

Senator Maceda. In principle, yes, with the added statement that I think, objectively, all parts of the puzzle are there. It is only a matter of trying to put the puzzle's parts in the proper places.

Senator Guingona. Where is the weakness? Where is the Achilles' heel, Mr. President?

Senator Maceda. Mr. President, to be very candid and with all objectivity, the Achilles' heel, I think, is the need for stronger leadership right from the top.

Senator Guingona. Thank you, Mr. President.

Senator Maceda. Thank you.

BILL ON SECOND READING

House Bill No. 2528 — Free Public Secondary Education
(Continuation)

The President. The Majority Floor Leader.

Senator Mercado. Mr. President, I move for the consideration of Committee Report No. 99 on House Bill No. 2528, entitled

AN ACT ESTABLISHING AND PROVIDING FOR A FREE PUBLIC SECONDARY EDUCATION AND FOR OTHER PURPOSES.

We are in the period of individual amendments. I move that we recognize the Sponsor, Senator Angara.

The President. Senator Angara is recognized.

Senator Angara. Thank you, Mr. President. The parliamentary situation is that we suspended consideration of the bill in order to clarify some technical problems of funding. And Senator Gonzales and I have spoken to Secretary Carague, and in addition, I also spoke to Undersecretary Diokno. And, at this point, can I ask that the Chair recognize Senator Gonzales?

The President. Senator Gonzales is recognized.

GONZALES AMENDMENT

Senator Gonzales. Mr. President, on page 4, between lines 3 and 4, I propose a new section to be known as Section 8 which would provide as follows:

THE PRESIDENT IS HEREBY AUTHORIZED TO REALIGN OR TRANSFER ANY ITEM OF APPROPRIATION WITHIN THE DEPARTMENT OF EDUCATION, CULTURE, AND SPORTS AND/OR UTILIZE ANY SAVINGS THEREIN TO CARRY OUT THE PURPOSES OF THIS ACT. WHATEVER ADDITIONAL AMOUNT AS MAY BE NEEDED FOR ITS IMPLEMENTATION SHALL BE INCLUDED IN THE GENERAL APPROPRIATIONS ACT FOR THE ENSUING FISCAL YEAR.

The President. Is that accepted?

Senator Angara. Yes, Mr. President, completely acceptable.

The President. Is there any objection?
[Silence] Hearing none, the amendment is approved.

Senator Pimentel. Mr. President.

The President. Senator Pimentel is recognized.

Senator Pimentel. I suppose we are still in the period of amendments Mr. President.

The President. We are still in the period of amendments.

Senator Pimentel. Thank you, Mr. President. May I direct the attention of the Sponsor to Section 5 of page 3.

Senator Angara. Yes, Mr. President.

Senator Pimentel. This has reference to the right of any student to avail of free public high school, but that right shall terminate if he fails on two consecutive school years during the course of study unless, as the present provision

puts it: "Such failure is for cause or causes beyond his control."

Mr. President, I can see the situation where the student simply because, probably, is stupid, cannot really pass. But that is beyond his control. [Laughter] So in that respect, his right to avail himself of the free high school education should be terminated.

My proposal, Mr. President, is to put it in the positive unless his failure is for some valid reasons.

Senator Mercado. Mr. President.

The President. The Majority Floor Leader.

Senator Mercado. With the permission of Senator Pimentel, I would like to state that during the period of interpellations, I expressed my apprehension with regard to this Section 5, wherein I even felt that we are giving the student, which means, that he should fail his course in two consecutive years for him to be deprived of the privilege of enjoying free high school education was too lax. In fact, I am poised to propose an amendment that will remove the word "consecutive" so that when he fails in one year, he is given only one more year to avail himself of free high school education. We would be encouraging truancy and not encouraging academic excellence, if we allow students to just continue failing their subjects while they are supported by the Government. There are students who are poor but deserving who may be deprived by virtue of the fact that these irresponsible and undeserving students are in their place. I have been waiting for this opportunity to propose that, indeed, we have to be more strict. However, it appears that the proposal of Senator Pimentel will have the opposite effect. I am afraid we will not be encouraging academic excellence, but are going to encourage truancy and mediocrity.

SUSPENSION OF THE SESSION

Senator Angara. Mr. President, can we have a

one-minute suspension?

The President. The session is suspended for one long minute, if there is no objection. [There was none.]

It was 5:01 p.m.

RESUMPTION OF THE SESSION

At 5:05 p.m., the session was resumed.

The President. The session is resumed.

MERCADO AMENDMENT

Senator Mercado. Mr. President, my amendment is simply to delete the word "consecutive" on line 26.

