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APERTURA DE LA SESION

Se abre la session a las 4:30 p.m., bajo la presidencia del Presidente, Honorable Claro M. Recto.

EL PRESIDENTE: Lease la lista de los Delegados.

EL SECRETARIO lee la lista de los Delegados, dando el siguiente resultado:

PRESENTES, 196

Sres.

Abaya,

Sres.

Bonto,

Abella,

Borbon,

Abordo,

Braganza,

Abrigo,

Bricnes,

Adduru,

Buendia,

Aldeguer,

Bueno,

Alejandrino,

Buslon,

Alkuino,

Cabarroguis,

Alonto,

Calleja,
Altavas,
Canonoy,
Alvero,
Carin,
Anceta,
Cariño
Araneta,
Castillo,
Arcenas,
Castillejos,
Arellano,
Castro,
Artadi,
Cea,
Arteche,
Chioco,
Aruego,
Cinco,
Balili,
Cloribel,
Baltao,
Conejero,
Barrien,
Conol,
Bañaga,
Crespillo,
Bautista,
Cruz, (C.),
Beltran,
Cruz, (R.),

Benitez,
Cuaderno,
Benito,
Curato,
Binag,
Cuenco,
Bocar,
Delgado,
Diez,
Kintanar,
Dikit,
Labrador,
Divinagracia,
Lapak,
Duguiang,
Laurel,
Encarnacion,
Ledesma,
Enriquez,
Leonardo,
Escareal,
Lesaca,
Esliza,
Liboro,
Ezpeleta,
Lim,
Fakangan,
Lizardo,
Fernandez,
Lizarez,
Flores,

Locsin,
Francisco,
Lopez (E.),
Gaerlan,
Lopez (B.),
Galang,
Lorenzana,
Ganzon,
Lorenzo,
Grafilo,
Lutero,
Grageda,
Maglanoc,
Guariña,
Mansueto,
Guevarra,
Marabut,
Gullas,
Maramara,
Gumban,
Martinez (M.),
Gumangan,
Martinez (R.),
Guzman (Alejandro),
Maza,
Guzman (Antonio),
Melendez,
Guzman (Jose),
Melendrez,
Gutierrez David,
Millar,

Hernaez,
Moldero,
Hontiveros,
Moncado,
Inting,
Montaño
Irving,
Montesa,
Joven,
Montila,
Jose,
Montinola,
Jumauan,
Mumar,
Kapunan,
Muñoz, Navarro,
Sres, Nepomuceno (J.),
Sres. Salazar (V.),
Nepomuceno (R.),
Salumbides,
Nepomuceno (V.),
Sandiko,
Niere,
Sanchez,
Ocampo,
Sandoval,
Orense,
Santos,
Ortega,
Sanvictores,
Ortiz (L.),

Sevilla,

Ortiz (M.),

Singson Encarnacion,

Osias,

Sinsuat,

Palma,

Sison,

Paredes,

Sobrepeña,

Pelayo,

Sotto (F.),

Perez (J.),

Sotto (V.),

Perez (T.),

Suñer,

Perfecto,

Surban

Piang,

Tanopo,

Pio,

Tulawi,

Prieto,

Velasco,

Quirino (D.),

Ventura,

Rafols,

Villamor,

Ranjo,

Ventanilla,

Reyes (G.),

Villarama,

Reyes, (J.),
Villareal,
Ribo,
Vinzons,
Rcohermoso,
Ybañez,
Rivera,
Ysip,
Romero,
Yusay,
Romualdez,
Zavalla,
Roxas,
Zialcita,
Saguin,
Zurbito,
Salazar (A.),
El Presidente.

AUSENTES, 5

Sres.
Clarin,
Sres.
Guzman (Bernabe),
Ozamis,
Quirino (E.),
Villanueva,

EL PRESIDENTE: Hay quorum

Lease el Acta.

EL SECRETARIO lee el acta de la sesion anterior, Agosto 18, 1934, la cual es aprobada.

PROPOSICIONES CONSTITUCIONALES

EL SECRETARIO leyendo:

Proposed constitutional precept granting non-Christian Filipinos certain fundamental rights, submitted by Delegate Pelayo (C. P. No. 390).

THE PRESIDENT: To the Committee on Special Provinces.

