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APERTURA DE LA SESIÓN

Se abre la sesion a las 4:30 p.m., bajo la presidencia del Honorable Claro M. Recto.

EL PRESIDENTE: Léase la lista de los Delegados.

SR. CUENCO: Sr. Presidente, pido que se dispense la lectura de la lista.

EL PRESIDENTE: Hay alguna objeción? (Silencio.) Se dispensa la lectura de la lista. Hay quorum. Lease el acta.

APROBACIÓN DEL ACTA

EL SECRETARIO lee el acta de la sesion anterior, del 28 de agosto de 1934, la cual es aprobada.

EL PRESIDENTE: Leanse las Proposiciones para la Constitucion que estan sobre la Mesa.

EL SECRETARIO, leyendo:

PROPOSICIONES DE CONSTITUCION

REPORT OF THE COMMITTEE ON CITIZENSHIP AND NATURALIZATION

To the President, Constitutional Convention

Mr. President:

Your Committee on Citizenship and Naturalization, composed of Delegates Fermin G. Caram, Toribio Perez, Francisco Ventura, Mariano Ezpeleta, Anastacio Mumar, Jose Zurbito, Braulio Leonardo, Tiburcio Lutero, Ricardo Nepomuceno, Dionisio Niere, Montano Ortiz, Artemio Abaya, Juan C. Castillejos, Enrique Maglanoc and the undersigned, has the honor to report that it has examined and considered a great number of propositions relative to the subject-matter entrusted to this Committee, particularly those submitted by Delegates Fermin G. Caram, Anastacio Mumar, Francisco Ventura, Wenceslao Vinzons, Juan Bocar, Salvador Araneta, and Gregorio Perfecto.

In the careful study made by it, your Committee has considered the present law of the land, the acts of the Congress of the United States, the provisions of our Civil Code, the Constitution Program of the Philippine Republic written by Apolinario Mabini on June 6, 1898, the Malolos Constitution adopted in January, 1899, the National Constitution of the Philippine Islands drafted by Cayetano Arellano and other Filipinos and submitted to the Commission of which Jacob Gould Schurman was the Chairman, the provisions of the political constitution of the United States of Mexico adopted in 1917, the Constitution of the German Republic adopted at Weiner on August 11, 1919, the Constitution of the Republic of Czechoslovakia, of February 29, 1920; the Constitution of the Republic of Poland of 1921, and the new Constitution of the Spanish Republic, adopted as late as 1931. It has

also considered the Japanese and English legislation and the very precise provisions of the French Civil Code.

Your Committee has come to the conclusion that the subject matter assigned to it is of such a nature that it can and must be given a separate chapter in the Constitution on the supposition that the Constitutional Convention, in drafting and formulating that document will adopt the plan generally in vogue of dividing the Constitution into various chapter, each comprising its most important divisions, under such titles as Preamble, Declaration of Principles, Definition of National Territory, Citizenship and Naturalization, Bill of Rights, Declaration of Fundamental Duties, the Legislative Power, the Executive Power, the Judicial Power, Amendments to the Constitution, Transitory provisions, etc., etc., and subdividing each chapter into as many titles as may be necessary, considering the logical and natural subdivisions of each subject-matter, the provisions of each chapter, regardless of the number of titles into which it is subdivided, to be contained in sections numbered consecutively, each chapter beginning with section one. If this plan of division and subdivision, based on the character of each subject-matter, is followed, it will be easy to concentrate and localize the discussion of the Constitu-tion when the complete draft, composed of the drafts submitted by the several Committees, is submitted to the Convention for its consideration. Then, if the Con-vention should resolve to amend the provisions in any given chapter and the amendments introduced should in-crease or decrease the number of sections, or change their order, there would be no necessity of changing the numbering of the sections of the other chapters.

In its definition of Philippine citizenship, the Committee has adopted the general rule that all persons born under the Philippine fine, whether in the national territory or on a ship of Philippine registry which is considered as an extension of our territory, shall be considered as Philippine citizens. Although the Committee has not seen in any constitution any provision regarding the nationality of children born in submarines or aircraft, it has seen fit to provide for this case and define the status of persons born on a submarine, dirigible or airplane flying the Philippine flag.

The children of a Filipino father or mother, wherever born, follow the nationality of their parents; but in order that they may transmit that nationality to their children, they must have registered in a Philippine consular register or have resided in the Philippines for two consecutive years. The vessel of citizenship is emptied but once. To empty it again, it is necessary to refill it.

In establishing the incompatibility of Philippine citizenship with any other, unlike certain other countries, such as Spain, which permit dual citizenship, your Committee clearly lays down a nationalistic policy by proposing that citizenship shall be a requirement not only for the exercise of the essentially political rights but for the practice of the professions and occupations requiring an official diploma or license. There are countries where an alien not only is disqualified from engaging in the practice of any of the liberal professions but cannot even exercise the profession of chauffeur. Persons who practice professions that require an official examination and license exercise a tremendous influence in the community where they are established. Some of them can influence public opinion in their respective communities with greater efficacy than any public official. It would be useless to reserve the exercise of the political rights to nationals if greater or smaller bodies of voters, unable to escape the influence of some alien professionals serving them and interested in influencing the public affairs of our country, were to go to the polls and vote as instructed by that alien.

As regards the naturalization of aliens, your Committee makes no distinction of color or race, as it believes that human dignity does not depend on physical accidents nor on the biological effects of the climate or meridian, but on personality. Hence, in specifying the reasons for exclusion, it has considered only the moral conditions of the candidate for Philippine citizenship. Your Committee has established and enumerated as causes disqualifying an alien for naturalization those which essentially prevent an alien from becoming a sin-cere, healthy and useful Philippine citizen. We must form and maintain a nation fundamentally strong, physically as well as spiritually.

Accretions to the nation coming from the outside must be in accordance with that policy. We can not tolerate the influx of unsound elements which would aggravate the social, political and economic problems by which our nation is faced, nor can we consent to the naturalization of aliens not ready to become Filipinos in their heart.

The right of expatriation has been sanctioned by the laws of the United States as one of the most fundamental rights because it is essential to the pursuit of happiness. Your Committee believes that this right should be sanctioned in our Constitution. If any Philippine citizen should consider that his conscience and his happiness require that he repudiate Philippine citizenship, he should be free to do so. History is full of instances of governments which have made their countries a hell to live in and citizenship under them a disgrace. So long as the leaders and heads of our people act with justice and follow the path of truth and patriotism, no Filipino will care to expatriate himself because continuing to be Fili-pino he will be able to hold his head high and live in happiness.

Your Committee has seen fit to divide the chapter on citizenship and naturalization into three titles, under the headings, respectively, of Philippine Citizens, Naturalization, and Expatriation and Repatriation.

In conformity with the ideas above expressed, your Committee has adopted the draft submitted by its Chairman, with certain amendments adopted unanimously, and adopted and incorporated into the Constitution of the Commonwealth of the Philippine Islands as one of the chapters thereof.

(Sgd.) GREGORIO PERFECTO

Chairman

Committee on Citizenship and Naturalization

"TITLE I

"PHILIPPINE CITIZENS

"SECTION 1. The following are Philippine citizens:

"(a) All persons born in Philippine territory.

" (b) All persons born in a water or air craft under the Philippine flag or register.

"(c) All children of a Philippine father or mother, wherever born. Philippine citizenship shall not extend to children of a Philippine mother or mother not born under the Philippine flag or not having resided in the Philippine Islands for two consecutive years or not registered in a Philippine consular register.

"(d) All aliens who have been legally naturalized.

"SECTION 2. Philippine citizenship, an essential condition for the exercise of political rights and the practice of professions requiring an official license, is exclusive and incompatible with any other, and a citizen or subject of a foreign nation or power cannot be a Philippine citizen at the same time.

"SECTION 3. A married woman follows the nationality of her husband.

"TITLE II

"NATURALIZATION

"SECTION 4. A certificate of naturalization may be applied for and acquired, in the manner to be provided for by law, by any person who, not being a Philippine citizen, is of age and has not any of the following disqualifications :

"(a) Suffering from mental alienation, imbecility, contagious disease or habitual drunkenness.

"(b) Has been convicted of a crime involving moral turpitude.

"(c) Practices or believes in the practice of polygamy or polyandry; is a vagrant or engaged in any essentially

immoral occupation.

"(d) Opposed to organized government or affiliated with any association upholding doctrines or ideas opposing organized government.

"(e) Defends or teaches the necessity or propriety of assassination, personal assault or violence for the success and predominance of his ideas or plans.

"(f) Has not conducted himself irreproachably in his relations with the constituted government and with the community in which he is living, during the entire time of his residence in the Philippine Islands.

"(g) Illiterate.

"(h) Unable to speak and write a vernacular language.

"(i) A citizen, national or subject of a nation or sovereignty whose naturalization laws bar Filipinos for racial considerations or because of their national origin.

"SECTION 5. In case the petitioner is a foreign citizen or subject he shall declare in writing and under oath his intention of renouncing absolutely and perpetually all faith and allegiance to the state, nation, power, sovereign or authority of which he is a native, citizen or subject and to swear faith and unconditional allegiance to the Philippines and its constitution.

"SECTION 6. Before a certificate of naturalization can issue, the petitioner shall have resided in the Philippine Islands for a continuous period of not less than five years, except in the following cases in which said period shall be reduced to two years:

"(a) When the petitioner has honorably held office under the Government of the Philippine Islands or any of its branches or dependencies.