Senator Angara. The amendment is accepted.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

TAÑADA AMENDMENT

Senator Tañada. Mr. President, I have also a proposed amendment on line 26 of the same section, Section 5, and I am proposing to insert the following words: after the word "fails" and before the word "for". And the insertion is this: IN THE MAJORITY OF THE MAJOR SUBJECTS IN WHICH HE IS ENROLLED IN ONE SCHOOLYEAR.

The reason for this proposed amendment, Mr. President, is the information received by this Representation that in many high schools, a student is promoted to the higher year despite his failure in certain subjects with the condition that he would take again the subjects he failed. So, because of this, I am proposing this amendment.

Senator Angara. The amendment is accepted, Mr. President.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

ANGARA AMENDMENT

Senator Angara. And to incorporate the amendment of Senator Pimentel, Mr. President, on lines 27-28, delete the phrase "for cause or causes beyond his control," and in lieu thereof, insert DUE TO SOME VALID CAUSE.

The President. All right. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Pimentel. Mr. President.

The President. Senator Pimentel is recognized.

Senator Pimentel. Mr. President, interior amendment on line 18, same page, if the Sponsor would kindly consider.

Senator Angara. Certainly, Mr. President.

PIMENTEL AMENDMENT

Senator Pimentel. Mr. President, I am proposing that on line 18, after the word "those" and before the word "which," that the phrase "PUBLIC HIGH SCHOOLS" be inserted — "and those PUBLIC HIGH SCHOOLS which may be established by law . . ."

Senator Angara. The amendment is accepted, Mr. President.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

The President. Senator Enrile would like to ask a question.

Senator Enrile. Mr. President, I will not pursue the point. I have conferred with the distinguished Chairman of the Committee on Finance, and we would rather discuss it privately.

The President. All right. The Majority Floor Leader.

Senator Mercado. Mr. President, I would like to propose an amendment on Section 6, if there are no anterior amendments.

The President. Is that the correct numbering?

Senator Mercado. No, I think this should be . . .

Senator Angara. There will be a change of numbering, Mr. President.

The President. All right.

MERCADO AMENDMENT

Senator Mercado. After the word "Sports," delete the period, and insert a semicolon and the following proviso: PROVIDED THAT CITIES AND MUNICIPALITIES WHICH AT THE TIME OF THE PASSAGE OF THIS ACT ARE ALREADY IMPLEMENTING A FREE PUBLIC SECONDARY EDUCATION SHALL BE EXEMPT FROM THE COVERAGE OF THIS ACT.

Mr. President, this is in line with my statements earlier that there are cities that are now implementing free high school and providing it from the funds of the City Government. They have proven their capacity to do so, maybe as of the moment they should be exempted. We can concentrate the money that we can save from them on the other areas where it is highly needed.

Senator Angara. Mr. President, much as I would like to accept that amendment, I cannot for one very practical reason. Under Executive Order 189, the Special Education Fund has been transferred to the National Government to the extent of 80 percent leaving only 20 percent to the cities or municipalities. We know that this is the primary source of education funding for schools and municipalities. So if we leave the funding of city and municipal high schools to

the cities and municipalities, I am afraid that they would have no source of funding for it and it will be a very heavy burden on the cities and municipalities. So that it is a big, practical and legal barrier for making that kind of exemption.

Senator Mercado. The only intent, Mr. President, of this particular amendment is to re-allocate resources specially to those areas where I feel our problems are critical, because of lack of logistic support. But if this will pose serious problems, then, I am willing to withdraw the proposed amendment. I feel that in areas where we are already able to implement free high school and the cities have proven their capability to do so, then we should concentrate resources in areas where there is a greater need for support coming from the National Government.

Senator Angara. Thank you, Mr. President. I fully sympathize with the sentiment of the Gentleman.

Senator Aquino. Mr. President.

The President. Senator Aquino is recognized.

Senator Aquino. Will the Gentleman please clarify on Section 5, regarding "Limitation."

If a student fails for two consecutive years, does that mean he is barred forever from availing himself of free high school or does this mean he can wait for one year and then try to go back after that?

The President. Just a moment. That has been the subject of an amendment already. It is no longer consecutive but for two years even if not consecutive.

Senator Aquino. So my question therefore is, if he has failed for two years, not necessarily consecutive, does that bar him forever from availing of free high school, Mr. President? This is just a question.

Senator Angara. We can interpret it that

way, that his right to avail himself of public education has ceased. That means his alternative is to go to a private school. I think that is the import of this clause in order to give way to other deserving students to take his place. So the net effect is, if he wants to continue with his secondary education his choice is to go to a private school.

Senator Aquino. But the chances are the standards in a private school might even be higher, and therefore, if he has failed in a public school, he will most certainly fail in a private school.

Senator Angara. That is what Senator Pimentel calls "congenital stupidity."

Senator Aquino. Thank you, Mr. President. It is just a question.

ANGARA AMENDMENT

Senator Angara. Thank you.

