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APERTURA DE LA SESION

Se abre la sesion a las 10:35 a.m., ocupando el estrado el Presidente, Hon. Claro M. Recto.

EL PRESIDENTE: Se abre la sesion.

MR. GRAFILO. Mr. President.

THE PRESIDENT: The gentleman from Sorsogon.

MR. GRAFILO: Mr. President, I move that roll call and reading of the minutes of last session be dispensed with.

THE PRESIDENT: Is there any objection? (Silence.) The Chair hears none. Approved.

DESPACHO DE LOS ASUNTOS QUE ESTAN SOBRE
LA MESA DEL PRESIDENTE.

EL PRESIDENTE: Leanse los documentos recibidos.

EL SECRETARIO:

REPORT OF THE COMMITTEE ON PROVINCIAL
AND MUNICIPAL GOVERNMENTS

The Honorable President
Constitutional Convention
Manila

Mr. President:

Every one is convinced of the necessity of securing as much autonomy in the government of provinces, chartered cities, and municipalities of these Islands as may be consistent with the welfare and security of the entire nation. The present system of local government has received universal criticism on account of the absence of an adequate measure of autonomy. The provinces and the municipalities alike are almost completely dependent upon the central government. Besides electing their own officials, they have very little control over their own local affairs. Their sources of income are extremely limited. Their powers of taxation, which are supposed to be based upon a broad and general grant are, after all, very meager because they are subject to numerous exceptions provided in the statutes on the subject. It is, therefore, no exaggeration to say that under the present organic laws of the Philippines the central government is everything, and the local governments are nothing more than mere administrative units.

President McKinley, in issuing his famous instructions to the Second Philippine Commission on April 7, 1900, charged the Commission, "to devote their attention in the first instance to the establishment of municipal

governments in which the natives of the Islands, both in the cities and rural communities, shall be afforded the opportunity to manage their own local affairs to the fullest extent of which they are capable and subject to the least degree of supervision and control which a careful study of their capacities and observations of the workings of native control show to be consistent with the maintenance of law, order and loyalty."

In all honesty we confess that we have departed from this standard of local autonomy set forth at the very inception of American rule in the Islands. It is most strange that with the increase of the participation of the Filipinos in the management of our central government, there has been a noticeable decrease of independence granted to our local government. That distinguished French political writer, M. De Toqueville in his book, *Democracy in America*, after contrasting the absence of local autonomy in the United States, says: "Local assemblies of citizens constitute the strength of free nations. Township meetings are to liberty what primary schools are to science; they bring it within the people's reach; they teach men how to use and how to enjoy it. A nation may establish a system of free governments but without the spirit of municipal institutions, they cannot have the spirit of liberty."

The draft herewith submitted by the Committee on Provincial and Municipal Governments has been prepared with a view to securing an adequate measure of local autonomy to provinces, chartered cities, and municipalities consistent with the safety and welfare of the whole nation. The Committee feels that a mere general statement in the Constitution providing for a broad guarantee of local self-government will be of no practical value. It might only result in an empty expression of a wish which will become futile and ineffective with the passage of the years. For these reasons the committee has embodied in their draft definite provisions which in their opinion will give a surer and stronger protection to local autonomy than a mere general statement.

These provisions refer to the power of provinces and municipalities to elect their own officers; to create their own sources of revenues; to levy taxes, subject to limitations provided by law; to have a just share of the proceeds of internal revenue taxes levied by the central government, such share to be determined by law; to have control over the disposition and use of their funds; to give their consent to the designation of appointive officers by the central government to perform functions connected with the government and administration of a province; and to have control over the police forces, thereby preventing any unnecessary intervention on the part of the armed forces of the Nation, an intervention which often proves irksome to local authorities.

