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APERTURA DE LA SESIÓN

Se abre la sesión a las 5:20 p.m., bajo la presidencia del Presidente, Hon. Claro M. Recto.

EL PRESIDENTE: Se abre la sesión.

DISPENSACION DE LA LECTURA DE LA LISTA
Y DEL ACTA

SR. GRAFILO: Señor Presidente.

EL PRESIDENTE: Señor Delegado.

SR. GRAFILO: Pido que se dispense la lectura de la lista y del acta, dándose ésta por aprobada y por presente un quorum.

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

DESPACHO DE LOS ASUNTOS QUE ESTÁN SOBRE
LA MESA DEL PRESIDENTE

EL PRESIDENTE: Léanse los documentos recibidos.

EL SECRETARIO:

REPORT OF THE COMMITTEE ON NATIONAL DEFENSE

The Honorable President Constitutional Convention Mr. President:

Your Committee on National Defense has the honor to report to the Convention that after careful consideration of the constitutional precepts referred to it and of the propositions submitted to the Committee, it has resolved to adopt the propositions hereto attached, for submission to the Sponsorship Committee, with recommendation that they be inserted in the Constitution.

"The state may, in accordance with law:

"I. Require all citizens to render personal military or civil service.

"II. Organize and maintain a standing army strict-ly necessary to preserve internal order.

"III. Organize reserves and a national militia.

"IV. Provide for the military training of the reserves and national militia.

"V. Make the teaching of military science compulsory in the public and private high schools and universities.

"VI. Create national industries essential for defense.

"VII. Nationalize and develop the natural resources essential for defense.

"VIII. Nationalize or supervise all means of transportation and communication.

"IX. Create a Department of National Defense."

EXPLANATORY STATEMENT

Your Committee on National Defense has the honor to recommend the following precept adopted by the Committee:

THE STATE MAY REQUIRE ALL CITIZENS TO RENDER PERSONAL MILITARY OR CIVIL SERVICE, IN ACCORDANCE WITH LAW.

Your Committee has seen fit to recommend this constitutional precept for various reasons:

First. It is a clause relative to compulsory military service contained in almost all the constitutions of free nations, regardless of form of government, and although this duty is specified in the Constitution of the United States, it was nevertheless required during the World War.

Second. Compulsory military service is most in accordance with modern democratic spirit, because all citizens, without distinction of class, are obliged to defend the country.

Third. The volunteer system is not suitable for a poor country which cannot afford to pay the army well enough to attract well qualified, able-bodied young men to the service. The volunteer system involves the objectionable feature of entrusting the sacred mission of defending the country to men lacking in capacity who have proved failures in other fields of activity. The volunteer system is undemocratic, because the cannon-fodder, with very few exceptions, consists of proletarians and not the bourgeois, though it is they who enjoy the advantages obtained through the service rendered and blood spilled by men to whom fortune has been unkind. A high morale, which only a person fighting for an ideal can possess, is very necessary in an army, and with mercenaries fighting for a pittance, such a morale cannot be attained.

These are some of the many reasons for which we must adopt compulsory military service. Your Committee does not adduce further arguments, for the reason that the consensus of public opinion is in favor of the measure proposed.

In recommending the inclusion of that clause of compulsory civil service, which shocks many people, your committee has no intention or desire to implant obligatory gratuitous labor in this country. Its only purpose is to vest the Legislature of the Commonwealth with a clean and undisputable power not susceptible to interpretations that may give rise to legal controversies.

If, for instance, after considering the Stambulsky plan which is unique and has given very good practical results in Bulgaria, our future government should see fit to send a commission there to study the organization and operation of the Stambulsky plan and that commission should recommend its adoption, our Legislature would not be prevented by the Constitution from establishing in our country a similar plan, adapted to our idiosyncrasy and social conditions.

The clause recommended by us is copied literally from the organic law of democratic Spain, a Republic of laborers of all classes who organized a government of liberty and justice.

This fact alone is sufficient proof that compulsory civil service is not a violation of the interests and rights of the proletariat, but tends rather to abolish the privileges enjoyed by the bourgeois because of their wealth. In spite of the insertion of the compulsory civil service provision in its constitution, Spain has, as far as we know, not yet resorted to the enforcement of such service; but the Spanish Government reserves to itself the right to do so when it may see fit, by means of a law that cannot be challenged as being unconstitutional.

If the Committee of which I am the chairman were asked to choose between compulsory military service and compulsory civil service, it would without hesitation choose the latter. Our reasons would be the following:

First. War is at present waged with explosives, gases and other chemicals with fragile armaments that last but little, such as airplanes, cannon and other arms of precision which consume a fearful amount of ammunition.

Second. An army, however numerous and well trained it might be, would be useless for an effective and lasting resistance if it lacked some of the many elements required which only an eminently industrialized country can supply. The modern 3-inch anti-aircraft guns of the United States fire 25 shots a minute, or 1,500 an hour. One day's resistance would mean a consumption of 36,000 rounds of ammunition per gun. A half-inch anti-aircraft machine gun fires 500 shots a minute, which is 30,000 an hour or 720,000 per machine gun for each day's resistance. These figures give an idea of the necessity of manufacturing at least ammunition.

