

PARITY RIGHT AMENDMENT TO THE CONSTITUTION

*Speech delivered by Senator Carlos P. Garcia before the joint session of the Philippine Senate and the House of Representatives on September 18, 1946 opposing the approval of Congressional Resolution No. 5 amending Section 1, Article XIII and Section 8, Article XIV of the Constitution.**

THE ISSUE:

GENTLEMEN OF THE CONGRESS:

There are moments in the life of a nation when its parliament is called upon to deliberate on questions involving the nation's very life and death. There are times when the parliament of the nation determines questions that affect the very depth of its being and the very essence of its fundamental national ideals and principles. Such a moment has come to this Congress. It will now decide and determine whether we will keep this land of ours and all our natural resources for the Filipino people and for our posterity, or whether we will open it to the acquisition and exploitation of Americans and other aliens hiding behind American fronts. We are called to determine whether this national patrimony, this sacred heritage for which millions of our race have fought, suffered and died, shall remain ours to keep and preserve, or whether alien hands will be allowed to appropriate its blessings. We are called upon to decide on this momentous debate whether or not this land of ours will remain the cradle and grave, the womb and tomb of our race — the only place where we build our homes, our temples and our altars and where we erect the castles of our racial hopes, dreams, and traditions, and where we establish the warehouse of our happiness and prosperity, of our joys and sorrows.

In short, we will answer the question — shall we pass this constitutional amendment, permitting the alienation of our land and resources to foreigners? In the magnitude of this transcendental question, parties and personalities are lost. Offices, ambitions, wealth and temporary power become molecular particles lost in the greatness of the issue. Hence, we have come here only as Filipinos to think with our hearts and to determine with our soul the momentous answer. On this sacred hour, as we chart the course of the State, after communion with the Spirit of the Nation, and consultation with our ancestors — our great dead whose deeds and thoughts and visions were beacon lights of our past that still illumine our path in the uncharted future, we come to the solemn conclusion that our answer must be No, No and No.

TEXT OF AMENDMENT

The concrete question presented to our consideration is whether or not we will amend the Constitution of the Philippines by appending thereto a new Ordinance to read as follows:

"The disposition, exploitation, development, and utilization of all agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, and other natural resources of the Philippines, and the operation of public utilities, shall, if open to any person, be open to citizens of the United States and to all forms of business enterprise owned or controlled, directly or indirectly, by the United States citizens."

* We are publishing this speech of Senator Garcia in view of the numerous requests from our subscribers for a copy of the issue of the Lawyers Journal where this speech was published, and due to the lack of back issues of the same.

RESUME OF PRO ARGUMENTS

In popular parlance, this is known as the "equal rights" provision. The illustrious advocates for the acceptance of this amendment built a formidable battery of contentions and arguments upon the two fundamental emotions of the human heart — hope and fear. They ravish the hope of the Filipino people by painting an Utopia of economic renaissance magically arising out of the wreck and ruin of war. They assure us that the approval of this amendment gives our people "assurance of future work: that by this we draw now the pattern of a national reconstruction to permit the development of a broader, a richer, more productive economy than we ever had;" that the intent of this amendment was "simply to invite and encourage American capital to invest in the Philippines and aid in our rehabilitation." With mosaic certainty we are assured that the passing of this amendment to "implement the program that has been designed will be giving to the people of the Philippines and to our friends and well-wishers throughout the world the signal that we are on our way in a great crusade, eighteen million strong, to reach the haven of economic security which all the world is seeking today." (See Special Message of Roxas on the Subject).

F E A R S

On the other hand, these adroit proponents of this amendment, these matters of word-painting, these adepts in the psychology of the masses, excite their fear to terrify them into accepting this proposal to ravish our Constitution. They say that "without this assistance (what we are supposed to get if we approve the amendment), we are faced immediately by disaster." "Without the helping hand thus extended to us, we cannot survive." We have to accept the executive agreement which imposed the condition of amending our Constitution because "to do otherwise would be to invite economic and final political catastrophe." To throw more ghosts into the picture, they further say "that to seek the elimination of that provision at this time (referring to Section 341 of the Bell Act), would be to warn American investors and American enterprise not to come to the Philippines. That would be suicidal for us. Without that investment, we are lost. Our rehabilitation would be impossible without such assistance (meaning the assistance of American capital expected to flow into the Philippines if and when this amendment is approved). Not content in the raising of the hobgoblins of fear they evoke the spectre of death by contending that failure to pass this amendment will automatically terminate the trade relation between the Philippines and the United States and "we will be on a full foreign-duty basis, which means, that the sugar, tobacco and coconut oil industries will be dead; so, too, will be embroideries, pearl, buttons and, probably, cordage." (See special message of Roxas on the subject.)