Needless to say that the provinces and municipalities are not made completely independent of the central government. To do so would have been inadvisable, unwise, and not conducive to the general interest of the entire nation. It is believed that the measure of local autonomy provided by this draft refers primarily to the affairs of the provinces and the municipalities which are local and not national in their nature. A much larger degree of discretion in the organization of chartered cities is left to the Legislature or the central government, because the Committee feels that every community to be organized into a chartered city has its own peculiar needs and conditions; therefore, it would be unwise to dictate beforehand what organization each chartered city should have. It is believed that the Legislature will be the best judge on this matter.

The Committee on Provinces and Municipalities has not considered it necessary to depart from the present general scheme of municipal and provincial governments. The broad outlines of the existent local organization are left intact. Outside of the subjects stated above which are deemed essential to the real existence of local autonomy, the details of provincial, city and municipal governments are left entirely to the judgment of the Legislature.

Respectfully submitted,

(Sgd.) HERMENEGILDO VILLANUEVA

Chairman

Committee on Provincial and
Municipal Governments

ARTICLE _____

PROVINCES, CITIES AND MUNICIPALITIES

Section 1. The political subdivisions of the Philippine. Islands shall be the provinces, chartered cities and municipalities, each of which shall be a body politic and corporate with such autonomous powers as may be necessary for local government.

Section 2. Every province shall be governed by a governor, a vice-governor, and a provincial assembly to be composed of the governor as its presiding officer, the vice-governor as ex-officio member, and such other members, not less than three as may be determined by law. They shall be elected by the qualified electors of the province and shall hold office for a term of four years.

Section 3. Every municipality shall be governed by a mayor, a vice-mayor, and a municipal council to be composed of the mayor as chairman, the vice-mayor as ex-officio member, and such other members as may be provided by law. They shall be elected by the qualified electors of the municipality and shall hold office for a term of four years.

Section 4. The government of chartered cities shall be determined by special legislation.

Section 5. All controversies with respect to boundaries between provinces, municipalities, and chartered cities shall be determined by competent courts.

Section 6. Provinces, chartered cities and municipalities shall have the power to create their own sources of revenues as well as to levy taxes, subject to such limitations as may be provided by law; and they shall be entitled to a just and equitable share of the proceeds of all internal revenue taxes levied by the central government. They shall have control over the use and disposition of all public funds held or received by them in any manner.

Section 7. The designation by the central government of any appointive officer to perform functions properly pertaining to the administration of the financial or other affairs of a provincial government, except in the case of officers directly connected with the judicial administration, shall not become effective until after the provincial assembly concerned shall have given its consent thereto in the manner provided by law.

Section 8. Except in cases of invasion, rebellion, insurrection, or serious public disorder which in the judgment of the provincial governor is beyond the power of the provincial and other local police forces to control, the military or other armed forces of the Philippine Islands shall not be used to intervene in the government and administration of any province or municipality without the previous request of the provincial assembly.

Section 9. No law shall hereafter be enacted with respect to local governments which may in any manner diminish the autonomy guaranteed by this Constitution to provinces, chartered cities, and municipalities: Provided, however, That any further grant of local autonomy shall be compatible with the prosperity, welfare, and safety of the nation.

EL PRESIDENTE. Al Comite de Ponencias.

MR. VINZONS: Mr. President.

THE PRESIDENT: The gentleman from Camarines Norte.

MR. VINZONS: Mr. President, I would like to take advantage of the half-hour privilege.

THE PRESIDENT: I understand that there is a move to suspend the session for a few minutes. The gentleman will please request for the privilege again when the session is resumed.

SUSPENSION DE LA SESION

SR. ROMERO: Senor Presidente.

EL PRESIDENTE: Senor Delegado.

SR. ROMERO: Pido que se suspenda la sesion por algunos minutos.

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

Se suspende la sesion.

Eran las 10:36 aon.

REANUDACION DE LA SESION

Se reanuda la sesion a las 10:51 a.m.

EL PRESIDENTE: Se reanuda la sesion.