Proposed constitutional precept establishing a Bureau of Statistics, submitted by Delegate Maramara (C. P. No. 391).

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

Proposed constitutional precept empowering the Legislature to levy and collect taxes on income derived from whatever sources, submitted by Delegate Chioco. (C. P. No. 392).

THE PRESIDENT. To the Committee on Legislative Power.

Proyecto de precepto constitucional declarando libra la investigacion de la paternidad y estableciendo igualdad de derechos entre hijos habidos dentro y fuera del matrimonio, sometido por el Delegado Ocampo, (C. P. No. 393).

EL PRESIDENTE: Al Comite sobre el Poder Judicial

Proposed constitutional "precept establishing the in-eligibility of Senators and Representatives to other offices and prohibiting them from possessing any pecuniary interest in contracts or transactions with the Government, submitted by Delegate Nepomuceno (R.) (C. P. No. 394).

THE PRESIDENT: To the Committee on Legislative Power.

Proposed constitutional precept providing for the power of each House of the Legislature to punish contempt committed against it or any of its committees, submitted by Delegate Nepomuceno (R.) (C. P. No. 395).

THE PRESIDENT: To the Committee on Legislative Power.

Proposed constitutional precept regarding limitations of municipal indebtedness, submitted by Delegate Moncado (C. P. No. 396).

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

Proposed constitutional precept providing that the term of office of the Chief Executive and all the members of the Legislature shall be for five years, submitted by Delegate Araneta (C. P. No. 397).

THE PRESIDENT: To the Committee on Executive and Legislative Powers.

Proyecto de precepto constitucional sobre los derechos civiles de los habitantes de las tribus nocristianas, sometido por el Delegado Gumban (C. P. No. 398).

EL PRESIDENTE: Al Comite sobre Provincias Especiales.

Proyecto de precepto constitucional creando una Comision Mixta para conocer de las protestas contra los miembros de la Legislatura, sometido por el Delegado Gumban (P. C. No. 399).

EL PRESIDENTE. Al Comite sobre Garantias Constitucionales.

Proposed constitutional precept providing that every physician employed in any agricultural, industrial and commercial establishment shall attend and take care of not more than four hundred laborers, submitted by Delegate Chioco (C. P. No. 400).

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

Proposed constitutional precept requiring the employers or owners of agricultural, industrial and commercial establishments to install in their buildings all hygienic and sanitary conditions for their employees, submitted by Delegate Chioco (C. P. No. 401).

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

Proposed constitutional precept empowering the Legislature to provide for the breaking up of big landed-estates, submitted by Delegate Cruz (.C.) (C. P. No. 402).

THE PRESIDENT: To the Committee on Nationalization and Conservation of Lands and Natural Resources.

Proposed constitutional precept providing for the military training of every able-bodied male citizens of the Commonwealth, submitted by Delegate Jumauan (C. P. No. 403).

THE PRESIDENT. To the Committee on National Defense.

Proposed constitutional precept providing for the right of all citizens to free elementary education, submitted by Delegate Jumauan (C. P. No. 404).

THE PRESIDENT: To the Committee on Public Instruction.

Proposed constitutional precept providing for the inviolability of papers, letters and objects of all kinds placed in the postal department, submitted by Delegate Jumauan, (C. P. No. 405).

THE PRESIDENT: To the Committee on Constitutional Guarantees.

Proposed constitutional precept providing for the restriction by law of the right to emigrate, submitted by Delegate Jumauan (C. P. No. 406).

THE PRESIDENT: To the Committee on Immigration.

Proyecto de precepto constitucional prohibiendo a todo funcionario electivo dimitir su cargo para ocupar otro cargo de nombramiento, sometido por el Delegado Zialcita (C. P. No. 407).

EL PRESIDENTE: Al Comité sobre Servicio Civil.

Proposed constitutional precept prohibiting all persons, associations and corporations engaged in any business, trade or industry in the Philippines to keep their books of accounting in any language other than English, Spanish or any local Filipino dialect, submitted by Delegate Quirino (D.) (C. P. No. 408).

THE PRESIDENT: To the Committee on Commerce.

Proposed constitutional precept empowering the Supreme Court to promulgate rules of pleadings, practice and procedure, for the various courts, submitted by Delegate Francisco (C. P. No. 409).

