

JOURNAL No. 42

VOL. III, September 18, 1934

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a4659ebac813/>

APERTURA DE LA SESIÓN

Se abre la sesion a las 4:37 p.m., ocupando el estrado el Presidente, Hon. Claro M. Recto.

EL PRESIDENTE: Se abre la sesión.

DISPENSACIÓN DE LA LECTURA DE LA LISTA Y DEL ACTA

SR. ESCAREAL:

Señor

Presidente.

EL PRESIDENTE: Señor Delegado de Samar.

SR. ESCAREAL: Pido que se dispense la lectura de la lista y del acta, dandose esta por aprobada y presente un quorum.

EL PRESIDENTE: Si no hay objecion, asi se acuerda. (No hubo objecion.) Queda aprobada. Leanse los documentos recibidos.

EL SECRETARIO:

REPORT OF THE COMMITTEE ON SPECIAL
PROVINCES

The President

Constitutional Convention

Mr. President:

Owing to the existence in the special provinces and in many of the regular provinces of so-called non-Christians who, because of their lower degree of culture, require close and effective government supervision to hasten their social, economic and civic advancement, your Committee on Special Provinces recommends the incorporation in the Constitution of the following provisions:

"ARTICLE There shall be established and maintained by the Central Government, so long as conditions may warrant and require, an office in one of the Executive Departments whose duty shall be to work for the social, economic and civic advancement of the backward elements of the population of the Philippine Islands."

Respectfully
submitted,

(Sgd.) MENANDANG
PIANG

CHAIRMAN

COMMITTEE ON SPECIAL PROVINCES

SUPPLEMENTARY REPORT OF THE COMMITTEE ON SPECIAL PROVINCES

Mr. President:

Your Committee on Special Provinces begs leave to submit the following supplementary report:

After a thorough study of the conditions obtaining in each of the nine special provinces, namely, Agusan, Bukidnon, Cotabato, Davao, Lanao, Mountain Province, Nueva Vizcaya, Sulu, and Zamboanga, your Committee is convinced that only four of these provinces, namely, Agusan, Davao, Nueva Vizcaya, and Zamboanga, have demonstrated capacity to become regularly organized prov-inces. The remaining provinces, namely, Bukidnon, Sulu, Cotabato, Lanao, and Mountain Province, being dependent to a greater or less extent on insular appropriations for their support should for the present be maintained in their special status.

It should be understood, however, that while Bukidnon, Cotabato, Lanao, Mountain Province, and Sulu are to remain as special provinces, your Committee is of the opinion that the extension of the right of suffrage thereto should not be withheld. It is not incompatible with the special status of those provinces to enfranchise the inhabitants thereof. Agusan, Davao, Nueva Vizcaya, and Zamboanga have had elective provincial and municipal officials since 1922.

In view hereof, your Committee respectfully recommends that the following recommendations be indorsed to the Committee on Sponsorship for consideration:

"1. Conversion of the provinces of Agusan, Davao, Nueva Vizcaya, and Zamboanga into regular provinces;

"2. Retention of the special status of the provinces of Bukidnon, Cotabato, Lanao, Mountain Province, and Sulu until the Philippine Legislature shall provide otherwise; and

"3. The insular and provincial officials, as well as the officials of the regularly organized municipalities, of the special provinces shall be elective."

Respectfully submitted,

(Sgd.) MENANDANG PIANG

Chairman

Committee on Special Provinces.

CONTINUACION DE LA CONSIDERACION DE LA
RESOLUCION OSIAS

SR. ARELLANO: Senor Presidente.

EL PRESIDENTE: Senor Delegado por Sorsogon.

SR. ARELLANO: Senor Presidente, obra en poder de la Secretaria un proyecto de Resolucion que, por tratar de un asunto de caracter privilegiado, pido que se lea.

EL PRESIDENTE: Léase.

EL SECRETARIO:

RESOLUCIÓN

EXPRESANDO EL SENTIR DE LA CONVENCION CONSTITUCIONAL SOBRE LA ESTRUCTURA QUE DEBE DARSE A LA "CONSTITUCION" DEL GOBIERNO Y PUEBLO DE LAS ISLAS FILIPINAS.