"(b) When the petitioner is married to a Filipina.

"(c) When he has established a new industry or introduced a useful invention in the Philippines.

"(d) When he has rendered some outstanding service to the people or government of the Philippines.

"(e) When he has been engaged for two consecutive years as teacher in the Philippines or in any of the branches of science, art or industry.

"SECTION 7. Children who are minors at the time a naturalization certificate is granted to their parents follow the nationality acquired by the latter.

"TITLE III

"EXPATRIATION AND REPATRIATION

"SECTION 8. Philippine citizenship can be renounced.

"SECTION 9. The right of expatriation of a Philippine citizen includes, besides the authority and freedom to emigrate, that of acquiring naturalization or domicile in his adopted country.

"SECTION 10. A Philippine citizen is expatriated if he becomes naturalized in a foreign country under the laws thereof or if he swears faith and allegiance to a foreign government or state, or if he accepts office with authority and jurisdiction under a foreign government.

"SECTION 11. A Philippine woman marrying an alien acquires, the nationality of such alien unless she states in the marriage contract that she prefers to retain her Philippine citizenship, in which case she shall retain all the rights and privileges of Philippine nationality. .

"SECTION 12. No Philippine citizen shall expatriate himself when the country is at war. The State reserves to itself the right to expatriate by such procedure as may be established by law, any naturalized alien who shows

greater loyalty and fidelity to his country of origin than to the country of adoption. This prerogative of the State is imprescriptible.

"SECTION 13. Filipinos who have lost their Philippine citizenship shall have the right of repatriation and may recover their Philippine nationality upon petition under oath filed in a competent court in this country.

"SECTION 14. A sworn statement, which shall be rendered in the civil register, shall be sufficient in order that a Philippine woman married to a foreigner may, upon dissolution of the marriage, recover the Philippine citizenship lost by her through such marriage."

EL PRESIDENTE: Al Comité de Ponencia.

Esta en orden ahora la continuación de la consideración del proyecto de resolución No. 60 de la Convención. Leanse los nombres de los que han registrado turnos en favor y en contra de dicha resolución.

EL SECRETARIO, los lee.

SR. ENCARNACION: Sr. Presidente, si todavía hay lugar, yo deseo registrar un turno en contra.

MR. CINCO: Mr. President, I would like to register a turn against the resolution.

MR. ABORDO: Mr. President, I would like to speak in favor of the resolution.

SR. RIBO: Sr. Presidente, para un turno en contra.

SR. ORTIZ: Para un turno en pro.

SR. ARELLANO: Sr. Presidente, si se me permite, voy a pedir que se me registre otro turno en favor.

SR. LOCSIN: Para otro turno en favor.

SR. PAREDES: Para un turno en contra.

SR. PERFECTO: Sr. Presidente, propongo que se adopte un orden alternativo en la cuestión de los turnos.

SR. GUEVARA: Sr. Presidente, yo propongo que los propugnadores de la resolución, así como los opositores, tengan sus respectivos "managers" o líderes para la disposición de los oradores, así la Mesa se ahorraría el tiempo de tener que registrar los turnos en pro y en contra. Que se encargue cada líder de designar a los que van a hablar.

EL PRESIDENTE: Primeramente se necesita presentar una moción limitando el tiempo, porque si no vamos a limitar el tiempo del debate no se pueden designar líderes o "managers."

SR. GUEVARA: Entonces, retire mi moción por ahora, hasta después del discurso del Caballero por Capiz.

MR. ABAYA: Mr. President, it is very evident that all the Members of this Convention are now well in-formed of the resolution. In order not to waste time, we should now vote on the resolution.

EL PRESIDENTE: Cuando termine de hacer uso de la palabra el Caballero por Capiz, la Mesa propondrá la moción del Caballero por Laguna.

MR. ROXAS: Mr. President.

SR. GUZMAN (ANTONIO): Sr. Presidente, parece que se han registrado muchos turnos, pero podrán reducirse los turnos a un número determinado, para que no se pierda mucho tiempo.

EL PRESIDENTE: Mas tarde se tratará sobre esa cuestión.

MR. ROXAS: Mr. President.

EL PRESIDENTE: Caballero de Capiz.

DISCURSO DEL SR. ROXAS

MR. ROXAS: Mr. President and Gentlemen of the Convention: The newspapers this morning, describing the debate that took place yesterday on the pending resolution, noted the very unhappy sailing of all Members of this Chamber who tried to brave the rather rough seas of this Convention. I am not a good sailor, Mr. President, so I wish to request the Members of the Convention to permit me to unload safely in port first the meagre cargo I carry, so that I may be fortunate enough to have a happier sailing on a smooth sea. As I rise to speak on the pending resolution, I am not moved by the mere joy of combat, as the Romans used to express in that beautiful phrase that has come down to us: *Gladii cortamenos*. Neither am I moved by the warlike spirit immortalized by the poet when he said:

"The storm joy that warriors feel
Of foemen worthy of their steel."

If I have decided to take up the time of this Convention, it is due to a deep conviction that in the discussion of this resolution we must necessarily touch upon the very fundamentals of the task in which we are engaged. We have to solve this question now or later on. We have to determine what kind of a constitution we shall adopt. We must come to a definite conclusion whether we shall limit the task of this Constitutional Convention to the approval of a constitution for the Commonwealth and destroy its life after that, or, like other constitutions that have been passed and approved, adopt one that will be permanent in character based on the will and purpose of the Filipino people.

To arrive at a correct conclusion on this subject, we cannot avoid an examination of the powers of this Constitutional Convention. If you will bear with me, I shall briefly state my views on the authority of this Body. What is a constitutional convention? Does it have, as has been stated on this floor, sovereign powers? Is it a creature of Congress? Is it a creature of the people? Is it like the legislature that may exercise delegated powers from a sovereign? What is a constitutional convention? After we have determined what it is and decided the limits of our powers, we can better determine whether we can adopt a constitution for the Commonwealth only or for the Republic of the Philippine Islands also, as has been proposed.

I wish to say at the outset that I am not in general agreement with the purpose of the pending resolution, for it should suffer a few appropriate amendments. Only after these amendments are approved can I give my vote to this resolution.

A constitutional convention is the child of America and American political philosophy. A constitutional convention is a product of the American philosophy of constitutional law. It was unknown, at least to my knowledge, before the American colonies formulated and drafted the Constitution that was later submitted to their people for approval. According to the authors, it arises from the very essence of popular government as conceived by the American people.

Under the American philosophy of constitutional liberty, sovereignty and governmental powers reside in the people. As the people, because of their number and circumstances, are unable to meet in a general town meeting in one place to deliberate over their constitution, they have thought on the expedience of constitutional convention, the members of which will represent them in the formulation of the constitution. A constitutional convention, therefore, is a representative body. But it is not sovereign. Nothing that it can do can have effect *ex proprio vigore*. It must be sanctioned by the people before it can have effectiveness. A very famous author has concluded that a constitutional convention is nothing more or less than a special committee chosen by the people

who are about to draft or formulate the instrument upon which their approval will be sought.

Having established the nature of a constitutional convention, the second inquiry is: What are its powers? I do not want to burden the Members of this convention with a citation of the many authorities on this subject. The books are full of them. The authorities say that a constitutional convention, being a special committee charged with the duty of formulating and drafting a constitution, must act within the limits of its powers. It cannot transcend its mandate. It is not sovereign and nothing that a constitutional convention does in violation of its mandate can have any effect. In our present case, if this constitutional convention commits acts that are ultra vires—beyond its powers—the President of the United States may disapprove the constitution that will be presented to him for approval.

Now, what are the limitations of our powers? They are precisely the limitations of the powers of our principals, the people of the Philippine Islands. We can formulate a constitution that the people have a power under the law to adopt. We cannot draft or formulate a constitution that is violative of the restrictions and limitations imposed by the Independence Law. Now, what are the powers of the people? Section 1 of the Tydings-McDuffie Act says that our people will adopt a constitution for the Commonwealth of the Philippine Islands. May I remark in passing that this is the first time in the political history of the Philippine Islands that an Act of Congress uses the word "constitution."

What does a constitution mean? I know, Mr. President, that every Member of this Convention has an accurate knowledge of the meaning and import of the word. But the word 'constitution' in the independence Act must be construed and interpreted by us as a constitution is construed and interpreted in the United States. By all rules of statutory construction, the word "constitution" in the Independence Act must be construed and interpreted as that word means and that instrument imports in the United States of America. To the same effect, the phrase "republican form of government" used in the Tydings-McDuffie Act must be interpreted to mean what a republican form of government means in the United States. A bill of rights must be construed to mean what is construed as a bill of rights in the United States.

Now, a constitution in the United States is not absolutely identical with the nature of a constitution in Japan, in France, in Germany, or in other countries of the world. There are several classes or constitutions, but when the Independence Act mentions a "constitution" it means that we are going to draft a "constitution" as that instrument is understood in the United States. This is very important, Mr. President, if we want to arrive at a correct decision over this resolution.

What is the first characteristic of the American Constitution? First, that it derives its authority from the people. Second, that it is permanent, that it is of the essence of the instrument as conceived in the United States of America. I have a quotation from Chief Justice Marshall in the case of *Marbury vs. Madison*, who says: "That the people have an original right to establish, for their future government, such principles, as, in their opinion, shall most conduce to their own happiness is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it, to be frequently repeated. The principles, therefore, so established are deemed fundamental. And as the authority from which they proceed is supreme, and can seldom act, they are designed to be permanent." If the constitution derives its powers from the people, the question may be asked: From whom do we derive this power in the constitutional convention—from the American Congress or from the people? My reply is: From the people.

