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APERTURA DE LA SESION

Se abre la sesion a las 4:25 p.m., bajo la presidencia del Honorable Claro M. Recto.

EL PRESIDENTE: Lease la lista de los Delegados.

EL SECRETARIO. lee la lista de los Delegados.

EL PRESIDENTE: Hay quorum.

EL SECRETARIO lee el acta de la sesion del martes, 14 de agosto de 1934, que es aprobada sin enmienda.

PROPOSICIONES SOBRE CONSTITUCION

EL SECRETARIO, leyendo:

Proposed constitutional precept invoking the blessing of certain foreign schools, submitted by Delegate Locsin (P.P.C. No. 239).

EL PRESIDENTE: To the Committee on Public Instruction.

Proyecto de precepto constitucional disponiendo la proteccion del obrero, sometido por el Delegado Locsin (P.P.C. No. 240).

EL PRESIDENTE: Al Comite de Trabajo y Bienestar Social.

Proyecto de precepto constitucional sobre impuestos, sometido por el Delegado Diaz (P.P.C. No. 241).

EL PRESIDENTE: Al Comite de Hacienda y Cuentas Publicas.

Proposed Constitutional precept invoking the blessing of God in the Preamble, submitted by Delegate Maramara (P.P.C. No. 242).

THE PRESIDENT: To the Committee on Preamble.

Proposed constitutional precept regarding military training in schools, submitted by Delegate Suñer (P. P. C. No. 243)

THE PRESIDENT: To the Committee on National Defense.

Proposed constitutional precept regarding the Members of the Legislature, submitted by Delegate Conol (P.P.C. No. 244).

THE PRESIDENT: To the Committee on Legislative Power.

Proposed Constitutional precept regarding suffrage, submitted by Delegate Moncado (P.P.C. No. 245).

THE PRESIDENT: To the Committee on Suffrage.

Proposed constitutional precept regarding unreasonable searches and seizures, submitted by Delegates Bonto and Conejero (P.P.C. No. 246).

THE PRESIDENT: To the Committee on Constitutional Guarantees.

Proposed constitutional precept making a Legislative declaration of the existence of an emergency conclusively binding upon the Executive and Judicial Departments, submitted by Delegate Perez (P.P.C. No. 247).

THE PRESIDENT: To the Committee on Judicial Power.

Proyecto de precepto constitucional aboliendo la cedula personal, sometido por el Delegado Calleja (P.P.C. No. 249).

EL PRESIDENTE: Al Comité de Hacienda y Cuentas Públicas.

Proposed constitutional precept prescribing the method of amending the Constitution, submitted by Delegate Mumar (P.P.C. No. 250).

THE PRESIDENT: To the Committee on Amendments to the Constitution.

Proposed constitutional precept providing for a bicameral system, submitted by Delegate Escareal (P.P.C. No. 151).

THE PRESIDENT: To the Committee on Legislative Power.

Proyecto de precepto constitucional fijando el límite del empréstito que puede obtener el Gobierno de la Mancomunidad, sometido por los Delegados Lutero, Flores y Yusay (P.P.C. No. 252).

EL PRESIDENTE: Al Comité de Hacienda y Cuentas Públicas.

Proyecto de precepto constitucional sobre garantías de un acusado en todo juicio criminal, sometido por el Delegado Buendia (P.P.C. No. 254).

EL PRESIDENTE: Al Comité de Poder Judicial.

Proyecto de precepto constitucional sobre el derecho de petición y de asociación o reunión pacífica, sometido por el Delegado Buendia (P.P.C. No. 255).

EL PRESIDENTE: Al Comité de Declaración de Derechos.

Proyecto de precepto constitucional prescribiendo quienes tienen la facultad de imponer penas y perseguir los delitos, sometido por El Delegado Buendia (P. P. C. No. 256).

EL PRESIDENTE: Al Comité de Poder Judicial .

Proposed constitutional precept providing for the creation of a Department of Public Health, submitted by Delegate Guzman (J.) (P.P.C. No. 257).

THE PRESIDENT: To the Committee on Sanitation and Hygiene.

Proposed constitutional precept giving the Department Secretaries a seat in the Legislature, submitted by Delegate Guzman (J.) (P.P.C. No. 258).

THE PRESIDENT: To the Committee on Legislative Power.

Proposed constitutional precept providing for the qualification of an elector, submitted by Delegate Guzman (J.), (P.P.C. No. 259).

THE PRESIDENT: To the Committee on Suffrage.

Proposed constitutional precept regarding public officials and employees, submitted by Delegate Sanvictores (P.P.C. No. 260).

THE PRESIDENT: To the Committee on Civil Service.

Proposed constitutional precept concerning religious freedom, submitted by Delegate Sanvictores. (P.P.C. No. 261).

THE PRESIDENT: To the Committee on Constitutional Guarantees.

Proyecto de precepto constitucional confiriendo al Gobernador Provincial la facultad de controlar el precio de los artículos de primera necesidad en casos de agio y alza fraudulenta de precios, sometido por el Delegado Ocampo (P.P.C. No. 262).

EL PRESIDENTE: Al Comité de Comercio.

Proyecto de precepto constitucional declarando libre de embargo y expropiación forzosa el patrimonio del obrero y del pequeño propietario, sometido por el Delegado Ocampo (P.P.C. No. 263).

EL PRESIDENTE: Al Comité sobre Poder Judicial.

Proposed constitutional precept regarding compulsory military service, submitted by Delegates Ricohermoso and Mansueto (P.P.C. No. 264).

THE PRESIDENT. To the Committee on National Defense.

Proposed constitutional precept regarding religious instructions in the public schools, submitted by Delegates Ricohermoso and Mansueto (P.P.O. No. 265).

THE PRESIDENT: To the Committee on Public Instruction.

Proposed constitutional precept prohibiting the levying of tax or duty on exported articles, submitted by Delegate Jumauan (P.P.C. No. 266).

THE PRESIDENT: To the Committee on Finance and Public Accounts:

Proposed constitutional precept providing for the rights of the people of the Commonwealth, submitted by Delegate Jumauan (P.P.C. No. 267).

THE PRESIDENT: To the Committee on Declaration of Rights.

Proposed constitutional precept regulating labor, submitted by Delegate Zaballa (P.P.C. No. 268).

THE PRESIDENT: To the Committee on Labor and Public Welfare.

Proposed constitutional precept prohibiting child labor, submitted by Delegate Villareal (P.P.C. No. 269).

THE PRESIDENT: To the Committee on Labor and Public Welfare.

Proposed constitutional precept providing for the organization of the courts, submitted by Delegate Abordo (P.P.C. No. 270).

THE PRESIDENT: To the Committee on Judicial Power.

Proposed constitutional precept adopting a republican form of government, submitted by Delegate Villareal (P.P.C. No. 271).

THE PRESIDENT: To the Committee on Sponsorship.

Proposed constitutional precept prohibiting punishment by confiscation of property, submitted by Delegate Villareal (P.P.C. No. 272).

