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APERTURA DE LA SESION

Se abre la sesion a las 5:05 p.m., bajo la presidencia del Hon. Claro M. Recto.

EL PRESIDENTE: Léase la lista.

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

EL PRESIDENTE: ¿Hay alguna objecion? (Silencio.) La Mesa no oye ninguna. Se dispensa la lectura de la lista.

SR. ESCAREAL: Pido igualmente que se dispense la lectura del acta y que la misma se de por aprobada.

EL PRESIDENTE: ¿Hay alguna objecion? (Silencio.) La Mesa no oye ninguna. Aprobada.

El Secretario, lee el orden de asuntos y la Mesa los va refiriendo a los respectivos Comités.

MR. CABARROGUIS: Mr. President.

EL PRESIDENTE: Señor Delegado,

DISCURSO DEL SR. CABARROGUIS

MR. CABARROGUIS: Mr. President and Gentlemen of the Convention: In addressing you this afternoon, I surely feel the fact that I am unworthy to speak before a learned and august Body such as this Convention, knowing as I well know that my educational qualifications in the matter of constitution making are inadequate. I realize fully that many of the legal talents and luminaries of the Philippine Islands, such as Senators and Representatives, high government officials, presidents of universities, deans of colleges, justices of the Supreme Court, constitutional lawyers and great jurists, bankers, economists, financiers, etc., are present in this Body. Having this in mind, I confess, I repeat, I cannot in any way be able to measure up to what should be expected of a Member of the Constitutional Convention. Modest and short as I may be in my personal qualifications, yet I took the courage of availing myself of this singular and rare opportunity to bring to you a matter of great importance which, I believe, should be made a salient feature of the Constitution for the reason that it involves the economic structure of the nation, the very life, prosperity and general welfare of our people.

Students of history have from time to time given the opinion that most wars of modern times were caused by the economic rivalry of the belligerent nations. All wars were mostly for the survival of the fittest. It is a survival to establish economic supremacy. Our main problem in the Philippine Islands today and in the future is not altogether a matter of Constitution making. It is more a matter of economics. We might be able to draft an ideal constitutional law for the Philippine Islands, and embody in it the most beautiful human thoughts to guarantee individual rights, but beautiful and ideal as these may be, yet if the economic stability of the country is unsafe and unsound, all these efforts exerted in the drafting of such an ideal Constitution will all collapse and turn to nothing but bubbles.

I would like to call your attention to the present precarious economic conditions of the Philippine Islands, much more precarious and delicate if not altogether alarming when the Government of the Commonwealth will begin its transitory life in accordance with the Tydings-McDuffie Law.

Permit me to make a passing review of the economic conditions of the country. I will begin to present you the conditions of our local products. Our total export annually is more or less P200,000,000, 72% of which is sent to the United States free of duty. When the Government of the Philippine Commonwealth begins to operate, sugar will be subject to duty beginning from the 6th year until the expiration of the transition period, after which full duty shall be imposed. If we then have to pay the necessary tariff duty, which is 2 1/2 cents for every pound, we will be required to pay P6.36 for every picul of sugar at the expiration of the transition period. The cost of production of sugar in the Philippine Islands is around P5.64, and the transportation from the Philippines to the United States is P1.24, a total of P6.88. The cost of production and transportation, if added to the duty, will be equal to P13.24. The market price of one picul of sugar in the United States is currently about P7.00. If the price of a picul of sugar in the United States market is P7.00 and the cost of production including transportation and duty to place a picul in the United States market is P13.24, it means a net loss of P6.24 for every picul. In other words, under the Philippine Commonwealth Government, and upon the advent of our Philippine Republic, if no adjustment in the tariff laws governing sugar is passed by the Delegates of the United States giving as a preferential schedule, our sugar industry is sure, as the sun rises the next morning, going to be ruined. You can then imagine the effect of this loss of 72 % of our total export trade on the taxes of our government. It would mean also a collapse, if not a total loss, of the capital invested in sugar in the amount of P500,000,000.00. The effect of this would be tremendous upon the life of our Philippine Commonwealth and upon our people.

Let me go to another product. Our export of copra, including coconut oil, is 12% of our total export. At the end of the transition period under the Tydings-McDuffie Law, our coconut industry will be absolutely wiped out in the same way as sugar, simply because the tariff duties in full shall then be in force. This is true because for every ton of oil sent to the United States at the end of the transition period the cost will be, more or less, P30.00. The same is true of cordage, our export of which amounted to almost P4,000, 000.00 in 1929 but was reduced to 1,300,000.00 in 1932 due to the slump of prices. Going further, it takes the amount of P320.00, more or less, to place one ton of cordage in the American market at New York, and the price per ton in that City is, more or less, P310.00, a loss of P10.00 per ton at the end of the transition period. Our cordage business will be wiped out because nobody would engage in the business at that much loss per ton. The same is true of abaca. Abaca export in 1926 amounted to P64,000,000.00, in round figures, but in 1932 it went down to P10,000,000.00. The loss will be similar to that of cordage; consequently, our abaca business will not survive after the transition period.

Our cigar industry business likewise is going to be hard hit if not altogether wiped out by the advent of the Philippine Republic. Cigars manufactured at a cost of P2.80 per unit, if made to pay the duty of P18.70, will not be able to stand competition because a quantity which is produced at that much—P21.50, including duty—will sell in the United States for only around P5.00, which means a loss of P16.50 to the local dealer or manufacturer. There is no way, therefore, for the dealer and manufacturer of cigars in the Philippine Islands to be able to proceed in this business after the transition period.

Then we have the dessicated coconut which, in 1928, amounted to P7,500,000 as an export but was reduced to P3,200,000 in 1932. Practically 99 % of this export goes to the United States. If we then pay the import duty, which is equal to 1-3/4 cents per pound, as required by the Tydings-McDuffie Law, it will be impossible for the dessicated coconut industry to survive after the transition period. Even at the present time, when dessicated coconut is duty-free in the United States, it can hardly stand. How much less will it be when the duty is in force!