POR CUANTO, Según el Art. 3.o de la Ley Tydings-McDuffie, la Constitucion que esta Convencion ha de redactar y formular, para que sea aprobada por el Presidente de los Estados Unidos, es menester que este redactada y formulada sustancialmente de conformidad con las disposiciones de dicha Ley "Tydings-McDuffie;"

POR CUANTO, La Ley "Tydings-McDuffie" contiene disposiciones mandatorias de las cuales unas deben regir durante el periodo de transición bajo el Gobierno del "Commonwealth" y después para el Gobierno de la Republica Filipina (Art. 2-(2) Decla.racion de Derechos), otras de caracter transitorio que solamente regiran durante el "Commonwealth", o sea. mientras no se efectue la retirada definitiva y completa de la soberania de los Estados Unidos sobre las Islas Filipinas (Art. 2-a) y otras que regiran desde el dia en que el Presidente de los Estados Unidos expida una proclama reconociendo la independencia de las Islas Filipinas. (Art. 2-b);

POR CUANTO, Estas disposiciones de caracter permanente, o sea, las que deben regir durante el Gobierno del "Commonwealth" y durante la Republica Filipina, y las que deben regir cuando sea proclamada la independencia del pueblo filipino y entre a funcionar el Gobierno de la Republica Filipina deben incorporate en la Constitucion que se debe formular por esta Convencion, como tambien las disposiciones que no sean de cararter permanente y regiran durante el "Commonwealth" o sea, mientras no se haya efectuado la retirada definitiva y completa de la soberania de los Estados Unidos sobre las Islas Filipinas;

POR TANTO, SE RESUFLVE que esta Convencion redacte una Constitucion que contenga disposiciones que deben regir tanto durante el Gobierno del Common-wealth como despues, y bajo el Gobierno de la Re-publica, y disposiciones que regiran solamente durante el Gobierno de transicion o del "Commonwealth" y disposiciones que estaran en vigor a la proclamacion de la Republica, como cualesquiera otras disposiciones propias para la Republica, que no esten en conflicto con la Ley Tydings-McDuffie.

SR. PALMA:

Señor

Presidente.

EL PRESIDENTE:

Señor

Delegado por Manila.

SR. PALMA: Obra en poder de la Secretaría una enmienda presentada por mí a la Resolución Lim-Guzmán, la cual pido que se lea.

EL PRESIDENTE: Léase.

EL SECRETARIO:

CONSTITUTIONAL CONVENTION

P. R. No. 60

Amendment Presented by Delegate Palma to the Resolution Presented by Delegates Lim, De Guzman, et al.

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 of the speakers for and against Resolution No. 60, 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 in the sense that the Constitution shall be for the Government of the Commonwealth on the original...

MR. MONTILLA: Mr. President.

THE PRESIDENT: The Gentleman from Occidental Negros.

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

THE PRESIDENT: The Gentleman has the floor.

DISCURSO DEL SR. MONTILLA

MR. MONTILLA: Mr. President and Gentlemen of the Convention: Our Constitution should embody the principle of nationalism. It is our solemn duty not only to the people who elected us but also to the future generations to see to it that this Constitution, drafted by Filipinos for the Filipinos, should embody the genius of the race and contain those precepts which would tend to promote the prosperity, welfare and stability of our country.

Such a Constitution should embody not only the Bill of Rights of the people but also a Declaration of Nationalistic Policies that will make these rights of our-people a legacy from father to son, and from son to his succeeding offspring.

These nationalistic policies should be inserted in the Constitution in as simple a manner as possible. They should be a mere declaration of policies, and not an itemized relation of the things to be done, authorizing the Philippine Legislature to promulgate such laws as may ultimately produce the desired goal.

The Philippine Legislature is elected by the Filipino people from time to time to legislate for the good of the country. If the power of putting into effect the policies ordained by the Constitution is left to its hands, then the forthcoming legislation will be in consonance with the conditions then existing.

