

JOURNAL NO. 55

CONSTITUTIONAL CONVENTION RECORD

APERTURA DE LA SESION

Se abre la sesion a las 5:10 p.m., bajo la presidencia del Presidente, Hon. Claro M. Recto.

EL PRESIDENTE: Leese la lista de Delegados.

SR. ESCAREAL: Senor Presidente, pido que se dispense la lectura de la lista.

EL PRESIDENTE: ¿Hay alguna objecion **(Silencio.)** La Mesa no oye ninguna. Se dispense la lectura de la lista.

APROBACION DEL ACTA

SR. ESCAREAL: Senor Presidente, pido igualmente que se dispense la lectura del acta y que la misma se de por aprobada.

EL PRESIDENTE: ¿Hay alguna objecion? (Silencio.) La Mesa no oye ninguna. Se dispensa la lectura del acta. Aprobada.

DESPACHO DE ASUNTOS

EL PRESIDENTE: Leanse los documentos recibidos.

EL SECRETARIO:

REPORT OF THE COMMITTEE ON
SCIENTIFIC RESEARCH

The President
Constitutional Convention
Mr. President:

Your Committee on Scientific Research has the honor to submit herewith the draft of the proposed constitutional precepts regarding scientific researches and investigations, the result of various meetings and deliberations held by the same and the studies of the provisions of the constitutions of various countries dealing with this subject and of the Memorial submitted by the National Research Council of the Philippine Islands.

Economic development is necessary in order to provide increased revenues for our Government. The economic development of a country can only be hastened by encouraging, fostering and supporting scientific and research activities.

The improvement of agricultural methods, the conservation of our forest resources,

the development of our fishery and mineral resources, the improvement of our present industries and the creation of new industries are undertakings that can be successfully carried out only after the necessary scientific investigations of the different phases involved therein have been properly pursued. To emphasize the need of directing our attention to the necessary industrialization, the following figures, being our annual tribute in pesos for what we import, are illuminating:

| | |
|---|----------------|
| Textiles | P41,000,000.00 |
| | |
| Meat and dairy products..... | 13,000,000.00 |
| Milk | 4,000,000.00 |
| | |
| Wheat and flour and other breadstuffs | 9,000,000.00 |
| | |
| Rice | 1,000,000.00 |
| | |
| Paper | 8,000,000.00 |
| | |
| Tobacco | 6,000,000.00 |
| | |
| Vegetables, fruits and nuts | 6,000,000.00 |
| | |
| Eggs | 3,000,000.00 |
| | |
| Perfumery and soap | 2,500,000.00 |
| | |
| Fish and fish products | 2,000,000.00 |
| | |
| Glass, glassware, China and earthenware | 2,000,000.00 |
| | |
| Leather and leather goods | 2,000,000.00 |
| | |
| Chemicals, drugs, dyes, and medicines | 1,500,000.00 |
| | |
| Coffee and cacao | 1,500,000.00 |
| | |
| Paints and varnishes | 1,000,000.00 |
| | |

All of these can be grown, raised, or manufactured here even in excess of what home consumption will require, if only we know how to do it.

In considering the host of problems confronting us in connection with our economic development and readjustment, we find that whether we view things purely from the standpoint of material prosperity which applied science brings because of increased raw products, or the creation of new industries not before possible; whether we view them from the standpoint of physical well-being or a lengthened life span gained through the discovery and application of the rules of hygiene and sanitation; whether we view them from the standpoint of national defense possibilities in the form of increased manpower, efficient chemical warfare gases, explosives, guns, tanks, submarines, airplanes, and other means of defense; or whether, as is most likely, we look at things from all of these standpoints together,

the fact remains that we must not only take all possible advantages of the contributions of science, but must actively encourage scientific and research activities to the full with those various ends in view. Economic progress during the last hundred years has been chiefly industrial progress, which is basically scientific progress.

That this is fully appreciated everywhere is evident from the inclusion of more or less express provisions for scientific and research activities to be found in the constitutions adopted by several nations in the world, namely, United States (1787), Argentina (1853), Guatemala (1879), Brazil (1891), Mexico (1917), Finland (1919), Germany (1919), Peru (1920), Czechoslovakia (1920), Austria (1920), Poland (1921), Yugoslavia (1921), Russia (1923), Turkey (1924), Spain (1931), and China (1932). The fact that it is manifestly to the interest of every state to provide for scientific and research work as a means of preserving itself makes the inclusion all the more significant.

The inclusion in the provisions of the phrase "securing for limited times to authors and inventors the exclusive right to their respective writings, works, or discoveries" is made because it is one of the ways to be found in almost all constitutions of the different nations.

The Committee recommends the inclusion of the article which provides for the establishment of a National Research Council whose functions shall be determined by law. As has been proven in all countries where research councils are existing, research has been promoted in the most effective manner through the instrumentality of such councils. In order to realize, therefore, the indispensable economic development and readjustment through the application of the results of scientific investigations, the National Research Council should be maintained. The inclusion of the necessary proviso for the maintenance of a National Research Council in the Constitution for the first Malay Republic will, it is believed, correct the wrong world-wide impression about the superstitious nature of the Malay mind, inasmuch as it will show that the Malay appreciates the value of such, scientific institutions as the National Research Council.

