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APERTURA DE LA SESION

Se abre la sesion a las 4:25 p.m., ocupando el estrado el President,, Hon. Claro M. Recto.

EL PRESIDENTE: Se abre la sesion.

LECTURA DE LA LISTA

Se lee la lista de los Sres. Delegados. Hubo quorum.

APROBACION DEL ACTA

Se lee el acta corespondiente a la sesion del dia 20 de agosto de 1934, la cual es aprobada,

DESPACHO DE LOS ASUNTOS QUE ESTAN SOBRE LA MESA DEL SR. PRESIDENTE

EL FRESIDENTE: Leanse los documentos recibidos.

EL SECRETARIO los lee:

MOCION SOTTO DE POSPOSICION, SU APROBACION

EL PRESIDENTE: Esta en orden la consideracion del proyecto de resolucion numero 3.

SR. SOTTO (P.): Sr. Presidente.

EL PRESIDENTE: Sr. Delegado por Cebu.

SR. SOTTO (F.): For hallarse ausente de la Sala de Sesiones el autor del proyecto de resolucion, el Comite de Reglamentos pide que sea pospuesto, sin fecha fija, la consideracion de dicho proyecto de resolucion.

EL PRESIDENTE: En vista de la ausencia del autor del proyecto de resolucion, el Comite de Reglamentos pide que sea pospuesta su consideracion para otro dia. Tiene la Asamblea alguna objecion a la mocion? (*Silencio.*) La Mesa no oye ninguna. Queda Aprobada.

SPEECH OF MR. CUADERNO ON "LANDED ESTATES AND TRUSTS IN PERPETUITY"

MR. CUADERNO: Mr. President.

THE PRESIDENT: The gentleman from Bataan has the floor.

MR. CUADERNO: Mr. President and Gentlemen of the Convention: I must confess that it is with trepidation that today I make use of the privilege, the gracious grant of your generosity, to say a few words. It would seem that speeches in this Convention have become a valueless commodity, something that cannot be made equable to public welfare or to public policy.

But, Mr. President, we would be reminded that speeches and debates are the fundamentals in the activities of this body for the simple reason that they remain the only vital means for the exposition of their views, the only vital means for the examination of the principles that this Convention must analyze, the only vital means for the transactions of business in all deliberative bodies. We cannot well jettison them and hope for the success of our work.

We have all heard of the Malolos Constitution. A great many of us have read it, and pondered the resolute decisions or the ramifications of wisdom on statecraft in that historic document. Unquestionably, there is inspiring rectitude in the ideals expressed in its preamble. It tells us of the common aspiration "to establish justice" and of the nation's purpose through the Constitution, "to promote the general welfare."

These are not meaningless words to us here foregathered under mandate of the people to draft the most important law governing their life. We must search out of these words the virtuality of their power to contribute to the public welfare.

And to me these words are a command that, as we write the Constitution, there must be in that instrument a safeguard that insures domestic tranquillity.

This I say and assert for a historic reason which is the historic fact of the endless conflicts between landlords and tenants in these Islands. There has been an impairment of public tranquility and, to be sure, a continuous impairment of it, because of the existence of these conflicts. In our folklore the oppression and exploitation of the tenants are vividly referred to; their suffering at the hands of the landlords are emotionally pictured in our drama; and even in the native movies and talkies of today, this theme of economic slavery has been touched upon. In official documents these same conflicts are narrated and exhaustively explained as a threat to social order and stability. William H. Taft as Secretary of War, in a special report to the President of the United States, which led to the purchase by the Philippine Government of a part of the Friar Lands in 1903, said:

"A most potential source of disorder in the Islands was the ownership of what were called the 'friar lands' by three of the religious orders of the Islands The attitude of the people toward the friars' lands was shown by the fact that the so-called Constitutional Convention assembled by Aguinaldo at Malolos nationalized the friar lands ..."

But we should go to Rizal for inspiration and illumination in this problem of the conflicts between landlords and tenants. The national hero and his family were persecuted because of these same conflicts in Calamba. and Rizal himself met a martyr's death because of his espousal of the cause of the tenant class, because he would not close his eyes to oppression and persecution with his own people as victims.

