

COMMITTEE REPORT NO. 1

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CONSTITUTIONAL CONVENTION MANILA

The undersigned, members of the sub-committee chosen in pursuance of the Resolution of the Sponsorship Committee approved on October 10, 1934, to make a complete draft of the Constitution, taking into consideration the various reports from the several committees and the drafts submitted by individual members, have the honor to report that, after careful deliberation, with a view to harmonizing the provisions recommended in said reports and drafts and formulating them into constitutional precepts deemed consistent and uniform as to substance and form, supplementing certain provisions with others to complete them, they have agreed upon the accompanying draft of the Constitution which is respectfully submitted to the Sponsorship Committee for its consideration.

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Manila, Oct. 20, 1934

The people of the Philippine Islands, imploring the aid of Divine Providence, in order to establish a government that shall embody their ideals, strengthen their unity, maintain peace and social order, conserve and develop the patrimony of the nation, promote progress and the general welfare, and secure to themselves and their posterity the blessings of independence under a regime of justice, liberty and democracy, do ordain and promulgate this Constitution.

Article I.—The NATIONAL TERRITORY

Sec. 1. The Philippine Islands comprises all the territory ceded to the United States by the Treaty of Paris concluded between the United States and Spain on December 10, 1898, the limits of which are set forth in Article III of said treaty, together with all the islands embraced in the treaty concluded at Washington, between the United States and Spain on November 7, 1900, and in the treaty concluded between the United States and Great Britain on January 2, 1930, and all territory over which the present Government of the Philippine Islands exercises jurisdiction or which may hereafter be acquired by the Philippines Islands.

Article II. —DECLARATION OF PRINCIPLES

Sec. 1. The Philippine Islands is a republican state. Sovereignty resides in the people and all government authority emanates from them.

The flag of the Philippine Islands shall be white, blue, and red with a sun and three stars, now commonly accepted

and honored by the people and recognized by law.

The Philippine Islands renounces war as an instrument of national policy and adopts the generally accepted principles of international law as a part of the law of the nation.

All public officials and members of the armed forces must take an oath to support and defend the Constitution.

Article III.—BILL OF RIGHTS

Sec. 1. No law shall be enacted which shall deprive any person of life, liberty, or property without due process of law, or deny to any person the equal protection of the laws.

Private property shall not be taken for public use without just compensation.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The liberty of abode and of changing the same within the limits prescribed by law shall be guaranteed.

The privacy of communication and correspondence shall be inviolable except upon lawful order of the court.

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

Involuntary servitude in any form shall not exist in the Philippine Islands except as a punishment for crime whereof the party shall have been duly convicted.

No law granting a title of nobility shall be enacted, and no person holding any office of profit or trust in the Philippine Islands shall, without the consent of the National Legislature, accept any present, emolument, office, or title of any kind whatever from any foreign state.

The right to form associations or societies for purposes not contrary to law shall not be abridged.

No person shall be imprisoned for debt or non-payment of taxes.

No law impairing the obligation of contracts shall be enacted.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended wherever during such period the necessity for such suspension shall exist.

No ex post facto law or bill of attainder shall be enacted.

No person shall be held to answer for a criminal offense without due process of law

All persons shall before conviction be bailable by sufficient sureties, except for capital offense. Excessive bail shall not be required.

In all criminal prosecutions, the accused shall be presumed to be innocent until the contrary is proven and shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face and to have compulsory process to compel the attendance of witnesses in his behalf. He shall not be compelled to be a witness against himself.

Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted.

No person for the same offense shall in any case be twice put in jeopardy of punishment.

The State shall not deny to any citizen free access to the courts by reason of poverty.

No law shall be passed abridging the freedom of speech, or the right of the people peaceably to assemble and petition the government for redress of grievances.

Article IV.—CITIZENSHIP

Sec. 1. The following are citizens of the Philippine Islands:

(a) All persons who are Philippine citizens at the time of the adoption of the Constitution, or may heretofore have occupied an elective office under the Government of the Philippine Islands, and their descendants;

(b) All persons who are naturalized, in accordance with law, and their descendants.

Sec. 2. Filipino citizenship may be lost or re-acquired in the manner provided by law.

Sec. 3. It shall be the duty of citizens to aid in the support of the State, promote its growth, and defend its honor and interest. Suffrage is a public duty which should be exercised by all those who are qualified under the law.

Article V.—IMMIGRATION

Sec. 1. The National Legislature shall by law regulate immigration of aliens into the Philippine Islands, and shall prescribe annual quotas of such immigration, which shall be equal and uniform for all countries.

Article VI.—SUFFRAGE

Sec. 1. Suffrage may be exercised by male citizens of the Philippine Islands not otherwise disqualified by law, who are twenty-one years of age or over, able to read and write, and who shall have been residents of the Philippine Islands for one year and of the municipality wherein they propose to vote for at least six months preceding the election: Provided, however, That the National Legislature may extend the right of suffrage to women, if in a plebiscite held for that purpose, not less than three hundred thousand women otherwise qualified should vote affirmatively on the question.

