

JOURNAL No. 53

VOL. III, October 01, 1934

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5e04caed39e5/>

APERTURA DE LA SESION

Se abre la sesion a las 8:15 a.m., bajo la presidencia del Presidente Hon. Claro M. Recto.

EL PRESIDENTE: Lease la lista de Delegados.

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

EL PRESIDENTE: ØÿHay alguna objecion? (Silencio.) La Mesa no oye ninguna. Se dispensa la lectura de la lista. Hay quorum. Lease el acta.

APROBACION DEL ACTA

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

EL PRESIDENTE: ØÿHay alguna objecion? (Silencio.) La Mesa no oye ninguna. Aprobada. Leanse los documentos recibidos.

EL SECRETARIO:

REPORT OF THE COMMITTEE ON CIVIL SERVICE

The Honorable President
Constitutional Convention

Mr. President:

Your Committee on Civil Service, after holding six meetings, begs leave to submit the following constitutional provisions and the explanations for the adoption of the same.

Sources. The Committee in arriving at the report considered these available sources of help and information: (1) The various constitutional precepts submitted by the Members of the Constitutional Convention, which, by their number and nature, reflect the overwhelming sentiment in the Convention in favor of the establishment by constitutional provisions of a strong and independent civil service system. Among these are the following:

Delegate Aruego C. P. No. 42

Delegate Ganzon C. P. No. 280

Delegate Sanvictores C. P. No. 260

Delegates Dikit and Cruz..... C. P. No. 316

Delegate Sotto	C. P. No. 366
Delegate Canonoy	C. P. No. 370
Delegate Vinzons	C. P. No. 229
Delegate Abaya	C. P. No. 441
Delegate Ventura	C. P. No. 113
Delegate Cruz	C. P. No. 381
Delegate Galang	C. P. No. 455
Delegate Zialcita	C. P. No. 407
Delegate Maramara	C. P. No. 499
Delegate Melendres	C. P. No. 736
Delegate Bueno	C. P. No. 581
Delegate Ribo	C. P. No. 576
Delegate Maramara	C. P. No. 593
Delegate Ortega	C. P. No. 627
Delegate Sanvictores	C. P. No. 542
Delegate Maramara	C. P. No. 550
Delegate Maramara	C. P. No. 518
Delegate Lapak	C. P. No. 528
Delegate Maramara	C. P. No. 520
Delegate Maramara	C. P. No. 746
Delegate Maramara	C. P. No. 893
Delegate Castillejos	C. P. No. 886
Delegates Aldeguer and Ezpeleta.....	C. P. No. 823
Delegates Aldeguer and Ezpeleta.....	C. P. No. 829
Delegate Maramara	C. P. No. 811
Delegate Maramara	C. P. No. 856
Delegate Maramara	C.P. No. 807
Delegate Maramara	C.P. No. 808
Delegate Maramara	C.P. No. 809
Delegate Maramara	C.P. No. 810
Delegate Gumban	C.P. No. 991

Delegates Artadi and Fernandez	C.P. No. 977
Delegate Ibanez	C.P. No. 994
Delegate Maramara	C.P. No. 987
Delegate Esliza	C.P. No. 963
Delegate Esliza	C.P. No. 966
Delegate Esliza	C.P. No. 964
Delegate Aldeguer	C.P. No. 1093
Delegate Confesor	C.P. No. 1096
Delegate Castillejos	C.P. No. 1233
Delegate Jumawan	C.P. No. 1256
Delegate Cabarroguis.....	C.P. No. 1280
Delegate Baltao	C.P. No. 1276
Delegate Jumawan	C.P. No. 1256

(2) Valuable aid was given to the committee by the testimonies of the Director of Civil Service, the President of the Civil Service Employees Association and the Chief of Supply Division of the Department of Finance.

(3) The conclusions which were arrived at as a result of the deliberations of the Members of the committee among themselves.

(4) The books and the publications relating to the civil service in the Philippines, the United States and Great Britain, chiefly, The Philippine Islands by W. Cameron Forbes, Vols. 1 and 2; Principles of Public Personnel Administration by Arthur W. Protector; The Federal Service by Lewis Mayers; The Merit System in Government by the National Municipal League; The Fundamental Reform by Charles Heath; and the annual reports of the Director of Civil Service.

(5) The provisions of some modern constitutions like those of Spain and Germany and of the States of Ohio and Colorado

History of the Merit System.—The functions of a modern government is as complex and varied as those of large private corporations. They include the organization of a police system, the handling of the mails, collection of taxes, inspection of building operations, markets and sanitary conditions, the operation of public utilities, the construction and maintenance of roads, water systems, and sewers, and numerous other functions intimately connected with the daily life of the citizens. In the carrying out of this complex and diversified business, a large army of civil servants is required. The success or failure of a modern government must depend to a large extent on the efficiency of the civil service.

The adoption of the merit system in government service has secured efficiency and social justice. It eliminates the political factor in the selection of civil employees which is the first essential to an efficient personnel system. It insures equality of opportunity to all deserving applicants desirous of a career in the public service. It advocates a new concept of the public office as a career open to all and not the exclusive patrimony of any party or faction to be doled out as a reward for party service.

The merit system was adopted only after the nations of the world took cognizance of its merits. Political patronage in the government service was sanctioned in 1789 by the constitutional right of the President of the United States to act alone in the matter of removals. From the time of Andrew Jackson, the principle of "To the victor belong the spoils" dominated the Federal Government. The system undermined moral values and destroyed administrative efficiency. The move-ment for reform started in 1853 and gained an impetus when a disappointed office-seeker shot President Garfield. The first Civil Service Reform Bill in the United States was approved in 1883. The history of the British Civil Service resembled that of the United States. Before 1882, it was deeply immersed in corruption. In that year, Sir Robert Peel started the movement for its reform. An Order in Council in 1870 finally abolished official patronage. Since then Great Britain has enjoyed the greatest efficiency among her public servants.

Since the establishment of the American regime in the Philippines we have enjoyed the benefits of the merit system. The Schurman Commission advocated in its report that "the greatest care should be taken in the selection of officials for administration. They should be men of the highest character and fitness, and partisan politics should be entirely separated from the government." The fifth act passed by the Philippine Commission created a Board of Civil Service. It instituted a system here that was far more radical and thorough than in the United States. The Governor General after William Taft adopted the policy of appointing Filipinos in the government regardless of their party affiliation. As the result of these "the personnel of the Civil Service had gradually come to be one of which the people of the United States could feel justly proud."

Necessity for Constitutional Provisions. The inclusion in the Constitution of provisions regarding the merit system is a necessity of modern times. As its establishment secures good government, the citizens have a right to expect its guarantee as a permanent institution. This tendency was demonstrated by the adoption in 1912 of an amendment to the Constitution of Ohio in favor of the merit system. Colorado passed a law in 1907, but not content with it, the state adopted a strong constitutional amendment in 1920. The Constitution of the German Reich insured the existence of the merit system in Articles 128 to 131 under the caption, "Fundamental Rights and Duties of the Germans."