The American Congress has given us the right to adopt a constitution. But the right to form a constitution presupposes the right to govern—sovereignty, as this has been defined by the ancient and modern writers. We cannot talk of a constitution in accordance with American philosophy of constitutional law without presupposing

behind it sovereignty in the people that approve it. If, because we have the power to adopt a constitution, we must perforce admit that the people are sovereign, why then does the Independence Law impose limitations on our power?

The reply is evident. The American Congress, in the Independence Act, has in effect told the Filipino people: "You have the right to govern yourself. You can adopt and formulate a constitution for your government; but, during the intermediate period and until the complete withdrawal of American sovereignty from your country, your sovereignty will be restricted by the following mandatory provisions." These restrictions are imposed by Congress; but, Mr. President, to prove that a constitution must exclusively be the work of the people, Congress requires that the constitution must contain these mandatory provisions. That is to say, the people of the Philippine Islands by their votes must accept these mandatory provisions, otherwise the whole process provided in the Independence Law would fail and lapse.

We come to the next question, Mr. President: If we are sovereign and we draft a constitution within certain limits, to whom does the residuary of sovereignty belong? That is to say, who has the power that will bear the limitations imposed by Congress? Is it Congress or the Filipino people? In the language of the American courts, who is the residuary legatee of sovereign powers, those that are not mentioned as included in the restrictions imposed by the Independence Act? My reply is, the people of the Philippine Islands. We are completely sovereign; we can adopt any constitution that we want, subject to the limitations imposed by Congress, but those limitations to be operative must be included by us in the constitution that we adopt.

The question has been raised: Are we going to adopt a constitution for the Commonwealth alone or adopt one for both the Commonwealth and the Philippine Republic that is to be born? Or are we going to adopt a constitution for the Philippine Republic and only provide for the constitution of the Commonwealth by transitory provisions in that constitution? I suggest, Mr. President, that we can adopt theoretically three methods. I emphasize the word "theoretically," because, as I will attempt to show later, what we could do theoretically could not be done in practice.

We could attempt one of three methods: First, we could adopt a constitution for the Commonwealth of the Philippine Islands, and insert therein the mandatory provisions of the Independence Law as they appear in Article 2, Section (a) and Section (b). Under this method, the people of the Philippine Islands would be required—for they are going to fill the necessity before the expiration of the transition period—to call another constitutional convention in order to provide for appropriate amendments to the constitution that will take care of our government after the mandatory provisions have ceased to become operative.

The second method is, as at first I thought was suggested by the Resolution, we could adopt a constitution for the Philippine Islands, saying that this constitution would be in force during the Commonwealth and continue in force after the Republic has been organized. The third method is to adopt a constitution for the Commonwealth of the Philippine Islands and attach to it an ordinance stating that "upon recognition of the Philippine independence and the final and complete withdrawal of American sovereignty over the Philippine Islands, the Philippine Commonwealth shall become the Republic of the Philippine Islands and the constitution of the Philippine Commonwealth shall become the constitution of the Republic of the Philippine Islands." In addition to that, we state the following: "Notwithstanding the provisions of the foregoing constitution, the following mandatory provisions shall be in force during the existence of the Commonwealth until the final and complete withdrawal of American sovereignty." I am of the opinion, Mr. President, that while these three methods can be undertaken theoretically we can only adopt the last method for all practical purposes.

What are the objections to a constitution for the Commonwealth of the Philippine Islands without the inclusion of

mandatory provisions? The objections are obvious. If we adopt a constitution for the Commonwealth of the Philippine Islands and insert therein the mandatory provisions of Section 2 (a) and (b), what will happen? Section 2 (a) provides that religious freedom will be guaranteed, but that provision will only operate until after the final and complete withdrawal of American sovereignty. What will happen if our constitution will be silent on religious freedom? Section 2(b) clearly states that these provisions shall be inserted in the constitution of the Commonwealth but will not become operative until after independence. How can we, Mr. President, adopt a constitution that will operate only during the Commonwealth and at the same time insert in that constitution provisions which will not become operative until after the Republic is born? It cannot be done.

This constitution that we are going to adopt, according to Section 2, must contain several provisions that will not become operative during the Commonwealth but only after independence. Therefore, the constitution we must adopt, because of that provision, must contemplate that it shall be in force upon the advent of the Republic, otherwise paragraph (b), Section 2, cannot have any appropriate place in that constitution.

I shall now talk about the second method. Can we approve a constitution that will be operative for both the Commonwealth and the Republic? I have serious doubts, Mr. President, whether in accordance with the principles I have already stated regarding the limited powers of the Convention, we can adopt any other than the constitution for the Commonwealth of the Philippine Islands. Section 1 is very clear. This Constitutional Convention has been convened to adopt and formulate a constitution for the Government of the Commonwealth. I want to call your attention to the fact that the word "Commonwealth" is capitalized. The word is not used in its generic sense; but used as a substantive noun as a part of the name given to the political entity that will be created as a result of the Constitution.

Commonwealth of the Philippine Islands, that is our name. We have no power to change it. Our people with all the power of sovereignty granted by the Congress of the United States cannot eliminate that name. Our powers are limited to the adoption and formulation of the constitution, for whom and for what? For the government of the Commonwealth of the Philippine Islands. I do not believe, Mr. President, that we would be acting in accordance with our power if we adopted a constitution for the Republic of the Philippine Islands without including the word "Commonwealth". Why? This has its reason. Congress, in approving the Independence Act, stated clearly its intention of giving liberty and independence to the Filipino people; but irrespective of the opinion we may entertain about the matter, Congress in its wisdom believes that a sudden disruption of political and economic relations with the United States would work hardship on the Filipino people. Therefore, Congress provided for an intermediate period before independence is granted.

But anxious to prove its good faith, anxious to take the first step leading to the final and complete emancipation of the Philippine Islands, Congress has provided for the establishment of a Philippine Commonwealth." Commonwealth," I repeat, is not used in this instance in its generic acceptance but as a part of the proper name given to the body politic to be established under the constitution which this Convention must adopt.

What does Commonwealth mean? It is within the knowledge of this Convention. But may I be excused for digressing a little on this point? I have noticed, Mr. President, that in all the translations of the Independence Law, the word "Mancomunidad" has been used as the equivalent of "Commonwealth." I trust that the Members of this Convention will find it opportune and wise to study carefully whether the word "Mancomunidad" in Spanish signifies and is the equivalent of the word "Commonwealth", I confess that I do not know. I know too little of the language, which is so well known by the Members of this Convention, to try to speak on the subject.

I believe that the word "Commonwealth" is the best word that can characterize a free state. It is a society of individuals who become the owner of a given patrimony. It denotes sovereignty; it denotes power of government

in the hands of the people. In fact, all the books I have read on this subject, and they are not few, have always made "Commonwealth" the equivalent of Republic. Commonwealth is the root of the word, and when the government of Australia was organized, a famous statesman of that free country, Mr. Edmund Burton, remarked: "The free and sovereign states that form the English Commonwealth of nations have adopted the title of Commonwealth because to them Commonwealth is the grandest and most stately name by which a great association of self-governing people can be characterized."

I have followed somewhat the history of the autonomous communities of Spain that have called themselves "Mancomunidades." I have not been able to find the origin of that word except what appears in the law books, which indicates property in common. I have no doubt, however, that this autonomous Commonwealth of Spain is not a part with the British Commonwealth or the Commonwealth of the Philippine Islands when constituted as regards the foundation of their free institutions. These mancomunidades in Spain, as far as I can gather, obtained their charters from the Spanish Cortes. They are self-governing communities whose powers are derived from a superior authority different from the people. Under our Commonwealth, there will be no power that will be supreme or equally supreme as the people themselves subject, during the ten-year period, to the limitations prescribed in the law. I repeat that I believe it would be a fruitful study for some industrious Members of this Convention to provide us with a new word in Spanish that would signify exactly the equivalent of "Commonwealth." If that is not possible; then we, in the official translation or in the official original in Spanish of the constitution, abstain from translating the name of our body politic and it be called in Spanish, in English, in Tagalog, in Visayan, the "Commonwealth of the Philippine Islands."

Before I leave the second method, I wish to add it is not the preamble of paragraph (b), Section 2, that is a bar to the adoption of a constitution for the Philippine Republic, but Section 10 of the Act which says that the government to be recognized is not the Philippine Republic; the government that will receive the sovereignty, jurisdiction, possession and supervision which America will return to the Philippine Islands upon the expiration of the transition period is the Government of the Commonwealth of the Philippine Islands organized under the constitution that will be approved now, and no other. Therefore, if we adopt a constitution for the Republic of the Philippine Islands, we will have to face two great obstacles: first, the provision of Section 1 and second, the provision of Sections 10, directing the President of the United States to withdraw sovereignty in favor of the government that we will organize in accordance with the constitution for the Commonwealth that we will adopt.