SUSPENSION DE LA SESION

EL PRESIDENTE: Si no hay objecion, la Mesa va a suspender de nuevo la sesion por tres o cuatro minutos para dar oportunidad al Comité de Ponencias de reunirse ahora mismo en el salon para tratar de un asunto algo urgente. Despues de eso, volveremos a reanudar la sesion. (No hubo objecion.)

Eran las 10:52 a.m.

REANUDACION DE LA SESION

Se reanuda la sesion a las 10:55 a.m.

EL PRESIDENTE: Se reanuda la sesion. Tiene la palabra el Caballero de Cebu.

MOCION SOTTO

SR. SOTTO (F.): Senor Presidente y Caballeros de la Convencion. En vista de que la Convencion esta visiblemente dividida en ciertos puntos de importancia concernientes a la Constitucion y a la forma de nuestro gobierno para Filipinas, hasta tal punto que el Comité de Ponencias no ha podido ni siquiera vislumbrar cual sistema, o cual doctrina o teoria contaria con la aprobacion o con la sancion de una mayoria de la Convencion. Esto, por un lado, y, por otro lado, a fin de no duplicar el trabajo, dedicandose el Comité de Ponencias a estudiar un asunto y ventilarlo en un sentido que pudiera no estar conforme con la opinion predominante de la mayoria de la Convencion, el Comité de Ponencias sugiere, para guia y orientacion de dicho Comité y de los demas Comites de la Asamblea, que la Convencion misma comience a considerar cuando lo crea oportuno, ciertas cuestiones fundamentales que van a ser incluidas en la Constitucion, y expresar su opinion sobre dichas cuestiones, a fin de que dicha opinion resulte util para el Comité de Ponencias y para los demas Comites.

SR. BANAGA: Para unas preguntas al orador, Señor Presidente.

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

SR. BANAGA. El voto que se adopte, por ejemplo, en cuanto a la adopcion de una Legislatura unicameral o bicameral, ¿sera obligatorio cuando se discuta el precepto constitucional in toto?

SR. SOTTO (F.): No estoy preparado para dar una contestacion categorica; pero voy a dar mi contestacion al companero. Es de presumir que cuando la Convencion, en ese survey, vote a favor de un sistema, el sistema bicameral, por ejemplo, la Convencion no cambie de parecer cuando, procedente del Comité de Ponencias, de nuevo baje a la consideracion de la Convencion.

SR. BANAGA: ¿Quiere decir Su Senoria que ningun miembro de la Asamblea podra ya presentar una enmienda al proyecto de Constitucion ?

SR. SOTTO (F.): No tanto. Voy a decir que estoy expresando apenas mi opinion individual. A mi modo de entender, lo unico que vendra de la Convencion, cuando empiece a estudiar esas cuestiones, es la parte fundamental no los detalles. La Convencion no entrara en detalles. Vamos a suponer, por ejemplo, que se fije si debe o no darse el sufragio a la mujer o al hombre solamente, o a ambos; pero la forma como podran votar, sus calificaciones, etcetera, son materia de detalles; como tambien si la Legislatura sera unicameral o bicameral.

SR. BANAGA. Voy a ser mas especifico, poniendole un ejemplo. Supongase que esta Convencion, cuando se discuta preliminarmente este asunto del sistema bicameral o unicameral, adoptara el sistema bicameral, y despues, cuando se discuta el proyecto de Constitucion, in toto, un miembro de esta Asamblea se levantara y presentara una enmienda por sustitucion, ¿podria hacerlo?

SR. SOTTO (F.): ¿En lo fundamental o en los detalles ?

SR. BANAGA: En lo fundamental.

SR. SOTTO (F.): Vale o no vale lo que acuerde la Convencion ?

SR. BANAGA: Quisiera tener una contestacion categorica de Su Senoria.

SR. SOTTO (F.): Entonces, la pregunta ya no se debe formular al presidente del Comité de Ponencias, sino a la Convencion.

