COMMITTEE REPORT NO. 40

VOL. XI, September 27, 1934

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CONVENCION CONSTITUCIONAL
Manila

INFORME DE Comité No. 40
Sometido por el Comité de Ponencias el 27 de
Septiembre de 1934

Caballeros de la Convencion:

El Comité de Ponencias ha de informar, por partea, a la Convencion, aquellos preceptos constitucionales qué vayan siendo aprobados por dicho Comité, y habiendo sido aprobado, en la sesión qué ayer celebro el Comité de Ponencias, el Proyecto de Preambulo adjunto, tengo el honor de enviarlo y someterlo a la Convencion, para su final resolucio con la recomendacion de qué sea aprobado, si lo cree conveniente.

El adjunto Proyecto de Preambulo se ha preparado y aprobado por el Comité de Ponencias, con especial consideración al informe y Proyecto de Preambulo, aprobado por el Comité sobre Preambulo.

Respetuosamente sometido,

(Fdo.) FILEMON SOTTO
Presidente del Comité
de Ponencias

A la Convencion Constitucional
Por condueto del Presidente de la misma
Manila

CONSTITUTIONAL CONVENTION

Manila

P R E A M B L E

AS APPROVED BY THE COMMITTEE ON
SPONSORSHIP

We, the people of the Philippines, invoking the guidance of Divine Providence, in order to maintain the unity of our nation, establish justice, insure peace, provide for the national defense, promote progress and the general welfare, and secure to ourselves and our posterity the blessings of liberty and democracy, do ordain and promulgate this Constitution for the Philippines.

CONVENCION CONSTITUCIONAL

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Manila

INFORME DE Comité No. 1

Presentado por el Comité sobre Trabajo
y Bienestar Social el 27 de
Septiembre de 1934

Sr. Presidente:

Vuestro Comité sobre Trabajo y Bienestar Social tiene el honor de informal a la Convencion Constituyente qué, después de un detenido estudio de los preceptos constitucionales referidos al mismo, asi como de las proposiciones formuladas en el mismo Comité, de algunas Constitucionea modernas y legislaciones de otros paises sobre la materia; y teniendo en cuenta la situacion, las necesidades de momento y los resultados ulteriores de la cuestión social de nuestro pafs, ha acordado someter a la consideración y discusion del Comité de Ponencias las adjuntas disposiciones sobre trabajo y bienestar social para ser insertadas en la proyectada Constitution del nuevo gobierno de Filipinas.

Respetuosamente sometido,

(Fdo.) JOSE MA. DELGADO
PresidenteComité sobre Trabajo y BienestarSocial

Al Hon. Presidente
Convencion Constitutional
Manila

CONVENCION CONSTITUCIONAL
Manila

Comité SOBRE TRABAJO Y BIENESTAR SOCIAL

ARTICULO 1. El trabajo en todas sus formas gozara de la especial protection del Estádo.

ARTICULO 2. El Estádo garantizara a todos los obreros la libertad de asociacion para fines de desenvolver sus condiciones sociaies y economicas y para otros fines no contraries a la ley.

ARTICULO 3. El Estádo prohibira todo trabajo Inmoral y degradante o qué envuelva amenaza grave a la salud de los obreros.

ARTICULO 4. El Estádo, por medio de leyes fundadas en los principios de la justicia social, podri regular:

- Los contratos de trabajo, la jornada maxima, y el salario minimo razonable para una existencia digna.

- El trabajo del menor y de la mujer, y la debida proteccion a la maternidad.

- La adecuada proteccion de los obreros mediante el seguro contra las enfermedades, accidentes del trabajo, paro forzoso, invalidez y muerte.

- El sistema de bonos a log empleados y trabajadores en establecimientos industriales, comercialea y agricolas.

- La inmigracion y emigracion de obreros.

- Las huelgas, lockouts y cualquier conflicto entre el capital y el trabajo mediante arbitraje obligatorio.

- La nationalization del trabajo.

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- La relacion entre terratenientes y duenos de terrenos,

- La accesion de los obreros a la propiedad de terrenes del Estádo, conocidos por homesteads.

ARTICULO 5. La familia, siendo la unidad organica de la nation, esta bajo la salvaguardia del Estádo.

Los padres estan obligados a albnentar, asistir, instruir y educar a sus hijos. El Estádo protegera a los jovenes contra la explotation y opresion, como también contra el abandono espiritual, moral y material, y velara por el saludable desarrollo de los niños.

CONSTITUTIONAL CONVENTION
Manila

COMMITTEE REPORT No. 42

Mr. President:

Your Committee, composed of Delegates Jose M. Aruego, Mariano Espeleta, Jose R. Romero, E. R. Sandoval, Saturnine Benito, Salvador Araneta, Antonio Guzman, Manuel Lim, Leon Cabarroguis, Mariano Melendres, Alejandro Galang, Jesus Paredes, Antonio Mansueto, Atilano Cinco, Jose de Guzman, Demetrio Quirino, Vicente Lopez, Fermin G. Caram, and Gabriel Prieto, has the honor to recommend the inclusion in the Constitution of the herein proposed constitutional provision.

Your Committee proceeded to its work, giving the term "franchises" its primary and secondary meanings. By the term primary franchise or corporate franchises is meant "the right or privilege given by the State to two or more persons of being a corporation, that is, of doing business in a corporate capacity." (Hose Ins., C., etc., v. N.Y. 134 U.S. 549). By the term secondary franchises is meant "special privileges conferred by the government upon individuals which do not belong to the citizens of the country, generally, of common right." (Banks of Augusto v. Earle, 13 Peters, 519).

In making the following recommendations, the Committee bore in mind the fact that the Constitution should limit itself only to fundamentals, avoiding as much as possible too many details, in order to give the Constitution elasticity and flexibility which all constitutions intended to be permanent should have. It has always been guided by the consideration that the Constitution should include only matters which we believe to be fixed and good for all time, while other matters should be left to the domain of national legislation.

Respectfully submitted,

(Sgd.) JOSE M. ARUEGO
Chairman
Committee on Franchises

The Honorable,
The President of the
Constitutional Convention
Manila

FRANCHISES

- The Legislature shall have the power, by general laws and not otherwise, to provide for the formation, organization, and regulation of corporations and to prescribe their powers, rights, duties, and liabilities and also

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the powers, rights, duties, and liabilities of their stockholders or members.

- No franchises of public utility shall be granted except to citizens of the Philippine Islands or of the United States or to corporations, companies, or other entities at least fifty-one per cent of the capital of which is owned by citizens of the Philippine Islands or of the United States or both.

- The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of any person and subjecting them to public use the same as the property of individuals, and the exercise of the police power of the State shall never be so abridged or construed as to permit persons to conduct their business in such manner as to infringe the rights of individuals or the general well-being of the State.

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