Article VII.—LEGISLATIVE DEPARTMENT

Sec. 1. The legislative power shall be vested in a National Legislature, which shall consist of a Senate and a House of Representatives.

Sec. 2 (1). The House of Representatives shall be composed of members chosen every three years by single district, and shall be apportioned by the National Legislature among the several provinces as nearly as may be according to the number of their respective inhabitants, provided that each province shall have at least one representative. The number of representatives shall not exceed one hundred and twenty and an apportionment shall be made within three years after the return of every enumeration. Until such apportionment shall be made, the House of Representatives shall consist of ninety-six members, eighty-seven elected by the districts now provided by law and nine elected respectively by the nine special provinces.

(2). No person shall be a representative who shall not have attained the age of twenty-five years, and been five years a citizen of the Philippine Islands, and who shall not, when elected, be a qualified elector and an actual resident of the province in which he shall be chosen for at least one year immediately prior to the election.

Sec. 3 (1). The Senate shall be composed of twenty-four members, who shall respectively be elected by the qualified voters of twelve senatorial districts. Each senatorial district shall have the right to elect two senators,

except the district comprising the territory included in the former Department of Mindanao and Sulu, the Mountain Province, Baguio, and Nueva Vizcaya, the senators for which, until the National Legislature provides otherwise, shall be appointed by the President, with the consent of the Senate, and without restriction as to residence.

(2). Until the National Legislature shall otherwise provide, the twelve senatorial districts shall be constituted in the former Department of Mindanao and Sulu, the approval of this Constitution.

(3). The term of office of senators shall be six years and shall begin on the date of their election: Provided, That at the first election of senators under this Constitution two senators shall be elected for each senatorial district. The candidate receiving the largest number of votes in each district shall be the one elected for six years, and the candidate receiving the second place shall be the one to serve for three years only. Every three years thereafter a senator for each district shall be elected for a term of six years.

(4). In addition to the members of the Senate provided for in Section 3 (1) of Article VII hereof, any person who may have been elected President of the Philippine Islands, upon the expiration of his term, shall become a member of the Senate, with all the rights, privileges and emoluments of the members, for a period of six years immediately succeeding the termination of his incumbency as President.

(5). When the National Legislature should provide for the election of the senator for the twelfth senatorial district, a new apportionment of senatorial districts may be made, and in such case the National Legislature may increase the total number of senators to a number not to exceed twenty-six.

(6). No person shall be a senator who shall not have attained the age of thirty years, and been five years a citizen of the Philippine Islands, and who shall not when elected be a qualified elector and an actual resident of the district for at least one year immediately prior to his election.

(7). The Vice-President of the Philippine Islands shall be the President of the Senate, but shall have no vote except in case of a tie.

Sec. 4 (1). In case of vacancy in the House of Representatives and among the elective members of the Senate, a special election may be called in the corresponding district, in the manner prescribed by law; but a representative or senator thus elected in such special election shall serve only for the unexpired term. The senators appointed by the President shall hold office at the pleasure of the President.

(2). Elections for senators and representatives shall be held on the dates fixed by law. The first election under this Constitution shall be held at the time provided in Public Act No. 127 of the Congress of the United States approved March twenty-four, nineteen hundred and thirty-four.

(3). The National Legislature shall convene at the capital at least once in every year and such meeting shall be on the second Monday of the next month immediately succeeding that on which the election of the members of the National Legislature was held, unless they shall by law appoint a different day. The Legislature may be called in special session at any time by the President of the Philippine Islands for general legislation or for action on such specific subjects as he may designate. The Senate may be called in special session to consider appointments or ratification of treaties or such other matters as pertain exclusively to its functions. No special session shall continue longer than thirty days, and no regular session shall continue longer than one hundred days, exclusive of Sundays.

(4). The House of Representatives shall choose their Speaker, a Clerk, a Sergeant-at-Arms, and such other officers as may be required. The Senate shall choose a President Pro-tempore who will act as President of the Senate in

the absence of the Vice-President or when he exercises the office of the President. The Senate shall also choose their Clerk, Sergeant-at-Arms and such other officers as may be required.

(5). A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may authorize to compel the attendance of absent members, in such manner and such penalties as each House may provide.

(6). Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

(7). Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered in the journal.

(8). Neither House, during the sessions of the National Legislature, shall, without the consent of the other, adjourn for more than three days.

(9). The elections, returns and qualifications of the members of either House and all cases controlling the election of any of their members shall be judged by an Electoral Commission, constituted, as to each House, by three members elected by the members of the party having the largest number of votes therein, three elected by the members of the party having the second largest number of votes, and three justices of the Supreme Court designated by the Chief Justice, the Commission to be presided over by one of said justices.

(10). The senators and representatives shall receive for their services an annual compensation of six and five thousand pesos each, respectively, including per diems and other emoluments or allowances and exclusive only of traveling expenses to and from their respective residences when attending sessions of the National Legislature unless otherwise fixed by law: Provided, That no increase in their yearly compensation shall take effect until after the expiration of the term of office of all the members of the Legislature that approved such increase.