SR. RAFOLS: Señor Presidente, para algunas preguntas al presidente del Comité de Ponencias.

EL PRESIDENTE: El Presidente del Comité puede contestar, si le place.

SR. SOTTO (F.) : Si, señor.

SR. RAFOLS: La proposicion presentada por el presidente del Comité de Ponencias, en el sentido de que se pida primeramente la opinion de la Asamblea sobre ciertos preceptos, ¿quiere decir que cuando un precepto acordado por la Asamblea pase al Comité de Ponencias, este Comité no podra ya discutirlo y tendra solamente que limitarse a decir amen?

SR. SOTTO (F.): En lo fundamental, si, señor.

SR. RAFOLS: Entonces no vale pedir instrucciones, si no va a servir para nada; si despues de que se adopte por el Comité de Ponencias un acuerdo de conformidad con el dictamen de la Asamblea, y ese Comité somete su informe a la Asamblea y en la Asamblea no se pueda discutir ese informe.

SR. SOTTO (F.): La Asamblea lo discutira en los detalles y tambien en lo fundamental, porque es de suponer que

en la votacion primera de auscultacion, digamoslo asi,—a menos que haya votacion unanime—,siempre habra companeros que voten en pro o en contra. En mi opinion personal, los que hayan resultado en minoria en la votacion de tanteo, digamoslo asi, estaran libres para discutir otra vez el asunto cuando se debata finalmente con vista del informe de Komite.

SR. RAFOLS: Si lo que se desea es terminar cuanto antes, ¿por que limitarnos solamente a pedir el dictamen de la Asamblea y no entrar ya de lleno en la discusion de los preceptos constitucionales, suprimiendo ya de una vez el Komite de Ponencias? Asi no se duplica el trabajo. Aqui, por lo que se ve, el Komite de Ponencias esta de sobra. Si la existencia del Komite de Ponencias es necesaria, cumplase el Reglamento y sometanse todos los proyectos informados por los Komites al Komite de Ponencias. Pero si el trabajo del Komite de Ponencias es innecesario, ¿para que se va a dar lugar a la duplicacion? Suprimase el Komite de Ponencias y que todos los informes se sometan a la Asamblea para que esta entre de lleno en la discusion de los preceptos constitucionales informados.

SR. SOTTO (F.): La cuestion no es la misma, Caballero de Cebu.

SR. LAPAK: Presento la cuestion previa. VARIOS DELEGADOS: No, no.

SR. NEPOMUCENO (R.): Senor Presidente, para algunas preguntas al Presidente del Komite de Ponencias.

EL PRESIDENTE: El Presidente del Komite de Ponencias puede contestar, si le place.

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

SR. NEPOMUCENO (R.): Segun he entendido, Su Senoria opina que se podra discutir dos veces la cuestion sobre si la Convencion va a adoptar un sistema bicameral o unicameral. La primera vez antes de que el Komite de Ponencias presente su informe, y la segunda vez, despues de presentado el informe. ¿Es asi?

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

SR. NEPOMUCENO (R.): Entonces, habra demora.

SR. SOTTO (F.): No habra tal demora, porque en la segunda discusion el asunto quedaria bastante simplificado, puesto que la cuestion fundamental de si va a ser bicameral o unicameral quedara resuelta en la primera discusion, quedando solamente los detalles para la segunda discusion.

SR. ARELLANO: Senor Presidente, para algunas preguntas al Presidente del Komite de Ponencias.

EL PRESIDENTE: El Presidente del Komite de Ponencias puede contestar, si le place.

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

SR. ARELLANO: Tengo entendido que hay la idea de someter a la Convencion en pleno una Constitucion en conjunto, y como la redaccion de ese proyecto de Constitucion en conjunto ha de consumir dias, durante los dias en que la Asamblea no tenga nada que discutir, se pondran en discusion las cuestiones debatibles, de tal manera que la Convencion solo decidira el sistema que vamos a introducir en los preceptos de la Constitucion.