If the Legislature elected at the beginning of the transitory period saw fit to militarize our Constabulary and increase its strength to 10,000 men, for instance, providing in accordance with the Constitution, that the members of that corps must serve for one year, the Constabulary would become a real school of practical military training and in ten years we should have 100,000 properly trained men, ready to render efficient service in any form of defense that might be decreed by the republic.

On the other hand, if the Legislature should then decide to also undertake the great task of developing our national resources and fostering the basic industries essential for national defense, utilizing the labor of the excellent annual quota of young men of a certain age, taken from those who are subject to service under arms, and following a system something like the five-year program of industrial and economic development of Soviet Russia, we should, at the close of the ten years of the transitory period, have, if not all, at least some of the elements required to provide for the most urgent needs of the defense of our future nation.

If, in addition to this, the Legislature of the Commonwealth, were to determine that the compulsory labor service shall be for one year, the same as the military service, and supposing that the excess number of young men annually attaining the Statutory age, taken from those chosen for military service, aggregated only one hundred thousand, we should at the close of the ten year transitory period have a million laborers trained in all kinds of trades and work and useful not only to the state but to themselves. They would be better fitted for the hard struggle for existence awaiting them, having to compete with other oriental nations surrounding us, with whom we shall have to live, whether we want to or not, considering the geographical situation of our country and the political and economic conditions that will probably exist in the Pacific when our independent republic shall be proclaimed.

Your Committee sees fit to recommend:

"The creation and maintenance of a standing army is strictly necessary to preserve internal order."

In making this recommendation, we have considered that during the Commonwealth it is incumbent upon America to defend our territory, and in case of an emergency, the sovereign nation will organize the necessary troops and our unavoidable duty will consist in merely cooperating in whatever measures may be taken.

The standing army proposed by your Committee will have police functions exclusively on land, on the sea and in the air, to maintain internal order, assure the stability of our government, and, chiefly, to protect the lives and property of foreigners, in order to avoid international conflicts resulting from disturbances within the country.

To secure the necessary cooperation, coordination, and efficiency of this police force it is necessary to unify and centralize the insular and municipal police under the Department of National Defense. A mandatory clause in our Constitution centralizing and unifying the entire police of the country is imperative if we desire to avoid serious obstacles such as are experienced even in the United States in their campaign against crime.

Assistant Attorney J. B. Keenan says: "While the principle exists in the Constitution, we have to face unforeseen contingencies. We have to face new circumstances. Great changes have taken place in the United States, changes of which the founders of the nation and framers of its laws did not even dream."

Mr. J. B. Ely, Governor of Massachusetts, said at a joint session of the Legislature of his State: "This situation is not peculiar to Massachusetts but is also felt in other States of the Union. The federal authorities have repeatedly stated the necessity of more adequate police protection and the granting of more ample powers to the federal police. This question has long been the subject of discussions, investigations and recommendations. I believe the moment has come when these discussions, experiments, investigations, and recommendations should crystallize into definite action. The moment has come to organize the police force of Massachusetts into a coordinate body, ready to be mobilized rapidly for effective action against crime."

The Hon. Florent E. Louwage of Brussels, ex-Vice-President of the International Police Commission of Europe said: "I say emphatically that the efforts to centralize police work in the United States and give the Federal police greater power are very desirable."

These are some of the many opinions of competent persons which corroborate the suggestions of your Committee.

The Committee considers that the other recommendations require no elucidation as they are self-explanatory; moreover, they are of the competency of other Committees.

(Sgd.) JOSE ALEJANDRINO

Chairman

Committee on National Defense

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

THE PRESIDENT: The gentleman has the floor.

DISCURSO DEL SR. VINZONS

MR. VINZONS: Mr. President and Gentlemen of the Convention: I wish to avail myself of the half-hour privilege granted to individual delegates this afternoon, partly in order to break the monotony of our long and tedious discussion on the increasing complexities of the Osias Resolution, and partly to extend to the Members of this Assembly my personal gratitude and that of the Filipino youth for my retention as a delegate to this Constitutional Convention.

In this respect, Mr. President, to those who would have wanted me ousted from this Convention I say in the words of William Pitt the Younger when he answered his critics because of his age: "If my only defect were time or youth I shall not mind criticism because it is a defect which time shall cure." My subject is "A Declaration of Rights of the Constitutional Convention." It may be rather presumptuous of me to take the floor and enumerate the rights that this Constitutional Convention has according to Constitutional Law. It would have been better,

Mr. President, had older men, maturer in years and in experience, taken up the same subject on the floor because they are in a better position to realize that this Convention is imbued with great sovereign powers granted to it by the people and, therefore, the responsibility that rests on us should be greater. I am almost inclined to feel that I am not sufficiently capable to measure up to this burden when I realize that the Convention is vested with the power of formulating the fundamental law of the land, a law that shall govern the destiny of this nation in this decade and perhaps many years later.

I would want that this question of the scope of the powers of this Convention and their limitations be made clear for proper guidance in our work. A definition has been made, Mr. President, of the term "constitutional convention" by the distinguished Delegate from Capiz (Mr. Roxas). I wish to add that, according to well recognized authorities on Constitutional Law, a constitutional convention is supreme in that it cannot be bound by the limitations imposed by the legislature. To quote from a decision of the Supreme Court in respect to this matter—the case of Wood C., appeal; the decision states, "A constitutional convention regularly called may legally disregard limitations imposed upon its action by the legislature. The Convention has a right, untrammelled by mere legislative limitations, to propose to the people for their consideration and adoption any plan they see fit. Such, too, is the inevitable result of the view already expressed as to the purpose and effect of the second section of the Declaration of Rights. If it be taken as a constitutional recognition of the principle of local revolution (so to speak), and of popular power as we believe, the obvious result follows that when once called into operation by proper authority, it cannot be subverted nor restrained by the legislature." (75 pa. 59 1854.)

