

# REASONS FOR ABSENCE OF CONSTITUTIONAL PROVISION REGARDING LOCAL AUTONOMY

[*Excerpts from Speech in the Constitutional Convention of Delegate Manuel A. Roxas, answering criticisms on the Draft of the Constitution.*]

“Ordinarily, Mr. President, the system of Government that is Federal in nature, like that one that they have in the United States, like the one that they have in Poland, like the one that they have in Mexico and in many other federated countries, the system is one of enumerated powers. But in a unitary country, a country that has to deal with small political sovereignty, a country like ours, constituted by a people expressing a whole and one sovereignty with a community of interests, the system generally is a unitary system. One government in a federated small nationalities, but one nation to govern and exercise jointly over all territories. The political sub-divisions are creatures of the constitution and of the government granted under the constitution. Let us not, Mr. President, confuse our provinces in the Philippine Islands with the States in the American Union. Let us not, Mr. President, attempt to accord to our provinces and municipalities the same category that the States of the American Union have. They are not the same politically. The American States exercise sovereignty which belongs to them and of which they can not be deprived. They are members of the federation organized with their consent. True, the National Government of America is more and more growing into the concept of the National Government as distinguished from a federated government. Nevertheless, the fundamental basis of the American Constitutional Law and the political compact of the American States is based on the independent sovereignty of the different States of the American Union. But in the Philippines, Mr.

President, our provinces exercise no independent sovereignty—separate and distinct from that of the nation. They are only the creatures of the Legislature. They can be born or I might say they are born that they live and they die in accordance with the will and behest of the National Government. Why have we not included in this draft provision regarding the autonomy of our provinces and municipalities? The reason is obvious, Mr. President. Local government of this character, being creatures of the National Government to exercise their functions for the general interest of the whole people, they should always be under the control, jurisdiction and powers of the Legislature. For very obvious reasons, I repeat, let me give an example. Suppose, Mr. President, we insert in the constitution that the provincial governor and municipal president shall have more autonomous powers specifying the powers; if you do specify the powers, the provisions of the constitution would just be an exposition of powers, and not constitutional precepts of an obligatory nature.

“We would gain nothing, Mr. President, by inserting in the constitution a provision such as greater and ever greater autonomy shall be given to the provinces and municipalities. It would mean nothing at all. It would be a recommendation to the Legislature which may not be fulfilled, and the question whether a particular measure grants or decreases the autonomy of the provinces and municipalities is simply a matter of opinion and not even the courts intervene or interfere on a question of that kind. But supposing specifically, Mr. President, that the provincial governor shall have the power to appoint provincial treasurers, that municipal presidents shall not be removed from office except to certain procedure fixed by law. Why, Mr.

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## Reasons . . .

President, shall we tie up the hands of the Legislature forever in the constitution with respect to the present system of provincial and municipal governments?

“Are we despairing our growth and the advances of our people and their capacity to adapt a system of provincial and municipal governments to the changing circumstances and conditions of an everchanging world? In the United States there is a great number doing away with the elective heads of local governments in place of commission and the work of government by experts, the best constituencies of the world, as admitted by every one, are the local counties of France. Why? The French people have discovered through their experience that in order to be sure of efficient administration in small municipalities and counties have trained administrators for the affairs of forty thousand or fifty thousand people any more than you can improvise an administrator of a corporation with fifty thousand pesos of capital. That is why the French have attained the practice of training administrator and make selection of men who have been trained for the particular functions of government to which they shall be appointed. There is in the Saturday Evening Post, Mr. President, a very able article by Will Durant, one of the greatest philosophers of America that live today, where he says: ‘Democracy is now on the crossroad; on the one hand, you have the dictatorship of Europe commanding a great machine of propaganda that reaches every nook and corner of the world, announcing and publishing the successes of the dictators of Europe, trying to establish dictatorship as the best form of government.’ On the other side, you have Communism and Fascism, the crime, the success of democracies, and urging the establishment of the power and control of government by the proletariats and as Will Durant says: ‘If democracy wants to save itself from being absorbed by the absolute powers of dictators,

on the one hand, or be swamped by the growing tide of Communism and Fascism, democracy must defend itself, not by theories, but by the application of sound common sense.’ Let me, Mr. President, in the discussion of this Constitution, merely repeat the now old fashioned formulas of liberty and democracy, nor should we accept these terms as infallible under all circumstances. Principles may be true, principles may be wise, but when you apply principles and have to deal with human nature, principles suffer in that process. Human nature is not adapted to the principles so that to change human nature in accordance with the mandates or the exigencies of the principles, you apply the principles to human nature and you change and you modify principles so that in its contact with human nature you may be able to obtain the closest approach, the perfection that you can possibly imagine. So I say, Mr. President, when this draft made reference to provincial and municipal governments, our purpose was not to curtail the local autonomy but simply to recognize that our present system of provincial and municipal governments has not as yet attained perfection and the hope and the faith that as our experience grows by the great system of trial and error, we may be able to evolve a system of municipal and provincial governments in the Philippines, that while giving to the inhabitants of each province the greatest amount of participation in their local affairs, may yet safeguard the efficiency that should characterize all those systems.”

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