SR. SOTTO (F.): Concuero con Su Senoria, en que lo unico que va a decidir la Convencion en esa primera consideracion seria la parte fundamental del sistema que dice; pero no puedo concurrir en que solamente la Convencion va a considerar este asunto mientras no tenga nada que hacer. La mocion no lleva nada tendente a regularizar los procedimientos de la Convencion.

SR. ARELLANO: En ultimo termino, lo que la Convencion ha de discutir es el sistema, o sea la cuestion fundamental.

SR. SOTTO (F.): Si señor.

MR. ARUEGO: Mr. President, will the gentleman yield?

THE PRESIDENT: The gentleman may yield, if he so desires.

MR. SOTTO (F.): Willingly.

MR. ARUEGO: If the Convention, for instance, should decide in favor of a unicameral body, contrary to the report of the Legislative Committee which reported a bicameral body, would that mean that the Committee on Sponsorship would have to provide for new details, because the details on the legislative power are based primarily on the assumption that the Convention would adopt a bicameral body?

MR. SOTTO (F.): The Committee on Sponsorship will follow the recommendations of the Convention.

MR. ARUEGO: Yes, I know that the Committee on Sponsorship will provide for a unicameral body.

MR. SOTTO (F.): In the fundamental point only.

MR. ARUEGO: The Committee on Sponsorship will provide for unicameral body if the Convention so decides. What about the other details inasmuch as the Committee on Sponsorship is supposed to draft a Constitution on the basis of the reports of different committees? The Committee on Legislative Power has recommended a bicameral legislature and provided for details in accordance with a bicameral organization. The procedure of law making, for instance, the method or composition of powers of this body, because necessarily the powers of this body will have to be performed by the Committee on Sponsorship. Will the Committee create all these details?

MR. SOTTO (F.): With regard to that part, the Comité de Ponencias will follow that method; but in the details and other requisites, it reserves its own discretion, power and authority.

MR. ARUEGO: I see that very clearly. But in the determination of the method of composition and the powers of this body not only as a legislative body, would the Committee on Sponsorship later on appoint another special committee to draft these details? Indeed, it would be very hard for a body of eighty-seven members to think of and piece together all provisions about the legislative power. Now, would the Committee on Sponsorship later on appoint a committee to take care of the details of legislation? That is not an easy thing to do. There may be seven, eight or ten articles.

MR. SOTTO (F.): To save time, we accept that as a fundamental point to be submitted for the second time to the Convention.

MR. ARUEGO: It is all right if the Convention will decide in favor of a bicameral legislature because the details are there. But if the Convention decides on a unicameral body

MR. SOTTO (F.): The Committee shall decide according to the results of the Convention in the fundamental point, and no more.

MR. CHIOCO: Will the matter be only on the bicameral or unicameral body?

MR. SOTTO (F.): On any question wherein the opinion of the Convention is known to be divided.

EL PRESIDENTE: Si no hay otras preguntas, la mesa sometera a votacion la mocion. Los que esten conformes, digan, si (Una mayoria: Si.) Los que esten en contra, digan, no. (Una minoria: No.) Aprobada.

SR. ROXAS: Señor Presidente, con el fin de llevar a cabo la proposicion del Caballero de Cebu, propongo que se autorice al Comité de Reglamentos a formular la proposicion que se va a someter a la discusion de la Convencion,

teniendo en cuenta los proyectos de resolucion que sobre este asunto han sido sometidos por varios delegados.

EL PRESIDENTE: Puede formularse ahora.

SR. ROMERO: Senor Presidente, seria mejor que sea ya el lunes. Si la Convencion no acuerda otra cosa, el Comite lo va a someter el lunes.

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

El Caballero de Camarines Norte desea hacer uso de la palabra.

MR. VINZONS: I think that in view of the time I shall reserve my speech for Monday.

LEVANTAMIENTO DE LA SESION

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

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

Eran las 11:26 p.m.

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