THE PRESIDENT: To the Committee on Judicial Power.

Proposed constitutional precept regarding the manufacture and sale of firearms, ammunitions and gunpowder, submitted by Delegate Villareal (P.P.C. No. 273).

THE PRESIDENT: To the Committee on National Defense.

Proposed constitutional precept prohibiting the transfer of judges from one district to another, submitted by Delegate Villareal (P.P.C. No. 274).

THE PRESIDENT: To the Committee on Judicial Power.

Proyecto de precepto constitucional estableciendo y regulando las contribuciones sobre la propiedad raiz, sometido por los Delegados Villamor y Guzman (A.) (P.P.C. No. 275).

EL PRESIDENTE: Al Comite de Hacienda y Cuentas Publicas.

Proposed constitutional precept regarding the preamble, submitted by Delegate Binag (P.P.C. No. 276).

THE PRESIDENT: To the Committee on Preamble.

Proyecto de precepto constitucional prohibiendo a los legisladores ocupar cargos de nombramiento durante el periodo de su cargo, sometido por el Delegado Albero (P.P.C. No. 277).

EL PRESIDENTE: Al Comite de Poder Legislativo.

Proyectos de Resolucion

By Delegates Maramara and Mansueto (P. R. C. C. No. 43), entitled:

RESOLUTION ORDERING THE INSERTION OF THE MEMORIAL PRESENTED BY THE NATIONAL RE-SEARCH COUNCIL OF THE PHILIPPINE ISLANDS IN THE RECORD OF THE CONSTITUTIONAL CONVENTION.

THE PRESIDENT: To the Committee on Rules.

By Delegate Vinzons (P. R. C. C. No. 44), entitled:

RESOLUTION CREATING A SPECIAL COMMITTEE OF FIVE MEMBERS OF THE CONSTITUTIONAL CONVENTION TO DELIVER A COPY OF THE CONSTITUTION TO THE PRESIDENT OF THE UNITED STATES FOR HIS APPROVAL.

THE PRESIDENT. To the Committee on Sponsorship.

By Delegate Gullas (P. R. C. C. No. 45), entitled:

RESOLUTION PROVIDING THE DIFFERENT COMMITTEES OF THE CONVENTION WITH OFFICES, STENOGRAPHERS AND MESSENGERS, AND REQUESTING THE PHILIPPINE

LEGISLATURE TO AMEND THE CORRESPONDING ACT ACCORD-INGLY.

THE PRESIDENT: To the Committee on Accounts. Peticiones

Resolution del Concejo Municipal de Janiuay, Iloilo, pidiendo la insercion en la Constitution de ciertas disposiciones referentes a la judicatura.

EL PRESIDENTE: Al Comite de Poder Judicial.

Resolution of the Municipal Council of Sogod, Leyte, requesting a greater autonomy for the municipal governments.

THE PRESIDENT: To the Committee on Provincial and Municipal Governments.

Memorial submitted by the Young Philippines making suggestions on constitutional matters.

THE PRESIDENT: To the Committee on Sponsorship.

Escrito presentado por los Sres. Jose Flor Mata y Marciano Fajardo pidiendo se conceda una ayuda a los Veteranos de la Revolucion.

EL FRESIDENTE: Al Comite de Hacienda y Cuentas Publicas.

Resolucion de la Comision de Agricultura de Anti-que pidiendo que se inserte en la Constitucion una disposicion sobre los sistemas de riego.

EL PRESIDENTE: Al Comite de Industria.

SR. SOTTO (F.) Sr. Presidente, pido que se lea un proyecto de resolucion del Comite de Reglamentos que obra en poder del Secretario.

EL PRESIDENTE: Lease.

EL SECRETARIO, leyendo:

RESOLUCION ELEVANDO EL NUMERO DE MIEM-BROS DE ALGUNOS COMITES DE LA CONVENCION.

Se resuelve, Enmendar, como por la presente se enmienda el articulo 7 del Reglamento de la Convencion, de tal manera que el Comite de Ponencia se componga de ochenta y siete Miembros; el Trabajo y Bienestar So-cial, de veintisiete Miembros; el de Servicio Civil, de veintisiete Miembros; el de Garantias Constitucionales, de veinticinco Miembros; el de la Defensa Nacional, de veintiun Miembros; el de Enmiendas de la Constitucion, de veintisiete Miembros; el de Disposiciones Transitorias, de cuarenta y un Miembros; el de Impeachment, de treinta y tres Miembros; el de Gobiernos Provinciales y Municipales, de treinta y un Miembros; el de Instruccion Publica, de treinta y siete Miembros; el de Comercio, de treinta y un Miembros; el de Sufragio, de cuarenta y cinco Miembros; el de Moneda y Bancos, de veintitres Miembros; el de Tarifas, de veinticinco Miembros; el de Disposiciones Mandatorias, de veinticinco Miembros; el de Relaciones Metropolitanas y Exteriores, de veintisiete Miembros; el de Nacionalizacion y Conservacion de Ter-renos y Recursos Naturales. de cuarenta y un Miembros; el de Declaracion de Derechos, de treinta y tres Miem-bros; el de Provincias Especiales, de cuarenta y un Miem-bros; el de Sanidad Higienie, e de diecisiete Miembros.

EL PRESIDENTE: ¿Esta dispuesta la Asamblea a votar el proyecto de Resolucion?

LA ASAMBLEA: Si.

EL PRESIDENTE: Los que estan en favor de la resolucion, digan Si.

LA ASAMBLEA: Si.

EL PRESIDENTE: Los que estan en contra, digan No. (Silencio.) Adoptada.

Como consecuencia de la Resolucion que acaba de aprobarse, la Mesa anunciara los siguientes Miembros adicionales:

EL SECRETARIO, leyendo:

**MIEMBROS ADICIONALES NOMBRADOS A LOS
COMITES**

15 de agosto de 1934,
Gobiernos Provinciales y Municipales

Sr. Abrigo,

Sres.

Santos,

Sres.

Artadi

Moldero,

Quirino (D.),

Cinco,

Balili,

Mansueto,

Ricohermoso,

Ancheta,

Inting,

Sres. Abordo,

Sres. Cabarroguis,

Carino,

Vinzons.

Pio,

INSTRUCCION PUBLICA

Sr. Nepomuceno (R.),

Sres.

Benitez,

Sres.

Guzman (A.),

Aruego,

Conol,

Pio,

Abordo,

Labrador,

Gaerlan,

Ybanez,

Maramara,

Jumauan,

Alkuino,

Bueno,

Castro,

Cruz (C.),

Balili,

Perez (T.),

Binag,

Beltran,

Montaño,

Galang,

Ranjo,

Delgado,

Niere,

Abrigo

Lizardo,

Lapak,

Esliza,

Leonardo

Arcenas,

Maza,
Osias,
Sobrepeña,
Vinzons,
Cabili,
Caram.

