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APERTURA DE LA SESIÓN

Se abre la sesion a las 4:30 p.m., bajo la presidencia del Honorable Claro M. Recto.

EL PRESIDENTE: Léase la lista de los Delegados.

SR. CUENCO: Sr. Presidente, pido que se dispense la lectura de la lista.

EL PRESIDENTE: Hay alguna objeción? (**Silencio.**) Se dispensa la lectura de la lista. Hay **quorum**. Lease el acta.

APROBACIÓN DEL ACTA

EL SECRETARIO lee el acta de la sesion anterior, del 28 de agosto de 1934, la cual es aprobada.

EL PRESIDENTE: Leanse las Proposiciones para la Constitucion que estan sobre la Mesa.

EL SECRETARIO, **leyendo**:

PROPOSICIONES DE CONSTITUCION

REPORT OF THE COMMITTEE ON CITIZENSHIP AND NATURALIZATION

To the President, Constitutional Convention

Mr. President:

Your Committee on Citizenship and Naturalization, composed of Delegates Fermin G. Caram, Toribio Perez, Francisco Ventura, Mariano Ezpeleta, Anastacio Mumar, Jose Zurbito, Braulio Leonardo, Tiburcio Lutero, Ricardo Nepomuceno, Dionisio Niere, Montano Ortiz, Artemio Abaya, Juan C. Castillejos, Enrique Maglanoc and the undersigned, has the honor to report that it has examined and considered a great number of propositions relative to the subject-matter entrusted to this Committee, particularly those submitted by Delegates Fermin G. Caram, Anastacio Mumar, Francisco Ventura, Wenceslao Vinzons, Juan Bocar, Salvador Araneta, and Gregorio Perfecto.

In the careful study made by it, your Committee has considered the present law of the land, the acts of the Congress of the United States, the provisions of our Civil Code, the Constitution Program of the Philippine Republic written by Apolinario Mabini on June 6, 1898, the Malolos Constitution adopted in January, 1899, the National Constitution of the Philippine Islands drafted by Cayetano Arellano and other Filipinos and submitted to the Commission of which Jacob Gould Schurman was the Chairman, the provisions of the political constitution of the United States of

Mexico adopted in 1917, the Constitution of the German Republic adopted at Weimer on August 11, 1919, the Constitution of the Republic of Czechoslovakia, of February 29, 1920; the Constitution of the Republic of Poland of 1921, and the new Constitution of the Spanish Republic, adopted as late as 1931. It has also considered the Japanese and English legislation and the very precise provisions of the French Civil Code.

Your Committee has come to the conclusion that the subject matter assigned to it is of such a nature that it can and must be given a separate chapter in the Constitution on the supposition that the Constitutional Convention, in drafting and formulating that document will adopt the plan generally in vogue of dividing the Constitution into various chapter, each comprising its most important divisions, under such titles as Preamble, Declaration of Principles, Definition of National Territory, Citizenship and Naturalization, Bill of Rights, Declaration of Fundamental Duties, the Legislative Power, the Executive Power, the Judicial Power, Amendments to the Constitution, Transitory provisions, etc., etc., and subdividing each chapter into as many titles as may be necessary, considering the logical and natural subdivisions of each subject-matter, the provisions of each chapter, regardless of the number of titles into which it is subdivided, to be contained in sections numbered consecutively, each chapter beginning with section one. If this plan of division and subdivision, based on the character of each subject-matter, is followed, it will be easy to concentrate and localize the discussion of the Constitution when the complete draft, composed of the drafts submitted by the several Committees, is submitted to the Convention for its consideration. Then, if the Convention should resolve to amend the provisions in any given chapter and the amendments introduced should increase or decrease the number of sections, or change their order, there would be no necessity of changing the numbering of the sections of the other chapters.