THE PRESIDENT: To the Committee on Judicial Power.

Proposed constitutional precept providing for appeal by the people of the Commonwealth in all criminal prosecutions, submitted by Delegate Francisco (C. P. No. 410).

THE PRESIDENT: To the Committee on Judicial Power.

Proposed constitutional precept providing for a plebiscite on the question of woman suffrage, submitted by Delegate Francisco (C. P. No. 412).

THE PRESIDENT: To the Committee on Suffrage.

Proposed constitutional precept regarding the age limit for retirement of all members of the judiciary, submitted by Delegate Francisco (C. P. No. 411).

THE PRESIDENT: To the Committee on Judicial Power.

Proyecto de precepto constitucional referente al numero, duracion del cargo, remuneracion y cualificaciones de los Senadores y Representantes, sometido por el Delegado Lapak (C. P. No. 413).

EL PRESIDENTE: Al Comite sobre el Poder Legislativo.

Proyecto de precepto constitucional prohibiendo la co-educacion y declarando completamente gratuita la en-señanza elemental, sometido por el Delegado Lapak (C.P. No. 414).

EL PRESIDENTE: Al Comite sobre Instruccion Publica.

Proposed constitutional precept providing for the adoption of a temporary provision relating to lands reserved for non-Christian Filipinos, submitted by Delegate Gumangan (C. P. No. 415).

THE PRESIDENT: To the Committee on Transitory Provisions.

Proposed constitutional precept regarding the apportionment of Senators and Representatives, submitted by Delegates Cabarroguis and Maramara (C.P. No. 416).

THE PRESIDENT: To the Committee on Legislative Power.

Proposed constitutional precept regarding the Judicial Power.

THE PRESIDENT: To the Committee on Judicial power.

PETICIONES

Resolucion del Consejo Municipal de San Rafael, Bulacan, pidiendo la nacionalizacion de los terrenos y recursos naturales del pais (Pet. No. 22).

EL PRESIDENTE: Al Comite sobre Nacionalizacion y Conservacion de Terrenos y Recursos Naturales.

Resolution of the Municipal Council of Maasin, Leyte, requesting the division of the Province of Leyte into two independent provinces. (Pet. No. 23).

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

Communication from Mr. Simeon M. Agustin making suggestions regarding the system of education. (Pet. No. 24).

THE PRESIDENT: To the Committee on Public Instruction.

REMARKS OF MR. SANTOS ON LOCAL AUTONOMY

MR. SANTOS: Mr. President and Gentlemen of the Convention: Coming as we do from all parts of the Philippines, we are here gathered in this august Hall to perform the most delicate and most valuable task of making the Constitution for a nation in the Far East. The blood of our martyrs and heroes in 1896 had not been shed in vain, for indeed we are now laying down the cornerstone of the Philippine Commonwealth, which ten years after will automatically be converted into the Philippine Republic.

History will be our sole judge. What we do now will affect not only the present generation of Filipinos, but also the welfare, the happiness and prosperity of the Filipinos for generations and generations to come. Time will prove whether the Constitution which will be the product of the combined efforts of all those gathered in this hall, can stand the vicissitudes of fortune, the turmoils, the revolutions, and counter revolutions of ideas, which generally follow in the formation of a new government for a new nation, ending in many countries civil wars and fratricidal strifes.

And yet, Mr. President, there are certain sections of the press which seem to be inclined to force us, to rush us, in time in our performance of a most delicate task. It took live years to finish the Russian Constitution. It took several years to frame the Chinese Constitution. The republic of Germany and Spain required more than a year each to finish their respective Constitutions. But, Mr. President, we do not ask for years to finish the task of drawing the Philippine Constitution; what we ask for are the encouragement and moral support not only of the local press but of all valuable elements in this country.

Mr. President, I have dared to speak on a subject which we will have to face in this Convention. That problem, Mr. President, is the question as to how we can grant greater autonomy to our local communities. I dare say, Mr. President, that it is one of the most important problems because local autonomy affects the daily life of the common "tao". It is an important question, Mr. President, because the proper solution to this question will involve the welfare of the inhabitants of our provinces and municipalities. I say, Mr. President, that it is important because, granted with sufficient autonomy, our municipalities and provinces cannot only effect greater local improvements, but the said instrumentalities of local governments can lead their inhabitants to greater progress in agriculture, commerce, industry and in culture.