The conditions of our local agricultural products, therefore, are such that we have to ponder seriously with a view

to averting the possibilities of economic ruin when our complete and absolute independence comes. We have to face the situation as we go forward. The fall of our crops or products and their possible elimination from the United States market which is practically sure, according to statistics and possibilities of the future as presented by the economic graphs of the past and the present, will cause the political structure of the country to topple down because the finances of our government would then become lean and practically nil. We can imagine what the situation will be if our government does not even have sufficient and necessary funds to pay its own officials and absolute expenses. There will be no funds for public works, for sanitation, for main-tenance of peace and order, etc. However beautiful it may be, the Constitution will surely fall by its own weight if we cannot support it with the force and might of the peso. Our taxes will be reduced to probably only 25% of the total now being collected. Our local sales and exports will be reduced to the minimum, and consequently the sales and export, as well as import taxes will be reduced likewise. All other sources of revenues will be directly affected by the ruin of our export crops. Unless our government, therefore, takes this matter seriously and finds means and methods by which we can manufacture and improve our products before sending them abroad, we can rest assured that the collapse is right ahead, immediately upon the advent of our Philippine independence. It is going to be a chaos. An armed revolution or maybe an anarchy is going to come, not independence. Our people will be utterly poor. They cannot support the independence. We then shall realize that our labors in drafting a Constitution failed to meet and provide for one of the most impending contingencies of the future.

Not only the condition of our products is so precarious and serious, as I have already stated, but also that of our trade, at home and abroad, a very negligible portion of which is ours. Take, for instance, our local trade—that is, the wholesale and retail business. Our retail sales amounted to P1,200,000,000.00 in 1929 but it amount-ed only to about P600,000,000.00 at the end of the year 1932. It is painful to state and admit the absolute fact that 85% of our retail sales in the Philippine Islands is in the hands of the Chinese, 10% in our hands, and 5% in the hands of other foreigners. The Japanese of recent date have started to seize a good portion of the local trade heretofore handled by Chinese. The fact that we only have a negligible portion of our local trade is absurd, but it is the truth. There is something peculiar in these figures because the Chinese, numbering only 30,000, more or less, including men, women and chil-dren, control 85% of the retail sales in the Islands as against 10% which belongs to us, numbering 12,500,000. The proportion is absolutely anomalous, and it is incontrovertible evidence that we, as a people, are practically helpless in the matter of our local trade.

I would make special mention of the rice industry in the Philippine Islands. In 1932, according to figures of the Bureau of Commerce and Industry, the rice business was practically in the hands of the Chinese. Ninety per cent of this business was Chinese and the rest in the hands of Filipino merchants. That is true even up to this time, with probably a very slight change. The fact that our local trade is practically in the hands of the Chinese shows that we have to use every possible and reasonable effort, while we are trying to become an independent people, to free ourselves from this apparent economic bondage. We might call it slavery, if you please. This reminds me that sometime in 1924, when the Chinese were ordered to close their doors to avoid the furious mob, the Filipino elements of this city had to beg the Chinese to open their stores because our population was going to starve. If the obtaining conditions of our local trade, as I have already stated and made manifest before you, continue during and after the transition period, we can be sure that our so-called Philippine independence may become only a myth, a dream, a bubble which may burst any time with the little force of a breeze. Fifty thousand Chinese, as against 12,500,000 Filipinos, to control 85% of our local or retail trade in the amount of P1,200,000,000.00! It is absolutely alarming. It looks absurd, but it is the stark reality. We are mere consumers. The figures are true and eloquent. They are a nightmare to our own economic life as a people. Here is where we should direct half of our time in our effort to save the country from the foreign octopus holding the greater portion of our local trade.

Going further, Mr. President, I would like to call attention not only to our local trade but also to our foreign trade.

The total of our export in 1932 was about P190,000,000.00, 87% of which was sent to the United States. Our export trade is practically in the hands of our import trade; our share in export and im-port in the Islands is negligible. Our foreign shipping, according to the figures furnished me by the Bureau of Commerce and Industry, shows a net entry tonnage in 1933 of a total of about 6,500,000 but the portion be-longing to the Filipino business out of this volume was only 147,000, which is but 2-1/3%. The rest, 97-2/3%, belongs to foreign hands. The outgoing tonnage amount-ed to 5,600,000, and our share was nothing more than about 7,000, which is but 1/10% of one per cent or a proportion of one tenth ours out of every thousand tons of foreign merchants.

The foregoing facts and figures should make us stop and think what will be the future of the Philippine Islands. Mr. President and Gentlemen of this Convention, I feel nervous and pessimistic. Economic and financial collapse or catastrophe, if you please, may befall the country if we are not going to set in motion early enough a sort of definite economic plan by which we might be able to avert the coming of that gloomy, chaotic, and terrible picture of the future of a free and independent Philippines.

When I make this statement, I do not, however, admit that we are completely incapable of guiding our own destiny as a people, in spite of these apparently insurmountable difficulties. We have yet many remedies if we are only determined, willing and courageous enough to face the situation. Right next door, Japan, as a powerful nation, annually needs cotton worth P350,000,000 which she imports mostly from India. With mutual and sympathetic understanding with the Empire of Japan, the Philippine Islands, as a tropical country proven to be capable of producing good cotton before the advent of American sovereignty in these Islands, especially the Ilocos regions, may be able to supply this Japanese need; and then, also with mutual and sympathetic understanding, as heretofore, with the United States, we can, with more reason, continue, as we should forever continue, our trade relations with her.

I especially call your attention to the fact that the United States alone is importing silk in the amount of P740,000,000 annually, 24% of which comes from Japan. The production of silk in the Philippines is no longer a matter of experiment. It has long been proven to be a success since the year 1870, during the incumbency of Governor-General Vargas. Quite a good quan-tity of silk was produced in Cagayan Valley and in Malate of this city, but the tobacco monopoly, which was then apparently more profitable, drove out our new industry. Since then the silk industry has been considered a product of the past in the Philippine Islands.

In this connection, I wish to inform you that when I was in the Province of Davao from 1926 to 1929, I often visited a Japanese by the name of Matsuda who was making a living out of sericulture in the yard of his house. At one time I saw him feeding and tending the silkworms, and, in the course of my frequent visits, I was more than convinced that silk production in the Philippine Islands would turn out to be the major industry of our entire population. It could be made an industry of all kinds of people, from young children to old men and women, including the lame and the blind. On a hectare of land there is every possibility of producing two to eight thousand pesos worth of silk, according to figures arrived at and based on scientific study and experiment by old man Matsuda for a period of 14 years.