Mr. President, as a consequence of the amendment of Senator Pimentel on page 3, may I ask that on page 2, line 14, we insert the words between "those" and "which" PUBLIC SCHOOLS. Just to be consistent with the amendment of Senator Pimentel.

The President. All right. Are there any objections? [Silence] Hearing none, the amendment is approved.

Senator Rasul. Mr President.

The President. Senator Rasul is recognized.

Senator Rasul. Thank you, Mr. President.

I would just like to raise a point for clarification, if the Gentleman will care to enlighten this humble Representation.

Senator Angara. With pleasure, Mr. President.

Senator Rasul. Earlier, I raised the issue of tuition and of textbooks. On page 2, under Section 2, letter c, line 20, "Other School Fees." The definition of "Other School Fees" here could be

taken to mean inclusive of textbooks because it refers to fees which cover the other necessary costs supportive of instruction. Now, during the period of interpellations the other time, the distinguished Senator from Quezon pointed out the fact that it would be difficult to provide for free textbooks since it would cost around ₱100 million.

The point I would like to raise here is, if that is the thinking of the distinguished Senator, why is there no definite provision made here that school fees will not include textbooks?

Senator Angara. Mr. President, the intent is to exclude textbooks. So if the Gentle Lady would suggest a suitable amendment, we would be most happy to accept it.

Senator Rasul. Mr. President, I would not like to suggest an amendment to exclude textbooks, since we would be depriving the students of these important tools of learning if later on we are in a position to provide free textbooks. So that is the reason why I am not suggesting that amendment to exclude textbooks but perhaps it can be so worded, the Gentleman would know how, in such a way that now we are not in a position to provide free textbooks, but perhaps later on when the economic situation so allows, then we can provide free textbooks.

Senator Angara. I fully agree that at some point in time, we will provide free textbooks because those are critical items of learning, except that when this bill was presented in the House and when we heard this in the Committee in the Senate it was clearly and expressly understood that textbooks would not be one of those exempted. So we do not foreclose the possibility suggested by the Gentle Lady that at some time when we will be able to afford the provision of textbooks, perhaps it is sufficient that in this discussion we have said that textbooks are not included among those to be provided free.

Senator Rasul. Thank you.

Senator Pimentel. Mr. President.

The President. Senator Pimentel is recognized.

PIMENTEL AMENDMENT

Senator Pimentel. Thank you, Mr. President.

On page 3, line 23, after the word "collected" delete the period and add the following phrase: PROVIDED THAT NOTHING IN THIS ACT SHALL CAUSE OR AUTHORIZE THE REDUCTION OR REMOVAL OF ANY BENEFIT WHICH THE NATIONAL OR LOCAL GOVERNMENT MAY HAVE GRANTED TO THE STUDENTS OF THESE PUBLIC HIGH SCHOOLS PRIOR TO THE ENACTMENT OF THIS ACT.

Senator Angara. The amendment is accepted, Mr. President. It is a protection of prior rights and benefits already granted to students.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

The President. Senator Tañada is recognized.

TAÑADA AMENDMENT

Senator Tañada. I have a proposed amendment, Mr. President. On page 4, line 10, on the implementing Rules and Regulations. Instead of just stating that "The Department of Education, Culture and Sports shall issue the necessary rules and regulations to implement this Act," I propose that we delete the word "Department" and in lieu thereof, insert the word . . . SECRETARY. So that this Section shall read as follows:

"Section 7. Implementing Rules and Regulations. The SECRETARY of Education,

Culture and Sports shall issue the necessary rules and regulations to implement this Act."

I believe that there will be better accountability if the delegation is addressed to the highest official in the Department, instead of the Department itself.

Senator Angara. The amendment is accepted, Mr. President.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Rasul. Mr. President.

The President. Senator Rasul is recognized.

Senator Rasul. Thank you, Mr. President.

Mr. President, on page 2, line 11, "specialized schools" — what does this include? Because in Mindanao, we have *madrasahs* which Government intends to fund or to integrate into the public school system. Will this fall under "specialized schools?"

Senator Angara. Yes, Mr. President.

Senator Rasul. Thank you, Mr. President.

The President. Any more amendments?

Senator Angara. If there are no more amendments, Mr. President, may I just recommend the renumbering of the provisions?

Senator Laurel. Mr. President.

The President. Senator Laurel is recognized.

LAUREL AMENDMENT

Senator Laurel. Mr. President, the other night, the distinguished Sponsor of this bill stated that he was willing to consider an amendment which I was thinking of presenting, and I was referring to make secondary education in the public school system not only free but also compulsory. Now, I therefore, would like to present this amendment particularly in Section 2.

Senator Angara. Page, please.

Senator Laurel. . . . page 2. "Declaration of Policy. It is the policy of the State to provide for a free and COMPULSORY education UP TO THE secondary LEVEL to all qualified citizens and to promote quality of education at all levels."