Mr. President, there is a consensus that at present our provinces and municipalities have but very limited autonomy. The powers in our present governmental system are so very much centralized that a province or municipality to be able to do something towards its own development or on matters of its own concern will need the approval of the Central Government. Should it happen that the Central Government be in the hands of the opposite party or those of the opposite belief, then it is altogether doubtful whether that municipality or province can carry on its project. Then imagine, Mr. President, a provincial governor elected by the people and carried by popular mandate to the highest executive seat of his province being subjected to the jurisdiction of an insular official, whose appointment he owes not to the people but to another appointive official.

Mr. President, I know what it is to be a Provincial Governor under our present system of government of centralization of powers. I had known it when I was in the minority party. Now, that I'm in the majority party, should my province decide once more to elevate me to the highest seat of my province, I would perhaps be not subjected to the same difficulties which I had encountered before. But, Mr. President, it is not this that has induced me to advocate local autonomy, it is the solemn and sacred obligation which we have assumed once we have been elected to perform this task of Constitution-making, that impels me to fight for this proposition.

Thirty-four years ago, at the implantation of the American regime, a centralized government for the Philippines was justified, it being adapted to existing conditions in the Islands and suited to the education and culture in government of the people. But ever since that time, great changes have been made in our provinces and municipalities; and great progress has been attained by our people in government in politics and in culture, hence it is now necessary and the time is now ripe to allow our people the greatest possible local self-government compatible with the stability and dignity of the National or Central Government.

Realizing, however, that many of our provinces are so small and their revenues are so limited that in many cases there are provinces that have incurred deficits, not to mention instances in which they can not afford to construct

permanent improvements, and that in many cases the small provinces cannot very well exist without even the vigilant guidance and help of the National Government, I therefore advocate and propose the creation of 12 states out of the 48 provinces, as the best means to secure greater autonomy and economy to our local communities.

The idea of creating 10 or 12 states out of the many provinces in the Philippines is not new. As far back as in 1899, Chief Justice Arellano and several other prominent Filipinos presented to the Gould Schurman Commission a proposed Constitution advocating the establishment of 11 states. Thirty-four years ago, after the Battle of Manila Bay in which the Philippines fell into the hands of the Americans, a group of anti-imperialists in California submitted a draft of a Constitution of the Filipino Free State advocating the establishment of 9 states out of the many provinces of the Islands.

In those days the chief obstacle to big administrative areas was the lack of sufficient means of communication and transportation. Now, we have surmounted the single difficulty or obstacle, for in the Island of Luzon, in the Visayas and even in Mindanao, there are now very few towns and localities which do not have excellent means of transportation and communication.

Now, turning to the modern republics of the world, we see that in almost all of them, there are provisions in their respective Constitutions, which provide or create give and guarantee local autonomy to the various states or regions constituting the republic. Such is the case with the United States of America and of Mexico. Even China followed the example of the United States by giving autonomy to her provinces. The newly erected republics of Germany and Spain have deemed it prudent and right to give to any particular region or section of the country the privilege of establishing autonomous states within the Republic. Even Russia, which forced Bolshevism on her millions of inhabitants, has recognized the principle that each particular region should have its own local autonomous government.

I do not advocate, for my proposed states, as much autonomy as has been granted to Catalonia by the Spanish Republic, nor to New York or any other state of the United States as has been given by the United States, much less do I advocate a semi-independent existence as that of Ukraine in relation to the Soviet Republic, as may be seen in my proposed project advocating state government; but I am sustaining, however, for sufficient autonomy for my proposed states and our present municipalities of the National or Central Government.

In advocating the establishment of state government in the Philippines and the consequent division of the Islands into 12 states, I have taken into consideration the following reasons:

There will be greater autonomy in our local governments.

There will be a great economy in the expenses of maintaining our local governments.