I want to emphasize this for as we have observed, ours is a convention ill-prepared because of limited finances and facilities. To their credit, the Members of this Convention are living on mere stipends approved by the Philippine Legislature and so great is the burden of the financial responsibility imposed on each delegate that the House of Representatives has seen fit to approve a bill intended to give Members of this Convention an additional compensation of one hundred fifty pesos a month. The measure lies still in the Legislature, not yet considered by the Senate. According to well-recognized principles of Constitutional Law, this Convention has the power to bind the credits of the state. It can appropriate money for its needs.

Mr. President, I am not insinuating that we enact a law increasing our salaries. I will be the first one to oppose that because the glory will be greater if we remain satisfied with the present compensation and succeed in our labors. But, I want to emphasize that this Convention has powers that should be recognized as it works for the benefit of the Filipino people.

It has been said, Mr. President, that the continued interference of the Legislature in the work of a Constitutional Convention is obnoxious, to say the least, for the reason that the Constitutional Convention is determining the nature of the powers, prerogatives and privileges of those who are controlling us. We are determining the tenure of office of the members of the House of Representatives and of the Senate; we are determining the compensation of these officers of the government; we are determining the organization of the Executive Department and the Judiciary. It is for the best interests of this country that we be less dominated by the members of the Legislature.

In support of my statement, I quote the Honorable Elihu Root in his report as Chairman of the Committee on Judiciary in the New York Constitutional Convention of 1894. He says:

"The convention has been created by the direct action of the people and has been by them vested with the power and charged with the duty to revise and amend the organic law of the state. The function with which it is charged is of popular sovereignty, and in its performance the convention has and can have no superior but the people themselves. No court or legislative or executive but the people themselves can interfere with the exercise of the powers or the performance of the duties which the people have enjoined upon their immediate agent."

Again, in stating the nature of a constitutional convention, he says:

"A constitutional convention is a legislative body of the highest order. It proceeds by legislative methods. Its acts are legislative acts. Its function is not to execute or interpret laws, but to make them. That the consent of the general body of the electors may be necessary to give to the ordinances of the Convention no more changes their legislative character than the requirement of the Governor's consent changes the nature of the action of the Senate and Assembly."

Once more, in speaking of the importance of independence, Mr. Root uses this language:

"It is far more important that a constitutional convention should possess these safeguards of its independence than it is for an ordinary legislature, because the convention acts are of more momentous and lasting consequence, and because it has to pass upon the power, emoluments and the very existence of the judicial and legislative officers who might otherwise interfere with it. The convention furnishes the only way by which the people can exercise their will, in respect of these officers and their control over the convention would be wholly incompatible with the free exercise of that will."

I would want to enumerate the conditions under which we are laboring. We are in the Hall of the House of Representatives, so we use it only at a time convenient to the House of Representatives. We use only the conference room of the Senate, Room No. 470, and our secretarial office is limited to Room No. 403, part of which is used as a committee conference room. Most of the time the committees meet in this same room and the resulting noise is such that no one can understand the progress of the proceedings, and the workings of the committees are interfered with.

Let us now come to the stenographers. We use stenographers borrowed from the House of Representatives and from the Senate. In the meeting of the Comité de Ponencias last week the proceedings could not go on because there was no stenographer, for the stenographers were busy with the House and Senate sessions at that time.

This, Mr. President, is one of the shortcomings of the Constitutional Convention, but difficult as the conditions may be, the patriotic labors of the individual members will go on. The committees will submit their reports. While the clamoring public demands that our work be finished in one month, here we are, members of the Convention, sitting in session unable to do our work properly for lack of facilities and because of faulty Conveniences.

Mr. President, it seems also that there is a great necessity of defining the rights of the individual members of this Convention after the rights of this Body have been stated. After the Englishmen had wrested from the feudal barons their bill of rights, the "Magna Charta;" after the Frenchmen had established democracy and demonstrated the success of the French Revolution inspired by Montesquieu's spirit of laws; after the Americans had ousted the Englishmen from their lands in order to obtain what is contained in the Declaration of Independence, liberty and equality, it would seem that there is a necessity to define the individual rights of the members of this Convention. It is always to be understood that we are to exercise our discretion in matters, brought for consideration before this Assembly. That in the Constitution there should be no trace of alignment by factions or groups but it should be the joint product of the efforts of the individual members of this Assembly and not that of a group or a faction. Mr. President, a political party may hold a domain of power within five or ten or twenty years.

MR. PEREZ (T.): If my memory does not fail me the rules just approved are to the effect that the half hour privilege can only be availed of in speaking on a subject related to the Constitution. The gentleman is speaking on a subject which has nothing to do with it.

THE PRESIDENT: The speaker can answer the point of order raised by the gentleman.

MR. VINZONS: The subject I am taking up now lies at the very base of the proceedings of this Convention;

therefore, it is important and indispensable in constitution making. I do not believe that I fall against the prohibition in Rule 9 of the Convention.

