

JOURNAL No. 50

Se abre la sesion a las 5:00 p,m. ocupando el estrado el Vicepresidente, Hon. Ruperto Montinola, por designacion del Presidente.

EL VICEPRESIDENTE: Se abre la sesion.

DISPENSACION DE LA LECTURA DE LA LISTA
Y DEL ACTA

SR. ESCAREAL: Senor Presidente.

EL VICEPRESIDENTE: Senor Delegado.

SR. ESCAREAL: Pido que se dispense la lectura de la lista y del acta; y que esta se de por aprobada.

EL VICEPRESIDENTE: ¿Tiene la Asamblea alguna objecion a la mocion? **(Silencio.)** La Mesa no oye ninguna. Queda aprobada.

DESPACHO DE LOS ASUNTOS QUE ESTAN SOBRE
LA MESA DEL PRESIDENTE

EL VICEPRESIDENTE: Leanse los documentos recibidos.

EL SECRETARIO:

REPORT OF THE COMMITTEE ON PUBLICM
INSTRUCTION

The Honorable
The President of the
Constitutional Convention

Mr. President:

Your Committee on Public Instruction, after a careful consideration of all the constitutional proposals referred to it, has the honor to report to the Convention that it recommends the incorporation in the Constitution of the attached proposals on education. Your Committee wishes to state that its members are divided on the question of whether or not a Department of Health, distinct from and independent of the Department of Education, should be created, and for this reason it leaves, the determination of this question to the Convention.

Respectfully submitted,
(Sgd.) RICARDO
NEPOMUCENO
Chairman
Committee on Public

Instruction

PUBLIC AND PRIVATE EDUCATION

"ART. 1. There shall be a Department of Education.

"ART. 2. The State shall establish and maintain a complete and adequate system of public education primarily conducted in the English language

"ART. 3. The State shall provide for a universal citizenship training course for every able-bodied citizen of the age of eighteen years or over for purposes of physical, mental, moral and vocational instruction and rehabilitation.

"ART. 4. The State shall protect and preserve works and remains of relics or cultural, historic, artistic or scientific value.

"ART. 5. Instruction in at least the public primary schools shall be absolutely free.

"ART. 6. Upon the adoption of a national language it shall be taught in the public intermediate schools.

"ART. 7. The public schools shall be free from sectarian teaching or propaganda.

"ART. 8. Free scholarships, through competitive examination, shall be granted by the State, provinces and municipalities to enable students of exceptional mental ability, who are of good moral conduct and character but are without sufficient resources, to continue their studies in courses higher than primary. The number, duration and extent of these scholarships shall be determined by law.

"ART. 9. All private institutions of learning shall be subject to the laws of the State.

"ART. 10. No educational institution engaged in teaching Filipino citizens shall have more than one-third of its faculty or board of trustees who are foreigners, and where its president or director is a foreigner there shall be a vice-president or assistant director who is a Filipino citizen and who shall participate in the determination of educational policies and objectives.

"ART. 11. Nothing subversive of law and order, degrading to the reputation and character of the Filipino people, or destructive of their unity shall be taught or encouraged in any school, college or university."

MR. CARIN: Mr. President, I desire to make use of the one-half hour privilege.

EL VICEPRESIDENTE: El Caballero de Cebu tiene la palabra.

SPEECH OF MR. CARIN AGAINST THE

IMPLANTATION OF THE PROPORTIONAL REPRESENTATION

MR. CARIN: Mr. President and Gentlemen of the Convention: After hearing the brilliant speech delivered by Senator Briones last Monday concerning proportional representation, I feel myself too insignificant to entertain this august Body with another speech concerning the principle of proportional representation. But being a member of the Legislative Committee which favorably recommended the insertion of this principle into our Constitution, the penetrating voice of my duty as a Delegate impels me to rise before this Convention to speak against the implantation of proportional representation recommended by the Legislative Committee and reported to the Sponsorship Committee.

Definition, and system of balloting:

Proportional representation has been defined as representation in proportion to numerical strength. It has been applied to systems in which representation is given to the minority as well as to the majority, or to all considerable groups of electors in proportion to their voting strength. Different systems of balloting have been adopted to carry out the purpose of this principle. The two most popular systems are (1) the single transferable vote commonly known as the Hare system, and (2) the list system. The Legislative Committee recommended the list system, which reads as follows:

The political parties that elected the largest and the second largest number of members to the House of Representatives in the last preceding election, and any other party or group that elected no less than five members to said House of Representatives in such election or which shall present a petition signed by at least five per centum of the voters who cast their votes in said election may, in convention, nominate a panel or list of candidates not to exceed the number of Senators to the group thus entitled to present nominations. Upon such nomination the names of the parties or groups thus entitled to present nominations shall be printed on the ballot. Each elector shall indicate the party or group for whose candidate he desires to cast his vote. After all the returns are received the sum total of all the votes for the Senators cast and counted shall be divided by the number of seats to be filled and the quotient shall be taken as the unit or quota of representation. The sum total of all the votes polled by each party or group shall be divided by the unit or quota of representation, and the quotient thus obtained will indicate the number of seats to which each party or group is entitled; but if the sum of each quotient be less than the number of seats to be filled, the party or group having the largest remainder after excluding the votes counted to form the quotas of elected candidates as above specified, shall be entitled to the first vacancy and so on until the total number of seats is filled. The seats corresponding to each party or group shall be filled by the preference in which the names of such candidates appear in the panel or list of nominees filed by said party or group.