Nationalism, however, should be our Doctrine. We should think and act as Filipinos; we should buy and sell Filipino goods, and we should educate our children to be true Filipinos. It was nationalism that save England and her colonies from economic ruin; it is nation-alism that has made Japan the third most powerful nation of the world; and it is nationalism that has forced the United States of America to grant us our independence; and, Mr. President, it is nationalism that will make that independence a blessing to be enjoyed by us and by our posterity, an independence that will be true and real, an independence for which so many of our heroes suffered martyrdom

and so much precious blood was shed by our soldiers in the field of battle. Now is the time to make nationalism a guiding principle and not a mere expression of words. We are drawing up a Constitution for the Philippine Commonwealth, a Constitution that will guide us, the destinies of the Filipino people during the transition period of ten years as provided in the Tydings-McDuffie Law, and may perhaps be continued after our independence. During this transition period, we will still be under the protection of the American flag. It is, therefore, now that we should eliminate as much of the foreign influence as is possible, so that at the end of the ten-year period, we will find our country nationalized to a point where we can face the future without doubt and fear.

With this I do not mean to say that we should consider all foreigners as undesirable, but that we should have in Filipino hands as much of the country's trade as is compatible with good international practice.

The constitutional precepts that I believe will ultimately lead us to our desired goal are:

- The complete nationalization of our lands and natural resources.
- The nationalization of our commerce and industry compatible with good international practice.

With the complete nationalization of our lands and natural resources, it is to be understood that our God-given birthright should be one hundred per cent in Filipino hands. It will be the duty of the Philippine Legislature to enact laws to this effect and also laws regulating the leasing to foreigners of those most precious of our possessions in such a manner and for such a length of time as will not endanger our national existence as an independent nation. Lands and natural resources are immovable and as such they can be compared to the vital organs of a person's body, the lack of possession of which may cause instant death or the shortening of life. If we do not completely nationalize these two of our most important resources, I am afraid the time may come when we will be sorry for the day we were born, if, by the time we have our independence, part of our country is not in our hands but in the hands of foreigners.

Davao is an example of what I mean. Due to the laxity of our laws concerning buying, selling and leasing of our lands, a great portion of one of the most fertile lands is in the hands of the Japanese. Now, if this state of affairs were allowed to continue, the Japanese would continue to extend their exploitation of our lands. Let us say that after several years the Japanese will have expanded their land-holdings to such an extent that our Government will see fit to put a stop to further development; do you think, Mr. President, that we will have the courage and the force to tell the Japanese to get out of Davao? The answer, I think, is: No! Even if we had the courage to say so, we would not have the Navy nor the Army to back up our desires. What then is the remedy, you will ask? The remedy is to eliminate the cause. I repeat that the remedy is for us to have our lands and natural resources completely in Filipino hands. And again I repeat that it must be the duty of the Philippine Legislature to put this policy into effect, and regulate the contractual powers of the lessor and the lessee, as well as the power of the owner to sell. As a wise man said, "it is a wiser law which prevents the commission of a crime than that which punishes the same."

In connection with my second proposed constitutional precept, I say that it shall be the duty of the Philippine Legislature to enact laws for the nationalization of our commerce and industry, compatible with good international practice. I mean to say that all such functions of commerce and industry as can be exercised by Filipinos should be a matter of legislation by our Legislature to give them the exclusive rights to perform these functions; but it must be understood that the foreign import and export trade, as well as the foreign capital already invested, must be duly protected.

One of the functions of commerce that, I believe, could be discharged exclusively by Filipinos would be buying and selling by retail. This would not unduly affect the foreign import and export trade as the retailers, be they

Japanese or Chinese, would continue to sell the goods, as long as the public should continue to demand these goods. Mr. President, last year I made a trip to Japan, and I can assure you that throughout the length and breadth of that empire 100 % of the retail business is in Japanese hands. This is unquestionably one of the reasons for the greatness of Japan. She has quietly instilled in the soul of the people the spirit of nationalism by asking the Japanese public to buy their daily needs from Japanese dealers.

This legislation to which I refer must contain a provision that all foreign retail business already established must be given a sufficient time, which should not be more than the transition period, to liquidate their business. Those functions of industry that can be discharged by Filipinos without injury to the industry itself and the public at large should be the subject of legislation too by our Legislature.

We are aware, however, that commerce and industry cannot prosper unless there is capital. It is the duty, therefore, of the Government to make that capital available. How can that capital be made available? By legislation, making it compulsory for the banks established in the Philippine Islands to set aside a certain percentage of their deposits to be loaned to Filipinos wishing to engage in commerce and industry.