As each particular region or state has its particular adaptability, whether in commerce, in agriculture, or in industry, naturally such a state government with sufficient legislative power in each particular state or region, can create, develop, and subsidize with government aid, when necessary, the particular industry or product for which the particular region is best adapted. True enough the National Government, may do the same: but taking into consideration the varieties of products and industries to which each particular region in the Philippines is best adapted: the distances of many regions from the seat of the Central or National Government and the many activities in which an independent government may be involved, it is clear that in many cases the National Government may forget certain regions, certain products or certain industries, while the state or regional government being near at hand can better perform this task within each particular state.

The savings which will accrue to the Government by the grouping together of many provinces into states together

with the new sources or revenue which may be derived from the new industries that will be created and developed, will help the Commonwealth Government—ten years after, the Philippine Republic—in financing a small army and navy and in maintaining commercial attaches and diplomatic corps in foreign countries which are absolutely needed by an independent Philippine Government.

It will help also in ameliorating the financial crisis now reigning throughout the Philippines and in solving the unemployment problem.

Many may question the economy that can be effected, but there is no question whatsoever that it can be done. Taking as a basis and as an instance, the third senatorial district or the province of Nueva Ecija, Tarlac, Bulacan and Pampanga, can be combined into one state.

Instead of four provincial governors, four provincial fiscals, four district health officers, four district auditors, and four sets of provincial employees, we will have only one state governor, one state treasurer, one state engineer, one state fiscal, one state auditor, etc., and we will see that in the question of salaries alone, there will be great savings. What is true of the third district will also be true of the other districts.

The only plausible objection to the creation of States is that it will lead to the disappearance of the names of many of our provinces. If I am advocating the division of the Philippines into 12 states, it is not because I am in favor of blotting out the names of many of our provinces, many of which have acquired historical and sentimental values for us. Personally I am not in favor of seeing the name of my province substituted by the name of a state, as Nueva Ecija has her place in Philippine history. But I will not hesitate a moment to sacrifice my sentimental love and admiration for the name of my province for the best interest of the whole Philippines.

The failure or success of constitution-making does not depend upon the rapidity in which said Constitution has been made, nor in the weight the framers have given to sentimental and historical considerations, much less in the beauty of the language in which it has been couched. Future generations will pass judgment upon us as to how well we have corrected the mistakes and deficiencies in our past system of government and how well we have resolved to face the present and future problems of the nation.

Mr. President, now that we are face to face with the new and vexing problems that the Commonwealth Government will necessarily bring forth, now that upon the shoulders of the framers of this Constitution will lay the burden of solving the question of local autonomy for our local communities, I say, Mr. President, that it is our sacred duty to devise ways and means by which we can grant complete but reasonable autonomy to our municipalities and local subdivisions, whether we call them states or departments. Only by doing this can we consider ourselves, Mr. President, as having fulfilled the task entrusted to us by our constituents; and only by doing this can we secure for the millions and millions of Filipinos living in the municipalities and provinces, the blessings of a real and true democracy.

I thank you.

DISCURSO DEL SR. ESCAREAL SOBRE EL SISTEMA BICAMERAL DE LA LEGISLATURA

MR. ESCAREAL: Mr. President.

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

MR. ESCAREAL: Mr. President and Gentlemen of the Convention: When the historian of the future relates the deeds of this Constitutional Assembly, I hope he will not forget to mention a feature that is unique of this Convention, a feature which lays aside a great task to be performed by this Convention and yet entitles us to have

lasting fame and glory. This feature, Gentlemen of the Convention, is one of our greatest contributions to civilization, one great addition to the voluminous literature on Constitutions, one masterpiece of the Committee on Rules worthy to be commemorated in poetry and in bronze for posterity. I refer, Gentlemen of the Convention, to our adopted rule, the great one-hour privilege. I understand, Mr. President and Gentlemen of the Convention, that under the protection of this privilege one can commit a crime with impunity. For example, one can select a subject, any subject under the sun, call and label it a constitutional subject and get away with it.

But one good effect, Gentlemen of this Convention, of this rule is that it gives the numerous Delegates, timid souls like myself, a practice field in which to expand their compressed lungs and shout out their views in the open air of this Constitutional Assembly. Gentlemen of the Convention, in order that this privilege may be made use of fully, I shall make one short address myself and, following the lead of my Colleagues, speak on a subject not now under consideration.