Senator Angara. The amendment is accepted, Mr. President.

The President. Is there any objection?

Senator Herrera. Mr. President.

The President. Senator Herrera is recognized.

Senator Herrera. I would just like to clarify this, Mr. President. If we have to make secondary education compulsory, I wonder if Section 5 on the limitation will apply — that if he fails for two school years during the course of his study, such failure will make him no longer entitled. Because if it is compulsory, then, he will continue to avail himself of free secondary education.

Senator Laurel. I was thinking of that, Mr. President, and that is why after the amendment of mine was accepted, I was going to propose a subsequent amendment precisely to reconcile the point raised by the distinguished Senator from Cebu with the other provisions of the bill. So, may I be permitted?

The President. Senator Pimentel.

Senator Pimentel. Mr. President, just on the aspect of the compulsoriness of the proposal. Supposing a person is already a grandfather and he is still in first year high school?

Senator Laurel. I have that in mind, Mr. President, So, if I may be allowed to introduce other amendments. . .

Senator Pimentel. Thank you, Sir.

The President. May we have a restatement of the original amendment proposed?

Senator Laurel. Section 2, page 2. Declaration of Policy. "It is the policy of the State to provide for a free AND COMPULSORY education UP TO THE Secondary LEVEL IN THE PUBLIC SCHOOL SYSTEM to all qualified citizens."

The President. The Chair would like to find out especially with the use of the words "up to the secondary level," are we not including education at the primary level here?

Senator Laurel. Mr. President, it is already free and compulsory in the primary level.

The President. The intent of this bill is to limit this to free public secondary education.

Senator Laurel. Yes, Mr. President, considering the fact that education in the elementary level is already free and compulsory.

Senator Mercado. Mr. President.

The President. The Majority Floor Leader is recognized.

Senator Mercado. I would like to pose an inquiry, Mr. President, to Senator Laurel. I am aware that there is already this compulsory nature in elementary education but I have not heard of anyone who has been arrested or who has been meted sanctions for not enrolling their children in elementary school. I know that, as a people, we value education so much. And if at all we have children who do not go to school, they are constrained to do so because of economic conditions. I doubt very much, Mr. President, if broadening the compulsory nature, which cannot be implemented anyway, to high school will make it an implementable provision. That is my reservation.

Senator Laurel. May I answer the distinguished Majority Floor Leader on that score. The fact that there has been no case of any proceeding against any parent or guardian relative to the sending of their wards or children to the primary or elementary level does not

mean that we need not adopt this compulsory provision with respect to the secondary level. I introduced this amendment, precisely, because of the statement of the distinguished Sponsor that the objective is to have a nation not only of elementary or primary graduates but high school graduates; and the second reason, Mr. President, is that it will impress even more on the parents already inclined to observe the mandate of the Constitution that it is their duty to send their children and their wards to school up to the high school level. But to get a better idea of my proposal, without considering the initial amendment, I have proposed, may I go to the other portion to tie up the whole thing for the better comprehension of my proposals.

Section 3, Definitions. For purposes of this Act, the following terms shall mean. — keep Subsection (a) Free Public Secondary Education; and then, put another subsection which we may call (b) and that Subsection (b) will provide as follows:

COMPULSORY EDUCATION — MEANS THAT COMPULSORY EDUCATION UP TO THE SECONDARY LEVEL IN THE PUBLIC SCHOOL SYSTEM IS NOT ONLY A RIGHT BUT ALSO A DUTY OF ALL CITIZENS BELOW THE AGE OF MAJORITY SUBJECT TO THE PROVISIONS OF SECTION 5 OF THIS ACT.

So, there Mr. President, it is all tied up, reconciled with the requirement in Section 5 to the effect that if he fails in any two years, even not successively, then he is no longer qualified and it is no longer his duty to enroll, not the duty of the parents nor of the world, nor of the individual as long as he is below the age of majority.

In other words, what is wrong, Mr. President? Is there anything wrong about requiring children if they are below the age of majority, to attend high school and to provide that it be

compulsory in the same way that our legislative body has declared that primary or elementary education shall be not only free but also compulsory? It will add stress to the requirement that parents should see to it that their children attend high school.

Not only that, Mr. President. For the purpose of supporting further my amendment, it says in Section 5: Limitations, "the right of any student to avail," any student, regardless of age. In other words, somebody who is 60 years old is entitled to attend.

Now, with regard to compulsion, we will limit it further. It is compulsory with respect to those below the age of majority.

My idea is, why are we going half-way on this matter? We are providing free public education. For what purpose? Because we want our nation to be a nation of educated citizens, at least up to the secondary level. So, why do we not make it compulsory, even as the word, "compulsory" is not needed to really implement this because our people are minded without being told that it should be compulsory.