MR. PEREZ (T.): Does this gentleman insinuate that in the deliberations of this Convention a political move has already been observed? The insinuation of the speaker seems to establish that there has been an alignment. Of course, the gentleman has not specifically stated but the insinuation is so clear for him to camouflage with any statement other than what he wants to insinuate. I reiterate my point of order.

THE PRESIDENT: Did the speaker insinuate that there has been noted a tendency on the part of certain groups here to control the work of the Convention?

MR. VINZONS: On the contrary, Mr. President, I took up the half-hour privilege in order to deny such insinuation. I believe that the patriotic sense of the Members of this Convention prohibits such an action. I, therefore, cannot make any statement accusing certain groups of the anomaly.

THE PRESIDENT: The Speaker may proceed.

MR. VINZONS (Continuing): Mr. President. I want to express the sentiments of the youth of the land in appreciation of the way in which this Convention has been managed. In spite of such a rugged individualist as the gentleman from Batangas who raised a protest against the so-called anti and pro combination, I want to say that such a happy combination has resulted in the most cordial relations among the members of this Convention; that it has not tended to emphasize party lines, but rather tended to efface them.

Mr. President, in order to refresh the memory of the members of the Convention, I want to read a part of the nomination speech of Delegate Briones from Cebu, on July 30, 1934. He said, in nominating the Delegate from Batangas (Mr. Recto), for the Presidency of this Convention: "Fortunately for this country, the delegates to the Convention have unanimously decided to disregard partisan considerations. It is our belief that it is only thus the Convention can best comply with its duty to give the country a fundamental law that will give an authentic expression of its genius, its history its democratic institutions, and of its reactions to the great problems which confront mankind now and in the future in its progressive march toward the realization of its destiny." And from the inaugural address of the distinguished President of this Assembly:

"In order that the Constitution may serve as an effectual instrument in the ordering of the powers of the State and a safeguard for the rights of the citizen and society, in order for it to command the respect and veneration of all, governors and governed alike; in short, in order for the people to consider it their duty to love it and defend it, the constitution should be the work of the people, their legitimate creation, composed of their own hands like a precious gem of art, from the hands of the artist and like the universe from the hand of God. It is the law of fatherhood and of the affections, of the creative power, that rules life in its diverse orders. The works of the people, therefore, and not the WORK OF THE PARTY the constitution MUST BE, if the people are to love and defend it and those who will govern us are to respect and obey it.

"For this reason, my fellow delegates, I trust, and you with me—of such I am sure—that before entering these sacred premises, before passing through these historic doors, we had dropped our partisan burden and we had washed our hands a hundred times, not in the wash-bowl of pretorium, but in the Jordan of tolerance of respect and of mutual understanding of the indestructible faith in the unity of our destiny, that unity which tells us to survive or perish together in this last lap of our odyssey for independence."

This, Mr. President, expresses the most sublime thoughts that anybody can write with regard to the attitude of the Constitutional Convention and the youth of the land who repose supreme faith and sublime confidence in the patriotic sentiments of the members of this Convention that those beautiful ideals shall not be abandoned in its deliberation. In order to prove to those who are doubting my assertion that there is no partisan feeling in this

Assembly, I shall quote a message of President Quezon from the M. S. Jeza van olden Barvelt, on September 7, 1934: "It is false that I left instructions against woman suffrage or any other matter under consideration by the Convention," This. Mr. President, is the embodiment of the thought of our foremost statesman in this country who had rather leave to the individual members of this Convention the freedom to think for themselves what should be stated in the Constitution. And this, gentlemen of the Convention, augurs well for the future. A party may exercise dominance in the political field for five years, ten years, or in the life of two generations; but in the life of a nation it should be a drop in the bucket, a small particle of water in a vast sea of national history, and its existence will be subject to revolution, reverses of chance and to the caprices of the public opinion. A party may be in power but it may collapse in the future. A party may be supreme now and may control the government, but in the future it may topple.

MR. VENTURA: Mr. President, I rise on a point of order. The gentleman from Camarines Norte announced at the beginning of his speech that he would speak on "Declaration of Principles," but he is now making a veiled insinuation, an attack against the majority party. He made references to the nomination speech of Delegate Briones, to the inaugural speech of the President of the Convention, and to the statement of President Quezon regarding cooperation. Of course, there are two parties in this Convention. He made such references to lay the basis for his attack against the party in power and he seems to insinuate that there is at present a tendency to align the members of the majority to vote or support a proposition submitted to the Convention. He also insinuates that the members of the majority party are not allowed to vote according to their convictions. The tendency of his speech is deviating from his announced subject and has nothing to do with the Constitution. He is not, therefore, allowed by the Rules of the Convention to make such remarks. If he wants to attack the majority party he can do so on the floor of the Convention but on another occasion and not taking advantage of the half-hour privilege.

THE PRESIDENT: The Chair understands that the speaker has made general statements without special reference to any party. The gentleman from Camarines Norte (Mr. Vinzons) may proceed.

MR. VINZONS: (Continuing). Mr. President it is far from my desire to make any insinuations because that would constitute treachery and give rise to further complications.

THE PRESIDENT: The time of the gentleman has already expired.

MR. VINZONS: Mr. President, I want to conclude by reading part of the invocation of Mons, Verzosa.

THE PRESIDENT: The gentleman may read.