(11). The senators and representatives shall in all cases, except treason, open disturbances of public order, or other offenses punishable by death or imprisonment for not less than six years, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same, and for any speech or debate in either House, they shall not be questioned in any other place.

(12). No member of either House may hold any other office or employment in the Government without forfeiting his seat in said House, nor shall any such member, during the time for which he was elected, be appointed to any civil office under the authority of the Government of the Philippine Islands which may have been created, or the emolument thereto shall have been increased during such time.

(13). No member of either House during his term in office shall directly or indirectly be financially interested in any contract with the Government or any subdivision or instrumentality thereof, or in any franchise of special privilege granted by the Legislature, nor shall any such member appear as counsel before any court in any civil case wherein the Government or any subdivision or instrumentality thereof is the adverse party, or collect any fees for his appearance in any administrative proceedings.

Sec. 5 (1). The President shall submit within fifteen days of the opening of each regular session of the National Legislature a budget of receipts and expenditures, which shall be the basis of the general appropriation bill, which must originate in the House of Representatives. The National Legislature may not increase the appropriations recommended by the Chief Executive for the operation of the Government as specified in the budget, except the appropriations for the National Legislature and the Supreme Court and the Court of Appeals.

(2). No provision or enactment shall be embraced in the budget or annual appropriation bill, unless it relates specifically to some particular appropriation in the bill; and any such provision or enactment shall be limited in its operation to such appropriation.

(3). The secretaries of departments upon their own initiative or upon the request of either of the two Houses of the National Legislature may appear before, and be entitled to be heard by, said Houses, on any matter pertaining to their departments, unless the public interest shall require otherwise and the President shall so state in writing.

(4). Every bill or joint resolution which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President. If he approves the same, he shall sign it, but if not, he shall return it, with his objections, to the House in which it shall have originated, which shall enter the objections at large in its Journal and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. In all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against shall be entered in the Journal. If any bill shall not be returned by the President within twenty days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the National Legislature by adjournment prevents its return, in which case it shall become a law unless vetoed by the President within thirty days after adjournment.

(5). The President shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. When a provision of an appropriation bill affects one or more items of the same, the President can not veto the provision without at the same time vetoing the particular item or items to which it relates. The item or items objected to shall not take effect except in the manner heretofore provided in this Constitution as to bills and joint resolutions returned to the Legislature without the approval of the President: Provided, however, That if the veto refers to a bill or any item of an appropriation bill which appropriates a sum in excess of ten per centum of the total amount voted in the appropriation bill for the general expenses of the Government for the preceding year, or if it should refer to a bill authorizing the increase of the public debts, the same shall not become a law unless it is approved by three-fourths of all the members of each House of the National Legislature.

(6). The President shall have the power to veto any separate item or items in any revenue or tariff bill, and the item or items vetoed shall not take effect except in the manner provided as to bills vetoed by the President,

(7). No bill which may be enacted into law shall embrace more than one subject, which subject shall be expressed in the title of the bill.

(8). No bill or joint resolution shall be passed or become a law unless it shall have been printed and copies thereof furnished the members in its final form, at least three calendar legislative days prior to its final passage by each House, except when the President shall have certified to the necessity of its immediate enactment. Upon the last reading of a bill or joint resolution, no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter, and the yeas and nays entered in the Journal.

(9). All money collected on any tax levied or assessed for a special purpose shall be treated as a special fund in the Treasury and paid out for such purpose only.

(10). No money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public moneys shall be published from time to time.

(11). No public money or property shall ever be appropriated, applied, or used directly or indirectly for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or dignitary as such, nor shall a pension or gratuity be paid to elective officers or their heirs.

(12). The rule of taxation shall be uniform.

(13). The National Legislature may delegate to the President, subject to such limitations and restrictions as it may impose, the power to fix, within specified limits, tariff rates, wharfage and tonnage dues.

(14). The National Legislature shall have the sole power to declare war, but any such declaration shall require the concurrence of at least two-thirds of all the members of each House.

(15). In time of war or other national emergency, the National Legislature may authorize the President, for a limited period and subject to such restrictions as it may prescribe, to promulgate rules and regulations to carry out a declared national policy.

(16). The National Legislature shall not, except as general laws, provide for the formation, organization or regulation of private corporations, unless such corporations are owned or controlled by the Government or any instrumentality thereof.

(17). No franchise for the operation of a public utility shall be granted except to citizens of the Philippine Islands, to corporations or their entities organized under the laws of the Philippine Islands, fifty-one per cent of the capital of which is owned and held by citizens of the Philippine Islands, nor shall such franchise be exclusive in character or for a longer period than fifty years.

Article VIII.—IMPEACHMENT

Sec. 1. The President, the Vice-President, the Justices of the Supreme Court and of the Court of Appeals, and the Auditor General shall be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, or other high crimes.