I ask you, Gentlemen of the Convention, knowing this as you do and feeling deeply, as you must feel, a regret over the immolation of the hero's life, would you not regret in the Constitution the provision on large estates and trust in perpetuity, so that you would be the very instrument of Providence to complete the labors of Rizal to insure domestic tranquillity for the masses of our people?

As meet here, even if what we do should not make history, there is no question that history broods over us, and watches our steps and records our doings. Upon these conflicts of landlords and tenants, Rizal was introspective and prophetic. It remains for us to draw from his writings the travails and dignity of his life, to draw from the tragic beauty of his death, the ideals of justice and peace and write them into the pages of our Constitution in the form, of the safeguards for domestic tranquillity through the regulation of large estates and trusts in perpetuity.

This question is closely related to the realities of the present. Thus allow me then to give you a picture of a case in point. I am taking you, Mr. President and Gentlemen of the Convention, on a short ride through the plains of Bulacan and Pampanga towards the northwest, and in two hours and a half we reach the fertile valley of Dinalupihan. We are attracted by a large group of people around the municipal building. We stop to inquire and to our surprise we find upon reaching the big hall occupied by the Justice of the Peace Court that a trial for eviction of several tenants is being held in the presence of armed constabulary guards. We hear the sad pleadings of those unfortunate ones of the soil that they were never before required to pay any rent for the places occupied by their houses (i.e. before the Church leased the estate to the private individual), except for the land they cultivate; that the rental was raised so often, notwithstanding the present depression, that it was no longer possible for them to support their families. We sense the suppressed feeling of unrest and resentment of the people who usually attend these trials in large numbers, curious as to what is to be their fate in the days to come, for it is now a matter of routine for the court of justice in that municipality to hear such cases. We also learn that practically the entire municipality is owned by a single entity. But what holds us amazement is the overbearing admonition of the attorney for the plaintiff in open court, directed to the people in the courtroom, that the tenants must heed the demands of his client or they would be driven out of their lands by the Constabulary.

How empty, Mr. President, is our reiterated loyalty to democracy and representative government! For there in Dinalupihan, autocracy holds away. The Government is helpless because the Government cannot act in violation of its own laws. And when that obtains, the Government exists as the very traducer of its own self, and public authority fades from the hands of democracy to be reincarnated in the autocracy of vested rights. Let us beware lest the government we will set up be a mockery of our bespoken decision to serve the masses of our people.

If we are to be true to our trust, if it is our purpose in drafting our Constitution to insure domestic tranquillity and to provide for the well-being of our people, we cannot, we must not fail to prohibit the ownership of large estates and to provide for their acquisition by purchase or through expropriation and sale to their occupants, as has been provided in the Constitution of Mexico and Yugoslavia.

Now, Mr. President and Gentlemen of the Convention, I shall take you down to that historic island of Cebu, where a couple of charitable old folks in their lifetime saw fit

to establish a home for the poor ones and actually set aside a good portion of their property for such a good cause. The Philippine Legislature in approving Act. 3239, not only sanctioned this undertaking but also invested it with all the powers of a corporation and even more. It was authorized to purchase and hold real estate and exempted it from the payment of real estate and income taxes, in fact of all taxes in exchange for the power of supervision by a government office to be exercised, however, without prejudice to the discretionary powers of the administration conferred by that Act.

What do we find among the activities of this entity called Hospicio de San Jose de Barili of Cebu? Deriving more income than what is required to maintain its present insignificant beneficent activities, it is now, as it has been in the past, engaged in lending money under the *pacto-de-retroventa* provision of our present law. Because of these activities it has enlarged considerably its land holdings in various municipalities of the province of Cebu and has thus enriched itself to the detriment of the people and government of that province as no taxes are paid by this supposedly charitable entity. And Gentlemen of the Convention, has the administrator of this entity paid any attention to the demand made upon it by the Government that the Hospicio must not continue to increase its real estate business activities without a corresponding increase in its social welfare activities? No. Why should it? Has not the government, by virtue of Act 3239, rendered itself powerless to curb these transactions of the Hospicio, which, according to a high government functionary, "are inimical to the public welfare"? Have not the Secretary of Justice and the Attorney General expressed the opinion that because of the provision in the Jones Law that "no law impairing the obligation of contracts shall be enacted," every thought of amending or repealing Act. 3239 should be abandoned?

