

JOURNAL No. 32

APERTURA DE LA SESIÓN

Se abre la sesión a las 4:30 p.m., ocupando el estrado el Presidente, Hon. Claro M. Recto.

EL PRESIDENTE: Se abre la sesión.

DISPENSACION DE LA LECTURA DE LA LISTA

SR. PERFECTO: Señor Presidente.

EL PRESIDENTE: Señor Delegado,

SR. PERFECTO: Pido que se dispense la lectura de la lista de Delegados, presumiendose la presencia de **quorum**.

EL PRESIDENTE: Si no hay ninguna objeción, así se acuerda. (**No hubo objeción.**)

DISPENSACION DE LA LECTURA DEL ACTA

MR. ESCAREAL: Mr. President.

EL PRESIDENTE: Señor Delegado.

MR. ESCAREAL: I move that the reading of the minutes of the last session be dispensed with and approved.

EL PRESIDENTE: Si no hay objeción, así se acuerda. (**No hubo objeción.**)

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

EL PRESIDENTE: Léanse los documentos recibidos.

EL SECRETARIO, **leyendo**:

REPORT OF THE COMMITTEE ON PUBLIC HEALTH AND HYGIENE

The Constitutional Convention,
Thru the Honorable President,
Manila
Gentlemen:

Your Committee on Public Health and Hygiene begs leave to report that after conscientious deliberation, it has decided to support an item or article creating a Department of Health whose head shall be a member of the Cabinet. In so deciding, the members believe that among the economic values of the nation the human being is uppermost and of inestimable importance. Hence, it is held that every

Filipino citizen, or any alien living with us, should be given all protection that science can offer in the preservation of his physical well-being and also to give him all technical assistance that may be necessary in his fight against disease, especially those considered preventable.

From such a premise the following considerations have been given due weight:

The Philippines is still very much underpopulated.

While great advances have been made in public health during the last 30 years with consequent reduction of general and infant mortality, still our mortality statistics remain very high. We cannot allow such high mortality statistics to remain unchecked if we aim to create increased manpower which is, from the standpoint of national defense, very important and at present we believe to be our weakest point.

The creation of a separate Department of Health will give notice to the people of the importance of health and health measures, and of all community health agencies that are dispersed but are more or less governmental because their funds are gotten by public subscription or coming from direct appropriations of the government. With a centralized health department under which associated charities and beneficent institutions shall be controlled we can, for sure, prevent friction, overlapping and duplication of work; consequently, the greatest efficiency of the personnel will be attained at minimum cost. There is no doubt that as efficiency is acquired unnecessary expenses for personnel and sundries will be readily avoided.

Experience has shown that in other countries, namely, England, Cuba, Poland, Hungary, Austria, Germany, Soviet Russia, Czechoslovakia, Yugoslavia, Australia, Canada, Chile, Japan, and France lately, where a separate Department of Health was introduced, health control work has become more efficient.

This Department of Health is not new in the Philippine Islands. In 1923, Senate Bill No. 202, providing for the creation of a Department of Health, was approved by the Philippine Legislature; but the Chief Executive was forced to veto it on technical grounds, stating that the congressional limitation imposed upon our legislature did not permit its creation. Governor General Wood, however, was in full sympathy with the creation of such Department. For the information of the Constitutional Convention, your Committee reproduces his statement verbatim:

"I am however in sympathy with the idea of creating a separate department of Health realizing that the burden which now falls upon the Department of Public Instruction, charged as it is, with the supervision and direction of the activities relative to public education and public health, is greater than should fall upon any one department of the Government."

Now that we are drafting the constitution of the land in which, it is true, there are certain limitations, your Committee feels that creating a Department of Health will in no way be contrary to the mandatory provisions of the Tydings-McDuffie Act; hence, your Committee honestly and sincerely believes that the technical reason for the veto of General Wood is no longer tenable because it is clear that he himself was in full sympathy with an independent health department, only he had to disapprove it because of the constitutional limitations in the Jones Act. It is needless for your

Committee to emphasize this fact because we have repeatedly stated that manpower is and shall be the mainstay of our government. We shall therefore try to concentrate all our duties to the attainment of this power to enable an independent Philippines to exist and remain enduring like Time and Rock of Gibraltar.

The Committee, therefore, has formulated and is proposing the attached provisions for approval by the Constitutional Convention.

Respectfully submitted,
(Sgd.) ANTONIO VILLARAMA

Chairman
Committee on Public Health and Hygiene

"SECTION—.The Congress shall provide for the establishment and maintenance of a Department of Public Health, whose head shall have the rank of Secretary or Minister. It shall have exclusive supervision and control of all matters relating to public health and charities or beneficenses, with such powers and duties as may be prescribed by law, and also provide for the establishment and maintenance of such local branches as may be necessary to be under the supervision of the Department, to such extent and with such powers as may be prescribed by law.

"SECTION—.No foreigner shall be allowed to practice medicine, pharmacy, dentistry, veterinary science and other professions of academic nature except citizens or subjects of those countries where Filipinos are allowed and are actually practising similar professions.

"SECTION—.There shall be a Philippine Pharma-copeial Commission whose functions shall be determined by law.

"SECTION—.All fermented, distilled or other intoxicating liquids, drugs, medicines, toilet articles, cosmetics and patent preparations entering the Philippine Commonwealth and remaining therein for use. consumption, sale, or storage, shall be subject to the laws of the State.

"SECTION—.The Philippine Legislature shall have legislative power as regards:

"(a) The adoption of standards for foods and drugs."