COMERCIO

Sr. Araneta,
Sres.
Quirino (D.),
Sres.
Grageda,
Pio,
Cabarroguis,
Canonoy,
Ranjo,
Lopez (V.),
Singson Encarnacion,
Calleja,
Dikit,
Cruz (R.),
Cruz (C.),
Moldero,
Cuaderno,
Zialcita,
Martinez (P.),
Moncado,
Martinez (M.),
Sres.
Saguin,

Sres.

Velasco,

Sinsuat,

Sinsuat,

Artadi,

Artadi,

Montilla,

Montilla,

Jumauan,

Jumauan,

SUFRAGIO

Sr. Altavas,

Sres.

Joven,

Sres.

Montesa,

Mumar,

Balili,

Canonoy,

Suñer,

Cariño,

Kintanar,

Irving,

Abella,

Bocar,

Abordo,

Melendez,

Ramos,

Velasco,

Jose,

Buendia,
Cabili,
Galang,
Buslon,
Bonto,
Piang,
Inting,
Caram,
Escareal,
Ybañez,
Ortiz, (M.),
Gullas,
Flores,
Rivera,
Sison,
Duguang,
Aldeguer,
Crespillo,
Sevilla,,
Ventura,
Sanvictores,
Ribo,
Alkuino,
Kapunan,

TARIFAS

Sr. Marabut,
Sres.
Sanchez,
Sres.
Singson Encarnacion,

Quirino (E.),
Abrigo,
Cuaderno,
Aguilar,
Jumauan,
Yusay,
Calleja,
Confesor,
Crespillo,
Gumangan,
Araneta,
Pelayo,
Lizardo,
Duguiang,
Grageda,
Lorenzana,
Lizardo,
Ocampo,
Cabarroguis,
Montilla,
Millar,
Baltao,
Maglanoc,
MONEDA y BANCOS
Sr. Cuaderno,
Sres.
Cruz (C.),
Sres.
Singson Encarnacion,
Quirino (E.),
Cabarroguis,

Lopez (V.),
Araneta,
Montilla,
Dikit,
Ledesma,
Confesor,
Conejero,
Lizares,
Marabut,
Bautista,
Pio,
Pelayo,
Martinez (R.),
Divinagracia,
Martinez (M.),
Arcenas,
Grageda,
Vacante.

DISPOSICIONES MANDATORIAS

Sr. Hontiveros,
Sres.
Ysip,
Sres.
Galang,
Nepomuceno (V.),
Adduru,
Surban,
Carin,
Lizardo,
Ranjo,

Guzman (B.),
Caram,
Barrion,
Vinzons,
Inting,
Roxas,
Buslon,
Albero,
Ganzon,
Sres. Abella,
Saguin,
Irving,
Laurel,
Melendez,
Baltao,
Vacante,

TRABAJO Y BIENESTAR PUBLICO

Sr. Delgado,
Sres.
Santos,
Sres.
Alkuino,
Buendia,
Ybañez,
Cuenco,
Flores,
Chioco,
Locsin,
Jose,
Mansueto,

Kintanar,
Grageda,
Enriquez,
Gumban,
Araneta,
Buslon,
Bueno,
Zurbito,
Borbon,
Villareal,
Cinco,
Alejandrino,
Abordo,
Castillejos,
Diez,
Pio.

SERVICIO CIVIL

Sr. Morales,
Sres.
Abordo,
Sres.
Lorenzo,
Dikit,
Bueno,
Zavalla,
Abaya,
Ancheta,
Cinco,
Espeleta,
Cruz,

Mansueto,

Ganzon,

Joven,

DEFENSA NACIONAL

Sr. Alejandrino,

Sres.

Villamor,

Sres.

Jumauan,

Cea,

Sandiko,

Sandoval,

Borbon,

Sres. Navarro,

Sres. Villanueva,

Guzman, (B.)

Encarnacion,

Montesa,

Tulawi,

Adduru,

Benitez,

Salumbides,

Gaerlan,

Lizardo,

Divinagracia,

Morales,

Curato,

GARANTAS CONSTITUCIONALES

Sr. Lim,

Sres.

Braganza,
Sres.
Morales,
Romualdez,
Alkuino,
Salazar (A.),
Sobrepeña,
Millar,
Maglanoc,
Hontiveros,
Perfecto,
Guzman (A.),
Maza,
Salumbides,
Rivera,
Borbon,
Enriquez,
Nepomuceno (V.),
Pelayo,
Francisco,
Inting,
Ranjo,
Esliza,
Beltran,
Cloribel,
Perez (J.),
Vacante.

ENMIENDAS A LA CONSTITUCION

Sr. Ozamis,
Sres.

Bonto,
Sres.
Ortiz (L.)
Ventanilla,
BaÅ„aga,
Ramos,
Fakangan,
Enriquez,
Lorenzana,
Navarro,
Albero,
Artadi,
Tanopo,
Abella,
Salazar (V.),
Joven,
Grafilo,
Bocar,
Borbon,
Flores,
Velasco,
Sres. Sinsuat,
Sres. Melendez,
Alonto,
Vacante,

DISPOSICIONES TRANSITORIAS

Sr. Kapunan,
Sres.
Zavalla,
Sres.

Melendez,
Cea,
Maglanoc,
Leonardo,
Perfecto,
Paredes,
Quirino (D.),
Guzman (A.),
Binag,
Nepomuceno (J.),
Guariña,
Santos,
Abaya,
Carin,
Conol,
Perez (J.),
Aruego,
Perez, (T.),
Montano,
Flores,
Nepomuceno (J.),
Mansueto,
Kintanar,
Artadi,
Beltran,
Abella,
Guzman (B.),
Crespillo,
Gutierrez David,
Conejero,
Lorenzana,

Ortiz (M.),
Buendia,
Lutero,
Villarama,
Aguilar,
Canonoy,
Villareal,
Sanchez,
Bautista,

IMPEACHMENT

Sr. Gutierrez David,
Sres.
Aruego,
Sres.
Zialcita,
Paredes,
Ribo,
Barrion,
Montinola,
Gaerlan,
Cloribel,
Arellano,
Zurban,
Escareal,
Lim,
Ortega,
Salumbides,
Beltran,
Ocampo,
Sres. Buslon,

Sres. Ortiz (L.)

Bueno,

Ezpeleta,

Binag,

Rafols,

Mumar,

BaÅ„aga,

Guzman (A.),

Jose,

Sotto (V.),

Ortiz (M.),

Gullas,

Fernandez,

Baltao,

Vacante.

RELACIONES METROPOLITANAS Y EXTRANJERAS

Sr. Guevara,

Sres.

Sevilla,

Sres.