I would like to make it plain and lasting in your minds that if Japan is strong, great, and respected by the powers of the world today, it is because of her economic progress, a great portion of which is directly traceable to the production of silk, which is sold to foreign nations, especially to the United States. If we could supply even a portion, if not all, of the P740,000,000 worth of silk imported by the United States, we would have more than enough to do, to busy ourselves with, making it unnecessary to have further time for other industries. The annual cotton needs of Japan in the amount of P350,000,000 plus the silk demand of the United States in the amount of P750,000,000 are the greatest market possibilities of the Philippine Islands. China may in the future be a market for the Philippines, but we have been losing in our trade with China in the amount of more or less than ten million

pesos annually, in the same way that we are losing in our trade with all other nations except the United States.

I would also call your attention to the fact that we have every possibility and facility to produce agricultural products to meet the demand of our own speedy economic expansion and financial stability. We also have, to a greater extent and maybe more progressive in its scope, the mining industry. Our gold mines in Benguet are proving to be one of the richest in the world today. Gold abounds not only in Benguet but also almost everywhere else in the Philippines Islands. Nueva Vizcaya is now proving to be one of the greatest possibilities of the gold mining regions. Bulacan has its Apo Mining Co.; the Bicol region its Paracale; Surigao, Zamboanga, Abra, etc., have their own, more or less extensively exploited. We have as great possibilities in other areas where deposits of various minerals, such as silver, iron, coal, chromite, copper, salt, sulphur, etc., are found. We have all these great economic forces for greater possibilities of the future at our command, but what shall we do with them and how should we exploit them to our advantage? Herein lies the problem that confronts this Convention, our Legislature, leaders and our people.

Wealthy as we are by reason of the presence of these natural resources for our economic development, yet our people are living in want and poverty. We have a vast number of our population without work. We have no work for them. If they have any place to work at all, they are not justly compensated. We have during these days a burning labor problem to solve. I wish to invite your attention to the tragedy which occurred the other day on Azcarraga in front of a cigar factory where laborers on strike demanding for a bigger share of the big profits were shot down by our police. Our laboring class, the cigar makers, are not asking for an unreasonable increase in their wages; they are only asking for what is theirs, a reasonable share of the big profits realized by the respective tobacco factories where they work. But the owners of the factories, who are not Filipino citizens, do not care to share with their loyal, patient and expert but poor laborers any portion of their profits. These factory owners, not being citizens of this country, are not duty-bound to help in the betterment and uplift of their laborers. It is enough that their laborers render well the services wanted of them. The interest of the cigar factory owners ends there. Why? Because they are not Filipinos. Capital, in order that it can have a heart and sympathy for its laborers, must be patriotic. What is our government doing to stop the further sacrifice of lives on the altar of social justice to the delight of greedy private capitalism?

Gentlemen, about 75,000 Filipinos are abroad in the United States and Hawaii, and a great number of them are unemployed, destitute of a means of livelihood in a foreign land. What shall we do with them and what is our Legislature doing for them? Apparently nothing. They are left to their own fate. We have their labor problem abroad, and we are incapable of doing anything. It is the duty of the government of a self-respecting nation to take care of its citizens who represent abroad the kind of people at home. And the same problem is true here at home. According to the statistics furnished us recently by Undersecretary Jorge Vargas, the number of people unemployed in the provinces alone, not including the City of Manila, is more than 850,000. I think it is a safe estimate if we consider that the total number of unemployed Filipinos, including those of Manila and of the United States and Hawaii, is 1,000,000. One million out of twelve million Filipinos lying idle because they have no work. They have no means of livelihood. They are a burden to our society, to our government and country, instead of an asset. A great portion of them is an intelligent class. We have in the great number an army of civil service employees who have been retired or separated from the service for cause.

And then we have the educated youth, the graduates of our universities, high schools and elementary schools, both public and private. Where are these people going? Our problem about them is increasing yearly. Our schools produce graduates as fast as rice mills mill rice. Our public school system has turned out to be a veritable machine, producing as many graduates as possible annually, graduates who are in great measure nothing more than a burden to their families, to society, and to our government. It is not unusual that we have right in this

building—in the various offices, rooms, and corridors—people who are roaming here day in and day out, asking for this and that recommendation, vainly awaiting this and that promise of work or position by Representatives and Senators, but what can these Senators and Representatives do for them when there is no place in our government or anywhere in the city where they can be employed? Our public school system has produced too many clerks and white-collar-job seekers instead of people useful to themselves, to their families, and to their country.

I do not blame the youth, I blame the system, and I appeal to you so that in the Constitution we shall provide a means by which our public school system can be overhauled and made more effective in the preparation of better and useful citizens who, when they leave school, can make a reasonable and decent living. Our youth is clamoring for work, but there is no work, and it is very sad to note that the average wage of our laboring class in the Philippine Islands is P0.45 per day, as against the daily wage of the Japanese, in their country, of P1.50, and yet we claim that we have a higher standard of living in the Philippines.

Why should we allow our man-power of one million strong to remain idle? In Japan, with the different industries within the Empire, there is but a total of two million people to man all the machineries and factories of various kinds and turn billions of yen worth of goods and electric power. This number is responsible in great measure for the might, respectable name, and prestige of the Japanese Empire. It is the power behind its navy, the power behind the army; it is the power behind the solid economic structure of that great country, the England of the East. I have facts and figures in my hands to support my statement. I have with me the financial and economic annual report of the Japanese Empire, Department of Finance, to show you the figures that I am citing. If it takes 2,000,000 out of the over 70,000,000 population of Japan to give the life-blood, the name, and the prestige of that empire, then our one million unemployed population should give, if properly directed and made use of, half of the power that the two million is giving to Japan. We need to produce leaders.