Sec. 2. The House of Representatives, by vote of a majority of its members, shall have the sole power of impeachment.

Sec. 3. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the Philippine Islands is tried, the Chief Justice of the Supreme Court shall preside, and no person shall be convicted without the concurrence of two-thirds of the members present.

Sec. 4. Judgment in cases of impeachment shall not extend farther than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the Government of the Philippine Islands but the party convicted shall nevertheless be subject to prosecution, trial and punishment according to law.

Article IX.—THE EXECUTIVE DEPARTMENT

Sec. 1. The executive power shall be vested in a President of the Philippine Islands.

Sec. 2. The President shall hold his office during a term of six years, and together with the Vice-President, chosen for the same term, be elected by the direct vote of the people of the Philippine Islands. The election returns for President and Vice-President, duly certified and sealed by the board of canvassers of a province, shall be transmitted by them to the Senate. Upon the receipt of such returns, the Presiding officer of the Senate shall forthwith convene that body, which, in public session, shall count the votes. The persons respectively having the

highest number of votes for President and Vice-President shall be declared elected, but in case two or more shall have an equal and the highest number of votes for either office, the two Houses of the National Legislature newly elected, at its first meeting, shall forthwith, in joint session, and by a majority vote, elect one of said persons so having an equal number of votes as President and Vice-President.

Sec. 3. No person except a natural-born citizen of the Philippine Islands shall be eligible to the office of President or Vice-President; neither shall any person be eligible to any of these offices who shall not have attained the age of forty years, and been forty years immediately preceding such election a president of the Philippine Islands.

Sec. 4. No person elected President may be re-elected for the following term, nor shall the Vice-President or any other person who may have succeeded to the office of President as herein provided, one year before the election, be eligible to the Presidency at such election.

Sec. 5. The first election of the President and Vice-President shall be held as provided in Public Act No. 127 of the Congress of the United States, approved on March 24, 1934. Subsequent elections of said officers shall be held once every six years thereafter, on the date to be fixed by the National Legislature.

Sec. 6. The terms of the President and Vice-President shall end at noon on the 26th day of August following the expiration of six years after their election, and the term of their successors shall begin from such time.

Sec. 7. Wherever the election of the President or the Vice-President shall be contested, the contest shall be tried and determined, in accordance with the procedure fixed by law, by an Electoral Commission composed of six members of the House of Representatives and six members of the Senate equally divided between, and chosen, respectively, by the major parties therein, and five members of the Supreme Court, including the Chief Justice who shall preside over said commission. The Chief Justice of the Supreme Court shall designate the four other members who shall sit in the Electoral Commission.

Sec. 8. If, at the time fixed for the beginning of the term of the President, a President shall not have been chosen, or the President-elect shall have died, the two Houses of the National Legislature, in joint session, and by a majority vote, shall elect a President. Pending an election by the National Legislature, the Vice-President shall act as President. If the President-elect shall have failed to qualify at the time fixed for the beginning of his term, then the Vice-President shall act as President until the President shall have qualified. In case neither has qualified at the beginning of their term, the National Legislature shall by law provide who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until the President-elect or Vice-President-elect shall have qualified.

Sec. 9. Before he enters on the execution of his office the President shall take the following oath or affirmation :

"I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as President of the Philippine Islands, preserve and defend its Constitution, execute its laws, do justice to every man, and consecrate myself to the service of the nation. So help me God." (In case of affirmation, the last sentence will be omitted.)

Sec. 10. In the event of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the National Legislature shall by law provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected.

Sec. 11. The President shall receive a compensation to be ascertained by law which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any

other emolument from the Government or any of its instrumentalities. Until the National Legislature shall provide otherwise, the President shall receive an annual salary of thirty thousand pesos. The Vice-President, when not acting as President, shall receive the same annual salary as may be fixed by law for heads of executive departments.

Sec. 12 (1). The President shall have control of all the executive departments, bureaus or offices, shall exercise general supervision over all local governments as may be provided by law, and shall take care that the laws be faithfully executed.

(2). The President shall be Commander-in-Chief of all armed forces of the Philippine Islands and wherever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection or rebellion. In case of rebellion or invasion or imminent danger thereof, when the public safety requires it, he may suspend the privilege of the writ of habeas corpus, or place the Philippine Islands or any part thereof under martial law.

(3). The President shall nominate and with the advice and consent of the Senate shall appoint the heads of the executive departments and bureaus, officers of the army from the rank of colonel, of the navy and air forces from the rank of captain or commander, and all other officers of the Government whose appointments are not herein otherwise provided for, and which may be established by law; but the National Legislature may by law vest the appointment of the inferior officers in the President alone, in the courts, or in the heads of the departments or other executive departments.

(4). The President shall have the power to make appointments during the recess of the Senate, but such appointments unless confirmed by the Senate, shall become ineffective at the end of its next session or upon disapproval by that body.