Grafilo,

Braganza,

Sison,

Barrion,

Osias,

Montesa,

Palma,

Reyes (J.),

Perez, (J.),

Ysip,

Pelayo,

Niere,

Cloribel,

Conol,

Sinsuat,

Aruego,

Arellano,

Salazar,

Leonardo,

Sandoval,

Arteche,

Bocar,

Montilla,

Abella,

NACIONALIZACION Y CONSERVACION DE TERRENOS Y RECURSOS NATURALES

Sr. Locsin,

Sres. Encarnacion, Sres. Morales,

Ledesma,

Navarro,

Hernaez,

Cariño,

Chioco,

Gumban,

Bonto,

Niere,

Cruz (E.),

Ribo,

Cabarroguis,

Gaerlan,

Cinco,

Quirino (D.),

Sres. Ventura,

Sres. Abaya,

Confesor,
Lutero,

Rafols,
Zialcita,

Aldeguer,
Fernandez,

Ortiz (M.),
Nepomuceno (J.),

Artadi,
Melendez,

Castillo,
Guariña.

Prieto,
Villarama,

Benito,
Jose,

Mumar,
Jumauan,

Cea,
Vinzons.

Pelayo,

DECLARACION DE DERECHOS

Sr. Laurel,

Sres.

Grafilo,

Sres.

Briones,

Bocar,

Perez (J.)

Sevilla,

Sobrepeña,

Ysip,

Baltao,

Zavalla,

Calleja,
Jumauan,
Castillejos,
Braganza,
Cloribel,
Ramos,
Mumar,
Zialcita,
Moncado,
Vinzons,
Salazar (V.),
Duguang,
Ribo,
Piang,
Ricohermoso,
Encarnacion,
Abella,
Lapak,
Guariña
Muñoz,
Araneta,

PROVINCIAS ESPECIALES

Sr. Piang,
Sres.
Sanvictores,
Sres.
Joven,
Cabarroguis,
Abordo,
Inting,

Gumban,
Sres. Moldero,
Sres. Castillejos,
Ozamis,
Duguiang,
Gaertan,
Suñer,
Carino,
Abaya,
Gumangan,
Villanueva,
Delgado,
Curato,
Jose,
Saguin,
Artadi,
Castillo,
Tulawi,
Cabili,
Villamor,
Lorenzo,
Sinsuat,
Arteche,
Montafio,
Cuenco,
Lizardo,
Velasco,
Crespillo,
Lorenzana,
Tanopo,
Melendres,

Pelayo,
Vacante.
Ancheta,

SANIDAD E HIGIENE

Sr. Villarama,
Sres.
Ricohermoso,
Sres.
Locsin,
Caram,
Aguilar,
Guzman (J.),
Castillejos,
Delgado,
Prieto,
Cariño,
Villamor,
Fakangan,
Gutierrez David
Mansueto,
Niere,
Chioco,
Moncado,

En vista de la dimision del Delegado Sr. Romualdez como Chairman del Comite de Credenciales, queda nombrado en su lugar el Delegado Nepomuceno, y el Sr. Romualdez continuara siendo Miembro de dicho Comite.

DISCURSO DEL SR. LIM SOBRE LA
INDEPENDENCE DE LA JUDICATURA
MR. LIM: Mr. President.

EL PRESIDENTE: Tiene la palabra el Sr. Delegado por Manila.

MR. LIM: Mr. President and Gentlemen of the Con-vention: Deeply appreciative of the great opportunity you have afforded me, I am taking advantage of this privilege of addressing you this afternoon, not for any personal

aggrandizement but to fulfill a sacred trust. My task is not smooth, but I entreat your attention and appeal to your benevolence.

These batches of documents, old and new, that I am holding now before your eyes, and which I see dripping with the tears and blood of the victims whose names are of no immediate consequence, have urged me to take a good portion of your precious time. — They contain the pathetic narration of several instances of infamous official corruption, from the highest to the lowest, that though hard to establish may blemish our judiciary, through the fault of a few. .

Gentlemen, I have not gathered them willingly. They came unsought into my hands within the very walls of this hall, enclosed in modest and most primitive pack-age, and addressed to the President of the Lawyers' League of the Philippines.

Cases like these, in which the victim's only lot is to despair, reaffirm the urgent necessity of effecting a reform in our judiciary, which in the past had been sponsored mainly by the local bar associations and public-minded citizens, and actually within this Convention, by a great majority, if not by all of us, but most particularly by the Lawyers' League of the Philippines, a nation-wide organization that is proud to count among its numerous members, who are spread all over these fair Isles of ours, no less than the illustrious President of this Convention.

I realize, Mr. President, that I may be digressing but I consider it to be a privilege and duty to honor these meritorious crusaders, whose disinterested sponsorship of judicial reforms has oftentimes made them enemies of their closest friends. Constructive reforms are often bitterly opposed by the very people who may be beneficiaries of the system for which reform is sought.

The Lawyers' League of the Philippines was formally organized by active but politically independent practitioners soon after and, as a consequence of the approval of Act No. 4007 of the Philippine Legislature, otherwise known as the Judiciary Reorganization Act. This association has stood from the very beginning for an efficient and steady administration of justice. It believes in the absolute independence of the judiciary and in the permanence of judicial tenure, if it is to be over and above political corruption, pursuant to the Canon of Professional Ethics, which provides that "it is the duty of the bar to prevent political considerations from outweighing judicial fitness in the selection of judges."

In this so far short but effective crusade — as the League was organized not more than two years ago — it has openly, unrelentingly and successfully fought against all alliances between justice and politics, against the appointments to the judiciary of unqualified persons, against the merry-go-round of judges, more popularly known as "rigodon de jueces," and against that other evil termed as merry go-round of cases or "rigodon de asuntos." These are so recent and well-known as to need any further remark.

Sitting with us within this Session Hall as full-pledged Members of this Convention, we have two of its former Presidents, its incumbent President, three directors and several members. One of these former presidents has been honored already by you as the Temporary Chairman of this Assembly, and the merits of the other one acknowledged as well by his designation as Chairman of the Committee on the Judiciary. I am referring, Mr. President, to the Hon. Jose P. Laurel and the Hon. Vicente J. Francisco, respectively.

The main principles to be embodied in a constitutional system based on popular government, to be permanently successful, are: (1) the guaranty of the rights of the individual against encroachment by the State, and (2) the division of the powers of sovereignty among the Executive, the Legislative and the Judicial branches of Government. As a result of the latter, there has come a development, i. e., an independent judiciary to protect individual rights against the power of the State and to prevent the various departments of government from

en-croaching on the domain of each other.

The importance of this division of powers in the maintenance of liberty is apparent upon the least reflection. The concentration of the sovereign power in one agency leads to despotism because of its inevitable tendency to substitute the will of the individual exercising the power for law duly prescribed. If the same body is given the power to enact and enforce the law, he who enforces will have in mind, not law as prescribed, but the end to which the law was directed, and the limits of legality which must be observed in executive action will be obscured. If the same body may enact and interpret the law, the same evil results, with the added danger that there would be no effective safeguard against ex-post facto laws and other pernicious retrospective legislation. But when laws are enacted by representatives who come directly from and are frequently chosen by the people, and are enforced and carried out by other men, who have nothing to do with their passage, and are subject to review by yet a third body of men, who are independent of the others, and have no duty except to declare the law as they find it, the ideal constitution is realized and government becomes in truth a government of laws and not a government of men.