As Members of this Constitutional Convention, we might be able to plan, by a provision, a means to prepare and develop this country for a great future. We might be able, by our own foresight, to direct the destiny of our country. There should be a constitutional provision, if you please, compelling our government of the Philippine Commonwealth and the Philippine Republic to set aside a portion, say 5%, of the annual income and make it a growing permanent fund for the purpose of fostering, by subsidy or actual investment, the exploitation of our natural resources, the establishment of factories and industrial plants, and the necessary marketing facilities, at home and abroad, concerning goods produced. We could make use of this growing and permanent capital, for instance, with concrete and permanent plan, for the establishment of factories in which our hemp is converted into ropes and twines, paper and other articles; our copra and coconut oil into soap, butter, lard; our sugar, our tobacco, etc. We could make use of this fund for the purpose of establishing silk centrals employing experts who may be imported from Japan or China, from France or Italy who will be instructors in the manner and method of spinning, reeling, spooling, etc., of the cocoons, and running machineries for the manufacture of silk cloth.

It is indeed pleasing to mention that recently, through the business foresight of our ex-Secretary of Finance, Agriculture and Commerce, the Honorable Vicente Singson Encarnacion, who is also a Member of this Convention, the Philippine Islands received a bounty in the amount of more than P87,000,000.00 as a result of the devaluation of the dollar; and in the near future by reason of the processing taxes on our sugar exports, we may again receive from the United States around P30,000,000. With these two amounts, totaling more than P117,000,000.00, we may be able, by setting them aside through a constitutional provision as an initial fund, besides the annual 5% of the total revenues of our government thereafter, to start a gigantic industrial and economic revolution of the Philippines which will give every Filipino sufficient work and means of livelihood. We shall then have solved our unemployment problem, increased our wealth, taxes, raised our standard of living and comfort, etc. If I make this bold suggestion, it is because I see no other avenue by which we can meet the

impending avalanche of economic forces confronting our government in the immediate future and thereafter; I feel and fear that, during the transition period, private capital, whether local or foreign, will be timid—afraid to get into the uncertain business field. There will be a spirit of standstill or stand-by, watching for possible developments by reason of the new political experiment under the Philippine Commonwealth. In view of this fact, I see no other way than to impose on our government the duty to take up the economic leadership with courage to sail and explore the unlimited horizon of our future economies.

Young nations have done this, and they all have succeeded. I do not see any reason why we cannot succeed. Even the people of the United States are doing it. What of their National Recovery Act? Is not this a clear-cut instance of government going into business— and worse than that—dictating the private business policies? Japan, after Commodore Perry opened her doors, followed this policy of government paternal support of national industries. This is true even of Japan today, although the Imperial Household is directly carrying out this economic encouragement, not only at home but abroad. Russia's five-year plan has startled the world. These are eloquent testimonies that the idea of government paternalistic policy in the economic upbuilding of a country and of its people is absolutely sound and constructive.

I would like to make it a point, however, in order to avoid the possibility of contradiction and petty criticism by some who may say that it is bad for the government to go into business, that the government will not, under this plan, go into business to compete but only to start industrial or manufacturing plants because of the Constitution or by-laws to the effect that when the government shall have proven that a certain industry established is already profitable, the same shall be immediately, or as soon as possible, sold or leased to American or Filipino citizens, companies or corporations. This provision requiring the sale or lease by the Commonwealth when any of such industries or plants is already operating profitably will justify the creation of the fund without fear that our government may compete with private industries, persons, companies or corporations. I make this suggestion because I foresee the ominous if not altogether fearful situation of the country in the future if we fail to lay out a definite economic plan to go side by side with the advent of the Philippine Commonwealth and thereafter the Philippine Republic which should be ours forever to own and hold.

My last appeal to you is that we should not forget to insert in the Constitution a provision setting aside at least 5% of our annual income and make use of the P50,000,000.00 immediately for the purpose of fostering the exploitation of our natural resources and the establishment of our industries, factories, etc., and provide the necessary facilities of our marketing at home and abroad. We may be able to draft the best and most ideal Constitution under the sun, I repeat, but if we do not have the firm, strong, and progressive financial and economic backing and structure to support it, all that is best in the same will prove nothing but a dream and a bubble. We may put a soul in the Constitution but if we do not give it the healthy, husky, and strong body in which that soul rests in order to complete that entity we call human life, we shall have failed in our purpose. Do not forget, that our man-power of a million strong is waiting for work. They have their children, they have their families, to support. You can imagine the agonies that go with the absence of the primary needs of a person, his food and clothing, and more so those of a family of many children. When we leave this august hall, going back to our respective constituencies, I would like everyone of us to feel that he has done a duty to assure our people of a definite, substantial provision by which the future economic and financial stability of the Philippines, the happiness of the family and the home, is guaranteed in the Constitution. When our government, with all of us supporting, will have embarked on the gigantic task of bringing about the industrial and economic revolution of the country, especially during the trying transition period, as provided for by the Tydings-McDuffie Law, when private capital, at home and abroad, will be doubting and timid, our government making use of all the available funds in its command to carry out this ambitious, comprehensive, extensive, and intensive plan, then and only then the New Philippines will have arisen from the sleep of the ages, from economic slavery to economic

sufficiency, from bondage to liberty, and thereafter and forever independent and free.

SR. CUENCO: Senor Presidente.

EL PRESIDENTE: Señor Delegado por Cebù.

SR. CUENCO: Pido que se lea por el Secretario la resolucion que hemos presentado para sustituir a la que se esta considerando por la Asamblea. (Resolution No. 60.)

EL PRESIDENTE: Léase.

EL SECRETARIO:

CONSTITUTIONAL CONVENTION

(Amendment by substitution of P. R. No. 60)

Presented by Delegates Lim and De Guzman (Alejandro) and others.

RESOLUTION

EXPRESSING THE SENSE OF THE CONSTITUTIONAL CONVENTION THAT THE PROVISIONS OF THE TYDINGS-McDUFFIE LAW ARE CLEAR AND DEFINITE AS TO THE NATURE AND SCOPE OF THE CONSTITUTION TO BE DRAFTED.

Resolved, That it is the sense of the Constitutional Convention, after hearing the arguments adduced by the speakers for and against P. R. No. 60 that, inasmuch as the provisions of the Tydings-McDuffie Law are clear and definite as to the nature and scope of the Constitution which this Convention is authorized to draft, the taking of a vote on P. R. No. 60 is unnecessary.