S Y N T H E S I S

Boiling down these arguments to the lowest common denominator, they may be summarized as follows: We must pass this amendment signing away our national patrimony, for if we do, we hope to have money, trade and bread and plenty of them, and if we don't, we fear we will die of hunger in ruins and in po-

verty. Indeed, a masterly appeal to our sensual instinct of self-preservation — the strategy of modern economists! True to form, these savants of economics, the youngest generation of Sancho Panzas so engrossed in their pet adage that the shortest way to the heart is via the stomach, that they forgot that men and nations do not live by bread alone but by the spirit also. "Non in solo pane vivit homo sed in omni verbo Dei," was one of the sublimest truths enunciated by the great realist — Jesus. Yet how often in this complex materialistic age we take it with contempt!

NATIONALIST'S ANSWER

To this prosaic line of reasoning, we answer:

(1) That our land is a sacred part of the nation, the home of the Philippine race, whose value far transcends astronomical figures in dollars and pesos, and it must not be alienated and bartered for all the gold of a thousand Samarand and Bocara. We are more willing and ready to forego rehabilitation, if need be, and to suffer poverty, hunger and privations rather than have the most complete rehabilitation at the price of our national heritage. On this rock of faith the true nationalists stand.

(2) That our freedom which we have won at the price of supreme sacrifices, is only true and real when its roots strike deep into our own free soil. There is no true freedom that thrives on alien-owned soil. So the alienation of our land to foreigners is the negation of our freedom. On this rock of conviction we stand.

(3) That the true nationalists of the Philippines have always stood, still stand and will forever stand on the Imperishable principle of complete and absolute independence, and the nation shall never be satisfied until we have the reality and not the mimicry of independence. Freedom of the nation is something we can not evaluate in terms of human pounds and dollars. It is something of the spirit. It is something far above rehabilitation or reconstruction, dearer than trade, more valuable than industries. Indeed, we can never permit our freedom to be diminished or jeopardized by alienating to foreign hands the land on which the nation's home, shrines and altars are built, the only land God has given us. On the rock of this trinity of faith we stand.

NATIONAL LONGING

Gentlemen of the Congress, on the tablet of Eternity is written our deepest longing to be a free nation, living on our own free land, a free master of our destiny. This is the deathless dream of the Philippine race that remains unaltered throughout the surging centuries of events and changes. We must attain and realize it, cost what it may. If to attain it we have to renounce American aid in rehabilitation and construction, if to attain it we have to forfeit our trade relations with America, if to attain it we have to forego all loans and assistance, we need so badly, if to attain it we will have to deny ourselves of the comforts of life, we will decidedly and freely choose to renounce all these rather than renounce our freedom and our land.

MAJORITY DEFEATISM

✓ In one of the greatest lapses to defeatism ever recorded, the majority predicts "disaster," "economic and political catastrophe," "suicide and death," if we refuse to amend the constitution which is said to be the *sine qua non* for American aid. To me, this is a double-barreled slander leveled against both Filipinos and Americans. Because, how can we believe that the American people so well known for their sense of fairness and justice will ever deny us funds for rehabilitation and reconstruction of the very cities, towns and industries destroyed by their own bombs and guns, just because we refuse to do that which they themselves would never do? Who will ever doubt for a moment that the American sense of honor will ever take back her plighted word to reimburse our people of all expenses incurred to keep alive here the Resistance Movement against Japan just because we do not grant them that which they would never grant any nation? Is it conceivable that a good trader like Uncle Sam will ever close trade relation with the Filipinos who stood steadfast and

loyally by them in the direst and darkest hour of peril, just because we refuse to do that which they themselves would consider a ridiculous indignity? I do not know what others think, but as for me, no matter what we do with our constitution, we can depend upon American justice, upon American honor, and American gratitude, to do us and give us, what help we deserve, amendment or no amendment. To me it is absolutely unfair and unjust for the majority to represent that America will help us only when we give them our resources. Rather than let our cause depend on the shifting sand a common bargain, let us rest our case on the eternal principles of justice and the American people will give us both — justice and rehabilitation.