I wish to cite a specific instance where the Government aided to Filipinize the sugar industry by means of the Philippine National Bank; the experiment was successful, and the industry is now one of the Bank's best sources of profit. These so-called sugar centrals are 100 % Filipino, both in capital and personnel.

Another point I wish to touch on is our economic independence. Economic independence is just as important as political independence, for, without it, political independence cannot long endure. History has taught us many lessons. Empires and governments have fallen, or have bowed to the will of others, because they were not economically independent; whereas such countries as have maintained their economic independence have maintained their national existence.

What then are we to do to make our country economically independent? We should, in my opinion, protect our export trade, and raise those products which we consume. It is a fact that the major percentage of the revenue of our Government actually is derived from our export trade. If this trade should disappear, the major revenue of our Government would likewise disappear, leaving our finances in such a deplorable state that I am afraid we would not then be able to meet the needs of an independent existence. We can best effect the protection of our exports by the wise use of tariff. I am, therefore, submitting for action of the corresponding committee the following constitutional precept:

The Philippine Legislature, or the Governor General when so empowered by the Legislature, is authorized to regulate tariff.

To demonstrate more graphically my point on the question of tariff, let us say, for example, that in the United States, to sell our sugar to better advantage, we could say to America, "You protect our sugar in your market, and we will protect your machineries and canned goods in our market." Supposing we could sell our coconut and hemp at an advantage in the Japanese market, we could say to Japan, "You protect our coconut and hemp in your market, and we will protect your cotton goods in ours."

It is now a foregone conclusion that tariff has a direct bearing on the export and import trade of any country. We cannot sell unless we buy.

The United States of America tried to protect her home industries by raising a tariff wall against her competitors, but she soon found out that this was not a wise policy, because her competitors retaliated and her losses in the export trade were tremendously bigger than her gains in the local trade; she found it necessary to change her policy by authorizing her President to enter into reciprocal tariff treaties with other nations so as to recover her

export trade.

I am also submitting for consideration of the corresponding committee a transitory constitutional precept as follows:

Maintenance of the parity of the Filipino peso with the American dollar during the period of the Philippine Commonwealth.

During the period of the Commonwealth we will still be under the American flag, and our commercial transactions will be earned in exactly the same way as in the past few years of American sovereignty. This provision, however, should be inserted in the Constitution as an appendix of transitory character, the same to last during the period of transition. It is necessary that it be thus adopted to dispell from the minds of our local, native capitalists the fear that their money will depreciate and stop a possible tide of outgoing capital which we will need so badly during the transition period to help develop our country.

Mr. President, this is not a remote probability. Just a few weeks ago, when the newspapers carried the news that we were to have an independent monetary system, there was a rush on the part of local capitalists to change their Filipino money into foreign money. Later the public, by the same newspapers, was again informed that no change would be effected in our monetary system.

It may be argued that the blow will fall sooner or later, so why not let it fall now? My answer is that the later the blow falls, the better it will be for the Philippine Islands. The period of transition provided in the Tydings-McDuffie Law was purposely inserted to give the Filipino people and the American capital invested in the Islands time to readjust themselves economically. And if such is the purpose, we should so readjust our commerce, industry and finances as to be prepared to meet the new conditions imposed by an independent existence.

Most of the wars have been caused by economic reasons. The United States of America declared war against Spain because she wanted to protect her international commerce. Germany declared war against the Allies because she wanted to maintain and expand her world trade. Japan fought China, because, as she said, she wanted to protect her interests in China. It is, therefore, our duty to our country and to the generations to come to help eliminate such interests as may possibly develop into a cause for war. Mr. President, and Gentlemen of the Convention, I believe it is our sworn duty to restrict as much as possible the establishment of foreign vested interests.

We should profit from our experience. Out of our mistakes of yesterday we should take the lessons for tomorrow. In the past, we have paid too much attention to our political development and very little attention to our economic development. It is, therefore, incumbent upon us now, in the framing of our Constitution, to give proper attention to that which we have neglected in the past. It is argued that our nationals should develop themselves economically through competition with foreigners and without the aid of the law. Yet, those who argue thus would be the loudest in their denunciations if it were proposed that our politicians develop themselves through competition with foreigners and without the aid of the law. There is no difference between one and the other argument.