The third method, to my mind and according to the newspapers, as stated here by my able colleague from Capiz yesterday, is that we have no choice in this matter. We must adopt a constitution for the government of the Commonwealth of the Philippine Islands, but of course provide for the end of the transition period. How can that be done? We could adopt an ordinance as suggested by Section 2, as I stated before, containing among others, these two sections: first, notwithstanding the provisions of the constitution that will be complete in itself, the following provisions of Section 2 of the Act of Congress granting independence to the Philippines will be enforced during the transition period; second, upon recognition of Philippine independence and the final withdrawal of American sovereignty from the Philippine Islands, the Philippine Commonwealth shall automatically become the Republic of the Philippine Islands. I am going to point out to you a very significant provision under Section 2, paragraph b, No. 2. I think this paragraph contains the key to the difficulties we are now encountering. It says that this constitution for the Commonwealth must contain a provision that will become effective after independence as follows: "That the officials elected and serving under the constitution adopted pursuant to the provisions of this Act shall be constitutional officers of the free and independent government of the Philippine Islands and qualified to function in all respects as if elected directly under such Government, and shall serve their full terms of office as prescribed in the constitution."

May I take a little time to elaborate on this? I will attempt to give you the exact situation at the expiration of the ten-year period. I understand that a great majority or at least very many of the Members of this Convention have made up their minds to provide a four-year period for the Chief Executive of the Commonwealth, or the Governor-General as he may be called. That means that at the expiration of the eight year, we will have an election for the President of the Commonwealth. When the tenth year comes, this President who may be elected on the eighth year will only have served two years of his term. Number 2 of paragraph (b), Section 2, says that in case this President and the Legislature that was elected with him will not cease, their term of office will not terminate upon the tenth year. They will continue serving their full terms under our law. It states very clearly, in accordance with our Constitution; that is to say, in accordance with the constitution that we shall approve.

To me, Mr. President, this is a decisive authority, that the constitution we will adopt now shall be the Constitution of the Commonwealth and its life will not terminate and cannot terminate under the provisions of the law upon the advent of independence; rather, the constitution for the Commonwealth that we are to adopt now will have an indefinite life and be permanent, subject to revisions, amendments and other changes that may be adopted constitutionally. In other words, changes which may be adopted in accordance with the provisions of the constitution itself. For these reasons, Mr. President, I submit that it is not possible for us, even if we want to, to adopt a constitution for the Government of the Commonwealth alone and decreeing its death "a priori" upon the advent of independence.

Second, we cannot adopt a constitution for the Republic of the Philippines Islands in this instance because our authority extends only to the adoption of the constitution for the Commonwealth of the Philippine Islands. But we can harmonize all our problems and difficulties. We can, within the strict limitations, provide with adequate safeguards the rights of the people if we adopt a constitution for the Commonwealth of the Philippine Islands, complete in itself, and attach to it an ordinance including the mandatory provisions and providing for the change of the name of the body politic upon the advent of independence.

One reason, Mr. President, is that for expediency we should adopt this course even if we have another course. This is the first time in the history of the world that an Oriental people has assumed the prerogative of adopting a constitution, an instrument as it is understood in the United States, and such instrument it will be after the document that we draft here will have been approved by the people. Examine the histories of the countries of the Orient; examine, Mr. President, the history also of countries that heretofore have been called the tropics, and you will find just a few instances, if any, of a people who, like ours, will have this opportunity.

Siam has a constitution but it does not contain the delegation of powers from the people to the government that they created. The constitution of Siam was snatched from the King of Siam to limit the powers not sanctified by the guaranty of the rights of the people. The same may be said of the constitution of Japan. I do not care to speak here on the constitution of China which is well known to everyone. Certainly, the latter does not possess the basic features of the political instrument that we are about to adopt.

Occidentals who are carrying commerce with us, men of other countries who live with us, are asking with questioning eyes: What of the future? They want to find out what will happen here that would help them to determine whether to continue business here or not. What kind of government shall be established after independence? Shall private property be protected, as it will be protected, under this constitution? Shall religious liberty be safeguarded? Shall the freedom of commerce and the right of profession not be violated? Will there be no confiscation of property or shall there be the safeguards of due process of law and upholding the prohibition that no man shall be deprived of his property without due compensation when taken for public use? But if we adopt a constitution for the Commonwealth alone those questions will not be answered. If we adopt a Constitution for the Commonwealth whose life will be prolonged indefinitely, a constitution that would be permanent, that

instrument will give a reply to these questions. That constitution will tell foreigners who want to associate with us that they should not be afraid. All guarantees will be maintained, property rights will be safeguarded, and individual rights kept immaculate and sanctified, free from the abuses not only by the Government but by the people creating the Government. I repeat, Mr. President, with appropriate amendments, I shall vote for the resolution. Now, I am willing to answer questions.

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

EL PRESIDENTE: ¿Desea contestarlas el orador?

SR. ROXAS: Con mucho gusto.

SR. KAPUNAN: Han sido muy interesantes para mi las consideraciones del Caballero por Capiz (Sr. Roxas). Desearia, sin embargo, que nos aclarase estos dos puntos nada mas. ¿Es necesario para un pueblo que quiera redactar su constitucion el estar dotado de una soberania ilimitada para que pueda redactar a sus anchas la Constitucion que mas le convenga?

SR. ROXAS: No, seÃ„,or.

SR. KAPUNAN: ¿Y que es lo que hace falta?

SR. ROXAS: Un nueblo. para que pueda redactar su constitucion bajo la filosofia constitucional americana, tiene que ser un pueblo soberano. Los clasicos, los academicos sostienen el principio de que la soberania es indivisible; en los tiempos de Ciceron decian que no podia existir un "imperium in imperio;" una soberania no puede coexistir dentro de otra soberania en un pais. Expresaron la teoria de la soberania en esta forma: "summa in cives est subditas legibusque soluta potestas." Dicen los clasicos que la soberania solamente existe cuando es suprema; indivisible y absoluta; una soberania sobre ciudadanos y sobre nacionales no restringida por la ley.

SR. KAPUNAN: Entiendo que Su SeÃ„,oria quiere decir que la soberania es indivisible.

SR. ROXAS: Un momento. Ésa era la teoria de los clásicos. La teoria moderna admite la divisibilidad de la soberania; por ejemplo, Cuba redactó su constitución a pesar de la enmienda Platt. Los Estados americanos redactaron su Constitucion a pesar de que su soberania estaba limitada por las disposiciones de la Constitucion federal. Es decir, los publicistas y legalistas de hoy mantienen que la soberania popular no necesita ser absoluta, que con frecuencia una entidad politica o un estado puede existir aunque su soberania este limitada. Puede haber diversas razones respecto al sujeto o la materia sobre la parte en que se ejerce la soberania, pero respecto a esa materia es absoluta la soberania, y asi debe ser; mas para que un estado pueda ser soberano, no necesita serlo absolutamente.

SR. KAPUNAN: ¿Quiere decir Su SeÃ„,oria, que esa soberania limitada no es mas que la manifestacion de una autonomia que la soberania verdadera le otorga?

SR. ROXAS: Hay una diferencia grande, como entre el cielo y la tierra y entre la soberania y la autonomia.

SR. KAPUNAN: Lo que pasa en los Estados de la Union.

SR. ROXAS: Son soberanos.

SR. KAPUNAN: Pero el uso de esa soberania esta limitada por la soberania de la Union misma, de tal manera que tal como estan las cosas en America, esa soberania de los Estados no es mas que la expresion de la autonomia, o sea, que en los Estados modernos no es tal soberania, sino autonomia, unica delegacion del poder de la soberania a ese pueblo.

SR. ROXAS: Dije que hay una diferencia como entre el cielo y la tierra, entre la soberania y la autonomia. Somos una autonomia hoy, bajo la Ley Jones, es decir, ejercemos el privilegio de gobernarnos a nosotros mismos, bajo ciertas limitaciones, pero no somos soberanos precisamente porque las facultades de gobierno que ejercemos hoy no son nuestras, las ejercemos porque nos permite el Gobierno americano ejercerlas. El Gobierno americano puede retirarlas de nosotros en cualquier momento; pero cuando redactemos la Constitucion, las facultades que nosotros ejerzamos, ningun Gobierno americano las podra quitar.

SR. KAPUNAN: A eso voy yo. Al hablar Su Señoría del "residuary power," a ¿que pueblo decia Su Señoría que lo tenia?

SR. ROXAS: Al pueblo de las Islas Filipinas.

SR. KAPUNAN: Si, pero el Gobierno americano nos impone disposiciones que solamente afectan a sus intereses. ¿No podremos decir que el "residuary power" reside en el pueblo americano, exactamente como acaba Su Señoría de decir, porque puede retirarnos estas concesiones que nos ha hecho?

SR. ROXAS: Sr. Presidente siento no haberme podido hacer comprender por el Caballero por Leyte. Lo que dije era lo siguiente: Al concedersenos el derecho de hacer una Constitucion. esa facultad entraña el principio de soberanía en nuestro pueblo, porque el pueblo americano no concibe una Constitucion que no dimanen de los poderes del pueblo que la formula. Dijo Story que es imposible determinar los confines de la soberania. No ha nacido hasta ahora el estadista que haya podido definir hasta donde se extiende la soberania. Por tanto, cuando el pueblo formula una Constitucion, delega ciertos poderes a los funcionarios que elige; pero son aquellos poderes que quedan, en sus manos, en estado latente. En el lenguaje del juez Story: "Which are boundless in scope and incapable of definition;" a esos poderes latentes son los que yo habia referido como "residuary sovereignty."

SR. KAPUNAN: Esos poderes latentes, ¿no se encuentran en el pueblo filipino?