The insinuation is likewise a slander against the Filipino people, because nobody acquainted with the catastrophes and calamities and perils our nation single-handed and alone has gone through and survived through, can and will ever believe that without America's half a billion dollars we will go under. God knows how deep in the abyss of distress we had fallen during the three years of the most bloody and the most brutal enemy occupation. God knows the peril and hunger our people in the provinces survived through in that long night of our fall. We did survive through the devastating war against America and on its wreck and ruins we did build again our national renaissance. We went through and survived through the hell of 300 revolutions against Spain and each time we fell, we rose from the ashes of defeat to renew the good fight. Yes, through these long years of untold sufferings, of tears and blood, of fire and flood, the Philippines still survives, and has gained in strength and stamina, in sturdiness and fearlessness, giving us the fullest confidence and assurance that without American aid, and loans and trades, and what not, we can and will survive, because God has given us a trust with Destiny.

EXECUTIVE FAITHLESSNESS

"Without the helping hand thus extended to us, we cannot survive," so said the highest executive of the land. How little faith our President has in his people's capacity to survive! And yet no people on earth has passed through more bitter tests and trials and has shown more magnificent power of endurance and survival than the Filipinos. We have given the most abundant evidences of national survival, I am proud to say. So I am convinced from the innermost core of my heart, President Roxas notwithstanding, that there is absolutely no ground to doubt that with or without American aid, the Philippine nation shall live forever to fulfill its high mission assigned by Destiny.

Why then are we afraid to say NO to America in answer to a request which she herself would have answered NO with a mighty blow? Are you not ashamed to own independence and proclaim sovereignty and then admit our incapacity to survive through these moments of distress if half a billion dollars' aid is denied us? Since when have national honor and dignity fallen in value lower than trade and bread? How and why should the highest interest of freedom and patria be placed below the passing interest of economics? Answer these questions honestly, gentlemen of the majority, and your conscience and my conscience, and the conscience of our people will meet on the common ground that there shall be no *Defeatism*, no *Disasterism*, no economic *Catastrophism* in our national foreign policy. Our foreign policy must be founded on the cornerstone of Faith and Confidence in ourselves so we can command the confidence of the world. That policy must stand pat two-fisted on the principle that our independence is absolute and indivisible. The only foreign policy satisfactory to our people is that which rejects outright all deals and bargains that involve as consideration our land, or our honor, or our freedom. If we must have the love and confidence of the American people we will not get it by stooping to indignities; we will not get it by covering servility or fear to face and fight the dangers in the adventurous path of true and free nationhood.

Let us, therefore, strike out a course in foreign relations characterized with manly independence and self-reliance. Let us give notice to the world that we are not afraid to suffer in a few fleeting moments of distress and hardships to gain an eternity of joy in freedom. Let it be known that our new republic is unafraid to be in the high seas taking her chances with wind and wave and star; and that it is the considered determination of this nation rather to go down in glory and grandeur of the storm than to rot in a "haven of the economic security" out of foreign alms, foreign loans and foreign charity.

SPIRITUAL RESERVOIR

Gentlemen of the Congress, this is not an extemporaneous outburst of an enthusiast. It is no foamy chatter of irresponsibility. It is the considered opinion of thousands of Filipinos who know that deep in the soul of our nation there is enough endurance and resistance to conquer all sufferings and hardships, there is enough faith and power to succeed and triumph. There lies in the soul of our nation an infinite Spiritual Reservoir deep and fathomless, the sum total of all our dreams and deeds, our faith and achievements, our hopes and loves, and even our mistakes and misdeeds — all of these accumulated into a mighty force beyond human ken to measure.