"All citizens of the state, without distinction are eligible for public offices, as provided by law and in accordance with their qualifications and abilities." (Art 128)

The Constitution of Spain in 1931 provided for the merit system in Articles 40 and 41.

"All Spaniards, without distinction of sex, are eligible to public offices according to their merit and fitness." (Art, 40, par. 1.)

In the Constitution for the Commonwealth that we are about to draft, the Committee believes that the absence of provisions relating to the merit system will be a backward step in our progressive government. In no other time is the guarantee of independence and efficiency of civil employees more necessary than during the Commonwealth and the Republic. Inefficiency in government service is the source of mass discontent. The stability of the state depends upon the efficiency of its civil service.

Outline of Committee's Plan. The recommendations of the Committee may be outlined as follows: (1) provisions for the creation of a Commissioner or Board of Civil Service; (2) extension of the service to all branches and subdivisions of the government; (3) basis for appointments and promotions; (4) regarding emoluments, privileges and pensions including the prohibition of double or additional compensation; (5) prohibition of government employees from having pecuniary interest in any government contract or transaction; (6) causes for separations, suspensions, etc., including the provision that political or religious belief shall not be made the cause for disciplinary action, the system. The beneficent effects will be minimized if

Commissioner or Board of Civil Service. The responsibility for a centralized civil service located in an individual or a body is essential in the operation of the location of such a responsibility will not be fixed in the Constitution. The existence and tenure of office will not be assured. The Committee advocates a commissioner or board to have direction and control of the civil service. The organization of the office, therefore, is flexible. A civil service commission has been defined as an agency created for the purpose of enforcing civil service legislation. It may be established by legislative act or by constitutional or charter provisions. Its inclusion in the Constitution, however, is considered an additional safeguard as was recognized by the State of Colorado.

Extent of the Service.—The extension of the merit system to the greatest number of civil employees possible, while a needed reform, has met with opposition. In the United States, the movement is gaining ground to place all public employment under it. In the Philippines, there is a tendency to demoralize the civil service by making temporary appointments and numerous exemptions from examination requirements. The extension to all branches and subdivisions of the government is deemed necessary by the Committee to check this proclivity. The Committee believes that the merit system should apply to the great bulk of employment in the Legislative, Executive and Judicial branches and to all insular, provincial and municipal positions as far as practicable.

Appointments and Promotions.—The system of selection is the mainstay of the merit system. If politics dominates in the initial recruitment of employees, no civil service system will be successful. The evils resulting from the selection of administrative personnel on political grounds instead of on merit system are patent. And the selection of the directing personnel by politics bars permanent subordinate personnel from advancement, besides fostering political activity among the responsible heads of the service. This process of promotion is also essential. Capable workers are attracted and a high degree of efficiency is attained if opportunity for advancement and promotion is offered. There should be, therefore, a plan for periodical salary increases and appointments to positions of higher rank involving new duties as well as increased compensation.

The method of recruitment and the basis of promotion should be "merit and fitness to be determined by competitive examination." In the case of promotion, efficiency and adaptability to the work and length of service rendered are also to be considered.

Exception in the application of the merit system is made of positions which are "primarily personal and confidential in nature and those which are policy determining in character." The former refers to a small class of government employees where the confidential duty is essential. The latter refers to officers whose duty places them directly responsible to the people. They exclude the great mass of government positions involving clerical and commercial work, manual labor, public safety and scientific and professional work.

Emoluments, privileges and pensions.—The rate of compensation offered to public employees should be uniform. "Equal pay for equal work" is the principle of fair dealing and effective management. In the government service today, what is substantially the same kind of work is frequently rewarded with different rates of pay within a single department, and by different and widely varying rates of pay in the several departments. Inequality of pay for similar work makes impossible a business-like administration of the public service; and it has had a decidedly destructive effect on the morale and working efficiency of the public employees themselves. In order to remedy this, the great variety of work must be analyzed, grouped in fundamental classes, each of which is made the subject of similar treatment in regard to pay and other conditions of employment.

A system that provides for the retirement of employees, with adequate benefits or pensions, is an essential part of the constructive program. An adequate pension system helps in both the recruiting and retention of a desirable type of employees. The pension system in this country has been adopted for certain employments by different enactments, and there is an absence of uniformity. It results in the unjust retirement of some employees and

consequent loss to the government.

The provision prohibiting double or additional compensation has long been recognized in Sec. 259 of the Administrative Code. The continued policy, however, of appointing officials to Government boards or other offices has evaded the law. Double compensation produces unemployment because it excludes other persons from the service. It results in disproportionate inequalities in compensation, a subordinate official sometimes receiving a higher salary than a superior.

Separations, Suspensions, Demotions, and Transfers.—

The merit system will be ineffective if no safeguards are placed around the separation and removal of public employees. The Committee's report requires that removals shall be made only for "causes and in the manner provided by law." This means that there should be bona fide reasons and action may be taken only after the employee shall have been given a fair hearing. This affords to public employees reasonable security of tenure.

The German constitution provides on the same subject:

"Officials are appointed for life, save as may be otherwise provided by law... Officials may not be provisionally removed from office, or provisionally or permanently retired, or transferred to another post with a lower salary, save in accordance with and in the manner determined by law." (Arts. 128, 129.)

Disciplinary action based on the political or religious belief of an officer is not permitted under the Committee's recommendation. The reason of the Committee is that employees are often harassed on account of their differences in belief with superior officers. This guarantee will insure freedom of political belief, but the Committee never intended to sanction civil employees to take active part in politics. This is against the fundamental principle of the civil service system.

The provision is based on a sweeping article in the Constitution of Spain: "No se podra molestar ni perseguir a ningun funcionario publico por sus opiniones politicas, sociales o religiosas." (Art. 41, par. 2.)

Pecuniary Interest in Government Contract.—The established attitude of the government toward this principle was clearly stated as far back as 1910. The Governor General, in a report to Secretary of War Dickinson, wrote that "the government frowned upon any officer of the government having an interest in any business with which his bureau or office has financial dealings." A restatement of the policy in a more comprehensive manner will go a long way towards securing honesty among the public officials and end government graft.

For the above considerations, the Committee recommends to the Convention the adoption of its report.

Respectfully yours,

(Sgd.) LUIS MORALES

Chairman

MEMBERS

Hon. G. E. Abordo Hon. Delfin Joven

Hon. Domingo Dikit Hon. Pablo Lorenzo

Hon. Domingo Zavala Hon. Maximo Bueno

Hon. Pio Ancheta Hon. Artemio Abaya

Hon. Mariano Ezpeleta Hon. Atilano Cinco

Hon. Antonio Mansueto Hon. Jose Ganzon

Hon. Castor P. Cruz Hon. Paulino Gullas

Hon. Leon Cabarroguis Hon. Manuel Fernandez

Hon. Wenceslao Vinzons Hon. Antonio Villarama

Hon. Juanito Maramara Hon. Manuel Abella

Hon. Francisco Ventura Hon. Hilario Moncado

CIVIL SERVICE

ART. — An independent Civil Service under the direction and control of a Commissioner or Board of Civil Service, to embrace all the branches and subdivisions of the government, shall be provided for by law.