(5). The President shall communicate by message to the National Legislature at every session the state of the nation, and recommend for its consideration such measures as he shall judge necessary and expedient.

(6). The President may, when the public interest so requires, convene both Houses, or either of them, in special session, for a fixed period, to consider matters of general legislation, or for action on such specific subjects as he may designate.

(7). The President shall submit within fifteen days of the opening of each session of the National Legislature a budget of receipts and expenditures, which shall be the basis of the annual appropriation bill.

(8). The President shall have the power to grant reprieves, commutations and pardons, and remit fines and forfeitures, after conviction, for all offenses except in cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper to impose.

(9). The President shall have the power, with the concurrence of the majority of the National Legislature, to make treaties, and with the advice and consent of the Senate, he shall appoint ambassadors, other public ministers and consuls.

Sec. 13 (1). The executive departments of the present Philippine Government shall continue as now authorized by law until the National Legislature shall provide otherwise.

(2) The heads of departments and chiefs of bureaus or offices and their assistants shall not, during their continuance in office, engage in the practice of any profession, nor shall they intervene, directly, or indirectly, in the management or control of any private business enterprise which in any way may be affected by the functions of their office.

(3) The President may appoint the Vice-President as a member of his cabinet and he may also appoint him as head of an executive department; in either case, while serving under either or both of such appointments, the Vice-President shall not preside over the Senate.

Article X. — JUDICIAL DEPARTMENT

Sec. 1. The judicial power shall be vested in one Supreme Court, two Courts of Appeals, and in such inferior courts as now exist or may from time to time be established by law. When the public interest requires it, upon the recommendation of the Supreme Court, the the National Legislature may divide the Philippine Islands into three appellate districts and establish one court of appeals for each circuit.

Sec. 2. The Supreme Court shall have such original jurisdiction as may be possessed and exercised by the present Supreme Court of the Philippine Islands at the time of the adoption of this Constitution, which jurisdiction shall include all cases affecting ambassadors, other foreign ministers and consuls. The Supreme Court shall also have jurisdiction to review, revise, reserve, modify, or affirm on appeal, certiorari, or writ of error, as the law may provide, final judgments and decrees of the Courts of First Instance or other courts immediately inferior to the Courts of Appeals, which may hereafter be established by the National Legislature. This appellate jurisdiction shall include:

- (a) All cases in which the constitutionality or validity of any treaty, law, ordinance, executive order or regulation, is in issue;
- (b) All cases involving the legality of any tax, impost, assessment or toll, or any penalty imposed in relation thereto;
- (c) All cases in which the jurisdiction of a court is in question;
- (d) All criminal cases wherein the penalty imposed is death, or life imprisonment; and,
- (e) All civil cases in which the amount in controversy, to be ascertained by the oath of either party, exceeds fifty thousand pesos, or the subject in litigation is not capable of pecuniary estimation.

Sec. 3. The Courts of Appeals shall have original jurisdiction to issue writs of mandamus, prohibition, injunction and certiorari, in aid of its appellate jurisdiction; and shall have such appellate jurisdiction as may be possessed and exercised by the present Supreme Court of the Philippine Islands at the time of the adoption of this Constitution, except such as herein reserved to the Supreme Court.

Sec. 4. The judgments and decrees of the Courts of Appeals may be revised, reviewed, modified, or affirmed by the Supreme Court as to questions of law at the instance of one of the parties in the case. Judgments and decrees of the Courts of First Instance in the exercise of their appellate jurisdiction shall be final as questions of fact, but such judgments and decrees may be revised, reviewed, modified or affirmed by the Supreme Court directly as to questions of law at the instance of one of the parties in the case.

Sec. 5. The National Legislature shall have the power to define and prescribe the jurisdiction of the various courts, but may not diminish the jurisdiction of the Supreme Court or of the Courts of Appeals: Provided, That the National Legislature may, from time to time, in the interest of justice, transfer to the Sunreme Court such portions of the jurisdiction of the Court of Appeals as may be considered advisable.

Sec. 6. The Supreme Court shall be comnosed of a Chief Justice and six Associate Justices. The presence of five justices is necessary to constitute a quorum. At least four justices must concur in any decision, except when the constitutionality of a law or executive order is in issue, in which case the concurrence of at least five justices is needed to declare said law or order unconstitutional. Whenever for any cause the requisite number of justices

cannot agree upon a decision, the Supreme Court shall designate such number of justices of a Court of Appeals as it may deem proper for the purpose, to sit temporarily with the Supreme Court as members thereof, until such decision is rendered.

Sec. 7. Each Court of Appeals shall be composed of the Presiding Justice and four Associate Justices. The presence of four justices is necessary to constitute a quorum, and at least three justices must concur in any decision. Whenever for any cause the requisite number of justices cannot agree upon a decision, the Court of Appeals shall designate such number of judges, not exceeding three, of the courts immediately inferior to the Court of Appeals, to sit temporarily in said court as members thereof, until such decision is rendered.

Sec. 8. The Chief Justice and the Associate Justices of the Supreme Court shall be appointed by the President, with the advice and consent of the Senate.