Under such a system, laws are enacted by men, interpreted by men and enforced by men; but in the end what is enforced is not the arbitrary will, or power or notion of any man or group of men, but the law as prescribed by those who represent the popular will and as judicially declared by those withdrawn from political contests to exercise judicial power.

"Independence of the Judiciary", that is the by-word that is being heard from all quarters. In fact, it has been a by-word for centuries, for the defense of which History recounts numerous bloodsheds and even revolutions. Shall we respond to that call made by our constituents to secure an independent judiciary in the Constitution to be adopted for our Commonwealth? Let us not forget that the citizen may likely tolerate politics and the spoils system, without regard to merits, in some public positions but not in the judiciary. He may look with easy going tolerance upon charges of politics in some branches of the government, but he insists that the courts remain for him and his children a bulwark to which they may resort in faith and in fact against whatever may come. Once his faith in the courts is shaken he will cease to believe in them and his sense of security will be gone.

May I say, however, at this juncture, Mr. President, so that there may be no misunderstanding, that I have nothing but praise for the honorable men who adorn our bench. I neither seek to impugn the motives of or condemn those who are engaged in leading and directing political affairs. Political leadership we always have had with us, and shall always have with us. A responsible and sound leadership tends to settle continuous responsibility to which the country can turn in times of need.

This is no time to demand responsibility for our present troubles in terms of narrow partisanship. This is not a period for more criticism, but of construction. This is the time to correct those defects that we believe as existing in the framework of our present Government. We need that spirit of constructive cooperation for which the necessities of our people so eloquently appeal.

In pleading for an independent judiciary I do not mean that our actual judiciary is not independent. I demand, however, more independence for the judiciary, to prevent the recurrence of cases that have reflected against the other branches of the Government, and have been branded time and again as maneuvers of political expediency.

This independence can only be secured by providing in the Constitution the proper means of selecting the persons to occupy the office, their tenure, their salaries, and the conditions for their removal, transfer, suspension, etc., and finally, by providing for an expeditious, fair and efficient manner in which cases, both civil and criminal, are to be cleared from court dockets.

Mr. President, for a clearer understanding, allow me to present a brief exposition of the organization of our courts of justice, the manner and form in which the members of our Bench are appointed and the other related matters, as well as a few of the proposed remedies that have been hinted here and everywhere. However, it is not my aim to sponsor anyone at this particular time. They are merely brought to your benevolent attention for further consideration and study.

The pertinent portion of the Organic Law of August 29, 1916, more commonly known as the Jones Law, provides the following:

"That the Supreme Court and the Courts of First Instance of the Philippine Islands, shall possess and exercise jurisdiction as heretofore provided and such additional jurisdiction as shall hereafter be prescribed by law. The municipal courts of said Islands shall possess and exercise jurisdiction as now provided by law, subject in all matters to such alteration and amendment as may be hereafter enacted by law; and the Chief Justice and the Associate Justices of the Supreme Court shall hereafter be appointed by the President, by and with the advice and consent of the Senate of the United States. The judges of the courts of first instance shall be appointed by the Governor-General, by and with the advice and consent of the Philippine Senate."

In consonance with this organic provision, we have the Supreme Court, the Courts of First Instance, and Justice of the Peace Courts, including the Municipal Court of Manila.

What are the defects that ought to be corrected and what are the remedies that ought to be incorporated in our Constitution to prevent the recurrence of situations that we have considered anomalous?

In the first place, our present Organic Law is silent as to the composition of our Supreme Court, for which reason even our highest tribunal — Constitutional Court though it is — is not immune from Congress and the Executive. The number of its members, as in the United States Constitution, is not fixed by the Jones Law but may be increased at the will of Congress and additional members may be appointed by the President, with the advice and consent of the Senate of the United States.

During the tragic era of reconstruction in the United States it was suggested by some that the Federal Supreme Court be packed in this way in order to insure the upholding of the measure aimed at the prostrated South; the hands of Congress were only stopped by the fear of public opinion and the realization that this power to appoint the additional members was lodged in a hostile President. Should public support ever weaken, it would be easy for Congress and the President, working in unison, to be rid of the check of the courts.

That nothing happened in the past may be due to our state of dependency. Do we possess sufficient guaranty that this may not occur during our self-rule, once the power of appointment is lodged under our full control? It follows that the composition of our Supreme Court must be expressed in unequivocal terms. As an immediate corollary the existence and general organization of all our courts of justice must be constitutionally safeguarded and guaranteed.

In the second place, by virtue of Act No. 4023 of the Philippine Legislature, our Supreme Court consists of one Chief Justice and ten Associate Justices, who may sit in banc or in divisions of five or three Justices.

The main purpose of this reform is evidently to enable the Supreme Court to easily dispose of those cases which mainly clog its calendar, namely, cases that are not worth more than P10,000.00, or in which the penalty imposed does not exceed ten years imprisonment or a P10,000.00 fine. Under the reorganized law the decision penned by a Justice, with the concurrence of two others of his division, is sufficient. The scheme truly considers of small importance those cases handed by a Division of Three.

Naturally, if without any serious protest we can stoically hear of sentences of sixty-four or more years of

imprisonment meted for petty embezzlement or theft, a sentence of ten years imprisonment may probably be considered as an ordinary and common occurrence. It is to be observed, however, that ten years in a man's life are worth as much as the rest of his natural life. The Russian Soviets, considered until lately to be the most retrograde people in Europe, had to be the ones to call the attention of the scientific world to the fact that ten years is the maximum period within which anyone should expect to reform a criminal by way of imprisonment. This was so provided in their Penal Code of 1926, as amended in 1930. In a Christian and civilized country like ours, which we are so proud to advertise on all occasions, an imprisonment for ten years cannot possibly be a thing of minor consequence.

Our attitude regarding civil cases and fines amounting to P10,000.00 cannot be different. This amount would be insignificant in a nation abundant with millionaires, but in a country like ours, where only a very few have P10,000.00 ready and at hand, not excluding a great majority of the members of this Convention, a cash amount of that quantity is a veritable fortune. This is more than true during this critical period.

These methods of passing judgment seem to be repugnant to the purposes of the creation of the Supreme Court itself. They defeat the objectives of the lawmaker in creating a corporate court, in which the joint education, learning, and experience of its several members are supposed to be utilized in the disposition of its business.

I may admit that this scheme of allowing our Supreme Court to pass upon cases in divisions of three has been prompted by the circumstances surrounding our judicial system. Imagine the work of nine justices, prior to the reorganization, who have to decide and pass upon more than double the number of cases that a similar body of similar composition had to. I am referring, Mr. President, to the Supreme Court of the United States, composed as well of nine members. This last Court, in 1932, decided two hundred thirteen cases on the merits and five hundred forty-three applications for certiorari, or a total of seven hundred fifty-six cases; in 1933, it decided two hundred forty-eight cases on the merits and six hundred and thirty-two applications for certiorari, or a total of eight hundred eighty cases. Whereas, our Supreme Court decided one thousand seven hundred eighty cases in 1930, one thousand seven hundred fifteen in 1931, two thousand seventy in 1932, and two thousand nine hundred in 1933. The tendency for a progressive increase is too notable to require any further comment.

