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APERTURA DE LA SESIÓN

Se abre la sesión a las 4:45 p.m., bajo la presidencia del Presidente, Hon. Claro M. Recto.

EL PRESIDENTE: Léase la lista de los Delegados.

EL SECRETARIO, lee la lista de los Delegados.

EL PRESIDENTE: Hay **quorum**.

APROBACIÓN DEL ACTA

EL SECRETARIO, **lee el Acta del jueves, 23 de agosto de 1934, que es aprobada sin emnienda.**

INFORME SOMETIDO FOR EL COMITÉ SOBRE
DECLARACIÓN DE PRINCIPIOS

EL PRESIDENTE: Léase el infonne del Comité de Declaración de Principios.

EL SECRETARIO, **leyendo:**

To the Honorable,
The President of the Constitutional Convention.

Your Committee on Declaration of Principles has the honor to report to the Convention that after a careful and thorough consideration of the constitutional precepts referred to it and of the propositions submitted to the Committee itself, it has resolved to adopt the attached general declaration of principles, to be submitted to the Committee on Submission with the recommendation that the same be incorporated in the Constitution.

Respectfully submitted,
(Sgd.) RAFAEL PALMA
Chairman
Committee on Declaration of Principles

DECLARATION OF PRINCIPLES

The Philippine nation is hereby organized under a republican government denominated the "Commonwealth of the Philippine Islands."

The Commonwealth is one and indivisible.

All authority of the State is delegated and exercised for and in the name of the people.

All Filipinos are free and equal before the law. The State may, however, impose upon

all citizens, by legislation, limitations, charges, and obligations in the interest of the existence, security and defense of the nation.

The Government of the Commonwealth shall not recognize any title of nobility nor any privilege derived from birth, lineage or origin.

The flag of the Commonwealth shall be the flag now existing.

The Government of the Commonwealth holds that all war is unlawful and will resort to arms only when the security of the State requires it.

The Government does not favor large landed estates but will foster the development of small landholdings.

Nor does the Government favor the concentration of the capital in the hands of a few, but favors instead the formation of the largest number possible of persons of independent means.

In all educational establishments, public as well as private, the Government shall endeavor to develop respect for the constituted government, the sentiment of national unity, international goodwill, tolerance for the ideas and beliefs of others, moral and civic education, and personal and professional efficiency.

The Government shall see to it that land ownership in the Philippine Islands and the natural resources thereof shall remain in the hands of the Filipinos.

The function of the Government of the Commonwealth shall be exercised by the Legislative, Executive, and Judicial Powers which shall be coordinated and at the same time equal and independent from each other.

MR. OSIAS: Mr. President.

THE PRESIDENT: The Gentleman from La Union has the floor.

SPEECH OF MR. OSIAS ON THE FUNDAMENTALS OF CONSTITUTION-MAKING

MR. OSIAS: Mr. President and Gentlemen of the Convention: The Filipino people, after years of struggle for their manumission, secured a law which enables them to adopt a constitution and to become free and independent. The Government and people of America, through Congressional enactment and with a liberality unparalleled in the annals of colonization, have given the Filipinos the opportunity to attain independence. It is the challenging task of the people of the Philippine Islands to achieve their independence and make it real, enduring and effective.

As a great forward step toward national liberation this Constitutional Convention has been convoked to draft and formulate a constitution. It is a grave and serious duty to frame so priceless a document as a constitution for it is to be the supreme law of the land. It is to be the fountain source of subsequent legislation approved by the lawmaking body which it creates. It is to be at once the authority and the limitation of powers to be exercised by the Executive. It is to be the yardstick by which the courts will determine whether or not legislative enactments are valid. Laws violative of the provisions of the Constitution or repugnant to its letter and spirit shall be null

and void.

A constitution is more than a political document. It is the basic foundation of progress. It is the instrument by which the nation orients its course. It is a means for the realization of the purposes and objectives for which democratic institutions exist.

The Philippine Constitution must embody those basic ideals and principles which custom cannot stale nor time wither. It must be a crystallization of elemental concepts popularized by tradition and sanctioned by reason. It must be a recapitulation of individual and human rights held sacred and to be forever kept inviolate. It must derive its life from the soul of the throbbing throng and draw its breath from enlightened public opinion. It must express the will, the wisdom, the philosophy of our race. May it indeed portray the very zeal of our people.

It is, I am sure, the common expectation that this Convention will devise a constitution which shall bring into being a government under which it will be a joy to work, a virtue to think, and a delight to serve; that it shall be an instrument with sufficient flexibility to be useful and usable in a changing and advancing civilization ; that it shall make possible the establishment of institutions for which the inhabitants of these benighted isles are willing to live or die; and that it shall be a charter loved by the citizen and respected by the foreigner.

This important and delicate task is entrusted to the Delegates of this Convention. They, chosen of and by the people, are the makers of the constitution. Battle scarred as it were, they are victors in the most national general election ever held in these Islands. Coming from districts relatively small they have the trust and the confidence of the people who best know the Delegates their careers, and their services. The Members are a veritable cross section of the people; they form this deliberative body. This Constitutional Convention not being an adjunct of, or an auxiliary to, any other body or entity is supreme in its own field of action.

I desire now to address myself to certain fundamental problems awaiting satisfactory action for the success of the Convention. One of the problems of immediate concern is the adoption of rules of procedure. I am particularly solicitous with respect to the rules governing debates.

All must realize that rules are necessary and that they are adopted to facilitate, not to impede, deliberative action.