LOVE OF NATIVE LAND

First and foremost is the Filipino's love of his native land. This goddess alone, if we stop to think about it, has wrought wonders recorded in the Old Testament of our past; and will yet work grander and greater miracles to be written in the New Testament of our independent nationhood. Take away the native land around which cluster the vines of love of a young ardent patriot, pass it to any alien hand, be it friendly, and there would be no more Lapulapu who stood like a rock in defense of Mactan, there would be no more Soliman whose heroic nationalism still lives in songs and romances and still inspires the Lunas and Amorsolos, there would be no more Dagohoy whose revolt for nearly a century writes in characters of gold the rugged patriotism of our race. Take away Calamba, Biñan, Dapitan and the emerald isles of the Visayas from the eternal loves of the hero-poet, and there would be no more Rizal who would stand on that peak of glory called Bagumbayan to proclaim unafraid before the guns and cannons of the mighty the aspiration of his race. Take away the smallest portion of this land that has been justly called the brightest gem in Orient Seas, and there would be no more Bonifacios, del Pilars and Quezons who would be willing to give up all that they had and all that they were for their native land. Take away these Alpine heights of valor and heroism, called Corregidor and Bataan, and there would be no more of those thousands upon thousands of the Youth and flower of our nation who hurried to their post of duty, be it death, even as the stars hasten to the east to die in the glory of morning light.

It is this love of the native land that inspires the great songs of our poets and the immortal creation of our artists. It is that power which turns the wheels of industries to weave the fabric of our wealth, and makes our farms heave and swell with bounteous harvest. It is the same spirit that swells the sails of our ships which plow across the waves homeward bound laden with our wealth and our hopes. After all, banks, commercial houses, institutions and even churches find their true use and meaning and derive their existence from that exhaustless spirit we call love of our native land. Alienate the object of that love and there only remains darkness — death. What then, I ask, is the good of the rehabilitation and reconstruction of the Philippines when the price we have to pay for it is our whole national patrimony — our native land? What does it profit us to have trade, loans, reliefs, surplus goods, and all these things that give us the illusion of material ease and comfort, when the price we pay for them is nothing less than our national heritage? The question of the Master is now pertinently addressed to the Filipinos. Quid enim prodest homini si mundum universum lucretur; animae vere

suae detrimentum patiat? For what is a man profited, if he shall gain the whole world and lose his own soul?

LOVE OF FREEDOM

In the alchemy of that Spiritual Reservoir of the nation we also find love of freedom a potent generator of noble deeds. What almost incredible achievements we have attained with that magical might! With that spiritual power we scaled and conquered the Rocky Mountain ranges of untold hardships and sufferings. We went through the Valley of a thousand deaths to prove our worth and worthiness, until the Sun of Freedom, after a long night that seemed eternity to us, finally rose gloriously in our eastern skies. At last our land is free. But, alas! if we alienate this land for alien use and exploitation, that freedom becomes a mocking illusion instead of a beautiful reality. He who controls our natural resources definitely controls our economy — even our government. A surrender of our land to alien capital is a surrender of our freedom.

Take away this dynamic and mystic element called the love of freedom by alienating our native land to foreigners, and you have deprived our people of the lever that lifted this nation and will yet lift her to the sun-kissed pinnacles of glory. Keep it by hugging to the land that gave its birth, and you can be sure that the problems of rehabilitation, trade, national recovery and others that all our people and afar our defeatists are easily unravelled even as the sunbeams vanish the clouds. How truly has it been said, "that coming from the infinite sea of the future, there will never touch this 'bank and shoal of time' a richer gift, a rarer blessing than liberty for man, woman and for child."

FEARS NOT FACTS

Just one more argument and I am through. The eloquent defenders of the amendment in their frantic effort to blackout the lessons of history, invoke the self-denying record of America here and through their chief spokesman pontificate: "I wish to emphasize again and again that all the arguments that have been made against this provision have been based not on facts but on fears, I refused to be frightened by the ghost of imperialism." Brave man this. But, frankly, what impresses me more is not the Rooseveltian emphasis but the ability to shut his eyes ostrich-like to the stark lessons of history and then wheedle his people to bask in a fool's paradise. But we must insist that only fears we have are those based on facts — historical facts. Progression is possible only by retrospection. We see forward by looking backward. Foresight looks through the glasses of hindsight.