In its definition of Philippine citizenship, the Committee has adopted the general rule that all persons born under the Philippine flag, whether in the national territory or on a ship of Philippine registry which is considered as an extension of our territory, shall be considered as Philippine citizens. Although the Committee has not seen in any constitution any provision regarding the nationality of children born in submarines or aircraft, it has seen fit to provide for this case and define the status of persons born on a submarine, dirigible or airplane flying the Philippine flag.

The children of a Filipino father or mother, wherever born, follow the nationality of their parents; but in order that they may transmit that nationality to their children, they must have registered in a Philippine consular register or have resided in the Philippines for two consecutive years. The vessel of citizenship is emptied but once. To empty it again, it is necessary to refill it.

In establishing the incompatibility of Philippine citizenship with any other, unlike certain other countries, such as Spain, which permit dual citizenship, your Committee clearly lays down a nationalistic policy by proposing that citizenship shall be a requirement not only for the exercise of the essentially political rights but for the practice of the professions and occupations requiring an official diploma or license. There are countries where an alien not only is disqualified from engaging in the practice of any of the liberal professions but cannot even exercise the profession of chauffeur. Persons who practice professions that require an official examination and license exercise a tremendous influence in the community where they are

established. Some of them can influence public opinion in their respective communities with greater efficacy than any public official. It would be useless to reserve the exercise of the political rights to nationals if greater or smaller bodies of voters, unable to escape the influence of some alien professionals serving them and interested in influencing the public affairs of our country, were to go to the polls and vote as instructed by that alien.

As regards the naturalization of aliens, your Committee makes no distinction of color or race, as it believes that human dignity does not depend on physical accidents nor on the biological effects of the climate or meridian, but on personality. Hence, in specifying the reasons for exclusion, it has considered only the moral conditions of the candidate for Philippine citizenship. Your Committee has established and enumerated as causes disqualifying an alien for naturalization those which essentially prevent an alien from becoming a sincere, healthy and useful Philippine citizen. We must form and maintain a nation fundamentally strong, physically as well as spiritually. Accretions to the nation coming from the outside must be in accordance with that policy. We can not tolerate the influx of unsound elements which would aggravate the social, political and economic problems by which our nation is faced, nor can we consent to the naturalization of aliens not ready to become Filipinos in their heart.

The right of expatriation has been sanctioned by the laws of the United States as one of the most fundamental rights because it is essential to the pursuit of happiness. Your Committee believes that this right should be sanctioned in our Constitution. If any Philippine citizen should consider that his conscience and his happiness require that he repudiate Philippine citizenship, he should be free to do so. History is full of instances of governments which have made their countries a hell to live in and citizenship under them a disgrace. So long as the leaders and heads of our people act with justice and follow the path of truth and patriotism, no Filipino will care to expatriate himself because continuing to be Filipino he will be able to hold his head high and live in happiness.

Your Committee has seen fit to divide the chapter on citizenship and naturalization into three titles, under the headings, respectively, of Philippine Citizens, Naturalization, and Expatriation and Repatriation.

In conformity with the ideas above expressed, your Committee has adopted the draft submitted by its Chairman, with certain amendments adopted unanimously, and adopted and incorporated into the Constitution of the Commonwealth of the Philippine Islands as one of the chapters thereof.

(Sgd.) GREGORIO PERFECTO
Chairman
Committee on Citizenship and Naturalization

"TITLE I
"PHILIPPINE CITIZENS

"SECTION 1. The following are Philippine citizens:

"(a) All persons born in Philippine territory.

" (b) All persons born in a water or air craft under the Philippine flag or register.

"(c) All children of a Philippine father or mother, wherever born. Philippine citizenship shall not extend to children of a Philippine mother or mother not born under the Philippine flag or not having resided in the Philippine Islands for two consecutive years or not registered in a Philippine consular register.

"(d) All aliens who have been legally naturalized.

"SECTION 2. Philippine citizenship, an essential condition for the exercise of political rights and the practice of professions requiring an official license, is exclusive and incompatible with any other, and a citizen or subject of a foreign nation or power cannot be a Philippine citizen at the same time.