MR. VINZONS: (Continuing). "Illumine, then, O Lord, this mighty assemblage of our people, Thou who art the spring of all wisdom and knowledge, Direct its acts; bestow Thine perspicacity and exactness upon it in its task of building up the base of this new nation, Thou who are the flame of all free and just nations.

"Those elected by Thy people, gathered here, appeal and will always appeal to Thee, to ask Thy light in the solution of their difficulties, to ask for patience and strength because by Thy side are wisdom and fortitude. Thou will then give of Thine help and will guide them to the path of knowledge, charity and prudence, so that they may, thus guided, draw up and offer to the Filipino people a political Constitution that will serve as the firm and stable basis of their future nationalism."

If this invocation is read at the beginning of each session of this body, I am sure we shall feel more inspired in our work. I thank you.

MR. ROMERO: Mr. President.

THE PRESIDENT: The gentleman from Negros Oriental.

MR. ROMERO: The Committee on Rules asks for the suspension of the Rules in order that the Convention may proceed immediately to the consideration of Resolution No. 77 submitted by Delegates Francisco and Perez.

THE PRESIDENT: The Chair would like to find out if two-thirds of the Assembly supports the suspension of the Rules. Those in favor of the suspension of the Rules will please stand up. (A big majority of the delegates stood up). There are two-thirds in favor of the motion. It is carried. Are there speakers in favor of the resolution?

MR. GRAFILO: Mr. President.

THE PRESIDENT: The gentleman from Sorsogon.

MR. GRAFILO: Mr. President, I move that Resolution No. 77 as submitted to the Secretary be taken under consideration.

THE PRESIDENT: The resolution is open for discussion. Are there speakers in favor of or against the resolution?

MR. NEPOMUCENO (R.): Mr. President.

THE PRESIDENT: The gentleman from Marinduque.

MR. NEPOMUCENO (R.): Mr. President, I propose that the resolution be read.

EL PRESIDENTE: Léase.

EL SECRETARIO:

Submitted by Delegate Francisco and Perez (J.)

RESOLUTION LIMITING THE TIME FOR THE PRESENTATION OF PROPOSED CONSTITUTIONAL PRECEPTS TO SEPTEMBER 17, 1934.

WHEREAS, The proposed constitutional precepts submitted to this Constitutional Convention only serve as suggestion to the various committees on the different subject matters of the Constitutional draft;

WHEREAS, Most of said committees have already submitted their reports to this Convention and those which have not yet reported expect to do so in a few days;

WHEREAS, with the submission of the reports of said committees the proposed constitutional precepts would no longer serve the purpose for which they are intended; Now, therefore, be it

RESOLVED: That from and after September 17, 1934, no proposed constitutional precepts may be filed or presented.

SR. ORENSE: Señor Presidente, un turno en contra.

INFORME DEL SR. MORALES

SR. MORALES: Señor Presidente, el objeto de este proyecto de resolucion no es mas que determinar una fecha para la presentacion de proyectos de preceptos constitucionales.

Todos sabemos que todos los Comités van a rendir sus informes respectivos de acuerdo con la indicacion de nuestro Presidente recibida por los Presidentes de Comité, y que fija el dia 17 para la presentacion de todos los informes, si fuera posible, y de acuerdo con ésta petition del Presidente, todos los Comités pondran fin a su trabajo.

El Comité de Reglamentos, al recomendar hi aprobacion de ésta resolucion, ha tenido en cuenta no solamente que

se han presentado ya muchos proyectos de preceptos constitucionales, sino ademas que si va a terminar el trabajo de los Comités, ya no serviran para nada los proyectos de preceptos constitucionales que se presenten despues de esa fecha, por lo que, a fin de que no se frustre el deseo de muchos delegados, de presentar sus proyectos, hemos fijado hasta el 20 de este mes el plazo para su presentacion enmendando al efecto la resolucion en el sentido de que en vez del dia 17, sea el dia 20.

Si no hay objeción, pido que se apruebe la Resolucion.

DISCURSO DEL SR. ORENSE

SR. ORENSE: Señor Presidente.

EL PRESIDENTE: Señor Delegado.

SR. ORENSE: Probablemente, algunos de vosotros crean que una oposicion sistematica se ésta desrrollando por el que hoy tiene el honor de dirigiros la palabra. Lejos de mi mente, lejos de mi animo ésta semejante oposicion. Yo, de ser oposicionista, scria un oposicionista constructivo pero no sistematico. No me propongo defender vuestra libertad, porque yo se que lo sabeis hacer y que seriais los primeros en defender vues-tra libertad de palabra y vuestra libertad de pensamiento y de accion. Sin embargo, quiero recordaros que ésta Resolucion, no explicada muy satisfactoriamente por los que la patrocinan, es practicamente una mordaza, un freno para todos los. miembros animosos de contribuir o aportar su grano de arena a la obra magna que tenemos sobre nuestros hombros.

MR. PEREZ (J.): Mr. President, will the gentleman yield for a point of order.