Appointment and promotions to all positions except those which are policy-determining or primarily personal and confidential in nature, shall be made only according to merit and fitness to be determined by competitive examination.

Emoluments and privileges of public officers and employees shall be uniform. Pension to officers and employees which may hereafter be granted shall be general and uniform.

Additional or double compensation to any public officer or employee shall be prohibited.

No officer or employee shall have any pecuniary interest directly or indirectly in any contract or transaction with the government.

Separations, suspensions, demotions and transfers shall be made only for cause and in the manner prescribed by law. Political or religious belief of an officer or employee shall not be the cause for disciplinary action.

EL PRESIDENTE: Al Comité de Ponencias.

SR. MELENDRES: Señor Presidente, el Comité de Gobierno Interior pide extensión del plazo de siete días, para preparar y someter su informe el lunes que viene.

EL PRESIDENTE: ¿Hay alguna objeción? (Silencio.) La Mesa no oye ninguna. Se aprueba la moción.

MR. ABAYA: Mr. President.

EL PRESIDENTE: Señor Delegado.

SPEECH OF DELEGATE ABAYA

MR. ABAYA: Mr. President and Members of the Assembly: I would like to avail myself of the half-hour privilege to speak on a subject in which you, gentlemen, should be interested. I would like to speak on The Civil Service—what should be provided in the Constitution of the Government of the Commonwealth.

The provisions of the Civil Service laws are to the effect that persons appointed to the public service must be picked out from the list of civil service eligibles. These provisions of law are not simply directory but mandatory.

Have these statutes been complied with in the Government? Whatever answer others may give, my answer is an emphatic No. And my answer is not based on hearsay but on my observations and experience during my 32 years'

connection with the Government.

We know that in the Government service there is a legion of temporary employees occupying positions that could very well be filled up by persons on the list of civil service eligibles in the possession of the Bureau of Civil Service. And why the anomaly? I know when the bureau directors and bureau chiefs wish to protect somebody not qualified in the Civil Service, their refuge is the supposed adaptability of their proteges to the position they wish to place him in. But may I ask: Now do the bureau directors and bureau chiefs know that those in the list of eligibles will not prove themselves as efficient as those who have never qualified or have failed to qualify in any Civil Service examination?

On other occasions they claim that they are forced to take persons that have not passed any civil service examinations because those that qualified refuse to accept positions offered to them. But this is another trick. When a chief of an office or director of a bureau wishes to take care of somebody, he offers a low salary for the position so that those eligible under the Civil Service desiring to enter the government service with the entrance salary provided for in the law would prefer to wait some more. So the proteges of the directors or chiefs are employed with a nominal salary to start with, but only temporarily because in no time they are promoted in some cases to salaries higher than what an ordinary qualified man would expect to get under the same circumstances.

Figures are more eloquent than words. In 1915 the number of permanent civil service eligibles employed was 9,816, that of temporary ones was 4,494;

in 1920 13,143 Temporary, 6,107

in 1925 16,845 Temporary, 6,672

in 1930 21,704 Temporary, 7,775

In July 1, 1934, the number of unemployed eligibles was 1,665: yet, on this same date, there were 7,800 temporary employees in the Government. What is the idea of spending P23,000,000 a year to maintain the Civil Service Bureau if, after all, those that qualify under it are relegated to oblivion in favor of the proteges of the great and powerful?

This anomalous situation is causing discontent among the employees in the Government. No longer is merit and loyalty to duty counted in the promotion of men. It is the wire-puller who can boast of a strong political or social backing that usually gets the bacon, while those that slave away the best part of their lives for the good of the service get nothing, except perhaps the indifference of their chiefs and their directors.

Another anomaly in the Civil Service is the inequality of salaries among the employees. There are those occupying sinecure positions and yet are getting princely salaries; and there are many others who hardly find time during the day to scratch their head because of great amounts of work heaped upon them and yet are being paid with barely enough to keep themselves and their families above waters. It seems to me that the theory of the Government in matters of salary is to pay a man not for what he does and his worth to the service but for the supposed social and political help that he represents.

This deplorable state of affairs is what is known as the Spoils System. Permit me to indulge in a little reminiscing. The foundation of the so-called "Spoils System" was laid in the "Terms of Office Act" which makes employees removable from office at pleasure. When President Jackson came into office in 1825, he availed himself of the powers confirmed under this act and proceeded firmly with the system of spoliation. The underlying idea of this system was expressed in the slogan, "To the victor belong the spoils." In the course of 8 years Jackson removed from office more men than had been removed in the 40 years preceding his administration, and filled the

vacancies thus created, as well as other vacancies which occurred in the civil service, by appointing his partisan supporters.

Public employment was conducted very largely in the interest of the party organization rather than in the interest of the people as a whole.

The public has suffered from impaired and ineffective service. Public employees have suffered from inadequate rates of pay and other unsatisfactory conditions of public employment. There is serious discontent among the employees, accompanied by an excessive turnover among the best trained and most efficient employees, so that the national service has become unattractive to the more desirable type of technical employee; and the Government has put itself in the position of wasting funds of its people and doing serious injustice to individual rights. The high rate of turnover among scientific and technical employees is due to the fact that these employees constitute in a large measure the directing force of government.

As a necessary means of combating the waste, the inefficiency, and the political corruption which attend the uncurbed operation of the spoils system, the merit system should be followed to the utmost degree. The merit system does not afford a solution to all the problems that arise in the administration of government employment, but at least it will clear the ground of the gross political obstructions that stand in the way of a proper solution of these problems.

It is a basic requirement of progress in public employment that this system be extended. It is the underlying idea of Civil Service legislation. It aims to eliminate personal favoritism and political preference, and instead establish impartiality in the conduct of public employment, and adopt safeguards in the appointment, promotion and removal of public employees.

The merit system, as a method of selection, is not applicable to positions of a truly policy-determining character. These officers are and should be chosen by election or appointment, and not according to the merit system.

But the merit system is applicable to a great many more positions in the executive branches of the insular, provincial and municipal governments than it has ever been applied to. It should be applied to many positions commonly held to be political, but which, in fact, are not political or policy determining in character. Action must be taken by placing practically all the actions of the Executive branch of the Government, except those of a bonafide policy determining character, in the so-called "classified" service and under the jurisdiction of the Bureau of Civil Service. This bureau must see to it that the positions placed under its jurisdiction are handled according to the letter and spirit of the merit principle. It should limit the number of "exemptions" to the lowest figure possible.

Another prime consideration in promoting the efficiency of the Civil Service is the rate of pay. The rates of pay offered in public employment at the present time are not, generally speaking, proper or satisfactory. They are either too high or too low. This fact is reflected in the difficulty which administrative officers encounter in recruiting suitable workers who have acquired valuable training through years of experience, in properly administering advancement and promotion, and generally, in maintaining the morale and efficiency of the public service.

The rates of compensation offered to public employees should be uniform and adequate. "Equal pay for equal work" would seem to be an obvious principle of fair dealing and effective management. In government service, what is substantially the same kind of work is frequently rewarded with different rates of pay in one department, and by different and widely varying rates of pay in the several departments.