It is recommended that the same be approved.

Respectfully submitted,
(Sgd.) JUAN ORTEGA
Chairman
Committee on
Scientific Research

PROVISIONS APPROVED BY THE COMMITTEE
ON SCIENTIFIC INVESTIGATION

ART.The State shall encourage, foster, and support activities and investigations for the progress of science and useful arts, securing for limited times to authors and inventors the exclusive right to their respective writings, works and discoveries.

ART.There shall be a National Research Council whose functions shall be determined by law.

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

EL PRESIDENTE: Al Comite de Ponencias.

Esta en orden ahora la continuacion del preambulo de la Constitucion.

MR. ABORDO: Mr. President, I understand in yesterday's session that the second part of my amendment will be taken into account today by this Convention. Having observed the attitude of the majority members who voted against my amendment with respect to the appreciation we should offer to the United States of America, making it plain that the appreciation of gratitude to America should not be embodied in the Constitution but placed only in a separate document in the nature of a resolution, and for the Convention to be consistent with its attitude, it is necessary that the second part of my amendment be also of the same nature. I, therefore, move that the second part of my amendment on the recognition of the labors and sacrifices of our patriots be withdrawn.

MR. CONFESOR: Mr. President, will the gentleman yield?

THE PRESIDENT: The gentleman may yield, if he desires.

MR. ABORDO: I am simply announcing my intention to withdraw this second part of my amendment, so I believe that there is no need of asking me any further questions?

MR. ROXAS: Mr. President, will the gentleman from Palawan kindly answer a question?

THE PRESIDENT: The gentleman may yield, if he so desires.

MR. ABORDO: Certainly.

MR. ROXAS: Why is the clause "to strengthen the solidarity" better than "to maintain the unity"? Does it not seem to the gentleman from Palawan that when you say in the Constitution that the purpose of the Constitution is to strengthen national solidarity, you are implying that the people of the Philippine Islands, or the nation, or the country, if you please, is not yet united nor solid?

MR. ABORDO: I will answer the Gentleman from Capiz by saying that the word "maintain" simply means to sustain, uphold or support our present status or our present unity, whereas the phrase "to strengthen" growth in power, to fortify, invigorate the existing unity. The word "solidarity" means union or consolidation of interest and responsibility in a constituted government, or in other words, it is a community taken as a whole. Consequently, my idea is to see to it that our objective must be to establish a stronger and more forceful unity in the government, in our nation by employing the word "solidarity" rather than "unity," which is only oneness. We must understand that there is no perfect unity in any constituted form of government; consequently, as a nation we should see to it that that unity must augment, increase, and fortify the solidarity of the nation.

MR. ROXAS: I see the point that the gentleman is making. I have, however, a doubt

in my mind. Is it not true that "unity" is an absolute concept that does not admit of degrees? If "unity" means oneness, it is either oneness or it is not. When you say "to maintain the unity," it means you cannot improve on that. If the people are united, it would only be a generalization, hence perhaps acceptable in popular language to say "to increase the unity, to augment the unity." But if the people are united you cannot make them more united. It is an absolute concept.

MR. BUENO: May I answer the Gentleman from

Capiz? I merely want to point out the fact, Mr. President ...

MR. ROXAS: Mr. President, I am just inquiring from the Gentleman from Palawan if it is proper for the Convention to imply that we are not united; that we need to strengthen the solidarity. The advantage of the phrase as it exists in the report of the Committee is this: If we take for granted—and we recognize that we are now one people—that we are united territorially and as a people, and that we want to maintain that unity, I do not believe that you can make unity more perfect than as it is. It is either oneness, or it is none at all. And it is for that reason that I would like the Gentleman from Palawan to explain why "to strengthen the solidarity" is better and more expressive of our purpose than "to maintain the unity."

MR. BUENO: Mr. President, may I ask the Gentleman from Palawan to allow me.....

THE PRESIDENT: The delegate from Palawan is still yielding to the Gentleman from Capiz.

MR. ABORDO: Mr. President and gentleman from Capiz, I will explain my reason for insisting on my amendment. "Solidarity" for me is better than "unity" because the latter simply means one in 'nature of interest, concord and oneness in nature. What we want now is not only to preserve our present unity but to see that it is increased or it becomes stronger and more forceful to the interest of the Filipino people as a whole. Without my amendment, the present status quo of unity, for me, will be no unity at all for the future, for no unity is ever perfect in any constituted government.

MR. BUENO: May I ask the gentleman from Palawan for the privilege of answering the gentleman from Capiz.

THE PRESIDENT: Is the gentleman from Palawan willing to yield to the gentleman from Ilocos Norte?

MR. ABORDO: The Gentleman from Ilocos Norte is asking for an opportunity to be heard in my stead, in order to answer the gentleman from Capiz.

MR. GRAFILO: Mr. President, will the gentleman yield?

THE PRESIDENT: The gentleman may yield if he so desires.

MR. ABORDO: Willingly.

MR. GRAFILO: Is it not true that while unity is oneness, yet there is such a thing as lax unity, and when that unity is lax. it can be strengthened, such that the substitution "to strengthen" the unity is to fortify the oneness of that unity?