

JOURNAL No. 24

APERTURA DE LA SESIÓN

Se abre la sesión a las 5:45 p.m., ocupando el estrado el Presidente; Hon. Claro M. Recto.

EL PRESIDENTE: Se abre la sesión.

DISPENSACIÓN DE LA LECTURA DE LA LISTA.

SR. PERFECTO: Sr. Presidente.

EL PRESIDENTE: Sr. Delegado por Manila.

SR. PERFECTO: Pido que se dispense la lectura de la lista, presumiendo la existencia de **quorum**.

EL PRESIDENTE: ¿Hay alguna objeción a la moción? (**Silencio.**) La Mesa no oye ninguna. Queda aprobada.

APROBACION DEL ACTA

Se lee el acta correspondiente a la sesion del día 27 de agosto de 1934, la cual es aprobada.

DESPACHO DE LOS ASUNTOS QUE ESTÁN SOBRE LA MESA DEL SR. PRESIDENTE

EL PRESIDENTE: Léanse los documentos recibidos.

EL. SECRETARIO: **leyendo:**

REPORT OF THE COMMITTEE ON PREAMBLE

To the President
Constitutional Convención

Your Committee on Preamble has the honor to submit herewith the proposed Preamble to the Constitution of the Philippine Islands. This is the result of the various meetings held by the Committee and a synthesis of all the proposed preambles submitted by the members of the Committee and also of the Convention as well as the preamble of modern constitutions studied by the Committee.

Respectfully submitted,
(Sgd.) NORBERTO ROMUALDEZ
Chairman
Committee on Preamble

We, the people of the Philippine Islands, in deep gratitude to Almighty God, in appreciation of the opportunity offered us by the Government and people of the

United States of América to become free and independent, and in recognition of the labors and sacrifices of our patriots for the emancipation of a united Philippines, in order to strengthen the solidarity of the Nation, maintain justice, insure peace and tranquility, 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 establish this Constitution for the Philippine Islands.

EL PRESIDENTE: Refiérase al Comité de Ponencia.

Está en orden la consideración del Proyecto de Resolución Número 60. Léase.

EL SECRETARIO, **leyendo:**

CONVENCIÓN CONSTITUCIONAL
MANILA

P. R. C. C. No. 60.
Presented by Delegate Osias

RESOLUTION

EXPRESSING THE SENSE OF THE CONSTITUTIONAL CONVENTION THAT THE CONSTITUTION TO BE DRAFTED AND FORMULATED SHALL BE A CONSTITUTION FOR THE PHILIPPINE COMMONWEALTH AND THE PHILIPPINE REPUBLIC TO BE KNOWN AS "THE CONSTITUTION OF THE PHILIPPINE ISLANDS".

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;

Whereas, demands of economy and statesmanship require that a Constitution be now made for the Government of the Commonwealth and for the Government of the Republic upon the advent of independence;

Whereas, the Independence Act authorizes the mandatory provisions to be placed in an ordinance appended to the Constitution;

Whereas, the same Independence Act provides that the independent government shall be proclaimed under the Constitution in force at the time of the advent of independence; **Now, therefore, be it**

Resolved, That the Constitutional Convention now assembled draft and formulate a Constitution for the Philippine Commonwealth that is to be semi-sovereign and semi-independent and for the Philippine Republic that is to be sovereign, free and independent, the same to be known as "The Constitution of the Philippine Islands."

Resolved further, That the various Committees of the Convention be furnished copies of this resolution for their guidance.

INFORME ORAL DEL PONENTE, SR. OSÍAS

MR. OSÍAS: Mr. President.

EL PRESIDENTE: Tiene la palabra el Delegado por La Union.

MR. OSIAS: Mr. President, on Friday last I had the honor of addressing this august Body on certain fundamental problems which I thought the Convention ought to deal with. Among points raised was the question of the determination of the scope of the constitution that should be drafted. Following that speech various members of the Convention approached me and suggested the presentation of a resolution carrying into effect the point I advocated or discussed in my address. At their instance and upon their insistence, I presented the following day the resolution whose title has just been read. It is a simple resolution but important in its effect.

SR. SUÑER : Sr. Presidente, para un ruego al orador.

SR. OSIAS: Yo le cedo la palabra.

SR. SUÑER: Es para un ruego, Sr. Presidente. No es porque quisiera ponerme en su lugar.

SR. OSIAS: Estoy dispuesto a ceder, si el insiste.

SR. SUÑER: No quisiera arrebatarse el turno.

SR. OSIAS: Estoy dispuesto a ceder, si el Caballero insiste.

SR. SUÑER: En el caso de que no se apruebe el proyecto de resolución, ¿cree Su Señoría que la Convención no puede adoptar ninguna constitución no solamente para el gobierno de la Mancomunidad, sino también para la República Filipina?

SR. OSIAS: La Convención puede decidir cualquiera cosa que desee.

SR. SUÑER: ¿De manera que para Su Señoría si no se aprobara el proyecto de resolución dignamente presentado por Su Señoría esta Convención se limitaría solamente a aprobar una constitución que operaría para el gobierno del "Commonwealth" de Filipinas?

SR. OSIAS: No pretendo hablar en nombre de la Convención, Sr. Delegado; estoy abogando por que la Convención adopte una resolución definitiva en el sentido expuesto por mi en el proyecto de resolución.

