

JOURNAL NO. 48

Tuesday, August 5, 1986

CALL TO ORDER

At 9:48 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. Teodoro C. Bacani, to wit:

Father, for more than two months now, we have been working at our appointed task of formulating a Constitution that will be truly responsive to the Filipino people. Often now, we feel weariness, perhaps on occasions discouragement.

Father, give us renewed strength. Continue to pour down Your light upon us; continue to fill our hearts with love and concern for our brethren especially the less privileged; and continue to give us strength of body and soul, so that with unflagging zeal, we may continue the task that You have given us and that what You have begun so marvelously in us may be accomplished by You.

This we ask You through Christ our Lord.

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. Monsod, C. S.
Bennagen, P. Nieva, M. T. F.
L.
Bernas, J. G. Padilla, A. B.
Rosario Muñoz Palma, C.
Braid, F.
Brocka, L. O. Quesada, M. L. M.
Calderon, J. Rama, N. G.
D.
De Castro, Regalado, F. D.
C. M.
Concepcion, De los Reyes, R. F.
R. R.
Davide, H. Rigos, C. A.

G.
Foz, V. B. Rodrigo, F. A.
Garcia, E. G. Romulo, R. J.
Gascon, J. L. Rosales, D. R.
M. C.
Guingona, S. Sarmiento, R. V.
V. C.
Jamir, A. M. Suarez, J. E.
K.
Laurel, J. B. Sumulong, L. M.
Lerum, E. R. Tadeo, J. S. L.
Maambong, Tan, C.
R. E.
Tingson, G. Villacorta, W. V.
J.
Treñas, E. B. Villegas, B. M.
Uka, L. L.

With 39 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.
Abubakar, Y. Colayco,
R. J. C.
Alonto, A. Natividad,
D. T. C.
Aquino, F. S. Nolleto,
 J. N.
Azcuna, A. Ople, B.
S. F.
Bengzon, J.
F. S.

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

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. 442 — Constitutional Commission of 1986

Letter from Mr. Oscar N. Rivera of Zobel Street, San Miguel Village, Makati, suggesting that the issue of United States military bases in the Philippines be treated as a separate proposal independent of the main Constitution when the Constitution is presented to the people for ratification

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 443 — Constitutional Commission of 1986

Letter from Fr. Raymundo Hilot of the Episcopal Commission on Tribal Filipinos, 372 Cabildo Street, Intramuros, Manila, submitting a resolution adopted by the 5th SILDAP-SIDLAKAN General Assembly, seeking inclusion in the Constitution of provisions on the national tribal Filipinos' right to self-determination

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 444 — Constitutional Commission of 1986

Communication from Sheikh Ahmad Bashier, Chairman of the Bangsa Moro Multi-Sectoral Conference, submitting proposals on autonomous governments and autonomy for the Bangsa Moro nation as special constitutional provisions

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 445 — Constitutional Commission of 1986

Letter from Mr. Fred C. Whiting, President, The American Chamber of Commerce of the Philippines, Inc., P.O. Box 1578 MCC, Makati, Metro Manila, expressing the opinion that proposed resolutions before the Constitutional Commission regarding foreign participation in franchised utilities in the Philippines would be counter-productive to the government's goal of making the business climate attractive to foreign investment, urging therefor a very serious consideration of the negative effects that may well result from altering the present 60/40 ratio of participation

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 446 — Constitutional Commission of 1986

Letter from Ms. Remedios C. Galsim and five others of the Concerned Citizens Council, B.F. Homes, Parañaque, Metro Manila, suggesting inclusion in the article on social justice in the Constitution, the definition and principles of "just wage" and "labor has priority over capital"

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 447 — Constitutional Commission of 1986

Letter from Mr. Elviro P. Lagrana of Pulpandan, Negros Occidental, submitting a position paper for the retention of U.S. military bases in the Philippines until such time that we attain economic strength capable of developing our land, air and naval defenses against external attack

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 448 — Constitutional Commission of 1986

Letter from Mr. Delfin R. Manlapaz of 1707 E. Rodriguez, Sr. Blvd., Cubao, Quezon City, Metro Manila, submitting proposed amendments to "Resolution to Incorporate in the New Constitution an Article on Education, Science and Technology, Sports, Arts and Culture" (Committee Report No. 29)

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 449 — Constitutional Commission of 1986

Communication from the Tribal Filipino Apostolate, Diocesan Pastoral Services, Sacred Heart Convent, Zamora Street, Butuan City, signed by Mr. Eric Rico and forty-one others, urging the Constitutional Commission to consider the following proposals: (1) that the Lumads be given the right to own/utilize their ancestral domain; (2) that the Lumads be given the right to self-determination; (3) that the Lumad culture be honored and respected; (4) that a government agency motivated to serve the Lumads and the rest of the minority peoples be created; and (5) that government services be made available to the Lumads

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 450 — Constitutional Commission of 1986

Letters from Mr. Bienvenido A. Castillo of 50 MacKinley, Pulilan, Bulacan, suggesting the following: prohibiting elected officials from acting as sponsors in weddings or baptism to do away with the padrino system; Congressional approval of the declaration of martial law, suspension of the writ of habeas corpus and foreign borrowings; prohibiting members of the Cabinet from holding other government offices; the President shall not be empowered to grant reprieves, commutations and pardons; trial by jury, among others, and opposing the creation of autonomous government of Cordillera and Mindanao, and land reform saying that it is outright landgrabbing and a political gimmick of the past regime; and saying that the discussion of the U.S. military bases issue at this time is delaying the country's economic recovery

TO THE STEERING COMMITTEE

Communication No. 451 — Constitutional Commission of 1986

Letter from Mr. Briccio T. Aguilos, Jr., Provincial Attorney of Leyte, submitting, upon direction of the Sangguniang Panlalawigan of said province, proposals on local government autonomy

TO THE COMMITTEE ON LOCAL GOVERNMENTS

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 Proposed Resolution No. 534, entitled:

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

TERMINATION OF THE PERIOD OF SPONSORSHIP AND DEBATE ON THE ARTICLE ON SOCIAL JUSTICE

Thereafter, on motion of Mr. Rama, there being no objection, the Body closed the period of sponsorship and debate on the Article on Social Justice.

PERIOD OF AMENDMENTS

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

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session to give time to the Committee on Social Justice to go over the amendments submitted by the proponents.

It was 9:59 a.m.

RESUMPTION OF SESSION

At 10:17 a.m., the session was resumed.

Upon resumption of session, Mr. Sarmiento presented to the Body the procedure to be followed in presenting the amendments, to wit:

- 1) The proponents would present their amendments. Should there be a clarification, the Members of the Committee would give their explanation without necessarily accepting or rejecting the amendments.
- 2) All the proponents would present their amendments and the Committee will pool all these amendments and discuss them in the afternoon.
- 3) The Committee would give its reaction to the amendments presented by the different proponents in the next session, after which the Body would vote.

Mr. Sarmiento reiterated that the Body would not vote on the amendments during the morning session.