I am not advocating unlimited debate, as practiced in the Senate of the United States. I am against the previous question rule as it obtains in the Congress or in the Rules of our own House of Representatives. I have been an observer and a witness of the abuse of both practices. Some who favor the "previous question" entertain the fear that there may be an abuse of a minority. To them I would say that between the supposed abuse of a minority and the possible tyranny of a majority, the latter is more dangerous and more subversive of the ends which this deliberative unicameral body is called upon to realize.

I am for striking a happy balance between unlimited debate which could result in paralysis of action and the summary stoppage of debate preventing mature deliberation.

Constitution for what?—The next important question that must be settled even now at least in the minds of the Members of the Convention is the scope of the Constitution. I had prepared a draft of the constitution which was submitted to this Body on August 2nd. In its preparation I had to settle the question in my mind of whether it should be a constitution only for the Commonwealth or for both the Commonwealth and the Republic that is to succeed it.

It is my considered judgment that this Convention should make a constitution not only for the Philippine Commonwealth that is to be semi-sovereign and semi-independent but for a Philippine Republic that is to be sovereign and independent.

If this is not done now what will be our constitution upon the advent of independence following the expiration of the period of transition? Will another election be held to choose delegates for another constitutional convention? What express authority is there for such action?

Whether the Members of the Convention agree with the position I take or not, all of us must be one in recognizing the necessity of deciding the kind of constitution we are to frame. It is hoped that considerations of economy, efficiency, foresight, and statesmanship will incline the Convention to the idea of making not only a constitution of the Commonwealth but a constitution of the Philippine Republic.

The difficulties that may suggest themselves may be obviated by including transitory provisions and by placing the mandatory provisions "in an ordinance appended" to the constitution as the Independence Act authorizes.

Unicameral or bicameral legislative body.—Another fundamental problem that confronts the Convention is the highly contentious question as to the kind of law-making body we should have. Shall it be unicameral or bicameral? On this issue there is room for honest differences of opinion.

The Convention is undoubtedly divided into two camps on the subject. What the outcome will be no one will know until after vote has been taken.

I have had a modest service in a bicameral legislature in our country and a bicameral Congress in the United States. The points of excellence and weakness of a bicameral body are not entirely unfamiliar to me. With all due respect to all who hold opinions at variance with mine there are various weighty considerations that incline me to favor a unicameral legislative body for our country. Among these are the demands of simplification of the government structure and of economy. Then there is the fact that in the Malolos Constitution a unicameral body was created known as the National Assembly.

Besides these and others that could be mentioned there is the argument that a unicameral body is more responsive to the temper and will of the people. Under a bicameral body it is possible to have the people's will expressed at the polls defeated or nullified. Let me illustrate. Suppose that at an election all or nearly all of the members of the Lower House belong to one party. In the Upper House one half of its members who continue belong to another party. In the same election, suppose all of the members elected except one belong to the same party as those of the Lower House. Now, the people's will is clear and yet because of the election of one

member for the Upper House, who is of another political complexion, that popular will can be absolutely frustrated. Such a contingency is not possible in a unicameral lawmaking body.

Equality of provinces.— Another important problem that we must solve is the removal of the present inequality of status of the provinces. In principle there must be unanimity of opinion as to the desirability of doing away with the present division of the provinces into regular and specially-organized provinces. One of the most important reasons why I supported the Independence Act from the beginning is that it enabled the people of the Philippines to regard and consider the proper place of the specially-organized provinces and municipalities. This Convention would be remiss in its obligation if it did not provide for an orderly procedure for the conversion of the present specially-organized provinces and municipalities into regular provinces and municipalities. This must be done in order to strengthen the solidarity of the nation.

Centralization and local autonomy.—The constitution should provide for a proper compromise between the powers that should be lodged in the central government on the one hand and the autonomous powers that should be enjoyed by the provincial and municipal governments on the other. It is easy enough to say that we should have a central government clothed with adequate freedom or an independent judiciary—there would be unanimity in that—and yet it is not so easy to translate a principle into reality in the form of written constitutional provisions.

Nationalism and internationalism.—The Convention is faced with another difficult problem. It is common knowledge that dependent peoples fight strenuously for nationalism and internationalism. Our people properly have fought and will fight for these ideals because they are an assertion of their personality. Yet, paradoxical as it may seem, now that the Filipino people are on the eve of entering upon a full nationhood they must concern themselves more and more with internationalism and nationalism. Our outlook must be broadened. We must shape our life as a nation belonging to a family of nations. We are not to be content with the thought of independence; it is necessary that we think of interdependence. The interests of individuals and nations are interrelated and interbound.

It behooves this nation to steer its course between the Scylla of chauvinistic nationalism and the Charybdis of utopic internationalism.

Peace.—The thought of our relations with the rest of the world leads us ostensibly to one of the greatest, if not the greatest, of humanity's needs—peace. War, the antithesis of peace, is the worst enemy of every nation. The present depression which has enveloped the entire world is directly traceable to the World War. That world cataclysm entailed millions in wounded, maimed and dead, besides millions more, grieving and dispossessed. In terms of material losses, it occasioned a loss estimated conservatively at four hundred billion pesos (P400,000,000,000). Think of the magnitude of the loss: distributed to the population of the world in this hour of distress, that amount is enough to supply more than two hundred pesos to each man, woman or child.

War, we now know, means want, poverty, ruin. We must learn that peace is good economics.