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

MR. VINZONS: Mr. President, I rise for a point of order.

THE PRESIDENT: Will the Gentleman state his point of order?

MR. VINZONS: There are several amendments submitted previous to the amendment by substitution, and before we consider the amendment by substitution to Resolution Lim, we must first consider the previous amendments to the original Resolution Osias.

MR. REYES (J.) : Mr. President.

THE PRESIDENT: The Gentleman from Sorsogon.

MR. REYES (J.): Mr. President, I submitted my amendment to the Secretary long ago, and I think its consideration is in order.

MR. ABORDO: Mr. President, there is an amendment submitted before the amendment of the Gentleman from Sorsogon, Mr. Reyes.

EL PRESIDENTE: Leanse las enmiendas por el orden en que se han recibido por la Secretaria.

El Secretario lee la enmienda Ortiz-Cruz.

MR. ABORDO: I just want to state that I have also filed an amendment to the resolution filed by Delegates Lim and De Guzman.

EL PRESIDENTE: Leanse todas las enmiendas para que la Mesa pueda decidir cual es la enmienda preferente.

MR. ABORDO: I think that is an amendment to the substitute resolution. We ask for the reading first of the amendment to the original resolution.

EL PRESIDENTE: Leanse primeramente esas enmiendas.

El Secretario, las lee.

MR. REYES (J.): Mr. President.

THE PRESIDENT: The Gentleman from Sorsogon.

MR. REYES (J.): Is it in order to ask the author of the original resolution whether or not the amendments are acceptable to him?

EL PRESIDENTE: La Mesa desea plantear a la Asamblea la cuestion en orden para determinar, entre estas varias enmiendas, las que deben merecer la consideracion preferente de la Asamblea. Nuestro Reglamento no contiene ninguna disposicion acerca de la preferencia de una enmienda sobre otra. Por consiguiente, la Mesa prefiere someter esta cuestion a la Asamblea, y cree deber suyo hacerlo porque si se considera inmediatamente la enmienda por sustitucion presentada por los Delegados Lim y otros, y resulta aprobada, el efecto de su aprobacion seria cortar el debate o impedir la consideracion de cualquiera otra enmienda. Ahora la Mesa desea someter a la Asamblea la cuestion de cual de estas enmiendas debe estimarse preferente para su consideracion inmediata.

MOCIÓN CUENCO

SR. CUENCO: Señor Presidente.

EL PRESIDENTE: Señor Delegado por Cebu.

SR. CUENCO: Propongo que se discuta la enmienda por sustitucion presentada por los Delegados Lim y otros con preferencia a cualesquiera otras.

MR. GRAFILO: I believe it would be feasible should we ask the author of the original amendment which amendment is acceptable to him.

THE PRESIDENT: That means that we are considering the amendment. The Assembly must decide first which of the amendments should be considered with preference.

MR. OSIAS: Mr. President.

THE PRESIDENT: The Gentleman from La Union.

MR. OSIAS: In view of the fact that the rules adopted by this Convention provide for reglamentos supletorios, mentioning among other things, as precedents, the Jefferson Manual, which I have in my mind, and the Rules of the House of Representatives of the United States, I beg leave to invite the attention of the Chair to the fact that, according to procedure, we, by our own decision, accepted, and I am quoting: "An amendment in the nature of a substitute may be proposed before amendments to the original text have been, acted upon, but may not be voted on until the several amendments have been disposed of." In accordance with these established precedents of our reglamentos supletorios, it should be in order to consider the amendment or the amendments that have been submitted. I would like to announce, Mr. President, as author of Resolution No. 60, I accept the amendment which has just been read, submitted by Mr. Reyes, et al. I think Mr. Ortiz is ready to yield. Although I am not proposing to speak for him, I have had a consultation with him. The thing, therefore, is to consider the amendment I have just accepted, especially because Mr. Ortiz is ready to yield to Mr. Reyes, and this should take precedence, according to the rules we have just adopted.

EL PRESIDENTE: La Mesa desea que la Asamblea resuelva el orden de preferencia entre estas enmiendas; y cree que si aplicamos, como regla supletoria, alguna regla existente en la Camara de Representantes de los Estados Unidos, sera mejor consultar la voluntad de la mayoria de esta Asamblea.

MR. OSIAS: To solve the question, I move that the consideration of the amendment presented by Delegate Reyes and others be the next thing in order.

EL PRESIDENTE: La mocion del Delegado por La Union esta envuelta ya en la mocion del Delegado por Cebu. El Delegado por Cebu ha presentado la mocion de que se considere la enmienda por sustitucion presentada por los Delegados Lim y otros con preferencia sobre cualesquiera otras.

MR. REYES (J.): Mr. President.

THE PRESIDENT: The Gentleman from Sorsogon.

MR. REYES (J.) I request that the motion of the Delegate from Cebu be decided upon by roll call.

EL PRESIDENTE: La Mesa desea saber si hay por lo menos una quinta parte de la Asamblea que sostenga la mocion de votacion nominal presentada por el Delegado Senor Reyes. (El numero reglamentario de Delegados apoya la mocion.) Lease la lista.

MR. OSIAS: Mr. President.

THE PRESIDENT: Yes, Mr. Delegate.

MR. OSIAS: Are we to understand that a "yes" vote means that that will take precedence over the Reyes, et. al., amendments and that a "no" has for its acceptance the consideration of the other amendments?

THE PRESIDENT: Of the other perfecting amendments.

SR. PERFECTO: Para una observacion, Senor Presidente.

EL PRESIDENTE: Puede hacerla el Caballero de Manila.

SR. PERFECTO: Como quiera que el Caballero de La Union, Senor Osias, ha mencionado una regla supletoria del Reglamento, parece que esa regla supletoria debe considerarse como parte del Reglamento, porque si se somete a votacion la mocion del Caballero de Cebu, pareceria que eso envuelve la suspension del Reglamento.

EL PRESIDENTE: La Mesa ha sometido a la Asamblea la cuestion sobre cual de esas enmiendas se ha de considerar como preferente.

SR. ROXAS: Senor Presidente, ¿debemos entender que si la Convencion resuelve esta cuestion o incidente a favor de la enmienda por sustitucion, por sentar un precedente, va a ser tambien un precedente reglamentario en esta Convencion?

