

COMMITTEE REPORT NO. 54

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COMMITTEE REPORT NO. 54

Submitted by the Committee on Mandatory Provisions
on October 13, 1934.

The President
Constitutional Convention
Manila.

SIR:

Your Committee on Mandatory Provisions has thought it necessary and convenient to include in an ordinance to be appended to the Constitution not only the provisions of Section 2 (a) from paragraph 1 to 16 inclusive of the Tydings-McDuffie Law but also those of other sections of the same law mandatory in character and enforceable only during the period of the Commonwealth Government under the heading "SPECIAL PROVISIONS TO BE IN FORCE PENDING FINAL AND COMPLETE WITHDRAWAL OF THE SOVEREIGNTY OF THE UNITED STATES."

The provisions of paragraphs 1, 2, 4, and 5 of Section 2 (a) of said law, although mandatory in character, have been placed in an independent chapter with the heading "SPECIAL PROVISIONS EFFECTIVE UPON THE PROCLAMATION OF PHILIPPINE INDEPENDENCE," because they refer to the establishment of the new and independent government. It will be observed that Section 2 (b) of the Tydings-McDuffie Law expressly provides that the Constitution shall contain paragraphs 1, 3, 4, and 5 of said law. Hence, the chapter under which said paragraphs come should be placed toward the end of the Constitution as an integral part of it, and after the chapter on the Manner of Amending the Constitution. Paragraph 2 of said Section 2 (b) has been omitted because it falls under the jurisdiction of the Committee on Transitory Provisions.

Section 5 of Article 1 of the attached Ordinance simply states that the relations between the Philippine Islands and the United States shall be upon the basis prescribed by Section 6 of the Act of Congress No. 127, approved March 24, 1934, without reciting the requirements and conditions specified in said Section 6 in order that the aforesaid Section 5 of Article 1 of the Ordinance shall always stand good even if a change or modification is made in the future in the trade relations between the two countries.

Your Committee recommends the approval of its report by the Convention.

Very respectfully,

(Sgd.) FRANCISCO VENTURA
Chairman Committee on Mandatory Provisions

The Constitutional Convention, acting in accordance with Public Act No. 127 of the 73rd Congress of the United

States, approved March 24, 1934, by which the Philippine legislature was authorized to provide for the election of delegates to formulate and draft a Constitution for the Philippine Islands, resolves to attach and does hereby attach to the foregoing Constitution adopted on the following:

ORDINANCE

SPECIAL PROVISIONS TO BE IN FORCE PENDING

FINAL AND COMPLETE WITHDRAWAL OF

THE SOVEREIGNTY OF THE

UNITED STATES

Art. 1. Notwithstanding the provisions of the foregoing Constitution, pending the final and complete withdrawal of the sovereignty of the United States over the Philippine Islands—

Sec. 1. All citizens of the Philippine Islands shall owe allegiance to the United States. (T. M. Sec. 2, a-1)

Sec. 2. Every officer of the Government of the Commonwealth of the Philippine Islands shall, before entering upon the discharge of his duties, subscribe an oath of office declaring, among other things, that he recognizes and accepts the supreme authority of, and will maintain true faith and allegiance to, the United States. T. M. Sec. 2, a-2)

Sec. 3. Absolute toleration of religious sentiment shall be secured and no inhabitant or religious organization shall be molested in person or property on account of religious belief or mode of worship. (T. M. Sec. 2, a-3.)

Sec. 4. Property owned by the United States, cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation. (T. M. Sec. 2, a-4)

Sec. 5. Trade relations between the Philippine Islands and the United States shall be upon the basis prescribed by Section 6 of Public Act No. 127 of the 73rd Congress of the United States, approved March 24, 1934 (T. M. Sec. 2, a-5)

Sec. 6. The public debt of the Philippine Islands and its subordinate branches shall not exceed limits now or hereafter fixed by the Congress of the United States, and no loans shall be contracted in foreign countries without the approval of the President of the United States. (T. M. Sec. 2, a-5)

Sec. 7. The debts, liabilities, and obligations of the present Philippine Government, its provinces, municipalities, and instrumentalities, valid and subsisting at the time of the adoption of the Constitution, shall be assumed and paid by the new Government. (T. M. Sec. 2, a-7)

Sec. 8. The Government of the Commonwealth shall establish and maintain an adequate system of public schools primarily conducted in the English language. (T. M. Sec. 2, a-8)