I am of the opinion that our people should be aided by law to develop themselves economically, as upon their prosperity will depend the prosperity of the whole country. It is of record that 83 % of the commerce of the Philippine Islands is in foreign hands. This is a very dangerous situation, and it is up to us to correct it. The remedy is in our hands and we must use it. The ten-year transition period affords us a chance to correct the situation, and I would not be surprised if, with protection and stimulus given our people, they would be equal to

the task and, at the expiration of the ten years, find the proportion reversed.

It is, of course, to be understood that all the precepts I have recommended will be subject to the limitations imposed by the Tydings-McDuffie Law.

I want to say further that I do not want to be construed as a narrow-minded, radical and selfish nationalist, as the constitutional precepts that I recommend here are ample and elastic, in accordance with good international practice, leaving in the hands of our Legislature the power to approve laws as it may see fit to the end that our national existence will be secure and our foreign relations beneficial to both foreigners and Filipinos.

In conclusion, I wish to state that this is not the time for fear and vacillation. This is not the time for letting the future take care of itself. This is the time for action; the future will be what we want it now to be. We are now constructing the foundations of our future independent government. Shall we construct these foundations to last only for a short time or to last forever? It is true that we might suffer during the first few years of our national existence, but what is this suffering compared with the joy we will be giving our sons and daughters and those that will come after them? A joy that will know no bounds, a joy founded on the knowledge that this "Pearl of the Orient" is really theirs to cherish and to hold.

SR. ORENSE:

Señor

Presidente.

EL PRESIDENTE: Senor Delegado.

SR. ORENSE: Presento la moción de que se vote la Resolucion Osías, a menos que se presenten enmiendas y comencemos a tratar de las mismas.

EL PRESIDENTE: Hay otro Caballero que desea hablar, y la Mesa le concede el uso de la palabra.

MR. INTING: Mr. President.

THE PRESIDENT: The Gentleman from Bohol.

MR. INTING: Mr. President, I wish to make use of my half-hour privilege.

THE PRESIDENT: The Gentleman from Bohol has the floor.

DISCURSO DEL SR. INTING

MR. INTING: Mr. President and Gentlemen of the Convention: Many of the distinguished Members of this Convention have stood on this platform and discoursed on varied subjects. Most of the discourses were really a fountain of wisdom which served to throw light on the many perplexing fundamental problems connected with the delicate task of framing the Constitution of the Philippines. I do not pretend here to bring to you words of wisdom nor to appear as an authority to discuss the manifold aspects of a constitution. I just stand before you, Gentlemen of the Convention, to bring to your attention certain practical problems that need a proper and adequate solution by this august Body, problems regarding the relation between the Insular Government and the local governments, for which act I ask your generosity and indulgence.

A lawyer, brilliant though he may be, does not dare to defend a case in court without first ascertaining the facts from his client; and neither does a doctor, famous though he may be, apply medicine to his patient without first having diagnosed that patient's sickness. In order, therefore, that this Body of intellectual men from all professions

and callings may be in a position to solve the problems pertaining to the provincial and municipal governments, it is both expedient and necessary that I bring to your attention some facts and anomalous incidents in the administration of provincial and municipal governments.

First of all, I should say that the present system of our Government is far from being democratic. There is an evident over-centralization, and the provincial and municipal governments are to a great extent dependent upon the Insular Government. In the municipalities, for instance, the elected officials are divested of the powers that should be theirs as direct representatives of the people. In their acts and decisions, the municipal presidents and councilors are not only closely watched and supervised by the higher officials but are subjected to numerous limitations and hindrances; as a consequence, the members of the municipal council lose their initiative and even their desire to respond to the demand of the people to work for their welfare. The municipal budget is subject to the approval or disapproval of the Provincial Treasurer. All of the ordinances, resolutions, and other acts of the municipal council cannot be valid or effective without the sanction of the Provincial Board. The municipal council cannot even close a street or road without the prior approval of the Department head. These are but few instances to show how the members of the municipal council are shackled and made to follow rigid rules of action so that, instead of making use of their initiative and leadership to devise means of promoting the welfare of the people, they are made only to pursue regular courses and processes provided for by our present system of government.