With regard to promotions, the public service offers little opportunity for advancement. Public employment should

be so organized and administered as to offer greater opportunities for advancement and promotion. The system of public employment should insure that an employee rendering efficient service may look forward with reasonable certainty to periodic salary increases. Such increase should be granted on the basis of length of service and the attainment of fair standards of efficiency (quantity, quality, and adaptability of work) and they should be distinguished from promotion proper, or changes from a lower to a higher class of position.

Generally speaking, promotions in the public service have not been made according to a strict conception of the letter and spirit of the merit principle. Promotions and salary increases have often been in response to personal or political influence.

The Bureau of Civil Service should be empowered to introduce the basic structure of public employment classifying the positions under its jurisdiction according to a business-like principle and by recommending to the appropriating-bodies, fair and uniform standard. It should exercise a broad power of supervision over all the manifold phases of public employment. Its work should not stop with the recruiting of public employees; it should regulate their retention and promotion, and the maintenance of a reasonable standard of efficiency in public employment. It should supervise the training of public employees and the maintenance of healthful and attractive working conditions.

The standardization of public employees should include a definite policy on the subject of retirement. The need of a retirement system for public employees results in a large part from the relatively slight degree of security of tenure which prevails in public employment. The object which the Government seeks to attain through the establishment of a retirement system may be briefly enumerated as follows: (1) the elimination from its active force of those who have lost their efficiency because of advanced age or long service; (2) the elimination of those who have lost their efficiency in early life because of accident or disease; (3) the improvement of the morale of the remainder; (4) the retention of the service of the best of the present employees, many of whom in the absence of such system resign to accept positions elsewhere; and (5) the attraction to the service of a higher grade of men.

The distinct classes must be distinguished at the outset: (1) those who are already in the service, and (2) those who will enter after the system is in operation. The interest of these two classes are radically different. To the oldest among present employees, the establishment of a retirement system by the Government appeals as an act of grace, a benevolent award for long and faithful service. To future entrants the system does not appeal so; rather, it is regarded as one of the inducements to enter the service and the prospective benefits are considered part of the compensation earned by services rendered.

The advantage that the general public derives from a sound system of retirement of public employees consists primarily in the improvement of the morale and efficiency of the government service.

In standing before you today and speaking as I have spoken, I did not mean to disparage the fundamental idea upon which the whole structure of our Civil Service machine is being operated. Basically, I believe that it is sound. There are provisions of law that would safeguard the integrity of the service, high-sounding legal phrases, well meaning in their avowed intention to preserve the cleanliness of government employment. But as actually worked out and applied, those provisions and phrases only spell dismal failure. The recipe is wholesome; but the dish is unpalatable.

The Civil Service system is theoretically sound but it is corrupt in its practical ramifications. Much in the fashion of a tree that grows up on clean, fertile soil, we wonder why its trunk is so gnarled, why its branches are so dried up, and why the leaves lost their green freshness and fall away as if under the lashes of the February monsoon. You will dig into the ground through all eternity and not find a single worm, but strip the trunk of its bark, peel the extended branches, and you lay bare to your astonishment the canker that has long been gnawing at the tree's

very core.

However much we wish our tree to bloom, and ourselves to taste of the delicious sweetness of its fruits, it will avail us nothing to constantly water the sod and yet leave the blight to work its way unchecked until it has sapped the tree of all its verdure and virility.

If in our governmental system we merely content ourselves with the beauty of legal terminology, we shall get nowhere. If, having written out the prescription, we forget to apply properly the medicine, we might just as well consign our patient to the undertaker.

I propose, Gentlemen of the Constitutional Convention, to incorporate in the Magna Carta of the Philippine Commonwealth a provision that would hedge in the power of appointment to the Civil Service in such a manner and to such a degree that only those who have proved themselves fit by a system of examinations, may be recruited to the service. Under our present statutes, this is supposed to be the practice. But our political leaders, our department heads and the bureau directors through long impunity, have become so calloused to the requirements of the laws as to have made the system a mere sham, a phantasmagoria that means naught but an ornate unreality.

What we need is a subjective reorientation of our ideas and inspiration. The precepts of law, it is hardly necessary to change them. By including in the proposed Constitution the basic principles now found in ordinary statutes and giving them a peremptory character that would admit no equivocation, we shall give our public servants a chance to read a new meaning into the trust reposed upon them as a new vital consciousness of their obligations to the people that they have sworn to serve. A bureau chief or a department head will surely find it more difficult to evade the demands of the fundamental law than those of a mere legislative provision. The oath they will have to take to uphold the Constitution and defend it to the best of their ability will inculcate in them a deeper sense of responsibility and will not fail to touch the fine scruples of their conscience.

In closing this speech, I come forward with the proposal that the recommendation of the Committee on

Civil Service be approved and included in the proposed Constitution. The recommendations are as follows:

1. An independent Civil Service under the direction and control of a Commissioner or Board of Civil Service to embrace all the branches and subdivisions of the Government shall be provided by law;
2. Appointments and promotions to all positions, except those which are policy-determining in character or primarily personal and confidential in nature, shall be made only according to merit and fitness to be determined by competitive examination;
3. Emoluments and privileges of public officers and employees shall be uniform. Pension to officers and employees which may hereafter be granted shall be general and uniform;
4. Additional or double compensation shall be prohibited;
5. Separation, suspension, demotion and transfer shall be made only for cause and in the manner prescribed by law;
6. Political or religious belief of an officer or employee shall not be made the cause for disciplinary action.

Mr. President and Gentlemen of the Convention: I thank you all for your indulgence, and I assure you that I have nothing but a feeling of consecration to the duty before us. I hope that our effort to draft a Constitution of the Philippine Commonwealth, and of the Republic as well, will prove to be a blessing to future generations and to our children's children.

MR. CARIN: Mr. President, for a point of order. There is pending business for consideration which is reported by the Committee on Sponsorship—the Preamble. According to section 9 of the Rules, the thirty-minute privilege should not be granted to any Delegate when there is a pending action for consideration on any part of the Constitution reported by the committee.

SR. BRIONES: Senor Presidente, en vista de que el orador ya ha consumido parte de su tiempo y, posiblemente, este ya para terminar su discurso, yo pediria el consentimiento unanime de la Convencion para que se le deje terminar su discurso.

MR. CARIN: Mr. President, what are the rules for? Are we going to follow the rules or not?

EL PRESIDENTE: La cuestion de orden esta bien suscitada; pero, como se le ha permitido ya al orador hablar, pido el consentimiento unanime de la Convencion para que el Delegado pueda continuar su discurso.

Esta en orden ahora la consideracion del proyecto sobre el Preamble sometido por el Comite de Ponencias. Tiene la palabra el Comite.

INFORME DEL SR. SOTTO (F.)

SR. SOTTO (F.): Senor Presidente, hace dias que en el calendario de la Convencion figura una parte, siquiera pequena, pero no por eso menos importante, del proyecto de Constitucion que esta Asamblea va a preparar. Refierome al informe del Comite de Ponencias sobre el proyecto de Preamble.