SR. ROXAS: No. Todos los poderes en Filipinas cuando formulemos la Constitucion estaran claramente definidos en las disposiciones mandatorias que no tienen fuerza por si mismas sino porque van a estar en nuestra Constitucion. Por tanto, esas disposiciones, por lo menos asi es el aspecto legal del asunto, las incluimos en la Constitucion, y esas disposiciones mandatorias tendran fuerza de ley constitucional porque las hemos puesto alli, y si no estuviésemos dispuestos a ponerlas alli, debieramos haber rechazado la Ley Tydings-McDuffie.

SR. PALMA: Para algunas preguntas al orador.

EL PRESIDENTE: El orador puede contestar, si lo desea.

SR. ROXAS: Si, señoría.

SR. PALMA: Quiero saber un poco mas acerca de las manifestaciones del orador de que la Constitucion, para el "Commonwealth" debe ser completa. ¿Cual es el sentido de la idea envuelta en la palabra "completa?" ¿Quiere decir el orador, por ejemplo, que aquellas limitaciones contenidas en las disposiciones mandatorias se pueden desatender? Quiero explicar mas claramente mi idea. ¿Se puede legislar dentro de la Constitucion sobre tarifas, inmigracion o moneda? ¿Es esa la idea que el Caballero por Capiz quiere dar a la palabra "completa?"

SR. ROXAS: Si, señoría, Quiero decir que la Constitucion na que yo me he referido es la Constitucion completa que podemos redactar prescindiendo absolutamente de las disposiciones mandatorias; pero las disposiciones mandatorias constituiran un "omnibus proviso", es decir: "notwithstanding the provisions of the foregoing Constitution during the Commonwealth period, the following provisions shall be in force," es decir, no obstante las disposiciones de la Constitucion durante el periodo del Commonwealth.

SR. PALMA: ¿No obstante la disposicion sobre ciertas materias

SR. ROXAS: Si, señor. No obstante las disposiciones de la Constitución durante el periodo del "Commonwealth," regiran las disposiciones mandatorias; quiero decir, despues de expirado el plazo intermedio y reconocida nuestra independencia, desapareceran las disposiciones mandatorias en nuestra Constitución, sin necesidad de enmendarse ni cambiarse.

MR. MONCADO: Mr. President, will the Gentleman yield?

MR. GRAFILO: Mr. President, will the Gentleman yield?

THE PRESIDENT: The Gentleman may yield if he so desires.

MR. ROXAS: Mr. President, I want to yield to my able friend the Gentleman from Cebu for only one question.

MR. MONCADO: The Gentleman stated a while ago, that the resolution just presented falls under the provisions you stated in the Tydings-McDuffie Law. Is it not premature to discuss the resolution now?

MR. ROXAS: I do not believe it is premature. As I said at the very beginning of my address, we have to arrive at a definite decision on this matter sooner or later. It is the first thing we have to decide. What is the scope of the constitution that we will adopt? Of course, if by "premature" the Gentleman means we can postpone the discussion of this question for a week or for five days, I will have no quarrel with him; but if he means that we should not discuss this question in this Convention but ten years from now, then I am not willing to agree.

MR. MONCADO: Is it not true that the provisions of the resolution fall under Section 10 of the Tydings-McDuffie Law which says: ". . . on behalf of the United States, shall recognize the independence of the Philippine Islands as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, under the constitution then in force."?

Furthermore, the Gentleman stated a while ago that when a president or a governor-general is elected to office, say for four or eight years, the succeeding president or governor-general's term of office shall not expire. What then is the use of presenting this resolution knowing that the provisions of the Tydings-McDuffie Law are specific on the point?

MR. ROXAS: Then the Delegate from Cebu agrees with my view about what we should do?

MR. CINCO: Mr. President, will the Gentleman yield?

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

MR. ROXAS: With pleasure.

MR. CINCO: Do I take Your Honor to be in favor of the approval of the resolution?

MR. ROXAS: With appropriate amendments.

MR. CINCO: Categorically, does the Gentleman mean to say that this Convention should express in some way or another whether we should draft or adopt a constitution for the two periods—the transition period and the independent existence of the Government of the Philippines ?

MR. ROXAS: Mr. President, my idea of this resolution is simply to have a notice given to all committees of the Convention to the effect that this is the kind of constitution that we are planning to adopt. This resolution will have no effect outside this Convention. This will be only a notification to all the members of the different committees that this is the kind of constitution that we are going to adopt. Beyond that, it has no effect.

MR. CINCO: I would like to manifest that I concur with the Gentleman's point of view.

MR. ROXAS: Thank you.

MR. CINCO: However, I do not see any reason for approving such a resolution and expressing our view as to whether we should adopt a constitution only to embrace the transition period or the two periods. Does not Your Honor think that by approving such a resolution and expressing our view therein, this Convention will be put in an embarrassing or ridiculous position?

MR. ROXAS: Why?

MR. CINCO: The Congress of the United States might think that we do not know what we are doing here, that our Legislature accepted the Tydings-McDuffie Law without knowing what constitution is to be adopted by the Convention, and whether it will draft or adopt a constitution for the transition period only or for the Philippine Commonwealth or for the two periods.

MR. ROXAS: I have a clear idea of what the gentleman means to say, but I disagree with his fears that the Congress of the United States might misconstrue our action if we should approve this resolution. I believe the contrary: that Congress will recognize that we have interpreted clearly its intentions.

MR. CINCO: But Your Honor has stated that the essence of every constitution is that it must be permanent and unchangeable. Why then should we discuss whether we should draft a constitution that will be for the transition period only or for both the two periods? The Gentleman's stand is rather inconsistent.

MR. ROXAS: The reason is that we do not seem to be in agreement, judging from the speeches that have been delivered here for and against this resolution. There seems to be a division of opinion among the Members of this Convention, and we want to reach an understanding or an agreement on this point.

MR. CINCO: Does not the Gentleman think that the proper way, in order not to place this Convention in a ridiculous situation before the whole world, if I may say that, is to postpone the consideration of this resolution until the drafting committee shall have sponsored or recommended a draft of the Constitution? As I said, I think that was the point of view of the Gentleman from Cebu (Mr. Moncado) when he said that it was rather premature for the discussion of this point because the drafting committee has not submitted a draft of the constitution. When we find that the provisions do not embrace the two periods, then that will be the time to call the attention of the Convention or rather the committee.

MR. ROXAS: I respect the opinion of the Gentleman. I am sorry we cannot reach an agreement on that point.

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

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

MR. ROXAS: With pleasure.

MR. ARUEGO: Does the Gentleman from Capiz believe that under the Independence Law we are given the freedom to choose between framing a constitution only for the Commonwealth period and framing one that is not limited to the Commonwealth period, but to operate indefinitely?

MR. ROXAS: I do not believe we have a choice, as I said before. As a practical proposition, we have only one choice, and that is to adopt a constitution for the Commonwealth whose life will extend to and beyond the period of our Republic.

MR. ARUEGO: Without mentioning the word "Republic," is not the framing of a constitution of such a character that it could operate during the Commonwealth indefinitely tantamount to that of a constitution that will extend to our Republic?

MR. ROXAS: The gentleman is right. Mr. President, of course, I suppose many Filipinos are anxious that the name of our body politic be changed upon the advent of independence, and that is the only reason why I believe that we should mention the Republic in an ordinance to the effect that, after the recognition of our independence, the Philippine Commonwealth shall be known as the Philippine Republic.

MR. ARUEGO: We are deeply concerned here whether in determining the character of the constitution we could draft a constitution not only for the Commonwealth but also for the Republic, without mentioning in the proposed constitution the word "Republic"?

MR. ROXAS: The Gentleman is right.

MR. ARUEGO: Does the Gentleman therefore believe that this Convention can frame a constitution which, because of its character, can operate during the Commonwealth and during the Republic subject to the limitations of the mandatory provisions?

MR. ROXAS: Yes.

MR. ARUEGO: Does the Gentleman therefore believe that this Constitutional Convention is authorized to frame a constitution that will serve for the Commonwealth and also for the Republic, without mentioning the word "Republic"?

MR. ROXAS: Yes.

MR. GRAFILO: Mr. President, will the Gentleman yield?

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

MR. ROXAS: With pleasure.

MR. GRAFILO: I understood from the Gentleman from Capiz that he is in favor of the resolution, with amendments. May I inform him that we have here a ready resolution which reads:

RESOLUTION

EXPRESSING THE SENSE OF THE CONSTITUTIONAL CONVENTION THAT THE CONSTITUTION TO BE DRAFTED SHALL NOT BE LIMITED TO THE PERIOD OF THE COMMONWEALTH GOVERNMENT.

WHEREAS, it is necessary to define the scope of the Constitution to be framed for the guidance of the members of the various committees and of the Constitutional Convention; Now, therefore, be it

RESOLVED, that the Constitutional Convention now assembled draft a Constitution which shall be effective during the Government of the Commonwealth and for an indefinite period thereafter until the Filipino people shall decide otherwise;

RESOLVED FURTHER, That the various committees of the Convention be furnished copies of this resolution for their guidance.

Is this acceptable under the theory proposed by the Gentleman?

MR. ROXAS: I would propose a few changes, but even as it is, I could vote for that amendment although I think we could make it more definite if we say something about an ordinance. It should be better to have a close understanding, but I could give my vote to the resolution in that form.

MR. GRAFILO: Another question. According to the third plan that you have submitted, the mandatory provisions

shall form a part of the ordinance to the constitution.