What is true of our municipal council is also true of our Provincial Board. We have all sorts of interference with and intrusions on the internal workings of the Provincial Board and the administration of local affairs, coming from different sources and branches of government. To cite some instances, the provincial auditor is generally the one that determines whether there is a need of a supply of materials for an office. Provincial hospitals are entirely beyond the control of the Provincial Board, notwithstanding the fact that the provinces and all the municipalities thereof are contributing a considerable amount of money every year for their maintenance. The money allotted to the provinces from the so-called gasoline fund is given with the specific instruction that it be applied to projects already indicated and the Provincial Board has nothing to say on this matter. The plantilla of the Provincial Government is subject to the approval of the Department of the Interior and even budgets of the provinces are sent to that office for reasons that I cannot understand. These examples of intervention and interference with the powers of the members of the Provincial Board are sufficient to discourage them in their desire to work for the good of the people of the province by whom they were duly elected and for whose welfare they are committed to strive.

Gentlemen of the Convention: This overlapping and conflict of powers in the administration of municipal and provincial governments, and this interference coming from the higher Department and from the appointive officials who are not responsible to the people, have created an anomalous situation in our provinces and municipalities wherein the elected officials are made responsible but are not given the corresponding authority. This state of affairs has not been conducive to progress and improvement in the provinces and municipalities, but rather it has been the source of troubles which always redound to the prejudice of the people. To be in consonance with the principles of democracy, there is no reason why elected officials of the town, the direct representatives of the people, should not have sufficient powers to govern and run their own local administration. There is no valid reason why there should be a hindrance or obstacle to the powers of the council to look for and devise means of getting sources of income and to provide and spend their own fund as they see fit for the good and welfare of their people. They are the ones in a position to decide what measures are for the good and welfare of the people, because they are the ones in daily contact with them, and they are the ones familiar with their customs, traditions and aspirations. When they make provisions in their municipal budget for municipal projects, they have the honest belief that the said projects are for their townspeople, and no Provincial Treasurer can be wiser than the councilor in the particular respect. Yet, notwithstanding this fact, it is not a rare incident that a Provincial Treasurer, without

himself being responsible to the people or called upon to respond to their necessities, does a thing which runs counter to the desire of the people in most cases just for the purpose of satisfying his whims and caprices, and displaying that he is a power above and greater than the representatives of the people. Such much-abused powers of the Provincial Treasurer have caused many misunderstandings, conflicts and disruptions in the administration of local affairs in many municipalities throughout the Philippine Islands. The interventions coming from the Department of the Interior are obstructing the efforts of the municipal council in working for the uplift and progress of the people.

The interference from the different appointive officials and the prohibitions coming from the Department head have limited to the minimum the sphere of action of the Provincial Board in the administration of local affairs. The work of the members of the Provincial Board is almost mechanical; in fact, I can say here without fear of successful contradiction that under the present system of our government, notwithstanding the fact that we profess democratic practices, the Provincial Government can be run by the Provincial Governor without the presence and assistance of the Members of the Provincial Board.

I wish to make it clear that my attack is not against a particular individual or any set of appointive officials, but rather against the system of government, which I believe to be defective, with the honest desire to uphold the dignity, authority and responsibility of the provincial and municipal executives and other local elective officials in whom is reposed the confidence of the people for the administration of their local affairs. I need not state here that during elections the hottest and most frenzied fight, sometimes accompanied by bloodshed, is between local candidates. Each of them makes clear to the people his policy and program of administration, with the nerve-trying promises of giving improvements to the community. What a sorry sight, what a mockery and a delusion to the elective officials when, after assuming their offices, they find out that they are without the necessary powers to bring about the crystallization of their much-advertised plans and policies!

