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JOURNAL NO. 105

Saturday, October 11, 1986

CALL TO ORDER

At 10:05 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. Jose D. Calderon, to wit.

Almighty God, we, the Members of the Constitutional Commission of 1986, Your humble servants in the service of the Filipino people had toiled for four and a half months, often in harmony, sometimes in discord, but always in the common purpose of achieving for our people the realization of their aspirations and their hopes.

It is just two plenary session days before we finally adjourn. Our labor is about to end; our task is nearly over; the job is all but finished.

Out of our collective genius, we have fashioned a Constitution which, when adopted by our people, shall become the foundation upon which all our other laws shall stand.

This fundamental law is not flawless, but it is firm and sturdy and strong enough to withstand the stresses and the tensions that nationhood can produce.

This fundamental law is not faultless, but it is the utmost that the spirit of compromise and accommodation among men of goodwill can devise.

This fundamental law is not perfect, but it is the best that the genius of men in all its frailty can forge.

Upon this Constitutional rock, Almighty God, allow us, the Filipino people, to build the house of this nation.

"And the rains descended and the floods came, And the winds blew, and beat upon that house,

"And it feel not; for it was founded upon a rock. "

For all these, Almighty God, we render unto your everlasting gratitude.

ROLL CALL

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

Bengzon, J. F. S.
Bernas, J. G.

Quesada, M. L. M.
Rama, N. G.

Rosario Braid, F.
Calderon, J. D.
De Castro, C. M.
Colayco, J. C.
Concepcion, R. R.
Davide, H. G.
Foz, V. B.
Guingona, S. V. C.
Jamir, A. M. K.
Monsod, C. S.
Nieva, M .T. F.
Padilla, A. B.

Regalado, F. D.
De los Reyes, R. F
Rigos, C. A.
Rodrigo, F. A.
Romulo, R. J.
Suarez, J. E.
Sumulong, L. M.
Tan, C.
Treñas, E. B.
Uka, L. L.
Villacorta, W. V.
Villegas, B. M.

With 28 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.
Bennagen, P. L.
Garcia, E. G.
Lerum, E. R.
Maambong, R. E.

Natividad, T. C.
Nolledo, J. N.
Ople, B. F.
Muñoz-Palma, C.
Sarmiento, R. V.
Tadeo, J. S. L.
Tingson, G. J.

P.M.

Gascon, J. L. M. C.

Mr. Rosales was sick.

Messrs. Bacani and Laurel were absent.

READING AND APPROVAL OF THE JOURNAL

On motion of Mr. Rama, 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. Rama, there being no objection, the Body proceeded to the Reference of Business.

REFERRAL TO COMMITTEES OF RESOLUTION AND COMMUNICATIONS

Upon direction of the Chair, the Secretary-General read the titles of the following Resolution and Communications which were, in turn, referred by the Chair to the

appropriate Committees here under indicated:

Proposed Resolution 548, entitled:

RESOLUTION EXPRESSING THE APPRECIATION OF THE CONSTITUTIONAL COMMISSION TO VICE PRESIDENT AMBROSIO PADILLA, THE OTHER PRINCIPAL OFFICERS AND THE CHAIRMEN OF THE VARIOUS COMMITTEES OF THE 1986 CONSTITUTIONAL COMMISSION

Introduced by Hon. Romulo, Jamir, Abubakar, Rodrigo, Rigos and Treñas

TO THE STEERING COMMITTEE

COMMUNICATIONS

Communication No. 1091 — Constitutional Commission of 1986

Letter from Mr. Bienvenido Castillo of Pulilan, Bulacan, suggesting that in order to prevent flying voters, registration should be stopped sixty days before election, and that the master lists should also be posted sixty days before election time to give the people the chance to check their names and enough time to be able to detect if there are flying voters in the list

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

Communication No. 1092 — Constitutional Commission of 1986

Communication from Ms. Leonora S. de Guzman of the Schools of Social Work Association of the Philippines, 1680 Kansas Street, Malate, Metro Manila, urging the inclusion in the Constitution of a provision designed to ameliorate the living conditions of depressed Filipinos

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 1093 — Constitutional Commission of 1986

Letter from Mr. Benjamin Gruba, Sr. of 281-1 Iraya Street, Oro Site, Legaspi City, containing various constitutional proposals for the consideration of the Constitutional Commission

TO THE STEERING COMMITTEE

Communication No. 1094 — Constitutional Commission of 1986

Letter from Ms. Francisca O. Tabang of 216 M. L. Quezon Street, Magiliw, Tabun, Mabalacat, Pampanga, requesting that government scholars who have graduated and passed the Licensure Examination be given preferential employment in the national government or government-owned or controlled corporations; considering that it spent for their college education

TO THE COMMITTEE ON HUMAN RESOURCES

APPROVAL OF SECOND READING OF THE ARTICLE ON THE DECLARATION OF PRINCIPLES AND STATE POLICIES

On motion of Mr. Rama, there being no objection, the Body approved, on Second Reading, the proposed Resolution on the Article on Declaration of Principles and

State Policies.

