

JOURNAL No. 42

APERTURA DE LA SESIÓN

Se abre la sesion a las 4:37 p.m., ocupando el estrado el Presidente, Hon. Claro M. Recto.

EL PRESIDENTE: Se abre la sesión.

DISPENSACIÓN DE LA LECTURA DE LA LISTA Y DEL ACTA

SR. ESCAREAL: Señor Presidente.

EL PRESIDENTE: Señor Delegado de Samar.

SR. ESCAREAL: Pido que se dispense la lectura de la lista y del acta, dandose esta por aprobada y presente un quorum.

EL PRESIDENTE: Si no hay objecion, asi se acuerda. (**No hubo objecion.**) Queda aprobada. Leanse los documentos recibidos.

EL SECRETARIO:

REPORT OF THE COMMITTEE ON SPECIAL
PROVINCES

The President
Constitutional Convention
Mr. President:

Owing to the existence in the special provinces and in many of the regular provinces of so-called non-Christians who, because of their lower degree of culture, require close and effective government supervision to hasten their social, economic and civic advancement, your Committee on Special Provinces recommends the incorporation in the Constitution of the following provisions:

"ARTICLE There shall be established and maintained by the Central Government, so long as conditions may warrant and require, an office in one of the Executive Departments whose duty shall be to work for the social, economic and civic advancement of the backward elements of the population of the Philippine Islands."

Respectfully
submitted,
(Sgd.) MENANDANG
PIANG
CHAIRMAN
COMMITTEE ON
SPECIAL PROVINCES

SUPPLEMENTARY REPORT OF THE COMMITTEE ON SPECIAL PROVINCES

Mr. President:

Your Committee on Special Provinces begs leave to submit the following supplementary report:

After a thorough study of the conditions obtaining in each of the nine special provinces, namely, Agusan, Bukidnon, Cotabato, Davao, Lanao, Mountain Province, Nueva Vizcaya, Sulu, and Zamboanga, your Committee is convinced that only four of these provinces, namely, Agusan, Davao, Nueva Vizcaya, and Zamboanga, have demonstrated capacity to become regularly organized provinces. The remaining provinces, namely, Bukidnon, Sulu, Cotabato, Lanao, and Mountain Province, being dependent to a greater or less extent on insular appropriations for their support should for the present be maintained in their special status.

It should be understood, however, that while Bukidnon, Cotabato, Lanao, Mountain Province, and Sulu are to remain as special provinces, your Committee is of the opinion that the extension of the right of suffrage thereto should not be withheld. It is not incompatible with the special status of those provinces to enfranchise the inhabitants thereof. Agusan, Davao, Nueva Vizcaya, and Zamboanga have had elective provincial and municipal officials since 1922.

In view hereof, your Committee respectfully recommends that the following recommendations be indorsed to the Committee on Sponsorship for consideration:

"1. Conversion of the provinces of Agusan, Davao, Nueva Vizcaya, and Zamboanga into regular provinces;

"2. Retention of the special status of the provinces of Bukidnon, Cotabato, Lanao, Mountain Province, and Sulu until the Philippine Legislature shall provide otherwise; and

"3. The insular and provincial officials, as well as the officials of the regularly organized municipalities, of the special provinces shall be elective."

Respectfully
submitted,
(Sgd.)
MENANDANG
PIANG
Chairman
Committee on
Special Provinces.

CONTINUACION DE LA CONSIDERACION DE LA
RESOLUCION OSIAS

SR. ARELLANO: Senor Presidente.

EL PRESIDENTE: Senor Delegado por Sorsogon.

SR. ARELLANO: Senor Presidente, obra en poder de la Secretaria un proyecto de

Resolucion que, por tratar de un asunto de caracter privilegiado, pido que se lea.

EL PRESIDENTE: Léase.

EL SECRETARIO:

RESOLUCIÓN

EXPRESANDO EL SENTIR DE LA CONVENCION CONSTITUCIONAL SOBRE LA ESTRUCTURA QUE DEBE DARSE A LA "CONSTITUCION" DEL GOBIERNO Y PUEBLO DE LAS ISLAS FILIPINAS.

POR CUANTO, Según el Art. 3.o de la Ley Tydings-McDuffie, la Constitucion que esta Convencion ha de redactar y formular, para que sea aprobada por el Presidente de los Estados Unidos, es menester que este redactada y formulada sustancialmente de conformidad con las disposiciones de dicha Ley "Tydings-McDuffie;"

POR CUANTO, La Ley "Tydings-McDuffie" contiene disposiciones mandatorias de las cuales unas deben regir durante el periodo de transición bajo el Gobierno del "Commonwealth" y después para el Gobierno de la Republica Filipina (Art. 2-(2) Decla.racion de Derechos), otras de caracter transitorio que solamente regiran durante el "Commonwealth", o sea. mientras no se efectue la retirada definitiva y completa de la soberania de los Estados Unidos sobre las Islas Filipinas (Art. 2-a) y otras que regiran desde el dia en que el Presidente de los Estados Unidos expida una proclama reconociendo la independencia de las Islas Filipinas. (Art. 2-b);

POR CUANTO, Estas disposiciones de caracter permanente, o sea, las que deben regir durante el Gobierno del "Commonwealth" y durante la Republica Filipina, y las que deben regir cuando sea proclamada la independencia del pueblo filipino y entre a funcionar el Gobierno de la Republica Filipina deben incorporate en la Constitucion que se debe formular por esta Convencion, como tambien las disposiciones que no sean de cararter permanente y regiran durante el "Commonwealth" o sea, mientras no se haya efectuado la retirada definitiva y completa de la soberania de los Estados Unidos sobre las Islas Filipinas;

POR TANTO, SE RESUFLVE que esta Convencion redacte una Constitucion que contenga disposiciones que deben regir tanto durante el Gobierno del Commonwealth como despues, y bajo el Gobierno de la Republica, y disposiciones que regiran solamente durante el Gobierno de transicion o del "Commonwealth" y disposiciones que estaran en vigor a la proclamacion de la Republica, como cualesquiera otras disposiciones propias para la Republica, que no esten en conflicto con la Ley Tydings-McDuffie.