Members of the Convention: The struggle of our country from the time that Magellan and his men landed on the island of Mactan, has been a struggle for liberty and democracy. It has been a struggle against conquest and domination in order to preserve among the Filipinos a government of the people, by the people, and for the people. This struggle for the principles of democracy, carried over from generation to generation, will have resounded its final echo in this august Body when we shall have drafted that permanent safeguard of our liberties, the Constitution of our Commonwealth and our Philippine Republic. Yet, even though we shall have finished this great task, namely, the realization of the dreams of our forefathers who fell on the battlefields and those who died without seeing the dawn of liberty, we will not be able to proclaim with enthusiasm to our people that liberty is already ours to enjoy if, in the shaping of our own affairs and in the determination of our own administration, the voice of the people through their elected representatives will be made subservient to the will and power of appointive officials not responsible to the people. I, therefore, wish to voice to you, Mr. President and Members of the Convention, the sentiment of my people that in framing this priceless, historic document, the fundamental law of the land, we must once and for all solve this vexing problem of local administration and make our provincial and municipal governments self-governing and autonomous in character, so that our people will then realize that the fruits of the struggle of our forefathers, the blessings of liberty and democracy, are already within their reach. If we want our provinces and municipalities to be progressive and not to remain backward as they are now, we must cast away the shackles that bind the hands and feet of our local officials; we must give them the right of initiative and more freedom of action, for only in this way can we expect to see in the near future a wonderful progress in our provinces and municipalities.

Members of the Convention, I appeal to you not to overlook this idea in the framing of our Constitution. Other countries have expressly safeguarded the rights and powers of local governments by inserting in their Constitution

provisions respecting local autonomy. We find that in the Constitution of Switzerland the autonomy of their cantons and communes is insured. The framers of the Polish Constitution, of the Constitution of the Republic of Turkey, and those of many other countries, have advocated the principle of decentralization and separation of powers, and safeguarded the autonomy of their local governments. In framing our Constitution, we are setting up a new landmark in the political history of our country and in its progress towards the realization of our national ideal, the liberty of our people, the freedom of our Motherland. Yes, there will be a magnificent change in our governmental system, but our people, especially those living in the distant barrios and small communities, will not at all realize the triumphant march of our country in our political evolution toward self-government and self-determination, if in the towns and in the provinces no changes can be made in the present system of our local governments. There can be no real democracy in our country if the atmosphere of freedom is found only in the central government, while in the provinces and municipalities the will of the people does not find expression through their duly constituted representatives.

Of course, I do not advocate the absolute separation of local governments from the central government: nor do I dream of putting into practice in our country the pre-democracy system in the canton government as they have in Switzerland. I do not even believe that there is a necessity of the political and geographical divisions of our provinces and towns into states and countries, for the defects do not lie in our present political and geographical divisions. What I advocate is the abolition of the over-centralization of our government in such a manner that the insular government shall have only the rights of supervision over the local governments, the control over matters which are national in character, the provincial and municipal governments retaining their complete autonomy with respect to the administration of local affairs.

Gentlemen of the Convention, I appeal to you, once more, to insure that in our Constitution there must be inserted provisions giving our municipal and provincial governments complete autonomy in the administration of their local affairs. After we shall have completed our delicate and serious task of framing the Constitution of our country, after we shall have made the historical achievement of securing for our people the blessings of liberty and freedom, through the safeguards of our fundamental law of the land, we want to return to our respective homes, back to our common people, with hearts beaming with joy in telling them the news that now and henceforward they may call themselves really free because, through their elective officials in the municipalities and provinces, they can legislate and manage their own affairs, and minister to their own needs and necessities with sufficient freedom of action to enable them to make their own communities progressive, happy and prosperous.

EL PRESIDENTE: Tiene la palabra el Delegado por Cebu, Senor Ybanez.

DISCURSO DEL SR. YBANEZ

MR. YBANEZ: Mr. President and Gentlemen of the Convention: Much has been said for and against the Osias Resolution. Practically all points have been brought up and ably discussed by the prominent Members of this Convention. Had this debate been a banquet, we, served the last for being the least, would have to be contented with the bones and crumbs left by the favored guests. I rise not to rediscuss the points brought up, for I am afraid that my little knowledge of the subject or my arguments have already been presented by the earlier speakers. I rise to ask you to bear with me while I relate to you an incident which has some connection with the Osias Resolution.

In my sleep I dreamt that a few years after we drafted and approved a Constitution for the transition period only, all of us Delegates of this Convention died, and, by mutual agreement on the part of our close relatives, our mortal remains were gathered and buried in front of this very building. Over our graves were written various inscriptions presenting the great valor of Generals Sandiko and Alejandrino, the untiring efforts of Guevara, the

efficiency of Cuenco, the foresightedness of President Recto, the wit and humour of Quiremon Alkuino, the celebrated talents of Dr. Palma and Dr. Laurel, the elegance of Rafols and company, the thunderous oration of the second-class Delegate Orense, the immense wisdom of Sotto and Romualdez and company, the untiring efforts of Gregorio Perfecto and our limp-ing Jose Nepomuceno, and of course the undaunted patriotism of all the Delegates of this Assembly minus yours truly. But, Gentlemen, soon after independence was proclaimed by the President of the United States, and the first Legislature under the Republic was convened, Jose Rizal and Mabini . . .

