

## VIEWS IN ANTICIPATION OF OUR CONSTITUTIONAL CONVENTION IN 1970-1971

The other day, two of our friends happened to drop in at my place in Foundation College for a visit. In the course of an interesting conversation they mentioned their expectations about the election of delegates to the Constitutional Convention to be held in 1970. I remarked that the subject deserves the serious consideration of all the citizens of our country. For one thing, it should be taken as primarily a civic problem and a transcendent national undertaking in its nature and significance. It should never therefore be treated as a mere partisan political matter and should not be disposed of as an issue between our political parties and factions. For instance, in the case of the 1934 Convention, all parties and their leaders agreed to set aside partisan considerations in the selection of the delegates and in the way the

election campaign was to be waged. That agreement, although not completely observed, was a wise and patriotic gesture. For partisan political campaigns, observed the famed and perceptive scholar and author James Harvey Robinson, are "emotional orgies which endeavor to distract attention from the real issues involved." Proceeding in this line, he remarked that political party struggles, "paralyze what slight powers of cerebration man can normally muster."

The Constitutional Convention is not an institution comparable or similar to Congress or the office of the President or of the provincial Governor, or of the City Mayor or of other kinds of political offices. It is essentially different. Unlike Congressmen and Senators, the delegates have no power or influence to secure favors and privileges for themselves

and their friends. They have no power to vote huge allowances for themselves or for others. They have no power to threaten businessmen or personal enemies with troublesome investigations. They have no means within their official function to perpetuate themselves in their posts. They hold office for only a few months. They are intrusted to perform only one thing: to draft a proposed constitution which will not be effective at all unless the national electorate approve it.

The provisions of a Constitution are not intended to benefit a particular region, class, interest, or group. They are meant to protect and advance the interests of all the elements of the population of our country. They are intended to correct practices performed by our Government which have been shown to be detrimental to the general welfare. They may introduce new features which have proved beneficial in other countries similar in some ways to our own. *Therefore*, the voters have to choose delegates who have no particular interests to

serve, who are not bound to serve and advance the special needs and conditions of a particular political party, sectarian group, social class, or economic clique.

Of course, it is not easy to achieve this goal; but it is obvious that it can be approximated only when delegates are not under the direct control of particular parties or special interests or are not elected at the behest of political chieftains who are not motivated by truly high, impartial, and enlightened interests. President Quezon, Osmeña, and Sumulong, and others were political leaders of this type and persuasion. They positively refused to inject partisan and narrow personal considerations in the selection of the delegates in 1934. In this particular matter, they acted as real disinterested national leaders; and they continually showed that lofty spirit of statesmanship in the organization of the Constitutional Convention in 1934-1935.

The voters should be made aware about these things. They should therefore ask and vote for candi-

dates who are known to have the best of these qualifications. If a person runs merely to enjoy the honor of being a signer of the Constitution or to be remembered as some sort of rebuilder of the Nation but does not know exactly how and why its provisions have been introduced, considered, interpreted, and approved, such person does not deserve to be elected delegate to the Convention. He could easily be misled into approving mischievous ideas and practices. If one becomes a delegate just because he has the support of selfish political bosses, he may not be expected to exercise intelligently the freedom and responsibility of a delegate who should work only for the highest interests of the country today and in the years to come.

We need to inform every Filipino citizen, particularly the voters, that the Constitution is not like a law of Congress or a municipal ordinance that can be easily changed any time of the year when found defective or inadequate by perceptive observers. Once a Constitu-

tion is approved it acquires a degree of permanence for one or more generations. It becomes very difficult to change its provisions including those parts that are found inadequate and unsatisfactory.

Hence, delegates to the Constitutional Convention should be men of tested ability and ripe knowledge concerning basic questions affecting the social, economic, and educational life of the country. Among them there should be persons who have made a careful and critical study of the workings of our basic laws and the record of our government institutions. They should be mature and responsible individuals who have a broad understanding of our past and of the present social, economic, and political conditions. They are better prepared to revise and improve our present Constitution than those who have not had this special experience and observation. Those who are acquainted with the constitutional charters of progressive nations today are undoubtedly well qualified to draft a desirable

and workable constitution for our country.

But in addition to having exceptional competence and broad knowledge of social and economic institutions, our delegates should be persons of unquestioned honesty and integrity who are ready to forget and set aside personal and selfish motives in the adoption of this basic document. Their objective should be to produce a document that could promote the welfare of all the elements of the nation.

No individual who does not have these special qualifications of mind and character should be considered worthy of holding a seat in the Constitutional Convention. No responsible political, civic, economic, or social leader should try to persuade voters to vote for such a candidate. One who does not have the necessary qualifications for a Convention seat should not have the presumption and temerity to present his candidacy for it. But we should not forget that there are men in our country today with very limited competence, dubious morality, and insufficient

preparation who often take risks to be elected to any post of power or honor especially when they have the money, political influence, and power to attract to their camp the innocent, the incompetent, and the needy voters. It is therefore, essential that responsible and intelligent citizens, such as the members of the Lions Club and similar associations of high purpose, should form themselves into militant groups to support candidates who are educationally and morally fit to serve as delegates. When the Constitutional Convention comes under the direction of delegates of special ability, intellectual maturity, educational preparation, and moral temper, we will have reason to hope for a Constitution more suitable to the needs and conditions of our people and country.