Here, Mr. President and Gentlemen of the Convention, is an institution conceived primarily for charitable purposes under a perpetual trust, sanctioned and clothed with extraordinary powers by our lawmaking body, not only failing to serve the purpose for which it was created, but is now enriching itself in money-lending, increasing its landholdings which are tax-exempt to the detriment of the government and the people of Cebu.

I submit, Mr. President, that such a condition of affairs requires more than a passing thought in this Convention; that in our proposed Constitution means should be provided not only to put a stop to such an anomalous situation, but also to prevent its repetition. As provided in the Constitution of Spain, the government should be given ample power to intervene in cases of this kind. In any event, suitable constitutional limitations should be placed in the creation of trusts in perpetuity.

Mr. President, unless and until this atrocious state of affairs, which with your indulgence I have tried to picture this afternoon, are properly and adequately taken care of in the Constitution that we are about to draft, it would be sheer mockery to write in its preamble such beautiful ideals as "to establish justice", "promote the general welfare," or "to insure domestic tranquility."

MR. BALILI: Mr. President, I wish to make use of the half-hour privilege granted to members of the Assembly.

THE PRESIDENT: The Delegate from Bohol has the floor.

SPEECH OF MR. PERFECTO BALILI AGAINST WOMAN SUFFRAGE

Mr. President and Gentlemen of the Convention: If the great orators of the world tremble when they speak before an audience, I think you will not be surprised to hear my trembling voice and to see my whole frame quiver as I stand before you, for conscious of my insignificance, I feel embarrassed to speak before this august body which is composed of the highest talents of the Filipino race. But, honorable Members of this Convention, you and I have received a specific mandate from the people whom we represent and it is for this reason that I feel I would be recreant to my duty and to the trust reposed in me if I do not express and convey to this Assembly the wishes of the people whom I humbly represent. I wish, therefore, to set forth my views against woman suffrage and the fundamental reasons that have led to me to propose that suffrage be given only to men.

With all due respect to the women leaders in Manila, who, because of their influence, fame, skill and learning, succeeded in convincing the Ninth Legislature to pass the law on woman suffrage now known as Act No. 4112, an Act which met a cold reception, indifference and disapproval in all places in the Philippine Archipelago and particularly in my district, I wish to say to them with regret that the great majority of the women in the provinces, particularly in my own province of Bohol, are, as far as I know, against woman suffrage. In fact, when I left my province for Manila to attend this Constitutional Convention, I received specific instructions from my people and especially from our women to work for the inclusion in the Constitution of a provision extending the right of suffrage to men only. And again I wish to say to our women leaders that the time has not yet come for our women to leave their sacred duties and invade the realm of men and for the men to perform the duties and assume the obligations of women.

Men and women have different duties to perform. God made man and He created woman to live with him, but He gave each a different and distinct set of duties to perform. The man goes to the field of battle in the struggle for existence to earn a living by the sweat of his brow, while the woman takes care of the home and children, rearing them that they become good and useful citizens. Any encroachment on the part of either sex upon the duties which Nature has assigned to each of them and which God imposed on Adam and Eve when they ate the forbidden fruit in the garden of Eden, would result in squabble, misunderstanding and unhappiness and the once progressive and happy homes will become a place of misery and discontentment, conditions that will bring about the ultimate ruin of our national structure.

Woman suffrage is a big drainage on our treasury and is unnecessary. Now the greatest problem of our Commonwealth and the future independent government is, and will be, finance. We need money, money and more money. We have to exercise the greatest economy in our governmental activities and see to it that we do not incur unnecessary expenses. By allowing our women to vote, which is not necessary as it is a mere duplication without changing or improving our political condition, we shall be throwing and wasting our money at a time when we need it most.

As a matter of fact, we cannot see any material benefit from the granting of the right to vote to our women. This is too advanced a step in our democracy and I am afraid it may cause its failure. The United States of America, the greatest and the