"SECTION 3. A married woman follows the nationality of her husband.

"TITLE II "NATURALIZATION

"SECTION 4. A certificate of naturalization may be applied for and acquired, in the manner to be provided for by law, by any person who, not being a Philippine citizen, is of age and has not any of the following disqualifications :

"(a) Suffering from mental alienation, imbecility, contagious disease or habitual drunkenness.

"(b) Has been convicted of a crime involving moral turpitude.

"(c) Practices or believes in the practice of polygamy or polyandry; is a vagrant or engaged in any essentially immoral occupation.

"(d) Opposed to organized government or affiliated with any association upholding doctrines or ideas opposing organized government.

"(e) Defends or teaches the necessity or propriety of assassination, personal assault or violence for the success and predominance of his ideas or plans.

"(f) Has not conducted himself irreproachably in his relations with the constituted government and with the community in which he is living, during the entire time of his residence in the Philippine Islands.

"(g) Illiterate.

"(h) Unable to speak and write a vernacular language.

"(i) A citizen, national or subject of a nation or sovereignty whose naturalization laws bar Filipinos for racial considerations or because of their national origin.

"SECTION 5. In case the petitioner is a foreign citizen or subject he shall declare in writing and under oath his intention of renouncing absolutely and perpetually all faith and allegiance to the state, nation, power, sovereign or authority of which he is a native, citizen or subject and to swear faith and unconditional allegiance to the Philippines and its constitution.

"SECTION 6. Before a certificate of naturalization can issue, the petitioner shall have resided in the Philippine Islands for a continuous period of not less than five years, except in the following cases in which said period shall be reduced to two years:

"(a) When the petitioner has honorably held office under the Government of the Philippine Islands or any of its branches or dependencies.

"(b) When the petitioner is married to a Filipina.

"(c) When he has established a new industry or introduced a useful invention in the Philippines.

"(d) When he has rendered some outstanding service to the people or government of the Philippines.

"(e) When he has been engaged for two consecutive years as teacher in the Philippines or in any of the branches of science, art or industry.

"SECTION 7. Children who are minors at the time a naturalization certificate is granted to their parents follow the nationality acquired by the latter.

"TITLE III "EXPATRIATION AND REPATRIATION

"SECTION 8. Philippine citizenship can be renounced.

"SECTION 9. The right of expatriation of a Philippine citizen includes, besides the authority and freedom to emigrate, that of acquiring naturalization or domicile in his adopted country.

"SECTION 10. A Philippine citizen is expatriated if he becomes naturalized in a foreign country under the laws thereof or if he swears faith and allegiance to a foreign government or state, or if he accepts office with authority and jurisdiction under a foreign government.

"SECTION 11. A Philippine woman marrying an alien acquires, the nationality of such alien unless she states in the marriage contract that she prefers to retain her Philippine citizenship, in which case she shall retain all the rights and privileges of Philippine nationality. .

"SECTION 12. No Philippine citizen shall expatriate himself when the country is at war. The State reserves to itself the right to expatriate by such procedure as may be established by law, any naturalized alien who shows greater loyalty and fidelity to his country of origin than to the country of adoption. This prerogative of the State is imprescriptible.

"SECTION 13. Filipinos who have lost their Philippine citizenship shall have the right of repatriation and may recover their Philippine nationality upon petition under oath filed in a competent court in this country.

"SECTION 14. A sworn statement, which shall be rendered in the civil register, shall be sufficient in order that a Philippine woman married to a foreigner may, upon dissolution of the marriage, recover the Philippine citizenship lost by her through such marriage."

EL PRESIDENTE: Al Comite de Ponencia.

Esta en orden ahora la continuacion de la consideracion del proyecto de resolucion No. 60 de la Convencion. Leanse los nombres de los que han registrado turnos en favor y en contra de dicha resolucion.

EL SECRETARIO, los lee.

SR. ENCARNACION: Sr. Presidente, si todavia hay lugar, yo deseo registrar un turno en contra.