APPROVAL ON SECOND READING OF THE ARTICLE ON GENERAL PROVISIONS AND A SECTION TO BE INCLUDED IN THE TRANSITORY PROVISIONS

On motion of Mr. Rama, there being no objection, the Body approved, on Second Reading, the proposed Resolution on the Article on General Provisions and a Section to be included in the Transitory Provisions.

MOTION TO APPROVE ON THIRD READING THE ARTICLE ON NATIONAL ECONOMY AND PATRIMONY

Thereafter, Mr. Rama moved that the Body vote on Third Reading, on the proposed Resolution, on the Article on National Economy and Patrimony.

Mrs. Quesada asked for nominal voting.

Thereupon, Mr. Rama withdrew his motion to vote on Third Reading on the Article on National Economy and Patrimony.

UNFINISHED BUSINESS: CONSIDERATION OF THE REPORT OF THE COMMITTEE ON STYLE

On motion of Mr. Rama, there being no objection, the Body resumed consideration of the report of the Committee on Style.

CORRECTIONS IN THE JOURNAL

As proposed, and there being no objection the Body approved the following corrections in the Journal of the previous session:

1. At the instance of Mr. Monsod, on page 68, third paragraph, delete the words on the second line and in lieu thereof, substitute GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS AND after the word "including" and the word OTHER at the beginning of subparagraph (c); and
2. At the instance of Mr. de 106 Reyes, on page 70, second to the last paragraph, delete the words "insert HOWEVER, between 'Provided' and 'that' and in lieu thereof, insert the following: "delete the words 'Provided, that' and in lieu thereof, substitute HOWEVER, so that the lines would read: However, where the internal control system of the audited agencies"

MANIFESTATION OF MR. GUINGONA

Thereafter, Mr. Guingona stated that in order to facilitate the afternoon deliberations on the report of the Committee on Sponsorship, the Committee would be distributing two reports, one on repetitions as submitted by Ms. Aquino, and the other on the sequencing of the Articles as proposed by the Subcommittee on Rubrics, for the Members to study.

ARTICLE ON SOCIAL JUSTICE

Thereupon, Mr. Bengzon moved that the Body proceed with the report of the Committee on Style on the Article on Social Justice.

In reply to Mr. Monsod's query, Mr. Bengzon explained that the Body had already approved said Article on Second Reading and there would be no impediment to the

report thereon of the Committee on Style.

On request of Mr. Rodrigo, the Chair allowed the Committee Secretary to sit with the Committee on Style.

SECTION 1

On the first paragraph of Section 1, page 67, line 3, Mr. Rodrigo proposed the insertion of the article THE before "Congress.."; on line 5, to insert a comma (,) after "economic"; and on the second paragraph, line 9, to change the words "Towards this" to TO THIS END.

There being no objection, the amendments on Section 1 were approved by the Body.

SECTION 2

On Section 2, page 67, line 14, Mr. Rodrigo proposed to delete the words "the principle of", so that the Section would read: THE PROMOTION OF SOCIAL JUSTICE SHALL INCLUDE THE COMMITMENT TO CREATE ECONOMIC OPPORTUNITIES BASED ON FREEDOM OF INITIATIVE AND SELF-RELIANCE.

There being no objection, the amendment on Section 2 was approved by the Body.

SECTION 3

On Section 3, line 16, Mr. Rodrigo proposed to insert a comma (,) after "organized" and on the second paragraph thereof, page 68, lines 2 and 3, to change the words "peaceful and concerted activities" to AND PEACEFUL CONCERNED ACTIVITIES.

There being no objection, the amendments on Section 3 were approved by the Body.

On the fourth paragraph of Section 3, page 69, line 17, Mr. Rodrigo proposed to insert the words AND TO before "expansion" and to delete the comma (,) after "expansion", so that lines 17 and 18 would read: TO REASONABLE RETURNS ON INVESTMENTS, AND TO EXPANSION AND GROWTH.

There being no objection, the amendment on the fourth paragraph of Section 3, was approved by the Body.

SECTION 4

On Section 4, page 69, lines 4 and 5, Mr. Rodrigo proposed the transposition of the phrase "in determining retention limits" to the beginning of the sentence before the words "The State", so that the sentence would read: IN DETERMINING RETENTION LIMITS, THE STATE SHALL RESPECT THE RIGHTS OF SMALL LANDOWNERS.

On the same section, page 68, line 20, Mrs. Nieva proposed that there should be "regular" before "farmworkers" as reflected in the original draft of the Article, such that "farmworkers" on line 20 are distinguished from "other farmworkers" on line 22.

In this connection, Mr. de Castro opined that the insertion of the word "regular" as proposed by Mrs. Nieva partakes of an amendment and would require a motion for reconsideration.