

[VOL. V, October 06, 1986]

R.C.C. No. 101

Monday, October 6, 1986

OPENING OF SESSION

At 10:29 a.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 Cirilo A. Rigos.

Everybody remained standing for the Prayer.

PRAYER

REV. RIGOS: Almighty God, in Whom we live and move and have our being, we look back to the past four months with deep gratitude in our hearts for the mysterious ways by which Thou hast guided us. Thou hast enabled us to overcome not only the clashes of ideas and philosophies each one of us possesses and passionately cherishes, but also the aberrations in our personal relationships that rent our hearts and disturbed our peace. We thank Thee for the miracle of Thy love which enabled us to transcend all difficulties and to come up with a document produced collectively.

As we look forward to the future, grant us the faith to believe that our nation will enjoy a greater measure of freedom and prosperity, the grace to honor the new Constitution, and the wisdom to preserve it for as long as necessary. And for the present, particularly today, all we need is the guidance of Thy Spirit and humility on our part to obey the same.

We beg Thy special comforting grace upon Florida Ruth Romero, whose beloved mother, Juliana Pineda, passed away two days ago. Give her the assurance of Thy divine companionship especially during the period of bereavement.

We pray in Jesus' name. Amen.

ROLL CALL DISPENSED WITH

THE PRESIDENT: Although we have a quorum, we will dispense with the roll call this morning in view of the condition of the weather.

Will the Assistant Floor Leader proceed to our business for this morning.

MR. CALDERON: I move that we dispense with the reading of the Journal of last Saturday's session.

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

APPROVAL OF JOURNAL

MR. CALDERON: Madam President, I move that we approve the Journal of the previous session.

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

MR. CALDERON: 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 Communications and Committee Report, the President making the corresponding references:

COMMUNICATIONS

Communication from the participants of the LUSSA regional consultation with the basic sectors, expressing appreciation of the introduction and approval of several provisions which are believed will promote the welfare and interests of the poor and underprivileged sectors of society, at the same time commenting on the various economic concepts embodied in the proposed Constitution.

(Communication No. 1053 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Letter from Mr. Noli Carbonel of 373 Quezon Avenue, Quezon City, urging the continuance of the U.S. Military Bases in the Philippines if the rental paid thereof is more or at par with what the U.S. pays to Spain, Greece and Turkey; otherwise, the U.S. bases should be dismantled.

(Communication No. 1054 — Constitutional Commission of 1986)

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

Letter from Mr. Bienvenido Castillo of Pulilan, Bulacan, reminding the Constitutional Commission not to rush the Constitution, or else the country will be trailing the same path of the most dejected Filipino administration in the past, saying that if it needs 365 days to finish the draft that will give a more satisfying outcome, then, let it do so.

(Communication No. 1055 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Mr. Joseph A. Cosente, OIC, Municipal Mayor of Tublay, Benguet, transmitting Resolution No. 32 of the Sangguniang Bayan of Tublay, indorsed by the OIC, Provincial Governor of Benguet, opposing the proposal to create the Cordillera as one autonomous region like Muslim Mindanao, instead, favor its creation as one separate and distinct region from Regions I and II.

(Communication No. 1056 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Letter from Mr. Enrique B. Inting, Provincial Fiscal of Bohol, proposing amendment to Sec. 3, Art. IV of the 1973 Constitution, favoring "strong evidence of guilt" to "probable cause" in the issuance of arrest and search warrants, and also submitting a copy of his article, "Probable Case: A Procedural Anathema In Our Criminal Justice System," printed in the Criminal Justice Journal, January-April 1985 issue.

(Communication No. 1057 — Constitutional Commission of 1986)

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

COMMITTEE REPORT

Committee Report No. 41 on Petition No. 4, prepared by the Steering Committee, entitled:

AN URGENT PETITION TO REOPEN SECTIONS 3, 7, 10, 11, 13 and 14 OF THE ARTICLE ON THE JUDICIARY, recommending that the same be unanimously given due course.

Sponsored by Hon. Bengzon, Jr. and Concepcion.

To the Calendar of Unassigned Business.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

CONSIDERATION OF C.R. NO. 38
(Article on Transitory Provisions)
Continuation

PERIOD OF AMENDMENTS

MR. RAMA: I move that we continue the consideration of Committee Report No. 38 on the Article on Transitory Provisions.

SUSPENSION OF SESSION

THE PRESIDENT: Is there any objection? May we know if the Chairman of the committee, Commissioner Suarez, and his Members are here?

The session is suspended for a few minutes.

It was 10:37 a.m.

RESUMPTION OF SESSION

At 10:39 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. SUAREZ: Madam President, may we request the Floor Leader to call upon Chief Justice Concepcion.

MR. RAMA: Madam President, I ask that Chief Justice Concepcion be recognized for his amendments.

THE PRESIDENT: Commissioner Concepcion is recognized.

MR. CONCEPCION: Thank you, Madam President.

Considering the discussions we had last Saturday, I have sought to redraft what could become Section 21 of the Transitory Provisions, to read as follows:

"THE LEGAL EFFECT OF THE LAPSE, BEFORE THE RATIFICATION OF THIS CONSTITUTION, OF THE APPLICABLE PERIOD FOR THE DECISION OR RESOLUTION, OF THE CASES OR MATTERS SUBMITTED FOR ADJUDICATION BY COURTS OF JUSTICE SHALL BE DETERMINED AND DECIDED OR RESOLVED BY THE SUPREME COURT AS SOON AS PRACTICABLE AFTER SUCH RATIFICATION."

We propose additional paragraphs, paragraphs (3) and (4) of Section 14, Article VIII of the Article on the Judiciary, which provide for the means for the disposal of cases filed after the ratification of the Constitution which shall read: "THE PROVISIONS OF PARAGRAPHS (3) AND (4) OF SECTION 14 OF THE MAIN TEXT OF THE ARTICLE ON THE JUDICIARY SHALL APPLY TO CASES OR MATTERS FILED BEFORE THE RATIFICATION OF THIS CONSTITUTION WHEN THE APPLICABLE PERIODS LAPSE AFTER SUCH RATIFICATION."

I am now prepared to answer whatever questions the Members of the Commission would care to propound. During the previous session, the problem anticipated by the Commission referred to the number of cases that may have to be filed to determine the status of the cases, the periods for which have lapsed before the adoption of this Constitution. The principal amendment the committee proposes to introduce is to require the Supreme Court to decide the same as far as practicable and as soon as possible after the adoption of the new Constitution.

THE PRESIDENT: Do we have any comments?

MR. CONCEPCION: Instead of the courts waiting for parties to take the initiative, since there are quite a number of cases already pending in the Supreme Court, the Supreme Court may, in one or a few of them, pass upon the question as an incident of the case or matter.

MR. RAMA: May I ask that Commissioner Padilla be recognized.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: Thank you, Madam President.

The Committee on the Judiciary will propose for the approval of this Commission an amendment to increase the number of Supreme Court justices from 11 to 15 and to allow the Supreme Court, in its discretion, to be divided into divisions of three, five or seven members.

MR. CONCEPCION: That is right.

MR. PADILLA: The idea, I believe, is to give the Supreme Court more members and at the same time to be able to dispose more expeditiously the pending cases, whether those filed after the peaceful revolution of 1986 or those that have been pending for some time prior thereto.

MR. CONCEPCION: That is right.

MR. PADILLA: And the suggestion of even allowing a division of three is to further expedite the less important cases especially those coming from labor, the workmen's compensation, the appeals from the Sandigan and other minor cases of importance.