SR. PALMA: Señor Presidente.

EL PRESIDENTE: Señor Delegado por Manila.

SR. PALMA: Obra en poder de la Secretaría una enmienda presentada por mí a la Resolución Lim-Guzmán, la cual pido que se lea.

EL PRESIDENTE: Léase.

EL SECRETARIO:

CONSTITUTIONAL CONVENTION
P. R. No. 60

Amendment Presented by Delegate Palma to the Resolution Presented by Delegates Lim, De Guzman, et al.

RESOLUTION

EXPRESSING THE SENSE OF THE CONSTITUTIONAL CONVENTION THAT THE PROVISIONS OF THE TYDINGS-MCDUFFIE LAW ARE CLEAR AND DEFINITE AS TO THE NATURE AND SCOPE OF THE CONSTITUTION TO BE DRAFTED.

Resolved, That it is the sense of the Constitutional Convention, after hearing the arguments of the speakers for and against Resolution No. 60, inasmuch as the provisions of the Tydings-McDuffie Law are clear and definite as to the nature and scope of the Constitution which this Convention is authorized to draft in the sense that the Constitution shall be for the Government of the Commonwealth on the original...

MR. MONTILLA: Mr. President.

THE PRESIDENT: The Gentleman from Occidental Negros.

MR. MONTILLA: Mr. President, I wish to make use of the half-hour privilege.

THE PRESIDENT: The Gentleman has the floor.

DISCURSO DEL SR. MONTILLA

MR. MONTILLA: Mr. President and Gentlemen of the Convention: Our Constitution should embody the principle of nationalism. It is our solemn duty not only to the people who elected us but also to the future generations to see to it that this Constitution, drafted by Filipinos for the Filipinos, should embody the genius of the race and contain those precepts which would tend to promote the prosperity, welfare and stability of our country.

Such a Constitution should embody not only the Bill of Rights of the people but also a Declaration of Nationalistic Policies that will make these rights of our-people a legacy from father to son, and from son to his succeeding offspring.

These nationalistic policies should be inserted in the Constitution in as simple a manner as possible. They should be a mere declaration of policies, and not an itemized relation of the things to be done, authorizing the Philippine Legislature to promulgate such laws as may ultimately produce the desired goal.

The Philippine Legislature is elected by the Filipino people from time to time to legislate for the good of the country. If the power of putting into effect the policies ordained by the Constitution is left to its hands, then the forthcoming legislation will be in consonance with the conditions then existing.

Nationalism, however, should be our Doctrine. We should think and act as Filipinos; we should buy and sell Filipino goods, and we should educate our children to be true Filipinos. It was nationalism that save England and her colonies from economic ruin; it is nationalism that has made Japan the third most powerful nation of the world; and it is nationalism that has forced the United States of America to grant us our independence; and, Mr. President, it is nationalism that will make that independence a blessing to be enjoyed by us and by our posterity, an independence that will be true and real, an independence for which so many of our heroes suffered martyrdom and so much precious blood was shed by our soldiers in the field of battle. Now is the time to make nationalism a guiding principle and not a mere expression of words. We are drawing up a Constitution for the Philippine Commonwealth, a Constitution that will guide us, the destinies of the Filipino people during the transition period of ten years as provided in the Tydings-McDuffie Law, and may perhaps be continued after our independence. During this transition period, we will still be under the protection of the American flag. It is, therefore, now that we should eliminate as much of the foreign influence as is possible, so that at the end of the ten-year period, we will find our country nationalized to a point where we can face the future without doubt and fear.

With this I do not mean to say that we should consider all foreigners as undesirable, but that we should have in Filipino hands as much of the country's trade as is compatible with good international practice.

The constitutional precepts that I believe will ultimately lead us to our desired goal are:

1. The complete nationalization of our lands and natural resources.
2. The nationalization of our commerce and industry compatible with good international practice.

With the complete nationalization of our lands and natural resources, it is to be understood that our God-given birthright should be one hundred per cent in Filipino hands. It will be the duty of the Philippine Legislature to enact laws to this effect and also laws regulating the leasing to foreigners of those most precious of our possessions in such a manner and for such a length of time as will not endanger our national existence as an independent nation. Lands and natural resources are immovable and as such they can be compared to the vital organs of a person's body, the lack of possession of which may cause instant death or the shortening of life. If we do not completely nationalize these two of our most important resources, I am afraid the time may come when we will be sorry for the day we were born, if, by the time we have our independence, part of our country is not in our hands but in the hands of foreigners.

Davao is an example of what I mean. Due to the laxity of our laws concerning buying, selling and leasing of our lands, a great portion of one of the most fertile lands is in the hands of the Japanese. Now, if this state of affairs were allowed to continue, the Japanese would continue to extend their exploitation of our lands. Let us say that after several years the Japanese will have expanded their land-holdings to such an extent that our Government will see fit to put a stop to further development; do you think, Mr. President, that we will have the courage and the force to tell the Japanese to get out of Davao? The answer, I think, is: No! Even if