As stated also by the distinguished Sponsor of the bill, in other countries — Malaysia, the United Kingdom, and many other countries, education is compulsory, not only up to the ninth level, if I may add, but up to the twelfth year. It is compulsory to those qualified, of course, as in the case of the United Kingdom.

The President. The Chair would like to ask the question: Will this mean that Section 5 which has already been amended, approved by the Body, be exposed to another amendment?

Senator Laurel. Yes, Mr. President. That would involve a further amendment, I am afraid. And so I would ask not only the distinguished Sponsor of this bill but also the Sponsor of the amendment to the bill.

SUSPENSION OF THE SESSION

The President. Let us have a brief breathing spell, if there is no objection [*There was none.*]

It was 5:33 p.m.

RESUMPTION OF THE SESSION

At 6:06 p.m., the session is resumed.

The President. The session is resumed.

Senator Angara and Senator Laurel.

The Chair proposes that we take up the proposed amendments of Senator Laurel section by section, page by page, so we will know whether they are being accepted or not by the Sponsor. We begin with Section 2.

Senator Laurel. Yes, Mr. President.

The President. Will the Senator kindly restate his amendment?

Senator Laurel. Section 2 on page 2, after *Declaration of Policy*. "It is the policy of the State to provide free AND COMPULSORY EDUCATION UP TO THE secondary LEVEL" and then everything else follows.

Senator Angara. The amendment is accepted, Mr. President.

Senator Gonzales. Mr. President.

The President. Senator Gonzales is recognized.

Senator Gonzales. Mr. President, I believe in a free and compulsory education. And I also believe that as a general proposition, we should not go half-way if we can really do it the full way.

However, my objection to this proposed amendment would be the following: First, let us give this free education on the elementary and high school levels a chance to work. Let us try to determine by our own experience for the next two or three years whether the Government can really comply with the constitutional

mandate of providing one before we consider making it compulsory.

Second, that if we provide now for a compulsory education in the elementary and high school levels, then let us really perfect the statute in such a way that we are assured of its enforcement. Because the last thing that I would want this Congress to enact is a legislation that will be a dead legislation, a dead statute.

In short, if we make it compulsory, then we have got to see to it that it is really compulsory. And how do we do that? First, by providing for sanctions in the law itself, penalizing the parents or guardians or persons in charge of children who prove to be truant. And secondly, by providing a system of enforcement through the appointment of truant officers. What I am trying to say is, this is something that had actually altered substantially the nature of the bill under consideration from the subject matter as expressed in its title and had never been considered in the committee level. And a change of this nature should warrant a recommitment of this bill to the Committee on Education, Arts and Culture so that we would be able to determine in fact, whether it is timely at this time to provide not only for a free but also for compulsory education in the elementary and high school levels. And then finally, there might be a constitutional issue involved here, because according to Section 2, paragraph 2 of Article XIV of the Constitution, it says among others:

The State shall establish and maintain a system of free public education in the elementary and high school levels.

Now, the second sentence is very significant:

... Without limiting the natural right of parents to rear their children, elementary education is compulsory for all children of school age ...

In short, under this provision of the Constitution, it is only a compulsory education in the

elementary level that is considered as not an interference upon the natural right of parents in the rearing of their children.

Now, there had been many cases in the United States wherein certain fundamentalist's sect, the *Ainis*, and other fundamentalist Mormons have challenged the constitutionality of compulsory education. The United States Supreme Court had decreed that it is not so only in the lower levels, because the Supreme Court of the United States had viewed it as necessary, that it cannot be detrimental, but on the other hand, it would enhance the character and personality as well as the upbringing of children. But beyond a certain age, then that is already an undue interference upon the natural right of children. Many parents have objected to compulsory education of their children. They feel and claim that if we are not educated and still we are in this state, then what is good for us must be good for our children. Probably the Constitutional Commission must have that in mind when it provided that:

... Without limiting the natural right of parents to rear their children, elementary education is compulsory for all children of school age. ...

Meaning, it is only elementary education. Up to that point, it can be compulsory and that will not be considered as an interference or as a limitation upon the right of the parents in the rearing of their children. And these are the reasons why I feel that the proposed amendment, insofar as it makes education both in the elementary and high school levels compulsory, is probably inopportune, to say the least. Let us first give this free education on the elementary and high school levels a chance to work. Thereafter, let us try to find out whether it would be feasible to make it also compulsory. That is my position on this particular matter, Mr. President. If that is an objection to the amendment,

I am very sorry that I have to register that objection.

The President. Senator Guingona is recognized, then Senator Herrera.

Senator Guingona. Just as a supplement, Mr. President, to the constitutional doubt. Perhaps, the reason why the section cited by Senator Gonzales limits the compulsory nature to elementary education is premised on the primary and elementary levels, there is an optional religious instruction provided in Subsection 3, Section 3, of Article XIV. So that the parent, although he is compelled to send his children to primary and elementary schools, can still exercise the option to have religious instruction, in accordance with the religion of his choice, within that level. But high school is not included in the optional religious instruction, perhaps, this could violate the primary right of parents to educate their children which is expressly recognized in this Constitution.