MR. ROXAS: The mandatory provisions not included in Section (a).

MR. GRAFILO: Yes, sir.

MR. ROXAS: The mandatory provisions of Section (b) must go along with the body of the constitution itself.

MR. GRAFILO: Getting back to the mandatory provisions of Section 2(a), I think there is subsection (3) which states that "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." Now, taking this as part of the mandatory provisions of Section 2(a), and in order that these provisions shall be incorporated in the constitution that we shall adopt, should we make another provision in the original ...

MR. ROXAS: Yes, sir.

MR. GRAFILO: ...so that when this Appendix is taken out, there is a substitution that remains.

MR. ROXAS: That is why I say it must be complete. It shall contain absolute toleration of religious sentiment, so that when the mandatory provisions disappear with the lapse of time, the constitution shall remain intact.

MR. BOCAR: Mr. President, will the Gentleman yield?

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

MR. ROXAS: Willingly.

MR. BOCAR: Speaking of the amendments, the Gentleman has announced that the resolution, as worded, is not acceptable to him but with certain amendments it would be.

MR. ROXAS: Yes, sir.

MR. BOCAR: Is the Gentleman now disposed to announce to us the amendments which he proposes, so that we may know what amendment he has in mind?

MR. ROXAS: It is an amendment substantially in the form of what Mr. Grafilo has presented. When that is discussed I shall present an amendment to the amend-ment of only three or four words, which I believe may improve it.

MR. BOCAR: Personally, I think it is clear in the law the constitution we shall draft must be for the Commonwealth and the Republic. And with the Gentleman's elucidation of the point, it seems to me that it has become clearer. Does not the Gentleman believe that without the necessity of approving this resolution, the provision of the law is clear enough to guide the committee in this respect?

MR. ROXAS: That is what I believe, but that does not seem to be the opinion of the Members of the Convention.

MR. BOCAR: I have registered a turn against the resolution, not that I think the constitution will be only for the Commonwealth, but because the law is clear. I think that even without the necessity of the resolution, the law is clear enough to guide the committee.

MR. ROXAS: If that is the case, the Gentleman agrees with me that we have no choice about the matter. That is what we have to do, and also I believe that is the best thing for us to do.

MR. BOCAR: Then what is the need for approving the resolution?

MR. ROXAS: My answer is that our opinion is not shared by many of the members of this Convention.

MR. BOCAR: I think those who are opposed to the resolution are not against it because they are against the drafting of a constitution for the Commonwealth, but because they think that at present it is not necessary.

MR. ROXAS: That is not my understanding.

MR. CONOL: Mr. President, will the Gentleman yield?

MR. ROXAS: Mr. President, I am afraid I must not yield further, unless the Chair wants me to continue.

THE PRESIDENT: The Gentleman may yield if he so desires.

MR. ROXAS: Willingly.

MR. CONOL: Does the Gentleman make us understand that in his interpretation of the Tydings-McDuffie Law there will be no more convention to be called to draft another constitution? That this will be more or less the first and the last Convention to draft the constitution for the Commonwealth and for the Philippine Republic?

MR. ROXAS: That is a matter which does not require any difference of opinion. This constitution that we shall adopt will provide the manner in which it may be amended. You can amend an instrument by striking everything after the enacting clause and change it and that would be a new constitution. Or you can change it by changing only a word or two. Therefore, it will depend upon what the people want.

MR. CONOL: Will there be a need for another convention?

MR. ROXAS: There may be.

MR. CONOL: Who will be the delegates that will be elected by the people to draft the constitution?

MR. ROXAS: There will be no more need unless we amend this constitution afterwards.

MR. PEREZ (J.): Mr. President, will the Gentleman yield?

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

MR. ROXAS: Willingly.

MR. PEREZ (J.): Is it not a fact that the Tydings-McDuffie Act only grants sovereign powers to the Commonwealth and not sovereignty, for sovereignty will still reside in the United States? Will you please define those terms, "sovereign powers" and "sovereignty"?

MR. ROXAS: I have here in my hand a manuscript on sovereignty and sovereign powers which I would be very glad to hand over to my friend, the Delegate from Negros. It expresses my views. It is a long subject, but I am going to say this in substance: Sovereignty and sovereign powers—sovereign power is just a description of sovereignty. Sovereignty is the totality. Sovereign power is exercised by the entity that has the sovereignty and the sovereign powers may be divided.

But sovereignty, according to the ancients and their academicisms, is indivisible. Sovereign powers may be divided: that is to say, the people may grant or delegate certain sovereign powers to their representatives and retain the rest. What happens with the law is this. Gentleman from Negros: We are given the totality of sovereignty, from my viewpoint.

There are two viewpoints here. My viewpoint is that the United States Congress, by giving us the right to draft a constitution, has given us the totality of sovereign powers or the exercise of these sovereign powers during a certain period that is limited. That is to say, you may exercise all the powers of sovereignty provided, however, that during the period of ten years, you cannot do this and you cannot do that. That is the substance of this legal

enactment. To prove that in the opinion of Congress sovereignty is indivisible, you will find in the Tydings-McDuffie Law in several places the following: "until the final and complete withdrawal of American sovereignty x x x". What does that mean? It means that there has been a partial withdrawal of sovereignty, that the sovereignty is not complete. Complete sovereignty will come after our sovereignty shall have been recognized. "Until the final and complete withdrawal." This partial withdrawal of sovereignty is to enable us to draft this constitution.

There is another theory as to the meaning of sovereignty which I think will satisfy the old members of the Constitutional Convention at Malolos and the Veterans of the Revolution. It is a theory held by the ancients also, that sovereignty cannot be transferred. The people have it as an inalienable right, and sovereignty may be suspended for a while, but when the force that suspends the exercise of sovereignty is removed, sovereignty of its own force reasserts itself. During the Commonwealth, America withdraws a certain portion of that sovereignty and retains some, but at the end of the ten-year period, it finally withdraws its sovereignty.

MR. PEREZ (J.): With respect to the United States, is it not a fact that sovereignty resides in the people of the United States, and that the sovereign powers exercised by each of the different States of the Union are nothing but grants of the Federal Constitution?

MR. ROXAS: I disagree with the Gentleman. I am going to read.

MR. PEREZ (J.): Without grants from the Federal Constitution, the several States of the United States would not be able to exercise the sovereign powers which they now exercise.

MR. ROXAS: I disagree with the Gentleman; I quote as authority, Justice Cooley who, after revising all the decisions on this subject, says in his monumental work:

"The theory in our political system is that the ultimate sovereignty is in the people from whom everything"

MR. PEREZ (J.): Does the Gentleman believe, therefore, that if the reserved rights of the states were not written in the Federal Constitution the several States would still exercise sovereign power?

MR. ROXAS: I cannot answer that, but it is a part of the Federal compact that the States would have residuary sovereignty.

MR. PEREZ (J.): Therefore, the several States of the United States do not have inherent power but only powers granted by the Constitution?

MR. ROXAS: They would have because a Federal Government is a government of delegated power.

I thank every Member of the Convention, Mr. President.

EL PRESIDENTE: La Mesa desea llamar la atención de la Asamblea al hecho de que las interpelaciones consumen mas tiempo que los discursos, y como que se han registrado mas de 20 turnos, por lo visto, tendremos que dar cima a la consideración de este proyecto de resolución antes del lunes, porque en ese día está señalada la del Reglamento de la Convención, y por esta razón, dudo que podamos terminar este asunto que está bajo nuestra consideración hasta la sesión del sábado próximo, por lo cual, la Mesa está dispuesta a considerar una moción en el sentido de que se limite el tiempo para la discusión del presente proyecto de resolución, tiempo que será dividido entre los que quieren hablar en pro y en contra del referido proyecto de resolución.

SR. CUENCO: Sr. Presidente.

EL PRESIDENTE: Sr. Delegado.

SR. CUENCO: Pido que se lea el proyecto de resolucio[n] que acabo de entregar al Secretario.

EL SECRETARIO, leyendo:

PROYECTO DE RESOLUCION DEL DELEGADO CUENCO

Limitando a cuatro horas el tiempo para la discusion de la Resolucio[n] del Delegado Osias.

Se resuelve que la discusion de la Resolucio[n] presen-tada por el Delegado de La Union, Sr. Osias, se limite a cuatro horas, dos para la afirmativa y dos para la negativa, debiendo distribuirse el tiempo por los Delegados Sres. Roxas y Kapunan, respectivamente.

SR. CUENCO: Sr. Presidente, pido que el proyecto de resolucio[n] que acaba de leerse sea considerado inmediatamente.

EL PRESIDENTE: Si no hay ninguna objecio[n], asi se acuerda. (No hubo objecio[n].)

Esta en orden dicho proyecto de resolucio[n].

Esta informada la Asamblea del proyecto de resolucio[n] que esta bajo nuestra consideracio[n]? El Delegado por Cebu propone que se limite a cuatro horas el tiempo que se ha de emplear para la consideracio[n] del referido proyecto de resolucio[n], tiempo que sera dividido entre los que han registrado turnos en pro y en contra del mismo. El tiempo de los que hablaran en pro sera controlado por el Delegado Sr. Roxas, y el tiempo de los que hablaran en contra, por el Delegado Sr. Kapunan.

ENMIENDA GUEVARA.

SR. GUEVARA: Sr. Presidente.

EL PRESIDENTE: Sr. Delegado.