Confieso, Senor Presidente, que este es un asunto que ha dividido considerablemente la opinion de los miembros del Comite. Cada cual, animado del mejor deseo de preparar un buen Preamble para la Constitucion de Filipinas, ha aportado a la labor del Comite no solamente sus esfuerzos, sino tambien el brillo de todas sus luces, a fin de llegar al apetecido resultado. Sucede, por lo demas, que si no hay dos relojes que marchen acordes, en un Comite como el de Ponencias, donde hay 87 miembros, la discrepancia tiene necesariamente que aumentar en la proporcion debida. Pero si es grato ver, es mas grato consignar ante la Convencion en pleno, que todos y cada uno de los miembros del Comite de Ponencias no han tenido mas miras, al estudiar y discutir el proyecto de Preamble, no han tenido mas miras, repito, que el interes por servir mejor a la causa por la cual la Convencion esta hoy en sesion. Se enganan los que sospechan que en la Convencion o en el Comite de Ponencias o en cualquiera de sus comites, se enganan, repito, los que sospechan que existe alli alguna linea divisoria que no sea la que marca un legitimo choque de opiniones, en busca de luz, en busca de acierto. Afortunadamente para nosotros, la norma que la Convencion se ha trazado desde los primeros dias no ha sufrido todavia, ni se espera que sufra, la mas pequena desviacion. Delegados de una region como de otra, Delegados provenientes de las diferentes areas de opinion, estan poniendo al servicio de nuestra labor lo mejor que tienen, mas que dentro de la cabeza, lo que llevan dentro del corazon. Es por esto, Senor Presidente, por que el Comite de Ponencias, abriendo las puertas de la libre discusion y prestando atencion a todas y a cada una de las opiniones expresadas en su seno, es por esto, repito, por que se ha empleado un tiempo relativamente largo en la consideracion y preparacion del proyecto de Preamble.

Es sensible, sin embargo, pero, al mismo tiempo digno de ser celebrado, el que no hayamos podido llegar a una votacion unanime en el seno del Comite. Pero tambien debe celebrarse que cada cual mantenga abiertas sus convicciones y que cada cual venga al seno de la Convencion en pleno para exponer sus ideas, para razonarlas y para pedir el apoyo de la Convencion, y que no se dude que la Convencion dara su apoyo a aquellos principios y formas que considere justas y rectas.

El Comite de Preamble, Senor Presidente, ha presentado un proyecto que ha merecido no solamente el respeto del Comite de Ponencias sino tambien una curiosa consideracion. Hemos reconocido siempre, y creo que el resto

de la Convencion tambien piensa igual, los meritos de todos y cada uno de los miembros del Comite de Preamble. Si el Comite de Ponencias ha introducido algunas enmiendas en el proyecto preparado por dicho Comite de Preamble, ha sido mas bien para buscar un punto de conjuncion entre las diferentes ideas, teorias, pensamientos, mantenidos por los miembros del Comite de Ponencias entre si. Podemos, por consiguiente, decir que el proyecto de Preamble que hoy se informa y se somete a esta Convencion es nada mas que el resultado de una serie de arreglos, compromisos, cambios, en una palabra, ajustes, como se dice hoy, a fin de poder llegar a un todo que quedara presentable ante la Convencion. Por lo demas, las enmiendas no pueden considerarse sustanciales, si en vez, por ejemplo, de decir "Dios Todopoderoso," se leen hoy en el proyecto las palabras "Divina Providencia," parece que tenemos delante mas bien una mera cuesti6n ret6rica y no de principios, la sustancialidad de los pensamientos queda mantenida. Se reconoce la existencia de un Ser Superior no importa el nombre que tenga. Y el Comite ha procurado buscar un Preamble dentro del cual puedan caber todas las tonalidades, los altibajos, los matices que necesariamente hay en cada conciencia, en su pasado que, como Filipinas, tiene como postulado la libertad de cultos.

Otra enmienda que tampoco es sustancial: el cambio de las palabras "Islas Filipinas" por "Filipinas." Casi, casi, senor Presidente, dire que hay aqui una mera cuestion literaria, una mera cuestion de gusto. Lo mismo significaria decir "Islas Filipinas" que "Filipinas" a secas. Y asi por el estilo, otras enmiendas que se han introducido. Voy a decir, sin embargo, que despues de una consideracion detenida, despues de una discusion que ha estado lindando con el acaloramiento, el Comite, la mayoría del Comite, ha votado por la supresion de cierta mencion relativa a las manchas del pasado. Recuerdo perfectamente que se discutió y se arguyo largo y tendido, para usar de una frase comun, esta parte del Preamble. Pero ha predominado al final la opinion de que pareceria mas propio redactar otro documento indepen-dientemente del Preamble de la Constitucion e independientemente de la misma Constitucion. para que el pais o sus representantes constitucionales, como somos nosotros, puedan exteriorizar cualesquiera sentimientos de gratitud, de reconocimiento hasta "las sombras del pasado." Se ha urgido y se ha arguido que la Constitucion, al fin y al cabo, es un cuerpo legal, es una ley, y se ha llegado a la conclusion de que es mejor poner en la Constitucion disposiciones y no consideraciones sentimentales por decirlo asi.

El Comite no pretende haber llegado a un acierto. Eso seria una pretension que ninguno nos perdonaria. Solamente reclamamos de la Convencion el reconocimiento de que dentro de nuestra pequenez, dentro de las diferentes ideas surgidas en el seno de todas y cada una de las sesiones del Comite, hemos hecho lo mejor que hemos podido y con lo hecho comparecemos, mejor dicho, el Comite de Ponencias comparece ante la Convencion para pedir que la Convencion apruebe el proyecto de Preamble, si lo encuentra aceptable.

SR. VILLANUEVA: Senor Presidente. EL PRESIDENTE: Senor Delegado.

SR. VILLANUEVA: Pedimos que se lea por el Secretario una enmienda que hemos presentado al proyecto de Preamble.

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

MR. VILLAREAL: Mr. President, we do not have the Preamble as submitted to the Convention by the Chairman of the Committee. We do not have anything here.

THE PRESIDENT: Copies of the Preamble as reported by the Committee on Sponsorship have been distributed since Friday.

MR. JUMAWAN: Mr. President.

THE PRESIDENT: Gentleman from Negros Oriental

MR. JUMAWAN: I rise on a point of order. Unless we amend the rules of the Convention, the Constitution cannot be submitted part by part. According to Section 7 of the Rules, page 9, the Committee on Sponsorship "shall prepare and formulate, for submission to the convention, the draft of the Constitution, after considering the partial drafts submitted to it," by the various committees.

THE PRESIDENT: What is the Gentleman's interpretation of that part of the Rules?

MR. JUMAWAN: My interpretation is that the Committee on Sponsorship should submit to this Convention the whole draft of the Constitution, not part by part.

THE PRESIDENT: Is the word "whole" used in that part of the Rules read by the Gentleman?

MR. JUMAWAN: That is according to my humble opinion.

THE PRESIDENT: I think that the Committee on Sponsorship can submit partial reports.

MR. JUMAWAN: I have no objection, but I call the attention of the Convention because of these Rules.

