

[VOL. III, October 12, 1986]

JOURNAL NO. 106

Sunday, October 12, 1986

CALL TO ORDER

At 10:30 a.m., the Honorable Alberto M. K. Jamir, called the session to order.

NATIONAL ANTHEM AND PRAYER

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

Almighty God, our Lord:

For more than four months, every morning before starting the deliberations of this Constitutional Commission, we have implored Your guidance, in the discharge of our far-reaching responsibility in formulating the 1986 Constitution for our dear country and beloved people.

Designated by our President from so many qualified in the different sectors of our enlightened society, we have responded to a call of duty and service — professional men and women, elder and younger members, blending experiences and enthusiasm. Undertaking further study and research on the Philippine Constitutions of 1935 and 1973, we have diligently attended public hearings, Committee meetings, Commission caucuses and plenary sessions, where we expounded on our views and opinions, our preferences and predilections, including our prejudices, and we expressed our suggestions and amendments in appropriate and precise terms. Some Commissioners, convinced of the soundness of their own judgments and convictions, have debated and argued with eloquence, sometimes with passionate or obstinate fervor, to make them prevail over those of other Commissioners. But the common objective of all was to exert our best efforts to attain the formulation of a good Constitution, animated solely by patriotism, pro-country, nationalism, pro-people, with principles, policies and aspirations for us and our descendants to enjoy the blessings of democracy — truth, justice, freedom, peace and prosperity.

The Constitution we have completed is far from perfect due to our own imperfections and shortcomings. It has flaws and defects, some of which could have been substantially improved without resorting to the suspension of our Rules of Procedures. Many of us are not fully satisfied with, and some are even disappointed at few approved provisions, but in the exchange of views on the free market of ideas, we have to respect and abide by the majority will.

Dear Lord, we praise and thank You for guiding us during the preparation and completion of this 1986 Constitution. "All is well that ends well". We

trust that our sovereign people will accept and ratify our imperfect work and inadequate product. But we hope it will serve as the constitutional foundation of our political stability, economic reconstruction and national development, for the enduring happiness of our long suffering people.

Amen.

ROLL CALL

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

Alonto, A. D.	Muñoz Palma, C.
Bengzon, J. F. S.	Quesada, M. L. M.
Bennagen, P. L.	Rama, N. G.
Rosario Braid, F.	Regalado, F. D.
Calderon, J. D.	Rigos, C. A.
De Castro, J. C.	Rodrigo, F. A.
Davide, H. G.	Romulo, R. J.
Foz, V. B.	Suarez, J. E.
Guingona, S. V. C.	Sumulong, L. A. M.
Jamir, A. M. K.	Tan, C.
Maambong, R. E.	Tingson, G. J.
Monsod, C. S.	Treñas, E. B.
Nieva, M. T. F.	Uka, L. L.
Nolledo, J. N.	Villacorta, W. V.
Padilla, A. B.	Villegas, B. M.

With 31 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.

Abubakar, Y. R.	Gascon, J. L. M. C.
Aquino, F. S.	Lerum, E. R.
Azcuna, A. S.	Natividad, T. C.
Bacani, T. C.	Ople, B. F.
Bernas, J. G.	De los Reyes, R. F.
Concepcion, R. R.	Sarmiento, R. V.
Garcia, E. G.	

P.M.

Laurel, J. B.	Tadeo, J. S. L.
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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 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 AND ARCHIVES 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 Archives and Committees hereunder indicated:

Communication No. 1095 — Constitutional Commission of 1986

Letter from Mr. Mauro P. Balingit of 37 Aldrin St., Doña Faustina Village, Culiat, Diliman, Quezon City, urging the Constitutional Commission to allow both President Aquino and Vice-President Laurel to complete their term of office because they were the real winners in the presidential election

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 1096 — Constitutional Commission of 1986

Letter from Mr. Felixberto M. Serrano, former Secretary of Foreign Affairs, submitting an article "Constitutional Commission Must Finally Remove Perplexities in Draft Constitution" in which he discussed the two issues disturbing him

THE STEERING COMMITTEE

Communication No. 1097 — Constitutional Commission of 1986

Letter from one Antonio M. Clarion of 163 Punta Tenement, Sta. Ana, Manila, urging the Constitutional Commission to adopt a provision that would uplift the living condition of the ordinary rice and corn farmers considering the fact that they are the people that feed the nation

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 1098 — Constitutional Commission of 1986

Letter from one Jose E. Edang of 520-H Juan Luna Street, Mandaluyong, Metro Manila, seeking a constitutional provision calling for a referendum in which the people will be asked whether or not they are in favor of the incumbent President and Vice-President to continue in office up to six years reckoned from February 25, 1986