SR. GUEVARA: Propongo la sigmiente enmienda: Que en vez de cuatro horas, sean diez horas, cinco para cada lado.

SR. CUENCO: Acepto la enmienda, Sr. Presidente.

EL PRESIDENTE: ¿Hay alguna objecio[n] a la enmienda? (Silencio.) La Mesa no oye ninguna. Queda aprobada.

MR. SANDOVAL: Mr. President, before we vote on the resolution I request the Chair to ask the Delegate from La Union, Mr. Osias, whether he is willing to accept the amendment which was filed, because if he accepts it, there will be no more discussion.

EL PRESIDENTE: No hemos llegado todavia al tiempo de las enmiendas al proyecto de resolucio[n] pre-sentado por el Delegado Sr. Osias, y a menos que los Delegados que ban pedido turnos renuncien el uso de la palabra, no podemos considerar ninguna enmienda por ahora.

MR. CINCO: Mr. President, I should like to ask the proponent of the resolution and the amendment whether the time limited for each side includes the time spent for interpellations.

THE PRESIDENT: Yes.

SR. BOCAR: Sr. Presidente.

EL PRESIDENTE: Sr. Delegado.

SR. BOCAR: Yo quisiera saber si el tiempo que se menciona en el proyecto de resolucioin incluye también el tiempo que se consumira en el debate sobre las enmiendas que puedan presentarse.

EL PRESIDENTE: El autor de la proposicion puede contestar.

SR. CUENCO: No incluye el debate de las enmiendas.Es solo sobre la discusion del asunto en su fondo.

SR. SAGUIN: Sr. Presidente.

EL PRESIDENTE: Sr. Delegado.

SR. SAGUIN: Propongo una enmienda a esa resolucioin, en el sentido de que las interpelaciones no pasen de cinco minutos.

EL PRESIDENTE: Estan incluidas las interpelaciones, porque es privilegio del orador el contestarlas ojo.

Se va a votar el proyecto de resolucioin. Los que estan conformes con dicho proyecto, tal como ha sido enmendado, que digan Si. (Varios Delegados: Si.) Los que no lo estan, que digan No. (Una minoria: No.) Hay una mayoria a favor del proyecto de resolucioin. Queda aprobado.

SUSPENSION DE LA SESIÓN

EL PRESIDENTE: Si no hay objecioin, la Mesa suspendera la sesioin por algunos minutos. (Silencio.) La Mesa no oye ninguna.

Se suspende la sesioin.

Eran las 6:08 p.m.

REANUDACIÓN DE LA SESIÓN

Se reanuda la sesioin a las 6:17 p.m.

EL PRESIDENTE: Se reanuda la sesioin.

SR. KAPUNAN: Sr. Presidente, el primer orador de entre los que se oponen al proyecto de resolucioin es el Sr. Pablo Lorenzo, a quien se le conceden 15 minutos para hablar.

EL PRESIDENTE: Tiene la palabra el Delegado por Zamboanga.

DISCURSO DEL SR. LORENZO

SR. LORENZO: Sr. Presidente: despues de haber oido el elocuentisimo discurso del Delegado por Capiz, Sr. Roxas, y despues de haber oido también las interpelaciones que se han dirigido al mismo, y despues de oir a los que le han precedido en el uso de la palabra, viene a mi mente una pequeÃ„a aneecdota que en los dias de universidad con los SeÃ„ores Roxas, Eusebio Lopez y De Guzmán aprendi, de boca de ellos mismos, y era el caso de un bagobo de la region del compaÃ„ero Pelayo y el compaÃ„ero Castillo.

EL PRESIDENTE: Algunos Delegados se quejan de que no se le puede oir al Delegado por Zambonaga, y por eso, la Mesa le invita a que pase al centro del salon.

SR. LORENZO: Con mucho gusto. (El Sr. Lorenzo se coloca en el centre del salón.)

Iba diciendo, Caballeros de la Convencion, que en misdias de universidad, ol una aneecdota de labios de los com-paÃ„eros ya mencionados sobre un bagobo que habia sido convertido al Cristianismo. Sus compaÃ„eros

pertenecientes a su propia raza, le habian impuesto la pena de muerte por haber desertado la religion de sus antepasados. Aquel bagobo estaba a punto de morir, pero estaba acompa ado de un sacerdote catolico quien le decia: "Hijo mio, vas a morir, pero pronto iras al cielo. Gozaras alla de la felicidad eterna." Y el bagobo contesto: "Padre,  quiere usted ocupar mi puesto?"  sta es precisamente la tesitura en que uno se coloca cuando se dirige a este Cuerpo, porque despues de los discursos que pronunciamos viene una balumba de ruegos parlamentarios cuyas contestaciones resultan mas largas que el discurso mismo.

Caballeros de esta Convenci n: Me opongo a esta resoluci n porque creo que la Ley Tydings-McDuffie, no nos autoriza a redactar una Constitution que sirva no solamente para la Mancomunidad o el "Commonwealth" sino tambi n para la Rep blica. Tengo para m  que bajo la ley actual, solamente podemos aprobar una Constitution que sirva como gu a y gobierno de los que se llama "Commonwealth." Es verdad que existen disposiciones en la Ley Tydings-McDuffie que parecen indicar que la Constitution que vamos a aprobar regira tambi n para cuando llegue la Republica Filipina que ha de suceder al Gobierno de la Mancomunidad. Pero sostengo que esas disposiciones se han insertado alli precisamente para procurar que el cambio de soberania del "Commonwealth" a la Republica Filipina sea un cambio ordenado y sistem tico, de tal suerte que no se registren desordenes en el pueblo y gobierno de las Islas Filipinas. En cambio, en oposici n a estas porciones que se han mencionado tanto por el Comisionado Osias como por el Delegado Roxas, existen muchas otras en las que nuestros poderes bajo la Ley Tydings-McDuffie son limitados, son estrechos, y dentro de esos poderes la Convencion tendra que redactar la Constitution. Por ejemplo, tenemos la disposici n de que esta Convencion y la Legislatura que se ha de crear por ella, por la Constitution, no dicte leyes sobre la moneda, ni leyes sobre emigraci n, ni dicte leyes que se refieran a las relaciones exteriores e internacionales del pueblo filipino, porque esos poderes est n reservados, bajo la Ley Tydings-McDuffie, al Congreso de los Estados Unidos. Tenemos por ejemplo, que bajo esta ley Tydings-McDuffie, se impone como una condici n que los funcionarios bajo el gobierno del "Commonwealth" presten juramento de fidelidad al Gobierno de los Estados Unidos, presten obediencia e inclusive sumisi n y esta exigencia es incompatible con el ejercicio pleno de la soberania. Es verdad que bajo la Ley Tydings-McDuffie, la misma Constitution que hemos de aprobar sera la que va a regir cuando entre en funciones la Republica Filipina; pero eso solo se refiere a los funcionarios de aquel gobierno pero no en cuanto a los poderes de la Republica Filipina. Por esta raz n, entiendo que bajo la Ley Tydings-McDuffie, bajo el art culo primero, la  nica Constitution que podremos aprobar aqui debe ser una Constitution para el gobierno del "Commonwealth" y no para el Gobierno de la Republica Filipina.

No nos dejemos llevar por la falsa creencia de que bajo la Ley Tydings-McDuffie gozamos de plena soberania; no, nosotros sentillamente, como dijo muy bien el Sr. Roxas, obramos dentro de los estrechos l mites de la Ley Tydings-McDuffie. La soberania completa no se conoce bajo esa Ley y, por tanto, no podemos legislar, no podemos poner en la Constitution aquellas leyes que vitalizan todo pueblo independiente y soberano, como son, por ejemplo, las leyes tarifarias, las leyes sobre tratados comerciales y otras leyes de indole similar. Si estos elementos de vitalidad se nos niegan precisamente bajo la Ley Tydings-McDuffie, opino, Caballeros de la Convencion, que la  nica Constitution que podremos apro-bar para esta ocasi n es una Constitution para el Gobierno del "Commonwealth" y no para el Gobierno de la Republica Filipina.

He dicho.

SR. KAPUNAN: Desearia llamar la atenci n de los Caballeros, Sr. Presidente, que teniendo el tiempo muy limitado para cada orador, creo que se debe reducir el tiempo que se debe emplear para las preguntas y contestaciones.

MR. JUMAWAN: Mr. President, will the Gentleman yield to a question?

THE PRESIDENT: The Gentleman may yield.

MR. LORENZO: I will answer only the question but not any other,

MR. JUMAWAN: What Constitution will operate immediately after the expiration of the transition period?

MR. LORENZO: The constitution that is to be drafted by this Convention.

MR. JUMAWAN: But the Gentleman stated here before that the constitution to be drafted for the Commonwealth will operate with regard to officers after the establishment of the Philippine Republic.

MR. LORENZO: In my opinion, after its organization the Philippine Republic should call a convention and draft a constitution of its own in accordance with the temperament of that future time.

MR. JUMAWAN: Does the Gentleman mean that the Philippine Republic, after declaration of independence, will call a convention? Or will that be before the advent of the Republic?

MR. LORENZO: It can be done in two ways: immediately before the complete withdrawal of the United States is effected, the Commonwealth of the Philippine Islands may call a convention to draft a constitution that will serve the purposes of the Republic. Or immediately after the Republic is established it can call a convention to draft a constitution for the Republic in accordance with the temperament of the people then living. We should not presume to legislate for people twelve years hence.

