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APERTURA DE LA SESION

Se abre la sesion a las 5:30 p.m., bajo la presidencia del Presidente, Hon. Claro M. Recto.

DISPENSACION DE LA LECTURA DE LA LISTA.

SR. MARAMARA: Senor Presidente, pido que se dispense la lectura de la lista.

EL PRESIDENTE: ¿Hay alguna objecion? **(Silencio.)** La Mesa no oye ninguna. Se dispensa la lectura de la lista. Hay quorum. Lease el acta.

APROBACION DEL ACTA

SR. MARAMARA. Senor Presidente, pido igualmente que se dispense la lectura del acta y que la misma se de por aprobada.

EL PRESIDENTE: ¿Hay alguna objecion? (Silencio.) Aprobada.

DESPACHO DE ASUNTOS

EL PRESIDENTE: Leanse los documentos vecibidos.

EL SECRETARIO:

REPORT OF THE COMMITTEE ON
LABOR AND SOCIAL WELFARE

The Honorable President
Constitutional Convention

Mr. President:

Your Committee on Labor and Social Welfare has the honor to report to the Constitutional Convention that, after a careful consideration of the constitutional precepts referred to it and of the propositions submitted to the Committee, and after consulting experts on the subject and some of the constitutions and legislation of other countries, it has, with due consideration of the needs of the time and of social conditions in our country, resolved to submit the attached provisions on labor and social welfare to the Sponsorship Committee, for discussion and consideration by the same and incorporation into the proposed Constitution of the New Government of the Philippines.

Respectfully submitted,
(Sgd.) JOSE MA.
DELGADO
Chairman

Committee on Labor
and
Social Welfare

Section 1. Labor in all its forms shall receive special protection from the State.

Section 2. The State shall guarantee to all laborers liberty of association for the purpose of furthering their social and economic conditions and for other purposes not contrary to law.

Section 3. The State shall prohibit all immoral and degrading labor and any work involving serious danger to the health of the laborers.

Section 4. The State, by means of laws based on the principles of social justice, may regulate:

- a. The labor contracts, the maximum hours of daily labor, and the minimum wage compatible with decent living.
- b. The labor of minors and women, and the proper protection of motherhood.
- c. The suitable protection of the laborers by insurance against sickness, labor accidents, unemployment, invalidity, and death.
- d. The employees' and laborers' bonus system in industrial, commercial, and agricultural establishments.
- e. The immigration and emigration of laborers.
- f. The strikes, lockouts, and other conflicts between capital and labor, by obligatory arbitration.
- g. The nationalization of labor.
- h. The relations between tenants and landowners.
- i. The conversion of the laborers into owners of property through thrift and liberal homestead provisions.

Section 5. The family, being the organic unit of the nation, is under the protection of the State.

It is the duty of the parents to feed, attend, protect, and educate their children. The State shall protect the young against exploitation and oppression and against spiritual, moral and material neglect, and shall watch over the healthy development of the children.

EL PRESIDENTE. Al Comite de Ponencias.

Tiene la palabra el Delegado por Camarines Norte, Senor Vinzons.

REMARKS BY DELEGATE VINZONS

MR. VINZONS: Mr. President and Gentlemen of the Convention: This is the second time that I have availed myself of the half-hour privilege. I recall quite well my unhappy experience during the first two occasions I spoke on the floor of this Convention; therefore, I now plead at this instance for greater tolerance because the subject that I will take up this afternoon may arouse greater hostility against me, which might mean more unhappy sailing for me.

When I spoke the first time on the subject of the declaration of rights for the Constitutional Convention, I was charged of having made insinuations against the use of party principles in the deliberations of this Convention. I did my best to explain myself out of the situation because I have always been convinced that in the deliberations of this august Assembly, party consideration has never been invoked.

Today, gentlemen of the Convention, I wish to speak on a subject that lies at the very base of the proceedings of this Convention. The time has come when we must speak with frankness and intellectual honesty. The Convention met on July thirtieth of this year, but this is now the eighth of October and a clamoring public demands that we submit immediately to the people for their consideration a complete draft of the fundamental law of this nation. I think, Mr. President, that the responsibility of drafting a constitution is joint and solidary on each and every member of this Convention. Although I come from the humble ranks of this Assembly, I wish to say that it is my earnest hope—and perhaps I am expressing the sincere desire of many of my colleagues—that we could draft a constitution that shall be enduring and permanent. At the same time, we must systematically proceed towards a definite plan so we can immediately draft that Constitution for submission to the President of the United States of America.

I want to say, Mr. President, that the existing defect of this Convention is not its partisan nature, but something lying deeper in its very roots—the lack of a definite plan, a system that should be followed in the drafting of our Constitution. I still recall the first caucus held in order to organize this Convention. It was presided by the Gentleman from Bataan and therein the first show of indecision was manifested by the members of this Convention. There was a proposal for the youngest member of the Convention to preside at its opening session. Another proposal, that the oldest member should preside. Then the Gentleman from Cavite, the great legal mind, Mr. Francisco, proposed that the Governor-General be invited to preside over the opening ceremonies; while the Gentleman from Lanao proposed the invitation of the President of the Philippine Senate, Hon. Manuel L. Quezon. Sentiment was decidedly against the invitation of outsiders to interfere in the opening ceremonies of this Convention, it was agreed to create a committee that shall decide the order of ceremonies for its opening. But a day after, the announcement was issued, which practically revoked the decision of this caucus and changed the tide of events, resulting in great howl against the interference of outsiders in this Constitutional Assembly.