SR. ORENSE: Voy a contéstarle despues de que haya terminado. (Prosiguiendo). Digo que esa Resolucion es una especie de mordaza o freno a la libertad de pensamiento y de accion, un freno a la libertad de pensamiento y de accion de los Miembros de ésta Convencion. ¿Que daño positivo y material se causaria si no se limitara el tiempo para la presentacion de preceptos constitucionales? Hay muchos delegados que hasta ahora no han presentado preceptos constitucionales, bien por falta de tiempo o bien porque están reflexionando aun hasta ahora sobre cual seria la mejor solucion o precepto que, para el bien del pais, debieran presentar. ¿Por que a estos hombres, dedicados a tal estudio, se les ha de privar de oportunidad mediante la limitacion del tiempo en que deben someter el fruto de su reflexion? Esto, señores, es injusto y hasta cruel en una Convencion Constitucional. Vuelvo a repetir que no nos haria ningun daño; en cambio, limitando el tiempo ya seria otra cosa, porque despues de la fecha que se nos fija en ésta resolucion puede brotar todavia de las buenas cabezas de los compañeros, algun precepto que pudiera ser util y conveniente, pero que solo por haber pasado el tiempo que se quiere fijar no se podria ya presentar.

PREGUNTAS DE VARIOS DELEGADOS

SR KAPUNAN: Señor Presidente, para algunas preguntas al orador,

EL PRESIDENTE: Puede contéstar el orador, si lo desea.

SR. ORENSE: Le ruego que las formule despues.

SR. KAPUNAN: Es para una pequeña aclaracion solamente.

SR. ORENSE: Bueno, con perdon del Caballero de Negros Occidental, señor Perez, le voy a complacer a Su Señoria.

SR. KAPUNAN: ¿Cree Su Señoria que con la aprobacion de ésta resolucion, ningun delegado podria presentar ya

en el floor alguna enmienda al proyecto de Constitucion ?

SR. ORENSE: Yo desearia que el Caballero de Leyte formule una pregunta mas categorica y concreta, para que yo pueda contéstarle tambien concretamente.

SR. KAPUNAN: La aprobacion de ésta resolucion ¿significaria acaso que ningun miembro de ésta Convencion podria ya proponer enmienda alguna cuando se discuta en el floor el proyecto de Constitucion?

SR. ORENSE: Creo que la pregunta no ésta conforme con la esencia de la resolucion. Está es por de pronto mi contéstacion. La resolucion, tal como ésta presentada, impide la presentacion de cualquier precepto constitucional fuera del plazo señalado. Asi, como sabe el compañero en el ejercicio de nuestra profesion, cuando se fija un plazo para la presentacion de un alegato, expirado el plazo, ya no se puede presentar dicho alegato y queda firme la sentencia. Es exactamente igual.

SR. KAPUNAN: Yo quisiera oir al ponente de ésta resolucion para saber que actitud vamos a adoptar; si vamos a echar abajo la resolucion, como quiere el Ca-ballero de Batangas, o aprobarla.

SR. ORENSE: Pero estoy en el uso de la palabra, y si el Caballero de Tarlac me lo permitiera, quisiera antes terminar.

SR. KAPUNAN: Pero es el ponente del proyecto y tiene derecho a informar.

SR. ORENSE: Ya ha informado.

SR. MORALES: El Caballero de Batangas ésta en el floor y es mejor que termine.

SR. ORENSE: (Prosiguiendo). Se alega por el ponente de este proyecto, el Caballero de Tarlac, que ya están rindiendo sus informes los varios Comités de que se compone ésta Convencion. Llamo vuestra atencion sobre: "éstan rindiendo," porque no han terminado de rendirlos y no sabe, dice, cuando van a terminar: porque hay Comités que ni siquiera han podido reunirse no por falta de voluntad, ni por falta de esfuerzo y sacrificio, sino por falta de material y por las otras circunstancias de que ha hablado el Caballero de Camarines Sur, Señor Vinzons. Pero, aun suponiendo que los Co-mites hayan rendido ya sus reports, todavia podrian surgir valiosos preceptos de esas buenas cabezas de mis queridos compañeros. ¿Por que estos posibles preceptos no van a ser considerados por los Comités? ¿Acaso por el hecho de haber rendido un Comité su informe, este Comité ha quedado ya disuelto ipso facto et de jure? No hay nada en nuestro Reglamento que diga eso; no hay nada en nuestras leyes ni en nuestros acuerdos tomados; al contrario, todavia viviran y seguiran viviendo mientras viva ésta Convencion y, por tanto, no hay motivo legal que impida la presentacion de esos preceptos constitucionales a estos Comités para que rindan sus in-formes despues sobre los mismos.

SR. CONFESOR: Para algunas preguntas al orador, Señor Presidente.

EL PRESIDENTE: Puede contéstar el orador, si lo desea.

SR. ORENSE: Con mucho gusto.

SR. CONFESOR: Vamos a suponer que el Presidente de los Estádos Unidos nos devolviera la Constitucion con algunos reparos: ¿cree Su Señoria que la Convencion podria otra vez actuar y redactar otra Constitucion y, por consiguiente, los Comités tendrian oportunidad para considerar de nuevo preceptos constitucionals?

SR. ORENSE: Me parece que el caso supuesto no ésta comprendido dentro de la cuestion que se ésta debatiendo. Sin embargo, voy a darle por el gusto al Caballero de Iloilo. Yo entiendo que bajo el articulo 7 de la Ley Tydings-McDuffie, que es una reproduccion de la Ley Hare-Hawes-Cutting, segun algunos, puede ésta Convencion actuar reformando esa Constitucion si todavia estuviese dentro del plazo que prescribe el arti-culo 7.