I shall not speak on the bicameral system of Legislature, with due apology to our Secretary and the Members of the Convention. Although not entirely, I shall reserve my other arguments for the time when this Convention will be ready to consider this subject in order that the merits and defects of the system be brought out fully in the debates to come. I shall only speak of the Senate of the Philippine Islands as an institution in our national life. In a way, Gentlemen of the Convention, one has to admit that it is an argument in favor of a bicameral system, for one has in mind an upper chamber like the Senate of the Philippine Islands co-existent with the Lower House; and when one speaks of a unicameral legislature, one has in mind the House of Representatives without an upper chamber.

Gentlemen of the Convention, under Public Law No. 240 of the Sixty-fourth Congress of the United States of America the first election of senators and representatives was authorized. That was the Jones Law. It provided for us a complete autonomous government in order that, paraphrasing the law itself, by the use of popular franchise and governmental powers conferred upon us we may better assume the responsibilities and enjoy the privileges and benefits of complete independence.

Gentlemen of the Convention, we have to admit that we are a young nation at least from the standpoint of the evolution of constitutional law. We have had no experience in directing our affairs and whatever limited experience we have, we derived it under the tutelage of the United States of America. The Congress of the United States, knowing that we have just emerged from three centuries of thralldom, and have limited experience in local self-government, provided us with the safest devices known to democratic government, and one of these devices is the bicameral form of legislature. Gentlemen, under this bicameral system we are to labor for a stable government, the condition set for us before we could be granted complete independence.

I shall not now speak of the checking power of the Upper House, or the Senate of the Philippine Islands, over the House of Representatives or its utility in legislation. The time shall come when it shall be more propitious and proper to speak of it. I shall mention briefly the labors of our Senate in the conquest of more rights and more autonomy, wresting them, as it were, from the unwilling hands of the representatives of the sovereign power. In this labor, the Senate of the Philippine Islands had had its share and did it nobly and not only that, — in the creation of the Council of State to make more effective the voice of the Filipino people in the executive departments of the government, in the formation of companies to exploit our natural resources instead of allowing them to be exploited by foreigners, the efforts to nationalize our utilities, in the final restoration of our national flag as the symbol of our nationality, in the defense of the rights and prerogatives of the Cabinet members in the controversy over our right to govern ourselves under the Jones Law; in short, Gentlemen, in all that was best for the aspirations, for the interests and for the welfare of the Philippine people, in the furtherance and in the enlargement of our political rights and privileges, the Philippine Senate had fought valiantly in the vanguard of

the forces of liberty Gentlemen of the Convention, I do not know if it is ever possible to erase from the face of the earth that class of mortals whom my colleagues from Samar would call the aristocrats. I do not know, Gentlemen of the Convention, if it is ever possible to establish in any nation on this earth complete equality; but if there is anything natural on this earth, it is inequality. Complete equality is mythical, utopian. Gentlemen of the Convention, I do not want to be misunderstood, but would you place on the same footing the municipal councilor with the provincial governor? Would you consider the latter official in the same category as the Governor General? Would you consider of equal rank the municipal secretary and the Secretary of a Department because they have the same name? Would you consider of equal rank the captain and the general of an army?

I do not mean to say that a Senator is superior to a Representative or the latter is inferior to the Senator. But I do say that the Senate of the Philippine Islands, by virtue of its continuity and its venerability, by virtue of the longer terms of office of its members, can afford to look with more detachment on national questions than is possible in the Lower House.

Gentlemen of the Convention, we, as a body politic, as a society or group of people wishing to have an orderly government, must create some body, some depository of power and prestige, of influence and leadership that can guide us through the labyrinth of the future, that can point out to us the beacons of salvation in times of stress, in times of doubt and in times of uncertainty. If I am not mistaken, it was Madison who voiced the hope that the Senate of the United States would become a school for the training of public men. That this hope has been fulfilled, at least partly, cannot be doubted. One has but to reckon the number of American Senators who have served their government both at home and abroad to justify this assertion. Our Philippine Senate, Gentlemen of the Convention, has served also as a training school. I do not mean to say that the Senate makes the individual for in some cases it has not been necessary, but I want to say that when a Filipino enters the hall of that august body as a member, he becomes known throughout the length and breadth of our land partly due to the comparatively smaller size of the Senate, to the bigger territory its members represent, to the bigger size of their constituencies and partly also to its retaining and exercising control over appointments of ranking officials of the different branches of our Government.