So I also feel, much to my regret, that there is some reservation insofar as the constitutionality of compelling parents to send their children to school at high school level, Mr. President.

The President. Senator Herrera is recognized.

Senator Herrera. Thank you, Mr. President. My position is also supplementary to the points raised by Senator Gonzales and Senator Guingona. I would like to give the practical dimension to this objection which is — there are some students who may not like or cannot pursue secondary education because of economic necessity. They want to start working in the farm because of the death of their parents, they would like to be employed as househelpers or in factories.

Now, to punish them because of that economic necessity, I think would be unfair. So

this is my main objection to the proposed amendments, Mr. President.

The President. Is there any other view? All right, shall we vote on the amendment of Senator Laurel? Shall we restate the amendment so that we can vote on it?

Senator Laurel. Mr. President, before we vote on the amendment I have proposed, I would like to just restate and expand upon the reasons for the sponsorship of my amendments.

I believe that education is the highest function of the State. I have read a number of Constitutions of the various countries of the world and those Constitutions uniformly state that education is the most vital, the highest duty of the State. We do not have such a provision in our Constitution. We used to have such a provision in the 1935 Constitution, but now, no longer. And the reason why we do not have such a provision postulating the principle that education is the most vital, the highest function of the State is — I must state this as a historical fact — because of the representations of denominational schools that they have the right to have the parents send their children to denominational schools, religious schools and to state that it is the highest duty and function of the State. Education might mean to the exclusion of private schools.

In other words, if we state that education is the most vital function of the State, then it can lead to even a monopoly of education handled by the State as we have such a provision in the Malolos Constitution.

The Malolos Constitution provides that educational institutions in the country shall be owned and operated only by Filipino citizens. That is no longer here in our Constitution and the reason is plain because denominational schools run by religious institutions, religious boards are owned by foreigners, in-

cluding the churches. That is why there is another provision in the Constitution to the effect that all educational institutions shall be owned and operated by Filipino citizens except educational institutions owned and operated by religious boards, charitable institutions, mission boards. That is the reason that this provision is here, not for the purpose of limiting the power of the parents or the obligation of the parents to teach their own children even up to college if they can but simply to protect and safeguard the right of the church to operate their own schools on the basis of religious affiliation.

Now, it was not for the purpose of questioning the right of the State to declare that this is compulsory attendance in public schools. Because if the point is that it infringes upon the natural right of parents to educate their children, then what is the reason for stating it here in this provision cited by the distinguished Senator from Mandaluyong? It says in Section 2, Article XIV:

... Without limiting the natural right of parents to rear their children, elementary education is compulsory for all children of school age ...

That in essence already would violate the natural right of parents to educate their own children. The real reason is simply to give the parents the right to send their children to schools of their choice not beyond that. There is no other reason, Mr. President, and that is contained in all the history, in all the writings, in all the proceedings of constitutional debates in the course of the Malolos Convention, the 1935 Constitution, the 1971 Constitution and the most recent. As a matter of fact, this particular provision was authored by none other than Father Ben Navarre.

As far as financial capacity is concerned, we know that the Government is hard up. But

if that is the reason, then why provide free education? We provide it free, but still unavailable. That is all rhetoric, Mr. President. But, if we have gone all the way to providing education that is free up to the secondary level, and it costs a lot of money which we do not know where the fund comes from, why pass such a law? So that is the reason why I state: Let us go out all the way. If we provide free education, let us tell the people. "It is not only free. It is not only your right to avail your children of education that is free in the public school system. It is also your duty.

Let us take care of the 11 percent or more than 11 percent of our youngsters who are not sent to high schools for one reason or another, not for any economic or financial reason, but simply because the parents, in few instances, do not want to send their children to school. References have been made to the fact that these children below the age of majority are needed in the farm, so they are sent to work to help in the fields. I say more important than making them work in the fields is educating them.

As stated by the distinguished Sponsor of the bill, what we want, and I repeat, is a nation of educated people up to at least the high school level.

Thank you very much.

The President. All right. Senator Laurel, so the proposed amendment will read. . .

Senator Angara. Mr. President.

The President. Senator Angara is recognized.

Senator Angara. If I may, Mr. President.

The President. Yes.

Senator Angara. The proposed amendment will read: "It is the policy of the State to provide for free and COMPULSORY education up to the secondary LEVEL to all quali-

fied citizens, and to promote quality education at all levels."

The President. Those who are in favor of the proposed amendment, please raise your right hands.

Senator Gonzales. Mr. President.

The President. Senator Gonzales is recognized.