Al artículo 7, pues, de la Ley Tydings-McDuffie le remito a Su Señoría.

SR. CONFESOR: Por consiguiente, sería mejor que no se limitara el plazo de la presentación de los preceptos constitucionales.

SR. ORENSE: Niego la consecuencia.

SR. CONFESOR: No he terminado todavía.

SR. ORENSE: Es que Su Señoría ha sacado una deducción.

SR. CONFESOR: Hasta ahora no he deducido nada. ¿Como puede Su Señoría adivinar la consecuencia? Su Señoría empezó por sacar la conclusión. Ya que el Caballero de Batangas ha adivinado la consecuencia que he de deducir, no voy a continuar más.

SR. ORENSE: (Prosiguiendo). Vuelvo, señor Presidente y Caballeros de ésta Convención, a reiterar e insistir en mi oposición a ésta resolución que significa una mordaza, un freno, que coarta la libertad de los miembros de la Asamblea para presentar preceptos constitucionales y servir de este modo los mejores intereses del país.

SR. DE GUZMAN (A.): Para un ruego al orador, señor Presidente.

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

SR. ORENSE: Con mucho gusto.

SR. DE GUZMAN (A.): ¿No cree Su Señoría que debe fijarse el límite del tiempo para la presentación de preceptos constitucionales, porque sería una inconsecuencia el que los Comités que ya han informado en ésta Convención sobre algunos preceptos constitucionales si fueran al mismo aceptando otros preceptos?

SR. ORENSE: No veo la inconsecuencia.

SR. DE GUZMAN (A.): Porque si adoptáramos la práctica de dejar que los delegados presenten sus preceptos constitucionales por tiempo indefinido, y los Comités siguieran informando sobre tales preceptos, ¿no cree el Caballero de Batangas que sería una inconsecuencia . . .

SR. ORENSE: No, señor; porque el Comité de Ponencias seguirá funcionando, y tendrá tiempo de sobra.

SR. DE GUZMAN (A.): Pero el Comité de Ponencias no tendría competencia.

SR. ORENSE: Para eso el Comité está trabajando.

SR. DE GUZMAN (A.): ¿No sería lógica la actuación?

SR. ORENSE: No veo la lógica. Siente Su Señoría premisas para que haya una consecuencia. Hablando escolasticamente y de acuerdo con las reglas del raciocinio, para que haya consecuencia es menester que se sienten premisas y que de esas premisas se pueda inferir una consecuencia lógica. Faltando premisas, no puede haber consecuencia.

SR. DE GUZMAN (A.): La premisa es la siguiente: Suponiendo que un Comité haya actuado ya en todo lo que se refiere a una materia, como podría ese Comité tratar de otros preceptos cuando los mismos no han sido previamente sometidos a dicho Comité?

SR. ORENSE: Si son preceptos de la incumbencia de ese Comité, ¿por qué no van a ser tratados por ese Comité?

SR. DE GUZMAN (A.): Por eso se sugiere que sería mejor limitar el tiempo para que los caballeros de la Convención puedan presentar preceptos, a fin de que el Comité sea consecuente en su actitud.

SR. ORENSE: Permitame Su Señoría que yo disienta de su actitud no basada en conclusiones lógicas,

SR. DE GUZMAN (A.): Distingo en cuanto al ejemplo dado por el Caballero de Batangas, pero creo que no hay conclusion ilógica en mi actitud.

SR. ORENSE : Repetire aquello que dije aquí a uno de los compañeros: donde la ley no distingue, no debemos distinguir. Yo no veo a que viene la distinción. Solamente quise decir a Su Señoría lo que he dicho para ver si le puedo convencer, a menos que de antemano haya algún otro acuerdo tomado por la llamada mayoría de ésta Convención. El hecho de que se presente un precepto constitucional y que este precepto no pueda llegar al Comité de Ponencias para ser estudiado y coordinado con otras materias, no implica que la no actuación se deba a la falta de facultad por parte del comité al que corresponda la materia de que trata el precepto constitucional, para actuar sobre el mismo.

SR. DE GUZMAN (A.): Precisamente, si este comité ha actuado en todo lo que corresponde a su competencia, puede también actuar de nuevo, cuando ese comité . . .

SR. ORENSE: Si ese precepto constitucional no contiene ninguna materia que deba referirse a un comité determinado, irá al Comité de Misceláneos, que yo he llamado "Comité de waste basket."

SR. DE GUZMAN (A.): Muchas gracias.

MR. PEREZ (J.): Mr. President, will the gentleman yield?

THE PRESIDENT: The gentleman from Batangas may answer if he so desires.

MR. PEREZ (J.): With respect to curtailment of the liberty of Members of the Convention, has the gentleman considered that any Member has perfect liberty to present amendments on the floor?

MR. ORENSE: That question is similar to the one already answered by Delegate from Leyte, Mr. Kapunan.

MR. PEREZ (J.): The gentleman spoke here about Members who have not yet submitted their ideas to the Convention. Will he name those members with ideas which the gentleman wants to be presented to this Convention?