Sec. 9. Acts affecting currency, coinage, imports, exports, and immigration shall not become law until approved by the President of the United States. (T. M. Sec. 2, a-9)

Sec. 10. Foreign affairs shall be under the direct supervision and control of the United States. (T. M. Sec. 2, a-10)

Sec. 11. All acts passed by the Legislature of the Commonwealth of the Philippine Islands shall be reported to the Congress of the United States. (T. M. Sec. 2, a-11)

Sec. 12. The Philippine Islands recognizes the right of the United States to appropriate property for public use, to maintain military and other reservations and armed forces in the Philippines, and, upon order of the President, to call into the service of such armed forces in the Philippine Government (T. M. Sec. 2, a-12)

Sec. 13. The decisions of the Courts of the Commonwealth of the Philippine Islands shall be subject to review by the Supreme Court of the United States as now provided by law, and such review shall also extend to all cases involving the Constitution of the Commonwealth of the Philippine Islands. (T. M. Sec. 7)

Sec. 14. The United States may, by Presidential proclamation, exercises the right to intervene for the preservation of the Government of the Commonwealth of the Philippine Islands and for the maintenance of the Government as provided in the Constitution thereof, and for the protection of life, property, and individual liberty and for the discharge of Government obligations under and in accordance with the provision of the Constitution. (T. M. Sec. 2, a-14)

Sec. 15. The authority of the United States High Commissioner to the Government of the Philippine Islands, as prescribed in the Public Act No. 127 of the 73rd Congress of the United States, approved March 24, 1934, is hereby recognized. (T. M. Sec. 2, a-15 and Sec. 7 (4))

Sec. 16. Citizens and corporations of the United States shall enjoy in the Commonwealth of the Philippines all the civil rights of citizens and corporations, respectively, thereof. (T. M. Sec. 2, a-16)

SUBMISSION OF AMENDMENT TO CONSTITUTION TO THE PRESIDENT OF THE UNITED STATES

Art. 2. Every duly adopted amendment to the Constitution of the Government of the Commonwealth of the Philippine Islands shall be submitted to the President of the United States for approval. If the President approves the amendment or fails to disapprove such amendment within six months from the time of its submission, the amendment shall take effect as a part of such Constitution. (T. M. Sec. 8 (1))

AUTHORITY OF THE PRESIDENT TO SUSPEND OPERATION OF LAW, CONTRACT OR EXECUTIVE ORDER

Art. 3. The President of the United States shall have authority to suspend the taking effect of or the operation of any law, contract, or executive order of the Government of the Commonwealth of the Philippine Islands, which in his judgment will result in a failure of the Government of the Commonwealth of the Philippine Islands to fulfill its contracts or to meet its bonded indebtedness and interest thereon or to provide for its sinking funds, or which seems likely to impair the reserves for the protection of the currency of the Philippine Islands, or which in his judgment will violate international obligations of the United States. (T. M. Sec. 7 (2))

SPECIAL PROVISIONS EFFECTIVE UPON THE PROCLAMATION OF PHILIPPINE INDEPENDENCE

Art. 1. Upon the proclamation of the President of the United States recognizing the independence of the Philippine Islands—

Sec. 1. The property rights of the United States and the Philippine Islands shall be promptly adjusted and settled and all existing property rights of citizens or corporations of the United States shall be acknowledged, respected, and safeguarded to the same extent as property rights of citizens of the Philippine Islands. (T. M. Sec. 2, b-1)

Sec. 2. The debts and liabilities of the Philippine Islands, its provinces, cities, municipalities and instrumentalities, which shall be valid and subsisting at the time of the final and complete withdrawal of the sovereignty of the United States, shall be assumed by the free and independent Government of the Philippine Islands; and where

bonds have been issued under authority of an Act of Congress of the United States by the Philippine Islands, or any province, city, or municipality therein, the Philippine Government will make an adequate provision for the necessary funds for the payment of interest and principal, and such obligations shall be a first lien on the taxes collected in the Philippine Islands. (T. M. Sec. 2, b-3)

Sec. 3. The Government of the Philippine Islands, on becoming independent of the United States, will assume all continuing obligations assumed by the United States under the Treaty of Peace with Spain ceding said Philippine Islands to the United States. (T. M. Sec 2, b-4)

Sec. 4. The Government of the Philippine Islands will embody the foregoing provisions in the treaty with the United States. (T. M. Sec 2, b-5).

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