THE PRESIDENT: We can give a liberal interpretation to that part of the Rules in the sense that the Committee on Sponsorship can submit to the Assembly either total or partial reports.

MR. INTING: Mr. President.

THE PRESIDENT: Gentleman from Bohol.

MR. INTING: In the course of his speech, the Gentleman from Cebu spoke about the discussions in the Committee on Sponsorship regarding the terms "Philippines" and Philippine Islands." We are confused as to which one was finally approved because the English text reads: "We, the people of the Philippine Islands," whereas the Spanish text says: "Nosotros, el pueblo de las Islas Filipinas."

MR. SOTTO (F.): Since the Constitution to be drafted will be submitted to the President of the United States, we are of the opinion that the English text should prevail over the Spanish text, if we prepare a Spanish text that is only to suit the Delegates who cannot understand English.

MR. INTING: The draft of the Preamble is written in English and Spanish. Which one is controlling? Is preference given to the English text or the Spanish text?

MR. SOTTO (F.): The Spanish text is only for Delegates who cannot understand English.

MR. INTING: We will give more importance then to the English text.

MR. SOTTO (F.): Yes, but the Spanish text may be consulted and referred to in case of doubt.

MR. INTING: Thank you.

SR. ORENSE: Senor Presidente, para un turno en contra.

EL PRESIDENTE: La Mesa desea sugerir al Delegado por Batangas y a los Caballeros que deseen consumir un turno en contra del Preamble que, en vista de que la Constitucion tiene que tener un Preambiilo, en vez de que se consuman turnos en contra del Preamble, tal como ha sido informado por el Comite de Ponencias, se proceda ya a la consideracion de las enmiendas.

SR. ORENSE: Entonces, voy a presentar una resolucion de enmienda por sustitucion a este proyecto de Preamble presentado por el Comite de Ponencias. Esta enmienda por sustitucion es el mismo Preamble que ha presentado y aprobado el Comite de Preamble, copia del cual se ha repartido entre los Delegados.

MR. VINZONS: Mr. President I rise on a point of order?

EL PRESIDENTE: Caballero de Camarines Norte.

MR. VINZONS: There is an amendment to the original draft of the preamble submitted to the Secretary. That amendment should take precedence over the amend-ment by substitution.

THE PRESIDENT: Who is the author of the amendment?

MR. VINZONS: My amendment has been submitted to the Secretary, Mr. President.

MR. ABORDO: Mr. President, I also filed an amendment which I will request the Secretary to read after the amendment of Delegate Villanueva.

THE PRESIDENT: Did the Gentleman put his amendment in writing?

MR. ABORDO: Yes, Mr. President.

EL PRESIDENTE: Leanse todas las enmiendas.

SR. ENRIQUEZ: Senor Presidente, he presentado asimismo una enmienda por sustitucion, que esta en poder del Secretario y pido que se lea.

SR. CARAM: Senor Presidente.

EL PRESIDENTE: Senor Delegado.

SR. CARAM: Deseo presentar una enmienda por sustitucion al Preambulo sometido por el Comite de Ponencias la cual no altera el principio fundamental de dicho Preambulo sino solamente su fraseologia.

EL PRESIDENTE: ¿Esta escrita la enmienda? SR. CARAM: Si, senor.

EL PRESIDENTE: Puede usted entregarla al Secretario.

MR. BINAG: Mr. President, I also filed an amendment.

SR. VILLANUEVA: Senor Presidente. EL PRESIDENTE: Senor Delegado.

SR. VILLANUEVA: Los que nos oponemos a la enmienda y hemos pedido que se leyera por el Secretario, parece que tenemos preferencia sobre los que han presentado enmiendas por sustitucion.

SUSPENSION DE LA SESION

EL PRESIDENTE: El Secretario dara cuenta primeramente a la Asamblea de todas las enmiendas, para que tanto la Mesa como la Asamblea puedan juzgar si una enmienda es por sustitucion y otras de mera correccion y asi poder saber cuales son las enmiendas que han de ser consideradas primeramente. La Mesa suspendera por algunos minutos la sesion para que se puedan ordenar las enmiendas, si no hay ninguna objecion. (No hubo objecion.) Eran las 6:00 p.m.

REANUDACION DE LA SESION

SR. RAFOLS: Para una cuestion de privilegio, senor Presidente. Quisiera ser informado por el Secretario de la Asamblea, sobre quienes de los miembros del Comite de Ponencias han registrado su disidencia.

EL PRESIDENTE: No tiene datos la Secretaria.

SR. RAFOLS: Desearia saber eso para poder plantear una cuestion de orden en cuanto a aquellos miembros del Comité de Ponencias que, sin haber registrado su disidencia, quieren ahora presentar enmiendas o combatir el informe del Comité.

EL PRESIDENTE: No tiene datos la Secretaria.

SR. RAFOLS: Entonces, señor Presidente, suscito la cuestion de orden en cuanto a aquellos miembros del Comité de Ponencias que han registrado ahora enmiendas.

Es verdad que el Reglamento de esta Asamblea se calla sobre este punto; pero, teniendo en cuenta que, de acuerdo con nuestro Reglamento, son reglamentos supletorios los del Senado y de la Camara de Representantes, y teniendo en cuenta que en dichos Reglamentos se prohíbe al miembro de un comité que presente enmiendas sobre el informe del mismo, entiendo, señor Presidente, que esos miembros del Comité de Ponencias no tienen derecho a presentar enmiendas, a menos que

EL PRESIDENTE: ¿En contra de quien suscita la cuestion de orden?

SR. RAFOLS: Por eso queria saber quienes son los que han registrado su disidencia.

EL PRESIDENTE: No tenemos datos.

SR. RAFOLS: Entonces, suscito la cuestion contra los Caballeros que no han registrado su disidencia.

EL PRESIDENTE: Sera mejor que suscite la cuestion cuando se levanten esos Caballeros.

SR. SALAZAR: Para algunas preguntas al Chairman del Comité de Ponencias.

EL PRESIDENTE: El Chairman puede contestar, si le place.

SR. SOTTO (F.): Si, señor.

SR. SALAZAR: Veo que en el report del Comité de Ponencias se han omitido las siguientes palabras que aparecen en el report del Comité individual de Preamble: "apreciando la oportunidad a nosotros ofrecia por los Estados Unidos de America para recoger nuestra libertad, e inspirados en los trabajos y sacrificios de nuestros patriotas, por la emancipacion de una patria unida." ¿Puede informarnos el Presidente del Comité de Ponencias si esta omission es voluntaria o erronea?

SR. SOTTO (F.): El Comité nada hace involuntariamente; todo lo hace voluntaria y deliberadamente, con los ojos abiertos.

SR. SALAZAR: ¿Podria decirnos el Presidente del Comité el motivo del descarte de esa parte importante, esencial, y que demuestra el interes que tiene esta Convencion de agradecer a America por los beneficios recibidos?

SR. SOTTO (F.): Eso ya es otra clase de pregunta; mejor dicho ya no es una pregunta. Hubiera gustado al Comité, Caballeros de la Convencion, que este asunto no se suscitara en el floor. Con toda intencion, al hacer uso de la palabra al comienzo de esta Convencion, el Comité de Ponencias no quiso hacer siquiera mencion de ese punto. Ahora mismo, todavia voy a atreverme a rogar al Caballero de Leyte que si el quiere o puede, abandone ese punto.

