

JOURNAL NO. 99

Friday, October 3, 1986

CALL TO ORDER

At 10:03 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. Yusuf R. Abubakar, who recited the prayer first in Arabic as originally conceived to show the beautiful lines that the prayer conveys and then in English for its full meaning, to wit:

In the name of Allah, Most Gracious, Most
Merciful
Praise be to Allah, Lord of the Universe
Most Gracious, Most Merciful
Master of the Day of Judgment
To Thee do we worship
And to Thee do we seek for help
Show us the right path
The Path of those whom Thou hast bestowed
Thy Grace
And not those whose path hast earned Thy Wrath
And those gone astray.
O Allah, give us Thy blessings that this Constitution
we are about to finish shall appeal to men
in their doubts and fear,
Help and put heart in them in moments of trials,
and ordain for them laws by which they could
live a society of purity, goodness and peace.
Verily, when Allah intends a thing, His Command is ;
"BE", and it is.
So Glory be to Him in whose Hands is the Dominion
of all things.
And to Him will you all be brought back.
Amen.

ROLL CALL

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

Abubakar Y. R.	Padilla. A. B.
Bacani, T. C.	Muñoz Palma, C.
Bennagen, P. L	Quesada, M. L. M
Rosario Braid, F	Rama, N. G
De Castro, C. M	Regalado, F. D
Colayco, J. C.	De los Reyes, R. F
Concepcion, R. R.	Rigos, C. A.
Davide, H. G.	Rodrigo, F. A
Foz, V. B.	Romulo, R. J
Guingona, S. V.C	Suarez, J. E
Jamir, A. M. K.	Sumulong, L. M
Laurel, J. B.	Tan, C.
Maambong, R. E	Treñas, E. B
Monsod, C. S.	Uka, L. L
Natividad, T. C	Villacorta, W. V.
Nieva, M. T. F	

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

The following Members appeared after the Roll Call:

A.M.

Alonto. A. D.	Gascon, J. L. M. C.
Aquino, F. S.	Lerum, E. R.
Azcuna, A. S.	Nolledo, J. N.
Bengzon, J. F. S	Ople, B. F.
Bernas, J. G.	Sarmiento, R V.
Garcia, E. G.	Tingson, G. J.

P.M.

Calderon, J. D

Mr. Rosales was sick.

Mr. Villegas notified the Constitutional Commission, through the Secretariat, of his absence.

Mr. Tadeo was sick.

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 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. 1037 — Constitutional Commission of 1986

Communication from Mr. Orlando F. Caliolio of Southern City Colleges, Pilar Street, Zamboanga City, proposing for inclusion in the Constitution of a provision granting Filipinos the right to keep and bear arms

TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL RIGHTS AND OBLIGATIONS AND HUMAN RIGHTS

Communication No 1038 — Constitutional Commission of 1986

Letter from Mr. Mario Perez of 37-Aldrin Street, Doña Faustina Village, Culiat, Diliman, Quezon City, saying that if we want to eliminate the U.S Military Bases in the Philippines, we should first eliminate the MNLFs and the NPAs who are supported by foreign countries

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

Communication No. 1039 — Constitutional Commission of 1986

Letter from Mr. Domingo C. Salita, retired professor and former dean, College of Arts and Sciences, U.P., recommending that to determine the reasonable compensation of the constitutional officers in the 1986 Constitution, multiply by 10 their compensations under the 1935 Constitution and by 3 under the 1973 Constitution, then get the mean values and round up the figures

TO THE STEERING COMMITTEE

Communication No. 1040 — Constitutional Commission of 1986

Communication from Mrs. Felomena B. Murallon and fourteen (14) other Pilipino teachers of Ozamiz City, urging the Constitutional Commission to incorporate in the Constitution a provision making Pilipino as the national language

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 1041 — Constitutional Commission of 1986