MR. VENTURA: Mr. President, I rise for a point of order. The speaker is talking about prophecies. According to our rules, the Gentleman is not allowed to talk on a subject that does not pertain to the Constitution. The dreams of the Gentleman have nothing to do with the constitutional precepts.

EL PRESIDENTE: El orador esta todavia en los preliminares.

MR. YBAÑEZ: (Continuing.) José Rizal, Mabini and the martyred three priests, Felipe Calderon, Felipe Agoncillo and Gregorio Araneta, were reincarnated in the personalities of our Senators and Representatives, and the first bill that was brought under consideration by both Houses was a bill providing for immediate removal and destruction of the graves and remains of the Delegates of this Convention. Gregorio Araneta reasoned out that we had clearly neglected our duties and betrayed the confidence of the people in approving a Constitution for the transition period only, good for the transition period only, good for a ten-year period only, and not good for a republic. Our acts were interpreted as a dereliction of duty imposed on us and a breach of confidence reposed which deserved severe punishment. Apolinario Mabini and Arellano maintained that we had not been wise enough to comprehend our duties and authority as Delegates. General Gregorio del Pilar exclaimed: "How soon have these people forgotten that valor I showed at Tirad Pass." Jose Rizal, in disgust, exclaimed: "How fruitlessly have I written my two volumes, 'Noli Me Tangere' and 'El Filibusterismo,' and 'My Last Farewell!'" Andres Bonifacio shouted; "How vainly have I died for these people."

Yes, Gentlemen, such was my dream, and although it is only a dream, I am telling this as a premonition; If we are drafting a Constitution for the transition period only, we should be ready to receive the verdict of the people and the censure of generations yet to come.

Mr. President, five hundred thousand pesos was appropriated by the last Legislature for the election and for the per diems of the Delegates of this Convention. It was then, as it is now, crisis time, hence the preaching and practice of the economic policy. I tell you, Gentlemen, if this five hundred thousand pesos was intended for the expenses of the drafting of a Constitution for a ten-year period only, how costly that Constitution would be and how inconsistent we are in our policies. Gentlemen of the Convention, America gave us the Philippine Bill, the Jones Law, as our governmental charters. If America merely intended to give us a Constitution for the transition period, she could have given us that without the necessity of bothering us. But, Gentlemen, I maintain that the intention of the United States Congress in granting us the Tydings-McDuffie Law is to Have us formulate a Constitution good for a ten-year period and also for the Republic, and we are the very ones called upon by Congress to draft that Constitution because Congress does not know, at least it does not pretend to know, how to make one for us, and rightly so, because the people of the United States are not well acquainted with our ideals, customs and usages, our real needs and our aspirations. In fact, the people of the United States do not know whether we really desire independence or not, and it is for this very reason that this Constitution we are drafting is to be submitted to the people who will only approve a Constitution which is good not only for the transition period but for the Republic; after all, independence is our goal.

I thank you.

LEVANTAMIENTO DE LA SESIÓN

SR. ROMERO:

Señor

Presidente.

EL PRESIDENTE: Señor Delegado.

SR. ROMERO: Pido que se levante la sesión hasta mañana, a las cinco de la tarde.

EL PRESIDENTE: Se ha pedido el levantamiento de la sesión.

Los que estén conformes con la moción, que digan, Si. (Varios Delegados: Si.) Los que no lo estén, que digan, No. (Varios Delegados: No.) Queda aprobada la moción.

Se levanta la sesión hasta mañana, a las cinco de la tarde.

Eran las 5:40 p.m.

ABOUT BATAS.ORG

Study smarter at BATAS.org

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

The complete Philippine law library - free for everyone.

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

Audio case-brief lectures.

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

Bar review built on the science of memory.

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

The full law-school curriculum.

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

Mock exams that tell you where you stand.

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

A study planner that keeps you on pace.

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

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

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

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

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