EL PRESIDENTE: Dependera, en muchos casos, de la voluntad de la mayoria de la Asamblea, porque el Reglamento dice que las cuestiones de orden pueden resolverse, bien por la Mesa, o ya por la Asamblea. Es discrecional. La Mesa puede resolverlas o someterlas a la Asamblea.

SR. ROXAS: Es que el Reglamento es Reglamento, y el Reglamento precisamente se promulga con el objeto de que haya ciertas reglas que deberan observarse en las de deliberaciones de la Convencion. Por lo tanto, si la Convencion, interpretando nuestro Reglamento, declarase que una enmienda por sustitucion tiene preferencia sobre otras enmiendas que tienden a perfeccionar un proyecto determinado, seria establecer un precedente. Desearia llamar la atencion de los Miembros de esta Convencion al hecho de que si se establece este precedente, a

menos que se revoque, no terminaremos nunca nuestra labor de sentar las bases de nuestra Constitucion, porque cuando el Comite de Ponencias someta aqui su proyecto de Constitucion, puede ser que tengamos Constituciones que sean enmiendas por sustitucion presentadas por cada miembro de esta Convencion.

EL PRESIDENTE: La Mesa cree que esta cuestion sera resuelta en cada caso por la voluntad de la mayoria.

SR. ROXAS: Esa es la razon por que he preguntado si la decision sobre esta cuestion va a sentar un precedente reglamentario de esta Convencion, porque si eso constituyese un precedente, lo considero peligroso, y si no va a ser un precedente, tambien va a ser peli-groso el que se someta a la Convencion.

EL PRESIDENTE: La Asamblea tiene la ultima palabra sobre el particular.

SR. ORTEGA: Respetando la discrecion de la Mesa, que se supone es muy sana, ¿se puede saber, por que teniendo estos reglamentos supletorios, se va a someter a la decision de la Asamblea esta cuestion particular?

EL PRESIDENTE: Ya esta resuelta la cuestion.

SR. NEPOMUCENO (R.) : Senor Presidente.

EL PRESIDENTE: Senor Delegado.

SR. NEPOMUCENO (R.): Quisiera saber solamente si esta Resolucion de enmienda por sustitucion es considerada por la Mesa y la Asamblea. Porque tal como he oido, la Resolucion viene a ser un proyecto totalmente independiente del contenido de la Resolucion que hemos discutido.

EL PRESIDENTE: La Resolucion presentada por los senores Lim y otros puede considerarse ya sea como una enmienda por sustitucion, ya como una mocion cuya extension y efecto es dejar el asunto sobre la mesa. Porque lo que se propone en esa Resolucion es que se vote la Resolucion Osias y practicamente sera dejarla sobre la mesa.

SR. NEPOMUCENO (R.) : Entonces es equivalente a una mocion para que se deje sobre la mesa la Resolucion Numero 60.

EL PRESIDENTE: En sus efectos seria lo mismo.

MR. JOVEN: Are we to understand that the rules have to be suspended?

THE PRESIDENT: The Chair has decided that matter already.

SR. ARELLANO: Senor Presidente: Hay varias resoluciones o enmiendas presentadas, y quisiera saber para informacion mia o de la Convencion, cual es la cuestion que se va a someter a votacion.

EL PRESIDENTE: Lo que se va a someter es la cuestion presentada por el Delegado por Cebu de que se considere preferente en cuanto a su consideracion la Resolucion Lim. No se va a votar todavia ninguna enmienda.

SR. PERFECTO: Deseamos saber si la mocion del Caballero es o no debatible.

EL PRESIDENTE: Seria debatible si no se hubiera ordenado ya la votacion. Habiendose esta ordenado, vamos a seguir adelante.

SR. YSIP: Pido que se lea de nuevo la mocion, para la mejor comprension de los Delegados acerca de lo que se va a votar.

EL PRESIDENTE: Se va a votar la mocion del Delegado por Cebu para que se considere preferente la Resolucion Lim. Lease la lista.

SR. PERFECTO: Para evitar suplantaciones, propongo que cada uno se levante.

EL PRESIDENTE: No habra suplantaciones. Lease la lista.

EL SECRETARIO:

Señor Abaya No
Abella Ausente
Abordo No
Abrigo Ausente
Adduru Si
Albero Ausente
Aldeguer No
Alejandrino Ausente
Alkuino Si
Alonto Ausente
Altavas Si
Ancheta Si
Araneta Si
Arcenas No
Arellano No
Artadi Ausente
Arteche Ausente
Aruego No
Balili Si
Senor Baltao No
Banaga No
Barrion Ausente
Bautista Ausente
Beltran Si
Benitez Si
Binag Si
Bocar No
Bonto Si
Borbon Si

Braganza	No
Briones	Ausente
Buendia	Si
Bueno	No
Buslon	Ausente
Cabarroguis	Si
Cabili	No
Calleja	Si
Canonoy	No
Caram	Si
Carin	Si
Carino	Si
Castillejos	Ausente
Castillo	Ausente
Castro	Ausente
Cea	Si
Chioco	No
Cinco	Si
Clarin	Si
Cloribel	No
Conejero	Si
Confesor	No
Conol	No
Crespillo	Ausente
Cruz (C.)	Si
Cruz (R.)	Ausente
Cuaderno	Si
Cuenco	Si
Curato	No
Delgado	Si
Diez	No

Dikit Si
Divinagracia No
Duguiang
Senor Encarnacion Si
Enriquez Si
Escareal

MR. ESCAREAL: Mr. President, may I just say a few words. It seems to me the conflict between the two resolutions is only apparent. I am in favor of both resolutions, and for the time being, I will vote No.

EL SECRETARIO:

Señor Escareal No
Esliza No
Ezpeleta No
Femandez Si
Fakangan No
Fernandez Ausente
Flores Si
Francisco

SR. FRANCISCO: Senor Presidente, aunque estoy conforms con la Resolucion, yo voto No porque sostengo que debe seguirse el Reglamento.

EL SECRETARIO:

Senor Francisco No
Gaerlan Ausente
Galang Ausente
Ganzon No
Grafilo

MR. GRAFILO: Mr. President, to abide by the rules, I vote No.