Senator Gonzales. May we just point out that the amendment is only the compulsory nature, not the giving of free education in the elementary and high school levels.

The President. All right. Those who are in favor . . .

Senator Aquino. Clarification, Mr. President.

The President. Senator Aquino is recognized.

Senator Aquino. Are we taking the amendment to include what the distinguished Senator said earlier that all of those that are below the age of majority will be compelled? I know this will be later on, but this is an entire package. It is hard to approve it piece by piece.

Senator Laurel. No, Mr. President. The amendment will exclude those beyond the age of majority, below the age of majority up to, whatever it is, there is a bill lowering the age of majority to 18. Well, whatever is the age of majority, if he is beyond that age, he is no longer compelled.

The President. All right. Those who are in favor of the proposed amendment of Senator Laurel, please raise your right hands.

[Seven Senators raised their right hands.]

There are seven.

Those who are against, please raise your right hands.

[Seven Senators raised their right hands.]

Tie. *[Laughter]*

Did the Sponsor vote?

Senator Angara. Yes, Mr. President.

The President. All right. Let us have another voting.

Those who are in favor of the proposed amendment, please raise your right hands.

[Several Senators raised their right hands.]

There are now eight.

Those who are against the proposed amendment, please raise your right hands.

[Seven Senator raised their right hands.]

Eight against seven, the amendment is approved.

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

EXPLANATION OF VOTE OF SENATOR MACEDA

Senator Maceda. Mr. President, may I explain my vote.

I voted *Yes* for one practical reason. That by making it compulsory, the Government will be morally and in every way obligated to put up appropriate high school facilities in every barangay or group of barangays. Because it is unfair that we will make it compulsory and there will not be school facilities within accessible distance.

The President. Senator Shahani, then Senator Enrile.

Senator Shahani. Mr. President, I am sorry, I was late for the voting because I had to consult some people. Had I been present here I would have voted for the word "compulsory." Thank you.

The President. All right. Senator Enrile.

EXPLANATION OF VOTE OF SENATOR ENRILE

Senator Enrile. I would have wanted to explain my vote, Mr. President. While I would have wanted to consider the matter of compulsion in order to educate our people up to high school, I voted against it in belief that an interpretation of this paragraph 2 of Article XIV of the Constitution would suggest to me that it recognizes the right of every individual to determine his own life, his own freedom, his own development. And the only way to limit that right of the individual to be free, to decide his own destiny and life is for the people themselves to impose that burden on him. That is precisely the very essence why the people of this country, in adopting this Constitution and ratifying it as they did, provided a limitation on that freedom by saying that elementary education is compulsory for all children of school age. So because of that, Mr. President, I would like to state that I have to vote against its being compulsory.

The President. All right. Any more explanations? Or shall we proceed with the next amendment of Senator Laurel?

Senator Saguisag. Mr. President.

The President. Senator Saguisag is recognized.

EXPLANATION OF VOTE OF SENATOR SAGUISAG

Senator Saguisag. I abstain, Mr. President. I did not think that the matter was subjected to the kind of thoroughgoing debate that it needed.

For instance, this is now open to the interpretation that even free school education becomes compulsory, because the way it was worded, "up to the secondary level," anything before that, even free school now becomes compulsory. So, it seems to me hope-

lessly vague. It was not ripe for a vote. That was why I abstain, Mr. President.

The President. All right, let us take up the next amendment.

Senator Laurel. Mr. President, as a consequence, I proposed the next amendment and that refers to Section 3. After Subsection A, free public secondary education which will be maintained, intact, I propose a separate subsection to be identified as Subsection B which shall read as follows:

COMPULSORY EDUCATION MEANS THAT IT IS NOT ONLY A RIGHT BUT ALSO A DUTY OF ALL CITIZENS BELOW THE AGE OF MAJORITY SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 5 OF THIS ACT.

The President. What is the pleasure of the Sponsor?

Senator Angara. The amendment is accepted, Mr. President.

The President. It is accepted. Are we ready...

Senator Herrera. Mr. President.

The President. Senator Herrera is recognized.

Senator Herrera. Mr. President. As a consequence of the approval of the amendments proposed by Senator Laurel, what would happen now to these workers who are below the age of majority? Are they required to resign in order that they have to pursue their schooling? Or are the employers required to dismiss them so that they can pursue their schooling, or is the management required to change their working time schedules so that they can pursue their education? I think we have to ponder on this issue because this will have serious implications.

Let me cite to you just one company employing over 4,000 workers. The workers there have the ages of at least 16 to 21. So many of them will be compelled, because some of them

are just elementary graduates, maybe first year high school. So, what are we going to do with these workers now? Do we have to force them to resign in order that they will not be held liable, if at all there will be a sanction under this bill?