Sec. 9. The members of the Courts of Appeals shall be appointed by the President, with the consent of the Senate, from a list of at least three qualified persons for each place to be filled to be submitted by the Supreme Court.

Sec. 10. Judges of inferior courts shall be appointed in the same manner as members of the Court of Appeals: Provided, That judges of courts inferior to the Courts of First Instance shall be appointed by the President from a list submitted by the Judges of the Courts of First Instance approved by the Supreme Court.

Sec. 11. No judge who has been appointed for a particular district shall be transferred to another district without his consent: Provided, That when the public interest requires it, upon the recommendation of the Supreme Court, the President may order such transfer, subject to the confirmation of the Senate.

Sec. 12. All judges of inferior courts shall reside within their respective districts.

Sec. 13. No person may be appointed member of the Supreme Court or of the Courts of Appeals who is not a natural-born citizen of the Philippine Islands, forty years of age, and has not been a judge of a court of record for five years or engaged in the practice of law for ten years. The qualifications of judges of inferior courts shall be prescribed by law.

Sec. 14. The members of the Supreme Court, the Courts of Appeals, and all judges of inferior courts shall hold their offices during good behavior, until they reach the age of seventy years, and they shall receive a compensation to be fixed by the National Legislature, which shall not be diminished during their continuance in office. Until the National Legislature shall provide otherwise, the Chief Justice of the Supreme Court shall receive sixteen thousand pesos; the Associate Justices, fifteen thousand pesos each; the Presiding Judges of the Courts of Appeals, thirteen thousand pesos each; the Associate Justices, twelve thousand pesos; and the judges of inferior courts, the salary now fixed by law.

Sec. 15. There shall be a judicial council to be composed of the Chief Justice of the Supreme Court, as chairman, the head of the Department of Justice, one Justice of the Courts of Appeals, designated by the Chief Justice, and one representative of each of the bar associations of nation-wide organization.

It shall be the duty of the judicial council to recommend to the Supreme Court from time to time rules and regulations for the proper administration of justice.

Sec. 16. The Supreme Court shall have the power to make rules relating to pleading, practice and the orderly conduct of business of all courts, which rules shall be uniform for all the courts of the same grade, and for the admission of lawyers to the practice of law in the Philippine Islands. The existing laws on pleading and practice are hereby repealed as statutes and are constituted and declared, together with the existing rules of courts, to be operative as the rules of courts and of pleadings and practices at the time this Constitution takes effect, subject to

the power of the Supreme Court to alter or modify the same. The provisions of this section shall not be construed to deprive the Legislature of its power to repeal, alter, or supplement any rule of pleading, practice or procedure adopted as herein provided.

Sec. 17. No decision or judgment shall be rendered by any court of record in any case, whether civil or criminal, without expressing therein clearly and distinctly the facts and the law on which it is based.

Article XI. — AUDITOR GENERAL

Sec. 1. There is hereby established an independent auditor general who shall hold office for a term of ten years. He shall not be re-appointed in the same office. The Auditor General shall be appointed by the President with the advice and consent of the Senate.

Sec. 2. The general powers of the Auditor General shall be to examine, audit and settle all accounts pertaining to the revenues and receipts from whatever source, and all expenditures of funds or property pertaining to or held in trust by the Government of the Philippine Islands, or any of its branches, to devise methods of accounting, to keep the general accounts thereof, to examine and inspect the books, records and papers relating to such accounts, and to settle all debts and claims due from or owing to the Philippine Government or any of its branches. He may also perform such other functions as may be prescribed by law.

Sec. 3. The Auditor General shall submit to the President and the National Legislature, after the close of each fiscal year, an annual report covering the financial operations and condition of the Government, and such other reports as may be required of him.

Sec. 4. The decisions of the Auditor General shall be rendered within the time fixed by law and said decisions may be appealed to the President whose decision will be final. When the aggrieved party is a private person or entity, an appeal from the decision of the Auditor General may be taken directly to a court of record or the Supreme Court.

Article XII. — CIVIL SERVICE

Sec. 1. A civil service embracing all the branches and sub-divisions of the Government shall be provided by law and appointments and promotions in the civil service, except those which are policy-determining or primarily personal and confidential in nature, shall be made only according to merit and fitness to be determined, as far as practicable, by competitive examination.

Sec. 2. Public officers and employees in the Civil Service shall not engage directly or indirectly in political activities or take part in any election except to vote; they are servants of the people and not the agents of any political group.

Sec. 3. Pensions and gratuities of public officers and employees shall be regulated by law, and the right acquired by public officers and employees at the time of the adoption of this Constitution or those which may hereafter be legally acquired by them shall be respected.

No public officer shall be removed, suspended or transferred except for cause as provided by law.

Article XIII. — GENERAL PROVISIONS

Sec. 1. The defense of the State is the prime duty of the Government, and in the fulfillment of this duty all citizens may be required by law to render personal, military or civil service.

