

- For an early election of delegates to the Constitutional Convention, as well as the calling of the Convention itself.

## THE ENIGMA OF THE 1971 CONSTITUTIONAL CONVENTION

The holding of the election of delegates to the Constitutional Convention in 1970 is a tardy attempt to adopt basic measures for solving problems that have plagued this country since the end of the last World War. It simply prolongs the deadening and oppressive conditions resulting from a structure of government ill-suited to the national character and to the national conception of political power. It merely postpones needlessly the chances of effecting a peaceful political and social reform to relieve Filipino society of the evils of political corruption which conscientious officials and citizens condemn. The danger is that this delay for immediate constitutional reform may produce in the meantime violent demands that could be destructive to law and order and justice. The fact is that already

there are clear symptoms of social unrest and open omens of economic upheavals. The demonstrations now going on are manifestations not so much of student dissatisfaction with educational institutions as they are citizen protest and angry expression against official irresponsibility, illegal accumulation of wealth, ruthless exploitation of natural resources, outrageous disregard of the proper claims of justice, and reckless indifference to educational competence and human values.

There is absolutely no valid reason for this intentional delay in the election of delegates to a Constitutional Convention and in the organization of the Convention. It only means that the possibility of relief of political evils the people now desire to see in their government will have to wait at least 7 or more years

from 1969. For with the election of our officials in November, 1969 under the present unsatisfactory system, the people are condemned to wait till 1974 or later before we could try the probability of a better system of administration than what we have been tolerating under the existing Constitution during the last twenty years.

What good does this delay do to our country? The political and moral climate of the nation is at a very low ebb now. Why then is the country made to wait another 6 or more years before some reform may be tried to take the place of the unsatisfactory practices under some features of the present Constitution? There is absolutely no legal, moral, practical, and real justification for putting so far off the election of delegates to the Constitutional Convention and the holding of that Convention. On the contrary, there is every reason to hold the election of delegates as early as possible, preferably this very month of May, 1969.

Let us remember how the former Philippine Legislature

quickly and promptly provided for the election of delegates and the convening of the Constitutional Convention that adopted the present Constitution. The time schedule then observed was as follows: In March, 1934, the U. S. Congress authorized the Philippine Legislature to call a Constitutional Convention. The Legislature immediately called for the election of delegates to the Constitutional Convention to be held on July 10, 1934. The Constitutional Convention was convened on July 30, 1934, only 20 days after the election. Despite some delay in the consideration of a few novel ideas, the basic draft of the Constitution was finished on October 20, 1934, although the formal signing for certain reasons, which could have been dispensed with, took place only in February, 1935. On March 23, 1935, President Roosevelt approved it. Had not this action been made obligatory by American dictation, the voters of this country would have ratified the Constitution on that date or even earlier.

The prompt action of the Philippine Legislature in 1934 puts in bold relief the sluggish, suspicious, and hesitant manner the action of our Congress in providing for the calling of a Constitutional Convention in 1971. The law providing for the election of delegates was passed in the early days of 1967. The law provided that the election of delegates should be held in last days of 1970. In other words, almost 500 days would have to elapse before the election of convention delegates could be held. Then the Constitutional Convention itself will not be held until 1971 or the year following the election. Recently another proposal would still postpone further the date of the election and the Convention. This is like giving hay to a horse already in *articulo mortis*.

Such uncalled for retardation of a remedy, which should be made immediately available, looks like a clever but unscrupulous device to enable a number of present officials to remain in power for another five or more years, thus forestalling the

employment of a needed remedy.

The need for effecting a constitutional reform concurrently with the social change calling for it has been declared by the Supreme Court of the United States as a wise principle; and so amendment proposals to the American Federal Constitution when left unacted for some time become inoperative and useless. Hence, constitutional changes should take place at the time the urgent need for them arises. Our Congress in the present instance has clearly disregarded this salutary principle without any strong reason at all. Its ulterior motive, however, appears to some observers as arising from the apprehension of losing the official prestige and financial advantages derived from their public positions which may be eliminated or adversely affected by expected constitutional amendments. One is tempted to ask: Is the present Filipino, after all, incapable and unworthy of the privilege and responsibility of political independence? One wonders whether this is not what a famed au-

thority calls a case of constitutional immorality.

Why not hold the election of delegates on June 1 and call the Convention on July 1? The ratification may then be held in October, 1969. The people have long been ready and willing to see changes without any delay. Let it be borne in mind that Congress had long ago begun discussing the necessity of changing the Constitution way back in 1956 when President Carlos P. Garcia was in Malacañang.

Political sovereignty resides in the people. Its exercise is delegated to the government, specially Congress, which is given the unusual power to propose changes to the Constitution according to two distinct methods. By resorting to protracted delays in applying the method it has chosen for revising the Constitution, Congress practically deprives the people of

their basic and original authority. As the saying goes: Justice delayed is justice denied.

To prevent the repetition of the abuse of this delegated power, it is advisable that the people withdraw it completely from Congress and adopt a more trustworthy method when they approve a revised Constitution. There is sense and wisdom in the statement expressed by George Gallup in his book *The Miracle Ahead* which says: "The goals of a democratic society change little, except over long periods of time but the methods adopted for achieving these goals must be altered as new conditions arise. This is the reason why practices, forms, and systems — machinery of government — must be scrutinized continuously and why change is so vital to the health of democracy." — *By V. G. Sinco, former U. P. President*