Mr. President, this is the natural consequence of an almost absolute right of appeal, which swamps with cases the docket of our Supreme Court and results in its inability to perform properly its distinctive function. It is utopic to suggest or think of any self-imposed restraint which will prevent lawyers from presenting applications or appeals which are devoid of merit.

As to the Courts of First Instance under Reorganization Act No. 4007, we have all our Islands divided in a more or less systematic way into twenty-seven judicial districts covered by forty-seven district judges and eight judges-at-large, or a total fifty-five judges; three have been vacant. These courts are conferred with both original and appellate jurisdiction, including cases coming from the justice of the peace courts.

Turning our attention to the lowest unit in our judiciary, we find justices of the peace and the auxiliary justices, who in many instances are not even qualified members of the bar. Until lately, the position of justice of the peace had been so belittled that no importance was ever given to it. But it should be the reverse. The justice of the peace court is the only tribunal to which the great majority of our people resort, for which reason it has been properly termed the "court of the poor" to which our masses belong. Their means do not allow them to go anywhere else, barring a few exceptional cases.

The stability of a building depends on its foundation and our justice of the peace courts, for the reason that they are the lowest and have a more direct contact with our masses, form the foundation of our judicial structure.

There is a general charge of inadequacy of our courts to attend efficiently to the volume of work being brought to them. Complaints of delay in the disposition of cases are almost universal.

Inspired by the delays and uncertainties which marred the work of the regular courts of law, two strong movements leading away from the courts have manifest-ed themselves. First is the tendency to create administrative quasi-judicial tribunals, manned presumably by experts and unhampered by the traditions and rules of evidence and procedure which strike the average laymen and legislators as responsible for the clumsiness of the courts. Such are the several administrative appeal boards and our Public Utility Commission.

The second tendency away from the courts is the reaction of the businessman, rather than the legislator, impatient of the long-winded speeches of eloquent counsel. This induces the growth of arbitration of commercial disputes by trade bodies or organizations on behalf of their members. There has been no satisfactory results from these quarters, which have but rendered more difficult and multifarious the science of jurisprudence to the despair of practitioners.

To do away with this anomalous situation, the following plan may be suggested:

The members of the Supreme Court could be reduced in number, let us say, to seven members, but limiting its appellate jurisdiction to cases involving purely legal questions. Two or three intermediate courts of appeal should be created, similar to those old Spanish tribunals that we had in the past, whose decisions should be final on questions of fact involved in appealed cases within the original jurisdiction of the Courts of First Instance. On the other hand, the decisions of the latter should be final on all questions of fact involved in appealed cases coming from the justice of the peace courts .

Moreover, instead of granting mere discretion to the Chief Executive or to the Department Head to combine two or more municipalities into a single judicial district, to be placed under a single justice of the peace, the measure should be compulsory, with the exception of big cities and municipalities, and under the express condition that they should be courts of record and that the appointees should have the essential qualifications to discharge their duties with more dignity and efficiency, such as requiring them to be members of the bar. By such step, we shall accomplish besides an enormous economy, which is so essential.

Now, we may pass to one of the subjects which has been the favorite topic and has been the object of close study by Members of this Convention, and that is the best method for the selection of the members of our judiciary in order that they may continue rendering the kind and character of service for which such courts were constituted, and that the faith of all therein may not be lessened but may be maintained and, if possible, increased.

In a republican government, with no provision for continuous personal responsibility in any department, a diminution of faith in the courts will spell despair, if not something worse. The power of the courts to summon citizens before them and make them disclose full facts brings out forcibly the corresponding need of requiring the highest degree of integrity and fitness in the judges who pass on the issues involved.

Actually, the members of our Supreme Court are appointed by the President, with the advice and consent of the Senate of the United States; the Judges and auxiliary Judges of First Instance, the Justices and auxiliary Justices of the Peace are appointed by the Governor-General, by and with the advice and consent of the Philippine Senate.

Once in a while, particularly since the incumbency of the actual Governor-General, our Chief Executive has sought the counsel of the local bar associations in the appointment or nomination of Justices of the Supreme Court and Judges of First Instance. This is a mere concession or courtesy that may be withdrawn at the will of the Executive. Of course, there are several other methods for the selection of the members of the judiciary; they may be chosen either by appointment or by election; the latter need not be even discussed for it savors of politics itself,

and our purpose is a complete divorcement of both. There is an additional advantage in adopting the method of appointment, as this definitely locates responsibility on the Chief Executive as a duly elected official and also preserves the principles of a true democratic government.

But is our actual method satisfactory? From time to time there arises visible evidence of great dissatisfaction among the citizens generally over those appointed to judicial positions.

The defect in the system cannot be attributed entirely, however, to the inclusion of some unfit judges. It derives largely from the political timidity of judges, which is the natural and virtually inevitable consequence of the so-called political appointment of judges. And, of course, the people are unwilling to increase the power of judges who fall short in accomplishment. The evils pursue each other in a circle.

Several plans have been preferred for the selection of the members of the judiciary. Let us analyze a few of them.

The appointment of members of the Supreme Court may be:

- By the Chief Executive, with the advice and consent of the Senate;
- By the Chief Executive, with the advice and consent of the Supreme Court or of its President;
- By the Chief Executive, in concurrence with a Judicial Council, or a similar body; and
- By the Chief Executive, out of a list of applicants who have shown their qualifications and fitness through a competitive examination.

All of them are too self-explanatory to need a more extensive discussion; of course, every one of these methods is subject to variations, but they need no serious discussion at this time.

The first method is the one familiar to us; the second is criticized in that it may involve the Supreme Court in politics, and its members may be influenced by their gratitude to the Executive to whom they owe their appointments.

But what is the Judicial Council and how should it be composed? The consensus is that if we can constitute one in such a manner as to be noncapturable politically, then to such a body could be given the right to pass on the judicial character and fitness of those to be named for judicial office.

In Massachusetts, they have a similar body known as the Executive Council, composed of eight members elected in various districts throughout the State. Any appointment by the Governor to the Bench and to many other offices has to be confirmed by this Council, over which the Lieutenant-Governor presides.

In Michigan, there is a recommendatory commission consisting of nine members, three to be chosen by the Governor and six by the directors of bar associations, to serve for three years, but not more than two members to be appointed from one judicial district. The Governor appoints the Judges, with the advice and consent of the Commission. This is virtually the same as the Massachusetts system.

In Cleveland, they have recommended the creation of a Judicial Council composed of the Chief Justice of the Supreme Court, as Chairman, one Judge of the Court of Appeals, one Judge of the Court of Common Pleas, one Judge of the Probate Court and one Judge representing the other courts of record established by law, and three attorneys-at-law. When a judicial office becomes vacant, the Judicial Council, within thirty days from notice by the Governor of the existence of a vacancy, shall submit to the Governor the names and qualifications of not more than five qualified persons.