Sec. 2. A national language being necessary to strengthen the solidarity of the nation, the National Legislature shall take steps toward the development and adoption of a language common to all the people on the basis of the

existing native languages.

Sec. 3. The rearing of the youth in physical, mental, moral, and social efficiency is the highest duty and natural right of the parents, the accomplishment of which shall receive the aid and support of the State.

Sec. 4. All educational institutions shall be under the supervision and subject to the laws of the State. The Government shall provide at least free public elementary instruction, and citizenship training for the able-bodied adult members of the State. All schools shall aim at inculcating moral character, personal discipline, civic conscience, and vocational efficiency. The duties of citizenship shall be taught in schools. Optional religious instruction in the public schools as now authorized by law shall be maintained.

Sec. 5. Until the inhabitants of the Special Provinces shall have attained the full exercise of political rights, their welfare shall be trusted to be administered by the State to the best advantage.

Sec. 6. Marriage, as the foundation of the family which is essential to the preservation and growth of the nation, rests upon civil rights of both sexes, and no law impairing this equality is valid.

Sec. 7. The State, in the interest of social justice, shall afford the necessary protection to labor, especially to women and minors, and shall regulate the relations between labor and capital, and landlord and tenant, both in agriculture and industry.

Sec. 8. It shall be the duty of the State, through the organization of a national research council, or in other ways, to promote by legislation scientific research and invention. Arts and letters shall also be under the patronage of the State. The exclusive right to writings and discoveries shall be secured to authors and inventors for a limited period.

Sec. 9. It shall be the duty of the State to safeguard the social progress of its inhabitants, and to plan the national economy with the aid of a national economic council to establish and operate such industries and means of transportation and communication as may be considered important to national welfare and defense and, when necessary, upon payment of just compensation, may transfer to public ownership private enterprises suitable for nationalization.

Sec. 10. Railroads, telegraphs and other means of communication shall be subject to control and regulation of the State.

Sec. 11. Public contracts shall be awarded to the lowest bidder.

Sec. 12. The settlement by nationals of sparsely populated regions shall be promoted through small land-holdings.

Sec. 13. All agricultural, timber and mineral lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, game, fish or other aquatic products, and other natural resources of the Philippine Islands, including the air and all forces of potential energy, belong to the Nation, and their disposition, exploitation, development, or utilization shall be limited to persons owing permanent allegiance to the sovereign authority of these Islands, or to corporations, or associations, seventy-five per cent of the capital of which is owned by such persons, subject to any right, grant, lease or concession, or lease for the exploitation, development, or utilization of any of the natural resources, the same not exceeding a period of fifty (50) years, except in case of water rights for irrigation, or water supply, or fisheries, or industrial uses other than the development of water power, for which beneficial use shall be the measure and the limit of the grant.

Sec. 14. No corporation or association may acquire, lease, or hold public agricultural lands in excess of 500 hectares, nor may any individual acquire such lands by purchase in excess of 50 hectares or by lease in excess of 500 hectares or by homestead in excess of 20 hectares, which homestead shall be exempt from levy and

execution: Provided, however, That lands adapted for grazing and actually used for that purpose may be leased to any individual, corporation or association not in excess of 2000 hectares.

Sec. 15. The National Legislature may determine by law the size of private agricultural land which any individual, corporation, or association may hereafter acquire and hold; and it may expropriate large landed estates to be thereafter subdivided into small lots and conveyed at cost to individuals: Provided, however, That when a landowner shall fail to cultivate said land for an unreasonable length of time, the National Legislature may authorize the expropriation of all or a portion thereof, to be disposed of as herein provided. Likewise, the National Legislature may authorize the expropriation by a municipality or province of lands to be subdivided in small lots and sold at cost to tenants thereof, with power to reserve such portions as may be necessary for public needs.

Sec. 16. Save in cases of hereditary succession, no land of private ownership shall be transferred or assigned by the owner thereof except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain of the Philippine Islands.

Sec. 17. This Constitution shall be officially promulgated in English and Spanish,

Article XIV.—AMENDMENTS

Sec. 1. The National Legislature, by a vote of three-fourths of both Houses, may propose amendments to this Constitution. Such amendments shall be valid as part of this Constitution when ratified by the people by a majority of the votes cast at an election held for the purpose.

Article XV.—SUPPLEMENTARY LEGISLATION

Sec. 1. The National Legislature shall enact the necessary legislation to carry out the provisions of this Constitution.

Article XVI—TRANSITORY PROVISIONS

(The Committee on Transitory Provisions has been authorized by the Convention to submit its report after all the provisions of the Constitution are approved by the Sponsorship Committee.)

Article XVI.—SPECIAL PROVISIONS EFFECTIVE UPON THE PROCLAMATION OF THE INDEPENDENCE OF THE PHILIPPINE ISLANDS

Sec. 1. Upon the proclamation of the President of the United States recognizing the independence of the Philippine Islands:

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

(2). The officials elected and serving under the Constitution shall be constitutional officers of the free and independent Government of the Philippine Islands and qualified to function in all respects as if elected under such Government, and shall serve their full terms of office as prescribed in this Constitution.

