No. 528 — Constitutional Commission of 1986

Communication from Mr. Jose C. Laureta of 105 Paseo de Roxas, Makati, Metro Manila, recommending that Section (7)2 of Proposed Resolution No. 531 be deleted, and that the question whether the advertising industry should be nationalized be deferred and be left for determination by the legislative body

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 529 — Constitutional Commission of 1986

Letter from Mr. Emilio Y. Hilado, Jr. of P.O. Box 199, Bacolod City, suggesting among others the following: (1) that each provision as finally passed by the Committee be published in full in the major daily newspapers; (2) that provincial governors and municipal mayors be encouraged to conduct public hearings on each provision as approved by the Committee; and (3) publish each provision as it is finally passed by the Constitutional Commission

TO THE STEERING COMMITTEE

Communication No. 530 — Constitutional Commission of 1986

One hundred forty-one letters from students in Silang, Cavite, all seeking to include in the Constitution the following proposals: (1) a No-U.S. Military Bases Agreement; (2) an anti-nuclear power plant; (3) the promotion of Philippine sovereignty over our natural resources; and (4) a No-U.S. or any foreign intervention on Philippine Affairs

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

Communication No. 531 — Constitutional Commission of 1986

Communication from the Philippine Social Science Council, Inc., Don M. Marcos Avenue, U.P., Diliman, Quezon City, signed by its Chairman, Carolina G. Hernandez, and thirteen other officers and members endorsing favorably the proposal to grant regional autonomy to areas and populations with common historical, geographical, cultural, linguistic and ethnic characteristics

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 532 — Constitutional Commission of 1986

Letter from Ricardo Cardinal Vidal, Archbishop of Cebu, expressing his deep esteem and appreciation for the sacred task of writing a Constitution for the country, enclosing therewith a copy of the 1979 Pastoral Letter of the Philippine History on the Life of the Unborn Child, which may be of help in the deliberations of the Constitutional Commission

TO THE STEERING COMMITTEE

Communication No. 533 — Constitutional Commission of 1986

Position Paper of Siguion Reyna, Montecillo and Ongsiako stating the following: 1) Advertising agencies are not mass media; 2) No public policy is offended by the non-nationalization of advertising agencies; 3) Foreign owners have nothing to do with the content of advertisements, and hence, do not impose their own culture on us; 4) The existing constitutional provision on mass media is adequate to promote the purpose envisioned by the proposal; and 5) The nationalization of advertising agencies is best left to the wisdom of the legislature, which positions have been adequately discussed therein

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 534 — Constitutional Commission of 1986

Communication signed by Mr. Jorge Pelayo Albayda of 15 Moreno Street, Kabankalan, Negros Occidental, and one hundred ninety other signatories seeking the retention of the U.S. military bases in the Philippines even after the expiry date, saying that the presence of these bases is a boon to our economy, aside from providing security for the Philippines and Southeast Asia

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

Communication No. 535 — Constitutional Commission of 1986

Communication from the Cordillera People's Alliance transmitting a resolution signed by three thousand eight hundred thirty-six (3,836) people seeking a constitutional provision that would grant a regional autonomous government in the Cordillera

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 536 — Constitutional Commission of 1986

Letter from Mr. Ramon R. Leuterio of 105 P. Cruz Street, Mandaluyong, Metro Manila, urging the Constitutional Commission not to include in the Constitution controversial issues such as the U.S. military bases, abortion, nuclear-free Philippines, and expressing apprehension that the Constitution might be rejected if these are included

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

Communication No. 537 — Constitutional Commission of 1986

Letter from Mr. Catalino P. Arafles, President, Philippine Meteorological Society, 1424 Quezon Avenue, Quezon City, conveying full support to the Resolution incorporating in the Constitution an Article on Education, Science, Technology, Sports, Arts and Culture

TO THE COMMITTEE ON HUMAN RESOURCES

COMMITTEE REPORT

Committee Report No. 37 on Proposed Resolution No. 539, prepared by the Committee on

Constitutional Commissions and Agencies, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION THE PROVISIONS ON THE COMMISSION ON HUMAN RIGHTS,

recommending its approval in substitution of Proposed Resolution No. 365.

Sponsors: Hon. Foz, Rigos, Abubakar, Concepcion, De Castro, Jamir, Monsod, Nieva, Regalado, De los Reyes, Jr., Rodrigo, Villegas, Garcia and Sarmiento

TO THE STEERING COMMITTEE

UNFINISHED BUSINESS: COMMITTEE REPORT NO. 34 ON PROPOSED RESOLUTION NO. 534 ON THE ARTICLE ON SOCIAL JUSTICE

On motion of Mr. Rama, there being no objection, the Body resumed consideration, on Second Reading, of Committee Report No. 34 on Proposed Resolution No. 534, entitled:

Resolution to incorporate in the new Constitution a separate Article on Social Justice.

Thereupon, Messrs. Monsod and Tadeo, Members of the Committee, made the following clarificatory refinements and/or modifications on the clean draft of the Article on Social Justice which, there being no objection, were approved by the Body.

By Mr. Monsod

1. On page 2, third paragraph of Section 3, substitute the phrase "the enforcement of" with AND SHALL ENFORCE, so that the phrase shall read: AND SHALL ENFORCE THEIR MUTUAL COMPLIANCE THEREWITH TO FOSTER INDUSTRIAL PEACE; and
2. On page 4, Section 9, on the sentence which reads "It shall also provide (promote) adequate employment opportunities to such citizens", the word should be PROMOTE and not "provide" inasmuch as the State would not provide the employment opportunities but promote them.

By Mr. Tadeo

1. On the meaning of "just compensation", in reply to Mr. Tadeo's inquiry whether the farmers would have to repay the subsidy to enable them to buy the land they till or whether such subsidy would be considered a grant, Mr. Bernas stated that, to his understanding, the subsidy would not have to be repaid since it is supposed to be a concrete implementation of the meaning given to social justice that those who have