But there is more than the act of electing knowledgeable men and women to the Constitutional Convention, more than just bringing together persons of high ideals, tested integrity, and practical experience. We should remember that a constitu-

tional convention does not and cannot exist in a vacuum. There is also the need for the people of the country to maintain active awareness of the measures proposed during its meetings and deliberations. This is an attitude and a stance that must be of urgent compelling necessity specially to the educated citizenry and the press and other agencies of public communication. For proposals within the convention may not always turn out to be effective solutions of our national problems. Moreover, in an assembly of two or three hundred individuals, there may be a few who may represent interests unfriendly to our national ideals and there may even be a few who may work to promote distorted purposes. This is not a mere possibility but a probability in view of the fact that in our society today money exerts a great influence and an unusual attraction that not a few of our men in public office could resist.

As modern constitutional conventions are seldom inclined to hold their sessions

behind closed doors, it is no longer difficult therefore for public opinion or outside personal views to be expressed favorably or unfavorably to constitutional proposals as they are discussed within the convention hall. When intelligent public opinion is expressed in support of provisions proposed by delegates with vision and unselfishness, the chances of including wise and essential rules in our basic law are greatly enhanced. For instance, in the convention of 1934-1935, the provision organizing a unicameral legislature to take the place of the former bicameral legislature was at first supported by less than a mere handful of delegates. It was not understood and was therefore attacked by most of the delegates. Most people outside the hall were almost completely ignorant about the system. But newspapers saw the advantages of the proposal and thus supported it with vigorous editorials and articles so that in the end that novel feature of our legislative system was finally adopted by the Convention and approved by the

people. President Quezon who was against it in the beginning had to come out in praise of the system. Again the idea of the 6-year term of the President of the Philippines without re-election was passed under the same or similar circumstances. The article of the Constitution nationalizing to a great extent the operation of public utilities and the ownership of land and natural resources were not popular among certain vested interests. But the delegates had the force of public opinion behind them, and so they were able to give it a definite place in our Constitution.

But let us remind ourselves that the written or formal parts of the Constitution cannot give absolute protection to whatever the people want or to what we think the country should have. One of our Filipino scholars of the former generation once stated in an address at the University of the Philippines, when I was a student there, that a constitution is only a piece of paper. It is lifeless as such. It derives its life from the faithful and firm adherence to it by those en-

trusted by the people to enforce and to carry it out as much as possible in order that we could see from its workings at least two things: first, that its purposes are being fulfilled; and second, that its defects may be seen and when seen they may be properly corrected through necessary amendments provided in the constitution itself.

We need to know that no constitution is perfect in its substance and no constitution could work out exactly as expected. Moreover, in these days of sudden and revolutionary changes brought about by new discoveries of science and technology, and even by the penetrating cogitation or intuition of the cognoscente, certain parts and provisions of the existing Constitution would seem to be no longer necessary. In fact, certain parts may no longer be desirable.

In mentioning this state of things arising from changes in today's life and condition, I have reference to all of the existing constitutions. But referring to our own Constitution in particu-

lar I might say that more basic changes are necessary because besides the consequences resulting from the revolution of scientific ideas and social attitudes that have taken place during the last 25 years affecting the world at large, our own Constitution had taken as a model a constitutional plan sociologically and historically foreign to us — the Constitution of the United States. The American Constitution was based on conditions and needs of the thirteen British Colonies in North America. It was originally framed as an answer to the problems that their leaders of about 200 years ago conceived and decided in response to those problems. With slight modifications we adopted that Constitution. Theoretically and as a formal document, it is structurally a good model. The strangest part of it all, however, was that we did not even care to adopt those features of our previous organic laws and governmental institutions which we had tried during our brief autonomous political life. We did not even give much thought to certain ideas of

our outstanding leaders in respect to the formal organization of our national government.

For all these and other reasons, the need for amending the present Constitution to make it fit and suitable to our conditions and our social and economic needs and to adjust it to our experience in our political life is very clearly urgent in the minds of most thoughtful and enlightened Filipinos. This coming Constitutional Convention will be the first instance in our history, outside of the Malolos Congress of 1889, when we will have the chance of drafting and approving a Constitution at a time when we are independent of foreign rule. A convention under an independent Philippines is in fact long overdue.

So many problems have pestered our people over the years after the last world war. They need new solutions, solutions that could be within our power to provide. A number of these solutions are extremely difficult if not impossible to devise by merely legal methods. Problems of peace and order, problems

of abuse of governmental authority, problems of education, problems of social and economic improvement, problems arising from the power of taxation and public finance, problems of the administration of justice, and others that need not be mentioned at present and discussed. The time and the

occasion are neither sufficient nor appropriate. It is enough that we mention them in order that we may realize the importance of selecting our best available men who should act as our delegates to the Constitutional Convention of 1970-1971. — *By V. G. Sinco.*

### THE MAKE-UP OF PEOPLE

The People! Like our huge earth itself, which, to ordinary scansion, is full of vulgar contradiction and offense, man, viewed in the lump, displeases, and is a constant puzzle and affront to the merely educated classes. The rare, cosmical artist-mind, lit with the Infinite, alone confronts his manifold and ocean qualities — but taste, intelligence and culture (so-called) have been against the masses, and remain so. There is plenty of glamor about the most damnable crimes and hoggish meannesses, special and general of the feudal and dynastic world over there, with its personnel of lords and queens and courts, so well dressed and so handsome. But the People are ungrammatical, untidy, and their sins gaunt and ill-bred. — *Walt Whitman.*