(3). The debts and liabilities of the Philippine Islands, its provinces, cities, municipalities, and instrumentalities, which shall be valid and subsisting at the time of the final and complete withdrawal of the sovereignty of the United States, shall be assumed by the free and independent Government of the Philippine Islands; and where bonds have been issued under authority of an Act of the Congress of the United States by the Philippine Islands, in any province, city, or municipality therein, the Philippine Government will make adequate provision for the necessary funds for the payment of interest and principal, and such obligations shall be a first lien on the taxes

collected in the Philippine Islands.

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

(5). The Government of the Philippine Islands will embody the foregoing provisions in a treaty with the United States.

ORDINANCE APPENDED TO THE CONSTITUTION

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

- All citizens of the Philippine Islands shall owe allegiance to the United States.
- Every officer of the Government of the Commonwealth of the Philippine Islands shall, before entering upon the discharge of his duties, take and subscribe an oath of office, declaring, among other things, that he recognizes and accepts the supreme authority of, and will maintain true faith and allegiance to, the United States.
- Absolute toleration of religious sentiment shall be secured and no inhabitant or religious organization shall be molested in person or property on account of religious belief or mode of worship.
- Property owned by the United States, cemeteries, churches, and parsonages of convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.
- Trade relations between the Philippine Islands and the United States shall be upon the basis prescribed in Section 6 of Public Act No. 127 of the Congress of the United States approved March 24, 1934.
- The public debt of the Philippine Islands and its subordinate branches shall not exceed the limit now or hereafter fixed by the Congress of the United States, and no loan shall be contracted in foreign countries without the approval of the President of the United States.
- The debts, liabilities, and obligations of the present Philippine Government, its provinces, municipalities, and instrumentalities, valid and subsisting at the time of adoption of the Constitution, shall be assumed and paid by the new government.
- The Government of the Commonwealth of the Philippine Islands shall establish and maintain an adequate system of public schools primarily conducted in the English language.
- Acts affecting currency, coinage, imports, exports and immigration shall not become law until approved by the President of the United States.
- Foreign affairs shall be under the direct supervision and control of the United States.
- All Acts passed by the Legislature of the Commonwealth of the Philippine Islands shall be reported to the Congress of the United States.
- The Philippine Islands recognizes the right of the United States to appropriate property for public use, to maintain military and other reservations and armed forces in the Philippines, and, upon order of the President, to call into service of such armed forces all military forces recognized by the Philippine Government.
- The decisions of the Courts of the Commonwealth of the Philippine Islands shall be subject to review by the Supreme Court of the United States as now provided by law, and such review shall also extend to all cases

involving the Constitution of the Commonwealth of the Philippine Islands.

- Appeals from decisions of the Auditor General may be taken to the President of the United States.
- The United States may, by Presidential proclamation, exercise the right to intervene for the preservation of the Government of the Commonwealth of the Philippines as provided in the Constitution thereof, and for the protection of life, property and individual liberty and for the discharge of government obligations under and in accordance with the provisions of the Constitution.
- The authority of the United States High Commissioner in the Government of the Philippine Islands, as prescribed in the Public Act No. 127 of the Congress of the United States approved March 24, 1934, is hereby recognized.
- Citizens and corporations of the United States shall enjoy in the Commonwealth of the Philippines all the civil rights of the citizens and corporations, respectively, thereof.
- Every duly adopted amendment to the Constitution of the Philippines shall be submitted to the President of the United States for approval. If the President approves the amendment, or if the President fails to disapprove such amendment within six months from the time of its submission, the amendment shall take effect as a part of such Constitution.
- The President of the United States shall have authority to suspend the taking effect or the operation of any law, contract, executive order of the Government of the Commonwealth of the Philippine Islands which in his judgment will result in failure of the Government of the Commonwealth of the Philippine Islands to fulfill its contracts or to meet bonded indebtedness and interest thereon or to provide for its sinking funds, or which seems likely to impair the reserves for the protection of the currency of the Philippine Islands, or which in his judgment will violate international obligations of the United States.
- The President of the Commonwealth of the Philippine Islands shall make an annual report to the President and the Congress of the United States of the proceedings and operations of the Government of the Commonwealth of the Philippine Islands and shall make such other reports as the President or Congress may require.

Sec. 2. Pending the final and complete withdrawal of the sovereignty of the United States over the Philippine Islands, there shall be a Resident Commissioner of the Philippine Islands to the United States who shall be appointed by the President of the Commonwealth of the Philippine Islands with the advice and consent of the Senate. The powers and duties of the Resident Commissioner shall be as provided for in Section 7, paragraph 5, of Public Act No. 127 of the Congress of the United States, approved March 24, 1934, together with such other duties as the National Legislature may determine. The compensation, expenses and qualifications of the Resident Commissioner shall be fixed by law.

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