LESSONS OF HISTORY

Let us be realistic — brutally realistic if you wish, and examine a few pages of recent history written in the blood and tears of the naive and the candid, just to prove our thesis by the empirical way that all big capitals whether English, American, or German are monopolistic and, therefore, imperialistic. Did not Mexico in 1823 rejoice under the protection of the Monroe Doctrine and in 1848 ceded an empire succumbing to the irresistible and imperialistic might of her protector? Does not the dollar imperialism of Wall Street now control the domestic economy of Cuba, and indirectly her politics also? The very country who helped her in the fight for liberation now places her under economic "protective custody." All the naive and trusting countries of the Caribbean, which of them has escaped from the insatiable cupiscence of imperialistic capital? Let us not talk of Hawaii for that is a back number in modern geopolitics. Korea, was she not a protegee of Japan in 1907 and a hostage in 1911? What of Persia and half a dozen principalities in Asia Minor, have they not first been cuddled in the protecting arms of seductive capitalism only to end finally as economic vassals?

Gentlemen, I have no desire to tax more your indulgence, by delving too long into the gloomy but instructive chambers of history. I only want to wind up by saying, let's stop kidding ourselves. Let's stop being funny by pretending that we have the

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VII. A, possessing only a student license to drive motor vehicles, finds a parked car with the key left in the switch. He proceeds to drive it away, intending to sell it. Just then, B, the owner of the car arrives. Failing to make A stop, B boards a taxi and pursues A who in his haste to escape, and because of his inexperience, violently collides with a jeepney full of passengers. The jeepney was overturned and wrecked; one passenger was killed; the leg of another passenger was crushed and had to be amputated. The car driven by A was also damaged. What offense or offenses may A be charged with?

VIII. State the rule for the application of penalties which contain three periods (maximum, medium and minimum) in view of the presence or absence of aggravating and/or mitigating circumstances.

IX. (A) State one difference between arbitrary detention and illegal detention.

(B) A, is accused of robbery and is arrested by B, a constabulary sergeant, by virtue of a warrant of arrest. A put up bail and was ordered released by the court. Three days later sergeant B sees A at the cockpit and immediately arrests him and takes him to the constabulary guardhouse and was kept there till the next morning when B took him to the court. All along A was telling B that he was out on bail, but B would not believe him; neither did he, B, make any effort to verify if A had really been released on bail. What offense if any has B committed, and why?

X. Define complex crime and give an example.

"legal safeguards," the "legal authority," the "legal way" out of a hopeless predicament once we have fallen into the grip of the imperialistic cobra. If we must go to hell, let's not furnish the rope to lead us there. If we must hang, let us at least refuse to sign our death warrant. If we must be subdued, let us at least refuse to submit.

CONCLUSION

Adverting our attention to the heavy demands for naval, aerial and military bases already disturbing us, to the most recent violations of our sovereignty in Palawan yet unpunished, to the heavy investment in big estates already starting, to the growing control of our army by military assistants from abroad, etc., etc., let this my last warning, if not heard, at least, be recorded:

Pass this amendment and you have turned the clock of Philippine history 400 years back. Pass this resolution and you have led our unhappy nation through the fatal gates where passed the nations of vanished or vanishing identities — Hawaii, Cuba, Persia, the Carribean countries, Korea, and a dozen others in Europe and Central America that have the misfortune of falling within the orbit of mighty powers. Pass this amendment and you have consummated the greatest betrayal to the sublimest national cause, and the worst destruction to the memories of the heroes and leaders who fought and fell in 300 revolutions and three wars that constitute the sum total of our epic crusade for freedom. Pass this amendment and when the tragic consequences of this act will assume a reality showing our posterity orphaned of their birthright and their freedom — you will weep but too late with the anathema of history on your head told in the words of Ateiza, the mother of weeping Boadbil expelled king of Granada, when she said, "Weep like a woman for the loss of the kingdom which you did not defend like a man."