SR. SALAZAR: Tengo entendido que la prensa ha acotado un poco mal al Caballero de Cebu, manifestando que el Caballero de Cebu es de opinion que Filipinas no tiene por que agradecer a America, por habernos arrebatado la libertad. Ademas, señor Presidente, la omission clara, taxativa, de esta declaracion que contenia el report original, podria interpretarse muy mal en los Estados Unidos, en el sentido de que el pueblo filipino no quiere agradecer el

beneficio de recibir la independencia sin pagar por ella una sola gota de sangre.

SR. SAGUIN: Senor Presidente, para una cuestion de orden.

EL PRESIDENTE: ¿Cual es la cuestion de orden?

SR. SAGUIN: Yo creo que el Caballero puede presentar una enmienda al proyecto del Comité de Ponencias.

SR. SALAZAR: No podemos.

EL PRESIDENTE: El Chairman del Comité puede negarse a contestar.

SR. SOTTO (F.): No tengo fuerzas ni aliento para negarme a contestar la pregunta del compañero; pero reitero mi ruego de que dejemos a un lado esta cuestion.

SR. CALLEJA: Senor Presidente, para unas preguntas al orador.

EL PRESIDENTE: El orador puede contestar, si lo desea.

SR. SOTTO (F.): Si, Senor.

SR. CALLEJA: ¿No es verdad que este Preamble es copia del Preamble de la Constitucion de los Estados Unidos?

SR. SOTTO (F.): Si Su Senoria lo ha cotejado y asi lo encuentra, huelga la pregunta.

SR. CALLEJA: Parece que, quitando las palabras "Divina Providencia", en sustancia todo lo demas es copia exacta del Preamble de la Constitucion de los Estados Unidos.

SR. SOTTO (F.): Voy a contestarle como Jesus contesto a Pilato: "Tu dixisti". Si Su Senoria lo ha cotejado y lo ha encontrado asi, parece innecesario contestar a esa pregunta.

SR. CALLEJA: Entonces, ¿podria Su Senoria contestar a esta otra pregunta?

SR. SOTTO (F.): No se si podre. Voy a procurar.

SR. CALLEJA: ¿No cree Su Senoria que seria mejor que preparemos otro Preamble original, para mayor honra y gloria de nuestro pais, en vez de copiar el Preamble de la Constitucion de los Estados Unidos?

SR. SOTTO (F.): Sobre eso de que una cosa sea mejor, le dire que depende de los ojos del que la ve. No hay reglas fijas sobre belleza; a lo mejor, una cosa que le parece a Su Senoria mejor, al Comité le parezca lo contrario. No se ha inventado todavia un padron unico y oficial sobre la belleza. Por eso, creo que existe alguna justificacion en el lema A. M. D. G.

EL PRESIDENTE: ¿Esta la Asamblea dispuesta a considerar las enmiendas?

SR. ABRIGO: Senor Presidente, en vista de que no se han presentado muchas enmiendas al Preamble sometido por el Comité de Ponencias y como quiera que casi ningun miembro de esta Asamblea ha tenido oportunidad de leerlo, propongo que se aplaze la consideracion del Preamble, con todas sus enmiendas, para el miercoles, 3 del actual, y que se distribuyan copias de estas enmiendas a los miembros de la Asamblea para que tengamos conocimiento de ellas.

VOCES DE VARIOS DELEGADOS QUE DICEN: Secundo la mocion.

SR. CONFESOR: Senor Presidente, para una enmienda a la mocion. Propongo que todas las enmiendas, incluyendo el Preamble mismo, sean referidas al Comité de Ponencias para su debida consideracion.

VARIOS DELEGADOS: No. No.

SR. ABRIGO: No acepto la enmienda, SR. CONFESOR: Retiro la enmienda.

EL PRESIDENTE: Se da por retirada. La cuestion en orden es la mocion de que se aplaze la considera-cion del Preambulo y de todas las enmiendas al mismo para el miercoles, 3 de octubre de 1934, y que copia de las enmiendas sean distribuidas a los senores Delegados. ØÿHay alguna objecion a esta mocion?

SR. ESCAREAL: Senor Presidente, creo que senta-riamos un mal precedente si aplazamos la consideracion de las enmiendas al Preambulo, solamente para que las copias de las enmiendas se puedan distribuir a los Seno-res Delegados. Si hemos de adoptar el mismo procedimiento cada vez que se presente una enmienda, serian interminables nuestras discusiones. Yo propondria, pues, que se presente cada enmienda y que su autor la explique, y despues la Convencion proceda a votar sobre la misma.

EL PRESIDENTE: ØÿNo podrian los senores Delegados considerarse informados de la naturaleza de estas enmiendas si se leyeran aqui?

SR. ESCAREAL: Creo que si.

EL PRESIDENTE: El Delegado por Samar tiene razon al llamar la atencion de la Mesa al peligro que eso envuelve. Podriamos permitirnos el lujo de ir aplazando las sesiones y los asuntos, pero cuando las partes mas importantes de la Constitucion se esten considerando por la Asamblea, seria peligroso que estuviésemos entonces aplazando la sesion nada mas que porque las enmiendas no se ban hecho por escrito, o para que se distribuyan antes copias de tales enmiendas, porque si tal cosa hicieramos, no tendríamos tiempo material para terminar nuestra labor.

SR. YSIP: Senor Presidente.

EL PRESIDENTE: ØÿQue es lo que desea el Senor Delegado?

SR. YSIP: Quisiera preguntar, Senor Presidente, si los taquigrafos estan tomando notas de todo lo que se dice aqui.

EL PRESIDENTE: Los taquigrafos estan tomando notas de todo.

SR. YSIP: No me refiero solamente a la toma de notas taquigraficas, sino tambien a su transcripcion.

EL PRESIDENTE: Se transcriben todas las notas taquigraficas, y forman parte del Diario de Sesiones.

SR. CONFESOR: Senor Presidente, para una pregunta a la Mesa, en relacion con el procedimiento.

MR. PEREZ (J.): Mr. President, I rise on a point of order.

THE PRESIDENT: What is the point of order?

MR. PEREZ (J.): The motion of Delegate Abrigo should be submitted to a vote because, according to Section 17 of our Rules, it is not subject to debate.

THE PRESIDENT: We are not debating the motion.

MR. PEREZ (J.): The Gentleman from Nueva Ecija is debating.

MR. CONFESOR: I understand that fourteen amendments have been submitted, so I would like to know from the Convention how we shall proceed to vote on those amendments. Let us assume that the first amendment is approved. Now, shall we proceed to the next amendment presented, vote on that again, and after approving it, take

up the third amendment, and so on, until we reach the last amendment presented?

THE PRESIDENT: The Chair will consider first the perfecting amendment, and then the amendment by substitution.