SR. SUÑER: Es precisamente lo que yo quisiera saber, Sr. Delegado por La Union: en el sentido de que si no aprobamos esa resolución dignamente presentada por Su Señoría, estaríamos aquí limitados a aprobar una constitución que operaría solamente para el Gobierno de la Mancomunidad, cuando la Ley no ha dicho nada claramente, cuando la ley dice que no solamente operaría para el gobierno de la mancomunidad sino tambien para la Republica de Filipinas, segun el articulo 2.

SR. OSIAS: Me alegro por que parece que no hay conflicto de opiniones entre el Delegado por Capiz (Sr. Suñer) y el Delegado por La Union (Sr. Osias), y si me permite voy a explicar mejor.

SR. SUÑER: No es por eso, sino que para mi es innecesario que nosotros aprobemos aqui ninguna resolución en ese sentido porque la ley, la misma Ley Tydings-McDuffie

declara claramente que esta Convención no solamente esta llamada a hacer una constitution para el gobierno de la Mancomunidad, sino tambien para la Republica de Filipinas, porque deseo recordar al Caballero que aquellas disposiciones de la ley Hare-Hawes Cutting...

MR. VENTURA: Mr. President.

EL PRESIDENTE: Sr. Delegado.

MR. VENTURA: Mr. President, we should allow the speaker to speak on behalf of his resolution before arguing with him. The Gentleman, Mr. Suñer, is already arguing against the resolution.

EL PRESIDENTE: El Delegado por La Union (Sr. Osias) tiene la palabra, y es su privilegio contestar las preguntas si desea.

SR. OSIAS: Si el Caballero me permite, yo quisiera proseguir.

SR. KAPUNAN: Para un turno en contra, Sr. Presidente.

EL PRESIDENTE: Hagase constar.

SR. VENTURA: Para un turno en contra, Sr. Presidente.

MR. OSIAS: (**Continuing.**) I am pleased with the questions directed to me because I am satisfied the Gentleman from Capiz (Mr. Suñer) and I hold identically the same ideas on the proposition; but precisely because I belong to certain committees where there is apparent confusion in our ranks as to the scope of the constitution, I thought it best to present the question squarely, for definite decision in order that each and every committee may be guided by whatever decision may be taken by the Convention.

Gentlemen who have noticed the various proposals presented must have noted that some advocated provisions merely for a constitution intended for the Commonwealth, while other propositions have likewise been presented with a view to have this Convention adopt a constitution both for the Commonwealth and for the future Republic.

It is to do away with the confusion in our ranks, to unify our thinking process and to have uniformity of plan and thought that may serve as tangible guide to all the committees now at work on the various aspects of the constitution, that this resolution was presented. I agree that the Independence Act under which we are enabled to meet for the purpose of drafting and formulating a constitution permits us precisely to adopt a constitution not only for the Commonwealth of the Philippine Islands but for the Philippine Republic, the advent of which shall come immediately upon the termination of the period of transition.

MR. LORENZO: Mr. President, will the Gentleman yield for a question?

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

MR. OSIAS: I yield gladly.

MR. LORENZO. Is it the opinion of the speaker that under the provisions of the Tydings-McDuffie Act we are to prepare a constitution that will serve both the Commonwealth and the Philippine Republic that is to ensue?

MR. OSIAS: That is the thesis that I now propose to develop.

MR. LORENZO. Does not the speaker believe that there are certain specific provisions which clearly indicate that the constitution to be adopted by us should only govern the Commonwealth and not the Philippine Republic?

MR. OSIAS: I contend, Mr. President, that the Independence Act mentioned by the Gentleman expressly allows us to prepare a constitution not only for the Commonwealth but for the Republic as well. If the Gentleman will be kind and patient enough, I shall proceed briefly to convince him and others who maintain a position like this.

MR. LORENZO: Mr. President, I register my opposition and my desire to speak against the resolution.

MR. OSIAS: Mr. President, Section I of the Independence Act provides that we should formulate and draft in a Constitutional Convention a constitution for the Government of the Commonwealth of the Philippine Islands. Section 2, paragraph 8, provides that the constitution we are to formulate and draft shall be republican in form, shall contain a bill of rights and other mandatory provisions expressly enumerated, which may be made part of the constitution or placed in an ordinance appended thereto. I propose that in the constitution that we shall draft in this Convention these mandatory provisions, including those intended for the Commonwealth and others for the Republic, be placed in an ordinance appended to the constitution.

MR. PAREDES: Mr. President, may I ask a question?

EL PRESIDENTE: El orador puede contestar si lo desea.

MR. OSIAS: I would just like to complete the thought in answer to the question.

MR. PAREDES: My question refers to what the speaker has cited from the Tydings-McDuffie Law. In view of the resolution he has made, I should like to ask if there is no contradiction between the citation and the resolution.

MR. OSIAS: If the Gentleman will be kind enough, I will try to reconcile the apparent Contradiction by citing Section 2, paragraph b.

MR. PAREDES: Will the Gentleman yield to another question?

MR. OSIAS: I ask the Gentleman to withhold his question so that I can complete the thought which I have just stated, that is, under Section 2 we are expressly authorized to draft and formulate a constitution for the Government of the Commonwealth. There is no debate on that issue.

MR. PAREDES: Mr. President.