"(b) Copyrights, patents or inventions and designs and trademarks to be protected by law."

EL PRESIDENTE: **Al Comité de Ponencia.**

MOCION NEPOMUCENO

SR. NEPOMUCENO (V.): Señor Presidente.

EL PRESIDENTE: Señor Delegado.

SR. NEPOMUCENO (V.): Pido la inmediata con-sideracion del Proyecto de Resolution

Numero 70, con-firmando el Acta del Honorable Vicente Lopez, presentado por el Comité de Credenciales.

EL PRESIDENTE: ¿Hay alguna objeción a la mocion? (Silencio.) La Mesa no oye ninguna. Queda aprobada.

CONSIDERACION DEL PROYECTO DE RESOLUCION
No. 70

EL SECRETARIO:

RESOLUCION

CONFIRMANDO EL ACTA DE ELECCION DEL HONORABLE VICENTE LOPEZ, DELEGADO POR EL PRIMER DISTRITO DE NEGROS ORIENTAL.

Por cuanto, en las elecciones de Delegados celebradas el dia 10 de Julio de 1934, el Honorable Vicenie Lopez fue proclamado Delegado electo por el Primer Distrito de la provincia de Negros Oriental;

Por cuanto, por virtud de la Resolucion No. 5, adoptada por ésta Asamblea Constituyente el agosto 1, 1934, la protésta contra la eleccion de un Delegado debe presentarse por un candidato registrado y votado en el mismo distrito a que pertenece el protéstado;

Por cuanto, por virtud de la Resolucion No. 8, adoptada tambien por ésta misma Asamblea, se ha dispuesto que las disposiciones pertinentes de la Ley Electoral, delCodigo de Procedimiento Civil y las doctrinas de la Corte Suprema de éstas Islas sobre asuntos electorales se consideraran aplicables a las protéstas contra los Miembros de dicha Asamblea, asi como en la tramitacion de las mismas, en cuanto sea posible;

Por tanto, en la mocion de protésta de Felix Montenegro no se alega que el es candidato registrado y votado;

Por cuanto, en reiteradas doctrinas el Tribunal Supremo de éstas Islas, ha declarado que "El requisito de que la protésta electoral se presente por un candidato registrado y votado, se refiere tanto a la capacidad para iniciar una protésta electoral como a la jurisdiccion del Tribunal para conocer de dicha protésta y fallarla y que el Juzgado de Primera Instancia en el conocimiento de protéstas electorales ejerce jurisdiccion especial y limitada, y no puede conocer de una protésta electoral a menos que en el escrito se aleguen los hechos de que depende el ejercicio de dicha facultad, y que siendo el hecho de ser el protéstante candidato registrado y votado uno de esos requisitos esenciales que debe alegarse en el escrito de protésta para que el Juzgado pueda determinar si ha adquirido o no jurisdiccion para conocer de dicha protésta." (Tengco v. Jamson, 43 Jur. Fil. 748; Ferrer y Gutierrez David, 43 Jur. Fil. 833; Viola y Juzgado de Primera Instancia de Camarines Sur, 47 Jur. Fil. 897; Tobada v. Zanduetta, 47 Jur. Fil. 907 y Castro v. Juez de Primera Instancia, de Bulacan, R. G. No. 25283); *Por tanto*,

Se resuelve, sobreseer, como por la presente se sobresee sin costas, la protésta presentada por el Sr. Felix Montenegro contra el Hon. Vicente Lopez, y confirmar, como por la presente se confirma, el acta de eleccion de este ultimo como Delegado por el Primer Distrito de Negros Oriental.

SR. SALAZAR: Para unas preguntas al Comité de Credenciales, Señor Presidente.

EL PRESIDENTE: Puede contestar el Comité, si lo desea.

SR. NEPOMUCENO (V.): Con mucho gusto.

SR. SALAZAR: Puede decirnos el Comité de Credenciales si se han aportado pruebas respecto a la residencia del recurrido en ésta protésta?

SR. NEPOMUCENO (V.): Ninguna prueba; primeramente hemos atendido las cuestiones de derecho planteadas por la parte protéstante acerca de la competencia.

SR. SALAZAR: ¿Sabe el Comité de Credenciales que el Delegado, Señor Vicente Lopez, el 5 de junio de este año, voto en Iloilo y que ha sido elegido Delegado por Negros Oriental?

SR. NEPOMUCENO (V.): El Comité de Credenciales no se ha ocupado del fondo de la cuestion, puesto que se han presentado cuestiones de derecho sobre competencia y necesitabamos reolver antes si teniamos o no competencia para conocer la protésta.

SR. SALAZAR: Pero, ¿no es verdad que una de las alegaciones de la protésta es que el recurrido era residente de Iloilo?

SR. MORALES: El Caballero, Señor Presidente, ésta fuera de orden.

APROBACION DEL PROYECTO DE RESOLUCION No. 70

EL PRESIDENTE: ¿Está dispuesta la Asamblea a votar sobre el proyecto de resolucion? (**Una mayoría: Si.**)

Los que esten conformes con el mismo, que digan Si. (Varios Delegados: Si.) Los que no lo esten, que digan **No. (Varios Delegados: No.)** Hay una mayoría a favor del proyecto. Queda aprobado.

CONSIDERACION DEL PROYECTO DE RESOLUCION No. 60 (**Continuacion**)

EL PRESIDENTE: Está en orden la continuacion de la consideracion del proyecto de Resolucion Numero 60.

MR. ROXAS: Mr. President, I yield fifteen minutes to the Gentleman from Marinduque, Mr. Nepomuceno.