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 1099 — Constitutional Commission of 1986

Letter from one Consuelo Cuachon of 371 Grand Avenue, BF Parañaque, Metro Manila, suggesting "Republica ng Bagumbayan" as a name of our country

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 1100 — Constitutional Commission of 1986

Letter from one Calculus Rufino Datingaling of Nasugbu, Batangas, urging the Constitutional Commission to include in the Constitution a provision prohibiting the enactment of a law that will allow the dissolution of marriage

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

Communication No. 1101 — Constitutional Commission of 1986

Letter from one C.D. de Guzman of 1720-A A..Mabini cor. Alonzo Streets, Malate, Manila, suggesting that in order that the presidential appointees will not be beholden to politicians and for purposes of checks and balances, appointments of said appointees should be confirmed by the Supreme Court instead of Congress

TO THE COMMITTEE ON THE EXECUTIVE

Two letters expressing good wishes for the Filipino people and urging them to draft a constitution which stands for justice, peace, freedom, and solidarity, from:

Communication No. 1102 — Constitutional Commission of 1986

(1) Twenty-eight residents of 1081 HV Amsterdam, Netherlands

Communication No. 1103 — Constitutional Commission of 1986

(2) Thirty-two residents of 1156 BA Marken, Netherlands

TO THE ARCHIVES

UNFINISHED BUSINESS: REPORT OF THE COMMITTEES ON STYLE

On motion of Mr. Rama, there being no objection, the Body resumed consideration of the report of the Committee on Style on the matter of the one proposal was presented for consideration, which title of the Constitution.

Thereupon, the Chair recognized Mr. Rodrigo, Chairman of the Committee on Style.

POINT OF INFORMATION OF MR. RODRIGO

Mr. Rodrigo informed that the unfinished item in the Committee report is the title of the draft Constitution. He stated that the 1973 Constitution was entitled "The Constitution of the Republic of the Philippines" while the 1935 Constitution was known as the "Constitution of the Philippines" and thereupon suggested that the matter be decided by the Body.

PROPOSAL OF MR. DAVIDE

Mr. Davide stated that he had an earlier motion, deferred until consideration of the Committee on Style's report, that the title of the draft Constitution should be "The

New Constitution of the Republic of the Philippines" to which Messrs. Ople and Guingona introduced amendments.

PROPOSED AMENDMENT OF MR. GUINGONA

Thereupon, Mr. Guingona proposed to add "1986" to the title to mark the historic year when the Constitution was drafted and, hopefully, approved.

REMARKS OF MR. CONCEPCION

In support for the addition of "1986" to the title, Mr. Concepcion stated that the year would distinguish the new Constitution from the other Constitutions before or after it. He explained that the idea is to stress what happened in 1986 as a reminder for the people to fight for democracy to preserve it.

REMARKS OF MR. GUINGONA

Additionally, Mr. Guingona stated that "1986" is a truly historic year when the people won back their freedom from the years of tyranny under Mr. Marcos.

Mr. Davide accepted the proposal to amend the title to read THE 1986 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES.

REMARKS OF MR. NOLLEDO

Mr. Nolleto agreed with Mr. Concepcion that the year is very important. He cited the fact that during the Commonwealth regime the Constitution was referred to as the 1935 Constitution and under the Marcos regime, as the 1973 Constitution.

SUGGESTION OF MR. RIGOS

Mr. Rigos suggested that the proposed titles be written down to enable the Members to make a choice. However, Mr. Guingona pointed out that only proposal was amended.

INQUIRY OF MR. RODRIGO

Mr. Rodrigo stated that he would have no objection to the title, however, he inquired whether the proposal would be appropriate considering that the plebiscite for ratification had been set for January 23, 1987.

OBSERVATION OF MR. SUAREZ

Mr. Suarez stated that he would have raised the same observation that although drafted and approved by the Commission in 1986, the Constitution would be subject to approval in the plebiscite scheduled in January 1987. He observed that to be strict about it it could be referred to as "The 1987 Constitution of the Republic of the Philippines" irrespective of the significance of 1986 as correctly pointed out by Mr. Guingona.

MR. BENGZON'S PROPOSED TITLE

Mr. Bengzon observed that although the Commonwealth Constitution was known as the 1935 Constitution and the Constitution under the Marcos regime was referred to as the 1973 Constitution after the years when they were supposedly ratified, their official titles do not specify the years. He informed that the official title of the 1935 Constitution is the "Constitution of the Philippines" while the official title of the 1973