EL SECRETARIO:

Señor Grafilo No
Grageda Si

Guarina Si
Guevara Si
Gullas No
Gumban Si
Gumangan Ausente
Gutierrez Si
Guzman (Alej.) Si
Guzman (Ant.) Si
Guzman (B.) Ausente
Guzman (J.) Si
Hernaez Ausente
Hontiveros Si
Senor Inting Si
Irving No
Jose Si
Joven No
Jumawan Si
Kapunan Si
Kintanar Si
Labrador Ausente
Lapak Si
Laurel Ausente
Ledesma Ausente
Leonardo Si
Lesaca Si
Liboro Ausente
Lim Si
Lizardo Ausente
Lizares Ausente
Locsin Ausente
Lopez (E.) No

Lopez (V.) Si
Lorenzana No
Lorenzo No
Lutero Si
Maglanoc Ausente
Mansueto Si
Marabut Ausente
Maramara No
Martinez Si
Maza No
Melendez No
Melendres Si
Millar Si
Moldero Si
Moncado No
Montano Si
Montesa Si
Montilla Si
Montinola No
Morales Si
Munoz Si
Mumar Si
Navarro Si
Nepomuceno (J.)..... Ausente
Nepomuceno (R.)..... No
Nepomuceno (V.)..... Si
Niere Si
Senor Ocampo Si
Orense No
Ortega No
Ortiz (L.) No

Ortiz (M.)

MR. ORTIZ (M.): Mr. President, because I am against the substitute amendment and because the motion is in violation of the rules of the Convention, I vote No.

EL SECRETARIO:

Señor Ortiz (M.) No

Osias No

Ozamis Ausente

Palma No

Paredes Si

Pelayo No

Perez (J.) Ausente

Perez (T.) Si

Pertecto No

Piang Si

Pio Ausente

Prieto Si

Quirino (D.) Ausente

Quirino (E.) No

Rafols

SR. RAFOLS: Señor Presidente, no estoy conforme con ninguna de las dos Resoluciones, sin embargo, de acuerdo con el Reglamento, voto No.

EL SECRETARIO:

Senor Rafols No

Ramos Si

Ranjo Si

Reyes (G.) Ausente

Reyes (J.) No

Ribo Si

Ricohermoso Si

Rlvera No

Romero Si

Romualdez No
 Roxas No
 Saguin No
 Senor Salazar (A.)..... Ausente
 Salazar (V.) Si
 Salumbides No
 Sanchez Si
 Sandiko Ausente
 Sandoval No
 Santos No
 Sanvictores No
 Sevilla No
 Singson (Encar) No
 Sinsuat Si
 Sison No
 Sobrepena No
 Sotto (F.) Si
 Sotto (V.) Si
 Suner No
 Surban Si
 Tanopo No
 Tulawi Si
 Velasco No
 Ventenilla Si
 Ventura Si
 Villamor No
 Villanueva Si
 Villarama No
 Villareal

MR. VILLAREAL: I do not want to be inconsistent, and I do not want to violate the rules which are based on facts. Therefore, I vote No.

EL SECRETARIO:

Señor Villareal No

Vinzons No

Ybanez Si

Ysip Si

Yusay No

Zavalla Si

Zialcita Si

Zurbito No

El Presidente

SR. BRIONES: Señor Presidente, pido que se me permita votar.

EL PRESIDENTE: ØŸCómo vota el Señor Delegado por Cebú?

SR. BRIONES: Yo voto No.

EL PRESIDENTE: Hágase constar el voto del señor Delegado por Cebú. La Mesa anunciara el resultado de la votación; por 89 votos afirmativos contra 72 negativos, habiendo 37 ausentes y 1 abstention, se declara aprobada la mocion.

SR. ORENSE: Senor Presidente, he registrado un turno en contra de la Resolucion, y la Mesa ordeno que se hiciera constar.

MR. JOVEN: Mr. President, I would like to ask some question for clarification regarding this matter.

EL PRESIDENTE: ØŸHay algun Delegado que desee hablar en pro de la Resolucion?

SR. ORTIZ (M.): Senor Presidente, para un turno en contra.

MR. GRAFILO: I rise for a privileged motion, Mr. President.

THE PRESIDENT: What is the privileged motion?

MR. GRAFILO: I move for adjournment.

SR. SOTTO (F.): Senor Presidente, pido que se vote la Resolucion.

SR. CUENCO: Senor Presidente, presento la cuestion previa.

EL PRESIDENTE: No se puede presentar la cuestion previa. Se consumiran dos turnos en pro y dos en contra.

SR. RAFOLS: Yo decia, Senor Presidente, que si le dieramos por el gusto al Caballero de Cebu, pisoteariamos el Reglamento.

EL PRESIDENTE: Su Senoria esta fuera de orden.

SR. RAFOLS: Puede Su Senoria decir lo que quiera. Yo sostengo lo que digo.

EL PRESIDENTE: Tome asiento Su Senoria.

SR. RAFOLS: No me siento. Me marchó.

EL PRESIDENTE: Puede marcharse.

El Sr. Rafols abandona el salón.

SR. ORENSE: Señor Presidente.

EL PRESIDENTE: Señor Delegado de Batangas.