Gentlemen of the Convention, in the labors for the acquisitions of more rights and more privileges for the Filipino people the Senate has done its part. It has served as a source from which come out men well versed in the art of government and of statecraft and into which men prominent in business, in finance and in private life have entered to contribute their mite to the progress of the country and to round out their knowledge of the affairs of the nation. It is not too much to hope therefore, Mr. President and Gentlemen of the Convention, that the Senate of the Philippine Islands has come to stay not only because of our gratitude to it, not only because of the general reasons that apply to the bicameral system of legislature but also because of our admiration for the American system and the American inclination towards the bicameral system of legislature. As Lord Bryce said: "The bicameral system of legislature is the code of symbol and is the code omnibus of the constitution of the country." I thank you.

MR. CARIÑO: Mr. President.

THE PRESIDENT: Gentleman.

SPEECH OF MR. JOSE M. CARIÑO ON THE PROBLEMS OF THE MOUNTAIN PROVINCE

MR. CARIÑO: Mr. President and Delegates to the Convention: In the drafting of the Constitution of the Commonwealth and of the future Republic, I believe that all of us are interested deeply to know more about the so-called non-Christian tribes. That is why when I heard the Delegates from Mindanao, I listened to them very attentively. I happen to be one of the Delegates from Mountain Province and a pure native thereof. I was also a

health officer for the last fourteen years and I have travelled quite extensively in Mountain Province. I ought to know, therefore, whereof I speak.

For the last thirty years Mountain Province has been under special treatment by the Philippine Government through the so-called Bureau of Non-Christian tribes and the defunct Department of Mindanao and Sulu. Whether that special treatment was right or not I have my own opinion about it and the people have their own opinion about it. To me that special treatment was not generally good for the whole mountain people. It was only good for a portion of the mountain people because the formation of Mountain Province included portions which have no business to be included there. The formation tended to show that the mountain people a distinct and separate people different from their non-Christian brothers in the lowland. It tended to show that the Igorots were a homogenous group when in fact they are not. It tended to show that the Igorots occupied a very wide area when in fact a portion of it is just as good as the lowland. I believe that the motive for the formation of Mountain Province in 1908 was not good but rather imperialistic.

I will now speak about a portion which I believe was unjustly and mistakenly annexed to Mountain Province. This is the present Subprovince of Benguet. This subprovince possesses a historical background. It was the first to be organized by the Spaniards in 1829 as a province during the Spanish time. Benguet was formed in 1829 and during those years the Spanish provincial governor was stationed in the province. There were in all seven Spanish governors. And during 1899 it was the only province recognized by General Aguinaldo as a separate province of the short-lived Philippine Republic and that province took a very active part during the Revolution. In recognition of that participation General Aguinaldo appointed the late Juan Cariño to be the governor of that province.

In the early part of 1900 when the Americans came it was the first province formed with a civil government under the American flag. Benguet was then the only peaceful province at that time as found by the Americans. In 1899 it was the only peaceful province recognized by the short lived Philippine Republic. In 1755 and there after, the Augustinian Fathers, a religious order, did an extensive missionary work in the Province of Benguet. And according to the reports, this missionary work converted hundreds of Benguet Igorots to the Christian Faith only to be spoiled by the expeditionary force of the Spanish Governor of Pangasinan who compelled these Benguet Igorots to pay him a heavy tribute, not being satisfied with the gold which he was already getting from them. However, even after that expedition of the Spanish Governor, the Igorots continued trade relations with their lowland brothers. It appears then that the Benguet Igorots who had been unjustly annexed to Mountain Province were the only Igorots living with the Christians, having trade relations and practically the same customs as the lowlanders.