The Georgia system provides that the Governor shall make Supreme Court appointments, to be approved by the

Senate, and that each selection shall be made from five names submitted by the bar, no two of the five to come from the same district.

In this jurisdiction, we could adopt a Judicial Council composed of the Secretary of Justice, the Chief Justice of the Supreme Court, the Presidents of local Bar Associations of nationwide organization, an official of the government who may have the facilities of securing all sorts of information, such as the Chief of Constabulary, and a representative of several local Chambers of Commerce, to be elected by them.

But the latest idea on this subject is the one known as a "Non-political Veto Judicial Council." This body shall have the power to pass on the character and fit-ness of those who are to be appointed for judicial office; it has no appointing power, but it has the right to veto on the ground of lack of character and fitness of those who aspire to judicial honors. The creation of such a body would not prevent the Chief Executive from selecting any one he chooses, but the veto power resides in such body, based on the lack of character and fitness. In the latter case, another name will have to be sub-mitted until the Council concurs.

Such a body might commit mistakes as all human beings do, but if it approves erroneously a candidate in an isolated instance, we would still be better off than at present; whereas if the body disapproves in error it would only be on the side of doubt in the mind of the body as to the judicial character and fitness of the candidate. If a doubt should exist on the qualifications of a candidate, then the interests of the litigants, the legal profession and the general community as a whole would, as they should, receive the benefit of said doubt.

The mere fact that there exists such a Council with a veto power based on character and fitness will of itself be a great deterrent not only to the appointing power but will go a long way to insure the appointment of fit candidates for judicial positions.

It is not our desire to set up a Council that within a short time will become merely another patronage-appendage to the dominant political organization. If such a Council could be set up practically immune to capture by any political organization, then the political leaders would welcome its creation, as it would give them a good excuse for failure to nominate or recommend per-sons whom they do not consider fit for judicial office. It is well nigh impossible for a political leader to deny to a powerful sub-leader among his followers the latter's desire for judicial office. Admittedly, the boss of a political party has the power to appoint or nominate or at least effectively recommend, or else he becomes an unimportant boss and must have to confess his weakness to his followers.

Undoubtedly, the average political leader desires and will want this scheme, although for political expediency he may not openly advocate the same. The conscientious political leader, being a practical man dealing with practical men, realizes more keenly than the average citizen the harm that may come to him and to his children and grandchildren from a Bench lacking the required character and fitness. Once this political leader is assured that no political agency can gain possession of the proposed body, such political leader will not oppose this plan.

How should such body be composed? It has been suggested that it be composed of the president of a nation-wide bar organization and of the presidents of other nation-wide organizations, so that representation is given to every section of the population. In the great majority of cases, this insures men of character, integrity, and some real ability. Furthermore, if the organizations are really representative, as they should be, they will have within themselves sufficient vitality to prevent outside influence, political or otherwise, from interfering in the proper choice of leaders based on their character and fitness. This will prevent also politics from dictating the choice of the presidents of these organizations. It should be very difficult, if not impossible, for a political organization to name the presidents of all such organizations, and thus be able to control the Council, which will pass on the character and fitness of candidates for the Bench.

The choice of organizations must be such that each portion of the community is able to feel that they are truly represented in this Council and that there will be no discrimination against them because of lack of representation. Not only must this Council be composed of men representing organizations of statewide position and influence, but we must have also in this Council those who know the local candidates. I suggest therefore that in addition to the presidents of the bar associations and presidents of other organizations of statewide standing, there be added to the Council the presidents of bar associations comprised within the Judicial District from which the candidate for the Bench comes. Anent the difficulty of having a big membership in this Council, which connotes a greater inertia, we must create a Central Advisory Council, composed automatically of the presidents and Vice-presidents of its local or provincial chapters.

The fourth point that comes to our attention is the tenure and compensation of our judges.

In the Philippine Islands, our Organic Law is silent as to the tenure of office of our judges. There is no provision similar to that contained in the United States and other Constitutions to the effect that judges shall hold office during good behavior, or at least until they are retired under the law. Theoretically, the Justices of our Supreme Court hold office during good behavior, but being appointed by the President of the United States, they are removable at the pleasure of the appointing power, unlike the federal judges of the United States.

No provisions either can be found in our Organic Law regarding the tenure of office of our Judges of First Instance, although theoretically also they hold office during good behavior.

The same may be said of the Justices of the Peace. There being no Constitutional safeguard to this effect, there is nothing to prevent the Philippine Legislature from summarily removing them by legislative fiat, as it has been done with the Judges of First Instance in the reorganization of our judiciary, or indirectly through the diminution of their compensation. It being a mere act of the Philippine Legislature, it can be amended or repealed or rendered insufficient by the same authority, directly by periodical reorganizations, or indirectly by the reduction of the salaries of the justices and judges.

It is of no consequence at this time whether the judges should hold office until they attain a certain age or for a definite period of years, but the presence of this constant menace of legislative control is a weakness that should be eradicated.

Under the garb of reorganizing the Government, the judges may be compelled to vacate their positions, and, for a time at least, their appointments may be subject to the will of the appointing powers. In the language of a distinguished Member of this Body, there is no scene more appalling and pathetic than members of the Judiciary hovering over the Legislative building for reasons we need not say but very well known to them and well surmised by everybody else. Such practice or spectacle cannot but result in the disparagement of judicial dignity and self-respect. What is worse, it is destructive of the confidence of the public in the administration of justice.

The same commentaries could be said regarding the power of the Chief Executive and of the Department Head to transfer judges and justices from one judicial district to another, even against the latter's consent, under the pretext that it is being done for the sake of public interest and the speedy administration of justice. This is true more particularly if we consider that the judge so transferred from one district to another is to receive the compensation due him in the new office instead of the one that was due him in the old, which may mean decrease in his salary.

Any cursory review of modern constitutions, particularly those known as postwar constitutions, will reveal that safeguards for the judiciary, especially in points of permanency of tenure and fixed compensation, have been expressly provided for.

I believe I can sense your impression that the changes suggested are a radical departure from the pre-sent system.

Some of them are, but none of them violates our basic concepts of a republican government.

The Tydings-McDuffie Act, in its Section 2, provides that "The constitution formulated and drafted shall be republican in form."

Sub-section (m) of the same Section 2, provides the following: "The decisions of the courts of the Commonwealth of the Philippine Islands shall be subject to review by the Supreme Court of the United States as provided in Paragraph Six of Section Seven." The provision just referred to reads as follows:

"Review by the Supreme Court of the United States of cases from the Philippine Islands shall be as now provided by law; and such review shall also extend to all cases involving the constitution of the Commonwealth of the Philippine Islands."

There is no other limitation except that the government should be republican in form, and none of those suggested are inimical to this principle.

Let us, then, adopt the best method to insure a really independent judiciary, essential to the success of provisions to be contained in our own Constitution— let us, in other words, lay the basis for the success of a stable government.