SR. SOTTO (F.): Senor Presidente, tengo una duda en relacion con la mocion pendiente, y es que si se aplaza la consideracion del Preamble hasta el miercoles, en la inteligencia de que entre tanto se han de hacer copias de todas las enmiendas presentadas, ¿quiere esto decir que las enmiendas que se presenten pasado manana y de las que no se hayan hecho copias, no han de ser consideradas?

SR. ABRIGO: No, senor; las que ya se habian presentado.

SR. SOTTO (F.): Y las enmiendas que se presentaren pasado manana, ¿que suerte tendran?

SR. ABRIGO: La mocion se refiere solamente a las enmiendas ya registradas actualmente en la Secretaria.

SR. SOTTO (F.): Si esa es la mocion, estoy conforme.

EL PRESIDENTE: ¿Que dice el Presidente del Comité de Ponencias?

SR. SOTTO (F.): No tengo objecion a que se repartan copias de las enmiendas, aunque supongo que se suscitara la misma dificultad despues, a menos que se acuerde ahora, juntamente con esa mocion, que el periodo de enmiendas ha terminado.

EL PRESIDENTE: Lease la disposicion del Reglamento sobre presentacion de enmiendas.

EL SECRETARIO:

"Mientras esta pendiente de consideracion una mocion, asunto o proposicion, en una sesion, no se consideraran mas mociones que las siguientes, y en el orden que se expresan: levantamiento de la sesion, suspension de la sesion, dejar un asunto sobre la mesa, aplazamiento para un dia, aplazamiento indefinido, consideracion del asunto, presentacion de enmiendas y traslado a un Comité.

SR. OSIAS: Senor Presidente, creo que el Secretario debe leer la Regla XXIII del Reglamento de la Camara de Representantes.

EL PRESIDENTE: La Mesa esta consultando el Reglamento.

SR. OSIAS: Tenemos que acudir a las reglas supletorias.

EL PRESIDENTE: El Chairman del Comité de Ponencias: ¿no tiene objecion a la mocion del Delegado por Samar?

SR. SOTTO (F.): No tengo ninguna objecion a esa mocion. excepto que yo quisiera ver aclarada y definida por la Convencion si no se van a presentar enmiendas pasado manana, y si se presentan sin copias, si habria otro aplazamiento para dar tiempo a sacar copias de tales enmiendas.

SR. ABRIGO: No habria mas aplazamiento para sacar copias.

SR. CONFESOR: Senor Presidente, presento la mocion de que se cierre la presentacion de enmiendas.

VARIOS DELEGADOS: No, no.

SR. OSIAS: Senor Presidente, para una enmienda a la mocion. Propongo que en vez de que se aplase la consideracion de las enmiendas hasta el miercoles, 3 de octubre, que sea solo hasta manana, 2 de octubre, por la tarde, y que se distribuyan copias de todas las enmiendas.

EL PRESIDENTE: La Mesa desea saber de la Asamblea si se va a sentar este precedente o sea, si se ha de seguir el mismo procedimiento cada vez que se presenten enmiendas al plan constitucional.

MR. CINCO: I should like to present an amendment to the motion of the Delegate from Samar.

EL PRESIDENTE: Hay una enmienda a la enmienda.

MR. CINCO: Precisely on that point. That should be accompanied by an announcement that the resolution be not considered.

EL PRESIDENTE: Creo que no es necesario eso, porque depende de la Asamblea el considerarlo en cualquier momento en cada caso particular. La Mesa sometera a la Asamblea la enmienda del Caballero de La Union de que sea para manana en vez de pasado manana el aplazamiento.

MR. CINCO: If that is the case, then that will be a dangerous precedent, Mr. President.

MR. ESCAREAL: I was saying a while ago that it would be a dangerous precedent, Mr. President. But we can obviate the difficulty raised by the Delegates from Samar and La Union by beginning the discussion right now and continuing it tomorrow. If we approve the resolution to that effect, we will not finish our labors here. Precisely we are criticized by the public, according to the press, for proceeding too slowly with our work on the Constitution. If we adopt dilatory tactics like this, when it is incumbent upon the author to determine the merit of the amendments, then we will sanction a procedure that will delay the labors of this Convention.

SR. ABRIGO: En primer lugar, esta cuestion no es debatable.

SR. SOTTO (F.): Acaba de informarme el Secretario de que a menos que se limite hasta manana a las doce del dia el plazo para la presentacion de las enmiendas, la oficina del Secretario no podra preparar suficientes copias para distribuirlas por la tarde. El trabajo consiste en copiar las enmiendas presentadas por cada delegado en papel stencil, luego ronearlas.

EL PRESIDENTE: ¿Esta dispuesta la Asamblea a votar la mocion, tal como ha sido enmendada por el Caballero de La Union?

MR. GRAFILO: Just a little observation on the motion under consideration. I do not see any positive remedy by postponing for tomorrow. If copies are to be distributed tomorrow, then the Delegates will read those copies only tomorrow. It will be just the same if the Secretary reads it today for our consideration. The positive remedy, Mr. President, is not very great.

THE PRESIDENT: The Chair will submit it to a vote as amended by the Delegate from La Union.

SR. SANDIKO: Senor Presidente, quisiera que al distribuirse las enmiendas se distribuyan por el orden en que se han de tratar aqui en la Asamblea, consignando cual es la enmienda que primeramente se ha de tartar, cual la segunda, cual la tercera, etcetera. Si se distribuyen solamente las enmiendas, no sabria uno cuales son las que se trataran primeramente.

EL PRESIDENTE: El Secretario puede enumerar las enmiendas.

Los que esten a favor de la mocion tal como ha sido enmendada, tengan la bondad de decir, si. (Una mayoria: Si.) Los que esten en contra se serviran decir, no. (Una minoria: No.) Aprobada.

SR. LABRADOR: Senor Presidente: Hasta ahora no hemos llegado a un acuerdo en cuanto a la forma como debe proceder la Asamblea. Yo sugiero que el Secretario prepare el proyecto que ha venido del Comité de Ponencias con los numeros correspondientes en cada linea, y sugiero tambien que todas las enmiendas se atengan al proyecto

presentado por el Comité de Ponencias para que los miembros de la Asamblea sepan cual de las enmiendas se considerara primeramente, porque tendran que atenerse al orden en que aparezcan con respecto al proyecto del Comité de Ponencias.

EL PRESIDENTE: En ese caso no se podrian repartir las copias manana si los mecanografos tuviesen que reformatarlas escribiendolas de acuerdo con el uso ordinario.

SR. LABRADOR: En el entre tanto pido que el Secretario numere las lineas del proyecto del Comité para que los miembros de esta Asamblea puedan atenerse a dicho proyecto despues. En el Reglamento de la Camara se dispone que deben numerarse las lineas.

EL PRESIDENTE: Hagase como se pide. De acuerdo con la resolucion de la Asamblea. queda fijada para manana la consideracion del Preamble. Se distribuiran copias de las enmiendas presentadas.

LEVANTAMIENTO DE LA SESION

SR. ESCAREAL: Senor Presidente, pido que se levante la sesion.

EL PRESIDENTE: Si no hay objecion, se levanta la sesion. (No la hubo.)

Eran las 6:42 p.m.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.