Letter from Ms. Leonora D. Romblon, College of Public Administration, U.P., submitting two resolutions which were culled from the interaction of graduate students in a general assembly organized by the College of Public Administration Student Council, to wit:

Resolution No. 4-86 — proposing to delete Section 4(c) of the proposed Article on Education, Science and Technology, Arts, Culture, and Sports; and to incorporate in the curriculum of elementary and high school students a course on good moral and right conduct; and

Resolution No. 5-86 — proposing the inclusion in the Constitution the following: (1) prohibition of the teaching of religion within the regular class hours; (2) establishment and maintenance of a system of free and quality public education in the elementary, high school and tertiary levels with a nationalist, scientific and mass-oriented perspective, among others.

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 1042 — Constitutional Commission of 1986

Letter from Mr. Carlos E. Santiago of 1009-1011 Solis, Gagalangin, Manila, expressing apprehension over the move of certain members of the Constitutional Commission to include in the Constitution the matter of the status of the U. S. bases in the Philippines, saying that the matter should better be left to the future executive and legislative branches of the Republic rather than include it in the fundamental law of the land

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

MOTION TO VOTE ON THIRD READING ON THE ARTICLE ON EDUCATION, SCIENCE AND TECHNOLOGY, ARTS, CULTURE AND SPORTS

Thereafter, Mr. Rama moved that the Body vote, on Third Reading, on the Proposed Resolution entitled:

Resolution to incorporate in the Constitution an Article on Education, Science and Technology, Arts, Culture and Sports,

mimeographed copies of which were distributed to the Members on September 26, 1986, pursuant to Section 27, Rule VI of the Rules of the Commission.

SUSPENSION OF SESSION

(At this juncture, President Muñoz Palma relinquished the Chair to the Honorable Jose C. Colayco.)

The Chair suspended the session.

It was 10:13 a.m.

RESUMPTION OF SESSION

At 10:14 a.m., the session was resumed.

WITHDRAWAL OF MOTION TO VOTE ON THIRD READING ON THE ARTICLE ON EDUCATION, SCIENCE AND TECHNOLOGY, ARTS, CULTURE AND SPORTS

Upon resumption of session, Mr. Rama requested deferment of voting on said Article to a later time in the day.

UNFINISHED BUSINESS: COMMITTEE REPORT NO. 38 ON PROPOSED RESOLUTION NO. 540 ON THE ARTICLE ON TRANSITORY PROVISIONS

On motion of Mr. Rama, there being no objection, the Body resumed consideration, on Second Reading, of Proposed Resolution No. 540 (Committee Report No. 38), entitled:

Resolution to incorporate in the new Constitution an Article on Transitory Provisions.

The Chair recognized the Chairman and Members of the Committee.

On the query of Mr. Rama whether the Committee would be ready to take up Section 5, Mr. Suarez requested for a deferment until the arrival of Mr. Concepcion.

Mr. Rama informed that the Body was in the period of interpellations and amendments on Section 10 of the proposed Article.

INTERPELLATION OF MRS. QUESADA

On Mrs. Quesada's query as to who, among government employees, could avail of separation pay or be entitled to retirement benefits, Mr. Suarez stated that these privileges would be granted to government employees affected by the reorganization resulting from either the Freedom Constitution or the 1986 Constitution. However, he noted that only regular, permanent Civil Service employees would qualify under the provision and not those occupying temporary, casual, contractual positions as well as those who have violated the Civil Service rules and regulations.

Mrs. Quesada observed that some permanent employees of the defunct Batasang Pambansa who served for more than 20 years were prematurely retired but have not received retirement benefits. She opportunity to be reemployed in the government and should therefore be covered by the provision so that they may be duly compensated. She then inquired whether the particular provision would entitle employees forcibly retired to separation pay. She stated that Mr. Davide has an amendment which she would like to coauthor.

In reply, Mr. Suarez stated that all those affected by the reorganization pursuant to the Freedom and the 1986 Constitutions are entitled to benefits. Fe stated that the Committee would welcome further clarifications to the idea presented by Mrs. Quesada.