SR. ORENSE: ¿Quiere Su Señoría decirme eso en castellano, porque yo no puedo entenderlo? Mi inglés no llega hasta eso; pero quiero decirle que un precepto constitucional que no haya llegado a ser actuado por el Comité, en virtud de la limitación del tiempo, no puede llegar al Comité de Ponencias, y si no ha llegado al Comité de Ponencias, dudo mucho, bajo nuestro Reglamento, sobre todo si el autor no pertenece al Comité de Ponencias, que pueda discutirse en el floor de la Convención. ¿Por qué? Porque no podrá llegar al floor si no ha pasado al Comité de Ponencias, y si ese precepto no ha pasado por ese Comité, ¿cómo va a llegar al floor? Y si el miembro autor del precepto no pertenece al Comité, con más razón. Esa es mi duda. No afirmo ni niego.

SR. RAMOS (N.): Para algunas preguntas al orador, señor Presidente.

EL PRESIDENTE: Puede contestar el orador, si lo desea,

SR. ORENSE: Estoy dispuesto a contestarlas.

SR. RAMOS (N.): No limitando el tiempo para la presentación de los preceptos constitucionales, so pretexto de que tal limitación sería como una mordaza a los miembros de la Convención ¿no cree Su Señoría que ello podría dilatar la actuación de ésta Convención y al propio tiempo dilataría el advenimiento de lo que más ansiamos, o sea, la independencia?

SR. ORENSE: Yo le voy a repetir a Su Señoría, como contestación, un adagio vulgar en castellano que dice:

"Despacio y buena letra," que en ingles quiere decir: "Slow but sure." No importa que se dilate el tiempo, si no se ha de causar ningun perjuicio a nadie, y sobre todo, si va a éstar uno seguro de la obra que ésta acornetiendo.

SR. RAMOS (N.): ¿Cree entonces Su Señoría que ese tiempo que se concede para la presentacion de preceptos constitucionales, no obstante el tiempo que ya llevamos actuando en ésta Convencion, significa que todavia no hemos legado a compenetrarnos en lo que realmente tenemos que hacer en ésta Convencion?

SR. ORENSE: Pues mayor argumento para mi. Es un argumento a mi favor, pues si hay muchos que todavia no éstan compenetrados, tanto mejor. No se lo que los otros quieren, pero no puedo hablar por ellos. Para dar tiempo a todos a que se compenetren o se percaten de lo que todavia tienen que hacer, debemos dejarles en libertad; dejarles redactar preceptos sobre materia constitucional y no limitarles el tiempo.

SR. RAMOS (N.): Pero precisamente a eso iba yo; si nosotros no les pusiesemos una limitacion o plazo, no llegaríamos nunca a terminar, en perjuicio precisamente de nuestra aspiracion de conseguir lo mas pronto posible la independencia de nuestro país.

SR. ORENSE: Disiento de Su Señoría en cuanto a su conclusion. No creo así.

SR. RAMOS (N.): Es todo lo que yo queria saber; y muchas gracias.

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

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

MR. ABORDO: Is the gentleman from Batangas aware that the President of the Convention has urged the different committees to file their reports on or before the 17th of this month?

MR. ORENSE: I think the Gentleman from Palawan can speak in Spanish. I ask him to make his question in Spanish.

MR. ABORDO: I am sorry I cannot express myself in Spanish.

SR. ORENSE: No conozco semejante resolucion del Presidente o de la Mesa. Pero, suponiendo que exista semejante resolucion, no la considero como una orden dictatorial, porque no es capaz el Presidente o la Mesa de ser dictador.

MR. ABORDO: Is it not a fact that a circular was given to the different committees of this Assembly urging the members to expedite their work in this Convention?

SR. ORENSE: Yo entiendo que es muy diferente el deseo de una orden legal que debe ser cumplida "ad pedem literae". La mera sugestion o el mero deseo de un funcionario ejecutivo dentro de un gobierno dictatorial, si; pero dentro de un gobierno democratico, como el nuestro, y teniendo en cuenta el caracter democratico de nuestro Presidente, porque es mas democrata que nadie, no creo que eso sea motivo suficiente para que todos los miembros de ésta Asamblea digan "yes".

MR. GUZMAN: Mr. President, I move to amend the resolution so as to strike out from its title the words "September seventeen" and instead "SEPTEMBER TWENTY-FIVE" be inserted. Also on the line before the last, "SEPTEMBER TWENTY-FIVE" be inserted therein.

EL PRESIDENTE ¿Que dice el Comité?

SR. ROMERO: Aceptamos la enmienda, señor Presidente.

EL PRESIDENTE: ¿Hay objeción por parte de la Asamblea? (Silencio.) Queda aprobada.

APROBACION DE LA RESOLUCION

EL PRESIDENTE: ¿Puede votarse la resolucion tal como ha sido enmendada?

SR. ORENSE: Señor Presidente, pido que la votacion sea nominal.

EL PRESIDENTE: La Mesa desea saber si hay una quinta parte que apoye la votacion nominal. (Nadie se levanta).

La Mesa pondra a votacion la resolucion tal como ha sido enmendada.

Los que esten conformes con la misma, que digan, Si. (Una Mayoria: Si.) Los que no lo esten que digan, No, (Varios Delegados: No.) Queda aprobada la resolucion.

LEVANTAMIENTO DE LA SESIÓN

SR. CONFESOR: Señor Presidente.

EL PRESIDENTE: Señor Delegado.

SR. CONFESOR: Pido que se levante la sesión hasta mañana, a las nueve de la mañana.

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

Eran las 6:22 p.m.

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