We come now to the deliberations of this Convention itself. I shall not recall to you the poignant memories of the consideration of the Osias resolution that took more than two weeks on this floor, amended more than two times, only to be shelved or tabled by the good graces of the delegate from Ilocos Sur (Mr. Quirino) after all the fire of discussions.

A second instance, Mr. President, is the discussion of the Preamble of the Constitution when, after eighteen amendments had been presented and after two days of heated debate, the Members of this Assembly never knew what happened with that Preamble.

Another instance is our own experience in the Comité de Ponencias of eighty-seven members, a committee bigger than the seventy-nine members of the Federal Convention in Philadelphia in 1787. At its opening session, the Delegate from Albay proposed that the sessions be held in secret and he was overwhelmingly put down. But at its next session a motion to the same effect was earned, and now the Comité de Ponencias has been holding secret sessions.

A fourth instance, Mr. President, is the proposal presented on the first day of the meeting of the Comité de Ponencias for the creation of a subcommittee that shall draft a Constitution based on the original reports of the committees. The suggestion was brought up for consideration by the eminent Delegate from Ilocos, Mr. Singson Encarnacion, and by the eminent Delegate from Batangas, Mr. Orense. This proposition was voted down, but after three weeks of meetings by the Comité de Ponencias, the necessity for the creation of such committee has become more clear, and now there is a move to appoint direct from the Convention itself, in its plenary session a committee that shall draft a Constitution for the consideration of the Comité de Ponencias.

It was also recently revealed, Mr. President, that there is a move to oust the present head of the Committee on Sponsorship. Another statement mentioned that the Convention was saved because the Gentleman from Ilocos Sur, Mr. Quirino (E.), has been designated head of a committee that shall draft a Constitution. With all these considerations, Mr. President, I voice my humble sentiment and express the desire that every member of this Convention feel within his heart the great necessity for laying out a system or a plan so that we can proceed with dispatch, not instability.

To speak briefly, and not indulge too much on the hospitality of this Convention, I say that a group of delegates has submitted seventeen propositions for consideration on the floor. The Comité de Ponencias has been granted the power to draft a Constitution for submission to this Convention. There has been a move to limit the power to avoid duplication of work. For instance, the Committee on Legislative Power has submitted a report recommending adoption of a bicameral system of legislature. The Comité de Ponencias takes it up, reverses the decision of the Committee on Legislative Power, and decides to adopt the unicameral system of legislature. The same report is brought to the floor and the Convention decides for bicameral system, reverting to the original report of the Legislative Committee. We have here a possible multiplicity not just duplication, of work that can be prevented by adopting drastic measures. We, therefore, propose that certain fundamental questions be immediately brought up for consideration and that decisions of this Assembly shall guide the deliberations of the Committee on Sponsorship..

I also suggest that in the presentation of a motion to reconsider, a stricter rule be applied; that is. a motion to reconsider should be approved only by two-thirds of the vote of the members of the Comité de Ponencias or by the Members of the Convention on the floor.

We also suggest that the Comité de Ponencias hold longer meetings instead of

conducting a meeting from three to five o'clock, oftentimes beginning at 3:30 or 4:00 and meeting only in one hour. We suggest that the Comité de Ponencias meet morning and afternoon to finish the drafting of the Constitution, and that in the drafting and recommendation of a provision by the sponsorship body, the chairman of the committee concerned be consulted. In the case of recommendations by the Committee on Preamble, its chairman is entirely disregarded; therefore his only means of insisting on the adoption of his own suggestion as a substitute amendment is on the floor of the Convention. Therefore, in the consideration of amendments, the following rule must apply: that amendments be considered in the order in which they apply to the constitutional provisions under discussion.

MR. INTING. Will the gentleman yield?

MR. VINZONS. I will yield after I have finished my remarks.

(Continuing.) Second, for this purpose the amendments should be grouped together as applied to certain parts of the provisions under consideration. Third, as has been instituted by the President, the policy should be that amendments relating simply to the use of a phrase or a word in preference of another phrase or word should be referred to a Committee on Phraseology.

Our last suggestion: The Committee that shall draft the Constitution based on the original reports of other committees should have only the following powers: first, to coordinate the different reports in the order and arrangement that they should come in the Constitution; second, to make recommendations to the Comité de Ponencias as to what parts should be suppressed because they are in conflict with other points or because they are duplicated in other parts of the same Constitution.

We have tried, Mr. President, to make an outline of a proposed Constitution based on the reports of the committees; in its first part will appear the Preamble, followed by a territorial delimitation, then the provisions relating to the legislative power, the executive power, the judicial power, and the provincial and municipal governments. As a second part of the Constitution, we suggest the grouping together of reports on citizenship and naturalization, immigration, the duties and citizenship, the bill of rights, labor and social welfare, public instruction, health and hygiene, suffrage, civil service and scientific research. As a third part, we suggest the grouping together of all reports relating to economics and public finance, naturalization and conservation of lands and natural resources, agricultural development and nationalization of public utilities, industry, commerce, franchise, finance, public accounts, currency and banks and tariff.

As separate articles by themselves, we suggest the following: official language, metropolitan and foreign relations, miscellaneous matters, constitutional guarantees, which shall include the provisions regarding impeachment, amendments to the Constitution and transitory provisions. Finally, as an ordinance appended to the Constitution, we suggest the following: mandatory provisions, part of the report of the Committee on Finance suggested for the Appendix, part of the report of the Judiciary Committee suggested for the Appendix, and also that part relating to the election of a resident commissioner to the United States during the Commonwealth.

Our reason for this suggestion, Mr. President, is that upon compilation of the original committee reports in the order that we have suggested, we shall have a birdseye