I will now speak about the economic conditions of the Subprovince of Benguet to show you that this Province can exist alone and can govern itself alone. In this province exist the two largest mines in the Orient and among the two richest mines in the whole world. These are the Balatoc and the Benguet Consolidated Mines. There are a few smaller mines producing gold, but I speak only of these two mines which give the province a big income. From these two mines alone the Insular Government derived nearly a million pesos in the form of taxes in 1933. The Subprovince of Benguet had an income of around a hundred thousand pesos, but most of this income was not spent in the subprovince but spent in other projects outside of it. Possessed of such rich industries it would be a shame to tie this province to a backward one; it should, be a shame to have this Province wait for the other subprovinces. The income from this Subprovince is spent in the other subprovinces. It is unfair to get the income from this province and spend it for other subprovinces. The people have been clamoring for separation for the last several years. The people have been clamoring to elect their own officials. It would be unjust not to abide with the wishes of these people. They have instructed their two Delegates to work for the separation of that province from

Mountain Province and to work for a regularly organized province. We, the two Delegates from that Subprovince, have no other course but to comply with our duty and follow the desires of the people.

According to our data collected from all the municipal districts, we have in the Subprovince about eight thousand eligible voters out of a population of about sixty thousand inhabitants, that is, excluding the female sex who, I am sure, will vote during the Commonwealth. The best policy, therefore, for the government to follow is to dissolve Mountain Province and return the subprovinces to their former status as separate provinces even if some of them remain as special provinces. In that way, you do away with the position of an appoint-ive provincial governor to Mountain Province with six thousand pesos salary. You save that six thousand pesos for the Insular Government.

Each of the subprovinces have its own deputy governor who could be made provincial governor with a good salary even if he administer a special province. But the Subprovince of Benguet, let it be returned, let this Convention include in the Constitution a provision that it be made a regularly organized province under the Commonwealth. I have collected all the data to prove the conten-tion of these people and I will present these data to the Committee on Special Provinces. As I said, it will be unjust to retain that province as merely a sub-province when it is ready to assume the responsibilities of a regularly organized province and I am quite sure that in the near future it will be one of the first-class provinces in our country. All the productive mines in Mountain Province are located in Benguet, and we Igorots in Benguet favor the development of our natural resources by the local capitalists, who are Filipinos, and I know that we have enough local capital among us to develop our mines. In other subprovinces it is the opposite. Look at the warlike opposition of the Bontocs against any form of mining in their midst. In Benguet we are peaceful. We welcome legitimate develop-ment of our natural resources. With a historical background, with entirely different customs, characteristics and idiosyncrasies from the other tribes of Mountain Province, with customs almost like those of the low-lenders, I contend, and the people desire, that we include Benguet as one of the regularly organized provinces of the Commonwealth.

In conclusion I repeat that the Benguets will never sanction the present arrangement of forming a part of Mountain Province for, as you know, most of the subprovinces are still backward and I understand from the Delegates from the subprovinces that they will fight for partial autonomy of their territories. The Benguet people want complete autonomy for them-selves.

SR. SOTTO (F.): Sr. Presidente, el Comité de Reglamentos pide una Orden Special (O. E. No. 1) para que en la sesion de mañana, 21 de agosto, sea considerado el proyecto de Resolucion No. 54 presentado por el Delegado por Cavite, fijando un limite de tiempo para la presentacion de proposiciones constitucionales a esta Convencion.

EL PRESIDENTE: El Comité de Reglamentos ha pedido Una Orden Special para que en la sesion de mañana se considere el proyecto de resolucion No. 54 del Delegado Francisco, que propone la limitacion del tiem-po dentro del cual deben presentarse los proyectos de constitucion hasta el 31 de agosto.

SR. ROXAS: Sr. Presidente, desearia una informacion del Presidente del Comité de Reglamentos.

EL PRESIDENTE: El Presidente del Comité de Regalmentos puede darla, si le place.

SR. SOTTO (F.): Si, señor.

SR. ROXAS: ¿Tendria la amabilidad el Caballero por Cebu de informarnos si esta resolucion ha sido endosada al Comité de Reglamentos y si este lo ha informado?

SR. SOTTO (F.): Si, señor.

EL PRESIDENTE: Hay alguna objecion a la petition del Comité de Reglamentos para que el proyecto de Resolucion No. 54 presentado por el Delegado Francisco se considere en la sesion de mañññana? (Silencio.) La

Mesa no oye ninguna. Aprobada.

LEVANTAMIENTO DE LA SESION

EL PRESIDENTE: Si no hay algun otro asunto da que tratar, y no hay objecion, se levanta la sesion hasta mañana, a las cuatro de la tarde.

Eran las 5:40 p.m.

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