DISCURSO DEL SR. ORENSE

SR. ORENSE: Señor Presidente, Caballeros de la Convención: Voy a ser breve. Tres razones tengo para oponerme a esta Resolución que ha sido elaborada durante varios días en cierto lugar del que me ocuparé más tarde. Hemos consumido más de veintitantos días discutiendo la Resolución Osías para llegar ahora a esta enmienda por sustitución; veintitantos días que representan para las arcas de Juan de la Cruz veintitantos miles de pesos. Caballeros, para este viaje no se necesitan alforjas, como decimos en lenguaje vulgar español. La Resolución que ahora combató, como ha interpretado muy bien nuestro dignísimo Chairman, significa prácticamente dejar sobre la mesa la Resolución Osías. En términos vulgares, se verificará el entierro de esa Resolución gratuitamente y sin ceremonias de ningún género. El pueblo tiene derecho a exigir y saber de nosotros que hemos de hacer, después de haber empleado tantos días en la discusión sobre si la Constitución que hemos de redactar va a ser para el Commonwealth o va a ser para el Gobierno de la República Filipina. Este pueblo tiene derecho a saber si nosotros realmente hemos de hacer una Constitución para el Commonwealth o una Constitución solamente para el Gobierno de la República. Aprobar esta Resolución equivaldría a dejarle a ese pueblo in albis otra vez, sin saber si tendremos Constitución para el Commonwealth o para el Gobierno de la República, o para ambos. Se dice en esta Resolución que es innecesaria la Resolución Osías. La cuestión planteada, en virtud de esta Resolución, en mi entender, ha llegado a tal estado que es necesaria una definición clara, categórica y expresa por parte de esta Convención sobre cuál es su actitud hacia esta cuestión fundamental. La Convención, ante quien se ha presentado la cuestión como un verdadero tribunal, no debe rehuir ninguna responsabilidad, sino que debe decir si ha de redactar o no una Constitución para el Commonwealth o para la República. Y digo que hoy más que nunca existe la necesidad de que se vote la Resolución Osías y se desapruebe esta enmienda por sustitución, porque registre todo el record y se vea que la cuestión planteada por ambas partes, consistió en determinar si la Asamblea Constitucional está facultada o no para el Commonwealth y para la República.

El eminente jurisconsulto, el Delegado por Cavite, fue el primero, si no estoy trascordado, en plantear esta cuestión legal ante esta Convención. Después de planteada la cuestión, surgieron ya todas las otras opiniones, tanto en pro como en contra, y ahora se va a decir, a estas horas, que es innecesaria la Resolución Osías? Por qué no se va a decidir, en vista de esta diversidad de opiniones, diversidad de criterios, esta diferencia de pareceres que hay aquí entre nosotros; por qué no se ha de decidir, repito, desde ahora por esta Convención si quiere que se adopte una Constitución para el Commonwealth y también para la República?

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

SR. ORENSE: Voy a terminar antes, Señor Kapunan.

La tercera razón: La Resolución es de carácter eminentemente partidista; y digo partidista, porque viola los principios enunciados nada menos que por el Jefe del partido de la Mayoría en el poder. Se ha dicho cincuenta mil veces, dentro y fuera de la Legislatura, que en esta Convención no debe reinar el partidismo, tanto es así que

no se ha exigido a ninguno de nosotros, al ir al electorado, que dejaríamos cual era la afiliación política de cada cual, y es porque muy sabiamente quiso el caudillo que en esta Convención no hubiera partidismo y hubiera una libertad absoluta de acción para todos y cada uno de los miembros de la misma. Digo que hubo partidismo, y vuelvo a denunciar a todos y cada uno de los aquí presentes y ausentes, porque esa Resolución es producto de varios caucuses celebrados alia arriba, en el despacho del Presidente del Senado.

SR. ARELLANO: Señor Presidente, para rectificar nada más al Caballero de Batangas, en lo que a mí se refiere.

SR. ORENSE: No me refiero a nadie.

SR. ARELLANO: ¿Quiere decir la expresión "partidista" o "partidismo" que eso tiene relación con la decisión adoptada aquí sobre la Resolución Osías? No es verdad eso, porque yo soy "anti" y he votado con Su Señoría.

SR. ORENSE: Muy bien dicho. Señor Presidente y Caballeros de la Convención, al hablar así, debo una explicación.

MR. CINCO: Mr. President, I rise for a point of order.

THE PRESIDENT: Will the Gentleman from Leyte state his point of order?

MR. CINCO: Mr. President, it seems that the speaker, (Mr. Orense) has gone beyond the subject under discussion.

SR. ORENSE: (Prosiguiendo.) Antes de terminar, debo una explicación a mis queridos colegas. Yo no he querido acusar a nadie, porque nunca he sido acusador, nunca he pertenecido al ministerio público. Siempre he sido un débil defensor. He querido únicamente hacer resaltar la historia de cómo vio la luz, o las circunstancias bajo las cuales se ha dado a luz a esa criatura. Salvense los principios aunque perezcan los nombres. Digo que se salven los principios, porque en la Resolución Osías hay un principio fundamental que afecta a la causa del país. Tanto es así que ese principio fundamental ha sido ya aceptado tanto por los titulados "antis", digo, no por todos, sino por varios de los titulados "antis" cuanto por varios titulados "pros", y por un independiente que tiene el honor de dirigirse la palabra. No me importa que perezca el nombre, pero sí el principio contenido en la Resolución. Yo estoy seguro de que el autor de esa Resolución no la defiende por su nombre; la defiende por amor a la criatura, como aquella mujer que fue juzgada por Salomón, aquella verdadera madre de la criatura que no quiso que la misma fuese partida en dos cuando el rey Salomón decidió que se repartiera entre las dos que pretendían ser madres de la criatura. Con tal de que se salve esa criatura, no le importa al delegado por La Unión ni al que tiene el honor de hablar, que tenga un padrino que sea de uno o de otro lado. Si me fuera dable endosar el padrinazgo de esa Resolución, con tal que viva el niño, la endosaría al Caballero de Manila, mi querido amigo, el Delegado Lim. Es más, se lo ruego por amor al principio, por amor a la cuestión nacional envuelta en esta Resolución. Yo desearía que todos y cada uno de los miembros de esta Convención, si se ha de decretar la muerte de esta Resolución Osías, que se limiten al nombre, pero que dejen vivo a ese niño, como un expósito, y que se conviertan en esas madres abnegadas que recogen a los niños expósitos de las puertas de un edificio o establecimiento, donde son abandonados por sus padres, suponiendo que no haya ninguno ya que defienda esta Resolución o que defienda su paternidad.

Termino, pues, mi breve alocución, rogando que se rechace la Resolución Lim et al.

LEVANTAMIENTO DE LA SESIÓN

SR. ROMERO: Señor Presidente.

EL PRESIDENTE: Señor Delegado.

SR. ROMERO: En vista de que la Camara de Representantes tiene que celebrar sesion a las siete de esta, noche, o sea, despues de quince minutos, pido que se levante la sesion hasta manana, a las cinco de la tarde.

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

Se levanta la sesion.

Eran las 6:45 p.m.

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