Additionally, Mrs. Quesada stressed that due to the policy on retrenchment, many government employees who have lost their jobs could not be reemployed in government, although they have been given priority for reemployment in government offices. She stated that these employees should be given due consideration.

PROPOSED AMENDMENT OF MR. DAVIDE

Mr. Davide proposed the following amendments, to wit:

1. On Section 10, page 2, line 24, delete the words "who may be";
2. On the same Section and page, line 28, delete the phrase "enjoy priority for employment" and in lieu thereof, insert REEMPLOYED, IF THEY ARE QUALIFIED; on line 29, insert after the word "government" the phrase OR IN ANY OF ITS SUBDIVISION, INSTRUMENTALITY OR AGENCY, INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS OR THEIR SUBSIDIARIES;
3. On line 29, after the words "separation pay", insert the phrase AT THE RATE OF ONE MONTH SALARY FOR EVERY YEAR OF SERVICE;
4. On line 30, substitute the word "him" with THEM; and
5. On line 31, substitute the word "his" with THEIR and after "separation", add the sentence SUCH RETIREMENT BENEFITS SHALL BE GRANTED REGARDLESS OF NON-COMPLIANCE OF THE AGE REQUIREMENTS UNDER SUCH LAWS.

As amended, the entire Section 10 reads as follows:

CIVIL SERVICE EMPLOYEES SEPARATED FROM THE SERVICE AS A RESULT OF THE REORGANIZATION PURSUANT TO THE PROVISIONS OF ARTICLE III OF PROCLAMATION NO. 3 ISSUED ON MARCH 25, 1986 AND THE REORGANIZATION FOLLOWING THE RATIFICATION OF THIS CONSTITUTION SHALL BE REEMPLOYED, IF THEY ARE QUALIFIED, IN THE GOVERNMENT OR IN ANY OF ITS SUBDIVISION, INSTRUMENTALITY OR AGENCY, INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS OR THEIR SUBSIDIARIES, OR BE ENTITLED TO A SEPARATION PAY AT THE RATE OF ONE MONTH SALARY FOR EVERY YEAR OF SERVICE, IN ADDITION TO RETIREMENT AND OTHER BENEFITS ACCRUING TO THEM UNDER THE LAWS THEN IN FORCE AT THE TIME OF THEIR SEPARATION. SUCH RETIREMENT BENEFITS SHALL BE GRANTED REGARDLESS OF NON-COMPLIANCE OF THE AGE REQUIREMENT UNDER SUCH LAWS.

In reply thereto, Mr. Suarez stated that the Committee accepted the deletion of the words "who may be" on line 24. On the matter of reemployment, he noted that in view of the government reorganization, there may be no positions open for the dislocated employees, hence the Committee would suggest that they be given priority for reemployment.

The Committee also accepted Mr. Davide's proposal to insert the phrase OR IN ANY OF ITS SUBDIVISION, INSTRUMENTALITY OR AGENCY INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS OR THEIR SUBSIDIARIES.

On the matter of separation pay, Mr. Suarez opined that Congress or the Executive Department should settle the matter. He noted that although the present labor laws entitle employees in private companies separation pay equivalent to one-half month for every year of service, the Committee does not want to specify in the Constitution any amount with regards to separation pay for government employees so that the government employees would have flexibility in this regard. He informed that the Committee accepted the proposal to change the word "him" to THEIR and that the last sentence proposed by the proponent is, likewise, acceptable.

Mr. Davide then proposed to change the phrase "enjoy priority for employment" to BE REEMPLOYED WHENEVER THEY ARE QUALIFIED because of the use of the word OR before the words "entitled to a separation pay". He stated that he would not insist on changing the phrase if "or" is changed to AND. He explained that there is a problem inasmuch as government employees are given a choice — to enjoy priority to reemployment which may never come at all