First Objection: Would do violence to the Freedom of each elector.

According to this system, each elector shall vote a straight party ticket, and his

single vote shall be considered as the vote for all candidates included in the list of said party. Mr. President, we all know that one of the most sacred constitutional rights granted to the citizens of the State is the right of suffrage. It is the only means of redress given to the sovereign people which must be preserved inviolate at all costs. Concomitant to the exercise of suffrage is the complete freedom to choose his own representatives untrammelled by outside influences. Each elector has the right to follow the dictates of his own conscience in choosing his representatives and the government must comply with the verdict of popular will once rendered.

The list system adopted by the Legislative Committee under the principle of proportional representation will, in the first place, do violence to the freedom of each elector to choose his own representatives, and secondly, entirely disregard or trample upon the verdict of the popular will expressed at the polls.

To elucidate my point, here is a concrete case: Let us assume that the Nacionalista-Democrata party will nominate in convention 24 candidates for Senators, and among the nominees appear the names of President Quezon, Senator Recto, Speaker Paredes, Senator Sumulong, Senator Sotto and other senatorial timbers in that party. The Pro-Independencia party will nominate in convention 24 candidates and among the nominees are Senator Osmena, Rep. Roxas, Senator Montinola; and the Sakdalistas will put up Rep. Hontiveros and other persons in that group. A great number of electors, if not the majority of them, have in their hearts the well-being of their country and would like to vote for President Quezon, Recto, Sumulong, Paredes of the Nacionalista-Democrata ticket; for Senator Osmena, Roxas, Briones, of the Pro-Independencia ticket; and the Sakdalistas may desire to cast their votes for some candidates on the Nacionalista-Democrata ticket and for other candidates on the Pro-Independencia ticket.

Under the list system adopted by the Legislative Committee, how can these voters express their desire for these persons at the polls? An elector is not allowed to pick some candidates from the ticket of one party, and other candidates from the tickets of other parties. Therefore, the freedom of each elector to vote for certain persons as their representatives is curtailed to such an extent that suffrage to him is no longer a privilege but a tyranny, an imposition upon his freedom of action and freedom of choice.

Second Objection: Would multiply groups and break up large parties.

Another objection of considerable weight, Mr. President, against the principle of proportional representation is that proportionalism would multiply groups and break up large parties. It is an accepted truth that ambition is always present in the minds of great men. Concomitant with the ambitious mind is the odious thought of scaling the heights of greatness some day which is a sheer hypocrisy, because the ambition to be great is latent, inherent in every human being.

Mr. President, the immediate effect of this list system recommended by the Legislative Committee is to create jealousies among candidates of the same party, running together but each impelled by his own ambition of seeking to be Number 1, 2, 3, or at least Number 4 or 5 in the panel of candidates of his party. There will be a scramble among the persons who consider themselves senatorial timbers to obtain the first preference to insure their election. If their wish is thwarted by the party machine upon dictation of the mandarin of the party, then disgust, displeasure, and

ultimate disruption of the party will be the logical result. The disgruntled members, with their sympathizers who are not always lacking, will band themselves and form political groups of considerable sizes to entitle them to nominate a panel of candidates for Senators required by the Constitution. There will, therefore, spring up like mushrooms small political groups of divergent colors and views.

That is undoubtedly the reason why the principle of proportional representation has not been adopted in either the United States or Great Britain where the party system is so deeply rooted and where the traditions of two great parties in opposition have always been strong; In fact, according to an author of note, proportional representation thrives only in countries like Germany which had always group system in Parliament, and in new countries like Czecho-Slovakia without the tradition of party system to change. But countries which adopted it on account of its fascinating theory later abolished it after finding out that it is rotten in practice. The countries which abolished it are: Canada, Ireland (1922), Australia, Union of South Africa (1918), and Italy (1924).

One of the gravest objections to this system of representation is that it will lead to government instability. The inevitable outcome of the disintegration of big parties is the formation of small minorities in the House. Their presence in the Legislature will necessitate the creation of a fragile "coalition government" of minorities which will easily fall whenever one section of opinion in them is outraged. In Belgium, for instance, the system has been worked out to such mathematical perfection that statesmen have utmost difficulty in forming a cabinet owing to the multifarious interests involved and the difficulty of finding a line of common action among them. The resultant phenomenon of proportional representation is (1) lack of legislative homogeneity because of different opinions and interests represented, (2) debates are indefinitely prolonged, and (3) important measures are earned only by small majorities.

Third Objection: Connection between the member and his constituency becomes obliterated.

It has been pointed out that proportional representation is obnoxious to good political health, because the connection between the member and his constituency becomes obliterated. A prominent author points out that "to bring a definite portion of the population into a close and constant connection with the central government, hereditary antecedents and current mutual dependence must be a primary object to the statesman's solicitude." This personal relationship between the member and his constituency has been often made, and is capable of being still more, the occasion of the finest species of political training for the people.

The enlargement of the electoral area is in itself a factor which will ultimately destroy the personal contact between the candidate and his constituents, because a candidate for senator-at-large will find insurmountable difficulties in campaigning for his candidacy throughout the Philippines. The result will be that the electorate in Aparri or Batanes will not have the chance to know by personal contact or otherwise the candidates hailing from Mindanao or Visayas. The personality of the candidate will be entirely effaced before the party group. The voters will be completely at the mercy of the whims and caprices of the party; if the party tells them to swallow a certain candidate, even though the latter had committed the most atrocious crime to the people, they will have to swallow him. If the people of one province have