Senator Angara. Mr. President, if I may advance a possible answer to the question of Senator Herrera, first of all, the Secretary of Education must promulgate the necessary rules and regulations and some of the regulations may have to cover exactly the situation described to us. But there is also a present practice in the Department of Education, Culture and Sports that can cover the situation as described by Senator Herrera. A person who has never gone to high school but had an extensive work experience can go to the department and ask for a certification that in effect, will clarify that he has substantially gone to high school and with that, he would have the equivalent of a high school diploma.

The President. The Chair would like to point out that since we are only taking up the definition of "compulsory education," this discussion is not yet pertinent to the amendment of Senator Laurel. We are merely taking up now the definition of "compulsory education."

Senator Herrera. I raised this issue, Mr. President, because this might help provide an insight to Senator Laurel to provide additional amendments in order to solve these problems that I raised. And we know that this is a very serious problem, because I am just talking of factory workers. What about the domestic helpers and there are over 5,000 of them?

The President. All right.

Senator Paterno. Mr. President.

The President. Senator Paterno is recognized.

Senator Paterno. Mr. President, the definition

of compulsory and the specification of those who have the duty, it seems to me, should include the parents and employer, if there are any, of such people. Because the definition has to be spelled out in such a manner that the duty can be carried out by the citizen concerned, and if the parent is necessary in order to be able to provide this secondary education, then it is also the parent's duty. So I would ask the Sponsor of the amendment whether he would care to change his amendment in order to cover all of the entities and individuals who would be responsible for this duty to be carried out.

Senator Laurel. Mr. President.

The President. Senator Laurel is recognized.

Senator Laurel. Mr. President, I understand the point raised by Senator Herrera and I can see the problem. However, I think that we can include a provision in this bill to the effect with respect to another section under Implementing Rules and Regulations, Section 6 on page 4. This provision reads:

The Department of Education, Culture and Sports shall issue the necessary rules and regulations to implement this Act.

May we be given a little time, Mr. President?

The President. The Chair would suggest, if the Gentleman will not mind it, that we better have a complete set of the amendments so that we can look at them as an integrated rule, because we are providing for a compulsory education here. It seems to the Chair that there is a necessity to have sanctions in this bill. Otherwise, what is the point of having compulsory education if there are no sanctions?

Senator Laurel. That is why, Mr. President, may we have a little recess for this purpose.

Senator Gonzales. Mr. President.

The President. Senator Gonzales is recognized.

Senator Gonzales. As I had warned before, Mr. President, this has actually altered the original bill drastically, and this aspect has never been considered during the consideration of this bill by the Committee. No one has been heard on this particular issue. It is now beginning to open a whole world of problems. Therefore, I think there is no recourse but to suspend consideration of this bill or better still, to recommit it to the Committee on Education, Arts and Culture so that this aspect could be thoroughly considered. And when it is reported back to this Body, then, we will have a complete bill and not something that has apparently been laid in ambush of each and everyone because we have no foreknowledge of this particular issue.

SUSPENSION OF THE SESSION

The President. The session is suspended, if there is no objection. [*There was none.*]

It was 6:42 p.m.

RESUMPTION OF THE SESSION

At 6:44 p.m., the session was resumed.

The President. The session is resumed.

SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 2528

Senator Mercado. Mr. President, I move that we suspend consideration of House Bill No. 2528.

The President. Is there any objection? [*Silence*] The Chair hears none; the motion is approved.

MOTION OF SENATOR MERCADO (Reconsideration of Approval on Second Reading of Senate Bill No. 314)

Senator Mercado. Mr. President, I move that we reconsider our vote on Second Reading

on Senate Bill No. 314:

AN ACT ORGANIZING THE REGIONAL CONSULTATIVE COMMISSION FOR THE CORDILLERAS, DESCRIBING ITS POWERS, FUNCTIONS AND DUTIES, PROVIDING FUNDS THEREON, AND FOR OTHER PURPOSES.

Mr. President, this is to enable the Chairman of the Committee and the Sponsor to introduce a few amendments which we inadvertently left out yesterday in our approval.

Senator Pimentel. Mr. President.

The President. Senator Pimentel is recognized.

COMMITTEE AMENDMENTS

Senator Pimentel. Thank you, Mr. President.

The following amendments are merely intended to enable this bill to conform with the provisions that have already been approved by this Body previously insofar as the Regional Consultative Commission Law for Muslim Mindanao is concerned.

On page 6, line 3, after the word "act", there is a colon. The amendment, Mr. President, is to remove the colon and put a "period." And then . . .

The President. What . . . What line is that?

Senator Pimentel. Line 3, page 6, Mr. President.

The President. All right.

Senator Pimentel. Can we start by accepting that, Mr. President?

The President. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Pimentel. Then, we continue, Mr. President, by amending lines 4 and 5 on the same page, which is to eliminate the proviso, "Provided, That Congress shall start deliberations