MR. JUMAWAN: Does the Government of the Commonwealth have authority to call a constitutional convention to frame a constitution for the Philippine Republic?

MR. LORENZO: It does. Under the Tydings-McDuffie Law any amendment that we may wish to make on the constitution that we are to draft may be done, provided that it is submitted to the President of the United States and ratified by the people later.

MR. JUMAWAN: Is that the law which the legislature of the Commonwealth will provide for the guidance for the Constitutional Convention?

MR. LORENZO: I did not catch your question.

MR. JUMAWAN: Does the gentleman mean to say that the law enacted by the legislature of the Commonwealth will be submitted to the Congress of the United States for approval before we can call a convention?

MR. LORENZO: To the President of the United States as provided for in the Tydings-McDuffie Law. That law provides that any amendment to the constitution that we would draft should be submitted to the President for approval or disapproval, and later on, for ratification or rejection by the people.

MR. JUMAWAN: But that amendment which the Gentleman is referring to will hold good only during the existence of the Commonwealth. After expiration of the transition period, that amendment will no longer be good.

MR. LORENZO: In a way the Gentleman is correct. (Continuing.) Gentleman, my time is very limited, and the manager of the Arrangement Committee has called my attention that my time has expired. I am very sorry that I can not answer further questions.

I thank you.

MR. ROXAS: Mr. President, I yield fifteen minutes to Delegate Aruego from Pangasinan.

SPEECH OF DELEGATE ARUEGO ON THE OSIAS RESOLUTION

MR. ARUEGO: Mr. President and Gentlemen of this Convention: With your due permission, I should like to speak in favor of the resolution under discussion. From the discussions so far had in this Hall, I gather that the objections to the approval of this resolution are based primarily upon the following; (1) that it is unnecessary; (2) that we have no right to bind the Filipinos of the future nor to prevent them from adopting a constitution at the expiration of the Commonwealth period; and (3) that we are authorized under the Independence Law to frame a constitution only for the Commonwealth. With your due indulgence, I shall take up these objections one by one.

1. It has been said that the passage of this resolution is unnecessary. I think that it is very necessary. The nature of the constitutional precepts already introduced in this Convention; the difficulties in the deliberations of the committees already organized and functioning; and the conflicting views thus far expressed in this Hall on this resolution show that there are two camps of opinions regarding the scope of the constitution: to one belong those who believe that we are here to frame a constitution only for the Commonwealth; to the other, those who believe the constitution is not limited to the life of the Commonwealth.

The resolution presented aims at an expression of the sense of this Convention as a guide not only to the individual Members, but also to the committees, including the Comité de Ponencias, and even to the Convention as a whole when it meets in its plenary sessions to consider the proposed draft of the constitution. The expression of the sense of the Convention is necessary as a guide not only in the determination of the matters that must be taken in the constitution but also of the form and phraseology of its provisions. If the Constitution that we shall frame is only for the Commonwealth, its substance will cover only the mandatory provisions and other matters which we know or believe will take care of the needs of our country during the Commonwealth period. If the constitution is only for the Commonwealth, it could be so framed that the mandatory restrictions of the Independence Law, instead of being placed in separate ordinances or appendices, might just as well be woven in the main part of the constitution, together with the other provisions. If it will be only for the Commonwealth, the constitution may be made detailed like the ordinary statutes because there cannot be very many changes during the next ten years that would call for amendments. Again, if the constitution will be only for the Commonwealth, it need not be very comprehensive; we can include only those things which we think we shall need only for the next ten years.

However, if the Constitution is not limited to the Commonwealth period but shall govern us until changed by the people, then it must be so framed that the mandatory restrictions which are only temporary in character should be placed as appendices or ordinances to the same. These restrictions will not be woven in the main part of the constitution in order not to demand an overhauling of the constitution in substance, language, and form after the expiration of the Commonwealth period. Our constitution will then be made more comprehensive in its contents, for we shall include in it constitutional matters intended to meet the needs of our people not only for the next ten years but also those which we think might be likely in the indefinite future. Even the phraseology of the constitution will depend upon the period of our constitution. If the constitution will be for an indefinite period of time, serving as the fundamental law until changed by the people, it is the dictate of good sense and wisdom that the constitution be in general rather than in very specific language.

Because of these facts, there is an imperative necessity for ascertaining the sense of this Convention in order to settle this question once and for all, so that we could employ our time and energy with the greatest degree of efficiency possible. Unless the sense of the Convention is definitely ascertained, Mr. President and Gentle-men of this Body, we shall continue in the same confusion, with the proponents of a constitution only for the Commonwealth period determining their precepts and wording them to fit only the needs of the country for the next ten years; and the adherents of a constitution for an indefinite period of time supporting precepts and wording

them in such a way that they could withstood the test not only of a period of ten years but forever as long as our country would live. Unless we decide this now, the necessity for this expression of sense will come up again in the Comité de Ponencia; and even if this committee will have decided one way or the other, the matter will come up again in the Hall of this Convention when we discuss the proposed draft of the constitution.

The expression of the opinion of the Convention one way or the other will influence to a very material degree the determination of the contents of the constitution, and even its phraseology and form. The difficulties arising from the failure of the Convention to express its sense on the scope of the constitution will always be present until such sense has been ascertained. The reference of the resolution to a committee will not prevent those difficulties, but forestall only time for their coming in more acute form.

2. Another objection to this resolution consists in the fact that the present Constitutional Convention has no right to adopt a constitution that will bind the Filipinos living at the expiration of the Commonwealth period, depriving them of their rights to determine the constitution under which they should live. With due deference to the wisdom of those who hold the contrary view, Mr. President and Gentlemen of this Convention, by its nature, this Body is charged with the tremendous responsibility of framing a fundamental law not only for those who live today but also for those that will live tomorrow; not only for the people of the present generation but also for those yet unborn in the generations to come. That is what makes the responsibility of the Constitutional Conventions unique and solemn; that is what distinguishes constitution-making from ordinary statute-making. A statute is intended only to meet present conditions, but a constitution is intended to meet not only present but also future conditions.

Because of this nature of the work of a constitutional convention—that it must lay the basis of the entire governmental structure and define the fundamental rights of the people not only for the immediate present but also for the remote future, its delegates are faced with a most difficult task. They must foresee as much as possible the future in order that they can provide for it. That is why when the call for the election of delegates in every country is made, great caution is shown in their selection. That is why in every country where a constitutional convention is sitting, one finds the press, civic and political societies, in unison, try to impress upon that convention the necessity for careful deliberations because upon its work depend the prosperity and happiness of the living and the unborn.

I know of no constitutional convention which has expressed the sense that its work would serve but temporarily; I know of no people who have looked upon their constitutional convention as a body charged with legislating for a short period of time and not for an indefinite period in the life of the country. The National Constitution of the United States framed in 1787 has been in operation for the last 157 years, a marvel in statecraft framed by the Fathers of 1787 not only for the Americans of their generation but for the generations and generations of Americans, not only for the America of the 13 colonies but for the America that in the years that followed developed into a world power. The Constitution of Belgium of today is the constitution that was framed in 1831, with certain amendments authorized by law. The French Constitution today is the Constitutional Law of France passed in 1875. We can look around the world for constitutions framed many decades ago still operating to bind not only the contemporaries of the framers but also their successors.

As Members of this Convention, we shall try as much as possible to foresee what the needs of our country will be in the years after the Commonwealth period; but, if owing to our limited faculty, we could not foresee all the changes in the social, political and industrial conditions of our country and among our people, then those that follow us may make the necessary changes to our constitution using the amendatory process that we shall prescribe therein.

The constitution that we shall frame to serve for the Commonwealth and the Republic is not unchangeable, not

immutable. If, for any reason, owing to our limited prescience there will be changes in the conditions of our country in the future after the expiration of the Commonwealth period which we cannot now foresee, let the Filipinos of the future amend or revise the Constitution.

But I trust that the Members of this Convention, with the help of the Sovereign Legislator, will have the necessary prescience to produce a constitution that will be able to meet the needs of the present as well as the future, a constitution which, because of its excellence and the institutions and rights it provides, will be stable and permanent.

3. The third objection to this resolution has been that the Filipinos are not authorized under the Independence Law to frame a constitution the effectivity of which will extend beyond the Commonwealth period. I shall not add more to what the proponents have already said on this matter. I wish only to make the following observations:

If the intention of the Congress of the United States was to allow us to frame a constitution only for the Commonwealth, what is the reason for including in Section 2 of the Independence Law the phrase, "pending the final and complete withdrawal of the sovereignty of the United States over the Philippine Islands"? Why did not the law simply command that the constitution should contain matters covered in the mandatory provisions? Why did the Congress of the United States include in Section 2 (b) the phrase, "effective as of the date of the proclamation of the President recognizing the independence of the Philippine Islands"? It must have been to give us a freedom to choose whether the constitution that we shall frame will be for the Commonwealth or for both the Commonwealth and the Republic provided that the mandatory provisions are duly attended to.

LEVANTAMIENTO DE LA SESIÓN

SR. VENTURA: Sr. Presidente, pido que se levante la sesion hasta mañana, a las tres de la tarde.

EL PRESIDENTE: Se ha pedido que se levantara la sesion hasta mañana, a las tres de la tarde, Los que estan en favor de la mocion, digan Si. (Una mayoria: Si.) Los que estan en contra, digan No. (Una minoria: No.) Aprobada.

Se levanta la session hasta mañana, a las tres de la tarde.

Eran las 6:48 p.m.

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