But, if we are to confer such independence to our judiciary we might create a monster that may be beyond our control and might overwhelm the other branches of our Government. Let us not forget to create the proper checks and balances on this apparently unlimited power. The proper impeachment proceedings should be provided for, perhaps with grounds additional to those now existing, and also impose liabilities, civil and criminal, for their erroneous and malicious acts.

For the impeachment of the members of the Supreme Court, we could create a body to be known as the Court of Constitutional Guaranties, the same that will entertain impeachment proceedings against the Chief Executive, the members of the Legislature and other constitutional officers of the Government, as well as election protests against the Chief Executive and members of the Legislature.

Mr. President, there can be no higher public duty nor can there be a better monument to glorify our labor. I pray the Almighty God to bestow upon us light and strength that we may properly discern and adopt the best and adequate method of securing in our Constitution an ideal Independent Judiciary. Thank you.

SUSPENSION DE LA SESION

EL PRESIDENTE: Se suspende de la sesion por algunos minutos.

REANUDACION DE LA SESION

Se reanuda la sesion a las 6:12 p.m.

EL PRESIDENTE INTERNO: Se reanuda la sesion.

MR. CABILI: Mr. President.

EL PRESIDENTE: El Delegado por Lanao tiene la palabra.

DISCURSO DEL SR. CABILI SOBRE
"MINDANAO AND THE CONSTITUTION".

MR. CABILI: Mr. President and Gentlemen of this Convention: We are on the threshold of a new life, the partial fulfilment of our dreams, the dream of a separate and independent existence. It is glorious to contemplate our

peaceful struggle for freedom but it is still greater and more glorious to contemplate the future when we shall no longer be a subject people but free and independent. In this hour of triumph and glorification, may we not forget and lose consciousness of the multi-farious obligations that come with the blessings of liberty and freedom. We are convened to draft our Constitution, the instrumentality through which our people's happiness, welfare and prosperity shall be duly promoted, protected and guaranteed.

Gentlemen of this Convention: I submit that one of the burdens, one of the obligations imposed upon our people, incident to our political triumph—a responsibility which we must discharge with dignity and honor—is our responsibility to Mindanao and her backward people. Our friends and our benefactors, the United States of America, are watching us with jealous eyes, hoping and wishing that we shall prove equal to the magnitude of our task.

Mindanao, the region declared to be the most fertile and the most promising in the whole Philippine Archipelago, is indeed a treasure and a problem. Already we see the octopus of imperialism spreading its mighty tentacles over Mindanao, steadily penetrating into our economic life, appropriating the choicest portions of our domain. Our people, dazzled with the prospect of immediate prosperity, have become willing instruments to a subtle but cunning scheme to deprive us of our heritage and our patrimony. If we do not take steps to preserve Mindanao for the Philippines, the time will come when we shall be slaves and beggars in our own country. Beggars in the midst of wealth. Beggars contented with the crumbs that fall from the table in the banquet of wealth and plenty.

We must preserve Mindanao for the Filipinos. We should provide restrictions and limitations in the acquisition of our public domains tending to make us masters and not slaves; hosts and guests and not beggars in the great feast of wealth and abundance. But if we must preserve Mindanao for the Filipinos we should preserve it not for a group of wealthy and favored few but for all Filipinos. We should frown upon, disapprove and condemn any attempt of concentrating wealth upon a group of persons or corporations. The stability and strength of a nation lies not in having a group of wealthy individuals but in having many independent, contented, and happy farmers. They are the bulwark and strength of true democracy.

The Mohammedan population of Mindanao have manifested the keenest of interest in this Assembly. They view this Convention with suspicion and apprehension. They are apprehensive that we shall draft a Constitution encroaching upon their religious customs, and usages. While it is certain that no direct encroachment will be made on their religion, yet it is equally certain that some of their customs and usages fundamentally conflict with Christian ethics. The problem assumes a more serious aspect when we consider that there are Mohammedan customs and usages sanctioned by their religion which are absolutely immoral under the Christian concept. The peace and tranquility of Mindanao will be greatly influenced by the result of this Convention. A little move in this Assembly tending to change any custom and usage of the Moros will be sufficient to throw Mindanao into general armed conflict against constituted authorities. It needs vision, tolerance, and patience to appraise this conflict and effect a compromise satisfactory and acceptable to all.

But it is not enough that we preserve Mindanao for the Filipinos, it is not enough that we respect moro customs and usages. It is essential and fundamental that we make them act and feel as Filipinos, make them realize their responsibility and share in the great task of building up an independent Filipino government capable of weathering the vicissitudes of time and the ages, make them feel that they are our partners and jointly responsible in the great adventure of building up a nation worthy of our past and the sacrifices of our benevolent tutor, the United States of America.

Let us grant them the right to vote and to be voted for. With the grant of this privilege, the backward people of

Mindanao will realize that they are part and parcel of our government and they will take interest in furthering the cause of good government. To the present system of appointing all our provincial and insular officials may be traced the cause of much discontent. We have often the misfortune of having as our officials political lame ducks, men who do not promote the interest and welfare of our backward people, men interested only in pleasing the man from whom they owe their appointments and not in rendering lasting service.

In advocating suffrage for our backward people, I do not mean to assert that we have already attained the level of intelligence and progress of our Christian brothers. We are conscious of our inferiority, our backwardness. But we desire general suffrage because we believe that it is one of the effective agencies in accelerating our progress, because we believe in having a government run by men of our own choosing, men who enjoy our confidence, men who are flesh of our own flesh and bone of our own bones, and finally because we feel that we should move forward and not stand still. We feel that on the eve of our freedom, you will be magnanimous enough to grant us a little political concession, a concession which at the same time will be a recognition of the success of our stewardship over our backward people. Surely after eighteen years under the Jones Law our backward people must have progressed sufficiently to justify granting them another forward step in the management of the government.

Undoubtedly there will be opposition from, some quarters to the grant of suffrage to our backward people. Undoubtedly there will be many prophets of disaster, men who cannot see the bright side of things, men who would foretell bloodshed, disorder and chaos as a result of suffrage. But does not history record that rivers of blood and tears have been shed for the holy cause of democracy? Progress, Gentlemen, exacts a price. And we should be willing to pay the price of progress.

What has sustained us in our struggle for freedom? What has given us courage to face the future amidst the gloomy picture of revolution, economic disaster and annihilation? It is faith, faith in our ability as a people, faith in Divine Providence and guidance. It is a vision—the vision of statesmen, it is courage—the courage to face obstacles confident of victory. We ask of you, therefore, the same faith, the same vision and the same courage in the solution of the problems of Mindanao and her backward people.

LEVANTAMIENTO DE LA SESION

SR. MORALES: Sr. Presidente.

EL PRESIDENTE: Sr. Delegado por Tarlac.

SR. MORALES: Pido que se levante la sesion hasta mañana a las cuatro.

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

Se levanta la sesion.

Eran las 5:45 p.m

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